

AMENDED IN ASSEMBLY APRIL 19, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2176**

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**Introduced by Assembly Member Campos**

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, 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, 1, 2022, upon a declaration of a shelter crisis by the ~~County of Santa Clara~~ *City of San Jose* during the duration of the a 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~~ *city* 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~~: *City of San Jose*.

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~~ *structures*, such as  
27 camping cabins or recreational vehicles that are reserved for  
28 homeless persons and families and located on property leased or  
29 owned by a political subdivision. Those facilities ~~must~~ *shall* include  
30 supportive and self-sufficiency development services, have the  
31 ultimate goal of moving homeless persons to permanent housing  
32 as quickly as reasonably possible, and limit rents and service fees

1 to an ability-to-pay formula reasonably consistent with the United  
2 States Department of Housing and Urban Development's  
3 requirements for subsidized housing for low-income persons.

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

6 8698.3. Notwithstanding any other provisions in this chapter,  
7 upon a declaration of a shelter crisis by the ~~County of Santa Clara,~~  
8 *City of San Jose*, the following shall apply during ~~the duration of~~  
9 ~~the a shelter crisis:~~ *crisis*:

10 (a) Emergency housing may include a transitional housing  
11 community for the homeless located or constructed on any  
12 ~~county-owned or leased~~ *city-owned or city-leased* land, including  
13 land acquired with low- and moderate-income housing funds.

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

33 (c) A transitional housing community constructed or allowed  
34 under this chapter shall not be subject to the Special Occupancy  
35 ~~Parks Act, Act (Part 2.3 (commencing with Section 18860) of~~  
36 ~~Division 13 of the Health and Safety Code), the Mobilehome Parks~~  
37 ~~Act, Act (Part 2.1 (commencing with Section 18200) of Division~~  
38 ~~13 of the Health and Safety Code), or the Mobilehome Residency~~  
39 ~~Law. Law (Chapter 2.5 (commencing with Section 798) of Title 2~~  
40 ~~of Part 2 of Division 2 of the Civil Code).~~

1 (d) A transitional housing community that complies with the  
2 applicable requirements of the Americans with Disabilities Act of  
3 1990 (*Public Law 101-336*), as amended by *ADA Amendments Act*  
4 *of 2008 (Public Law 110-325)*, shall be exempt from ~~Sections 54~~  
5 ~~to 55.32, inclusive, Part 2.5 (commencing with Section 54) of~~  
6 *Division 1* of the Civil Code and actions thereunder for the duration  
7 of the shelter crisis.

8 (e) This section shall remain in effect only until January ~~2, 1,~~  
9 2022, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January ~~2, 1,~~ 2022, deletes or extends that  
11 date.

12 SEC. 3. The Legislature finds and declares that a special law  
13 is necessary and that a general law cannot be made applicable  
14 within the meaning of Section 16 of Article IV of the California  
15 Constitution because of the unique need to address the problem  
16 of homelessness in the ~~County of Santa Clara: City of San Jose.~~