
SENATE COMMITTEE ON HOUSING
Senator Scott Wiener, Chair
2019 - 2020 Regular

Bill No:	AB 2553	Hearing Date:	8/6/2020
Author:	Ting		
Version:	7/14/2020		
Urgency:	No	Fiscal:	Yes
Consultant:	Erin Riches		

SUBJECT: Shelter crisis declarations

DIGEST: This bill expands the Shelter Crisis Act to all cities and counties in California and extends the sunset to 2026.

ANALYSIS:

Existing law:

- 1) Authorizes a governing body to declare a shelter crisis. "Declaration of a shelter crisis" is defined as the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.
- 2) Authorizes emergency housing, until January 1, 2023, to include homeless shelters upon the declaration of a shelter crisis by:
 - a) The cities of Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Jose;
 - b) Any city within Alameda or Orange County;
 - c) The Counties of Alameda, Orange, and Santa Clara County;
 - d) The City and County of San Francisco.
- 3) Authorizes the cities and counties in 2) above to suspend housing, health, habitability, planning and zoning, or safety standards and procedures during the shelter crisis and allows them to adopt, by ordinance reviewed by the Department of Housing and Community Development (HCD), local standards and procedures for the design, site development, and operation of homeless shelters and structures if it is determined that strict compliance with state and local standards and laws would prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

- 4) Authorizes the cities and counties in 2) above, to suspend landlord tenant laws for homeless shelters provided that the city or county adopts health and safety standards for shelters and those standards are complied with.
- 5) Requires the cities and counties in 2) above to develop a plan to address the shelter crisis by July 1, 2019, make it publicly available, and to annually report specified information to the Legislature by January 1, 2019, until January 1, 2023. Provides that Alameda County or a city within that county, Orange County or a city within that county, and the City of San Jose shall develop a plan by July 1, 2020 and provide an annual report to the Legislature on or before January 1 of the year following the shelter crisis declaration.
- 6) Requires the report to the Legislature to include the following information:
 - a) Total number of individuals in homeless shelters within the city or county.
 - b) Total number of individuals who have moved from a homeless shelter into permanent supportive housing within the city or county.
 - c) The estimated number of permanent supportive housing units.
 - d) The number of individuals who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing in the city or county.
 - e) New actions the city or county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

This bill:

- 1) Expands the Shelter Crisis Act to all cities and counties in the state.
- 2) Requires any city or county not already covered by the Shelter Crisis Act, who declares a shelter crisis on or before January 1, 2021, to develop a plan to address the shelter crisis by July 1, 2021. Requires any city or county not already covered by the Shelter Crisis Act, who declares a shelter crisis after January 1, 2021, to develop the plan by July 1 of the year following the declaration.
- 3) Requires all cities or counties that have declared a shelter crisis pursuant to this bill to report specified information to the Legislature by January 1 of each year.
- 4) Requires the annual report, beginning January 1, 2022, to include bed capacity of new homeless shelters built pursuant to the declaration. Provides that bed capacity shall not include the parking capacity of a homeless shelter on a

parking lot owned or leased by a city or county and specifically identified as allowing safe parking by homeless and unstably housed individuals.

- 5) Provides that the Shelter Crisis Act, and any ordinance adopted by a city or county pursuant to the Shelter Crisis Act, shall apply to land owned or leased by an agency or entity created by a joint powers agreement if the city or county that declared the shelter emergency is one of the parties to the agreement and the property is located in its jurisdiction.
- 6) Expands the definition of “homeless shelter” under the Shelter Crisis Act to include a parking lot owned or leased by a city or county and specifically identified as allowed for safe parking by homeless and unstably housed individuals.
- 7) Extends the Shelter Crisis Act from January 1, 2023 to January 1, 2026.

COMMENTS

- 1) *Author’s statement.* “California is facing a devastating homelessness crisis exacerbated by a lack of shelter housing. With siting, planning, and building shelters taking years, business as usual is failing. This bill expands a 2017 pilot program allowing cities and counties to fight homelessness with regulatory flexibility to expedite the construction of shelters that can link people in need with services to achieve self-sufficiency.”
- 2) *Shelter Crisis Act background.* The Shelter Crisis Act authorizes certain local jurisdictions that have declared a shelter crisis to allow homeless individuals to occupy public facilities designated as emergency housing, for the duration of the crisis. (Emergency housing is typically provided as shelter beds allowing for an overnight stay in places such as gyms.) The Shelter Crisis Act also provides limited liability and suspends local housing, health, and safety standards for public facilities to the extent that full compliance would hamper mitigation of the effects of the shelter crisis. A locality may adopt, by ordinance, reasonable local standards for design, site development, and operation of shelters; such ordinances must be reviewed by HCD to ensure they meet minimum health and safety standards.

The Shelter Crisis Act initially included Berkeley, Emeryville, Los Angeles, Oakland, San Diego, Santa Clara County, and the City and County of San Francisco, and was set to expire in 2021. It was expanded last year to include Alameda and Orange Counties, the cities within those counties, and the City of San Jose, so that now roughly half the state’s homeless population is covered by

the Act. Last year's legislation also extended the sunset to 2023. This bill would expand the Shelter Crisis Act to the rest of the state and extend the sunset again, to 2026.

- 3) *Homelessness in California.* According to the US Department of Housing and Urban Developments (HUD) 2019 Annual Homeless Assessment Report to Congress, in January 2019 California had 27% of the nation's homeless population (about 151,278 individuals). California also contains 53% of the nation's unsheltered homeless population (108,432), including people living in vehicles, abandoned buildings, parks, or on the street. Los Angeles contains the highest number of homeless people in the state, at 56,257, where 76% of those are unsheltered. People experiencing homelessness face a variety of challenges including food and income insecurity, as well as health problems; the homeless population faces a higher risk of exposure to communicable diseases such as COVID-19, influenza, strep throat, sexually transmitted diseases, Hepatitis C, HIV/AIDS, and tuberculosis, among others.
- 4) *Adding safe parking sites.* Some localities are establishing safe parking programs, which designate areas where individuals living in their cars can remain safely overnight. The goal of safe parking programs is to provide a temporary living situation until individuals regain permanent housing. Safe parking programs are often operated out of lots owned by public entities or non-profit organizations, and typically have security or onsite staff, bathroom facilities, water, and trash services. They can be coupled with other case management services intended to help individuals find permanent housing. Safe parking programs generally require a valid driver's license, vehicle registration, and insurance to participate. Most programs also conduct background checks to screen out sex offenders and violent felons. California is host to a number of safe parking programs, many of which are operated by non-governmental entities including faith-based groups, and others that are operated by a local government.

In recognition of safe parking programs as a tool to address homelessness, this bill expands the definition of "homeless shelter" under the Shelter Crisis Act to include a parking lot owned or leased by a city or county and specifically identified as a safe parking site for individuals experiencing homelessness. It also adds the RV Park Occupancy Law to the exemptions from the Act.

- 5) *Double referral.* Due to the COVID-19 Pandemic and the unprecedented nature of the 2020 Legislative Session, all Senate Policy Committee are working under a compressed timeline. This timeline does not allow this bill to be referred and heard by more than one committee as a typical timeline would

allow. In order to fully vet the contents of this measure for the benefit of Senators and the public, this analysis includes information from the Senate Environmental Quality Committee. According to that committee:

“Public participation and transparency in a local government’s decision to approve a project is a cornerstone of CEQA; the act does not care what decision is made as long as it is an informed one. During a declared shelter crisis, CEQA does not apply to actions taken by a state or local agency to lease, convey, or encumber land owned by a local agency, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for a homeless shelter. Removing the environmental review, however, means certain considerations may not take place – such as if there would be a substantial change to a historical or archaeological resource or proximity or interference with an adopted emergency response plan or evacuation plan. Although a local jurisdiction chooses to avail themselves to these declared shelter crisis provisions in the interest of expediting homeless shelters, should they be allowed to willfully unaware to the potential consequences of their decisions? Arguably, the underlying rationale of this bill is that, in the face of a crisis, immediate solutions are needed; not necessarily ideal ones. Under this bill, local governments, when contemplating whether to declare a shelter crisis, will have to weigh the consequences of not being fully informed of a decision against the need to get homeless people off of the streets.”

RELATED LEGISLATION:

AB 2586 (Berman, 2020) — expands the definition of “homeless shelter” under the Shelter Crisis Act to include safe parking programs. *This bill was dropped by the author and incorporated into AB 2553.*

AB 2960 (Gipson, 2020) — authorizes a city or county to allow operation of a shelter constructed under the Shelter Crisis Act that does not comply with state and local building standards for fire and life safety, provided it has adopted standards that have been approved by the State Fire Marshal. *This bill is pending in the Senate Housing Committee.*

AB 891 (Burke, 2019) — would have required each city and county with a population greater than 330,000 to establish a safe parking program by January 1, 2022. *This bill was vetoed by Governor Newsom.*

AB 143 (Quirk-Silva, Chapter 336, Statutes of 2019) — authorized Alameda County, any city within Alameda County, Orange County, any city within Orange County, and the City of San Jose, to include homeless shelters as emergency housing upon declaration of a shelter crisis, until January 1, 2023.

AB 932 (Ting, Chapter 786, Statutes of 2017) — authorized emergency housing, upon the declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, to include homeless shelters, until January 1, 2021.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Friday, July 24, 2020.)

SUPPORT:

City of Sacramento (Co-Sponsor)
San Francisco Bay Area Planning and Urban Research Association (SPUR) (Co-Sponsor)
California YIMBY
Chan Zuckerberg Initiative
City of Redwood City
Facebook
Habitat for Humanity California
Non-profit Housing Association of Northern California
Silicon Valley at Home
Silicon Valley Community Foundation

OPPOSITION:

None received.

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