Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
Matt Haney, Chair
SB 634 (Pérez) – As Amended June 24, 2025

SENATE VOTE: 23-11

SUBJECT: Local government: homelessness

SUMMARY: Prohibits a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing support services to a person who is homeless, or assisting a person who is homeless with any act related to basic survival. Specifically, **this bill**:

1) Includes the following definitions:

    a) "Act related to basic survival" includes, but is not limited to, assisting with or providing items to assist with any of the following:

        i) Eating and drinking, including provision of food and water;

        ii) Sleeping, including provision of blankets and pillows;

        iii) Protecting oneself from the elements; and

        iv) Other activities and items necessary for immediate personal health and hygiene.

    b) Provides that nothing in the definition of "act related to basic survival" shall be interpreted to include distribution of plywood or other heavy construction materials;

    c) "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, as that section read on January 10, 2019;

    d) "Local jurisdiction" means a city, county, city and county, or special district; and

    e) "Support services" includes street outreach, evidence-based engagement services, intensive case management services, assertive community treatment, housing navigation, harm reduction services, coordination with street-based health care services, and hygiene services for people living in encampments and unsheltered individuals, as specified.

2) Provides that, notwithstanding any other law, a local jurisdiction shall not adopt a local ordinance, or enforce an existing ordinance, that prohibits a person or organization from providing support services, including legal services or medical care, to a person who is homeless or assisting a person who is homeless with any act related to basic survival.

3) States that it is the intent of the Legislature in enacting this bill to do both of the following:

a) Limit penalties that local and state governments may pursue for the performance of acts related to experiencing homelessness, including conducting life-sustaining activities, for the purpose of removing hindrance to ending California's homeless crisis; and

b) Not impose any other restrictions on local jurisdictions beyond those set forth in this bill.

4) Finds and declares that ensuring a compassionate, evidence-based approach to ending homelessness is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.

EXISTING LAW:

1) Establishes the Homeless Housing, Assistance, and Prevention (HHAP) program to provide jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges informed by a best-practices framework focused on moving homeless individuals and families into permanent housing, and supporting the efforts of those individuals and families to maintain their permanent housing. (Health and Safety Code (HSC) 50217)

FISCAL EFFECT: None.

COMMENTS:

Author's Statement: According to the author, "SB 634 will prohibit local and state government entities from adopting an ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing basic survival services or resources to an unhoused person. Addressing the unhoused crisis in California requires proven response efforts focused on providing housing, basic services, and financial support for unhoused individuals. Such programs include the Bringing Families Home program and Homeless Housing, Assistance and Prevention (HHAP) Grant Program that have housed tens of thousands of people. The success of these unhoused service programs is largely based on supporting the efforts of community-based service providers that carry out these programs. Despite such efforts contributing to reducing the number of unhoused, there is a growing trend of local governments adopting ordinances that impose punitive penalties, including fines and jail time towards unhoused service providers. The primary example of the later includes an ordinance that broadly categorized service providers as 'aiding and abetting' for supporting unhoused people or charge them with misdemeanors simply for handing out food and water. Instead of evidence-based intervention, such punitive policies only exacerbate the unhoused crisis, cutting off the lifeline to critical services that ultimately offer a pathway off the streets. The growing shift to criminalize the unhoused and those that assist them has shifted the focus from applying proven, humanitarian solutions to a stigmatized race to the bottom.

SB 634 reaffirms California's commitment to addressing the unhoused crisis through a common sense and humanitarian approach. Specifically, this bill prohibits local and state government entities from adopting a new ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing supportive services, including legal and medical services, as well as other basic survival resources, to an unhoused person. By eliminating these barriers, SB 634 ensures that people providing critical life-saving survival resources and support to

among the most vulnerable, can continue to without fear of persecution and punishment as the state continues to tackle the unhoused crisis."

Police Power and Local Ordinances: The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental 'police power' that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public, including how people use public spaces. Local agencies can impose fines and penalties for violations of local ordinances. A violation of a local ordinance is a misdemeanor, unless by ordinance it is made an infraction. State law allows specified fines for infractions. Any local agency can make any violation of any of its ordinances subject to an administrative fine or penalty (SB 814, Alquist, 1995). Administrative fines and penalties are subject to the same maximum fine limits. The local agency must adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of the fines or penalties.

Homelessness in California: According to the 2024 point in time count, over 187,000 people experienced homelessness in California, which is a 3.1% increase from 2023 representing almost 25% of the nation's homeless population. Sheltered homelessness is when a person is living in a temporary place, such as a temporary shelter, and unsheltered homelessness is living out in the open or in places not designated for, or ordinarily used as, a regular sleeping accommodation for people (i.e. the streets, vehicles, or parks). The point in time count is required by the US Department of Housing and Urban Development as a condition of receiving federal funding. Of that 2024 point in time count population, 123,974 people were experiencing unsheltered homelessness in the state.

The High Cost of Housing: Although some point to drug use as the cause of homelessness, it is the high cost of housing that is the root cause of homelessness in California. Other states with higher rates of overdose but lower costs of housing report much lower rates of homelessness. West Virginia leads overdose deaths per capita but has one of the lowest homelessness rates in the country. A study by the National Low Income Housing Coalition found that West Virginia has 50 affordable and available rental homes for every 100 extremely-low-income households, more than double the number that California has. A family in West Virginia can afford a two-bedroom rental on less than $17 an hour – the second-lowest figure in the nation. In California a family would need more than $40 per hour to be able to afford an average two-bedroom rental.

California needs an additional 2.5 million units of housing to meet the state's need, including 643,352 for very low-income households and 394,910 for lower income households. Since 2018, California has permitted 890,000 units of new housing, with 126,000 of those being low- and very low-income units. The Legislature has passed major legislation in recent years to allow affordable housing to be built on almost any site in the state. However, the lack of housing overall and in particular the continued lack of sufficient affordable housing is a problem that is decades in the making.

Millions of Californians, who are disproportionately lower income and people of color, must make hard decisions about paying for housing at the expense of food, health care, child care, and transportation—one in three households in the state doesn't earn enough money to meet their basic needs. Currently, according to the state's Homelessness Data Integration System data, for

every five individuals who access homelessness services in California, only one is housed each year, leaving four unhoused.

Grants Pass and the Criminalization of Homelessness: On June 28, 2024, in a 6-3 decision the Supreme Court ruled in the case of City of Grants Pass v. Johnson that cities can enforce camping regulations against homeless individuals without violating the Eighth Amendment's ban on cruel and unusual punishment. This means cities can penalize individuals for sleeping outside, even if they have no other safe place to go, according to the Supreme Court. This has led to many cities sweeping encampments of homeless people and pushing them out into less populated areas. The Mayor of San Jose, for example, has proposed to arrest people experiencing homelessness while acknowledging there are not enough mental health beds, permanent supportive housing, or affordable housing units to accommodate people.

For individuals experiencing homelessness, acts necessary for basic survival often happen in public spaces. In jurisdictions that have criminalized these actions, these individuals break the law because they have no private space to live. In February 2025, the City of Fremont enacted an ordinance that banned camping on public property and some private property. It also initially included a prohibition against aiding and abetting camping. Violations were punishable by up to six months in jail or a fine of up to $1,000 per violation. Public outcry regarding the aiding and abetting provision led the City Council to announce amendments to the ordinance to remove that provision. Because the city has approximately one shelter bed for every eight individuals experiencing homelessness, criminalization will not result in a reduction in homelessness; a more effective approach would be to construct more interim housing and permanent affordable housing. SB 634 prevents local agencies from imposing such fines and penalties.

Encampment sweeps that do not connect people to housing are ineffective and a waste of money. Los Angeles adopted an ordinance allowing city council members to designate areas in their district where unhoused people cannot sit, lie down, sleep, or keep belongings on sidewalks or other public areas. People are supposed to receive advanced warning and get help finding shelter before encampments are cleared. A report by the Los Angeles Homeless Services Authority (LAHSA) found that these designations and subsequent sweeps failed to keep the areas free of encampments and people largely returned. The report found that the city of Los Angeles spent millions on enforcement and 81% of people who were removed were ticketed, arrested, and later returned to where police cited them. As a result of the sweeps, service providers working to get people indoors lost contact with their clients, making it harder to connect people to shelter. People's belongings are often thrown away or destroyed in sweeps, including identification documents and vital records that they or service providers need in order to receive housing vouchers or permanent housing. Ninety-four percent of people forced to leave their location stated they wanted shelter, but only 18% were actually connected to shelter. A recent study in Seattle showed that fines and tickets prolonged people's homelessness by nearly two years.[1] Research supports encampment resolution when it is done in a coordinated fashion as part of a multi-system strategy to address the impacts of unsheltered homelessness. Shelter should only be an option when a more permanent housing placement is not available.

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[1] Court-imposed fines as a feature of the homelessness-incarceration nexus: a cross-sectional study of the relationship between legal debt and duration of homelessness in Seattle, Washington, USA | Journal of Public Health | Oxford Academic

This Bill: This bill is a modest effort to limit local government's ability to adopt ordinances that criminalize homelessness and make it harder to serve people experiencing homelessness. Although it began as a more sweeping prohibition, it now simply prohibits a local government from adopting an ordinance that prevents a person or organization from providing support services to a person who is homeless, or assisting a person who is homeless with any act related to basic survival.

Arguments in Support: The National Alliance to End Homelessness Fines writes in support of this bill, "jail time double down on racial inequities. People experiencing homelessness are all already a population that's disproportionately Black: while Black people constitute about 6% of the state's overall population, they represent about a quarter of people experiencing homelessness. This overrepresentation is even worse in the prison system, where Black people in California are incarcerated at 9.5 times the rate of white people. With Black people far more likely to be subject to enforcement actions than white people, penalties for homelessness continue to turbocharge the racial inequities in California's justice system."

Arguments in Opposition: A few cities remain opposed to this bill, including the City of Corona who writes, "The City of Corona has worked hard to develop a system that connects people to shelter, services and housing to "end" homelessness, not support programs that perpetuate street homelessness, such as community-based/faith-based organizations serving meals in parks, providing mobile showers, and providing tents and blankets that result in encampments. In reviewing the amendments, we still believe that this legislation would impact our ability to enforce the City's municipal code regarding unauthorized meal serving in the parks and would further encourage the distribution of blankets and sleeping bags that contribute to encampments."

Double Referred: This bill is double referred. It was heard in the Assembly Committee on Local Government and passed on a vote of 6-2 on July 2, 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California (Sponsor)
Inner City Law Center (Sponsor)
National Alliance to End Homelessness (Sponsor)
Western Center on Law & Poverty (Sponsor)
Abode Housing Development
ACLU California Action
All Home
Alliance San Diego
Brilliant Corners
California Coalition for Rural Housing
California Coalition for Youth
California Housing Partnership
California Interfaith Power & Light
California Professional Firefighters
Coalition on Homelessness
Compass Family Services
Corporation for Supportive Housing
Courage California

Drug Policy Alliance
East Bay Housing Organizations
Enterprise Community Partners
Fremont for Everyone
Harm Reduction Therapy Center
HealthRIGHT 360
HomeFirst Services of Santa Clara County
Housing California
Human Impact Partners
Inland Region Reentry Collaborative
Los Angeles Homeless Services Authority
National Harm Reduction Coalition
National Homelessness Law Center
NOHO Home Alliance
Oakland Privacy
PATH
Peace and Freedom Party of California
Sacramento Area Congregations Together
Safe Place for Youth
SEIU California
Swords to Plowshares - Vets Helping Vets
The Gubbio Project
University of the Pacific McGeorge School of Law Homeless Advocacy Clinic
Valley Oasis
Westside Community Coalition
Individuals (1)

Opposition

City of Corona
City of Fairfield
City of Folsom
City of Lake Forest
City of Lakewood
City of Paramount
City of Riverside
City of Simi Valley
City of Thousand Oaks
City of Torrance
City of Wildomar
Orange County Board of Supervisors
Riverside County Sheriff's Office
San Bernardino County Board of Supervisors

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