Date of Hearing: July 2, 2025

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
Matt Haney, Chair
SB 340 (Laird) – As Amended March 17, 2025

SENATE VOTE: 39-0

SUBJECT: General plans: housing element: emergency shelter

SUMMARY: Revises the definition of interim interventions under "emergency shelter" in housing element law to include all services provided onsite at a shelter, including the addition or expansion of services that are consistent with any written, objective standards. Specifically, **this bill**:

1) Expands the definition of interim interventions under "emergency shelter" to include all services provided onsite, including the addition or expansion of services that are consistent with any written, objective standards, as specified.

2) Expands the definition of "emergency shelter" in a cross-referenced section of statute to include all supportive services.

EXISTING LAW:

1) Requires each city and county to adopt a housing element, which must contain specified information, programs, and objectives, including:

   a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs, including a quantification of the locality's existing and projected housing needs for all income levels; an inventory of land suitable and available for residential development; an analysis of potential and actual governmental and nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels; and a demonstration of local efforts to remove constraints that hinder the locality from meeting its share of the regional housing need, among other things;

   b) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing; and

   c) A program that sets forth a schedule of actions during the planning period, and timelines for implementation, that the local government is undertaking to implement the policies and achieve the goals and objectives of the housing element, including actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the local government's share of the regional housing need for each income level that could not be accommodated on sites identified in the sites inventory without rezoning, among other things. (Government Code (GOV) Section 65583(a)-(c))

2) Requires the assessment under 1)a) above to include the identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. Requires the zoning designations to include sufficient sites with sufficient capacity to accommodate the jurisdiction's need for emergency shelter, as specified, except that each jurisdiction must identify a zoning designation that can accommodate at least one year-round emergency shelter. (GOV 65583(a)(4)(A))

3) Requires a local government, if it cannot identify a zoning designation under 2) above with sufficient emergency shelter capacity, to include a program to amend its zoning ordinance to meet specified emergency shelter requirements within one year of the adoption of the housing element. (GOV 65583(a)(4)(A))

4) Requires emergency shelters under 2) above to only be subject to the following written, objective standards:

   a) The maximum number of beds or persons permitted to be served nightly by the facility;

   b) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone;

   c) The size and location of exterior and interior onsite waiting and client intake areas;

   d) The provision of onsite management;

   e) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;

   f) The length of stay;

   g) Lighting; and

   h) Security during the hours that the emergency shelter is in operation. (GOV 65583(a)(4)(B))

5) Defines, for purposes of 2) above, "emergency shelter" to include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. (GOV 65583(a)(4)(C))

6) Establishes that the permit processing, development, and management standards applied under 2) – 4) above and as provided are not discretionary acts within the meaning of the California Environmental Quality Act. (GOV 65583(a)(4)(D))

7) Defines, for purposes of the Emergency Housing and Assistance Program, "emergency shelter" to mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. (Health and Safety Code Section 50801(e))

FISCAL EFFECT: Unknown.

COMMENTS:

Author's Statement: According to the author, "Senate Bill 340 clarifies that by-right approval for emergency shelters in designated zones includes all services offered by the shelter and any future expansion of wraparound services. These services include essential offerings like meals, shower access, housing navigation, case management, outreach programs, and more.

Some emergency shelters located in emergency shelter overlay zones have nevertheless been required to have conditional use permits for wraparound services, or it's been argued that providing wraparound services disqualifies a shelter from being considered an 'emergency' shelter. By removing this ambiguity, Senate Bill 340 ensures that shelters can continue to meet the evolving needs of vulnerable communities without unnecessary delays and denials."

***Adoption and Implementation of Housing Elements*:** All of the state's 539 cities and counties are required to appropriately plan for new housing through the housing element of each community's General Plan, which outlines a long-term plan for meeting the community's existing and projected housing needs. Cities and counties are required to update their housing elements every eight years in most of the high population parts of the state, and five years in areas with smaller populations. Localities must adopt a legally valid housing element by their statutory deadline for adoption. Failure to do so can result in escalating penalties, including an accelerated deadline for completing rezoning, exposure to the "builder's remedy," public or private lawsuits, financial penalties, potential loss of permitting authority, or court receivership.

Among other things, the housing element must demonstrate how the community plans to accommodate its share of its region's housing need. To do so, each community establishes an inventory of sites designated for new housing that is sufficient to accommodate its fair share, as well as sites that can accommodate emergency shelter and interim interventions for those experiencing homelessness in a community. Where a community does not already contain the existing capacity to accommodate its fair share of housing, it must undertake a rezoning program to accommodate the housing planned for in the housing element.

It is critical that local jurisdictions adopt legally compliant housing elements on time in order to meet statewide housing goals and create the environment locally for the successful construction and operation of desperately needed housing and shelter at all income levels. Adequate zoning, removal of regulatory barriers, protection of existing stock and targeting of resources are essential to obtaining a sufficient permanent supply of housing affordable to all economic segments of the community. Although not requiring the community to develop the housing, housing element law requires the community to plan for housing and emergency shelter. Recognizing that local governments may lack adequate resources to house all those in need, the law nevertheless mandates that the community do all that it can and that it not engage in exclusionary and harmful practices.

Cities and counties enact zoning ordinances to implement their general plans. Zoning determines the type of housing that can be built. In addition, before building new housing, housing developers must obtain one or more permits from local planning departments and must also obtain approval from local planning commissions, city councils, or county board of supervisors. Some housing projects can be permitted by city or county planning staff ministerially or without further approval from elected officials. Projects reviewed ministerially, or by-right, require only an administrative review designed to ensure they are consistent with existing general plan and zoning rules, as well as meet standards for building quality, health, and safety. Most large

housing projects are not allowed ministerial review. Instead, these projects are vetted through both public hearings and administrative review. Most housing projects that require discretionary review and approval are subject to review under the California Environmental Quality Act, while projects permitted ministerially generally are not.

By-Right for Emergency Shelters in the Housing Element: SB 2 (Cedillo), Chapter 633, Statutes of 2007 required a local government, in its housing element, to accommodate its need for emergency shelters on sites by-right, or ministerially and without a conditional use permit, and requires cities and counties to treat transitional and supportive housing projects as a residential use of property. Local governments must treat supportive housing the same as other multifamily residential housing for zoning purposes, and may only apply the same restrictions as multifamily housing in the same zone to supportive housing. Prior to the enactment of SB 2 (Cedillo), statute was silent as to where these shelters might be located, and as a result, local governments often identified shelters in industrial areas far from services designed to move people experiencing homelessness from the streets and into permanent housing. Additionally, local governments were not required to identify zones with sufficient capacity to accommodate emergency shelters. As a result, some emergency shelter zones were not actually capable of accommodating a shelter on any of the identified sites.

SB 2 (Cedillo) clarified housing element law with regards to where by-right zones for emergency shelters may be identified. SB 2 made clear that a local government shall only subject a shelter to those development and management standards that apply to residential or commercial development within the same zone, except that a local government may apply specified objective standards listed in the statute. Additionally, SB 2 required local governments to identify by-right shelters in zones that allow residential uses, including mixed uses. Finally, SB 2 required that an emergency shelter zone must include vacant sites or sites that are adequate for a shelter.

Subsequent legislation, AB 2339 (Bloom), Chapter 654, Statutes of 2022, expanded the definition of emergency shelters in housing element law to include other interim interventions, including but not limited to a navigation center, bridge housing, and respite or recuperative care.

Strengthening By-Right Approval for Shelters: This bill further expands the emergency shelter definition in housing element law to include all onsite services, including addition or expansion of services. In addition, several state housing programs – including by-right zones for emergency shelters – reference a now-obsolete program that still exists in statute, the Emergency Housing and Assistance Program, or EHAP. EHAP statute defines "emergency shelter" as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person." This bill strikes the word "minimal" in front of "services."

Arguments in Support: According to the Public Interest Law Project, the bill's sponsor, "Since this law was originally passed, it has been amended several times to close loopholes and strengthen its provisions in response to continued reports of some jurisdictions blocking the siting of shelters. Unfortunately, despite these amendments, shelter providers continue to experience barriers that are contrary to the intent of the law. For example, some cities have required shelter providers to obtain a conditional use permit for services provided at a shelter even if the shelter is located or proposed in a by-right zone, or have argued that in offering wraparound services that the city deems are beyond 'minimal' a shelter does not qualify as an emergency shelter and thus is not eligible for by-right approval. Shelters, low-barrier navigation centers, and other forms of interim housing serve our most vulnerable residents and services are

an integral part of their function. These services, which may include things like housing navigation, case management, outreach, and access to basic needs like meals, showers, laundry, vocational counseling, and mail service, are critical to effectively serve people experiencing homelessness and put them on a path to securing stable, permanent housing and achieving self-sufficiency. SB 340 will further clarify the law by defining emergency shelters eligible for by-right approval in by-right zones to include services offered by the shelter, including any expansion of services, so long as the services are consistent with any written, objective standards adopted by the jurisdiction. It will also strike a perceived limitation that offered services be 'minimal' in order to be considered an emergency shelter protected by the statute."

Arguments in Opposition: None on file.

Related Legislation:

AB 2339 (Bloom), Chapter 654, Statutes of 2022: Made changes to housing element law with regard to where shelters may be zoned.

SB 2 (Cedillo), Chapter 633, Statutes of 2007: Required a local government, in its housing element, to accommodate its need for emergency shelters on sites by right, or ministerially and without a conditional use permit, and requires cities and counties to treat transitional and supportive housing projects as a residential use of property.

Double Referred: This bill was also referred to the Assembly Committee on Local Government, where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Public Interest Law Project (Sponsor)
California Housing Partnership
California Rural Legal Assistance Foundation
East Bay Housing Organizations
Housing California
National Alliance to End Homelessness

Opposition

None on file.

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