

## **Communication from Public**

**Name:** Fix The City  
**Date Submitted:** 06/09/2025 04:33 PM  
**Council File No:** 24-1587  
**Comments for Public Posting:** Opposition letter attached.

# FIX THE CITY

June 9, 2025

Via Email: LACouncilComment.com

To: The Los Angeles City Council

From: Fix the City

Re: **Opposition to Emergency Shelter Code Amendment (CF 24-1587/CPC 2025-1648-CA)**  
**JUNE 10, 2025**

## **THE PROPOSED EMERGENCY SHELTER CODE AMENDMENTS VIOLATE SB2 (CGCS 65582(d) & CGCS 8698 ET SEQ.,**

Fix The City urges the City Council to reject these amendments because they violate three state laws regulating the definition of an emergency shelter. **Under SB 2, the state has preempted the definition of emergency shelter for all California cities, including Charter Cities.** *All emergency shelters, bridge housing, etc. must comply with SB2 AND 8698.4. COLA is operating in violation of both statutes because LAHSA has **no residence limit**,*

**CGCS 8698.4(G)(c)(1) specifically limits emergency shelters to temporary shelters.** *Unless there is a time limit, a homeless facility is not temporary. Thus, these amendments violate the very statute the city claims to obey.*

- *COLA approves projects for longer than 730 days when CGCS 8698 limits emergency shelters to 90 days, with extensions, up to 730 days in total.*
- *sleeping cabins have plumbing. CGCS 8698 prohibits plumbing in emergency shelter units.*

The City's homeless program operation (the "facts on the ground" cited in the Staff Recommendation) defies both city and state law and reflects the abysmal failures of COLA and the County to address the homeless crisis.

*The proposed amendments compound the problem. **LAMC 12.80 as currently approved, complies with both CGCS 8698 et seq and with SB2.** But these amendments violate both.*

**PROPOSED CODE AMENDMENTS VIOLATE SEVERAL STATUTES**, including the very statute cited as the basis for reconciling the city code (LAMC 12.80) with CGCS 8698 et seq.

The requests submitted to CPC are to amend the **Emergency Shelter Code** for Los Angeles. Emergency shelter provisions are codified in SB2 (CGCS 65582-65583, and 65589.5), and not in CGCS 8698.4 (a)(1) as claimed in the staff recommendation. The definition for a homeless shelter in LAMC 12.80 is consistent with both CGCS 8698 et seq. and CGCS 65582(d). *However, the proposed code amendments are not consistent with SB2 or CGCS 8698 et seq., as discussed below.*

All emergency shelters in California have one state definition, CGCS 65582(d), which limits emergency shelters to six months occupancy. The proposed amendments to redefine emergency shelters for a shelter crisis violate the state definition for emergency shelters which limits occupancy to six months. The City lacks authority to adopt a definition for emergency shelter in violation of the

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state's definition. References to "facts on the ground in the Staff Recommendation" are not a legal basis for amending the code, but rather, evidence of violating the code.

**VIOLATIONS OF CGCS 8698 ET SEQ.** These code amendments will not bring the city's code into compliance with CGCS 8698 et seq, as claimed. There is a state limit to occupancy and to the existence of a homeless shelter/emergency shelter. Both are violated under the proposed amendments.

- **CGCS 8698.1(B)(3)** limits the duration of a shelter: "A facility shall be permitted pursuant to this subdivision for a **maximum of 90 days with 90-day extensions permitted, not to exceed 730 days of continuous operation**" (emphasis added). *The Midvale project use agreement is for ten years.* It is not temporary shelter, in violation of CGCS 8698 et seq.
- **CGCS 8698.4(G)(c)(1)** defines "'homeless shelter'" as a **temporary** homeless shelter. In fact, CGCS 8698.4 explicitly limits how long shelters are permitted: "to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis." COLA and LAHSA homeless services, shelters have no time limit for occupancy, and no limit for the existence of an emergency homeless shelter.
- **CGCS 8698.3(h) prohibits an emergency sleeping cabin from containing plumbing.** Yet the Midvale project provides individual bathrooms and *plumbing in violation of the state law.*

COLA implemented [CGCS 8698.4](#) through [LAMC 12.80](#), the City's *Shelter Crisis Ordinance*. *LAMC 12.80 mirrors SB 2. Substituting CGCS 8698.4's definition for a "homeless shelter" for SB2/ LAMC 12.80's definition of an emergency shelter does not cure the city's problem. Instead, the proposed code amendments violate three (3) state laws which consistently limit emergency shelters to six months:*

- *SB2, California Planning and Zoning Code ([CGCS 65582\(d\)](#)),*
- *[CCR Sec. 7950](#), and*
- *[CHSC 50801\(e\)](#).*

***The problem is not LAMC 12.80, it is LAHSA's failure to follow state law (SB 2).*** *The city is in violation of SB2 because of LAHSA's operational and funding requirements, not the zoning code.* Since LAHSA selects service providers, they are not required to enforce a six-month limit. *Disbanding LAHSA is the perfect opportunity to correct the problem and enforce the six-month limit.* Instead, the city is proposing to flagrantly violate state zoning law by substituting CGCS 8698.4 for LAMC 12.80/SB2. LAHSA regulations have no time limit and mandate extensive services on and off-site for emergency shelters. Fix The City is litigating this very issue.

Rather than curing a problem, these Emergency Shelter Code Amendments create a new problem by attempting to circumvent the state-mandated six-month limit for emergency shelters. [Public Counsel](#), in its Best Practices for implementing SB2, warned in 2017:

"Thus, as a jurisdiction looks to ensure its zoning code complies with SB2, it is important to ensure that the zoning code definition of emergency shelter is consistent with the statutory definition" (p. 6)

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**The proposed zoning code amendments are NOT consistent with SB2 state zoning code.**

SB2's legislative intent was to provide a uniform definition for emergency shelters for all jurisdictions, including charter cities, and to allow emergency shelters by right. This is exactly what LAMC 12.80 does: emergency shelters, as defined in LAMC 12.80 and in SB2, are permitted by right, *but are limited to six month stays*. *Fix The City is presently litigating this very point.*

The state definition for an emergency shelter controls all emergency shelters in California, including charter cities (CGCS [65589.5](#)):

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide concern" (p. 12).

The State Planning and Zoning Code (SB2) ([CGCS 65882\(d\)](#)) limits ALL emergency shelters to six months occupancy and minimal services. SB 2 became effective in 2008 and was [supported by COLA](#) (see p. 9).

Specifically, SB2, CGCS 65582(d) states: "'Emergency shelter' has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code:"

[CHSC Sec. 50801\(e\)](#) states: "Emergency shelter' means housing with **minimal supportive services** for homeless persons that is **limited to occupancy of six months or less** by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay." (Emphasis added.)

**There is only one definition for an Emergency Shelter in California's Zoning Code** (SB2, [CGCS 65582\(d\)](#)), which limits stays in emergency shelters to six months. The state has preempted the authority of all cities, including charter cities, to use an alternative definition. **The proposed amendments are unlawful under the statute.**

The current COLA definition for Emergency Shelter, i.e., Shelter for the Homeless ([LAMC 12.03](#)), complies with all state laws defining emergency shelters, including [CGCS 8698.4](#).

[LAMC 12.80](#) is the city's implementation of CGCS 8698 et seq. and is consistent with SB2 and was approved under [CGCS 8698.4\(a\)\(2\)\(A\)\(i\)](#) when COLA adopted LAMC [91.8605](#). ***The Shelter Crisis Statute, (CGCS 8698.4), does not conflict with LAMC 12.80.***

The Planning Commission would be wise to resist political pressure to cover up LAHSA's violation of the six-month limit by recommending unlawful code amendments. All emergency shelters are required under state law to limit stays to six months. Full stop.

Respectfully,

*Laura Lake*

Laura Lake, Ph.D.

FIX THE CITY

[Laura.Lake@gmail.com](mailto:Laura.Lake@gmail.com)

## Communication from Public

**Name:** Fix The City

**Date Submitted:** 06/09/2025 03:44 PM

**Council File No:** 24-1587

**Comments for Public Posting:** Attached is our comment letter citing multiple state laws that are violated by the proposed amendments., including CGCS 8698.4.

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