

Date of Hearing: July 2, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 634 (Pérez) – As Amended June 24, 2025

SENATE VOTE: 23-11

SUBJECT: Local government: homelessness

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. Specifically, **this bill:**

- 1) Provides that, notwithstanding any other law, 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) Finds and declares that ensuring a compassionate, evidence-based approach to ending homelessness is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 5) Contains a number of additional findings and declarations regarding its purpose.

FISCAL EFFECT: None

COMMENTS:

- 1) **Author's Statement.** 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.”

- 2) **Bill Summary.** This bill prohibits a local jurisdiction from adopting a local ordinance, or enforcing 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.

This bill defines an “act related to basic survival” to include, but not be limited to, assisting with or providing items to assist with any of the following:

- a) Eating and drinking, including provision of food and water.
- b) Sleeping, including provision of blankets and pillows.
- c) Protecting oneself from the elements.
- d) Other activities and items necessary for immediate personal health and hygiene.

This bill specifies that an “act related to basic survival” shall not be interpreted to include distribution of plywood or other heavy construction materials.

“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.

This bill applies to counties, cities (including charter cities), and special districts.

This bill is sponsored by Disability Rights California, the Inner City Law Center, the National Alliance to End Homelessness, and the Western Center on Law and Poverty.

- 3) **Background.** The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental ‘police power’ that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public, including how people use public spaces.
- 4) **Local Ordinances.** The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power, commonly called the police power, that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public, including regulating business activity.

Current law allows counties and cities to establish ordinances, and makes violations of ordinances misdemeanors, unless the county or city makes them infractions. The violation of an ordinance may be prosecuted by county or city authorities in the name of the people of the

State of California, or redressed by civil action. Current law outlines the following fine structure for ordinance violations, and for building and safety code violations, that are determined to be infractions:

Number of violations within specified time periods	Amount of fine for ordinance violations that are infractions	Amount of fine for building and safety code violations that are infractions
First violation	Fine does not exceed \$100	Fine does not exceed \$130
Second violation within one year of first violation	Fine does not exceed \$200	Fine does not exceed \$700
Third violation within one year of first violation	Fine does not exceed \$500	Fine does not exceed \$1,300

For building and safety code violations that are infractions, the fine can be increased to \$2,500 for each additional violation of the same ordinance within two years of the first violation, if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

The law also includes additional provisions for violations of event permits and short-term rental ordinances that are infractions. SB 60 (Glazer), Chapter 307, Statutes of 2021 established enhanced fines for violations of short-term rental ordinances that are determined to be infractions, as follows:

- a) A fine not exceeding \$1,500 for a first violation.
- b) A fine not exceeding \$3,000 for a second violation of the same ordinance within one year.
- c) A fine not exceeding \$5,000 for each additional violation of the same ordinance within one year of the first violation.

These fines apply only to infractions that pose a threat to public health and safety, and do not apply to a first time offense of failure to register or pay a business license fee. A county or city levying a fine on a short-term rental must establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by a responsible party that the responsible party has made a bona fide effort to comply after the first violation, and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

- 5) **Administrative Alternative.** As an alternative to the court process, a local agency can make any violation of any of its ordinances subject to an administrative fine or penalty. This provision was enacted in 1995 to relieve the courts of some of these cases and offer local governments a faster, easier, and less costly means of pursuing remedies for ordinance violations [SB 814 (Alquist), Chapter 898, Statutes of 1995].

In order to make an ordinance violation subject to an administrative fine or penalty, the local agency must adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of the fines or penalties. A person may appeal such fines or penalties in superior court within 20 days after service of a final administrative order or decision. Local agencies must pursue a civil court proceeding to collect fines and penalties that are not secured via the administrative process.

Current law requires these administrative procedures to grant a person responsible for a continuing violation a reasonable time to remedy the violation before the local agency may impose fines or penalties when the violation pertains to building, plumbing, electrical, or other similar structural and zoning issues that do not create an immediate danger to health or safety. State law allows a person responsible for the violation to appeal the fine or penalty in court. If the responsible person refuses to pay fines or penalties that are due, local agencies must go through a civil court proceeding to collect them.

- 6) **California's Homelessness Crisis.** In its December 2024 Annual Homelessness Assessment Report to Congress, the U.S. 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.
- 7) **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 percent had at least one law restricting camping in public, 51 percent have at least one law restricting sleeping in public, 53 percent have one or more laws prohibiting sleeping or lying down in public, and 60 percent 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 U.S. 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.

- 8) **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.⁸ 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.”

- 9) **Arguments in Opposition.** The City of Corona writes, “While we recognize the bill’s intent, SB 634 would severely limit cities’ ability to respond to the growing homelessness crisis in communities across California.

“The City of Corona has worked hard to develop a system that connects people to shelter, services and housing to ‘end’ homelessness, not support programs that perpetuate street homelessness, such as community-based/faith-based organizations serving meals in parks, providing mobile showers, and providing tents and blankets that result in encampments.

“In reviewing the amendments, we still believe that this legislation would impact our ability to enforce the City’s municipal code regarding unauthorized meal serving in the parks and would further encourage the distribution of blankets and sleeping bags that contribute to encampments.”

- 10) **Double-Referral.** This bill is double-referred to the Housing and Community Development Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California [CO-SPONSOR]
 Inner City Law Center [CO-SPONSOR]
 National Alliance to End Homelessness [CO-SPONSOR]
 Western Center on Law & Poverty [CO-SPONSOR]
 Abode Housing Development
 ACLU California Action
 All Home
 Alliance San Diego
 Brilliant Corners

California Association of Social Rehabilitation Agencies
California Coalition for Rural Housing
California Coalition for Youth
California Housing Partnership
California Interfaith Power & Light
California Professional Firefighters
Coalition on Homelessness
Compass Family Services
Corporation for Supportive Housing
Courage California
Debt Free Justice California
Drug Policy Alliance
East Bay Housing Organizations
Enterprise Community Partners, INC.
Fremont for Everyone
Harm Reduction Therapy Center
Homefirst Services of Santa Clara County
Housing California
Human Impact Partners
Inland Region Reentry Collaborative
John Burton Advocates for Youth
Los Angeles Homeless Services Authority
National Harm Reduction Coalition
National Homelessness Law Center
Noho Home Alliance
Oakland Privacy
Path (people Assisting the Homeless)
Safe Place for Youth
Swords to Plowshares - Vets Helping Vets
Tenderloin Neighborhood Development Corporation
The Gubbio Project
University of the Pacific McGeorge School of Law Homeless Advocacy Clinic

Opposition

City of Corona
City of Fairfield
City of Folsom
City of Lake Forest
City of Lakewood
City of Paramount
City of Simi Valley
City of Thousand Oaks
City of Torrance
City of Wildomar
Riverside County Sheriff's Office

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