

MEMORANDUM

TO: Regional Steering Committee on Homelessness and Housing
FROM: HomeBase
DATE: January 25, 2008
RE: SB 2 (“Fair Share Zoning Bill”)

Context

Emergency shelters or “interim” or “short-term” housing is needed in all of our communities because we have not yet built up enough housing affordable to homeless people. Each community has a 10-Year Plan with specific housing goals and an interest in reducing or eliminating shelter. However, no one has reached yet the point of re-balancing housing resources to accomplish this goal.

In fact, activities to create new short-term housing opportunities, many receiving state EHAP resources, have been underway:

- Napa County opened a new adult shelter, the South Napa Shelter, approximately 2 years ago¹ as part of a development effort in a new neighborhood of Napa. The Gasser Foundation donated the land to build the homeless shelter. It is a two-story, state-of-the-art facility with purpose-built rooms and spaces for all shelter, service, and operational uses of the site. It provides up to 90 days of housing for single homeless adults and provides programs like life and job skills training, client volunteer opportunities, and counseling.
- Merced County will open Merced’s first permanent homeless shelter near the end of January.² The Merced Community Action Agency’s new shelter will have 60 beds for men and women.³ The shelter will also provide homeless adults with a “one-stop” place to shower, wash clothes, get counseling, and use computers for to look for jobs.⁴
- San Luis Obispo County is developing a one-stop homeless services campus and permanent shelter as part of their 10-Year Planning process. The county currently has a year-round shelter, an “overflow” shelter program, women’s shelters, and transitional housing. The County is planning strategically with an inclusive, multiple-agency process to identify and address gaps in its homeless services.
- Placer County is continuing its efforts to create short-term housing and a new multi-service center. The P.A.S.E. Center is designed to be a “comprehensive social services and housing facility.”⁵ It will have up to 90 beds for short-term and transitional housing. The Center will link people directly to emergency shelter, transitional housing, and permanent supportive housing programs, with an emphasis on placing people in

¹ Phone interview with Napa County’s Hope Center staff.

² Albrecht, Leslie. “Merced Struggles to House Homeless; Sierra Presbyterian Church Fills Void While Construction is Delayed on New Permanent Shelter,” THE MERCED SUN-STAR (January 15, 2008)

³ *Id.*

⁴ *Id.*

⁵ The P.A.S.E. Center PDF report, available at <http://www.lazarusprojectinc.org>

permanent housing.⁶ The planning process involves multiple agencies and has been ongoing for at least 5 years.

- Salinas (Monterey County) is pursuing the Chinatown Renewal Project as part of a community effort to redevelop a neighborhood dealing with crime, neglect, and homelessness. The community held a series of public, interactive events in to produce a redevelopment plan. This plan includes a mix of housing types like for various income levels (i.e., subsidized affordable, workforce, and market-rate), time periods (i.e., permanent and transitional). There will be supportive, service-enriched, and independent housing for families, seniors, and singles.

Since there is a continuing need for short-term housing and activities like those above are occurring in our communities, Senate Bill (“SB”) 2 will provide a new boost to emergency housing development by the state. The bill will accomplish this with no cost to the state budget,⁷ so should not be affected by the new state budget cuts.

Background: Related RSC Discussion

The Regional Steering Committee (RSC) has discussed proposals to expand California’s legislative protection of shelters, transitional housing, and homeless service providers in the context of its anti-NIMBY work over the years. During 10-Year Plan discussions in 2004, the RSC considered the Burton Commission Report’s recommendations to expand anti-NIMBY laws to protect shelters, transitional housing, and homeless service providers; and to require local governments to specify zones or locations where shelters can be sited in the General Plan’s housing element.⁸ In 2005, the RSC considered zoning and other strategies to address NIMBY opposition to affordable housing and housing for the homeless.⁹ More recently, in 2006, the RSC discussed a very similar predecessor bill, SB 1322, by Senator Cedillo, the same author as SB 2. The RSC discussed Housing California’s support of the bill. At the March¹⁰ and July 2006 meetings, the RSC reviewed the bill and decided not to take a position on SB 2’s predecessor because of lack of agreement by jurisdictional members.¹¹

⁶ The P.A.S.E. Center PDF report, available at <http://www.lazarusprojectinc.org>

⁷ California Senate Bill (“SB”) 2, Section 5 (“no reimbursement is required by this act...”)

⁸ HomeBase’s “Landmark California Legislation & State Government Reports Addressing Homelessness” was presented as part of 10-Year Plan strategies at the September 17, 2004 RSC meeting. These two sections of the Burton Commission Report were noted on page 3. This is the full citation for the Burton Commission Report: A Home For Every Californian: Final Recommendations and Report; California Senate Bipartisan Task Force on Homeless, Sacramento, CA: Senate Publications, 2001.

⁹ HomeBase’s “Creative Approaches to Housing” included anti-NIMBY strategies about zoning/parking/building codes, Specific Plans, educational processes, and incentives. This was a January 21, 2005 memorandum to the RSC.

¹⁰ HomeBase’s “Governor’s Proposed Budget 2006-2007 and Proposed Legislation Related to Homelessness” was presented during the March 17, 2006 RSC meeting. Housing California’s 2006 Legislative Priorities was attached to this memorandum.

¹¹ HomeBase’s “A Status Update of State Bills being Supported or Opposed by Housing California and the RSC” was presented at the July 7, 2006 RSC meeting. This memorandum listed Housing California’s decision to support the bill and the RSC’s decision not to take a position on the bill.

SB 2: Fair Share Zoning Bill¹²

Overview

SB 2 promotes local solutions to homelessness while protecting shelters, transitional and supportive housing from NIMBY issues. SB 2 amends the Housing Element Law and Housing Accountability Act to provide a state-mandated framework for local planning processes regarding shelters, transitional and supportive housing. The legislation increases the duties of local public officials and limiting conditions for denying approvals, but preserves some local control and accountability.¹³ The following sections provide more information about how SB 2 amends current law and SB 2's specific requirements.

SB 2 Amends the Housing Element Law and Housing Accountability Act

California's Housing Element Law requires local governments to plan adequately to "meet the existing and projected housing needs of all economic segments of the community."¹⁴ Jurisdictions must estimate the number of people needing emergency shelter and transitional housing.

SB 2 amends the Housing Element Law to "require[] local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit."¹⁵ All cities and counties must plan to deal with local homelessness within their jurisdiction. The amended law requires local assessments of homeless people within communities and short-term housing capacities. If a community had an unmet need, then the community would be required to identify areas in which short-term housing could be located. The laws limit the community's discretion in approving short-term housing developments in these areas by allowing them without discretionary permits, so effectively "by-right."

California's Housing Accountability Act's anti-NIMBY protections prohibit discrimination against certain permanent housing for lower-income households.¹⁶ SB 2 expands anti-NIMBY protection of shelters, transitional housing, and supportive housing. The legislation strictly limits reasons to deny approvals of emergency shelters, transitional housing, and supportive housing.

SB 2 Applies to (1) Emergency Shelter Planning Processes; and (2) Emergency Shelter, Transitional Housing, and Supportive Housing Siting

The legislation covers planning and siting processes. SB 2's planning sections address zoning and community needs assessments. These sections focus on emergency shelters.¹⁷

¹² <http://www.leginfo.ca.gov>

¹³ Stivers, Mark, "SB 2 Senate Bill – Bill Analysis," available at: <http://infor.sen.ca.gov>

¹⁴ California Department of Housing and Community Development, website information on Housing Elements, available at <http://www.hcd.ca.gov/hpd/hrc/plan/he/>. Please note that the RSC worked with Maxine Waters to get this bill passed.

¹⁵ *Id.*

¹⁶ Brian Augusta, "Senate Bill 2 (Cedillo) Fact Sheet," California Rural Legal Assistance Foundation

¹⁷ California SB 2, Section 3(a)(4) (amending Section 65583 of the Government Code)

SB 2 addresses the siting of emergency shelters, transitional and supportive housing. The bills ensure that local governments do not unreasonably deny approval for needed emergency shelters, transitional and supportive housing.¹⁸ There are very limited exceptions for local governments to deny approval for new shelters or transitional housing when the location is zoned for that use and the community has determined they are needed during its needs assessment.¹⁹ As a result, these provisions can assist communities with NIMBY issues by making it very difficult for local government to deny approval of needed new short-term housing.

SB 2: Needs Assessment

Local governments must perform a housing need assessment by identifying the number and characteristics of the local homeless population and housing inventory.²⁰ The assessment must consider both annual and seasonal need.²¹ The locale will compare its emergency shelter need to its existing emergency shelter inventory.²²

SB 2 allows local agencies to take credit for planning to reduce homelessness.²³ A community with pro-active programs in place (e.g., 10-Year Plan implementation work) can reduce the local jurisdiction's emergency shelter need. Such programs can include supportive housing units²⁴ identified in a community's 10-Year Plan to End Chronic Homelessness. The units must be either currently vacant, or not completed, but have identified funding to allow construction during planning period.

SB 2: Emergency Shelter Zoning

The amended Housing Element Law requires cities and counties to identify a zone or zones where shelters are permitted without conditional use or other discretionary permits.²⁵ The zoning must provide sufficient capacity to meet the identified local need for shelter.²⁶ Existing facilities can be converted into shelters, so communities can count these in satisfying the zoning and sufficient capacity requirements.²⁷ Communities must include programs to rezone within one year from their housing elements' adoption if the communities cannot identify zones with sufficient capacity.²⁸ Cities and counties with existing ordinances that comply with SB 2 do not need to take additional action, but only need to describe their compliance in their housing elements.²⁹

¹⁸ Brian Augusta, "Senate Bill 2 (Cedillo) Fact Sheet," California Rural Legal Assistance Foundation

¹⁹ Brian Augusta, "Senate Bill 2 (Cedillo) Fact Sheet," California Rural Legal Assistance Foundation

²⁰ Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD's technical assistance on Government Code Section 65583(a)(4))

²¹ *Id.*

²² *Id.*

²³ California SB 2, Section 3(a)(7) (describing reduced need for identified units in adopted 10-year plans)

²⁴ Defined as "housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community." California Health and Safety Code, Section 50675.14

²⁵ Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD's technical assistance on Government Code Section 65583(a)(4))

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

Every locality must have at least one zone for a year-round shelter.³⁰ This applies even if the community fully has met or exceeded its need for emergency shelter.³¹

SB 2 authorizes up to 3 communities to enter into a multi-jurisdictional agreement to provide homeless services (e.g., a joint shelter) and share credit towards their shelter zoning and sufficient capacity requirements. This allows for a regional approach³² when it might be appropriate. Communities can partner with up to two neighboring communities to create effectively use by-right³³ zoning areas for emergency shelters. The communities have up to two years to develop at least one-year round emergency shelter for their area.³⁴ The shelter capacity developed may satisfy all or part of a community's zoning requirement.³⁵ The communities involved must apportion the joint shelter capacity to give credit to each community.³⁶ Each community must describe in its Housing Element the agreement, method for apportioning credit, its contribution towards the joint shelter, its need compared with its portion of shelter capacity.³⁷

SB 2: Community May Only Apply the Following Standards to Emergency Shelters

SB 2 restricts the use of development and management standards for emergency shelters meeting the community's assessed need and falling within the appropriate zone. These shelters may only be subject to those development and management standards applying to residential or commercial development within the same zone.³⁸ Existing or proposed permit processing, development and management standards must encourage and facilitate conversion to emergency shelters or their development.³⁹

However, a local government may apply written, objective standards that include any or all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility;
- (ii) Off-street parking based upon demonstrated need provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone;
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management;
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;

³⁰ *Id.*; Western Law and Poverty Center. *Housing Task Force Update*, No. 60 (October 2007), 33, available at: <http://www.wclp.org/files/update%2060%20FINAL%20webversion.doc>

³¹ Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD's technical assistance on Government Code Section 65583(a)(4))

³² Stivers, Mark, "SB 2 Senate Bill – Bill Analysis," available at: <http://infor.sen.ca.gov>

³³ The statute's language states this negatively by restricting conditional or other discretionary use permits.

³⁴ California SB 2, Section 3(d)

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ California SB 2, Chapter 633, Section 3(a)(4)(A)

³⁹ Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD's technical assistance on Government Code Section 65583(a)(4))

- (vi) The length of stay;
- (vii) Lighting; and
- (viii) Security during hours that the emergency shelter is in operation.⁴⁰

*SB 2: Anti-NIMBY Law Expanded to Protect Shelters, Transitional Housing, and Supportive Housing*⁴¹

The updated Housing Accountability Act expressly limits local government ability to deny or conditionally approve shelters, transitional housing, and supportive housing⁴² by using design review standards and other conditions “render[ing] the project infeasible for development.”⁴³ However, the legislation permits standards, conditions, and policies applied to “facilitate and accommodate the development of a shelter.”⁴⁴

The local government cannot disapprove of shelters, transitional housing, or supportive housing unless it makes “written findings, based upon substantial evidence in the record” that one of the following five narrow conditions applies:⁴⁵

- (1) The jurisdiction has an adopted housing element and has met its regional housing need⁴⁶
- (2) The proposed emergency shelter or transitional housing has a specific, adverse impact on public health or safety. There must be “no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable...or...financially infeasible.”⁴⁷
- (3) Denial is required to comply with specific state or federal law⁴⁸
- (4) The proposed development is for land zoned for agricultural or resource preservation use⁴⁹
- (5) The transitional housing or shelter is inconsistent with both the zoning ordinance and general plan land use, and the jurisdiction has adopted a housing element⁵⁰

⁴⁰ California SB 2, Chapter 633, Section 3(a)(4)(A)

⁴¹ Western Law and Poverty Center. *Housing Task Force Update*, No. 60 (October 2007), 33, available at: <http://www.wclp.org/files/update%2060%20FINAL%20webversion.doc>

⁴² Higgins, Bill, “League Efforts on SB 2 Help Retain Local Control on Zoning for Homeless Shelters,” *Focus on Housing*, Vol. III, Issue 10, 1-2 (2007); Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD’s technical assistance on Government Code Section 65583(a)(4)). Please note while shelters are included expressly within the relevant provision of the amended law, transitional and supportive housing are included within the definition of “housing development project” referred to within a later definitions section. See Section 65589.5(d)(providing requirements for written findings) and (h)(including transitional and supportive housing within the housing development project definition).

⁴³ California SB 2, Section 4(d)

⁴⁴ Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD’s technical assistance on Government Code Section 65583(a)(4))

⁴⁵ California SB 2, Section 4(d)

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

SB 2's Effective Date and Application: Next Housing Law Element Update

The effective date of SB 2 was January 1, 2008. SB 2 applies to all local governments submitting housing elements to California's Department of Housing and Community Development for review on and after June 30, 2008, 90 days following SB 2's effective date.⁵¹ Cities and counties will need to comply with the zoning requirements at their next regular Housing Element Law update. Jurisdictions unable to comply at their next update cycle must do so not later than a year after their Housing Element Law's adoption.⁵²

The Housing Element update schedule for RSC members is as follows:

- Sacramento Area Council of Governments: June 30, 2008⁵³
- Association of Bay Area Governments: June 30, 2009⁵⁴

Local Example: Analysis of the City of Sacramento's Zoning Code

Emergency Shelter Zoning

The City of Sacramento includes 5 zones where emergency shelters are permitted without special permits.⁵⁵ Sacramento's zoning must provide enough shelter capacity to meet the need it determined for families and individuals requiring housing for six months or less. At least one of these zones must accommodate a year-round emergency shelter. To assess this, one would need to compare Sacramento's assessed need to the housing available in these zones. If Sacramento falls short of its assessed need for emergency shelter, then it must put together a program to zone or rezone additional areas for emergency shelters to be obtained without conditional-use or discretionary permits. Once Sacramento meets or exceeds its assessed need, then Sacramento can zone some areas for shelters subject to conditional use permits.

However, currently the shelters are permitted in these zones only if the shelters comply with all of the written location requirements and development standards. Otherwise, a special permit that would likely be considered a "conditional use" or "other discretionary permit" must be obtained from Sacramento's Planning Commission.

The City of Sacramento's zoning code includes development and management standards similar to those permitted in the bill.⁵⁶ As mentioned above, objective standards benefiting the shelter are permitted. The City's requirements for maximum proximity to transit, posted operating

⁵¹ California Department of Housing and Community Development, website information on Housing Elements, available at <http://www.hcd.ca.gov/hpd/hrc/plan/he/>; Building Blocks for Effective Housing Elements, Sites Inventory and Analysis, Zoning for Emergency Shelters and Transitional Housing (HCD's technical assistance on Government Code Section 65583(a)(4))

⁵² Fair Zoning Law [SB 2]. Senator Gilbert Cedillo's website: <http://dist22.casen.govoffice.com>

⁵³ California Dept. of Housing and Community Development, "Element Update Schedule," available at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_time.htm

⁵⁴ *Id.*

⁵⁵ Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.020 and 17.24.050, Footnote 78

⁵⁶ January 9, 2007 email from Bill Higgins, League of California Cities, about current zoning anticipating SB 2's application. For specific sections on residential shelters, please see Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.050, Footnote 78.

hours, available telephones, secure personal property areas, and minimum common space likely facilitate a shelter's operation, so these seem to comply with SB 2.

SB 2 explicitly allows standards regulating the maximum numbers of beds; off-street parking; onsite waiting area size and location; onsite management; maximum 300 foot proximity to other emergency shelters; length of stay; lighting; and security during shelter operating hours. The City's requirements on maximum number of beds,⁵⁷ on-site personnel,⁵⁸ lighting,⁵⁹ and waiting area⁶⁰ fit SB 2's allowed standards. The City's parking requirement⁶¹ complies so long as it does not exceed required parking for other residential or commercial uses within the same zone. However, Sacramento's location requirements require 1000 feet of distance to other emergency shelters,⁶² so would need to be reduced to 300 feet to comply with SB 2. The City must amend its location requirements unless they either benefit the shelter⁶³ or apply to other residential or commercial development within this zone.

Procedures for Shelter, Transitional Housing, and Supportive Housing Programs

Currently Sacramento's Planning Commission must issue special permits for transitional housing and supportive housing programs.⁶⁴ Shelters are permitted in a number of areas with special permits, but only 5 zones without special permits and remain subject to the standards discussed above.⁶⁵ SB 2's guidelines limiting the Planning Commission's discretion in approving special permits are not included in Sacramento's current Zoning Code. Therefore, Sacramento must ensure that its permit process complies with SB 2's requirements.

Shelter, transitional housing, and supportive housing programs that utilize single-room occupancy hotels (SROs) currently must comply with additional requirements.⁶⁶ Some of these requirements may conflict with SB 2's specific restrictions on disapproving or conditioning approval of a housing development project like a transitional housing program utilizing SROs. SB 2 does not allow the local government to condition approval on compliance with design

⁵⁷ Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.050, Footnote 78

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.050, Footnote 78

⁶³ California SB 2, Chapter 633, Section 3(a)(4)(A) (stating that requirements and standards must be "objective and encourage and facilitate the development of, or conversion to, emergency shelters")

⁶⁴ Transitional and supportive housing would be considered "residential care facilities" under the Social Services definition in the City's Zoning Code. Sacramento City Code, Title 17, Division I, Chapter 17.16.010. All residential care facilities must apply for a special permit in all permitted zones and comply with any additional requirements for specific zones. For specific permit provisions, see Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.010 (chart instructions), 17.24.020 (residential land use charts), 17.24.050 (footnotes); Sacramento City Code, Title 17, Division V, Chapter 17.172(B)(19) (for residential care facilities within a specific zone).

⁶⁵ Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.020 and 17.24.050, Footnote 78

⁶⁶ All SROs must comply with the requirements in footnote 50 and any additional requirements for specific zones. For specific permit provisions, see Sacramento City Code, Title 17, Division II, Part 1, Chapter 17.24.010 (chart instructions); 17.24.020 (residential land use charts); 17.24.050, footnotes 20, 50, 69. *See also* Sacramento City Code, Title 17, Division V, Chapter 17.172(B)(20) (for SROs within a specific zone).

review standards like Sacramento's "design and preservation review" unless Sacramento makes written findings based on substantial evidence that 1 of 5 conditions above applies.

SB 2's Relationship to California's 10-Year Planning Process

SB 2 is intended to complement California's 10-Year Plan.⁶⁷ The Governor's draft 10-Year Chronic Homeless Action Plan has similar goals to SB 2. One similar feature is the plan's goal "to encourage local jurisdictions to make zoning and planning changes to facilitate and streamline the development of affordable housing for people who are chronically homeless."⁶⁸ Both SB 2's author, Senator Cedillo,⁶⁹ and the Governor's office⁷⁰ confirmed that SB 2 helped implement the Governor's 10-Year Plan goals. (Remember Asilomar!)

SB 2 Based on Prior Effort with a Broader Impact (SB 1322)

SB 2 was based on a prior vetoed bill, SB 1322, with a broader focus.⁷¹ Below are key differences between SB 2 and SB 1322:

- SB 1322 envisioned a community identifying specific development sites within the community for the short-term housing needed.⁷² SB 2 regulates zoning, but leaves specific site identification within the zones to the communities.
- SB 2 removed the required zoning for transitional housing and special needs facilities. This permitted zoning by right or conditional use permit for transitional housing and special needs facilities.⁷³
- SB 2's anti-NIMBY law application narrowed the broader "special needs facilities"⁷⁴ to supportive housing⁷⁵ and a more restrictive definition of transitional housing⁷⁶

⁶⁷ "It's only fair," AMERICAN CITY AND COUNTY, (November 1, 2007), available at: http://americancityandcounty.com/mag/government_fair/

⁶⁸ George, Evan, "From Skid Row to Sacramento," LOS ANGELES DOWNTOWN NEWS, (June 18, 2007)

⁶⁹ Cedillo, Gil, "California Has an Opportunity to Help the Homeless: Let's Work Together on this Very Basic Human Need," (May 18, 2007), available at: http://www.californiaprogressreport.com/2007/05/california_has.html ("The Schwarzenegger [A]dministration has released its own ten-year plan to address homelessness in the state which shares many common principles, key among them strengthening the law to require that local jurisdictions incorporate chronically homeless-related needs and strategies. SB 2 is an ideal legislative vehicle for accomplishing these priorities and my office has been in discussions with the Department of Housing and Community Development on the [A]dministration's plan. That plan is being circulating for comment with an update expected to be released sometime this month.")

⁷⁰ George, Evan, "Governor Signs Homeless Planning Law," LOS ANGELES DOWNTOWN NEWS, 9 (October 22, 2007) (stating that SB 2 was "in line with his [the Governor's] 10-year plan on homelessness. He believes that every locality should take care of the people living in the area without trying to push them into another town that has facilities.")

⁷¹ Stivers, Mark, "SB 2 Senate Bill – Bill Analysis," available at: <http://infor.sen.ca.gov>

⁷² Higgins, Bill, "League Efforts on SB 2 Help Retain Local Control on Zoning for Homeless Shelters," *Focus on Housing*, Vol. III, Issue 10, 1-2 (2007). See California SB 1322, Section 3(a)(7) and (c)(1)(C) (discussing site inventory for emergency shelters)

⁷³ Legislative Counsel's Digest, California SB 1322, Para. 1

⁷⁴ California SB 1322, Section 4(i) (amending Section 65583.2 of the Government Code)

⁷⁵ California SB 2, Section 2(f) (defining supportive housing using Section 50675.14(b) and Section 53260(d) of the Health and Safety Code, amending Section 65582 of the Government Code)

⁷⁶ Compare California SB 2, Section 2(g) (defining transitional housing using Section 50675.14 of the Health and Safety Code); California SB 1322, Section 2(f) (defining transitional housing with a different, broader section of the Health and Safety Code, Section 50801(i))

- SB 2's need assessment does not require assessing transitional housing need⁷⁷
- SB 2 gives communities credit for 10-year planning

⁷⁷ Compare California SB 1322, Section 3(a)(7) (listing examples of “special housing needs” to be assessed); California SB 1322, Section 3(a)(6) (including transitional housing as a category of “special housing needs” to be assessed). Both bills’ sections amend Section 65583 of the Government Code. However, an alternate section for the California SB 1322 section above, Section 3.5(a)(6), did not include transitional housing.

Applying SB 2 in Your Community

Needs Assessment: Your Current vs. SB 2

Cities and counties must assess their housing need and compare their emergency shelter need to their existing emergency shelter inventory. The assessment must consider both annual and seasonal need.

How will you determine your existing emergency shelter need?

Consider...credit for 10-Year Planning

Did your jurisdiction's 10-Year Plan identify supportive housing units? YES NO

Are these units currently vacant? YES NO

Or do these units have identified funding that allows construction over the planning period? YES NO

Zoning: Your Current vs. SB 2

Cities and counties must compare their emergency shelter need to their existing emergency shelter inventory. There are important exceptions for compliant cities.

How does your emergency housing needs assessment compare with your housing inventory?

Is your jurisdiction satisfying its share of the regional housing need? YES NO

At a minimum, the locale must have an area zoned to permit one year-round emergency shelter.

Does your jurisdiction currently have at least one year-round emergency shelter? YES NO

Does your jurisdiction have at least one area zoned to permit a year-round emergency shelter? YES NO

Multi-jurisdictional agreements for emergency shelters can satisfy zoning requirements

Does a neighboring community have a year-round emergency shelter? YES NO

Would your community and neighboring communities be appropriate for a regional shelter approach? YES NO

Approval procedures for emergency shelters, transitional and supportive housing: Your Current vs. SB 2

Does your jurisdiction have a special approval process for shelters?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Transitional housing?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Supportive housing?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Does your jurisdiction require special conditions of shelters?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Transitional housing?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Supportive housing?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If special conditions or permits are required, then how does the jurisdiction decide to grant permits for shelters?		
Transitional housing?		
Supportive housing?		
How do the above compare to SB 2's written standards requirements?		
Do the above fit within 1 of the 5 conditions in SB 2?		

Additional Information

California's Department of Housing and Community Development has technical assistance resources on updated housing element requirements available on their website: http://www.hcd.ca.gov/hpd/housing_element/.

For additional information, please contact HomeBase Staff Attorney Joni Canada at (415) 788-7961, extension 320 or joni@homebaseccc.org.