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AB-90 Public postsecondary education: overnight student parking. (2025-2026)

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AMENDED IN ASSEMBLY MAY 23, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 90

Introduced by Assembly Member Jackson

January 06, 2025

An act to add Section 76013 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 90, as amended, Jackson. Public postsecondary education: overnight student parking.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one segment of public postsecondary education in the state. Under existing law, the board of governors appoints a chief executive officer, who is known as the Chancellor of the California Community Colleges. Existing law establishes community college districts throughout the state and authorizes these districts to provide instruction at the community college campuses they operate and maintain. Existing law requests the campuses of the California Community Colleges to give priority housing to current and former homeless youth and current and former foster youth, as specified.

This bill would require the governing board of each community college district to adopt a plan to offer an overnight parking program to eligible students, as defined, and would require the plan to be developed in consultation with basic needs coordinators and campus security, as specified. The bill would require the plan to include, among other things, a procedure for issuing an overnight parking permit at no cost to students. The bill would impose duties on basic needs coordinators related to the community college programs, including when acceptance of applications from eligible students would begin. The bill would require the governing board of each community college district, on or before December 31, 2026, to vote to ~~establish~~ *determine if the community colleges within the district will establish* an overnight parking program that aligns with the ~~plan except, if the governing board does not vote to establish the program, the bill would require the governing board to annually vote on whether to establish an overnight program plan until it votes to establish the program:~~ *plan*.

This bill would provide that a campus is not civilly liable for a campus employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking, as provided.

This bill would require campuses to report to the office of the Chancellor of the California Community Colleges certain information, including, among other information, the socioeconomic and demographic backgrounds of participating students, as specified. The bill would additionally require the office of the Chancellor of the California Community Colleges to report to the Legislature and the Governor on the campus programs, as provided. The bill would require these reports to be included as part of a specified report related to basic needs services and resources.

To the extent that this bill would impose new duties on community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 76013 is added to the Education Code, to read:

76013. (a) As used in this section, the following definitions apply:

- (1) "Basic needs coordinator" means the coordinator, as defined in Section 66023.5, or the coordinator's designee.
- (2) "Campus" means a California community college campus.
- (3) "Chancellor's office" means the office of the Chancellor of the California Community Colleges.
- (4) "Eligible student" means a student who meets both of the following requirements:
 - (A) The student is enrolled in coursework at a community college offering an overnight parking program established pursuant to this section.
 - (B) If not waived, the student has paid their enrollment fees.
- (5) "Participating student" means a student who has applied and is approved to use overnight parking facilities pursuant to an overnight parking program established pursuant to this section.
- (6) "Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy.
- (7) "Sustainable housing alternative" means a housing option that provides a participating student with stable housing for more than three weeks.

(b) On or before September 1, 2026, the governing board of each community college district shall adopt, as part of the annual campus safety plan, a plan to offer an overnight parking program to students enrolled at each campus within the community college district. It is the intent of the Legislature that the plan provides overnight parking to students who are experiencing housing insecurity and allows students to stay in their cars overnight at designated parking lots and parking spots on campus pursuant to paragraph (5). The plan shall be developed in consultation with the campus' basic needs coordinator and with the campus' security. The plan for a campus' overnight parking program shall include all of the following:

- (1) A written agreement with the campus' security for monitoring overnight parking lots and spots. The agreement shall include a procedure for reporting and responding to any threats to the safety of a participating student.
- (2) An overnight parking program application developed by the campus' basic needs coordinator. The application shall require an eligible student to acknowledge that the campus cannot guarantee a student's safety if the student elects to participate in the overnight parking program. The application shall require an eligible student to acknowledge and agree to the overnight parking program rules established pursuant to paragraph (6) and to acknowledge that any violation of these rules shall result in the student's immediate removal from the program.

(3) Designation of bathroom and shower facilities that will be made available to participating students, and an agreement with custodial staff for the maintenance of those designated facilities.

(4) A determination as to whether the governing board of the community college district will prohibit use of recreational vehicles for parking under the program.

(5) (A) The designation of at least one parking lot ~~and at least 50 parking spots~~ on campus for use by participating students under the program. *The campus shall determine the total number of parking spots designated within the parking lot for participating students.*

(B) Subparagraph (A) does not restrict the total number of on-campus parking lots or parking spots designated by the governing board of the community college district for parking under the program.

(6) Overnight parking program rules that a participating student must follow when using overnight parking facilities. These rules shall include the campus' student code of conduct and a zero tolerance policy for intimidation, harassment, and the use of drugs or alcohol. A violation of the overnight parking program rules shall be reported and investigated in the same manner as a student code of conduct violation. If a participating student is found to have violated these rules, the student shall be immediately removed from the overnight parking program.

(7) A procedure for registering and verifying the identity of an eligible student and the student's vehicle through the issuance of an overnight parking permit. This information shall be used solely for the purpose of implementing the overnight parking program, and shall not be disclosed for any other purpose, except pursuant to a particularized, court-issued warrant.

(8) Daily time of use or hours of operation requirements for overnight parking under the program. These requirements shall at least ensure that the daily time of use or hours of operation for overnight parking under the program align with the campus' operational hours. These requirements shall provide for parking to occur overnight, and shall include a plan to maintain the overnight parking program during holidays and academic breaks.

(9) A procedure for issuing an overnight parking permit to students at no cost to students. The overnight parking permit shall include a specified timeframe in which the parking permit is valid. This timeframe shall be at least four weeks, but it shall not be more than one semester or the quarterly equivalent.

(10) A requirement for the campus' basic needs coordinator to prioritize securing sustainable housing alternatives for participating students.

(11) A procedure for students to apply for and obtain approval to participate in the overnight parking program. The procedure shall include a process informing students about the bathroom and shower facilities designated pursuant to paragraph (3) and providing students with a copy of the overnight parking program rules required by paragraph (6).

(12) An estimation of the cost of implementing the overnight parking program.

(c) (1) On or before December 31, 2026, the governing board of each community college district shall vote to ~~establish~~ *determine if the community colleges within the district will establish* an overnight parking program that aligns with the plan adopted pursuant to subdivision (b).

(2) If the majority of the governing board votes in favor of establishing an overnight parking program pursuant to paragraph (1), the basic needs coordinator for each campus within the community college district shall, with immediate effect, implement the plan adopted pursuant to subdivision (b), and shall commence accepting applications for the overnight parking program within three months of the vote.

~~(3) If the majority of the governing board votes against establishing the overnight parking program pursuant to paragraph (1), the governing board shall vote each year, on or before December 31, on whether to establish an overnight parking program. The vote shall take place annually until the governing board votes in favor of establishing the overnight parking program.~~

(3) If an overnight parking program is not established pursuant to paragraph (2), this section does not prohibit the governing board of a community college district from revisiting the feasibility of establishing an overnight parking program.

(d) Each campus that offers an overnight parking program pursuant to this section shall do all of the following:

(1) Send a stand-alone email to each student enrolled at the campus at the beginning of each semester or the quarterly equivalent describing available student housing services.

(2) Provide a description of available student housing services at each student orientation at the campus.

(3) Provide a housing assistance tab that is clearly visible and easily accessible from a drop-down menu on the home page of the campus' internet website.

(e) A participating student shall be granted access to overnight parking until the student is provided access to a sustainable housing alternative offered by the campus' basic needs coordinator.

(f) A campus that complies with the requirements of this section is not civilly liable for a campus employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking. This immunity does not apply to gross negligence, intentional misconduct, or violations of other laws.

(g) Each campus shall, as part of the report required by subdivision (c) of Section 66023.5, report annually to the chancellor's office all of the following:

(1) The use of overnight parking facilities by participating students.

(2) The number of participating students served by overnight parking facilities.

(3) The socioeconomic and demographic backgrounds of participating students.

(4) Other housing services offered to its students.

(5) Challenges and best practices in the ongoing operations of overnight parking facilities.

(6) Whether participating students remained enrolled or graduated from a campus within the community college district.

(h) The chancellor's office shall, as part of the report required by subdivision (d) of Section 66023.5, annually report on the overnight parking programs based on the information reported pursuant to subdivision (g).

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.