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AB-2960 Shelter crises: fire and life safety standards. (2019-2020)

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Date Published: 09/29/2020 02:00 PM

Assembly Bill No. 2960

CHAPTER 148

An act to amend Section 8698.1 of the Government Code, relating to shelters.

[Approved by Governor September 25, 2020. Filed with Secretary of State September 25, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2960, Gipson. Shelter crises: fire and life safety standards.

Existing law authorizes a governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

This bill would authorize a city with a population of more than 3,500,000 to 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 include specified minimum requirements, including, among other things, 24-hour active fire watch, emergency evacuation signage and emergency egress lighting, among other things. The State Fire Marshal would be required to review the standards within 30 days and either approve them or respond as to why they do not meet the threshold requirements. The bill would authorize permits for a period of 90 days and would authorize 90-day extensions, not to exceed 730 days of operation, and would prohibit the authorization of new permits on and after January 1, 2023.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares the following:

(1) Fire and life safety standards are of paramount importance for all members of society.

(2) Short-term flexibility provided to the State Fire Marshal to authorize alternatives to existing fire and life safety standards ensures that sheltering facilities can continue operating during a declared shelter crises with the intent residents move to long-term and permanent housing that complies with fire and life safety standards.

(b) It is the intent of the Legislature that those communities experiencing a shelter crisis provide safe shelter for individuals in need.

SEC. 2. Section 8698.1 of the Government Code is amended to read:

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).