

G.1

---

**From:** janelle <fortuna.sunshine@gmail.com>  
**Sent:** Tuesday, January 28, 2025 9:18 AM  
**To:** COB  
**Subject:** Adoption of 2025 Legislative Platform  
**Attachments:** Homelessness, what can we do now.pdf; 2024-11-7 Gov code 8698\_4 DRAFT changes proposed for emergency housing.pdf

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

This is to request an addition to the Housing and Homelessness section on pdf page 24. Perhaps something along the lines of :

Legislation to allow Housing First campgrounds (with tenancy) to address homeless as the housing crisis is addressed.

Please see attached.

Thank you.  
janelle  
Janelle Egger

Homelessness,  
what can we do now?

Shelter crisis declaration

+

Housing First approach

+

CA Building Code Appendix

+

appointed oversight group

=

countywide system  
of shelter crisis  
campgrounds

# An interim approach to address homelessness:

## A countywide system of Shelter Crisis Declaration campgrounds,

Eureka and the County have passed shelter crisis declarations (Jan 2016 and Feb 2018).

*California Gov Code* section 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.

## ...operated using Housing First approach,

March 2016 Joint Resolution of the City of Eureka and the County of Humboldt:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Eureka and the Board of Supervisors ..., adopt ...the model of Housing First as the policy for reducing homelessness throughout Humboldt County and the City of Eureka.

*California WIC* §8255 (b) "Core components of Housing First" means all of the following: ...

(6) Tenants have a lease and all the rights and responsibilities of tenancy...

(d) (1) "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

## ...California Residential Code Appendix Emergency Housing,

Dec. 2018 Dept. of Housing & Community Dev. INFORMATION BULLETIN 2018-05

SUBJECT: **Emergency Housing\*** - Permanent Adoption of Emergency Regulations

Effective December 7, 2018

The regulations are now permanent voluntary appendices to the 2016 CBC and 2016 CRC that provide a consistent minimum standard by which local agencies may develop **emergency housing\*** or shelter ordinances.

*California Residential Code Appendix Emergency Housing*, Section AX102 Definitions

EMERGENCY HOUSING. Housing in a permanent or temporary structure(s), occupied during a declaration of ...shelter crisis. **Emergency housing\*** may include, but is not limited to... emergency sleeping cabins, emergency transportable housing units, and tents constructed in accordance with this appendix.

*Green v. Superior Court* - 10 Cal.3d 616 - 1974

"We have concluded that a warranty of habitability is implied by law in residential leases in this state. ...In most cases substantial compliance with those applicable building and housing code standards which materially affect health and safety will suffice to meet the landlord's obligations under the common law implied warranty of habitability we now recognize"

## ...and an appointed oversight group

Ideally a Countywide group to provide coordination and guidance.

*\*Emphasis added*

Janelle Egger, 4/20/2023



## 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. )

**8698.4.** (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 emergency housing 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 emergency housing, 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 emergency housing, 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 emergency housing 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 actions taken by a state agency or a city, county, or city and county, 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, or to provide financial assistance to, emergency housing a homeless shelter constructed or allowed by this section.

(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 emergency housing 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 emergency housing 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 emergency housing 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 emergency housing 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 emergency housing 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 emergency housing 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, 2026, and as of that date is repealed.~~

~~(Amended by Stats. 2020, Ch. 147, Sec. 1 (AB 2553) Effective September 25, 2020. Repealed as of January 1, 2026, by its own provisions.)~~

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

- (1) "Emergency Housing" means housing in a permanent or temporary structure(s), occupied during a declaration of a shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code and emergency sleeping cabins, emergency transportable housing units and tents constructed in accordance with California Building Code Appendix P.
- (2) "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.
- (3) "Housing First campground" means an emergency housing facility as defined in California Building Code Appendix P operated under rental agreements and no requirement of participation in services, as defined in Section 8255(b) and (d) of the Welfare and Institutions Code.
- (4) "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.