



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code: Section:

[Up^](#) [Add To My Favorites](#)

GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.95] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7.8. Shelter Crisis [8698 - 8698.4] (Chapter 7.8 added by Stats. 1987, Ch. 1116, Sec. 2.)

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.

(Amended by Stats. 2016, Ch. 691, Sec. 1. (AB 2176) Effective January 1, 2017.)

8698.1. Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. This limitation of liability shall apply only to conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing. This section does not limit liability for grossly negligent, reckless, or intentional conduct which causes injury.

(b) The provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Political subdivisions may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety. The provisions of this section apply only to additional public facilities open to the homeless pursuant to this chapter.

(c) (1) Subject to paragraph (4), a city with a population of more than 3,500,000 may permit the operation of an emergency housing facility year round when the facility does not comply with state building standards for local fire and life safety standards if they submit reasonable standards to the State Fire Marshal that, at a minimum, do all of the following:

(A) Require an emergency housing facility to be subject to the building standards related to fire and life safety that the state and local regulations require for existing residential occupancies, and the building standards related to fire and life safety for a new residential use that were in effect at the time the building was constructed.

(B) Provide reasonable alternative fire and life safety standards that, a minimum, include all of the following:

(i) A maximum occupant load of 49. However, the fire department may propose an occupant load greater than 49, but not to exceed 150, if the city can demonstrate that the facility can safely permit the proposed occupant load.

(ii) Twenty-four-hour active fire watch.

(iii) Smoke and carbon monoxide alarms.

(iv) Fire extinguishers.

(v) Ingress and egress that facilitates rapid exit of the facility.

(vi) Emergency evacuation signage and emergency egress lighting.

(vii) Every egress shall be free from storage and other obstructions.

(viii) Limited occupant storage in each room in the facility.

(ix) Prohibiting the use of open flames or combustibles.

(x) Prohibiting smoking in the facility.

(xi) Fire code inspection plans that occur in intervals of 30 days or less that includes authorization for the fire department to shut down the facility for major or multiple violations.

(xii) A process for remedying fire code violations immediately.

(xiii) A process for submitting quarterly inspection reports to the State Fire Marshal.

(2) The State Fire Marshal shall review the standards within 30 days and either approve them or respond as to why the city does not meet the threshold requirements. If the standards do not meet the threshold requirements, the city shall not use them.

(3) A facility shall be permitted pursuant to this subdivision for a maximum of 90 days with 90-day extensions permitted, not to exceed 730 days of continuous operation.

(4) For purposes of this subdivision, the term "building standard" means a building standard as defined in Section 18909 of the Health and Safety Code or other standard adopted by a local agency pursuant to Section 17958 of the Health and Safety Code.

(5) No new permits shall be authorized pursuant to this subdivision on and after January 1, 2023. However, a facility that was issued a permit before January 1, 2023, may continue to operate after that date pursuant to a 90-day extension of the permit, and may receive consecutive 90-day extensions to operate until December 31, 2024, subject to the 730-day limit specified in paragraph (3).

(Amended by Stats. 2020, Ch. 148, Sec. 2. (AB 2960) Effective January 1, 2021.)

8698.2. (a) (1) The governing body may declare a shelter crisis, and may take such action as is necessary to carry out the provisions of this chapter, upon a finding by that governing body that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons.

(2) For purposes of this chapter, the governing body of the state, in making a declaration of a shelter crisis pursuant to paragraph (1), may limit that declaration to any geographical portion of the state.

(b) Upon a declaration of a shelter crisis pursuant to subdivision (a), the political subdivision may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

(Added by Stats. 1987, Ch. 1116, Sec. 2. Effective September 25, 1987.)

8698.4. (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by a city, county, or city and county, the following shall apply to the respective city, county, or city and county during the shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters 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. For a jurisdiction that adopts an ordinance establishing reasonable local standards, those standards shall, at a minimum, meet the standards provided in the 2019 California Residential Code Appendix X, and California Building Code Appendix O, and any future standards adopted by the Department of Housing and Community Development related to emergency housing or emergency housing facilities, unless the city, county, or city and county adopts findings stating why the standards cannot be met and stating how the standards in the ordinance protect health and safety. Upon the adoption of an ordinance, the city, county, or city and county shall file a copy of the adopted ordinance, and any associated findings, with the department.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters 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 homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

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

(3) Homeless shelters 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), the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), or the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), except that disposition of any vehicle or its contents abandoned by its owner shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3 of the Civil Code.

(4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to any of the following actions taken by a state agency or a city, county, or city and county:

(A) To lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for a homeless shelter constructed pursuant to, or authorized by, this section.

(B) To provide financial assistance to a homeless shelter constructed pursuant to, or authorized by, this section.

(C) To approve a contract to provide services for people experiencing homelessness to a homeless shelter constructed pursuant to, or authorized by, this section. These services may include, but are not limited to, case management, resource navigation, security services, residential services, and counseling services.

(5) (A) On or before July 1, 2019, the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(B) In the case of a shelter crisis declared by the County of Alameda, a city located within the County of Alameda, the County of Orange, a city located within the County of Orange, or the City of San Jose, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1, 2020, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(C) In the case of a shelter crisis declared by any other county or city not described in subparagraph (A) or (B) on or before January 1, 2021, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1, 2021, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(D) In the case of a shelter crisis declared by any other county or city not described in subparagraph (A) or (B) after January 1, 2021, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1 of the year following the declaration of the shelter crisis, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(6) If the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report, by January 1 of each year, all of the following to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development:

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

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

(C) The estimated number of permanent supportive housing units.

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

(E) The number and bed capacity of new homeless shelters built pursuant to this section within the city, county, or city and county. The information regarding the bed capacity shall be included in reports due by January 1, 2022, and by January 1 of each year thereafter. Bed capacity shall not include the parking vehicle capacity of a homeless shelter on a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.

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

(G) The ordinance and any associated findings adopted by the city, county, or city and county pursuant to paragraph (2).

(b) A declaration of a shelter crisis by a city, county, or city and county and the provisions in this section that are or may be utilized by a city, county, or city and county, including an ordinance adopted by a city, county, or city and county pursuant to clause (i) of subparagraph (A) of paragraph (2) of subdivision (a), shall apply to any land owned or leased by an agency or entity created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) if the city, county, or city and county that declared a shelter crisis is one of the parties to the agreement creating the entity or agency and the real property owned or leased by the agency or entity is located within the jurisdiction of the city, county, or city and county that declared the shelter crisis.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services. A "homeless shelter" shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.

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

(d) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

(Amended by Stats. 2024, Ch. 297, Sec. 1. (SB 1395) Effective January 1, 2025. Repealed as of January 1, 2036, by its own provisions.)