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UNFINISHED BUSINESS

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Bill No: SB 340  
Author: Laird (D), et al.  
Amended: 9/3/25 in Assembly  
Vote: 21

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SENATE HOUSING COMMITTEE: 11-0, 4/1/25

AYES: Wahab, Seyarto, Arreguín, Cabaldon, Caballero, Cortese, Durazo,  
Gonzalez, Grayson, Ochoa Bogh, Padilla

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 39-0, 5/27/25

AYES: 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  
NO VOTE RECORDED: Reyes

ASSEMBLY FLOOR: 74-4, 9/8/25 - See last page for vote

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**SUBJECT:** General plans: housing element: emergency shelter

**SOURCE:** Public Interest Law Project

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**DIGEST:** This bill revises the definition of emergency shelters to include onsite support services, as specified.

*Assembly Amendments* reconcile chaptering conflicts with AB 610 (Alvarez) and AB 650 (Papan).

**ANALYSIS:**

## Existing law:

- 1) Requires cities and counties to prepare and adopt a general plan, including a housing element, to guide the future growth of a community. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policy objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.
- 2) Requires the housing element to contain an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level.
- 3) Requires the housing element to contain a program that sets forth a schedule of actions during the planning period that will be taken to make sites available with appropriate zoning and development standards to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory of sites without rezoning.
- 4) Requires the housing element to contain the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or discretionary permit. Shelters may be subject to development and management standards that apply to residential and commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:
  - a) The maximum number of beds or persons permitted to be served nightly by the facility.
  - b) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
  - c) The size and location of exterior and interior onsite waiting and client intake areas.
  - d) The provision of onsite management.
  - e) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
  - f) The length of stay.

- g) Lighting.
  - h) Security during hours that the emergency shelter is in operation.
- 5) Provides that “emergency shelter” shall include other interim inventions, including but not limited to a navigation center, bridge housing, and respite or recuperative care.

This bill:

- 1) Expands the definition of interim inventions under “emergency shelter” to include all services provided onsite, including the addition or expansion of services that are consistent with any written, objective standards.
- 2) Expands the definition of “emergency shelter” in a cross-referenced section of statute to include all supportive services.

## **Background**

*Housing elements and approvals generally.* Every city and county in California is required to develop a general plan that outlines the community’s vision of future development through a series of policy statements and goals. General plans are comprised of several elements that address various land use topics. Each community’s general plan must include a housing element, which outlines a long-term plan for meeting the community’s existing and projected housing needs. The housing element demonstrates how the community plans to accommodate its “fair share” of its region’s housing needs. To do so, each community establishes an inventory of sites designated for new housing that is sufficient to accommodate its fair share. State law requires cities and counties to update their housing elements every five or eight years.

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.

## Comments

- 1) *Author statement.* “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.”
- 2) *By-right for 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. 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 clarified housing element law with regards to where by-right zones for emergency shelters may be identified. SB 2 made it clear that a local government shall only be subject to those development and management standards that apply to residential or commercial development within the same zone, except that a local government may apply the specified objective

standards. Additionally, SB 2 requires local governments to identify by-right shelters in zones that allow residential uses, including mixed-use. 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 inventions, including but not limited to a navigation center, bridge housing, and respite or recuperative care.

- 3) *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.”

The Public Interest Law Project, sponsor of this bill, states that “some cities have required shelter providers to obtain a conditional use permit for services provided at a shelter even if a 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.” By tightening up these statutory definitions of “emergency shelter,” this bill seeks to ensure that all shelters offering supportive services are eligible for by-right approval.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) HCD 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.

**SUPPORT:** (Verified 9/8/25)

Public Interest Law Project (source)  
California Housing Partnership  
California Rural Legal Assistance Foundation  
California State Association of Counties  
East Bay Housing Organizations  
National Alliance to End Homelessness

**OPPOSITION:** (Verified 9/8/25)

None received.

Ayes: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Noes: DeMaio, Dixon, Patterson, Tangipa

No Vote Recorded: Castillo, Nguyen

Prepared by: Alison Hughes / HOUSING / (916) 651-4124

9/8/25 19:36:08

\*\*\*\* END \*\*\*\*