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

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**Bill No:** AB 2960 **Hearing Date:** 8/6/2020  
**Author:** Gipson  
**Version:** 7/30/2020 Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Erin Riches

**SUBJECT:** Shelter crises: fire and life safety standards

**DIGEST:** This bill authorizes a city with a population of more than 3.5 million 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.

**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:
  - 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) Authorizes a city with a population of more than 3.5 million to allow the year-round operation of a shelter constructed under the Shelter Crisis Act even if the facility does not comply with state building standards for local fire and life safety standards, provided they submit reasonable standards to the State Fire Marshal that, at minimum:
  - a) Require an emergency housing facility to be subject to the building standards related to fire and life safety required by state and local regulations for existing residential occupancies, and the building standards related to fire and life safety for a new residential use that were in effect at the time the building was constructed.

- b) Provide reasonable alternative fire and life safety standards that include, at minimum:
- i) Maximum occupant load of 49 persons. The fire department may propose an occupant load of up to 150 persons if the city can demonstrate that the facility can safely support that number.
  - ii) 24-hour active fire watch.
  - iii) Smoke and carbon monoxide alarms.
  - iv) Fire extinguishers.
  - v) Ingress and egress that facilitates rapid exit.
  - vi) Emergency evacuation signage and emergency egress lighting.
  - vii) Every egress must be free from storage and other obstructions.
  - viii) Limited occupant storage in each room, the facility, or both.
  - ix) Prohibition on the use of open flames and combustibles.
  - x) Prohibition on smoking in the facility.
  - xi) Fire code inspection plans that occur in intervals of no more than 30 days, including authorization for the fire department to shut down a facility for major or multiple violations.
  - xii) A process to immediately remedy fire code violations.
  - xiii) A process to submit quarterly inspection reports to the State Fire Marshal.
- 2) Requires the State Fire Marshal to review the standards within 30 days and either approve them or respond as to why the city does not meet the threshold requirements.
- 3) Prohibits the city from using the standards if they are not approved by the State Fire Marshal.
- 4) Authorizes the facility to operate for 90 days, with 90-day extensions permitted, not to exceed 730 days of continuous operation.
- 5) Provides that no new permits shall be issued pursuant to this bill on or after January 1, 2023. Authorizes a facility that was issued a permit prior to that date to continue operating after that date pursuant to a 90-day extension of the permit, and to receive consecutive 90-day extensions to operate until December 31, 2024.

## COMMENTS

- 1) *Author's statement.* "There are 151,278 homeless individuals in California on any given night, and two-thirds of them are unsheltered. California's

homelessness crisis demands that the state do everything in its power to streamline regulations and cut through red tape to get people off the streets. This includes providing for limited relief of building codes so that temporary shelters can be established quickly and cost-effectively without compromising safety. Currently, any temporary change in use for existing buildings will automatically trigger earthquake retrofitting and increased fire and life safety standards (e.g., sprinklers). These retrofits can be costly and often make these projects financial infeasible for cities or counties trying to meet the urgent demands of housing their homeless residents. AB 2960 builds on existing shelter crisis law by allowing the year-round operation of temporary homeless shelters that do not comply with state fire and life safety standards, if reasonable alternatives are submitted and approved by the State Fire Marshal within 30 days. If the draft standards are not approved, the shelter's operation will not be permitted.”

- 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.
- 3) *Homelessness in California.* According to the US Department of Housing and Urban Development (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) *Sprinkler issue.* The author states that while the City of Los Angeles wants to develop emergency shelters that can be open for longer than 90 days,

developing long-term shelters in existing buildings triggers a local fire department requirement to install sprinklers. Sprinkler systems can be expensive and time consuming to install, adding to the difficulties of providing urgently needed shelter on a timely basis. While state building standards require sprinklers in newly constructed residential buildings, they do not require sprinkler installation in existing residential buildings. The Los Angeles Fire Department approves the use of existing buildings for emergency shelters, but only for 90 days, and requires them to include a basic fire alarm device, as well as smoke, fire, and carbon monoxide detectors. This bill would enable the City of Los Angeles and others to open a year-round shelter in an existing building without installing a sprinkler system, provided the State Fire Marshal approves the city's fire and life safety standards.

**RELATED LEGISLATION:**

**AB 2553 (Ting, 2020)** — expands the Shelter Crisis Act to all cities and counties in California and extends the sunset to 2026. *This bill will be heard in this committee today.*

**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:**

Mayor Eric Garcetti, City of Los Angeles (Sponsor)  
Los Angeles Homeless Services Authority

**OPPOSITION:**

None received.

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