

Date of Hearing: April 3, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 891 (Burke) – As Amended March 25, 2019

SUBJECT: Public property: safe parking program.

SUMMARY: Requires cities with a population of more than 330,000 and counties to establish a safe parking program, and requires the Department of General Services to identify surplus state property that is suitable for such programs. Specifically, **this bill:**

- 1) Requires each city with a population greater than 330,000 to establish, in coordination with local nonprofit entities, a safe parking program that provides safe parking locations and options for individuals and families living in their vehicles.
- 2) Requires each county, in coordination with cities in its jurisdiction that are not subject to the above and local nonprofit entities, to establish a safe parking program as described above.
- 3) Requires a safe parking program created pursuant to this section to do all of the following:
 - a) Provide a bathroom facility and onsite security;
 - b) Establish an application process for the program that may include a background check requirement; and,
 - c) Establish rules and regulations for the program.
- 4) Provides that a safe parking program created pursuant to this bill is encouraged to coordinate with local nonprofits as well as city and county agencies to provide resources and access to social services that lead to long-term housing for program participants.
- 5) Provides that cities and counties are encouraged to identify local lots or other properties that could be used for a safe parking program.
- 6) Requires the safe parking programs mandated pursuant to this bill to be developed and implemented by June 1, 2022.
- 7) Requires the Department of General Services (DGS), in coordination with the Department of Transportation (CalTrans), to identify surplus state properties that are suitable for a safe parking program established pursuant to this bill.
- 8) Requires DGS to post a list of the identified properties on its internet website by June 1, 2020.
- 9) Allows the Director of DGS, on terms and conditions the Director deems in the interests of the state, to sell, exchange, or lease, or any combination thereof, properties DGS identifies as suitable for a safe parking program to a city or county for the exclusive purpose of establishing a safe parking program.

- 10) Provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to current law governing state mandated local costs.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires cities with a population of more than 330,000 and counties to establish a safe parking program that provides safe parking locations and options for individuals and families living in their vehicles. Each program must be developed and implemented by June 1, 2022, and established in coordination with local nonprofit entities. The programs must provide a bathroom facility and onsite security, and establish an application process that may include a background check requirement, as well as rules and regulations for the program. Programs are encouraged to coordinate with local nonprofits as well as city and county agencies to provide resources and access to social services that lead to long-term housing for program participants. Cities and counties are encouraged to identify local lots or other properties that could be used for a safe parking program.

This bill also requires DGS, in coordination with CalTrans, to identify surplus state properties that are suitable for a safe parking program established under the bill. DGS must post a list of the identified properties on its website by June 1, 2020. The bill allows the Director of DGS, on terms and conditions the Director deems in the interests of the state, to sell, exchange, or lease, or any combination thereof, properties DGS identifies as suitable for a safe parking program to a city or county for the exclusive purpose of establishing a safe parking program.

This bill is sponsored by the author.

- 2) **Author's Statement.** According to the author, "California is facing a housing crisis. Efforts to address this issue are ongoing as the need for housing remains. Many individuals across the state are being priced out of the housing market and are turning to alternative measures when it comes to housing and shelter. In Los Angeles County alone, over 15,000 individuals are living in their vehicles.

"Establishing a safe parking program in California's most populated cities and having at least one in each county will provide a safe place for vehicle dwelling. These programs can be overseen and controlled by local entities, they will result in these vehicles being moved away from nightly street parking and into designated lots, and create a sense of normalcy for individuals who are living out of their vehicles. The goal of this measure is to help transition these individuals into more stable and permanent housing.

"According to a Homeless Policy Research Institute memo at the USC Sol Price School of Public Policy, some of the safe parking programs established in Santa Barbara, San Diego, and Monterey have on-site services that are geared toward employment and housing placement, and access to bathrooms and waste disposal to address potential health issues associated with vehicle dwelling. Recent amendments submitted to the committee attempt to build off of existing safe parking program models while allowing the local entities

responsible for administering the program the flexibility to tailor the program to their needs and capabilities.”

- 3) **Background.** The National Alliance to End Homelessness in 2017 counted more than 553,000 people in the United States (U.S.) without housing. A quarter of those live in California. Homelessness rose in 2017, marking its first increase since 2010, according to the U.S. Department of Housing and Urban Development. About one-third of the homeless population was described as "unsheltered," which includes people living on the streets and in their vehicles. In addition, extremely low-income renters are facing a nationwide shortage of 7.2 million rental homes, according to the National Low Income Housing Coalition.

According to a July 2018 issue of *Governing Magazine*, vehicular homelessness in particular has been exploding in many major cities across the U.S., especially those with expensive housing markets such as Los Angeles, San Francisco and Portland, Oregon. “The issue is of particular concern on the West Coast, where rents have skyrocketed and the number of homeless people who don't live in shelters is up 20,000 from 2015 to 2017. Some cities have launched so-called safe parking programs to help this population. Meanwhile, other cities are exacerbating this population's problems by criminalizing their current way of life...”

A recent survey by the National Law Center on Homelessness and Poverty (NLCHP), which tracks policies in 187 cities, found the number of prohibitions against vehicle residency has more than doubled during the last decade. "Much like outdoor camping and sleeping bans, city-wide restrictions on living in vehicles may leave no lawful place where homeless people may live in a community," NLCHP stated. "Bans that permit vehicle impoundment, or that result in impoundment flowing from unpaid tickets or other enforcement of such bans, can cause homeless people to lose their shelter, transportation, and personal belongings in one fell swoop – with no realistic option to retrieve or replace them... While not a long-term solution, many homeless advocates are urging cities to start more seriously thinking about safe parking programs – in which certain lots are designated for people living out of their cars – as vehicular homelessness continues to climb.”

- 4) **Safe Parking Programs in California.** California is host to a number of Safe Parking Programs, some of which are operated by non-governmental entities including faith-based groups and others that are operated by a local government. Examples include:
- a) Santa Barbara’s New Beginnings Program, operated by a non-profit, launched in 2004 because a growing number of people living in RVs kept getting ticketed. Originally hosting only a handful of spaces, the program now operates 24 lots with 134 spaces and has expanded to accept other vehicles.
 - b) According to *Governing Magazine*, San Diego’s safe parking program began in 2010 amid the Great Recession serving a “new wave of [homeless] people” who were not suffering from generational poverty, but were newly homeless even while working. Dreams for Change, a local nonprofit that helps San Diego’s homeless, reported that 70% of their clients have some form of income and the organization was looking to prevent them from becoming chronically homeless. Dreams for Change opened a lot for people to safely park and sleep, and linked them with a case manager to help them secure long-term housing. By July of 2018, the program had expanded to three lots, serving between 30 and 60 cars in each. The nonprofit was mostly autonomous from the city until the

Hepatitis A outbreak among homeless people in 2017, when city officials offered a space and funding for the third lot.

- c) Los Angeles launched a pilot in 2016, Safe Parking LA, in partnership with the Los Angeles Homeless Service Authority, and has opened three lots since March of 2018.
- d) A multi-faith group in Oakland, where homelessness has grown 25% since 2015, recently received a \$300,000 city grant to start a safe-parking program in early 2019.
- e) According to a February article in CityLab, San Jose approved a location in October of 2018 and its planning commission approved another ordinance which, if approved by the City Council, will allow churches, nonprofits and schools to open their own lots.
- f) A San Francisco supervisor introduced an ordinance this year to create a “triage center” for residents living in their cars that will pilot a safe parking program and offer showers, bathrooms and support staff.

According to a December 2018 analysis by the Homeless Policy Research Institute, “Safe parking programs draw funding from a number of different sources including county and city program funds, private and faith-based organization funding, and HUD Homeless Prevention funds. Program budgets range from \$55,000 to \$360,000 per year. The San Diego program with a budget of \$55,000 relies heavily on volunteer support for case management, outreach and services in partnership with Jewish Family Services, a local nonprofit in the area. Seattle operates the program with the largest budget of \$360,000 which covers costs for remaining open 24 hours a day. All other programs operate exclusively overnight. Every program partners with at least one non-profit organization (typically faith-based) to provide some combination of funding, parking lot space, outreach, services and case management...

“Safe parking programs generally require a valid driver’s license, vehicle registration, and insurance to participate. Most programs also screen out sex offenders and recent violent felons using a background check system. Participants are issued permits for 30 to 90 days that are conditionally renewable based on utilization of case management services. The goal of every safe parking program is to find permanent housing for program participants. As such, all public safe parking programs provide extensive case management services. Further, they mandate that participants utilize the services to work toward finding permanent housing as a condition of program participation. Case management and outreach services in Santa Barbara and Seattle are connected to the HMIS system, while services in San Diego and Monterey are not. In addition to assisting in relocation to permanent housing, programs either directly provide or refer participants to some combination of employment and job training, financial education, and food distribution. Toilets are also provided at every safe parking location, with a few providing ADA compliant restrooms. The San Diego program targets families and provides after-school care and homework assistance.

“Programs approach security in a number of different ways. Some programs designate trusted participants as night managers to monitor the properties. Others employ staff or contract with local police and private security to monitor vehicles throughout the night. All programs have established relationships with their local police departments. In Seattle, the Interfaith Task Force on Homelessness works with the local police force to identify vehicle dwellers when they receive parking tickets.

“All programs cited successfully placing participants in housing, although the rates vary greatly by program. In Monterey, the smallest of all programs studied, 50 out of the 75 program participants have been housed since 2014. The Santa Barbara program has served over 8,800 people since 2004 and cited placing roughly 432 (5%) into housing. In San Diego, 1,725 program participants have obtained housing since 2010, roughly 65%. Seattle cited placing 256 individuals in housing since 2012. Notably, the program was only able to place 40 people into housing in 2016 compared to 119 in 2015. The program attributed this decrease in housing placement to a changing participant population in 2016 when the State mandated that the program focus on the chronically homeless.”

- 5) **Policy Considerations.** The Committee may wish to consider the following:
- a) **More Specifics?** This bill does not identify any specific number or location for safe parking programs to operate, nor does it differentiate between urban and rural counties or the geographic size of counties. In addition, cities with less than 330,000 people likely have homeless residents who rely on their cars for shelter. The Committee may wish to discuss whether or how specific locations or numbers of lots or spaces could be identified by local agencies, such as tying these considerations to homeless census counts.
 - b) **Flexible Compliance?** Some counties and cities in California already have robust and long-standing safe parking programs in place. The Committee may wish to discuss if these jurisdictions should be able to comply with the provisions of this bill if a program is already up and running in their jurisdictions.
 - c) **Housing Assistance.** This bill provides that counties and cities subject to its provisions are “encouraged” to coordinate with local nonprofits as well as city and county agencies to provide resources and access to social services that lead to long-term housing for program participants. According to research on successful safe parking programs, such services are vital to moving people out of their cars and into housing. The Committee may wish to consider whether this should be a required element of safe parking programs established under this bill.
 - d) **DGS Properties and Local Safe Parking Program Locations.** This bill requires DGS to identify surplus state property that could provide appropriate locations for local safe parking programs, however there is no direct link between this requirement and how local agencies should or must consider these sites when establishing safe parking programs under the bill. The Committee may wish to consider asking the author for the intended mechanism for linking this DGS information to local agencies. In addition, homeless persons, including those living in their cars, are frequent targets of hostility, and sometimes suffer assaults and even homicide. Many safe parking programs do not advertise their locations for safety reasons. This bill requires DGS to post online its list of surplus state properties that are suitable for a safe parking program. The Committee may wish to consider if this could pose a potential safety risk to people who may eventually park in these locations.
- 6) **Committee Amendment.** The intent of this bill is for cities with more than 330,000 people to comply with its provisions. Cities with a population meeting this threshold include Los Angeles, San Diego, San Jose, San Francisco, Fresno, Sacramento, Long Beach, Oakland, Bakersfield, Anaheim, and Santa Ana. However, all of these cities are charter cities. This

bill does not contain language specifying that its provisions apply to charter cities. The Committee may wish to amend the bill to clarify that it applies to charter cities, in order to achieve the author's intent.

- 7) **Related Legislation.** AB 302 (Berman) would require a community college campus that has parking facilities on campus to grant overnight access to those facilities to any homeless student, as specified, for the purpose of sleeping in the student's vehicle overnight. This bill is pending in the Assembly Higher Education Committee.

AB 1187 (Jones-Sawyer) would require the Department of Motor Vehicles to issue a 90-day temporary operating permit to a participant of a safe parking program whose vehicle registration has expired, upon the request of the safe parking program. This bill is pending in the Assembly Transportation Committee.

AB 1325 (Jones-Sawyer) would allow a person participating in a safe parking program to perform community service in lieu of any unpaid fines for parking violations committed prior to the person's participation in the safe parking program. This bill is pending in the Assembly Transportation Committee.

SB 369 (Hertzberg) would authorize a city, county, city and county, joint powers authority, or continuum of care formed under federal law to establish a safe parking program for the purpose of designating an area for homeless persons and families who reside in their vehicles to park their vehicles, and would exempt vehicles owned by safe parking program participants from smog check requirements for a one-year period. This bill is pending in the Senate Rules Committee.

- 8) **Previous Legislation.** AB 718 (Chu) of 2015 would have prohibited counties and cities, including charter cities, from prohibiting or otherwise subjecting to civil or criminal penalties, or removing and impounding a motor vehicle by reason of, the act of sleeping or resting in a lawfully parked motor vehicle. AB 718 was held on the Senate Floor.
- 9) **Arguments in Support.** New Beginnings Safe Parking Program, in support, writes, "We have seen firsthand the clear need for safe parking programs as the number of vehicular homeless in our state continues to grow, now representing nearly 50% of our unsheltered homeless population. Safe Parking programs are critical for people forced to live in their vehicles, many of whom are the working poor beset by health issues, financial setbacks and the exceptionally high cost of living in California. Our program benefits these individuals and families by providing comprehensive and coordinated safe overnight shelter, and relocation and stabilization case management services to connect them to stable housing, temporary financial assistance, employment opportunities, public benefits and community resources essential to their success in returning to and sustaining housing. California desperately needs more of these types of programs.

"Individuals live in their vehicles for a variety of social, economic, and personal reasons. Public health, safety, and quality of life concerns can arise in situations where individuals who use their vehicles for dwelling are parked on public streets. For those individuals who are able to establish shelter in their vehicles, there are few safe areas for them to stay overnight. There are worries from residents about noise, unsanitary conditions, and litter among other concerns, when the vehicular homeless park in residential and sensitive areas.

From the perspective of those living in their vehicles, there is the fear of being harassed and having things stolen out of the last safe space available to them. Vehicular homelessness needs to be recognized and addressed in California. AB 891 offers a secure and humane space for individuals and families living in their vehicles.”

10) **Arguments in Opposition.** None on file.

11) **Double-Referral.** This bill is double-referred to the Assembly Accountability and Administrative Review Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference
Mar Vista Family Center
New Beginnings Safe Parking Program
Safe Parking La
Union Rescue Mission

Opposition

None on file

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