

2023 California Legislation Concerning Homelessness is Beginning to Take Shape

Several Bills Introduced Last Week Reveal the Kind of Actions That Legislators Want to Become Law During the 2023 Legislative Session to Further Help Mitigate the Statewide Homelessness Crisis

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California legislation concerning homelessness began to take shape when the Legislature reconvened last week on December 5th, which initiated the 2023 legislative session. Several bills that focused on homelessness were introduced on December 5th through the 8th, revealing the kind of legislative actions that legislators want to become law during the 2023 legislative session to further help mitigate the statewide homelessness crisis.

The State Assembly also released a budget blueprint regarding budget priorities, including homelessness, for the 2023–24 Assembly budget. Two stipulations regarding homelessness funding investments are noted on page 17 of 19 (the document does not have page numbers), which are to

- *Demand accountability for homelessness spending from local and state government; and*
- *Create transparency on what Californians are getting for their large investment in this policy area.*

Legislation Concerning Homelessness

The kind of actions that legislators want to become law during the 2023 legislative session to further help mitigate the statewide homelessness crisis include

- Creating regional housing trusts statewide for the purposes of funding housing to assist the homeless population;
- Enacting legislation regarding homelessness and the regional housing needs allocation (RHNA);
- Authorizing meaningful tenancy reform to ensure that aging adults can remain safely housed;
- Creating the Homeless Courts Pilot Program, which would remain in effect until January 1st, 2028;
- Establishing the Anti-Fentanyl Abuse Task Force to undertake the nature and extent of fentanyl abuse in California; and

- Prohibiting a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon any street, sidewalk, or other public right-of-way within 1,000 feet of a sensitive area meaning a school, daycare center, park, or library.

SB 20, as introduced, Rubio. Joint powers agreements: regional housing trusts

This bill would authorize 2 or more cities, by entering into a joint powers agreement pursuant to the Joint Exercise of Powers Act, to create a regional housing trust for the purposes of funding housing to assist the homeless population and persons and families of extremely low, very low, and low income within their jurisdictions. The bill would require a regional housing trust created pursuant to these provisions to be governed by a board of directors consisting of a minimum of 9 directors, as specified.

The bill would authorize a regional housing trust to fund the planning and construction of housing, receive public and private financing and funds, and authorize and issue bonds, as specified. The bill would require the joint powers agreement establishing the regional housing trust to incorporate specified annual financial reporting and auditing requirements.

Click [here](#) for introduced bill.

SB 7, as introduced, Blakespear. Homelessness

Existing law requires each council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county and that furthers specified objectives.

This bill would state the intent of the Legislature to enact legislation regarding homelessness and the regional housing needs allocation.

Click [here](#) for introduced bill.

SB 37, as introduced, Caballero. Tenancy

Existing law imposes various requirements regarding access to, and quality of, housing for seniors and the elderly.

This bill would make findings and declarations relating to senior housing and would state the intent of the Legislature to subsequently amend this bill to include provisions that would enact meaningful tenancy reform to ensure that aging adults can remain safely housed.

Click [here](#) for introduced bill.

[AB 67, as introduced, Muratsuchi. Homeless Courts Pilot Program](#)

This bill, upon an appropriation by the Legislature, would create the Homeless Courts Pilot Program, which would remain in effect until January 1, 2028, to be administered by the Judicial Council for the purpose of providing comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, chronically homeless individuals who are involved with the criminal justice system.

The bill would require programs seeking grant funds to provide a number of specified services or program components, including, but not limited to, a diversion program enabling participating defendants to have infraction or misdemeanor charges dismissed upon completion of a program, provision of supportive housing, as defined, during the duration of the program, and a dedicated county representative to assist defendants with housing needs.

Click [here](#) for introduced bill.

[SB 19, as introduced, Seyarto. Anti-Fentanyl Abuse Task Force](#)

This bill would, upon appropriation by the Legislature, establish the Anti-Fentanyl Abuse Task Force to undertake various duties relating to fentanyl abuse including, among others, collecting and organizing data on the nature and extent of fentanyl abuse in California and evaluating approaches to increase public awareness of fentanyl abuse. The bill would require the task force to be chaired by the Attorney General, or their designee, and would specify the membership of the task force.

The bill would require the first meeting of the task force to take place no later than March 1, 2024, and would require the task force to meet at least once every 2 months. The bill would require the task force to report its findings and recommendations to the Attorney General, the Governor, and the Legislature by July 1, 2025. The bill would repeal these provisions on January 1, 2026.

Click [here](#) for introduced bill.

[SB 31, as introduced, Jones. Encampments: sensitive areas: penalties](#)

This bill would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon any street, sidewalk, or other public right-of-way within 1000 feet of a sensitive area (school, daycare center, park, or library), as defined. The bill would

specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as provided.

The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. The bill would prohibit a person from being found in violation of the bill's provisions unless provided notice, at least 72 hours before commencement of any enforcement action, as provided. By imposing criminal penalties for a violation of these provisions, this bill would impose a state-mandated local program.

Click [here](#) for introduced bill.

Other Legislation

Other legislation was introduced concerning homelessness that also reveals the kind of actions that legislators want to become law during the 2023 legislative session to further help mitigate the statewide homelessness crisis. This legislation includes:

[AB 49, as introduced, Soria. Affordable housing](#)

This bill would express the intent of the Legislature to enact legislation that would increase the supply of affordable housing and reduce homelessness.

Click [here](#) for introduced bill.

[SB 9, as introduced, Cortese. Raising the Age for Extended Foster Care Act of 2023](#)

This bill would expand the dependency and transitional jurisdiction of the juvenile court to a nonminor who has not attained 26 years of age, among other requirements, and would expand the eligibility of foster care benefits by revising the definition of nonminor dependent to include a foster child who meets the above-described requirements and is not older than 26 years of age.

Click [here](#) for introduced bill.

[ACA 1, as introduced, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval](#)

This Assembly Constitutional Amendment (ACA) measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or

permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Click [here](#) for introduced measure.

Next Legislative Steps

The State Assembly and State Senate have adjourned until Wednesday, January 4th, 2023. The legislative process, during which bills are considered and enacted by the Legislature, includes submitting bill requests to the Office of Legislative Counsel by January 20th where bills are drafted into bill form and returned to the legislator for introduction. The last day for bills to be introduced is February 17th.

The [legislative process](#) also includes meetings of the legislative policy and appropriations/fiscal committees, three readings, and resolution of differences between the Assembly and Senate. If both houses approve a bill, it will go to the Governor for approval. The last day for each House to pass bills is September 14th and the last day for the Governor to approve or not approve bills is October 14th. Most approved bills will go into effect on the first day of January of the following year.

It should be noted that numerous legislative bills concerning homelessness will likely be introduced during the 2023 legislative session. However, not all of the bills will likely be approved, [which was the case during the 2022 legislative session](#).

Legislation and Proposed Budgeted Funding

Next legislative steps also include proposed budgeted funding. Every year, the Governor and the Legislature adopt a state budget that provides a framework and funding for critical public services and systems that include housing and homelessness.

The State Constitution requires the Governor to submit a proposed budget, which will include a detailed overview of the Governor's proposed expenditures, to the Legislature for review by January 10th, including proposed budget funding for housing and homelessness. While the proposed budget will move through the Legislature's budget committee, other bills known as [budget-related bills or trailer bills](#) will be needed to implement the policies assumed in the budget.

Proposed budgeted funding will also occur by mid-May, which is known as the [May Revision](#). The Governor will release on or before May 14th, an updated budget that adjusts proposed

expenditures or withdraws policy initiatives that were included in the Governor's proposed budget in January.

The Legislature must pass a balanced budget bill by midnight on June 15th for the upcoming fiscal year that begins July 1st. The Governor may sign the budget bill and budget-related bills by July 1st. Budget details will remain to be finalized and additional budget-related bills will likely be acted upon during the summer.

Last Legislative Steps

The last day for House policy committees to meet and report bills is July 14th, which is also when the summer recess begins. When the Legislature reconvenes on August 14th, each House may pass bills until September 14th. The last day for the Governor to approve bills or not is October 14th.

Thus, 2023 legislation concerning homelessness will continue to take shape during most of 2023. Many more bills will be introduced that will reveal the kind of actions that Legislators want to become law during the 2023 legislative session to further help mitigate the statewide homelessness crisis. But, as in the past, the Legislature and Governor will not approve all of the bills as they try to maximize policy and funding to increase results regarding homeless prevention and ending unsheltered homelessness.

Unknown Impact of Homeless Count Results

The extent of the statewide homelessness crisis will once again be amplified publicly by homeless count results, which will happen during the beginning and later half of the 2023 legislative session.

Count results will include a total number of persons counted as unsheltered and sheltered and total number of various subpopulations counted, which include the chronically homeless, families, veterans, and youth aged 18 – 24. Results will also include the total number of adults with serious mental illness, substance use disorder, and HIV/AIDS and include a total count breakdown by gender, race, and ethnicity.

The U.S. Department of Housing and Urban Development (HUD) intends to release the 2022 homeless count results by the end of December. Thus, the 2022 results will be made known when the Legislature reconvenes on January 4th and before the Governor submits a proposed budget by January 10th. [HUD reports](#) reveal that homelessness has increased in California during recent years from approximately 150,000 persons counted as homeless in 2019 to approximately 160,000 in 2020.

Local preliminary reports reveal that approximately 170,000 persons were counted as homeless in 2022 (see [Cal Matters report](#) and [Urban Initiatives report](#)). A complete California homeless count was not conducted in 2021 because of pandemic-related reasons.

Many of California's 44 Continuums of Care (CoCs) will conduct an unsheltered homeless count during the last 10 days of January. All 44 CoCs are required by HUD to conduct a sheltered count during the last 10 days of January.

All CoCs are required to report their homeless count results to HUD around May 1st each year through HUD's [Homeless Data Exchange \(HDX\)](#) web site.

Most CoCs then publicly report their homeless count results to local stakeholders and the media beginning in May through September, which is, as noted above, the exact time that the Legislature and Governor will be finalizing legislation and budgeted funding that focuses on housing and homelessness.