



# Los Angeles Homeless Services Authority

## Senate Bill 2: An Overview and Analysis

### Introduction

**SB 2 is also known as the- "Fair Share Zoning Bill"**

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Governor Approval: October 13, 2007

Secretary of State Filing: October 13, 2007

All California cities and counties will be required to determine the number of homeless persons in their housing elements and identify zones where emergency shelters are allowed to locate without conditional use or discretionary permits. This is an unfunded mandate.

### Requirements

Senator Gilbert Cedillo's SB 2, passed in the Senate by a vote of 27 to 11 in May 2007. SB 2 was passed by the Assembly Committee on Local Government on June 27, 2007 by a vote of 5-2. Governor Schwarzenegger then signed SB 2 into law on October 13, 2007.

In summary, the requirements of the bill are as follows:

- Identified zone(s) must include sufficient capacity for emergency shelters.
- Local government must demonstrate identified zone(s) can accommodate at least one emergency shelter.
- If local government can't identify zone(s) with sufficient capacity, zoning ordinances must be amended to include such a zone before or with adoption of the housing element.
- Local government can identify other zones that permit emergency shelters with a conditional use permit.
- Local government must encourage and facilitate emergency shelter development through objective permit processing, development, and management standards.
- For purposes of California Environmental Quality Act (CEQA), permit processing, development, and management standards will not be considered discretionary acts.
  - Since the permit processing, development, and management standards are not considered discretionary acts, it will not be necessary to draft an environmental review.
- Housing element's analysis must demonstrate local efforts to remove governmental constraints that are preventing meeting the need for supportive housing, transitional housing, and emergency shelters.
- Transitional housing and supportive housing are included within the definition of "housing development project" under the Housing Accountability Act. The Housing Accountability Act, formerly known as the anti-NIMBY law, significantly limits the circumstances under which local governments can deny or attach unreasonable conditions to housing developments.

Further, the bill states, "It would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement. SB 2 categorizes transitional and supportive housing as residential use of property and thus are only subjected to the restrictions that pertain to similar types of dwellings in the same zone."

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### **Time Frame**

SB 2 went into effect on January 1, 2008. Cities and counties must demonstrate compliance with SB 2 by the time the housing element updates are due in July 2008. If a county or city can't identify a zone or zones with sufficient capacity, they will have one year from the adoption of the housing element to comply-July 2009. The City of Los Angeles is already complying with SB 2.

### **Duties of Counties, Cities and Local Public Officials**

There is a high level of local control associated with SB 2. The bill places the responsibility with the communities to determine what their particular needs are for emergency shelters and for locating shelter sites. SB 2 allows counties and cities to require that shelters follow certain written and objective standards. According to SB 2, such standards can apply to the following:

- Number of beds
- Off-street parking
- Client intake areas
- Onsite management
- Proximity of shelters to one another
- Length of stay
- Lighting
- Security