

AMENDED IN SENATE MARCH 25, 2021

**SENATE BILL**

**No. 616**

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**Introduced by Senator Rubio**

February 18, 2021

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~~An act to amend Sections 50800 and 50801.5 of the Health and Safety Code, relating to housing. An act to amend Section 17456 of the Education Code, relating to school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 616, as amended, Rubio. ~~Emergency Housing and Assistance Program. School facilities: proceeds from lease of surplus property: affordable rental housing facilities.~~

*Existing law exempts certain transactions from the requirements that otherwise apply to the sale or lease of real property by a school district if certain conditions are met, including that the financing proceeds obtained by the school district pursuant to the transaction are expended solely for capital outlay purposes, which are defined to include the construction, reconstruction, or renovation of rental housing facilities for school district employees.*

*This bill would require rental housing facilities for school district employees funded by proceeds realized under this provision to be affordable. The bill would additionally authorize, for the exemption from the requirements that would otherwise apply, one-time capital expenditures and maintenance of school district property funded by financing proceeds obtained from the lease of real property that will be used to construct new affordable rental housing facilities for school district employees.*

~~Existing law, the Emergency Housing and Assistance Program, requires the Department of Housing and Community Development~~

~~(HCD) to adopt regulations to administer the program and requires those regulations to, among other things, ensure that local priorities and criteria are reasonably designed to address the needs of persons experiencing homelessness and ensure that designated local boards meet reasonable standards of inclusiveness, accountability, nondiscrimination, and integrity.~~

~~This bill would additionally require the regulations adopted by HCD to ensure that designated local boards meet reasonable standards of equity.~~

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

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

1     SECTION 1. Section 17456 of the Education Code is amended  
2 to read:

3     17456. Notwithstanding ~~Section 17455~~, Sections 17455 and  
4 17462.3, the sale by the governing board of a school district of  
5 any real property belonging to the school district or the lease by  
6 that governing board, for a term not exceeding 99 years, of any  
7 real property, together with any personal property located thereon,  
8 belonging to the school district *and the use of the proceeds of that*  
9 *sale or lease*, shall not be subject to any other provision of this  
10 chapter, to Article 5 (commencing with Section 17485), or to  
11 Article 8 (commencing with Section 54220) of Chapter 5 of Part  
12 1 of Division 2 of Title 5 of the Government Code, if all of the  
13 following conditions are met:

14     (a) The property is sold or leased to another local governmental  
15 agency, or to a nonprofit corporation that is organized for the  
16 purpose of assisting one or more local governmental agencies in  
17 obtaining financing.

18     (b) (1) In the case of the sale of school district property pursuant  
19 to this section, the school district, as part of that same sale  
20 transaction, simultaneously repurchases the same property that is  
21 the subject of the transaction.

22     (2) In the case of the lease of school district property pursuant  
23 to this section, the school district, as part of that same lease  
24 transaction, simultaneously leases back, for a term that is not  
25 substantially less than the term of that lease, the same property  
26 that is the subject of the transaction.

1 (c) ~~(1)~~—The financing proceeds obtained by the school district  
2 pursuant to the transaction described in this section are expended  
3 solely for capital for either or both of the following purposes:

4 (1) Capital outlay purposes, including the acquisition of real  
5 property for intended use as a schoolsite and the construction,  
6 reconstruction, and renovation of school facilities.

7 (2) For the purposes set forth in subparagraphs (A) and (B).  
8 This paragraph only applies if the financing proceeds to be used  
9 for purposes set forth below are obtained from the lease of real  
10 property that will be used to construct new affordable rental  
11 housing facilities for school district employees within the meaning  
12 of subdivision (d):

13 (A) One-time capital outlay purposes. Proceeds to be used under  
14 this subparagraph shall be placed in a restricted portion of the  
15 school district’s general fund.

16 (B) Maintenance of school district property. Proceeds to be  
17 used under this subparagraph shall be placed in a restricted  
18 portion of the school district’s general fund for routine repairs or  
19 to cover deferred maintenance.

20 For

21 (d) For purposes of this section, the construction, reconstruction,  
22 or renovation of affordable rental housing facilities for school  
23 district employees constitutes a permissible capital outlay  
24 expenditure of the financing proceeds obtained by the school  
25 district.

26 SECTION 1. ~~Section 50800 of the Health and Safety Code is~~  
27 ~~amended to read:~~

28 50800. ~~(a) It is the intent of the Legislature to encourage the~~  
29 ~~provision of shelter, with effective personal rehabilitation and~~  
30 ~~self-sufficiency development services, to persons experiencing~~  
31 ~~homelessness at as low a cost and as quickly as possible, without~~  
32 ~~compromising the health and safety of shelter occupants. It is also~~  
33 ~~the intent of the Legislature to encourage the move of persons~~  
34 ~~experiencing homelessness from shelters to a self-supporting~~  
35 ~~environment as soon as possible, to encourage provision of services~~  
36 ~~for as many persons at risk of homelessness as possible, to~~  
37 ~~encourage compatible and effective funding of homeless services,~~  
38 ~~and to encourage coordination among public agencies that fund~~  
39 ~~or provide services to persons experiencing homelessness, as well~~  
40 ~~as agencies that discharge people from their institutions, including,~~

1 but not limited to, child welfare agencies, health care programs,  
2 and jails and prisons. Because many communities currently provide  
3 shelter and limited services to individuals who are unable or  
4 unwilling to comply with traditional housing programs only during  
5 cold and wet weather and because year-round shelter will  
6 encourage these individuals to accept services and move toward  
7 permanent housing, it is also the intent of the Legislature to  
8 increase the availability of year-round shelter to meet the special  
9 needs of those individuals, including a Safe Haven that provides  
10 supportive housing for seriously mentally ill persons experiencing  
11 homelessness.

12 ~~(b) There is hereby created the Emergency Housing and~~  
13 ~~Assistance Program.~~

14 ~~(c) To the extent possible, the Emergency Housing and~~  
15 ~~Assistance Program shall not conflict with the federal Stewart B.~~  
16 ~~McKinney Homeless Assistance Act, as approved on July 22,~~  
17 ~~1987, cited as Public Law 100-77, as it is, from time to time,~~  
18 ~~amended, and regulations promulgated thereunder by the United~~  
19 ~~States Department of Housing and Urban Development, or its~~  
20 ~~successor.~~

21 ~~SEC. 2. Section 50801.5 of the Health and Safety Code is~~  
22 ~~amended to read:~~

23 ~~50801.5. (a) The department shall adopt regulations for the~~  
24 ~~administration of the Emergency Housing and Assistance Program.~~  
25 ~~The regulations shall govern the equitable distribution of funds in~~  
26 ~~accordance with the intent and provisions of this chapter and shall~~  
27 ~~ensure that the program is administered in an effective and efficient~~  
28 ~~manner. The regulations shall provide for reasonable delegation~~  
29 ~~of authority to designated local boards, ensure that local priorities~~  
30 ~~and criteria are reasonably designed to address the needs of persons~~  
31 ~~experiencing homelessness, and ensure that designated local boards~~  
32 ~~meet reasonable standards of equity, inclusiveness, accountability,~~  
33 ~~nondiscrimination, and integrity.~~

34 ~~(b) The regulations adopted pursuant to this section shall ensure~~  
35 ~~that emergency shelter and services will be provided on a~~  
36 ~~first-come-first-served basis for whatever time periods are~~  
37 ~~established by the shelter. An individual or household shall not be~~  
38 ~~denied shelter or services because of an inability to pay. Nothing~~  
39 ~~in this provision shall be construed to preclude a shelter from~~  
40 ~~accepting payment vouchers provided through any other public or~~

1 private program so long as no shelter beds are reserved beyond  
2 sundown for that purpose. Notwithstanding Section 11135 of the  
3 Government Code or any other provision of law, nothing in this  
4 section shall be construed to preclude a provider of emergency  
5 shelter or transitional housing from restricting occupancy on the  
6 basis of any of the following:

7 (1) Sex.

8 (2) In the case of an emergency shelter or transitional housing  
9 offered exclusively to persons 24 years of age or younger pursuant  
10 to Section 11139.3 of the Government Code, on the basis of age.

11 (3) Military veteran status, if the veterans served possess  
12 significant barriers to social reintegration and employment due to  
13 a physical or mental disability, substance abuse, or the effects of  
14 long-term homelessness that require specialized treatment and  
15 services and the provider of emergency shelter or transitional  
16 housing also provides the specialized treatment and services.

17 However, in the case of families, providers of emergency shelter  
18 or transitional housing shall provide, to the greatest extent feasible,  
19 adequate facilities within their range of services so that all members  
20 of a family may be housed together, regardless of age and gender.