

**ASSEMBLY BILL**

**No. 1372**

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**Introduced by Assembly Member Muratsuchi**

February 19, 2021

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An act to add Chapter 7.9 (commencing with Section 8699) to Division 1 of Title 2 of the Government Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as introduced, Muratsuchi. Right to temporary shelter.

Existing law authorizes a governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances, including those prescribing standards of housing, health, or safety, to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis and allows a city, county, or city and county, in lieu of compliance, to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein.

This bill would require every city, or every county in the case of unincorporated areas, to provide every person who is homeless, as defined, with temporary shelter, mental health treatment, resources for job placement, and job training until the person obtains permanent housing if the person has actively sought temporary shelter in the jurisdiction for at least 3 consecutive days and has been unable to gain entry into all temporary shelters they sought for specified reasons. The bill would require the city or county, as applicable, to provide a rent subsidy, as specified, if it is unable to provide temporary shelter. The

bill would authorize a person who is homeless to enforce the bill’s provisions by bringing a civil action. The bill would require a court to award specified remedies and penalties upon finding a violation of the bill’s provisions, including by requiring the city or county, as applicable, to provide the person who is homeless with temporary shelter, mental health treatment, resources for job placement, and job training until the person obtains permanent housing.

This bill would require every city, county, and city and county to adopt a plan, subject to approval by the Department of Housing and Community Development, to provide for temporary shelter for persons who are homeless in its jurisdiction, as specified. By imposing additional duties on cities and counties, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It should be the legal responsibility of the city or county to
- 4 provide temporary shelter to an individual seeking such shelter.
- 5 (b) It should be the city’s or county’s legal obligation to create
- 6 a temporary shelter plan in its jurisdiction and to allocate the
- 7 necessary funds for shelter, resources, and services.
- 8 (c) The city or county should review and approve draft
- 9 ordinances to ensure that shelters meet minimum habitability,
- 10 health, and safety standards.
- 11 SEC. 2. Chapter 7.9 (commencing with Section 8699) is added
- 12 to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 7.9. RIGHT TO TEMPORARY SHELTER

8699. For purposes of this chapter, “person who is homeless” has the same meaning as “homeless person,” as defined in Section 11302(a) of Title 42 of the United States Code, as that section read on January 1, 2021.

8699.1. (a) (1) Every person who is homeless shall have a right to temporary shelter if the person has actively sought temporary shelter in the jurisdiction for at least three consecutive days and has been unable to gain entry into all temporary shelters they sought for either of the following reasons:

(A) The temporary shelter declined the person for any reason.

(B) The temporary shelter does not meet minimum state or federal housing, health, habitability, planning and zoning, or safety standards, procedures, or laws for the structure.

(2) (A) Every city, or every county in the case of unincorporated areas, shall provide temporary shelter, mental health treatment, resources for job placement, and job training to a person who has a right to temporary shelter pursuant to paragraph (1) until the person obtains permanent housing. If the city or county, as applicable, is unable to provide temporary shelter, it shall provide a rent subsidy in an amount sufficient to cover costs for shelter for each day until the city or county is able to provide temporary shelter to the person.

(B) Every city, or every county in the case of unincorporated areas, shall establish written procedures that a person may use to claim the remedy in subparagraph (A).

(b) A person who is homeless may bring a civil action to enforce paragraph (2) of subdivision (a).

(c) A court shall order the following penalties and remedies upon finding a violation of paragraph (2) of subdivision (a):

(1) The city or county, as applicable, shall provide temporary shelter, mental health treatment, resources for job placement, and job training to the person who is homeless until the person obtains permanent housing.

(2) If the city or county, as applicable, is unable to provide temporary shelter, as described in paragraph (1), the city or county shall provide a rent subsidy in an amount sufficient to cover costs for shelter for each day until the city or county is able to provide the remedy in paragraph (1).

1 (3) The city or county, as applicable, shall pay, for each plaintiff  
2 in the civil action, a civil penalty of \_\_\_\_ dollars (\$\_\_\_\_) into a  
3 discrete fund of the city or county for purposes of creating  
4 temporary shelters in the jurisdiction.

5 (4) The city or county shall pay the plaintiff’s attorney’s fees  
6 and costs.

7 8699.2. (a) Every city, county, and city and county shall adopt  
8 a plan, subject to approval by the Department of Housing and  
9 Community Development, to provide for temporary shelter for  
10 persons who are homeless in its jurisdiction.

11 (b) Every city, county, and city and county shall include, in the  
12 plan described in subdivision (a), all of the following:

13 (1) Identification of temporary shelter options within its  
14 jurisdiction.

15 (2) Identification of sites, plans, timelines, and costs for  
16 increasing temporary shelter options within its jurisdiction.

17 (3) Plans for the funding and the provision of mental health and  
18 substance abuse services, as well as housing and job counseling,  
19 at the temporary shelter sites.

20 SEC. 3. The Legislature finds and declares that finding  
21 solutions to the statewide housing crisis is a matter of statewide  
22 concern and is not a municipal affair as that term is used in Section  
23 5 of Article XI of the California Constitution. Therefore, Section  
24 1 of this act adding Chapter 7.9 (commencing with section 8699)  
25 to Division 1 of Title 1 of the Government Code applies to all  
26 cities, including charter cities.

27 SEC. 4. If the Commission on State Mandates determines that  
28 this act contains costs mandated by the state, reimbursement to  
29 local agencies and school districts for those costs shall be made  
30 pursuant to Part 7 (commencing with Section 17500) of Division  
31 4 of Title 2 of the Government Code.