

SOLANO
City-County Coordinating Council

MEMBERS

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City of Dixon

Linda J. Seifert
Vice Chair
*Supervisor, Solano
County, District 2*

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Mayor, City of Benicia

Harry Price
Mayor, City of Fairfield

Norman Richardson
Mayor, City of Rio Vista

Pete Sanchez
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City*

Steve Hardy
Mayor, City of Vacaville

Osby Davis
Mayor, City of Vallejo

Erin Hannigan
*Supervisor, Solano
County, District 1*

Jim Sperring
*Supervisor, Solano
County, District 3*

John Vasquez
*Supervisor, Solano
County, District 4*

Skip Thomson
*Supervisor, Solano
County, District 5*

SUPPORT STAFF:

Birgitta Corsello
*Solano County
Administrator's Office*

Michelle Heppner
*Solano County
Administrator's Office*

Daryl Halls
*Solano Transportation
Authority*

Sean Quinn
City of Fairfield

AGENDA
May 9, 2013

Location - Solano County Water Agency, Berryessa Room,
810 Vaca Valley Parkway, Suite 203, Vacaville, CA.

7:00 P.M. Meeting

PURPOSE STATEMENT – City County Coordinating Council

“To discuss, coordinate, and resolve City/County issues including but not necessarily limited to land use, planning, duplication of services/improving efficiencies, as well as other agreed to topics of regional importance, to respond effectively to the actions of other levels of government, including the State and Federal government, to sponsor or support legislation at the State and Federal level that is of regional importance, and to sponsor or support regional activities that further the purpose of the Solano City-County Coordinating Council.”

Time set forth on agenda is an estimate. Items may be heard before or after the times designated.

ITEM

AGENCY/STAFF

I. CALL TO ORDER (7:00 p.m.)

Roll Call

II. APPROVAL OF AGENDA (7:00 p.m.)

III. OPPORTUNITY FOR PUBLIC COMMENT (7:05 p.m.)

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter of the jurisdiction of the agency and which is not on the agency's agenda for that meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during public comment period although informational answers to questions may be given and matter may be referred to staff for placement on future agenda.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42U.S.C.Sec12132) and the Ralph M. Brown Act (Cal.Govt.Code Sec.54954.2) Persons requesting a disability-related modification or accommodation should contact Jodene Nolan, 675 Texas Street, Suite 6500, Fairfield CA 94533 (707.784.6108) during regular business hours, at least 24 hours prior to the time of the meeting.

IV. CONSENT CALENDAR

- a. Approval of Minutes for March 14, 2013
(Action Item)

Chair Batchelor

V. DISCUSSION CALENDAR

1. Countywide Economic Diversification Project – (Presentation)
(7:10 p.m. – 8:10 p.m.)

Presenters: David Zehnder, Economic and Planning Systems and Steve Pierce, Solano County, CAO

2. Strategic Growth Council Climate Action Planning Report
(8:10 p.m. – 8:20 p.m.)

Presenters: Robert Macaulay, Solano
Transportation Authority

3. Legislative Update – Governor’s May Revise and other bills of interest to the
cities and the County
(8:30 p.m. – 9:00 p.m.)

Presenters: Michelle Heppner, Solano
County, Paul Yoder, Shaw, Yoder,
Antwih, LLC.

VI. ANNOUNCEMENTS

VII. CCCC CLOSING COMMENTS

ADJOURNMENT: The next City-County Coordinating Council meeting is scheduled for August 8, 2013 at 7:00 p.m. at the Solano County Water Agency – Berryessa Room, 810 Vaca Valley Parkway, Suite 203, Vacaville, CA.

CITY-COUNTY COORDINATING COUNCIL
March 14, 2013 Meeting Minutes

The March 14, 2013 meeting of the Solano City-County Coordinating Council was held in the Berryessa Room at the Solano County Water Agency located at 810 Vaca Valley Parkway, Ste 303, Vacaville, CA 95688.

I Roll and Call to Order

Members Present

Jack Batchelor, Chair	Mayor, City of Dixon
Steve Hardy,	Mayor, City of Vacaville
Mark Hughes (Alternate)	Councilmember, City of Benicia
Constance Boulware (Alternate)	Vice Mayor, City of Rio Vista
Pete Sanchez	Mayor, City of Suisun
Osby Davis	Mayor, City of Vallejo
Erin Hannigan	Solano County Board of Supervisors (District 1)
Jim Spering	Solano County Board of Supervisors (District 3)
Skip Thomson	Solano County Board of Supervisors (District 5)

Members Absent:

Harry Price	Mayor, City of Fairfield
Linda Seifert (Vice-Chair)	Solano County Board of Supervisors (District 2)
John Vasquez	Solano County Board of Supervisors (District 4)

Staff to the City-County Coordinating Council Present:

Birgitta Corsello	County Administrator, Solano County
Sean Quinn	City Manager, City of Fairfield
Michelle Heppner	Legislative, Intergovernmental, & Public Affairs Officer, Solano County

Other Staff Present

David Okita	General Manager, Solano County Water Agency
Bill Emlen	Director, Dept. of Resource Management, Solano County

I. Meeting Called to Order

The meeting of the City-County Coordinating Council called to order at 7:03 pm.

II. Approval of Agenda

Motion to approve the Agenda was made by Supervisor Spering and seconded by Mayor Sanchez. Agenda approved by 9-0 vote.

III. Opportunity for Public Comment

There were no public comments.

IV. Consent Calendar

a. Approval of minutes for January 10, 2013

Chair Batchelor noted two changes to the January 10, 2013 minutes. The first change was to correct the spelling for Councilmember Hewitt to Rowlett. The second change was to indicate Mayor Osby present as he had arrived late to the January 10, 2013 meeting. Motion to approve the January 10, 2013 minutes with the above two changes was made by Mayor Hardy and seconded by Mayor Osby. Minutes approved by 9-0 vote.

V. Discussion Calendar

1. Economic Development/Job Creation Workshop.

Guest speaker Dr. Rob Eyler, Director of Economic at Sonoma University and President of Economic Forensics and Analytics, presented his perspective on Solano County's economic outlook for 2013. He noted that Solano County's economy was in a push and pull similar to California's overall economy. Solano County is seeing growth in the region, however not as fast as other Bay Area counties however those counties are facing similar basic forces in the market. Opportunities in Solano County outweighed its challenges, for example, its skilled workforce and proximity to innovation centers. Immediate actions should be to encourage investment in Solano County however, location may be the largest challenge for outside investors. Several leading variables such as building permits, help-wanted ads, and the Ag Index indicate positive upswing in the County. To date, in 2013, Solano County's economy continues to recover and is positioned to be better regionally than 2012. Solano County's housing market is positioned to be better in 2013 than it was in 2012 however it is the most distressed (59%) housing market in the region as compared to Yolo County (39%) and California as a whole (36%). The least distressed housing market county is San Diego (14%). Job growth and stability are needed for true recovery. One consideration for Solano County is to look for "resident" workers because most workers are travelling into the area and taking money out in the form of paychecks. Dr. Eyler suggested employers feeding off universities like UC Davis and the Maritime Academy for labor force needs.

2. Legislative Update.

Ms. Heppner noted the federal legislative update provided in the agenda packet.

Paul Yoder provided a State legislative update which include the State budget and a couple bills. Mr. Yoder noted that eight months into the fiscal year, the State's revenues were up \$5 billion and expenditures were down a half billion dollars from the State's adopted budget according to the State Controller. Mr. Yoder cautioned that the State was still borrowing externally and internally up to \$16 billion.

There was talk about the supermajority being lost however, due to Ben Hueso being promoted to the State Senate, the Democrats have re-established their supermajority with twenty-seven of the forty seats.

Healthcare is progressing, the extraordinary session bills have passed out of their house of origin and it is anticipated they may get acted on prior to the Legislature's Spring break/recess or the week they return in early April. The most important issue is whether the State will take funding from counties to help fund the proposals. It is anticipated that may be addressed within the State budget in the May Revise or in June during budget negotiations. Arguments from counties is that the Federal government's funding one hundred percent of healthcare therefore no funding should be taken from counties. The Brown Administration feels different about this and the number being thrown out is the \$400 million 1991 realignment funding to be redirected back to the State.

Relative to water, the Senate Democrats are interested in shrinking the proposed 2014 Water Bond. The Assembly on the other hand is holding a committee hearing chaired by Democrat and several Democrat members on surface water storage which indicated the Democrats as a whole are not on the same page.

Bills are heating up. In particular, Mr. Yoder discussed Assembly Bill 935, the water transit bill that adds seats to the San Francisco Bay Area Water Emergency Transportation Authority (WEDA) Board authored by Assemblymember Jim Frazier. The initial concern was that AB 935 did not include a seat on the WEDA Board from Solano County given that 53% of the ridership is currently within Solano County (Vallejo). Mr. Yoder noted the author was amending the bill to include Solano County.

Supervisor Spring raised his concern representatives being selected as Governor Appointees and their knowledge and expertise in transportation issues. Supervisor Spring suggested further amendments be sought to ensure the Solano County representative be recommended through Solano Transportation Authority or some other transportation related organization.

Supervisor Hannigan expressed her concern about counties with no existing ferry service also securing a seat on the WEDA Board through this bill. Mr. Yoder noted that he had heard that San Mateo County would be bidding a ferry stop in Redwood City. Supervisor Hannigan noted it would be years before it became operational.

Mr. Yoder noted that Assemblymember Rich Gordon has introduced Assembly Bill 416, a Cap & Trade bill that is supported by CSAC and the League of CA Cities, the statewide organizations that are taking the lead on the local government's elements of Cap & Trade while his firm, Shaw/Yoder/Antwih is spearheading it from a transportation funding perspective either through transportation agencies such as STA or directly through the counties and cities.

VI. ANNOUNCEMENTS:

Chair Batchelor announced that it was Supervisor Hannigan's birthday. It was also announced that LAFCo is revising their policies and that they have been sent out for review.

City-County Coordinating Council
March 14, 2013 Minutes

VII. ADJOURNMENT: The meeting was adjourned at 8:26 p.m. The next meeting will be August 8, 2013 in the Berryessa Room at the Solano County Water Agency located at 810 Vaca Valley Parkway, Ste 303, Vacaville, CA 95688.

**SOLANO
City County Coordinating Council
Staff Report**

**Meeting of: May 9, 2013
Agenda Item No: V.1.**

Agency/Staff: Stephen Pierce, County of Solano

Title /Subject: Receive a presentation on a Countywide Economic Diversification Project, an Office of Economic Adjustment-funded effort with the objective of conducting a comprehensive analysis of the economic impact of Travis Air Force Base on Solano County and developing recommendations on how the public and private sector entities across the county can further diversify the Solano County economy.

Background:

In February 2007, Solano Economic Summit I brought together public and private sector interests to focus on the question of “What is your vision of economic development in Solano County?” The event was instrumental in a changed perspective of Solano County from a place “on the edge” of the Sacramento and Bay Area to the “center of a mega region.” Over the next several months, a commitment was developed to continue working together to develop and implement a shared economic vision. Since that time, the County in conjunction with the Solano EDC has produced the annual Index of Economic and Community Progress and in-depth cluster analyses on the life science, energy and food chain industries.

In May 2010, the CCCC received an update on these efforts and discussed potential next steps in developing countywide economic development strategies. Given the fiscal distress local governments were experiencing at the time, one of the next steps was to seek outside sources of funding to assist in the development of these strategies. In pursuit of this goal, the Solano EDC explored potential funding options from the Office of Economic Adjustment (OEA). The OEA is a function of the Office of the Assistant Secretary of Defense that focuses on assisting communities with military installations. While the organization is more known for helping communities after base closures, the OEA can also help communities with local economies that have significant Department of Defense expenditures. Solano County qualifies as a community with economic dependence on a military installation.

In May 2012, the Office of Economic Adjustment (OEA) conducted a site visit as a follow-up to a request from the Solano EDC for assistance in conducting an economic diversification study. This resulted in the discovery that a public entity would be required to pursue any grant options; the County took the lead in the grant application process. In January 2013, the Board of Supervisors accepted a \$369,860 grant from OEA. In March 2013, the Board awarded a contract to Economic & Planning Systems to conduct the economic diversification study project.

Discussion:

The County of Solano has received a grant from the Office of Economic Adjustment to fund an economic diversification study project. The objective of the project is to conduct a comprehensive

analysis of the economic impact of Travis Air Force Base on Solano County, to explore ways to capitalize on the ongoing presence of the base operations to the economic benefit of the region, and to provide recommendations on how the public and private sector entities across the county can further diversify the Solano County economy.

This ambitious effort, dubbed Moving SOLANO Forward (MSF), will build upon the shared economic framework that emerged from past collaborative efforts in Solano County to understand and move the local economy forward. The finished report, which is slated to be complete by June 2014, will include:

- **Market Assessment of Economic Conditions:** Includes an economic and demographic profile, an assessment of Travis AFB-related industries, and an analysis of the supply-chain, value-chain relationships.
- **Competitive Position of the County:** Includes an assessment of the business climate; analysis of the workforce, commute patterns, and existing infrastructure; and cataloging of economic development programs and services.
- **Identification of Viable Growth Industry Sectors and Clusters:** Includes the selection of up to eight industry sectors and clusters that will serve as targeted sectors to be researched fully to determine viability in the County.
- **Real Estate Feasibility Analysis:** Includes an identification of real estate development prototypes within targeted economic sectors for the purpose of testing financial feasibility and identifying critical constraints to investment.
- **Identification of Assets and Gaps:** Includes an evaluation of workforce demands; a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis; and an understanding of the relationship between real estate, infrastructure and economic development.
- **Countywide Economic Diversification Plan:** The culmination of all of the interim technical analysis, this plan will present various economic diversification strategies, implementation plan and methodology for measuring outcomes.

To bring the Moving SOLANO Forward project to fruition, the County of Solano has assembled a multi-disciplinary Project Team. The County serves as the project administrator and has contracted with Economic & Planning Systems, Inc. (EPS) to serve as the project manager. Other members of the Project Team include the Center for Strategic Economic Research (CSER), AIM Consulting, Inc. (AIM) and the Solano Economic Development Corporation (EDC).

This project will also require extensive stakeholder input. Two advisory groups are being assembled that represent a broad cross section of public and private sector entities. MSF Partners will provide direction to ensure the goals and objectives are met, as well as will be instrumental in the follow on implementation efforts. The MSF Review Committee will provide technical analysis of the economic diversification study project. The kickoff event to introduce the project to these advisory groups and other stakeholders is a Stakeholder Symposium on Thursday, June 6, 2013 from 11:30 a.m. to 1:30 p.m. at the Jelly Belly Visitor Center in Fairfield.

Recommendation: Receive a presentation on the Moving SOLANO Forward economic diversification study project.

Attachments:

- Attachment A: Presentation on Moving SOLANO Forward



Economic Diversification Project Overview

Presented by:

Stephen Pierce

County of Solano

David Zehnder and Amy Lapin

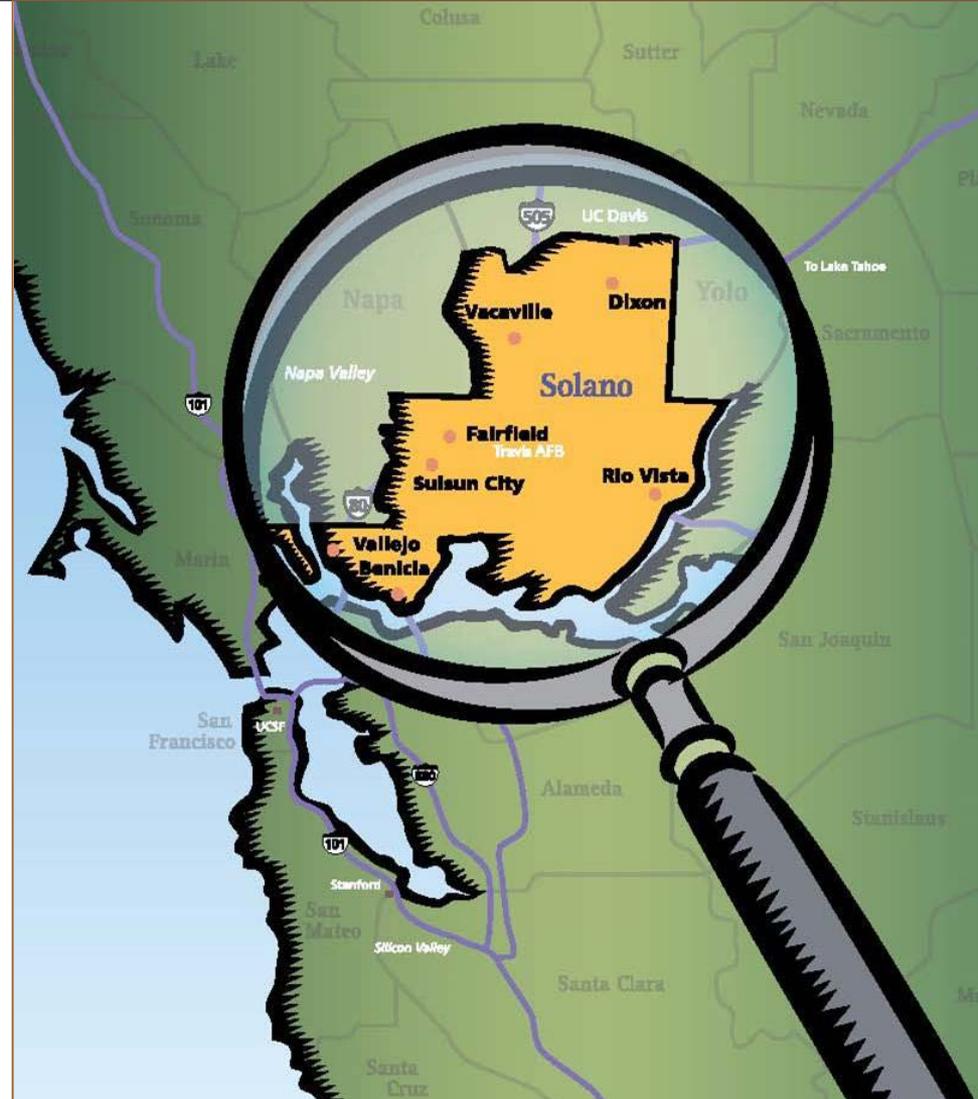
Economic & Planning Systems, Inc.

PROJECT BACKGROUND

In February 2007,
Solano Economic Summit I
focused on one key question:

*“What is your vision of economic
development in Solano County?”*

- Changed perspective of Solano County as “on the fringe” to “the center of a mega region”
- Commitment to continue working together to develop and implement a shared economic vision



PROJECT BACKGROUND (continued)

- Several subsequent annual indexes and cluster analyses have broadened our understanding of opportunities and challenges and drivers of the county's economy
 - Key lesson: our economic diversity made the county resilient in the recession, more diversity would increase our resilience
- May 2010 presentation to 4Cs discussed the next steps in developing countywide economic development strategies



Source: dailyrepublic.com



Source: solanosgotit.blogspot.com



Source: insideclimatenews.org

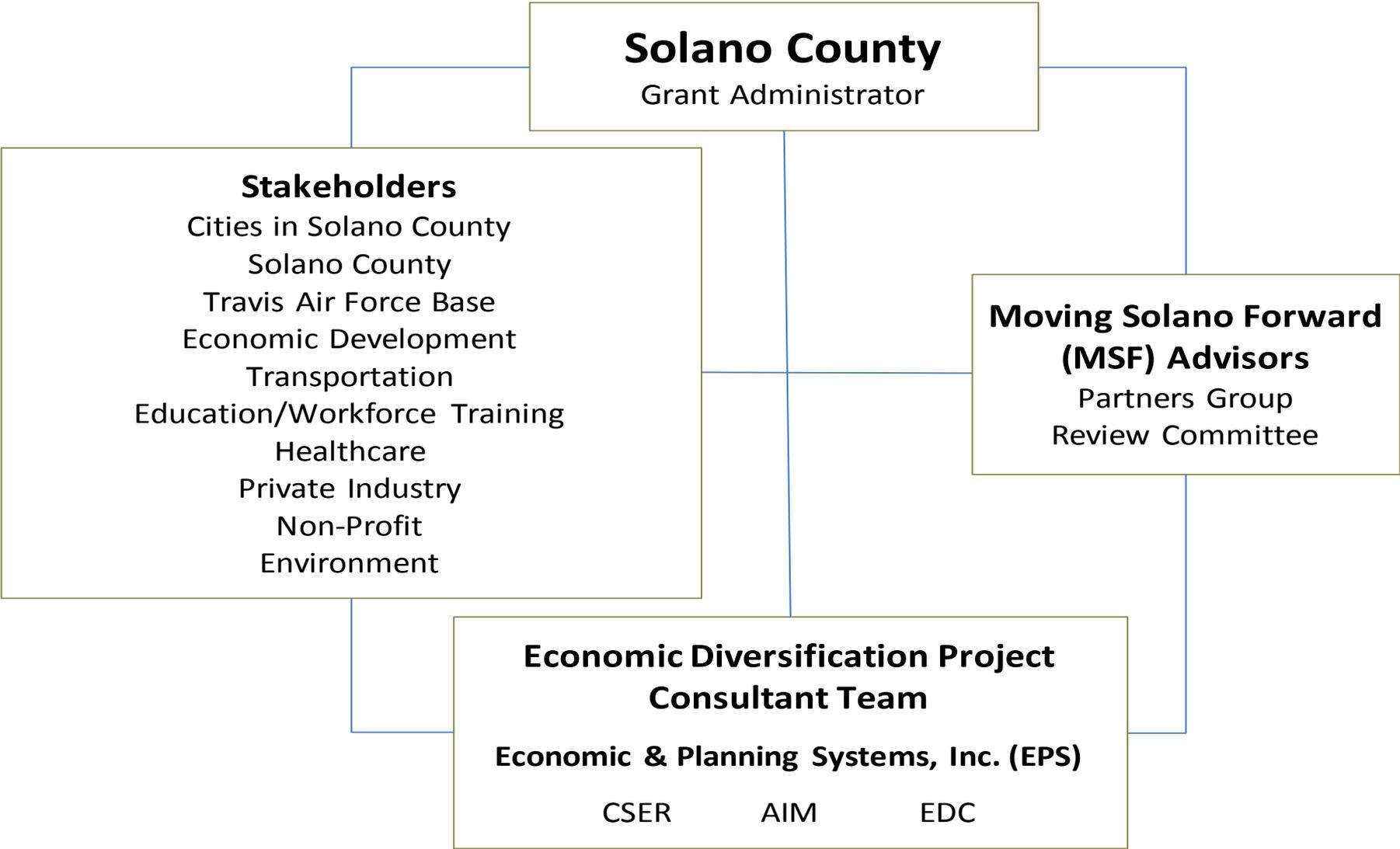
PROJECT BACKGROUND (continued)

- County sought grant from Office of Economic Adjustment (OEA) to fund a path toward developing a countywide plan
 - Underlying Concept: How can this economic diversification strategy set stage for a shared economic development plan?
 - Opportunity to grow Solano's next economy
- Retained EPS Team to prepare, by June 2014, an Economic Diversification Strategy entitled **Moving SOLANO Forward**
 - Key outcomes:
 1. Establish economic diversification strategies, vision, and objectives based on a comprehensive market evaluation
 2. Develop implementation strategy that includes measurable actions, timelines, responsible parties and policy considerations
 3. Outcomes will recognize the county's inherent geographic and community diversity

EPS TEAM OVERVIEW

	EPS	CSER	AIM	EDC
Core Focus	Project Management; Real Estate Feasibility and Land Use Policy	Regional Economics and Economic Development	Public Outreach	Economic Development
Project Lead	David Zehnder, Principal-in-Charge	Ryan Sharp, Director	Gladys Cornell, Principal	Sandy Person, President
Key Staff	Amy Lapin, Vice President	Helen Schaubmayer, Deputy Director	Donna Lucchio, Principal	Pat Uhrich, Office Manager
Role	Prime consultant with expertise in regional economics, real estate economics, land use policy, and public finance; responsible for all aspects of project management	Subconsultant specializing in applied economic analysis and economic development strategies	Subconsultant specializing in public and stakeholder engagement, communications, and community relations	Assistance with public engagement strategy and provide review and commentary on draft Project deliverables

PROJECT ORGANIZATIONAL CHART



WORK PLAN OVERVIEW AND KEY QUESTIONS

Phase 1: Establish Context

Major Task	Key Questions
<ul style="list-style-type: none">• Task A: Initiate Project• Task B: Establish Partners Group/ Other Study Participants• Task C: Develop Organizational Structure for Partners Group/Review Committee• Task D: Develop Public Engagement Strategy• Task E: Review Background Materials• Task F: Design and Conduct Surveys, Focus Groups and Interviews	<ol style="list-style-type: none">1. What are the county's shared goals related to economic growth and land use development?2. Where are the key strategic growth areas and industries across the county?<ol style="list-style-type: none">i. What linkages exist with the Bay Area, Sacramento region?ii. What are the county's internal strengths and assets?

Phase 2: Prepare Market Evaluation

Major Task	Key Questions
<ul style="list-style-type: none">• Task A: Prepare Market Assessment of Economic Conditions• Task B: Establish Competitive Position of the County as a Whole and Within Sub-regions• Task C: Evaluate Development Alternatives	<ol style="list-style-type: none">1. What is the current and desired future competitive position of the overall county?2. What industries have ties to TAFB?3. Which types of development generate good jobs and have market support across the county and within sub-regions?4. How do current economic development tools support these job creation opportunities?5. How do we align identified opportunities with land use policies within each area of the county?

Phase 3: Establish Economic Development/Diversification Potential

Major Task

- **Task A:** Identify Viable Sectors and Clusters
- **Task B:** Identify the County's Economic Assets and Gaps

Key Questions

1. What are the relative strengths and weaknesses of the western and eastern sub-regions of the county?
2. What industries and related clusters should be more represented in the county (and what is the reason for their lack of current presence)?
3. How do existing physical, geographic, community facility, and services assets and gaps affect potential development opportunities?
4. What are the major opportunities and where are they likely to be developed in the near term?

Phase 4: Develop Economic Diversification Strategic Approach

Major Task	Key Questions
<ul style="list-style-type: none">• Task A: Establish Preliminary Economic Development Strategies, Vision and Objectives• Task B: Create Plan to Implement and Measure Economic Development Strategies• Task C: Prepare Economic Diversification Project Report and Conduct Forums	<ol style="list-style-type: none">1. What strategies and actions can be implemented to diversify the overall county economy?2. What roles do the sub-regions have in achieving the desired outcomes for the overall county?3. How can county stakeholders be leveraged and engaged in implementing priority strategies?

PROJECT DELIVERABLES

Public Engagement Strategy

Moving SOLANO Forward Partners and Review Committee Input
Stakeholder Interviews
Focus Groups

Technical Analyses (Interim Technical Memoranda)

- **Market Assessment of Economic Conditions**
 - Economic and demographic profile
 - Travis AFB-related industries
 - Supply-chain/value-chain relationships
- **Competitive Position of County**
 - Business climate
 - Workforce, infrastructure, commute patterns
 - Economic development programs and services
- **Real Estate Feasibility Analysis**
- **Identification of Viable Growth Industry Sectors and Clusters**
- **Identification of Assets and Gaps**
 - Workforce demands
 - SWOT analysis
 - Relationship between real estate, infrastructure and economic development

Countywide Economic Diversification Plan

Economic diversification strategies, vision and objectives
Implementation plan & methodology for measuring outcomes

NEXT STEPS AND QUESTIONS

- Establish **Moving SOLANO Forward (MSF)** Advisors
 - MSF Partners
 - MSF Review Committee
- Tour of strategic growth areas
- Conduct interviews with key stakeholders to ascertain a comprehensive picture of opportunities and challenges
- Commence market assessment
- Kick off public engagement strategy with symposium

Moving SOLANO Forward Stakeholder Symposium

Thursday, June 6, 2013

11:30 AM – 1:30 PM

Jelly Belly Visitor Center

**SOLANO
City County Coordinating Council
Staff Report**

Meeting of. May 9, 2013
Agenda Item No: V.2.

Agency/Staff: Robert Macaulay, STA

Title /Subject: Climate Action Plan (CAP) Development - Update

Review of status and next steps for development of CAPs funded by a state Strategic Growth Council grant. This is a follow-up to the PG&E-funded Green Communities Program Energy Chapter Climate Action Plans (ECCAPs).

Background:

On July 13, 2011, the STA Board authorized staff to pursue funds from the California Strategic Growth Council (SGC) for the development of a multi-agency Climate Action Plan (CAP) and CAP Implementation Strategy, subject to endorsement from the Solano City County Coordinating Council (4Cs). Subsequently, the Pacific Gas and Electric Company (PG&E) contacted STA and stated that funds were available to assist STA in the development of a CAP focused on energy production and use. The ECCAP will cover the cities of Dixon, Fairfield, Rio Vista, Suisun City and Vacaville.

On August 11, 2011, the 4Cs requested STA take the lead in seeking an SGC grant for the multi-agency CAP and CAP Implementation Strategy. On May 10, 2012, the SGC announced that Solano County and STA were awarded \$274,000 for development of a countywide CAP and implementation plan. The CAP implementation plan will cover all 7 cities and the county.

In November and December 2012, the draft ECCAPs were presented to the Planning Commissions of Dixon, Fairfield, Rio Vista and Suisun City. All 4 Planning Commissions forwarded the ECCAPs to the City Councils, with the understanding that final hearings would not be held until the SGC-funded documents are also ready for consideration.

Discussion:

STA has retained the services of AECOM, the firm that prepared the ECCAPs, to assist in the SGC CAP implementation. To date, the following milestones and steps have been completed for the SGC CAP:

- Prepared draft emissions projections for Transportation, Wastewater, Water, Solid Waste, and Off-Road sectors to complete emissions projections work started as part of ECCAP.
- Initiated review of existing city policies/programs related to Transportation, Water, and Solid Waste emissions, and identifying policy gaps to be addressed through new CAP measures.
- Calculated draft progress toward reduction targets based on full emissions projections, statewide reductions, and previously prepared draft Energy sector reductions.
- Identified remaining emissions reductions needed to achieve 2020 targets; to be addressed

through development of Transportation, Water, and Solid Waste measures.

An important next step is to identify the gap between the draft GHG emission reduction targets contained in the ECCAPs and the reductions anticipated by energy reduction measures in the ECCAPs. Attachment A shows the draft GHG reduction target and the identified reduction gap for each of the ECCAP cities. Forecast 2020 emissions growth varies from city to city: Suisun City is estimated to experience the highest growth (19%), followed by Fairfield (16%), Rio Vista (10%), and Dixon (10%), and are based upon the current emission inventories prepared by AECOM and the growth forecasts contained in the draft Plan Bay Area.

Recommendation:

Information

Attachments:

A Draft Remaining GHG Reductions Needed by 2020 for the Cities of Dixon, Fairfield, Rio Vista, Suisun City

Draft Remaining GHG Reductions Needed by 2020 for the Cities of Dixon,
Fairfield, Rio Vista, Suisun City

City of Dixon	MT CO₂e/yr
2020 Reductions Needed	25,962
Statewide Reductions	17,639
EECAP Reductions	4,815
Remaining Reductions Needed	3,508

City of Fairfield	MT CO₂e/yr
2020 Reductions Needed	214,297
Statewide Reductions	113,503
EECAP Reductions	12,388
Remaining Reductions Needed	88,406

City of Suisun City	MT CO₂e/yr
2020 Reductions Needed	40,418
Statewide Reductions	22,864
EECAP Reductions	2,822
Remaining Reductions Needed	25,686

City of Rio Vista	MT CO₂e/yr
2020 Reductions Needed	11,869
Statewide Reductions	7,714
EECAP Reductions	1,110
Remaining Reductions Needed	8,824

**SOLANO
City County Coordinating Council
Staff Report**

Meeting of. May 9, 2013

**Agency/Staff: Michelle Heppner,
Solano County Administrator's
Office, and Paul Yoder, Shaw,
Yoder, Antwih Inc.**

Agenda Item No: V.3

Title /Subject: Legislative Update

Background: CCCC staff and the County's legislative advocate, Paul Yoder, will provide an oral update on legislative issues of concern to the County and the cities. Staff is also recommending the CCCC take a position on two legislative bills that could adversely impact cities and the County. 0

Assembly Bill 5, by Assembly Member Ammiano, would create the Homeless Person's Bill of Rights and Fairness Act and essentially establish certain protections against discrimination on the basis of homelessness, which the bill defines as "individuals or families who lack or are perceived to lack a fixed, regular, and adequate nighttime residence, or who have a primary nighttime residence in a shelter, on the street, in a vehicle, in an enclosure or structure that is not authorized or fit for human habitation and also means a person whose only residence is a residential hotel or who is residing anywhere without tenancy rights, and families with children staying in a residential hotel whether or not they have tenancy rights." Additionally, AB 5 contains the following provisions:

- Provides rights to homeless to move freely, rest, eat and solicit donations in public places without being subject to criminal or civil sanctions, harassment, or arrest by law enforcement. (Public spaces is defined in the bill as those owned by any state or local government entity or upon which there is an easement for public use and is held open to the public, including plazas, courtyards, parking lots, sidewalks and public parks and public buildings.
- Prohibits law enforcement from arresting individuals for violation of local ordinances (such as encampment, loitering, panhandling and residing in vehicles parked on public property) unless the following conditions exist:
 - The county maintains year-round Section 17000 nonmedical assistance.
 - The locality is not an area of concentrated un- or underemployment or an area of labor surplus.
 - The county-maintained public housing waiting list is <50 people.
 - Requires every local government to have "health and hygiene centers" with 24/7 access to bathroom and shower facilities. The centers would be funded by the State Department of Public Health as part of the Neighborhood Health Center Program through the county agencies that oversee public health programs.
- Provides civil and criminal protections for local agency employees who make public property (such as first aid supplies, blankets, food, water) available for use or distribution to the homeless (without consent of the local agency).

- Requires local law enforcement to annually compile and review the number of citations, arrests, and other enforcement activities made pursuant to laws prohibiting: obstructing a sidewalk, loitering, sitting, lying down, camping, sleeping in a public place, soliciting donations, bathing in public places, sharing or receiving food, inhabiting a vehicle, violating public park closure laws or crossing streets or highways at particular locations. That information would be submitted to the Attorney General and made public.

It should be noted that AB 5 would create a private right of action against any person, public entity or public employer for violation of the rights provided in AB 5, and if a county chooses to move forward with judicial proceedings, the county where the citation was issued must provide counsel to the defendant.

AB 443(Walters) – Organized Camps. This bill revise the definitions and regulatory requirements relating to organized camps. Distinguish between organized resident camps and organized day camps and define those terms in statute; Require operators of either type of camp to develop written operating plan and file that plan with the local health officer; Permit a local health officer to inspect an organized camp; Authorize local health officers to recover their costs through fees; Enact other requirements to protect the health and safety of campers.

Discussion: At each CCCC meeting, staff provides a legislative update to keep members informed of activities at the State and Federal level.

Recommendation: Receive a report on legislative matters of concern.

Attachments:

1. AB 5 (Ammiano) – Homelessness
 - a. Bill Language
 - b. Bill Analysis (Assembly)
2. SB 443 (Walters) – Organized Camps
 - a. Bill Language
 - b. Bill Analysis (Senate)

AMENDED IN ASSEMBLY APRIL 30, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 5

Introduced by Assembly Member Ammiano

December 3, 2012

An act to add Part 2.2 (commencing with Section 53.1) to Division 1 of the Civil Code, and to amend Section 11135 of the Government Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 5, as amended, Ammiano. Homelessness.

Existing law provides that no person in the state shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

This bill would enact the Homeless Person's Bill of Rights and Fairness Act, which would provide that no person's rights, privileges, or access to public services may be denied or abridged because he or she is ~~homeless, has a low income, or suffers from a mental illness or physical disability~~ *homeless*. ~~The bill would provide that every person in the state, regardless of actual or perceived housing status, low income, sexual orientation, gender identity, citizenship, or immigration status, shall be free from specified forms of discrimination and shall be entitled to certain basic human rights, including the right to be free from~~

discrimination by law enforcement, in the workplace, and while seeking services. The bill would provide that every *homeless* person has the right, *among others*, to access public property, possess personal property, access public restrooms, clean water, educational supplies *move freely, rest, eat, share, accept, or give food or water, and solicit donations in public spaces, as defined, and the right to lawful self-employment*, as specified, emergency and nonemergency health care, confidentiality of ~~medical~~ *specified* records, assistance of legal counsel in specified proceedings, and restitution, under specified circumstances. *By requiring a county to pay the cost of providing legal counsel, as specified, the bill would increase the duties of local agencies, thereby imposing a state-mandated local program.* The bill would provide immunity from employer ~~retaliation~~, *retaliation* to a public employee who provides *specified* assistance to a homeless person. The bill would require local law enforcement agencies to make specified information available to the public and report to the Attorney General on an annual basis with regard to enforcement of local ordinances against homeless persons and compliance with the act, as specified, thereby imposing a state-mandated local program. The bill would provide for judicial relief and impose civil penalties for a violation of the act.

This bill would require the State Department of Public Health to fund the provision of health and hygiene centers, as specified, for use by homeless persons in designated areas.

This bill would provide that its provisions address a matter of statewide concern. The bill would provide that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Homeless Person's Bill of Rights and Fairness Act.

1 SEC. 2. The Legislature finds and declares all of the following:

2 (a) In the State of California, there has been a long history of
3 discriminatory laws and ordinances that have disproportionately
4 affected people with low incomes and who are without homes,
5 including, but not limited to, all of the following:

6 (1) Jim Crow laws: After the Civil War, many states, especially
7 in the south, passed laws denying African Americans basic human
8 rights. In California, these laws also targeted Chinese immigrants.
9 In San Francisco, Chinese residents were forced to live in one area
10 of the city. The same segregation laws also prohibited interracial
11 marriage between Chinese and non-Chinese persons.

12 (2) Ugly laws: In 1867, San Francisco was the first city in the
13 country to pass a law making it illegal for people with “unsightly
14 or disgusting” disabilities to appear in public. In many cities, these
15 laws persisted until the 1970s.

16 (3) Anti-Okie laws: In 1937, California passed an Anti-Okie
17 law that criminalized “bringing or assisting in bringing” extremely
18 poor people into the state. The United States Supreme Court struck
19 down the law in 1941, when it declared that these laws are in
20 violation of the commerce clause, and therefore unconstitutional.

21 (4) Sundown town ordinances: Town policies and real estate
22 covenants were aimed at preventing minorities, homeless persons,
23 and other persons considered to be socially undesirable from
24 remaining within city limits after sunset. Thousands of these towns
25 existed prior to the federal Civil Rights Act of 1968, which made
26 these ordinances and covenants illegal.

27 (5) Vagrancy laws: Vagrancy laws have been held to be
28 discriminatory on their face because they criminalize a person’s
29 status rather than a behavior. Nevertheless, these laws existed in
30 California until the Legislature revised them in 1961.

31 (b) Act of living ordinances, often known as “quality of life
32 ordinances” and other similar ordinances, are the modern
33 reincarnations of laws of this kind. They are designed to force
34 homeless people to flee local jurisdictions. These local ordinances
35 result in de facto segregation as homeless people are forced out of
36 specific jurisdictions or out of specific neighborhoods within
37 jurisdictions. These practices tend to condemn large groups of
38 inhabitants to dwell in segregated districts or under depressed
39 living conditions that result in crowded, unsanitary, substandard,
40 and unhealthful accommodations. Furthermore, these policies

1 result in criminalization of homeless persons who do not choose,
2 or are unable, to migrate.

3 (c) Today, in the state, many people are denied the following:

4 (1) Housing due to their status of being homeless, living in a
5 shelter, a vehicle, the street, or the public domain.

6 (2) Employment due to their current status of being homeless
7 or living in a shelter or a vehicle on the street.

8 (3) Housing and employment as a result of not having a fixed
9 or residential mailing address or having a post office box as a
10 mailing address.

11 (4) Equal protection of the laws and due process by law
12 enforcement and prosecuting agencies.

13 (5) The ability to make certain purchases or enter certain contests
14 as a result of not having a fixed or residential mailing address or
15 having a post office box as a mailing address.

16 (6) Access to safe, clean restrooms, water, and hygienic supplies
17 necessary to maintain health, safety, and dignity, especially with
18 the proliferation of closures of public restrooms.

19 (d) Homeless persons are unfairly targeted by law enforcement,
20 often resulting in the violation of homeless persons' constitutional
21 rights. Lacking the resources necessary to obtain adequate legal
22 representation, homeless persons are often denied relief or damages
23 through the courts.

24 (e) Homeless persons rarely have access to shelters, and when
25 shelter is available, its conditions can be so poor as to jeopardize
26 their health and physical and mental safety.

27 (f) Homeless persons are often forced to separate from loved
28 ones, give up their personal property, abandon pets, and make
29 other inhumane choices in order to access even minimal shelter.

30 (g) Lesbian, gay, bisexual, transgender, gender nonconforming,
31 and queer individuals often are forced to accept inappropriate or
32 unsafe accommodations to access publicly funded emergency
33 shelters.

34 (h) Children in homeless families are denied the ability to
35 continue receiving education in their preferred school if their
36 family's shelter lies outside the boundaries of their former district.

37 (i) At the present time, many persons have been rendered
38 homeless as a result of a deep and prolonged economic recession,
39 a severe shortage of safe and affordable housing, a failed mental
40 health system, and a shrinking social safety net.

1 (j) Section 1 of Article I of the California Constitution provides
2 that “[a]ll people are by nature free and independent and have
3 inalienable rights. Among these are enjoying and defending life
4 and liberty, acquiring, possessing, and protecting property, and
5 pursuing and obtaining safety, happiness, and privacy.”

6 (k) Subdivision (a) of Section 7 of Article I of the California
7 Constitution provides, in part, that “[a] person may not be deprived
8 of life, liberty, or property without due process of law or denied
9 equal protection of the laws... .”

10 (l) Concordant with this fundamental belief, a person should
11 not be subject to discrimination based on his or her housing status,
12 income level, mental or physical disability, sexual orientation,
13 gender identity, citizenship, or immigration status. Therefore, it is
14 the intent of the Legislature in enacting this act to protect the rights
15 of all Californians, regardless of their housing status, and to
16 ameliorate the adverse effects of homelessness on *people who have*
17 *no home and on our communities.*

18 (m) *It is the intent of the Legislature to enact legislation that*
19 *would require all state agencies to use the same definition for*
20 *“homeless persons or people” as follows:*

21 (1) *“Homeless” means those individuals or families who lack*
22 *or are perceived to lack a fixed, regular, and adequate nighttime*
23 *residence, or who have a primary nighttime residence in a shelter,*
24 *on the street, in a vehicle, in an enclosure or structure that is not*
25 *authorized or fit for human habitation.*

26 (2) *“Homeless” also means a person whose only residence is*
27 *a residential hotel or who is residing anywhere without tenancy*
28 *rights, and families with children staying in a residential hotel*
29 *whether or not they have tenancy rights.*

30 (n) *It is the intent of the Legislature that publicly funded social*
31 *and health care services be offered in a sufficient quantity to meet*
32 *the population’s needs, without barriers, including geographical*
33 *barriers, such as making locations inconvenient or creating*
34 *screen-out barriers, or prohibiting access due to a person’s*
35 *inability to provide identification or criminal justice history, or*
36 *disability, in order that persons are reasonably able to reach and*
37 *use that service.*

38 ~~SEC. 3. (a) It is the intent of the Legislature to enact legislation~~
39 ~~that would, except when otherwise not permitted by federal law,~~

1 ensure that everyone in the state has the right to all of the
2 following:

3 (1) Access to income sufficient for survival, regardless of
4 employment status or criminal justice background, including, but
5 not limited to, the right to receive funds through public welfare
6 programs, private donations, collecting recyclable goods, or
7 soliciting donations in public spaces.

8 (2) Safe, decent, permanent, and affordable housing, as soon as
9 possible, and the right to be free from further dislocation, unless
10 and until safe, decent, permanent, and affordable housing is
11 available.

12 (3) Access to clean and safe facilities 24 hours a day, seven
13 days a week, with clearly identifiable staff able to react to safety
14 concerns, including, but not limited to, shelters and drop-in centers
15 that meet basic health, hygiene, and dignity needs, including any
16 special needs of lesbian, gay, bisexual, or transgender individuals,
17 youths, families, or those with mental illness or physical
18 disabilities. This includes the right of all individuals to secure
19 shelter without being required to state their gender or to share
20 confidential health information protected by the federal Health
21 Insurance Portability and Accountability Act of 1996 (Public Law
22 104-191).

23 (4) As a child enrolled in a publicly funded school, be provided
24 by his or her school with the supplies necessary to promote
25 academic success, including, but not limited to, backpacks,
26 textbooks, notebooks, pencils, pens, and appropriate academic
27 technology.

28 (5) Nonemergency health care and access to medical facilities
29 that provide quality care for both physical and mental needs.

30 (6) Access to emergency services, including, but not limited to,
31 emergency rooms at hospitals, shelters, drop-in centers,
32 rehabilitation centers, education, and special training, without the
33 possibility of being denied based on race, color, sex, language,
34 religion, political or other opinion, national or social origin, sexual
35 orientation, gender identity, mental or physical disability, income
36 level, housing status, citizenship, or immigration status.

37 (b) It is the intent of the Legislature to enact legislation that
38 would require all state agencies to use the same definition for
39 “homeless persons or people” as follows: “Homeless” means those
40 individuals or families who lack a fixed, regular, and adequate

1 ~~nighttime residence or who have primary nighttime residence in~~
 2 ~~a shelter, on the street, in a vehicle, in an enclosure or structure~~
 3 ~~that is not authorized or fit for human habitation, substandard~~
 4 ~~apartments, dwellings, doubled up temporarily with friends or~~
 5 ~~families, or staying in transitional housing programs. “Homeless”~~
 6 ~~also means any person residing anywhere without tenancy rights,~~
 7 ~~and families with children staying in a residential hotel whether~~
 8 ~~or not they have tenancy rights.~~

9 ~~(e) It is the intent of the Legislature that publicly funded social~~
 10 ~~and health care services be offered in a sufficient quantity to meet~~
 11 ~~the population’s needs, without barriers, including geographical~~
 12 ~~barriers, such as making locations inconvenient or creating~~
 13 ~~screen-out barriers, or prohibiting access due to a person’s inability~~
 14 ~~to provide identification or criminal justice history, or disability,~~
 15 ~~in order that persons are reasonably able to reach and use that~~
 16 ~~service.~~

17 ~~SEC. 4.~~

18 ~~SEC. 3.~~ Part 2.2 (commencing with Section 53.1) is added to
 19 Division 1 of the Civil Code, to read:

20
 21 **PART 2.2. HOMELESS PERSONS**

22
 23 53.1. For purposes of this part, the following definitions shall
 24 apply:

25 ~~(a) “Access,” as applied to an existing facility, service, or public~~
 26 ~~space means the ability and permission to enter and make use of~~
 27 ~~the facility, service, or public space. Otherwise, “access” means~~
 28 ~~the offering or availability of a facility or service.~~

29 ~~(b)~~

30 ~~(a) “BID” means a business improvement district, as established~~
 31 ~~under Chapter 2 (commencing with Section 36520) of Part 6 of~~
 32 ~~Division 18 of, or Chapter 2 (commencing with Section 36620)~~
 33 ~~of Part 7 of Division 18 of, the Streets and Highways Code, or any~~
 34 ~~public-private partnership established under any municipal or~~
 35 ~~county law authorized under Chapter 1 (commencing with Section~~
 36 ~~36500) of Part 6 of Division 18 of, or Chapter 1 (commencing~~
 37 ~~with Section 36600) of Part 7 of Division 18 of, the Streets and~~
 38 ~~Highways Code, whether or not the phrase “business improvement~~
 39 ~~district” is part of the public-private partnership’s name.~~

40 ~~(e)~~

1 (b) “BID agent” means any person hired by a BID or any other
2 public-private partnership similar to a business improvement
3 district.

4 (d) “Damages” means, but is not limited to, losses.

5 (e)

6 (c) “Harassment” means any behavior that is meant to intimidate
7 or otherwise persuade an individual to alter his or her behavior,
8 whether or not otherwise lawful. *a knowing and willful course of*
9 *conduct by law enforcement, public or private security personnel,*
10 *or a BID agent directed at a specific person that a reasonable*
11 *person would consider as seriously alarming, seriously annoying,*
12 *seriously tormenting, or seriously terrorizing a person.*

13 (f)

14 (d) “Homeless persons” or “homeless people” means those
15 individuals or families ~~lacking~~ *who lack or are perceived to lack*
16 *a fixed, regular, and adequate nighttime residence, or having who*
17 *have a primary nighttime residence in a shelter, on the street, in a*
18 *vehicle, in an enclosure or structure that is not authorized or fit for*
19 *human habitation, in a substandard apartment, dwelling, staying*
20 *temporarily with friends or families, or staying in transitional*
21 *housing programs or habitation. “Homeless” also means a person*
22 *whose only residence is a residential hotel or who is residing*
23 *anywhere without tenancy rights, and families with children staying*
24 *in a residential hotel whether or not they have tenancy rights.*

25 (g) “Housing status” means the status of having or not having
26 a fixed or regular residence, including the status of living outdoors,
27 in a vehicle, or in a homeless shelter, or similar temporary
28 residence or elsewhere in the public domain.

29 (h) “Lack of permanent mailing address” means the absence of
30 an address fixed to a permanent home, and may include, but is not
31 limited to, post office boxes, addresses of friends or family
32 members, and shelter addresses.

33 (i) “Lawful representative” means any person who has been
34 asked to advocate on behalf of a person or any class that a person
35 identifies with, including, but not limited to, a homeless person’s
36 retained attorney, a nonprofit organization that advocates on behalf
37 of homeless persons, or a prosecuting attorney upon the request
38 of a homeless person.

1 (j) ~~“Losses” means, but is not limited to, any deprivation of~~
2 ~~constitutionally held rights as well as the loss of property or~~
3 ~~physical and mental wellbeing.~~

4 (k) ~~“Low income” is defined as income at or lower than twice~~
5 ~~the federal poverty level as established by the poverty guidelines~~
6 ~~updated periodically in the Federal Register by the United States~~
7 ~~Department of Health and Human Services under the authority of~~
8 ~~Section 9902(2) of Title 42 of the United States Code.~~

9 (l) ~~“Public service” means any program or activity that is~~
10 ~~conducted, operated, or administered by the state, any state agency,~~
11 ~~or local government agency, is funded directly by the state or any~~
12 ~~local government, or received any financial assistance from the~~
13 ~~state or any local government.~~

14 (m)
15 (e) ~~“Public space” means any—space property that is~~
16 ~~predominantly within the public domain or owned by any state or~~
17 ~~local government entity or upon which there is an easement for~~
18 ~~public use and that is held open to the public, including, but not~~
19 ~~limited to, plazas, courtyards, parking lots, sidewalks, public~~
20 ~~transportation, public buildings and parks. “Public space” may~~
21 ~~also refer to those places that receive additional services through~~
22 ~~BIDs or other, similar public-private partnerships. does not include~~
23 ~~a private business establishment.~~

24 (n)
25 (f) ~~“Rest” means the state of not moving, holding certain~~
26 ~~postures that include, but are not limited to, sitting, standing,~~
27 ~~leaning, kneeling, squatting, sleeping, or lying.~~

28 (o)
29 (g) ~~“Soliciting donations” means asking for food, water, or~~
30 ~~money, which includes panhandling.~~

31 53.2. (a) ~~The existence of homelessness requires that~~
32 ~~fundamental rights that are amply protected in the home and in~~
33 ~~private places be extended to the public domain to ensure the equal~~
34 ~~rights of all Californians, homeless and housed. Every homeless~~
35 ~~person in the state, regardless of actual or perceived housing status,~~
36 ~~low income, sexual orientation, gender identity, citizenship, or~~
37 ~~immigration status, state shall have the right to all of the following~~
38 ~~basic human rights and legal and civil protections, except when~~
39 ~~prohibited by federal law:~~

1 (1) The right to move freely in the same manner as any other
2 person in public spaces, including, but not limited to, plazas,
3 parking lots, public sidewalks, public parks, public transportation,
4 public streets, and public buildings, in the same manner as any
5 other person, and without discrimination *spaces without being*
6 *subject to criminal or civil sanctions, harassment or arrest* by law
7 enforcement, public or private security personnel, or BID agents
8 *because he or she is homeless.*

9 (2) The right to rest and sleep in a public spaces *space in the*
10 *same manner as any other person* without being subject to criminal
11 or civil sanctions, harassment, or arrest by law enforcement, public
12 or private security personnel, or BID agents *because he or she is*
13 *homeless*, as long as ~~such~~ *that* rest does not maliciously or
14 substantially obstruct a passageway.

15 (3) ~~The right to set down or leave at rest personal property in~~
16 ~~public spaces without being subject to criminal or civil sanctions,~~
17 ~~harassment, or arrest by law enforcement, public or private security~~
18 ~~personnel, or BID agents, as long as that personal property does~~
19 ~~not maliciously or substantially obstruct a passageway, or the~~
20 ~~possession or placement of that personal property does not deny~~
21 ~~another of the right to property. This includes the right to restitution~~
22 ~~for loss of property or personal effects and belongings if the~~
23 ~~property or personal effects are confiscated, removed, damaged,~~
24 ~~or destroyed by law enforcement, public or private security~~
25 ~~personnel, or BID agents in violation of this paragraph or any other~~
26 ~~protections of property provided under state or federal law.~~

27 (4)

28 (3) The right to *eat*, share, accept, or give food *or water* in public
29 spaces *in the same manner as any other person* without being
30 subject to criminal or civil sanctions, harassment, or arrest by law
31 enforcement, public or private security personnel, or BID agents
32 *because he or she is homeless.*

33 (4) *The right to solicit donations in public spaces in the same*
34 *manner as any other person without being subject to criminal or*
35 *civil sanctions, harassment, or arrest by law enforcement, public*
36 *or private security personnel, or BID agents because he or she is*
37 *homeless.*

38 (5) The right to the same protections that law enforcement
39 agencies afford to the general public *any other person*, including,

1 but not limited to, the right to reasonable protection from assault,
2 domestic violence, sexual assault, or robberies.

3 (6) The right to ~~sleep, sit, lie down, stand, eat, solicit donations,~~
4 ~~or share food in a public place or in a vehicle~~ *rest* in a public place
5 *space*, without being subject to criminal or civil sanctions,
6 *harassment*, or arrest by law enforcement, public or private security
7 personnel, or BID agents, except that law enforcement may enforce
8 existing local laws if all of the following are true: (1) the person's
9 county of residence maintains 12 months per year of nonmedical
10 assistance provided for in Section 17000 of the Welfare and
11 Institutions Code for employable, able-bodied adults without
12 dependents who are compliant with program rules established by
13 the county, including work requirements; (2) the locality is not a
14 geographical area identified by the United States Department of
15 Labor in accordance with Subpart A of Part 654 of Section 20 of
16 the Code of Federal Regulations as an area of concentrated
17 unemployment or underemployment or an area of labor surplus;
18 and (3) the public housing waiting list maintained by the county
19 contains fewer than 50 persons.

20 (7) The right to ~~be self-employed~~ *engage in lawful*
21 *self-employment in the same manner as any other person*,
22 including, but not limited to, the right to seek self-employment in
23 junk removal and recycling that requires the collection, possession,
24 redemption, and storage of goods for reuse and recycling, without
25 being subject to criminal or civil sanctions, harassment, or arrest
26 by law enforcement, public or private security personnel, or BID
27 agents *because he or she is homeless*.

28 (8) The right to pray, meditate, or practice religion in public
29 spaces *in the same manner as any other person*, without being
30 subject to criminal or civil sanctions, harassment, or arrest by law
31 enforcement, public or private security personnel, or BID agents
32 *because he or she is homeless*.

33 (9) The right to decline admittance to a public or private shelter
34 or any other accommodation, including social services programs,
35 for any reason he or she sees fit, without ~~being~~ *being subject to*
36 criminal or civil sanctions, harassment, or ~~arrest, or threats of these~~
37 ~~actions~~, *arrest* from law enforcement, public or private security
38 personnel, or BID agents.

39 (10) The right to occupy a motor vehicle, as defined in Section
40 415 of the Vehicle Code, or recreational vehicle, as defined in

1 Section 18010 of the Health and Safety Code, either to rest, sleep,
2 or use for the purposes of shelter, provided that the vehicle is
3 legally parked on public property, without ~~facing~~ *being subject to*
4 criminal or civil sanctions, harassment, or ~~arrest, or threats of these~~
5 ~~actions, arrest~~ from law enforcement, public or private security
6 personnel, or BID agents.

7 ~~(11) If the person is a child or youth, the right to state~~
8 ~~enforcement of the educational protections under the federal~~
9 ~~McKinney-Vento Act (42 U.S.C. Sec. 11432), particularly with~~
10 ~~regard to Sections 11432(e)(3)(C)(ii)(I) and 11432(e)(3)(C)(ii)(II)~~
11 ~~of Title 42 of the United States Code, which provide that a school~~
12 ~~shall provide assistance to the parent or guardian of each homeless~~
13 ~~child or youth (or, in the case of an unaccompanied youth, the~~
14 ~~youth) to exercise the right to attend the parent's or guardian's (or~~
15 ~~youth's) choice of school, and a school shall coordinate with the~~
16 ~~local educational agency with jurisdiction for the school selected~~
17 ~~by the parent or guardian (or youth), to provide transportation and~~
18 ~~other necessary services.~~

19 ~~(12)~~

20 ~~(11) The right to be protected from disclosure confidentiality~~
21 ~~of his or her records and information from by homeless shelters,~~
22 ~~medical centers, schools, or any other publicly funded human~~
23 ~~service provider to law enforcement agencies without appropriate~~
24 ~~legal authority, and the right to confidentiality of personal records~~
25 ~~and information in accordance with all limitations on disclosure~~
26 ~~established by the federal Homeless Management Information~~
27 ~~Systems, the federal Health Insurance Portability and~~
28 ~~Accountability Act of 1996 (Public Law 104-191), and the federal~~
29 ~~Violence Against Women Act (Public Law 103-322), employers,~~
30 ~~or landlords, except that the records or information may be~~
31 ~~disclosed if the disclosure is based on appropriate legal authority.~~
32 ~~Disclosure of an individual's records or information shall not be~~
33 ~~allowed unless the individual received oral and written notice of~~
34 ~~the legal authority to disclose this information and the individual's~~
35 ~~right to opt out of having the records or information disclosed.~~

36 ~~(13) The right to confidentiality of personal records regarding~~
37 ~~housing status, income level, mental illness, physical disability,~~
38 ~~sexual orientation, gender identity, citizenship, or immigration~~
39 ~~status, and to protection from disclosure of the information and~~
40 ~~records to landlords and employers.~~

1 ~~(14)~~

2 ~~(12) (A) If~~ *The right to assistance of counsel, if a county*
3 *chooses to initiate judicial proceedings subject to Section 40508*
4 *of the Vehicle Code, Section 853.6, 853.7, or 853.8 of the Penal*
5 *Code, or any similar law authorizing arrest for failure to appear*
6 *or pay bail of the amount listed on the notice to appear, the*
7 *defendant shall be guaranteed the right to assistance of counsel*
8 *under any law set forth in Section 53.5. The accused shall be*
9 *advised of this right to counsel before entering a plea, and any*
10 *waiver of this right shall be explicit. If the district attorney's office*
11 *or its agent is representing the state in any part of an infraction*
12 *proceeding, the accused shall have the right to assistance of counsel*
13 *with regard to that infraction.*

14 ~~(B) The county where the citation was issued shall pay the cost~~
15 ~~of providing counsel under this section paragraph.~~

16 ~~(C) A county shall not use penalties under Section 1214.1 of~~
17 ~~the Penal Code or any other civil assessment scheme in the~~
18 ~~prosecution of municipal infractions unless the defendant was the~~
19 ~~driver of a vehicle.~~

20 ~~(15) The right to assistance of counsel in any civil or criminal~~
21 ~~proceeding that may result in commitment to a public health~~
22 ~~institution.~~

23 ~~(16) The right to be free from arbitrary arrest, detention, or~~
24 ~~deportation, handed over to another law enforcement agency, or~~
25 ~~deported, without guarantees necessary for his or her timely~~
26 ~~defense.~~

27 ~~(b)~~

28 ~~(C) This section paragraph shall not be construed to eliminate~~
29 ~~any protection or right to representation available under Sections~~
30 ~~5365 and 6500 of the Welfare and Institutions Code or any other~~
31 ~~provision of law.~~

32 53.3. (a) A public employee shall not be retaliated against by
33 his or her employer, for offering *available* public resources to a
34 homeless person in order to protect that person from harm,
35 including, but not limited to, ~~for~~ offering or providing food,
36 blankets, first-aid supplies, or water.

37 (b) Any person or organization ~~or water~~ offering food *or water*
38 *in a public spaces space* to any *homeless* person ~~pursuant to this~~
39 ~~part~~ shall not be subject to criminal or civil sanctions, arrest, or

1 harassment by law enforcement, public or private security
2 personnel, or BID agents.

3 53.4. (a) Every local government and disadvantaged
4 unincorporated community within the state shall have sufficient
5 health and hygiene centers available 24 hours a day, seven days a
6 week, for use by homeless people. These facilities may be part of
7 the Neighborhood Health Center Program.

8 (b) For purposes of subdivision (a), the health and hygiene
9 centers shall be funded by the State Department of Public Health
10 through those county agencies that oversee public health programs,
11 and, at a minimum, shall contain public bathroom and shower
12 facilities.

13 (c) The State Department of Public Health shall distribute public
14 bulletins and notices identifying the facilities to be used as health
15 and hygiene centers.

16 (d) For purposes of this section, “disadvantaged unincorporated
17 community” ~~means a fringe, island, or legacy community in which~~
18 ~~the median household income is 80 percent less than the statewide~~
19 ~~median household income shall be defined as in Section 65302.10~~
20 *of the Government Code.*

21 53.5. (a) To ensure equitable and cost-effective enforcement
22 of the Homeless Person’s Bill of Rights and Fairness Act (Ch.____,
23 Stats. 2013), every local law enforcement agency shall annually
24 compile and review the number of citations, arrests, and other
25 enforcement activities made pursuant to laws prohibiting the
26 following:

27 (1) Obstructing a sidewalk, whether by a person or personal
28 property.

29 (2) Loitering.

30 (3) Sitting.

31 (4) Lying down.

32 (5) Camping.

33 (6) Public lodging, including the prohibition specified in
34 subdivision (e) of Section 647 of the Penal Code.

35 (7) Sleeping in a public place.

36 (8) Soliciting donations.

37 (9) Soliciting donations at certain restricted locations, including
38 citing people for panhandling under Section 22520.5 of the Vehicle
39 Code.

40 (10) Bathing in public places.

1 (11) Sharing or receiving food.

2 (12) Inhabiting or sleeping in a vehicle.

3 (13) Violating public park closure laws.

4 (14) Crossing streets or highways at particular locations,
5 including subdivisions (c) and (d) of Section 21451 of, subdivision
6 (d) of Section 21453 of, subdivision (b) of Section 21456 of,
7 Section 21461.5 of, subdivision (b) of Section 21950 of, Section
8 21954 of, Section 21955 of, and subdivision (a) of Section 21956
9 of, the Vehicle Code.

10 (15) Trespassing, unless the trespassing charge is coupled with
11 any misdemeanor or felony, except those misdemeanors that are
12 included in Section 372 of, and subdivisions (h) to (j), inclusive,
13 and subdivisions (l) and (m), of Section 602 of, the Penal Code.

14 *(16) Failing to appear, pay a fine, post bail, or comply with a*
15 *condition of a court order, as described in Section 40508 of the*
16 *Vehicle Code or Section 853.6, 853.7, or 853.8 of the Penal Code.*

17 ~~(16)~~

18 *(17) Any other local or state law enforced against homeless*
19 *persons and identified by the Attorney General's office, or a city*
20 *attorney's office, or any nonprofit organization whose work or*
21 *mission includes assistance to research about, or advocate for, poor*
22 *and homeless people office.*

23 (b) A local law enforcement agency shall make this information
24 publicly available under the terms set forth in the California Public
25 Records Act (Chapter 3.5 (commencing with Section 6250) of
26 Division 7 of Title 1 of the Government Code).

27 (c) A local law enforcement agency shall report the information
28 specified in this section to the Attorney General's office on an
29 annual basis.

30 53.6. (a) Any person whose rights have been violated under
31 this part may enforce those rights and he or she, or his or her lawful
32 representative, may file a motion for relief in any trial or appellate
33 court with jurisdiction over the case as a matter of right. The court
34 shall act promptly on any motion for relief under this part *in a civil*
35 *action.*

36 ~~(b) Any civil action alleging a violation of this part may be~~
37 ~~brought against any person, entity, public entity, or public~~
38 ~~employee. The court may award punitive damages, if applicable,~~
39 ~~appropriate injunctive and declaratory relief, *restitution for loss*~~
40 ~~*of property or personal effects and belongings, actual damages,*~~

1 compensatory damages, ~~general damages, special damages,~~
2 exemplary damages, statutory damages of one thousand dollars
3 (\$1,000) per violation, ~~if applicable,~~ and reasonable attorneys' fees
4 and costs to a prevailing plaintiff.

5 ~~SEC. 5.~~

6 *SEC. 4.* Section 11135 of the Government Code is amended
7 to read:

8 11135. (a) No person in the State of California shall, on the
9 basis of race, national origin, ethnic group identification, religion,
10 age, sex, sexual orientation, color, housing status, genetic
11 information, or disability, be unlawfully denied full and equal
12 access to the benefits of, or be unlawfully subjected to
13 discrimination under, any program or activity that is conducted,
14 operated, or administered by the state or by any state agency, is
15 funded directly by the state, or receives any financial assistance
16 from the state. Notwithstanding Section 11000, this section applies
17 to the California State University.

18 (b) With respect to discrimination on the basis of disability,
19 programs and activities subject to subdivision (a) shall meet the
20 protections and prohibitions contained in Section 202 of the federal
21 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132),
22 and the federal rules and regulations adopted in implementation
23 thereof, except that if the laws of this state prescribe stronger
24 protections and prohibitions, the programs and activities subject
25 to subdivision (a) shall be subject to the stronger protections and
26 prohibitions.

27 (c) (1) As used in this section, "disability" means any mental
28 or physical disability, as defined in Section 12926.

29 (2) The Legislature finds and declares that the amendments
30 made to this act are declarative of existing law. The Legislature
31 further finds and declares that in enacting Senate Bill 105 of the
32 2001–02 Regular Session (Chapter 1102 of the Statutes of 2002),
33 it was the intention of the Legislature to apply subdivision (d) to
34 the California State University in the same manner that
35 subdivisions (a), (b), and (c) already applied to the California State
36 University, notwithstanding Section 11000. In clarifying that the
37 California State University is subject to paragraph (2) of
38 subdivision (d), it is not the intention of the Legislature to increase
39 the cost of developing or procuring electronic and information
40 technology. The California State University shall, however, in

1 determining the cost of developing or procuring electronic or
2 information technology, consider whether technology that meets
3 the standards applicable pursuant to paragraph (2) of subdivision
4 (d) will reduce the long-term cost incurred by the California State
5 University in providing access or accommodations to future users
6 of this technology who are persons with disabilities, as required
7 by existing law, including this section, Title II of the federal
8 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
9 et seq.), and Section 504 of the Rehabilitation Act of 1973 (29
10 U.S.C. Sec. 794).

11 (d) (1) The Legislature finds and declares that the ability to
12 utilize electronic or information technology is often an essential
13 function for successful employment in the current work world.

14 (2) In order to improve accessibility of existing technology, and
15 therefore increase the successful employment of individuals with
16 disabilities, particularly blind and visually impaired and deaf and
17 hard-of-hearing persons, state governmental entities, in developing,
18 procuring, maintaining, or using electronic or information
19 technology, either indirectly or through the use of state funds by
20 other entities, shall comply with the accessibility requirements of
21 Section 508 of the federal Rehabilitation Act of 1973, as amended
22 (29 U.S.C. Sec. 794d), and regulations implementing that act as
23 set forth in Part 1194 of Title 36 of the Federal Code of
24 Regulations.

25 (3) Any entity that contracts with a state or local entity subject
26 to this section for the provision of electronic or information
27 technology or for the provision of related services shall agree to
28 respond to, and resolve any complaint regarding accessibility of
29 its products or services that is brought to the attention of the entity.

30 (e) As used in this section, “sex” and “sexual orientation” have
31 the same meanings as those terms are defined in subdivisions (q)
32 and (r) of Section 12926.

33 (f) As used in this section, “race, national origin, ethnic group
34 identification, religion, age, sex, sexual orientation, color, or
35 disability” includes a perception that a person has any of those
36 characteristics or that the person is associated with a person who
37 has, or is perceived to have, any of those characteristics.

38 (g) As used in this section, “genetic information” has the same
39 definition as in paragraph (2) of subdivision (e) of Section 51 of
40 the Civil Code.

1 (h) For purposes of this ~~section~~ *section*, “housing status” ~~has~~
 2 ~~the same meaning as that term is~~ *means status as a “homeless*
 3 *person” as defined in subdivision (g) of Section 53.1 of the Civil*
 4 *Code.*

5 ~~SEC. 6.~~

6 *SEC. 5.* The Legislature finds and declares that the need to
 7 address discriminatory practices is a matter of statewide concern
 8 and is not a municipal affair, as that term is used in Section 5 of
 9 Article XI of the California Constitution. Therefore, this act shall
 10 apply to all cities, including charter cities.

11 ~~SEC. 7.~~

12 *SEC. 6.* The provisions of this act are severable. If any
 13 provision of this act or its application is held invalid, that invalidity
 14 shall not affect other provisions or applications that can be given
 15 effect without the invalid provision or application.

16 ~~SEC. 8.~~

17 *SEC. 7.* If the Commission on State Mandates determines that
 18 this act contains costs mandated by the state, reimbursement to
 19 local agencies and school districts for those costs shall be made
 20 pursuant to Part 7 (commencing with Section 17500) of Division
 21 4 of Title 2 of the Government Code.

Date of Hearing: April 23, 2013

ASSEMBLY COMMITTEE ON JUDICIARY
Bob Wieckowski, Chair
AB 5 (Ammiano) – As Amended: April 8, 2013

As Proposed to be Amended

SUBJECT: HOMELESS PERSONS: BASIC RIGHTS

KEY ISSUE: SHOULD NEW RIGHTS FOR HOMELESS PERSONS BE ESTABLISHED, INCLUDING A PROHIBITION AGAINST DISCRIMINATION BY PUBLIC ENTITIES ON PUBLIC PROPERTY, RIGHTS TO CONFIDENTIALITY AND LEGAL COUNSEL, PROTECTIONS FOR THOSE WHO AID A HOMELESS PERSON, REQUIRED REPORTS REGARDING SPECIFIED LAW ENFORCEMENT ACTIVITIES AND ESTABLISHMENT OF AID CENTERS?

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

SYNOPSIS

This bill would enact the Homeless Person's Bill of Rights and Fairness Act. As originally introduced, the bill was met with significant criticism. It has since been substantially amended, and further narrowing amendments are proposed today. In the form before this Committee, the bill would establish certain protections against discrimination on the basis of homelessness by public entities with regard to persons on public property engaged in specified activities, such as resting, eating and praying. Further, the bill would prohibit penalties against persons who offer food or water to homeless persons, and would prohibit retaliation against public employees who offer appropriate assistance to a homeless person. The bill also ensures that homeless persons have rights to confidentiality in specified public records, and the right to decline public services without sanction or harassment. In addition, the bill would establish a far broader right to rest on public property, regardless of local prohibitions, unless the applicable county provided specified levels of public benefits. The bill also requires local governments to provide health and hygiene centers for use by homeless people, and requires law enforcement agencies to compile and report data regarding enforcement activities that homeless people allege are selectively enforced against them. Finally, the bill would provide a right to legal counsel when a local government brings specified criminal enforcement actions against a homeless person, and would provide a civil right of action for violations of the civil rights recognized in the bill. The bill would apply only to public officials and quasi-public entities such as Business Improvement Districts (BIDs) and security personnel, not to private business establishments.

Supporters argue that homelessness has increased as the result of increased poverty rates, in conjunction with diminished social spending, leading many local governments to respond by simply criminalizing the basic human activities of homeless people. Opponents representing local governments and business groups argue that the bill fails to strike an appropriate balance between promoting health and safety for all residents and respecting the local designation of resources. Opponents also contend that the bill would create costly mandates, blur the line between local jurisdiction authority, and undermine the local decision making process.

SUMMARY: Recognizes specified rights for homeless people. Specifically, this bill:

- 1) Provides that every homeless person in the state shall have the right to move freely, rest, solicit donations, pray, meditate, or practice religion, and to eat, share, accept, or give food and water in public spaces without being subject to criminal or civil sanctions, harassment or arrest by law enforcement, public or private security personnel, or Business Improvement District (BID) agents because he or she is homeless.
- 2) Provides that every homeless person shall have the right to occupy a motor vehicle or recreational vehicle either to rest, sleep, or use for the purposes of shelter, provided that the vehicle is legally parked on public property, without being subject to criminal or civil sanctions, harassment, or arrest from law enforcement, public or private security personnel, or BID agents.
- 3) Provides that every homeless person shall have the right to the same protections that law enforcement agencies afford to any other person.
- 4) Provides that law enforcement may enforce existing local laws regarding resting in a public place provided that specified human service criteria are met: the person's county of residence maintains 12 months per year of nonmedical assistance for employable, able-bodied adults who are compliant with program rules established by the county, including work requirements; the locality is not a geographical area as an area of concentrated unemployment or underemployment or an area of labor surplus; and the public housing waiting list maintained by the county contains fewer than 50 persons.
- 5) Provides that every homeless person has the right to engage in lawful self-employment, in the same manner as any other person, including, but not limited to, the right to seek self-employment in junk removal and recycling that requires the collection, possession, redemption, and storage of goods for reuse and recycling, without being subject to criminal or civil sanctions, harassment, or arrest.
- 6) Provides that every homeless person shall have the right to decline admittance to a public or private shelter or any other accommodation, including social services programs, for any reason he or she sees fit, without being subject to criminal or civil sanctions, harassment, or arrest from law enforcement, public or private security personnel, or BID agents.
- 7) Provides that every homeless person shall have the right to confidentiality of his or her records and information by homeless shelters, medical centers, schools, or any other publicly funded human service provider to law enforcement agencies, employers or landlords without appropriate legal authority.
- 8) Provides that every homeless person shall have the right to assistance of counsel if a county chooses to initiate judicial proceedings under laws that are often selectively enforced against homeless people.
- 9) Prohibits retaliation against public employees who offer available resources to a homeless person in order to protect that person from harm.
- 10) Prohibits the civil sanction, arrest, or harassment of any person or organization offering food

or water in a public space to a homeless person.

- 11) Provides that every local government and disadvantaged unincorporated community within the state shall have sufficient health and hygiene centers available 24 hours a day, seven days a week, for use by homeless people.
- 12) Requires law enforcement agencies to annually compile and review the number of citations, arrests, and other enforcement activities under laws that are alleged to be selectively enforced against homeless people.
- 13) Requires local law enforcement agencies to make public the records of citations, arrests and other enforcement activities under laws that are alleged to be selectively enforced against homeless people, and to report these records to the Attorney General's office annually.
- 14) Provides that any person whose rights have been violated under this part may enforce that right in a civil action in which the court may award appropriate relief and damages, including restitution for loss of property or personal effects and belongings as well as reasonable attorneys' fees and costs to a prevailing plaintiff.
- 15) Provides that no person shall, on the basis of housing status, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state or receives any financial assistance from the state.

EXISTING LAW:

- 1) Provides that all persons are free and equal no matter what their sex, race, color religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation and are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments. (Civil Code section 51.)
- 2) Establishes that no person shall be discriminated under any state-funded program or activity on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability. (Government Code section 11135.)

COMMENTS: In support of the bill, the author states:

There is currently no unified state law that defines a statewide standard protecting basic civil rights of our most vulnerable Californians. Today, numerous laws infringe on poor people's ability to exist in public space, to acquire housing, employment, and basic services, and to equal protection under the law. The Homeless Person's Bill of Rights and Fairness Act is a response that can help alleviate poverty and homelessness while protecting people from discrimination and ensuring a right to privacy and personal property.

With poverty and unemployment reaching record numbers in California, our cities have begun enacting a wave of such laws, targeting mostly people without homes. These laws, commonly called "quality of life" or "anti-nuisance" ordinances, criminalize sleeping,

sitting, and even food-sharing in public spaces. Just like the discriminatory laws from the past, they deny people their right to exist in local communities.

According to research published by the Western Regional Advocacy Project, the main “illegal offenses” that people without homes have been charged with as a result of these “nuisance” laws are:

- 83% harassed for sleeping, with 48% of these people cited and 30% arrested.
- 79% harassed for sitting or lying down, with 43% of these people cited and 26% arrested.
- 66% harassed for “loitering” or being present in a public space, with 40% of these people cited and 24% arrested.

This same study found that the majority of people without homes were scared to live on the streets and that they did not know of a safe place to sleep at night where they would not be arrested.

The solution to homelessness is not citations and jail time. A citation for sleeping or standing on the street, instead, contributes to a person’s inability to establish financial solvency and good credit necessary to secure employment and a rental agreement. Citations, arrests and jail time do not solve homelessness, they just route crucial public dollars that could be spent on housing, to an already impacted court and corrections system, neither of which have the responsibility or resources to provide housing. Homelessness is a consequence of poverty and inability to afford housing and can only be curtailed by shifting our priorities to address these root causes.

AB 5 enacts law protecting people without homes from violations of their basic human rights and the people who serve them from penalties. It also resolves to reduce the impact of homelessness on communities and individuals by diverting investment from criminalization to stabilization efforts.

Supporters Argue That Homelessness Has Increased As the Result of Increased Poverty Rates In Conjunction With Diminished Social Spending, Leading Many Local Governments To Respond By Simply Criminalizing Homelessness. This bill is co-sponsored by the Western Center on Law and Poverty, JERICHO, and the Western Regional Advocacy Project which jointly state:

Homelessness is the most brutal and severe face of poverty, experienced daily by 160,000 men, women, and children in California. This represents 20% of the nation’s homeless population. In recent years, there have been increases in the numbers people experiencing homelessness. Homelessness not only has grave human consequences, it also creates challenges for local governments, both rural and urban.

Families with children have been one of the fastest growing groups of homeless people, representing over 40% of the nation’s homeless in 2009 according to the National Coalition for the Homeless. In California, child homelessness is high. The National Center on Family Homelessness has given California a rank of 49th worst in the number of homeless children and 48th worst in the percentage of children who are homeless. According to data collected by the McKinney-Vento Educational Programs more than

292,624 California children experience homelessness each year. Of the 2,200,000 children living in poverty in California, thirteen percent are homeless.

It should come as no surprise that homelessness is increasing among families with children, as poverty among families with children is also on the rise. According to the Public Policy Institute of California, after reaching a low of about 16% in 2001, the child poverty rate in California has been trending upward with nearly 1 in 4 children living in poverty in California (23.2%) in 2010. California is in the minority of states with an increase in child poverty over 5% per year for the last couple of years.

The consequences of poverty for people who lack housing are significant. Homeless families are twice as likely as middle-income families to report that their children have moderate or severe health problems such as asthma, dental problems, and emotional difficulties.

The health consequences of homelessness are not limited to children. On average, homeless adults have 8 to 9 concurrent medical illnesses, commonly suffering from skin conditions, respiratory infections, tooth decay, foot problems, vision disturbances, and trauma. Chronic diseases, such as hypertension, diabetes, and asthma, are prevalent among people without homes and are more difficult to manage. Sexually Transmitted Infections (STIs) are common among homeless girls and women, as a result of limited access to reproductive health services, prostitution, and survival sex (sex in exchange for food or temporary shelter). Homelessness contributes to hard-to-manage medical and psychiatric illnesses because people who don't have homes are more vulnerable to harm caused by crime and violence; prolonged standing; excessive outdoor exposure; and airborne infectious diseases due to overcrowding.

Without a home, people are less able to safely store or prepare food and so are more likely to succumb to food borne illnesses.

The human experience of homelessness is profound. Whether a child, adult or elder, the lack of privacy and social isolation experienced by people with no home can lead to significant bouts of depression and have long-lasting impacts on self-worth and emotional wellbeing. The prevalence of homelessness in the 21st century is a result of an inexcusable failure of our economic and political system that has led, not only, to violations of internationally recognized human rights but also impact the public health of entire communities.

Episodes of mass homelessness have occurred throughout U.S. history. However, in the middle of the twentieth century, following failed attempts to outrun vagrancy by passing laws criminalizing the existence of poverty, New Deal policies and post-World War II social welfare programs effectively reduced the numbers of homeless people in the United States. Certainly, marginally housed populations and severe urban poverty did continue to exist after these policies and programs were initiated, especially amongst elderly men living in skid rows and amongst people facing racist economic discrimination. Yet, few people were so deeply poor and had such limited options that they were forced to live on the streets.

Now, three decades after the first homeless shelters opened, with comparative investments in affordable housing the lowest since it began, there is an uptick in laws that make it illegal to be poor and homeless in public spaces.

The following facts documenting that decline are included in the Western Regional Advocacy Project report Without Housing:

- Between 1978 and 1983, HUD budget authority shrank from \$83 billion to little more than \$18 billion in 2004 constant dollars, and since then has never been more than \$32 billion except for in 2009 and 2010 because of Recovery Act funding.
- HUD Funding for new public housing units has been zero since 1996. Meanwhile, since 1995, 360,000 housing units have been lost. HUD estimates that approximately 100,000 units are sold or destroyed each year.
- Since 1995, 360,000 project-based units of Section 8 housing that have been lost and another 900,000 of these units have contract set to expire before 2014, accounting for the long wait lists for housing assistance. As a result, current funding for the voucher program meets the needs of only one-quarter of homeless families.
- From 1976-1985, a yearly average of almost 31,000 new Section 515 rural affordable housing units were built, from 1986-2005, the average yearly production was 8170, a 74 percent reduction and in 2011 only 763 units were built.

On top of the loss of public housing, affordable housing construction and Section 8 vouchers, rental markets have the lowest vacancy rates in a decade causing rental costs to remain high throughout the recession. According to the Urban Institute's 2011 Out of Reach report, on average in 2011 a household needs to earn \$18.46 an hour, working 40 hours a week, 52 weeks a year, to afford a two-bedroom home at the Fair Market Rent. Perhaps most distressing about, and very much related to, the increase in homelessness and dramatic decrease in federal funding for affordable housing and support for low-income renters caught in this tight rental market is that the federal government is spending more on housing subsidies today than it ever has, but these subsidies overwhelmingly benefit wealthy home owners. Federal expenditures on home ownership mortgage deductions in 2012 were \$131 billion, while total funding in federal low-income housing assistance programs was under \$50 billion.

This bill is also co-sponsored by the East Bay Community Law Center, which states:

At EBCLC, we have worked extensively with homeless clients over the past 25 years. We have seen firsthand the trend toward criminalization of homelessness, and its ill effects. Our clients are charged with trespassing for standing on a public sidewalk, while nearby housed people are – unsurprisingly – not cited. AB 5 would prohibit that kind of selective enforcement. We have elderly and disabled homeless clients who endured criminal prosecution because they were sleeping under an out-of-the-way awning or

overhang on a rainy night. AB 5 would limit enforcement of sleeping laws. We know homeless veterans who were cited for having their neatly packed belongings in public, or who had all their earthly belongings confiscated and destroyed. AB 5 would protect personal property and require restitution when belongings were illegally discarded. It is mind-boggling when we see homeless people turned away from treatment programs, housing, or jobs because they have arrest warrants for "quality of life" tickets. AB 5 would curtail the government resources spent on giving homeless people citations they cannot afford to pay for acts that should not be criminal to begin with, and will thereby reduce jail and court costs that our state can ill afford.

AB 5's provisions are in line with experts' nationally-recognized policy recommendations. Citing and jailing homeless people for being in public is bad public policy, according to the federal government, the U.S. Conference of Mayors, numerous studies and reports and the experiences of homeless people themselves. Studies have shown that businesses do not do better when cities criminalize homelessness. This is partly because criminalization does not house homeless people. In fact, criminalization can exacerbate homelessness, creating warrants and criminal records that can impede a homeless person's chance at getting housing, treatment, or employment.

This Bill Prevents Discrimination On The Basis Of Homelessness By Public Entities In Public Places. This bill prohibits the discrimination against homeless people by public entities and BID agents with respect to specified activities on public property. Specifically: homeless people would have the right to move freely, rest, solicit donations, pray, meditate, or practice religion, and eat, share, accept, or give food and water in public spaces without being subject to criminal or civil sanctions, harassment or arrest by law enforcement, public or private security personnel, or BID agents because he or she is homeless.

Likewise, under this bill homeless people would have the right to occupy a motor vehicle or recreational vehicle either to rest, sleep, or use for the purposes of shelter, provided that the vehicle is legally parked on public property, without being subject to criminal or civil sanctions, harassment, or arrest from law enforcement, public or private security personnel, or BID agents. Homeless people would also have the right to engage in lawful self-employment, in the same manner as any other person, without being subject to criminal or civil sanctions, harassment, or arrest because the person is homeless. This bill also provides that homeless persons shall not be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state or receives any financial assistance from the state. Thus, enforcement actions by the specified entities on public property that have the purpose or effect of discriminating against a person because he or she is homeless would be prohibited by the bill.

Further, this bill provides that every homeless person shall have the right to the same protections that law enforcement agencies afford to any other person.

This Bill Would Establish A New Right For Homeless People To Rest In Public Spaces Unless A Local Government Provides Specified Levels Of Public Benefits. In addition to the equal-treatment provision noted above, this bill would establish a more absolute right to rest in public places, notwithstanding that an ordinance or enforcement action may treat homeless and non-homeless persons the same. Under the bill, it appears that local governments could not prohibit

sleeping in public parks by enforcing nighttime closing rules unless the county provides a specified level of human services. That is, the bill provides that law enforcement may enforce existing local laws regarding resting in a public place if the person's county of residence maintains 12 months per year of nonmedical assistance for employable, able-bodied adults who are compliant with program rules established by the county, including work requirements; the locality is not a geographical area as an area of concentrated unemployment or underemployment or an area of labor surplus; and the public housing waiting list maintained by the county contains fewer than 50 persons.

This Bill Provides Homeless People The Right To Decline Public Services. According to supporters, homeless people are often forced to separate from loved ones, give up their personal property or pets in order to access public services, including shelters. This bill provides that every homeless person shall have the right to decline admittance to a public or private shelter or any other accommodation, including social services programs, for any reason he or she sees fit, without being subject to criminal or civil sanctions, harassment, or arrest from law enforcement, public or private security personnel, or BID agents.

This Bill Provides Homeless People The Right To Confidentiality Regarding Certain Public Records. The records and information of homeless people kept by homeless shelters, medical centers, schools, or any other publicly funded human service provider would be kept confidential and not be disclosed to law enforcement agencies, employers or landlords unless there is appropriate legal authority to disclose.

This Bill Provides Those Wronged A Remedy For Violation Of Their Rights. Specially, this bill provides that any person whose rights have been violated under this part may enforce that right in a civil action in which the court may award appropriate relief and damages, including restitution for loss of property or personal effects and belongings as well as reasonable attorneys' fees and costs to a prevailing plaintiff.

This Bill Provides The Right To Counsel In Certain Cases. If a county chooses to initiate judicial proceedings under laws that are allegedly enforced selectively against homeless people, this bill would give the homeless person a right to counsel in that proceeding, expanding the existing constitutional right to counsel in criminal cases involving felonies.

The East Bay Community Law Center argues:

In the vast majority of counties, District Attorneys do not send attorneys to traffic court to represent the state in infraction cases. Rather, if a citation is challenged, the citing officer testifies, and the defendant has the opportunity to do so as well - normally, neither party is represented. However, in some small number of counties or cases, the District Attorney is spending attorney resources prosecuting municipal infractions.

For the most part AB 5 does not change existing law about when defendants receive counsel. It does, however, provide that if a prosecuting attorney is present in court, the defendant should have an attorney as well. Counties would be able to avoid the cost of defense (and much of the prosecution cost) by prosecuting infraction cases without an attorney present for the state, as most counties already do. As a result, this provision of AB 5 could save money as well as balance the scales of people charged with crimes.

This Bill Prohibits Penalties Against Persons Who Offer Food Or Water And Prohibits Retaliation Against Public Officials Who Provide Aid. Specifically, this bill prohibits the civil sanction, arrest, or harassment of any person or organization offering food or water in a public space to a homeless person. Additionally, this bill prohibits retaliation against public employees who offer available resources to a homeless person in order to protect that person from harm.

This Bill Requires Local Governments To Provide Aid Centers For Homeless People. Supporters argue that people without a home are limited in their access to safe and responsible personal hygiene. This bill provides that every local government and disadvantaged unincorporated community within the state shall have sufficient health and hygiene centers available 24 hours a day, seven days a week, for use by homeless people.

In Order To Monitor Enforcement and Improve Law Enforcement Efficiency, This Bill Requires Recordkeeping Regarding Certain Law Enforcement Activities. This bill requires law enforcement agencies to annually compile and review of the number of citations, arrests, and other enforcement activities under laws that are allegedly enforced selectively against homeless people. Additionally, this bill requires local law enforcement agencies to make public the records of citations, arrests and other enforcement activities under laws that are often selectively enforced against homeless people and to report these records to the Attorney General's office annually.

The East Bay Community Law Center argues that tracking this information is vital to improved homeless policy in California because “we cannot address the problems of discriminatory enforcement—a problem well attested by anecdote, departmental statements of policy, and historical reason – without good information on enforcement practices. [And] we cannot adequately evaluate policies of criminalization without good information.”

ARGUMENTS IN OPPOSITION: This bill is opposed by many local government agencies and business groups. Among others, the League of California Cities, California Downtown Association, and California Special District Associations jointly state:

We recognize the interconnectedness of safe, decent, and permanent housing when addressing other needs of California's homeless population, such as mental health or substance abuse treatment, and unemployment. However, any solution must strike a balance between promoting health and safety for all residents and respecting the local designation of resources. Unfortunately, AB 5 would create costly mandates, blur the line between local jurisdiction authority, and undermine the local decision making process. Specifically, AB 5 would:

- Increase costs for local law enforcement at a time when funding for public safety is scarce by requiring the annual compilation and reporting of statistics on violations related to obstructing a sidewalk, loitering, sitting, lying down, sleeping in public, soliciting donations, bathing in public places, sleeping in a vehicle, jaywalking, and trespassing.
- Usurp local authority by prohibiting the enforcement of existing local ordinances if the county does not maintain year-round nonmedical assistance and there are fewer than 50 people on the county's public housing waiting list. Special districts and

cities do not have authority over county actions, and yet they would still have their local authority hindered based on the counties actions.

- Provide civil and criminal protections for local agency employees who make that agency's property and resources available for use or distribution to homeless persons without the consent of that local agency.
- Require *every* local government to have health and hygiene centers with access 24 hours a day, seven days a week to bathroom and shower facilities. This requirement also confuses the autonomy of cities and special districts regarding oversight and administration.
- Increase court costs and inhibit revenue collection by guaranteeing persons the right to counsel for failure to appear or pay bail, in addition to providing ample opportunities to file a lawsuit and recover money.

Despite our opposition to AB 5, we share some common ground with the intent of the bill. Local governments strive to assist those in need by offering housing, mental health counseling, and other services. As such, we believe that other legislation introduced this year would more appropriately create solutions for California's homeless. These include AB 639 (J. Perez), which would repurpose existing bond money authorized to assist veterans with housing and SB 391 (DeSaulnier), which would provide a reliable and steady source of affordable housing money.

REGISTERED SUPPORT / OPPOSITION:

Support

Western Regional Advocacy Project, Co-Sponsor
Western Center on Law and Poverty, Co-Sponsor
JERICHO: A Voice for Justice, Co-Sponsor
East Bay Community Law Center, Co-Sponsor
ACLU
Asian Law Alliance
Bernal Heights Neighborhood Center
Black Caucus of California Community Colleges
Building Opportunities for Self-Sufficiency
Caduceus Justice
California Alliance for Retired Americans
California Church Impact
California Coalition for Youth
California Communities United Institute
California Hunger Action Coalition
California Latinas for Reproductive Justice
California Nurses Association
California Partnership to End Domestic Violence
California Psychological Association
California Public Defenders Association
California Senior Legislature

Californians United for a Responsible Budget
Causa Justa: Just Cause
Cham Deliverance Ministry
City of Richmond
Coalition on Homelessness, San Francisco
Community Alliance
Community Food and Justice Coalition
Community Housing Partnership
Community Resource Center
Compass Family Services
Disability Rights Advocates
Drug Policy Alliance
End Hunger Action Coalition
Episcopal Community Services, San Francisco
General Assistance Advocacy Project
Hamilton Family Center
Healthy Communities, Inc.
Homeless Action Center
Homeless Emergency Services Providers Association, San Francisco
Homeless Health Care Los Angeles
Homeless Youth Alliance
Hospitality House
Hunger Action Los Angeles
Hyde Street Community Services, Inc.
LA Human Right to Housing Collective
Labor/Community Strategy Center
Larkin Street Youth Services
Lawyers' Committee for Civil Rights of San Francisco Bay Area
Los Angeles Anti-Eviction Campaign
Los Angeles Community Action Network
Los Angeles Poverty Department
Mutual Housing California
National Association of Social Workers
National Coalition for the Homeless
National Economic and Social Rights Initiative
National Health Care for the Homeless Council
National Law Center on Homelessness & Poverty
Occupy Sacramento
Paratransit, Inc.
People Organized For Westside Renewal
People Organized to Win Employment Rights
Public Law Center
Rhode Island Coalition for the Homeless
Richmond Progressive Alliance
Sacramento Homeless Organizing Committee
Sacramento Housing Alliance
Sacramento Loaves & Fishes
Safe Ground Sacramento
Saffron Strand, Inc.

San Diego Hunger Coalition
San Francisco Labor Council
San Francisco Living Wage Coalition
San Francisco Local Homeless Coordinating Board
San Francisco Senior & Disability Action
Sonoma County Task Force for the Homeless
South Hayward Parish
St. Anthony Foundation
St. John's Well Child & Family Center
St. Mary's Center
Swords to Plowshares
Tenderloin Neighborhood Development Corporation
Topanga Peace Alliance
Union de Vecinos
United Council of Human Services, Mother Brown's Dining Room
Venice Community Housing Corporation
Women Organized to Respond to Life-Threatening Diseases
Women Organizing Resources, Knowledge & Services
Women's Empowerment
343+ Individuals

Support if Amended

The Arc California
United Cerebral Palsy in California

Opposition

Air Conditioning Trade Association
Association of California Cities – Orange County
Building Owners and Managers Association of California
California Chamber of Commerce
California Apartment Association
California Association of Joint Powers Authority
California Business Properties Association
California Downtown Association
California Farm Bureau Federation
California Grocers Association
California Hotel & Lodging Association
California Manufacturers and Technology Association
California Park & Recreation Society
California Police Chiefs Association
California Special Districts Association
California State Sheriffs' Association
California Travel Association
Central City East Association
City of Bellflower
City of Buena Park
City of Concord
City of Corona
City of Cypress

City of Lake Forrest
City of Palmdale
City of Menifee
City of Signal Hill
City of Thousand Oaks
Civil Justice Association of California
County of Lassen
Desert Water Agency
East Bay Rental Housing Association
Historic Downtown Los Angeles Business Improvement District
Hollister Downtown Association
Hollywood Property Owners Alliance
International Council of Shopping Centers
League of California Cities
Midtown Business Association
NAIOP of California, the Commercial Real Estate Development Association
National Federation of Independent Business - California
NORCAL Rental Property Association
Orange County Business Council
Plumbing-Heating-Cooling Contractors Association of California
San Jose Downtown Association
Save the American River Association
South Park Community Benefit District
The Apartment Association, California Southern Cities
The River District
Western Electrical Contractors Association

Analysis Prepared by: Kevin G. Baker and Kelsey Fischer / JUD. / (916) 319-2334

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 443

Introduced by Senator Walters

February 21, 2013

An act to amend Section 18897 of, and to add Sections 18897.8 and 18897.9 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as amended, Walters. Organized camps.

Existing law requires the Director of Public Health to establish rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers.

Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.

The bill would include "organized resident camp," as defined, and "organized day camp," as defined, within the definition of the term "organized camp." The bill would require an "organized resident camp" and an "organized day camp" to provide written verification that the camp is accredited by the American Camp Association or the Boy Scouts of America or develop a written operating plan and file the plan with the local health officer at least 30 days prior to operation of the camp, would require submissions of an operating plan to the local health officer, would authorize the local health officer to assess related fees, and would require camps operated by a city or a county, or a city and county, to comply with applicable provisions. By imposing these additional requirements upon local health officers and cities and counties, this bill would impose a state-mandated local program.

This bill would require an organized day camp to have adequate staff to carry out the program, including, but not limited to, *compliance with specified staff training and supervision regulations* and a qualified program director present at all times during operation of the camp. The bill would exempt an organized day camp from certain construction and other standards generally applicable to organized resident camps.

This bill would require the department, in amending the rules and regulations pertaining to organized camps, to obtain the input and advice of prescribed organizations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18897 of the Health and Safety Code is
2 amended to read:
3 18897. (a) “Organized camp” means an organized resident
4 camp or an organized day camp.
5 (b) (1) “Organized resident camp” means a site with programs
6 and facilities established for the primary purposes of providing an
7 outdoor group living experience with social, spiritual, educational,
8 or recreational objectives, for at least four consecutive overnight
9 stays during one or more seasons of the year.
10 (2) “Organized resident camp” includes, but is not limited to,
11 a camp accredited or operated by the American Camp Association,
12 the YMCA, the Girl Scouts of the USA, the Boy Scouts of
13 America, the Camp Fire USA, the Boys and Girls Clubs of
14 America, the Salvation Army, and the Christian Camp and
15 Conference Association.
16 (c) (1) “Organized day camp” means a program, which may or
17 may not have a fixed site, that is established for the primary

1 purpose of providing outdoor group living experiences for children
2 through 17 years of age, and that operates seasonally during times
3 when school is not regularly in session. An organized day camp
4 provides group-based recreation and expanded learning
5 opportunities with social, spiritual, educational, or recreational
6 objectives. An organized day camp may transport campers to parks,
7 beaches, campsites, and other excursion locations for activities.
8 An organized day camp may provide for up to three consecutive
9 overnight stays.

10 (2) An organized day camp includes, but is not limited to, a
11 camp that is a member of the American Camp Association, the
12 Association for Environmental and Outdoor Education, the
13 Christian Camp and Conference Association, the Western
14 Association of Independent Camps, the Boy Scouts of America,
15 the YMCA, and other similar camping associations.

16 (d) The terms “organized resident camp” or “organized day
17 camp” do not include sites or programs that are used by couples
18 or groups for counseling, religious retreats, reunions, conferences,
19 and special events, on an intermittent short-term basis of less than
20 four consecutive overnight stays.

21 (e) The terms “organized resident camp” and “organized day
22 camp” do not include a hotel, motel, tourist camp, trailer park,
23 resort, hunting camp, auto court, or other program or facility
24 subject to occupancy taxes, and do not include licensed child care
25 facilities or home-finding agencies.

26 SEC. 2. Section 18897.8 is added to the Health and Safety
27 Code, immediately following Section 18897.7, to read:

28 18897.8. (a) An organized resident camp or organized day
29 camp shall provide written verification that the camp is accredited
30 by the American Camp Association (ACA) or the Boy Scouts of
31 America (BSA) or shall develop a written operating plan and file
32 the plan with the local health officer at least 30 days prior to
33 operation of the camp. The local health officer shall, within 30
34 days, acknowledge receipt of the verification of the accreditation
35 or the operating plan. A charge shall not be imposed for any camp
36 accreditation acknowledgment. ~~The department~~ *local health officer*
37 may charge a fee for the review of an operating plan, that shall not
38 exceed the actual cost of plan review.

39 (1) Upon receipt of the local health officer’s acknowledgment,
40 a camp shall post a copy of the acknowledgment in a conspicuous

1 location on the camp premises, and on the camp’s Internet Web
2 site.

3 (2) The local public health officer may inspect a camp and
4 charge a fee for that purpose, not to exceed the actual cost of the
5 visit. A summary and explanation of charges shall be given to the
6 camp following the camp visit. If an inspection is not made,
7 charges shall not be imposed on the camp other than for reviewing
8 an operating plan, if applicable.

9 (3) A camp that has been cited for failing to meet legal
10 requirements ~~shall have the right to~~ *may* appeal that citation to the
11 local health department.

12 (b) If an organized resident camp or organized day camp
13 constructs or operates educational facilities and programs that
14 include ropes courses, challenge courses, climbing walls, repelling
15 towers, zip lines, canopy tours, or other similar adventure
16 challenges, the camp’s written operating plan shall include all of
17 the following:

18 (1) A provision ensuring that campers are kept separated from
19 individuals who use these facilities on a day-use basis.

20 (2) A provision ensuring that oversight of activities is provided
21 by camp staff.

22 (3) A provision that ensures that the construction and operating
23 standards of those facilities and programs are in compliance with
24 the standards established by the Director of Public Health pursuant
25 to this part, or are in compliance with standards adopted by one
26 or more of the following if the Director of Public Health determines
27 that the following standards are substantially similar to the
28 standards developed by the director under this part:

- 29 (A) The American Camp Association.
- 30 (B) The Association of Challenge Course Technology.
- 31 (C) Project COPE.
- 32 (D) An equivalent certification program.

33 (4) A written operating plan prepared pursuant to this
34 subdivision shall be filed with the local health officer at least 30
35 days prior to construction, and shall also be filed annually
36 thereafter. A camp shall submit its plans and any associated fees
37 to the local health officer by certified mail.

38 (c) An organized day camp shall have adequate staff to carry
39 out the program, including, but not limited to, a qualified program
40 director who has at least two seasons of administrative or

1 supervisory experience at an organized day camp or at a youth
2 program. The program director shall be present at all times during
3 operation of the organized day camp. *Additionally, an organized*
4 *day camp and an organized residential camp shall meet the*
5 *requirements of Section 30751 of Title 17 of the California Code*
6 *of Regulations.*

7 (d) An organized resident camp or an organized day camp
8 operated by a city or a county, or a city and county, shall comply
9 with the relevant provisions of this part.

10 (e) Except as set forth in this section, and Sections 18897 and
11 18897.9, the construction and other standards set forth in this part
12 are not applicable to an organized day camp.

13 SEC. 3. Section 18897.9 is added to the Health and Safety
14 Code, immediately following Section 18897.8, to read:

15 18897.9. The State Department of Public Health, in adopting
16 or amending the rules and regulations pertaining to organized
17 resident camps and organized day camps under this part, shall
18 make reasonable efforts to obtain the input and advice of
19 organizations in the field. All costs incurred by the participating
20 organizations shall be borne by the organizations themselves. The
21 department shall implement this section in the most cost-effective
22 manner deemed feasible.

23 SEC. 4. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.

29 However, if the Commission on State Mandates determines that
30 this act contains other costs mandated by the state, reimbursement
31 to local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

Senate Appropriations Committee Fiscal Summary
Senator Kevin de León, Chair

SB 443 (Walters) – Organized camps.

Amended: April 16, 2013

Urgency: No

Hearing Date: April 29, 2013

Policy Vote: Health 9-0

Mandate: Yes

Consultant: Brendan McCarthy

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 443 would revise the definitions and regulatory requirements relating to organized camps.

Fiscal Impact:

- One-time costs of about \$130,000 for the adoption of regulations by the Department of Public Health (General Fund).
- Unknown ongoing costs for enforcement by local public health officers (local funds). Because local health officers have the statutory authority to levy fees, this bill does not impose a reimbursable state mandate.

Background: Current law defines an organized camp as a site with programs and facilities established for the purpose of providing outdoor experiences for five days or more. Current law requires the Department of Public Health to adopt regulations necessary to protect the health and safety of campers.

Under current law, the regulatory requirements on organized camps are enforced by local health officers.

Proposed Law: SB 443 would revise the definitions and regulatory requirements relating to organized camps.

Specifically, the bill would:

- Distinguish between organized resident camps and organized day camps and define those terms in statute;
- Require operators of either type of camp to develop a written operating plan and file that plan with the local health officer;
- Permit a local health officer to inspect an organized camp;
- Authorize local health officers to recover their costs through fees;
- Enact other requirements to protect the health and safety of campers.

Related Legislation:

- SB 1087 (Walters, Statutes of 2012) doubles the hours certain after school programs may operate.
- SB 737 (Walters, 2011) was substantially similar to this bill. That bill was vetoed by Governor Brown.