

## SENATE THIRD READING

SB 634 (Pérez)

As Amended June 24, 2025

Majority vote

**SUMMARY**

Prohibits a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing support services to a person who is homeless, or assisting a person who is homeless with any act related to basic survival.

**Major Provisions**

- 1) Provides that a local jurisdiction shall not adopt a local ordinance, or enforce an existing ordinance, that prohibits a person or organization from providing support services, including legal services or medical care, to a person who is homeless or assisting a person who is homeless with any act related to basic survival.
- 2) Provides the following definitions:
  - a) "Act related to basic survival" includes, but is not limited to, assisting with or providing items to assist with any of the following:
    - i) Eating and drinking, including provision of food and water.
    - ii) Sleeping, including provision of blankets and pillows.
    - iii) Protecting oneself from the elements.
    - iv) Other activities and items necessary for immediate personal health and hygiene.
  - b) Provides that nothing in the definition of "act related to basic survival" shall be interpreted to include distribution of plywood or other heavy construction materials.
  - c) "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, as that section read on January 10, 2019.
  - d) "Local jurisdiction" means a city, county, city and county, or special district.
  - e) "Support services" includes street outreach, evidence-based engagement services, intensive case management services, assertive community treatment, housing navigation, harm reduction services, coordination with street-based health care services, and hygiene services for people living in encampments and unsheltered individuals, as specified.
- 3) States that it is the intent of the Legislature in enacting this bill to do both of the following:
  - a) Limit penalties that local and state governments may pursue for the performance of acts related to experiencing homelessness, including conducting life-sustaining activities, for the purpose of removing hindrance to ending California's homeless crisis.
  - b) Not impose any other restrictions on local jurisdictions beyond those set forth in this bill.

- 4) Applies the provisions of this bill to all cities, including charter cities.

## COMMENTS

*California's Homelessness Crisis.* In its December 2024 Annual Homelessness Assessment Report to Congress, the United States Department of Housing and Urban Development (HUD) estimated 187,084 Californians are experiencing homelessness, and California accounts for 24% of all people experiencing homelessness in the United States.

*Local Laws Targeting Individuals Experiencing Homelessness.* A recent report by the National Law Center on Homelessness and Poverty found that since 2016, there has been a growth in laws that punish those that are homelessness. For example, of 187 surveyed cities, 72% had at least one law restricting camping in public, 51% have at least one law restricting sleeping in public, 53% have one or more laws prohibiting sleeping or lying down in public, and 60% had one or more laws restricting living in vehicles.

In 2018, the 9th U.S. Circuit Court of Appeals ruled in the *Martin v. City of Boise* case that cities could not prohibit individuals experiencing homelessness from camping in public places (e.g. sidewalks, public parks) unless the city had adequate shelter available. Until 2024, this meant California cities could no longer arrest, charge fines, or punish people for camping out in public if adequate shelter space is unavailable. In 2024, the United States Supreme Court overturned the ruling in *Grants Pass v. Johnson*. The Supreme Court's 6-3 decision held that local ordinances with civil and criminal penalties for camping on public land do not constitute cruel and unusual punishment of individuals experiencing homelessness. This ruling lifted restrictions on local ordinances regulating homelessness.

For individuals experiencing homelessness, acts necessary for basic survival often happen in public spaces. In jurisdictions that have criminalized these actions, these individuals break the law because they have no private space to live. While some local agencies have pursued efforts to build adequate shelter, others have been quicker to focus on fines and jail time. In February 2025, the City of Fremont enacted an ordinance that banned camping on public property and some private property. It also initially included a prohibition against aiding and abetting camping. Violations were punishable by up to six months in jail or a fine of up to \$1,000 per violation. Public outcry regarding the aiding and abetting provision led the City Council to announce future amendments to the ordinance to remove that provision.

### According to the Author

SB 634 will prohibit local government entities from adopting an ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing basic services or items to assist with survival to an unhoused person.

Addressing the unhoused crisis in California requires proven response efforts focused on providing housing, basic services, and financial support for unhoused individuals. Such programs include the Bringing Families Home program and Homeless Housing, Assistance and Prevention (HHAP) Grant Program that have housed tens of thousands of people—between 2023 and 2024, HHAP and State Encampment Resolution Funding contributed to nearly 73,000 people being placed in permanent housing, ending their homelessness for good. The success of these unhoused service programs is largely based on supporting the efforts of community-based service providers that carry out these programs.

Despite such efforts contributing to reducing the number of unhoused, there is a growing trend of local governments adopting ordinances that impose punitive penalties, including fines and jail time towards unhoused people and those that provide basic survival resources to them. The primary example of the later includes an ordinance that broadly categorized service providers as 'aiding and abetting' for supporting unhoused people or charge them with misdemeanors simply for handing out food and water. (*Citation omitted*) Instead of evidence-based intervention, such punitive policies only exacerbate the unhoused crisis by burdening unhoused individuals with debt and penalties they cannot afford, as well as cutting off the lifeline to critical services that ultimately offer a pathway off the streets. The growing shift to criminalize the unhoused and those that assist them has shifted the focus from applying proven, humanitarian solutions to a stigmatized race to the bottom.

SB 634 reaffirms California's commitment to addressing the unhoused crisis through a common sense and humanitarian approach. Specifically, this bill prohibits local government entities from adopting a new ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing supportive services, including legal and medical services, as well as other basic survival resources, to an unhoused person. By eliminating these barriers, SB 634 ensures that people providing critical life-saving survival resources and support to among the most vulnerable, can continue to without fear of persecution and punishment as the state continues to tackle the unhoused crisis.

### **Arguments in Support**

Disability Rights California, the Inner City Law Center, the National Alliance to End Homelessness, and the Western Center on Law and Poverty, sponsors of this measure, write, "In response to rising homelessness across the state, and in the wake of the *Grants Pass v. Johnson* decision by a hyper-conservative Supreme Court and rhetoric flowing from the Trump Administration, many local jurisdictions have added or modified ordinances that create criminal and civil penalties for the simple act of trying to survive outside. These ordinances, while shortcuts to clearing the sidewalk for a few days, are far from solutions and make homelessness harder to solve. Some of these ordinances have gone so far as to criminalize the 'aiding and abetting' of people experiencing homelessness, essentially equating people trying to serve their neighbors with life-sustaining assistance with bank robbers.

"California should not fund homeless assistance with one hand, and with the other hand allow cities to criminalize the provision of that very assistance. Allowing cities to criminalize the provision of life-saving supplies or delivery of services leaves service providers, faith groups, and concerned neighbors seeking to implement state funded programs in an impossible conundrum. Fewer capable people and organizations will be willing to implement state funded programs to address homelessness if there is a threat of prosecution for doing so. The bill removes penalties for those offenses that are a result of trying to work to remedy our housing policy failures."

### **Arguments in Opposition**

The Orange County Board of Supervisors writes, "Orange County is dedicated to addressing homelessness by collaborating with local governments, philanthropic organizations, community-based groups, faith-based organizations, healthcare providers, and other stakeholders. In collaboration with our partners, we have created an effective and compassionate response to homelessness and have collectively invested in programs and policies that prevent and respond to homelessness, emphasizing the integration of services throughout the community.

"While the intent of SB 634 is to address the homeless crisis, this bill may restrict the County's ability to properly respond to residents' and businesses' quality of life concerns as we address homelessness in a thoughtful manner."

## FISCAL COMMENTS

None

## VOTES

### SENATE FLOOR: 23-11-6

**YES:** Allen, Archuleta, Arreguín, Ashby, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Smallwood-Cuevas, Stern, Wahab, Weber Pierson, Wiener

**NO:** Alvarado-Gil, Blakespear, Cabaldon, Choi, Dahle, Grove, Jones, Niello, Seyarto, Strickland, Valladares

**ABS, ABST OR NV:** Becker, Grayson, Ochoa Bogh, Reyes, Rubio, Umberg

### ASM LOCAL GOVERNMENT: 6-2-2

**YES:** Carrillo, Ramos, Ransom, Stefani, Ward, Wilson

**NO:** Ta, Hoover

**ABS, ABST OR NV:** Pacheco, Blanca Rubio

### ASM HOUSING AND COMMUNITY DEVELOPMENT: 9-3-0

**YES:** Haney, Ávila Farías, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Wicks, Wilson

**NO:** Patterson, Ta, Tangipa

## UPDATED

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CONSULTANT: Angela Mapp / L. GOV. / (916) 319-3958

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