

Date of Hearing: May 20, 2020

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 2960 (Gipson) – As Introduced February 21, 2020

SUBJECT: Shelter crises: fire safety standards: inspections

SUMMARY: Deems an emergency housing facility constructed or allowed when a local government declares a shelter crisis to comply with building standards for fire and safety in effect at the time the building was constructed for the duration of the shelter crisis. Specifically, **this bill:**

- 1) Adds a definition of “temporary” to the Shelter Crisis Act (the Act) to mean the duration of the shelter crisis for purposes of inspecting emergency housing facilities constructed or allowed during a declared shelter crisis.
- 2) Provides that an emergency housing facility constructed or allowed under the Shelter Crisis Act is only subject to the building standards related to fire and safety that were in effect when the building was constructed.
- 3) Defines “building standard” to mean a building standard defined in Health and Safety Code Section 18909 or adopted by a local agency pursuant to Health and Safety Code Section 17958.
- 4) Requires a city, county, or city and county to inspect and recertify each temporary emergency housing facility operated with modified building standards every 180 days.

EXISTING LAW:

- 1) Defines “declaration of shelter crisis” to mean the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. (Government Code 8698)
- 2) Defines “political subdivision” to mean the state, any city, city and county, county, special district or school district or public agency authorized by law. (Government Code 8698)
- 3) Provides that upon a declaration of a shelter crisis by a political subdivision, the following applies:
 - a) A political subdivision is immune from liability for ordinary negligence in the provision of emergency housing. This applies only to conditions, acts, or omissions directly related to, and would not occur but for, the provision of emergency housing. A political subdivision is not immune from liability for gross negligent, reckless, or intentional conduct which causes injury.
 - b) The provision of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety are suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of a shelter crisis.

- c) Allows a political subdivision to enact municipal health and safety standards to operate during the housing emergency consistent with ensuring minimal public health and safety. This only applies to additional public facilities open to the homeless. (Government Code 8698)
- 4) Defines “building standard” to mean any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission. (Health and Safety Code Section 18909)
- 5) Allows a city or county to amend, add or repeal local building standards if they meet the requirements of state building standards or if a city or county determines that modification to building standards are reasonably necessary because of local climatic, geological, or topographical conditions. (Health and Safety Code Section 17958)

FISCAL EFFECT: Unknown.

COMMENTS:

Author’s statement: According to the author, “The City of Los Angeles is working diligently to house our homeless neighbors, standing up new shelters and building thousands of units of permanent supportive housing. So far, our A Bridge Home Program is on pace to open 26 new bridge housing sites by the end of June, 2020, with over 2,000 interim housing beds, complete with wrap around services designed to get people into permanent housing.

The City is looking at every available site and property as a place for a new facility. Often times these sites come with significant challenges, whether it’s an older building that if converted to a new, permanent use, would need seismic upgrades or expensive retrofitting in order to meet today’s fire code. Sometimes, these challenges ultimately mean that the costs of upgrading these buildings are infeasible. As a result, projects do not move forward, and an opportunity to bring a homeless Angelinos indoors and put on the path to a permanent home is lost.

AB 2960 provides limited relief that will temporarily modify certain state building and life safety standards in cities that have declared a shelter crisis for temporary shelters that are being sited in converted buildings. In exchange for these reduced standards, inspections and other precautions would be taken to ensure that the health and safety of residents is preserved.”

Shelter Crisis Act: Cities and counties can declare a shelter crisis if a significant number of people cannot obtain shelter, threatening their health and safety. Once a shelter crisis is declared, a city or county is immune from liability or ordinary negligence when providing emergency housing. State and local regulatory statutes, regulations, or ordinances that prescribe standards of housing health and safety are suspended if they would in any way prevent, hinder, or delay the effects of the shelter crisis. In place of standards, a city or county can enact local health and safety standards to ensure minimal public health and safety. These provisions apply only to additional public facilities opened to people experiencing homelessness during a shelter crisis. Cities and counties have authority to waive building standards during a shelter crisis.

Purpose of this bill: The City of Los Angeles would like to develop emergency shelters that can be open for longer than 90 days, but cannot develop long term emergency shelters in existing buildings without installing sprinklers. The local building standards require that newly residential buildings install sprinklers but does not require their installation in existing residential buildings.

The Los Angeles Fire Department will approve the use of existing buildings for emergency shelters, but only for 90 days. Directive #45 established requirements for temporary shelters that are open for a maximum of 90 days. The directive requires that shelters be limited to 49 people or less, that they include a person who is dedicated 24 hours a day to acting as a Fire Watch, that they include a basic fire alarm sounding device, and requires smoke, fire, and carbon monoxide detectors. This bill would give a city or county that declares a shelter crisis the authority to develop emergency shelters that are subject to the building standards in place at the time the building was constructed. The city would be required to inspect the shelter every 180 days to ensure that shelter is operating under modified building standards.

Implications of this bill: The Shelter Crisis Act imposes no limit on the duration of a shelter crisis. The City of Los Angeles declared a shelter crisis in April of 2018. This bill would allow an emergency shelter to remain open for an unlimited period of time with reduced fire and safety standards. Cities and counties would only be required to comply with the fire and safety standards in place when a building was constructed, which could create risks for people living in the emergency shelters. The committee may wish to consider creating a process for the State Fire Marshall to review and approve modified building standards for cities like Los Angeles that want to convert existing structures to emergency shelters for longer and potentially unlimited periods of time.

Committee amendments: The committee may wish to consider amending this bill to create a process for the State Fire Marshall to approve alternative fire/life/safety standards for year-round shelters to ensure that people living in those shelters are properly protected. A city or county could not use the alternative standards unless approved by the State Fire Marshall. The amendments below would make this change.

Delete the contents of the bill and replace them with the following:

The city, county, or city and county, may permit the operation of an emergency housing facility year round where the facility does not comply with state building standards for fire/life safety standards if they submit reasonable standards to the State Fire Marshal that at a minimum:

(1) Require the emergency housing facility to be subject to the building standards related to fire/life safety the state and local regulations required for existing residential occupancies; and

(2) Provide reasonable alternative fire/life safety standards.

For purposes of this subdivision, "building standard" means a building standard as defined in Section 18909 of the Health and Safety Code, or other standard adopted by a local agency pursuant to Section 17958 of the Health and Safety Code.

(d) The State Fire Marshall shall review and approve or respond to a city and county within 30 day of receipt of the draft standards. If the State Fire Marshall does not approve the draft standards then a city shall not adopt the standards.

REGISTERED SUPPORT / OPPOSITION:

Support

Mayor Eric Garcetti, City of Los Angeles (Sponsor)

Opposition

None on file

Analysis Prepared by: Lisa Engel / H. & C.D. / (916) 319-2085