

SENATE THIRD READING
SB 340 (Laird)
As Amended September 3, 2025
Majority vote

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.

Major Provisions

- 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.

COMMENTS

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."

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."

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.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) The Department of Housing and Community Development estimates minor and absorbable costs to edit the definition of emergency shelter in guidance documents and provide corresponding technical assistance to local agencies.
- 2) Local costs of an unknown, but likely minor amount for local agencies to update definitions in housing element requirements regarding emergency shelters. These costs are not reimbursable by the state because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates.

VOTES**SENATE FLOOR: 39-0-1**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1

YES: Haney, Ávila Farías, Ward, Garcia, Kalra, Lee, Quirk-Silva, Ta, Tangipa, Wicks, Wilson

ABS, ABST OR NV: Patterson

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Jeff Gonzalez, Solache, Ta, Tangipa

UPDATED

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