

AMENDED IN ASSEMBLY APRIL 10, 2019

AMENDED IN ASSEMBLY MARCH 11, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 143

Introduced by Assembly Members Quirk-Silva, Daly, and Kalra

(Principal coauthor: Senator Beall)

(Coauthors: Assembly Members Chu and Diep)

(Coauthors: Senators Archuleta and Chang)

December 13, 2018

An act to amend Section 8698.4 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL’S DIGEST

AB 143, as amended, Quirk-Silva. Shelter crisis: homeless shelters: County of Orange.

Existing law authorizes—a *the* governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

Existing law, upon a 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, specifies additional provisions applicable to a shelter crisis declared by one of those jurisdictions. Among other things, existing law exempts from the California Environmental Quality Act specified actions by a state agency

or a city, county, or city and county relating to land owned by a local government to be used for, or to provide financial assistance to, a homeless shelter constructed pursuant to these provisions. Existing law requires a city, county, or city and county that declares a shelter crisis pursuant to these provisions to develop a plan to address the shelter crisis on or before July 1, 2019, and to annually report to specified committees of the Legislature on or before January 1, 2019, and annually thereafter until January 1, 2021. Existing law repeals these additional provisions as of January 1, 2021.

This bill would apply these additional provisions to a shelter crisis declared by *the County of Alameda*, the County of Orange, any city located within the County of Orange, and the City of San Jose and extend the *above-described* repeal date of these provisions to January 1, 2023. By expanding the scope of these provisions to apply within *the County of Alameda*, the County of ~~Orange~~ Orange, and the City of San Jose, the bill would expand the above-described exemption from the California Environmental Quality Act. The bill, with respect to a shelter crisis declared by *the County of Alameda*, the County of Orange, ~~or~~ a city located within the County of Orange, or the City of San Jose, would require the county or city, as applicable, to develop the above-described shelter plan on or before July 1, 2020, and provide the first above-described annual report on or before January 1 of the year following the declaration of a shelter crisis.

This bill would make legislative findings and declarations as to the necessity of a special statute for *the County of Alameda*, the County of ~~Orange~~ Orange, and the City of San Jose.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8698.4 of the Government Code, as
- 2 amended by Chapter 840 of the Statutes of 2018, is amended to
- 3 read:
- 4 8698.4. (a) Notwithstanding any other provision in this chapter,
- 5 upon a declaration of a shelter crisis by a local jurisdiction specified
- 6 in subdivision (c), the following shall apply to the respective city,
- 7 county, or city and county during a shelter crisis:
- 8 (1) Emergency housing may include homeless shelters for the
- 9 homeless located or constructed on any land owned or leased by

1 a city, county, or city and county, including land acquired with
2 low- and moderate-income housing funds.

3 (2) (A) (i) The city, county, or city and county, in lieu of
4 compliance with local building approval procedures or state
5 housing, health, habitability, planning and zoning, or safety
6 standards, procedures, and laws, may adopt by ordinance
7 reasonable local standards and procedures for the design, site
8 development, and operation of homeless shelters and the structures
9 and facilities therein, to the extent that it is determined at the time
10 of adoption that strict compliance with state and local standards
11 or laws in existence at the time of that adoption would in any way
12 prevent, hinder, or delay the mitigation of the effects of the shelter
13 crisis. The Department of Housing and Community Development
14 shall review and approve the city's, county's, or city and county's
15 draft ordinance to ensure it addresses minimum health and safety
16 standards. The department shall, as set forth in Section 9795,
17 provide its findings to the Senate Committee on Transportation
18 and Housing and the Assembly Committee on Housing and
19 Community Development within 30 calendar days of receiving
20 the draft ordinance.

21 (ii) During the shelter crisis, except as provided in this section,
22 provisions of any housing, health, habitability, planning and zoning,
23 or safety standards, procedures, or laws shall be suspended for
24 homeless shelters, provided that the city, county, or city and county
25 has adopted health and safety standards and procedures for
26 homeless shelters consistent with ensuring minimal public health
27 and safety and those standards are complied with. Landlord tenant
28 laws codified in Sections 1941 to 1942.5, inclusive, of the Civil
29 Code providing a cause of action for habitability or tenantability
30 shall be suspended for homeless shelters, provided that the city,
31 county, or city and county has adopted health and safety standards
32 for homeless shelters and those standards are complied with.
33 During the shelter crisis, the local and state law requirements for
34 homeless shelters to be consistent with the local land use plans,
35 including the general plan, shall be suspended.

36 (B) This section applies only to a public facility or homeless
37 shelters reserved entirely for the homeless pursuant to this chapter.

38 (3) Homeless shelters constructed or allowed under this chapter
39 shall not be subject to the Special Occupancy Parks Act (Part 2.3
40 (commencing with Section 18860) of Division 13 of the Health

1 and Safety Code), the Mobilehome Parks Act (Part 2.1
2 (commencing with Section 18200) of Division 13 of the Health
3 and Safety Code), or the Mobilehome Residency Law (Chapter
4 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division
5 2 of the Civil Code).

6 (4) The California Environmental Quality Act (Division 13
7 (commencing with Section 21000) of the Public Resources Code)
8 shall not apply to actions taken by a state agency or a city, county,
9 or city and county, to lease, convey, or encumber land owned by
10 a city, county, or city and county, or to facilitate the lease,
11 conveyance, or encumbrance of land owned by the local
12 government for, or to provide financial assistance to, a homeless
13 shelter constructed or allowed by this section.

14 (5) (A) Except as provided in subparagraph (B), on or before
15 July 1, 2019, the city, county, or city and county shall develop a
16 plan to address the shelter crisis, including, but not limited to, the
17 development of homeless shelters and permanent supportive
18 housing, as well as onsite supportive services. The city, county,
19 or city and county shall make the plan publicly available.

20 (B) Notwithstanding subparagraph (A), in the case of a shelter
21 crisis declared by *the County of Alameda*, the County of Orange,
22 a city located within the County of Orange, or the City of San Jose,
23 the county or the city, as applicable, shall develop the plan required
24 by this paragraph on or before July 1, 2020.

25 (6) (A) Except as provided in subparagraph (B), on or before
26 January 1, 2019, and annually thereafter until January 1, 2023, if
27 the city, county, or city and county has declared a shelter crisis,
28 the city, county, or city and county shall report all of the following
29 to the Senate Committee on Transportation and Housing and the
30 Assembly Committee on Housing and Community Development:

31 (i) The total number of residents in homeless shelters within
32 the city, county, or city and county.

33 (ii) The total number of residents who have moved from a
34 homeless shelter into permanent supportive housing within the
35 city, county, or city and county.

36 (iii) The estimated number of permanent supportive housing
37 units.

38 (iv) The number of residents who have exited the system and
39 are no longer in need of a homeless shelter or permanent supportive
40 housing within the city, county, or city and county.

1 (v) The number of new homeless shelters built pursuant to this
2 section within the city, county, or city and county.

3 (vi) New actions the city, county, or city and county is taking
4 under the declared shelter crisis to better serve the homeless
5 population and to reduce the number of people experiencing
6 homelessness.

7 (B) Notwithstanding subparagraph (A), in the case of a shelter
8 crisis declared by *the County of Alameda*, the County of Orange,
9 a city located within the County of Orange, or the City of San Jose,
10 the county or the city, as applicable, shall provide the first report
11 required by this paragraph on or before January 1 of the year
12 following the declaration of a shelter crisis.

13 (b) For purposes of this section, the following terms have the
14 following meanings:

15 (1) “Homeless shelter” means a facility with overnight sleeping
16 accommodations, the primary purpose of which is to provide
17 temporary shelter for the homeless that is not in existence after
18 the declared shelter crisis. A temporary homeless shelter
19 community may include supportive and self-sufficiency
20 development services.

21 (2) “Permanent supportive housing” means housing for people
22 who are homeless, with no limit on length of stay, and that is linked
23 to onsite or offsite services that assist the supportive housing
24 resident in retaining the housing, improving the person’s health
25 status, and maximizing the person’s ability to live and, when
26 possible, work in the community.

27 (c) This section shall apply to a shelter crisis declared by any
28 of the following jurisdictions:

29 (1) The following cities:

30 (A) The City of Berkeley.

31 (B) The City of Emeryville.

32 (C) The City of Los Angeles.

33 (D) The City of Oakland.

34 (E) The City of San Diego.

35 (F) The City of San Jose.

36 (G) Any city located within the County of Orange.

37 (2) The following counties:

38 (A) *The County of Alameda*.

39 ~~(A)~~

40 (B) The County of Orange.

1 ~~(B)~~

2 (C) The County of Santa Clara.

3 (3) The City and County of San Francisco.

4 (d) This section shall remain in effect only until January 1, 2023,
5 and as of that date is repealed.

6 SEC. 2. The Legislature finds and declares that a special statute
7 is necessary and that a general statute cannot be made applicable
8 within the meaning of Section 16 of Article IV of the California
9 Constitution because of the unique need to address the problem
10 of homelessness in *the County of Alameda*, the County of ~~Orange~~
11 *Orange*, and the City of San Jose.

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