

AMENDED IN SENATE MARCH 26, 2025

**SENATE BILL**

**No. 634**

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**Introduced by Senator Pérez**

February 20, 2025

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*An act to add Sections 11145.1 and 53069.44 to the Government Code, relating to ~~local government~~ homelessness.*

LEGISLATIVE COUNSEL'S DIGEST

SB 634, as amended, Pérez. ~~Local government~~. *Homelessness: civil and criminal penalties.*

*The California Constitution authorizes a county or city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Existing law establishes procedures for the enactment of ordinances by counties and cities and makes a violation of a county or city ordinance, as applicable, a misdemeanor unless by ordinance it is made an infraction. Existing law also prohibits a state agency from adopting or enforcing any rule or a violation of which can result in the imposition of a fine or imprisonment, or both, unless a statute specifically authorizes the imposition of such fine or imprisonment, or both, for a violation of the rule or regulation.*

*This bill would prohibit a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that imposes civil or criminal penalties on a person who is homeless for any act immediately related to homelessness or any act related to basic survival, or on a person who is assisting a person who is homeless with any act related to basic survival. The bill would similarly prohibit a state agency from adopting any regulation or issuing any policy or guidance, or enforcing an existing regulation, policy, or guidance, that imposes those civil or*

*criminal penalties. The bill would define various terms for these purposes.*

*The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.*

~~Existing law provides for the formation and powers of various local governments, including counties and cities. Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts.~~

~~This bill would state the intent of the Legislature to enact legislation relating to local government.~~

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

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

1     SECTION 1. (a) *The Legislature finds and declares all of the*  
2 *following:*

3     (1) *As of 2024, on any given night, over 187,000 people are*  
4 *experiencing homelessness in California, with data from the state's*  
5 *Homeless Data Integration System showing over 308,000 people*  
6 *experiencing homelessness accessing services over the course of*  
7 *the year and many more at risk of homelessness.*

8     (2) *Homelessness is a policy failure primarily caused by the*  
9 *unaffordability of housing in California, with over 1,000,000*  
10 *extremely low income households spending more than one-half*  
11 *their income on rent, and not the result of personal failings of*  
12 *people experiencing homelessness. This housing crisis is the result*  
13 *of decades of failed housing policy, coupled with structural and*  
14 *institutional racism, and a lack of sufficient investment in*  
15 *affordable housing and other programs to address homelessness.*

16     (3) *The solution to homelessness is affordable housing and*  
17 *robust supportive services, as demonstrated by years of*  
18 *peer-reviewed research.*

19     (4) *Data from the fifth cycle of the Regional Housing Needs*  
20 *Assessment (RHNA) showed that jurisdictions in California needed*  
21 *to add over 277,000 housing units that are affordable to very low*  
22 *income households over the 2013 to 2024 assessment period to*

1 *keep pace with the need for new housing, but jurisdictions*  
2 *statewide attained only 21 percent of that goal, permitting just*  
3 *over 57,000 units that are affordable to very low income*  
4 *households.*

5 *(5) Data from the United States Department of Housing and*  
6 *Urban Development's Housing Inventory Count showed that in*  
7 *2024, despite more than 300,000 people cycling through*  
8 *homelessness statewide, California had only 76,000 shelter beds*  
9 *and 79,000 units of permanent supportive housing.*

10 *(6) Homelessness is disproportionately experienced by Black,*  
11 *Indigenous, and other groups in California that have experienced*  
12 *historical and continued discrimination, and excessive penalties*  
13 *related to homelessness contribute to and exacerbate the racist*  
14 *outcomes in housing and criminal justice.*

15 *(7) Arresting, fining, and jailing people experiencing*  
16 *homelessness for the act of living outside and conducting*  
17 *life-sustaining activities does not contribute to ending their*  
18 *homelessness.*

19 *(8) A growing body of research suggests that these responses*  
20 *to homelessness add additional barriers to ending someone's*  
21 *homelessness, including causing people to lose touch with case*  
22 *managers, family, and friends seeking to assist them find housing.*

23 *(9) These barriers also including missing work and losing*  
24 *needed income to get back into housing.*

25 *(10) These barriers also include missing critical health care*  
26 *appointments that may contribute to deteriorating health.*

27 *(11) These barriers also include loss of key property, including*  
28 *identification, birth certificates, and other documents that are*  
29 *needed to access subsidized housing, essential services, and public*  
30 *benefits.*

31 *(12) These barriers also include financial penalties that can*  
32 *increase debt, damage credit, and result in bench warrants that*  
33 *result in additional jail time, all of which detracts from efforts to*  
34 *regain housing.*

35 *(13) Criminalization also adds risks to the community-based*  
36 *service provider organizations and community members working*  
37 *with the population experiencing homelessness, hindering the*  
38 *responsiveness of both publicly funded and other community-based*  
39 *responses to end homelessness.*

1     **(b)** *It is, therefore, the intent of the Legislature in enacting this*  
2 *act to limit penalties that local and state governments may pursue*  
3 *for the performance of acts related to experiencing homelessness,*  
4 *including conducting life-sustaining activities, for the purpose of*  
5 *removing hindrance to ending California’s homeless crisis.*

6     **SEC. 2.** *Section 11145.1 is added to the Government Code, to*  
7 *read:*

8     **11145.1.** *(a) Notwithstanding any other law, a state agency*  
9 *shall not adopt any regulation or issue any policy or guidance, or*  
10 *enforce an existing regulation, policy, or guidance, that imposes*  
11 *civil or criminal penalties on a person who is homeless for any*  
12 *act immediately related to homelessness or any act related to basic*  
13 *survival, or on a person who is assisting a person who is homeless*  
14 *with any act related to basic survival.*

15     **(b)** *For purposes of this section, the following definitions apply:*

16     **(1)** *“Act immediately related to homelessness” means standing,*  
17 *sitting, laying, or sleeping in a public place, including, but not*  
18 *limited to, a public street, public park, or other outdoor area that*  
19 *is open to the public.*

20     **(2)** *“Act related to basic survival” includes, but is not limited*  
21 *to, the possession of a tent or tarp, erection of a tent or tarp, eating*  
22 *or drinking, possessing and utilizing blankets or pillows, seeking*  
23 *shade, and other activities to protect oneself from the elements.*

24     **(3)** *“Homeless” has the same meaning as defined in Section*  
25 *578.3 of Title 24 of the Code of Federal Regulations, as that section*  
26 *read on January 10, 2019.*

27     **SEC. 3.** *Section 53069.44 is added to the Government Code,*  
28 *to read:*

29     **53069.44.** *(a) Notwithstanding any other law, a local*  
30 *jurisdiction shall not adopt a local ordinance, or enforce an*  
31 *existing ordinance, that imposes civil or criminal penalties on a*  
32 *person who is homeless for any act immediately related to*  
33 *homelessness or any act related to basic survival, or on a person*  
34 *who is assisting a person who is homeless with any act related to*  
35 *basic survival.*

36     **(b)** *For purposes of this section, the following definitions apply:*

37     **(1)** *“Act immediately related to homelessness” means standing,*  
38 *sitting, laying, or sleeping in a public place, including, but not*  
39 *limited to, a public street, public park, or other outdoor area that*  
40 *is open to the public.*

1     (2) “Act related to basic survival” includes, but is not limited  
2 to, the possession of a tent or tarp, erection of a tent or tarp, eating  
3 or drinking, possessing and utilizing blankets or pillows, seeking  
4 shade, and other activities to protect oneself from the elements.

5     (3) “Homeless” has the same meaning as defined in Section  
6 578.3 of Title 24 of the Code of Federal Regulations, as that section  
7 read on January 10, 2019.

8     (4) “Local jurisdiction” means a city, county, city and county,  
9 or special district.

10    SEC. 4. The Legislature finds and declares that ensuring a  
11 compassionate, evidence-based approach to ending homelessness  
12 is a matter of statewide concern rather than a municipal affair as  
13 that term is used in Section 5 of Article XI of the California  
14 Constitution. Therefore, Section 3 of this act, adding Section  
15 53069.44 to the Government Code, applies to all cities, including  
16 charter cities.

17    ~~SECTION 1. It is the intent of the Legislature to enact~~  
18 ~~legislation relating to local government.~~