

AMENDED IN SENATE AUGUST 3, 2016

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY APRIL 28, 2016

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 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Campos. Shelter crisis: emergency bridge housing communities.

Existing law authorizes a governing body of a political subdivision, as defined, to declare a shelter crisis if the governing body 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 1, 2022, upon a declaration of a shelter crisis by the City of San Jose would authorize emergency housing to include

an emergency bridge 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 city to enact local standards for emergency bridge housing communities to be operative during the shelter crisis, as provided. The bill, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, would authorize the city to adopt and enforce by ordinance reasonable local standards for emergency bridge housing communities, as specified. The bill would require the Department of Housing and Community Development to review the draft ordinance to ensure it addresses minimum health and safety standards and to provide its findings to committees of the Legislature, as provided.~~ The bill would require the city, among other things, to match each resident of an emergency bridge housing community to an affordable housing unit identified in the city’s housing plan that will be available for the resident to live in on or before January 1, 2022, and develop a plan for emergency bridge housing communities to include on-site supportive services. The bill would further require the city to annually report to the Legislature specific information on emergency bridge housing communities, including, among other information, the number of residents in every emergency bridge housing community and the actual and projected number of permanent affordable housing units available through January 1, 2022.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of San Jose.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. 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.

1 (3) The board of supervisors for a county.

2 (4) The governing board or board of trustees for a district or  
3 other public agency.

4 (5) An official designated by ordinance or resolution adopted  
5 by a governing body, as defined in paragraph (2), (3), or (4).

6 (c) "Public facility" means any facility of a political subdivision  
7 including parks, schools, and vacant or underutilized facilities  
8 which are owned, operated, leased, or maintained, or any  
9 combination thereof, by the political subdivision through money  
10 derived by taxation or assessment.

11 (d) "Declaration of a shelter crisis" means the duly proclaimed  
12 existence of a situation in which a significant number of persons  
13 are without the ability to obtain shelter, resulting in a threat to their  
14 health and safety.

15 (e) "Emergency bridge housing community" means any new or  
16 existing facilities, including, but not limited to, housing in  
17 temporary structures, such as camping cabins or recreational  
18 vehicles that are reserved for homeless persons and families and  
19 located on property leased or owned by a political subdivision.  
20 Those facilities shall include supportive and self-sufficiency  
21 development services, have the ultimate goal of moving homeless  
22 persons to permanent housing as quickly as reasonably possible,  
23 and limit rents and service fees to an ability-to-pay formula  
24 reasonably consistent with the United States Department of  
25 Housing and Urban Development's requirements for subsidized  
26 housing for low-income persons.

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

29 8698.3. Notwithstanding any other provisions in this chapter,  
30 upon a declaration of a shelter crisis by the City of San Jose, the  
31 following shall apply during a shelter crisis:

32 (a) Emergency housing may include an emergency bridge  
33 housing community for the homeless located or constructed on  
34 any city-owned or city-leased land, including land acquired with  
35 low- and moderate-income housing funds.

36 (b) (1) The city may, in lieu of *compliance with* state and local  
37 building, housing, health, habitability, or safety standards and laws,  
38 ~~enact adopt and enforce by ordinance reasonable~~ local standards  
39 ~~for the design, site development, and operation of~~ emergency  
40 ~~bridge housing communities to be operative during the shelter~~

1 ~~crisis if both of the following requirements are met: and the~~  
2 ~~structures and facilities therein, to the extent that it is determined~~  
3 ~~at the time of adoption that strict compliance with state and local~~  
4 ~~standards or laws in existence at the time of that adoption would~~  
5 ~~in any way prevent, hinder, or delay the mitigation of the effects~~  
6 ~~of the shelter crisis. The Department of Housing and Community~~  
7 ~~Development shall review the city's draft ordinance to ensure it~~  
8 ~~addresses minimum health and safety standards. The department~~  
9 ~~shall, as set forth in Section 9795 of the Government Code, provide~~  
10 ~~its findings to the Senate and Assembly housing committees and~~  
11 ~~the Senate Judiciary Committee within 30 calendar days of~~  
12 ~~receiving the draft ordinance.~~

13 ~~(A) The local standards for emergency bridge housing~~  
14 ~~communities are consistent with ensuring minimal public health~~  
15 ~~and safety.~~

16 ~~(B) The city determines at the time of the enactment that strict~~  
17 ~~compliance with state and local standards or laws in existence at~~  
18 ~~the time of the enactment would in any way prevent, hinder, or~~  
19 ~~delay the mitigation of the shelter crisis.~~

20 (2) During the shelter crisis, provisions of any state or local  
21 building, housing, health, habitability, or safety standards or laws  
22 shall be suspended for the emergency bridge housing communities  
23 provided that the city has adopted health and safety standards for  
24 emergency bridge housing communities consistent with ensuring  
25 minimal public health and safety and those standards are complied  
26 with. Landlord tenant laws codified in Sections 1941 to 1942.5,  
27 inclusive, of the Civil Code providing a cause of action for  
28 habitability or tenantability, shall be suspended for the emergency  
29 bridge housing communities provided that the city has adopted  
30 health and safety standards for emergency bridge housing  
31 communities and those standards are complied with.

32 (3) This section applies only to a public facility or an emergency  
33 bridge housing community reserved for the homeless pursuant to  
34 this chapter.

35 (c) An emergency bridge housing community constructed or  
36 allowed under this chapter shall not be subject to the Special  
37 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
38 of Division 13 of the Health and Safety Code), the Mobilehome  
39 Parks Act (Part 2.1 (commencing with Section 18200) of Division  
40 13 of the Health and Safety Code), or the Mobilehome Residency

1 Law (Chapter 2.5 (commencing with Section 798) of Title 2 of  
2 Part 2 of Division 2 of the Civil Code).

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

10 (e) The city shall match each resident of an emergency bridge  
11 housing community to an affordable housing unit identified in the  
12 city's housing plan that shall be available for the resident to live  
13 in on or before January 1, 2022.

14 (f) On or before July 1, 2017, the city shall develop a plan for  
15 every emergency bridge housing community to include on-site  
16 supportive services. The city shall make the report publicly  
17 available.

18 (g) On or before January 1, 2018, and annually thereafter, the  
19 city shall report to the Legislature the number of residents in every  
20 emergency bridge housing community, the number of residents  
21 who have moved from an emergency bridge housing community  
22 into permanent affordable housing, the average time required for  
23 a resident to receive a permanent affordable housing unit, and the  
24 actual and projected number of permanent affordable housing units  
25 available through January 1, 2022.

26 (h) This section shall remain in effect only until January 1, 2022,  
27 and as of that date is repealed, unless a later enacted statute, that  
28 is enacted before January 1, 2022, deletes or extends that date.

29 SEC. 3. The Legislature finds and declares that a special law  
30 is necessary and that a general law cannot be made applicable  
31 within the meaning of Section 16 of Article IV of the California  
32 Constitution because of the unique need to address the problem  
33 of homelessness in the City of San Jose.

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