

EXHIBIT B:

Correspondence

CPC-2025-1648-CA

For consideration by the City Planning Commission

April 24, 2025

FIX THE CITY

CPC Commission Public Hearing on **Emergency Shelter Code Amendment (CF 24-1587)**

April 24, 2025

VIA EMAIL: julia.heidelman@lacity.org; Laura@FixTheCity.org

THE PROPOSED EMERGENCY SHELTER CODE AMENDMENTS VIOLATE SB2 (2007)

Dear CPC Commissioners:

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)

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).

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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,

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