

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

**MEMORANDUM**

DATE: December 29, 2022
TO: Planning Directors and Interested Parties

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

SUBJECT: **Assembly Bill 2339 – Legislation Effective January 1, 2023:
*Housing Element: Emergency Shelters***

Chapter 654, Statutes of 2022 (AB 2339), adds additional specificity on how cities and counties plan for emergency shelters and ensure sufficient capacity for low-income housing in their housing elements. Generally, AB 2339 amends State Housing Element Law regarding identification of zones and sites for emergency shelters and transitional and supportive housing as follows:

Amendments to Government Code section 65583, subdivision (a)(4)

- Expands the definition of “emergency shelters” to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.
- Requires that zoning designations identified to allow emergency shelters as a permitted use without a conditional use or other discretionary permit must allow residential uses. This could include zones that allow mixed uses that permit residential.
- The local government must demonstrate the adequacy of sites identified to accommodate emergency shelters. Specifically, if a vacant site is zoned for a nonresidential use but allows residential development, the site must be located near amenities and services that serve people experiencing homelessness. If the site is nonvacant, the analysis must provide substantial evidence that the existing use is likely to be discontinued during the planning period.

- Sites owned by the local government can be included if the analysis demonstrates that the sites will be made available for emergency shelters during the planning period, are suitable for residential use, and are located near amenities that serve people experiencing homelessness.
- Provides a calculation methodology for determining the sufficiency of sites available to accommodate emergency shelters in the identified zoning designation.
- Requires analysis of any adopted written objective standards for potential governmental constraints.

Applicable Timing (Government Code section 65583, subdivision (e))

Amendments to Housing Element Law apply per the following timing:

- **January 1, 2023** for any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the California Department of Housing and Community Development (Department) before the due date specified in Section 65588 or 65584.02.
- **April 1, 2023** for a housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the Department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

An electronic copy can be found at: <https://leginfo.legislature.ca.gov/>.

You may also obtain copies of published bills from the Legislative Bill Room by calling (916) 445-2323. If you have any questions, or seek additional technical assistance, please contact housingelements@hcd.ca.gov.