

ASSEMBLY BILL

No. 2176

Introduced by Assembly Member Campos

February 18, 2016

An act to amend Section 8698 of, and to add Section 8698.3 to, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as introduced, Campos. Shelter crisis: declaration: public facilities.

Existing law authorizes a political subdivision, as defined, to declare a shelter crisis if the governing body of that political subdivision makes a specified finding. Existing law authorizes a political subdivision to allow persons unable to obtain housing to occupy designated public facilities, as defined, during the period of a shelter crisis. Existing law provides that certain state and local laws, regulations, and ordinances are suspended during a shelter crisis, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

This bill, until January 2, 2022, upon a declaration of a shelter crisis by the County of Santa Clara during the duration of the shelter crisis, among other things, would authorize emergency housing to include a transitional housing community, as defined, for the homeless. The bill, in lieu of state and local building, housing, health, habitability, or safety standards and laws, would authorize the county to enact local standards for transitional housing communities to be operative during the shelter crisis, as provided.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Santa Clara.

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

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

1 SECTION 1. Section 8698 of the Government Code is amended
2 to read:
3 8698. For purposes of this chapter, the following definitions
4 shall apply:
5 (a) “Political subdivision” includes the state, any city, city and
6 county, county, special district, or school district or public agency
7 authorized by law.
8 (b) “Governing body” means the following:
9 (1) The Governor for the state.
10 (2) The legislative body for a city or city and county.
11 (3) The board of supervisors for a county.
12 (4) The governing board or board of trustees for a district or
13 other public agency.
14 (5) An official designated by ordinance or resolution adopted
15 by a governing body, as defined in paragraph (2), (3), or (4).
16 (c) “Public facility” means any facility of a political subdivision
17 including parks, schools, and vacant or underutilized facilities
18 which are owned, operated, leased, or maintained, or any
19 combination thereof, by the political subdivision through money
20 derived by taxation or assessment.
21 (d) “Declaration of a shelter crisis” means the duly proclaimed
22 existence of a situation in which a significant number of persons
23 are without the ability to obtain shelter, resulting in a threat to their
24 health and safety.
25 (e) *“Transitional housing community” means any facilities,*
26 *including housing in temporary structures such as camping cabins*
27 *or recreational vehicles that are reserved for homeless persons*
28 *and families and located on property leased or owned by a political*
29 *subdivision. Those facilities must include supportive and*
30 *self-sufficiency development services, have the ultimate goal of*
31 *moving homeless persons to permanent housing as quickly as*
32 *reasonably possible, and limit rents and service fees to an*
33 *ability-to-pay formula reasonably consistent with the United States*
34 *Department of Housing and Urban Development’s requirements*
35 *for subsidized housing for low-income persons.*

1 SEC. 2. Section 8698.3 is added to the Government Code, to
2 read:

3 8698.3. Notwithstanding any other provisions in this chapter,
4 upon a declaration of a shelter crisis by the County of Santa Clara,
5 the following shall apply during the duration of the shelter crisis.

6 (a) Emergency housing may include a transitional housing
7 community for the homeless located or constructed on any
8 county-owned or leased land, including land acquired with low-
9 and moderate-income housing funds.

10 (b) The county may, in lieu of state and local building, housing,
11 health, habitability or safety standards and laws, enact local
12 standards for transitional housing communities to be operative
13 during the shelter crisis consistent with ensuring minimal public
14 health and safety. During the shelter crisis, provisions of any state
15 or local regulatory statute, regulation, or ordinance prescribing
16 standards of building, housing, health, habitability, or safety shall
17 be suspended for the transitional housing communities provided
18 that the county has adopted health and safety standards for
19 transitional housing communities and those standards are complied
20 with. Landlord tenant laws codified in Civil Code Sections 1941
21 to 1942.5, inclusive, of the Civil Code providing a cause of action
22 for habitability or tenantability, shall be suspended for the
23 transitional housing communities provided that the county has
24 adopted health and safety standards for transitional housing
25 communities and those standards are complied with. This section
26 applies only to a public facility or a transitional housing community
27 reserved for the homeless pursuant to this chapter.

28 (c) A transitional housing community constructed or allowed
29 under this chapter shall not be subject to the Special Occupancy
30 Parks Act, the Mobilehome Parks Act, or Mobilehome Residency
31 Law.

32 (d) A transitional housing community that complies with the
33 applicable requirements of the Americans with Disabilities Act
34 shall be exempt from Sections 54 to 55.32, inclusive, of the Civil
35 Code and actions thereunder for the duration of the shelter crisis.

36 (e) This section shall remain in effect only until January 2, 2022,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 2, 2022, deletes or extends that date.

39 SEC. 3. The Legislature finds and declares that a special law
40 is necessary and that a general law cannot be made applicable

- 1 within the meaning of Section 16 of Article IV of the California
- 2 Constitution because of the unique need to address the problem
- 3 of homelessness in the County of Santa Clara.

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