

Assembly Bill No. 2176

Passed the Assembly August 30, 2016

Chief Clerk of the Assembly

Passed the Senate August 24, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 for the homeless. The bill would define an emergency bridge housing community to include, but not be limited to, housing in temporary structures including, but not limited to, emergency sleeping cabins, as defined. 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 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.

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

SECTION 1. Section 8698 of the Government Code is amended to read:

8698. For purposes of this chapter, the following definitions shall apply:

(a) “Political subdivision” includes the state, any city, city and county, county, special district, or school district or public agency authorized by law.

(b) “Governing body” means the following:

(1) The Governor for the state.

(2) The legislative body for a city or city and county.

(3) The board of supervisors for a county.

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

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

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

(d) “Declaration of a shelter crisis” means 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.

(e) “Emergency bridge housing community” means any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, emergency sleeping cabins consistent with the requirements of subdivision (h) of Section 8698.3 that are reserved for homeless persons and

families, together with community support facilities, including, but not limited to, showers and bathrooms adequate to serve the anticipated number of residents all of which may be located on property leased or owned by a political subdivision. An emergency bridge housing community shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

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

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

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

(b) (1) The city, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, may adopt by ordinance reasonable local standards for the design, site development, and operation of emergency bridge housing communities and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review the city's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795 of the Government Code, provide its findings to the Senate and Assembly housing committees and the Senate Judiciary Committee within 30 calendar days of receiving the draft ordinance.

(2) During the shelter crisis, except as provided in this section, provisions of any state or local building, housing, health, habitability, or safety standards or laws shall be suspended for the emergency bridge housing communities provided that the city has adopted health and safety standards for emergency bridge housing

communities consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability, shall be suspended for the emergency bridge housing communities provided that the city has adopted health and safety standards for emergency bridge housing communities and those standards are complied with. During the shelter crisis, the local and state law requirements for an emergency bridge housing project to be consistent with the local land use plans, including the general plan, shall be suspended.

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

(c) An emergency bridge housing community constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

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

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

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

(g) On or before January 1, 2018, and annually thereafter, the city shall report to the Legislature the number of residents in every emergency bridge housing community, the number of residents

who have moved from an emergency bridge housing community into permanent affordable housing, the average time required for a resident to receive a permanent affordable housing unit, and the actual and projected number of permanent affordable housing units available through January 1, 2022.

(h) An “emergency sleeping cabin” means a relocatable hard-sided structure that may be used for occupancy only pursuant to Section 8698 and this section. It shall have a raised floor area of no less than 120 square feet of interior space for two occupants and a minimum of 70 square feet of interior space for one occupant. It shall contain no plumbing or gas service. An emergency sleeping cabin shall meet a minimum of a 20 pounds per square foot live load roof structure, shall be provided light, heat, and ventilation, and shall comply with minimum emergency bridge housing design standards as follows:

(1) Electrical power available as needed to meet the light and heat requirements of this subdivision. The source of electricity may be solar power.

(2) At least one interior lighting fixture.

(3) Electrical heating equipment approved for residential use.

(4) Means of ventilation allowing for adequate air replacement.

(5) At least one GFCI-protected receptacle for use by the occupant or occupants.

(6) At least two forms of egress placed remotely from each other, one of which may be an egress window with a sill height of not more than 44 inches from the floor, a minimum net opening height of 24 inches, and a minimum width of 20 inches.

(7) A privacy lock on each door.

(8) When required to meet accessibility requirements, compliance with the applicable requirements specified in Chapter 11B of the California Building Code.

(9) One permanently wired smoke alarm with battery backup, listed and labeled in accordance with UL 217, installed in accordance with the California Residential Code and NFPA 72. Battery powered alarms are permissible in lieu of wired alarms only when the cabin is solar powered and other electrical service is not supplied to the cabin. Smoke alarms shall be listed and approved by the State Fire Marshal.

(10) This subdivision shall remain operative until the date on which the California Building Standards Commission includes

standards in the California Building Standards Code that conform to this subdivision.

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

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

Approved _____, 2016

Governor