



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
 DISTRICT 2

CONSENT CALENDAR
 May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Vice Mayor Rashi Kesarwani, Councilmember Mark Humbert (Co-Sponsor), Councilmember Brent Blackaby (Co-Sponsor)

Subject: Letter in Support of California State Senate Bill 692 (Arreguín) Relating to Vehicles and Homelessness

RECOMMENDATION

Adopt a letter in support of California State Senate Bill 692 (Arreguín), relating to vehicles and homelessness, and distribute copies to Governor Gavin Newsom, State Senator Jesse Arreguín, State Assemblymember Buffy Wicks, State Senate President Pro Tempore Mike McGuire, and State Assembly Speaker Robert Rivas.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Vehicular homelessness is currently the most common form of homelessness in Alameda County, and Berkeley, especially West Berkeley, has been heavily impacted by this situation. Many unsheltered residents live in vehicles that are posing serious health and safety problems—rodent and other vermin infestations, overflowing or leaking sewage, fire and other life safety hazards – both to the unsheltered people who reside in them, as well as the broader community. Moreover, in recent years, there have been increases in the number of RVs, trailers, and other large vehicles abandoned on local streets and in public spaces.

The majority of those living in these vehicles are victims of the State's broader affordable housing and shelter crisis. We also know, however, that many of these vehicles – which are too blighted and dangerous for anyone to be living in in the first place -- are being sold or leased to the unsheltered as substandard vehicles by unscrupulous actors, even sometimes after they are towed to impound.

Despite this, the Homeless Response Team (HRT) has struggled to successfully address vehicular homelessness, mostly because HRT outreach has found that many of these residents do not consider themselves to be 'unsheltered' and thus turn down offers of interim housing for fear of losing their last remaining asset—their vehicle. These anecdotal findings are corroborated by research from the UCSF Benioff Homeless and Housing Initiative, in a study of RV dwellers living in Oakland. However,

emerging research from guaranteed income programs also demonstrates that when people in poverty are given unrestricted cash, they use it to wisely meet their most pressing economic needs. The city theorized that, if RV dwellers could have their most valuable (but illiquid) asset—their RV—liquified at a fair cash price, that may change their willingness to engage in interim housing programs.

With this in mind, staff applied to and, in September 2024, were awarded \$5.4M in Encampment Resolution Fund (ERF) grant funding from the State of California, including \$150,000 to pilot an RV Buy Back program. Staff, in partnership with Dorothy Day House, have been using these funds to resolve the encampments along 2nd and Cedar Streets in West Berkeley, which Council directed staff to prioritize for closure on September 2024, using the new Capri Motel (aka Howard Johnson) as shelter. Interested RV dwellers in that encampment applied for a buy back of their vehicle at \$175/linear foot, and were offered the program if they agreed to move into shelter at the Capri. Participants received 15% of the total price of the vehicle upon shelter move-in. Understanding that sometimes a shelter move-in doesn't work for everyone, participants could move back into their vehicle at any time during a three day 'shelter trial period,' and if they did so, keep the 15% cash payment with no questions asked. However, they would only receive the remaining 85% of the agreed-upon price once their vehicle was towed from the street.

This pilot was very successful: of the 21 vehicles originally identified by staff as being used for shelter on 2nd St, occupants for all but one of those have agreed to participate and sell their vehicle in exchange for a shelter move-in, and a total of 27 vehicles used as shelter have been approved for removal via this pilot. However, staff have found it extremely difficult to remove these RVs, many of which still remained on the street months after their occupants voluntarily left them for shelter, either because they are in such poor condition and pose such serious health and safety risks that local towing companies refuse to take them, or because local tow companies do not have the lot space to accommodate so many large vehicles at once.

Senator Arreguin's legislation, SB 692, would give broader authority to local governments to remove vehicles from the streets with RV buy-back programs, so long as these buy-backs are paired with a shelter offer. Specifically, once their vehicles have been purchased and their residents safely moved indoors, it would afford greater discretion to local governments to avoid the impound process altogether by sending these vehicles straight to dismantlement, where they belong – preventing these health hazards from being used as substandard shelter by anyone again.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the recommendation. Reducing vehicular homelessness by moving vehicle residents indoors will reduce the impacts of vehicles and unsheltered homelessness on the environment and climate change over time.

RATIONALE FOR RECOMMENDATION

Berkeley is committed to compassionate, proven approaches to ending vehicular homelessness while simultaneously fulfilling our duties as a local government to keep our streets and public spaces clean and safe for all. For these reasons, we recommend supporting SB 692.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Terry Taplin, Councilmember, District 2, 510-981-7120, TTaplin@berkeleyca.gov

Attachments:

1. Letter of Support
2. SB 692 Bill Text
3. SB 692 Fact Sheet

May 20, 2025

Senator Jesse Arreguín
California State Senate
1021 O Street, Suite 6710
Sacramento, CA 95815

RE: Letter of Support (Senate Bill 692)

Dear Senator Jesse Arreguín,

The City of Berkeley writes in strong support of Senate Bill 692, which would provide cities with more tools and flexibility to address two problems; the crisis of substandard, inhumane, and often hazardous vehicular homelessness and illegally dumped junked vehicles. In our region, many unsheltered residents live in vehicles that are posing serious health and safety problems—rodent and other vermin infestations, overflowing or leaking sewage, fire and other life safety hazards—both to the unsheltered people who reside in them as well as the broader community. Moreover, in recent years, there have been increases in the number of RVs, trailers, and other large vehicles abandoned on local streets and in public spaces.

The issue of illegally dumped, hazardous, and abandoned recreational vehicles, trailers, and oversized vehicles extends far beyond our city—it affects cities across our great state. We recognize that the majority of those living in these vehicles are victims of the state’s broader affordable housing and shelter crisis. We also know, however, that many are being sold or leased to the unsheltered as substandard vehicles by unscrupulous actors—vehicles that are too blighted and dangerous for anyone in the first place. These abandoned and non-working vehicles remain on our streets, either because they are in such poor condition and pose such serious health and safety risks that local towing companies refuse to take them, or because local tow companies do not have the lot space to accommodate so many large vehicles at once.

So what is the solution? SB 692 proposes multiple options for cities to follow and would allow local governments to implement RV buy-back programs, expanding upon the success Berkeley has already seen with this promising program. Emerging research from guaranteed income programs demonstrate that when people in poverty are given cash, they use it to wisely meet their most pressing economic needs, and this bill affords that same opportunity to our most vulnerable vehicular residents. Once their vehicles have been purchased and their residents safely moved indoors, this bill would afford greater discretion to local governments to avoid the impound process altogether by sending these vehicles straight to dismantlement, where they belong—preventing these health hazards from being used as substandard shelter by anyone again.

Berkeley is committed to compassionate, proven approaches to ending vehicular homelessness while simultaneously fulfilling our duties as local governments to keep our streets and public spaces clean and safe for all. For these reasons, we are pleased to support SB 692.

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE MARCH 25, 2025

SENATE BILL

No. 692

Introduced by Senator Arreguín
(Principal coauthor: Senator Richardson)

February 21, 2025

An act to amend Sections 50236 and 50243 of the Health and Safety Code, and to amend Sections 22650, 22660, 22661, 22662, and 22851.3 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 692, as amended, Arreguín. Vehicles: homelessness.

Existing law makes it unlawful for a peace officer or an unauthorized person to remove an unattended vehicle from a highway, except as provided. Under existing law, the removal of a vehicle is a seizure, subject to the limits set forth in jurisprudence for the Fourth Amendment of the United States Constitution. Existing law authorizes a city, county, or city and county to adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts of vehicles from private or public property. Existing law requires that any ordinance for the removal of abandoned vehicles contain certain provisions, including a provision exempting vehicles under certain circumstances, and a provision providing no less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance, unless the property owner and the owner of the vehicle sign releases. Existing law also exempts from the 10-day notice prior to removal provision, a vehicle meeting specified requirements, including being valued at less than

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\$200 and being determined to be a public nuisance, if the property owner has signed a release.

This bill would additionally authorize a city, county, or city and county to adopt an ordinance for the abatement and removal of vehicles formerly used as shelter by ~~persons experiencing homelessness. a~~ *person*. The bill would require an ordinance establishing procedures for the removal of abandoned vehicles to contain a provision making the ordinance applicable to public agencies operating certain vehicle buyback programs, as specified. The bill would also specifically authorize a local government to perform emergency summary abatement of vehicles creating imminent health and safety hazards. The bill would modify the exemption from prior 10-day notice of intention to abate and remove a vehicle to no longer require that both the vehicle be determined to be a public nuisance and that the property owner sign a release.

Existing law authorizes vehicles or parts thereof to be disposed of by removal to, among other places, a scrapyard or automobile dismantler's yard.

The bill would authorize specified vehicles to be scrapped and dismantled in place and disposed of at a suitable site operated by a local authority.

~~Existing law establishes the Homeless Housing, Assistance, and Prevention program, administered by the California Interagency Council on Homelessness, for the purpose of providing jurisdictions with grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges, as specified. Existing law provides for the allocation of funding under the program among continuums of care, cities, counties, and tribes in rounds and establishes round 5 for the purpose of creating and implementing regionally coordinated plans that organize and deploy the full array of homelessness programs and resources comprehensively and effectively. Existing law authorizes the use of those funds for services for people experiencing unsheltered homelessness, including, among other things, street outreach, and specified programs funded by the Encampment Resolution Grant. Existing law establishes round 6 for the purpose of, among other things, expeditiously reducing unsheltered homelessness through homelessness prevention activities and sustaining existing interim housing solutions. Existing law authorizes the use of those funds for, among other things, permanent housing solutions that can prevent or serve those experiencing unsheltered homelessness, as specified.~~

This bill would additionally authorize the use of funds from rounds 5 and 6 for vehicle buyback programs for persons experiencing vehicular homelessness, if the buyback offer is paired with an offer of interim or permanent housing.

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

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

1 SECTION 1. ~~Section 50236 of the Health and Safety Code is~~
2 ~~amended to read:~~
3 50236. ~~(a) The intent of round 5 is to sustain existing federal,~~
4 ~~state, and local investments towards long-term sustainability of~~
5 ~~housing and supportive services.~~
6 ~~(b) Applicants shall develop data-driven plans which fund the~~
7 ~~state's priorities.~~
8 ~~(c) Provided that before proposing to use round 5 resources to~~
9 ~~fund new interim housing solutions, the applicant first demonstrates~~
10 ~~that the region has dedicated sufficient resources from other sources~~
11 ~~to long-term permanent housing solutions, including capital and~~
12 ~~operating costs, allowable uses of round 5 base program allocation~~
13 ~~funds include all of the following:~~
14 ~~(1) Permanent housing solutions, including all of the following:~~
15 ~~(A) Rental subsidies, including to support placement of~~
16 ~~individuals in CARE Court.~~
17 ~~(B) Landlord incentives, such as security deposits, holding fees,~~
18 ~~funding for needed repairs, and recruitment and relationship~~
19 ~~management costs.~~
20 ~~(C) Move-in expenses.~~
21 ~~(D) Operating subsidies in new and existing affordable or~~
22 ~~supportive housing units serving people experiencing~~
23 ~~homelessness, including programs such as Homekey, new or~~
24 ~~existing residential care facilities, funded by the Behavioral Health~~
25 ~~Continuum Infrastructure Program or the Community Care~~
26 ~~Expansion Program. Operating subsidies may include operating~~
27 ~~reserves.~~
28 ~~(E) Homelessness prevention through rental assistance, rapid~~
29 ~~rehousing, and other programs, so long as they prioritize~~
30 ~~households with incomes at or below 30 percent of the area median~~
31 ~~income, who pay more than 50 percent of their income in housing~~

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1 costs, and who meet criteria for being at highest risk of
 2 homelessness through data-informed criteria adopted by the
 3 council.

4 (F) Problem-solving and diversion support programs that prevent
 5 people at risk of or recently experiencing homelessness from
 6 entering unsheltered or sheltered homelessness.

7 (G) Services for people in permanent housing, so long as the
 8 services are trauma-informed and practice harm reduction, to
 9 include intensive case management services, assertive community
 10 treatment services, critical time intervention services, other tenancy
 11 support services, evidence-based employment services,
 12 coordinating mental health, substance use, and primary care
 13 treatment, or other evidence-based supportive services to increase
 14 housing retention.

15 (H) Capital for permanent housing that serves people
 16 experiencing homelessness, including conversion of underutilized
 17 buildings or existing interim or transitional housing into permanent
 18 housing.

19 (2) Interim housing solutions, including all of the following:

20 (A) Navigation centers that are low barrier, as defined in
 21 Sections 65660 and 65662 of the Government Code, to include
 22 any of the following:

23 (B) Operating expenses in existing congregate shelter sites.

24 (C) Operating expenses in new or existing nonecongregate shelter
 25 sites and transitional housing for youth.

26 (D) Motel or hotel vouchers.

27 (E) Services provided to people in interim housing, to include
 28 trauma-informed and evidence-based intensive case management
 29 services, housing navigation, connecting people to substance use
 30 or mental health treatment, public benefits advocacy, and other
 31 supportive services to promote stability and referral into permanent
 32 housing.

33 (F) Capital funding to build new nonecongregate shelter sites,
 34 including for construction, rehabilitation, and capital improvements
 35 to convert existing congregate sites into nonecongregate sites.

36 (G) Capital funding for clinically enhanced congregate or
 37 nonecongregate shelter sites.

38 (H) Youth-focused services in transitional housing.

39 (3) (A) Services for people experiencing unsheltered
 40 homelessness, including street outreach, including, but not limited

1 to, persons experiencing homelessness from encampment sites and
2 those transitioning out of encampment sites funded by the program
3 known as the Encampment Resolution Grant consistent with
4 Section 50251 to access permanent housing and services. This
5 includes evidence-based engagement services, intensive case
6 management services, assertive community treatment, housing
7 navigation, harm reduction services, coordination with street-based
8 health care services, and hygiene services for people living in
9 encampments and unsheltered individuals.

10 (B) Vehicle buyback programs for persons experiencing
11 vehicular homelessness, if those buyback offers are paired with
12 an offer of interim or permanent housing.

13 (C) Services coordination, which may include access to
14 workforce, education, and training programs, or other services
15 needed to promote housing stability in supportive housing.

16 (D) Systems support for activities necessary to create regional
17 partnerships and maintain a homeless services and housing delivery
18 system, particularly for vulnerable populations, including families
19 and homeless youth.

20 (E) Improvements to existing emergency shelters to lower
21 barriers and increase privacy.

22 (F) Any new interim sheltering funded by round 5 funds must
23 be low-barrier, comply with Housing First as provided in Chapter
24 6.5 (commencing with Section 8255) of Division 8 of the Welfare
25 and Institutions Code, and prioritize interventions other than
26 congregate shelters.

27 (4) A program recipient shall not use funding from the program
28 allocated under this section to supplant existing Encampment
29 Resolution Grant funds provided under Section 50251.

30 (d) (1) Applicants may request, in a form prescribed by the
31 council, approval to utilize round 5 funding on allowable
32 expenditures outside of the state's intended priorities, as
33 enumerated in this section.

34 (2) The council may grant applicants preapproval to utilize
35 program funding on allowable uses only after an applicant has
36 demonstrated that state priorities are adequately resourced, and
37 the applicant has exhausted all means to accomplish these priorities.

38 (e) An applicant shall not use more than 7 percent of a round 5
39 program allocation for administrative costs incurred by the city,
40 county, continuum of care, or tribe to administer its program

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1 allocation. For purposes of this subdivision, “administrative costs”
2 does not include staff or other costs directly related to
3 implementing activities funded by the program allocation.

4 (f) (1) The council may authorize an applicant to use up to an
5 additional 1 percent for costs related to the Homeless Management
6 Information System. Related costs include Homeless Management
7 Information System licenses, training, system operating costs, and
8 costs associated with carrying out related activities.

9 (2) Upon agreement between the grantee and the Homeless
10 Management Information System lead entity, the grantee shall
11 transfer the authorized amount of funds pursuant to paragraph (1)
12 for related costs to the Homeless Management Information System
13 lead entity. The council shall specify the method and manner for
14 this transfer of funds.

15 (g) A recipient of a round 5 program allocation shall comply
16 with Housing First as provided in Chapter 6.5 (commencing with
17 Section 8255) of Division 8 of the Welfare and Institutions Code.

18 (h) Notwithstanding Section 27011 of the Government Code,
19 or any other law governing the deposit of funds in the county
20 treasury, a county may accept or deposit into the county treasury
21 funds from any source for the purpose of administering a project,
22 proposal, or program under this chapter.

23 (i) For purposes of Section 1090 of the Government Code, a
24 representative of a county serving on a board, committee, or body
25 with the primary purpose of administering funds or making funding
26 recommendations for applications pursuant to this chapter shall
27 have no financial interest in any contract, program, or project voted
28 on by the board, committee, or body on the basis of the receipt of
29 compensation for holding public office or public employment as
30 a representative of the county.

31 SEC. 2. Section 50243 of the Health and Safety Code is
32 amended to read:

33 50243. (a) The intent of round 6 is to reflect the state’s
34 priorities to prevent and expeditiously reduce unsheltered
35 homelessness through homelessness prevention activities,
36 sustaining existing interim housing solutions, and permanent
37 housing solutions, including long-term sustainability of affordable
38 permanent supportive housing.

39 (b) Applicants shall develop data-driven plans that fund the
40 state’s priorities.

1 ~~(e) Applicants shall demonstrate how the region will use~~
2 ~~available resources to sustain all existing and, as applicable, any~~
3 ~~proposed interim housing investments within the region, including,~~
4 ~~but not limited to, use of local dedicated funding, Behavioral Health~~
5 ~~Services Act funds, or any funds pursuant to Chapter 6~~
6 ~~(commencing with Section 50216) or this chapter as long-term~~
7 ~~capitalized operating reserves, or any other local, state, or federal~~
8 ~~funding source.~~

9 ~~(d) Before proposing to use round 6 resources to fund new~~
10 ~~interim housing other than new interim housing for youth or~~
11 ~~proposing to use round 6 resources to fund nonhousing solutions,~~
12 ~~applicants shall first demonstrate that their region has dedicated~~
13 ~~sufficient resources from other sources to sustain their existing~~
14 ~~and planned portfolio of long-term permanent affordable housing~~
15 ~~and existing interim solutions, including capital and operating~~
16 ~~costs.~~

17 ~~(e) Subject to subdivision (d), allowable uses of round 6 base~~
18 ~~program allocation funds include all of the following:~~

19 ~~(1) Permanent housing solutions that can prevent or serve those~~
20 ~~experiencing unsheltered homelessness, including, but not limited~~
21 ~~to, persons experiencing homelessness coming from encampment~~
22 ~~sites. These uses include all of the following:~~

23 ~~(A) Rental subsidies, including to support placement of~~
24 ~~individuals in CARE Court.~~

25 ~~(B) Landlord incentives, such as security deposits, holding fees,~~
26 ~~funding for needed repairs, and recruitment and relationship~~
27 ~~management costs.~~

28 ~~(C) Move-in expenses.~~

29 ~~(D) Operating subsidies in new and existing affordable or~~
30 ~~supportive housing units serving people experiencing or at risk of~~
31 ~~homelessness, including programs such as Homekey, new or~~
32 ~~existing residential care facilities, funded by the Behavioral Health~~
33 ~~Continuum Infrastructure Program or the Community Care~~
34 ~~Expansion Program. Operating subsidies may include capitalized~~
35 ~~operating reserves.~~

36 ~~(E) Supportive services for people in permanent housing, so~~
37 ~~long as the services are trauma-informed and practice harm~~
38 ~~reduction, to include intensive case management services, assertive~~
39 ~~community treatment services, critical time intervention services,~~
40 ~~other tenancy support services, evidence-based employment~~

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1 services, coordinating mental health, substance use, and primary
2 care treatment, or other evidence-based supportive services to
3 increase housing retention.

4 (F) Capital for permanent housing that serves people
5 experiencing homelessness, including conversion of underutilized
6 buildings or existing interim or transitional housing into permanent
7 housing.

8 (G) Services coordination, which may include access to
9 workforce, education, and training programs, or other services
10 needed to promote housing stability in permanent supportive
11 housing.

12 (2) Homelessness prevention includes, but is not limited to, both
13 of the following:

14 (A) Rental assistance, rapid rehousing, and other programs as
15 long as they prioritize households with incomes at or below 30
16 percent of the area median income.

17 (B) Diversion support programs that prevent people at risk of
18 or recently experiencing homelessness from entering unsheltered
19 or sheltered homelessness.

20 (3) Interim housing solutions, that can provide shelter to those
21 experiencing unsheltered homelessness, including, but not limited
22 to, persons experiencing homelessness coming from encampment
23 sites. These uses include all of the following:

24 (A) Navigation centers that are low barrier, as defined in
25 Sections 65660 and 65662 of the Government Code.

26 (B) Operating expenses for existing congregate shelter sites.

27 (C) Operating expenses in new or existing nonegregate shelter
28 sites and transitional housing for youth.

29 (D) Motel or hotel vouchers.

30 (E) Services provided to people in interim housing, to include
31 trauma-informed and evidence-based intensive case management
32 services, housing navigation, connecting people to substance use
33 or mental health treatment, public benefits advocacy, and other
34 supportive services to promote stability and referral into permanent
35 housing.

36 (F) Capital funding to build new nonegregate shelter sites
37 and transitional housing sites for homeless youth, including for
38 construction, rehabilitation, and capital improvements to convert
39 existing congregate sites into nonegregate sites.

1 ~~(G) Capital funding for clinically enhanced congregate or~~
2 ~~noncongregate shelter sites.~~

3 ~~(H) Youth-focused services in transitional housing.~~

4 ~~(I) Improvements to existing emergency shelters to lower~~
5 ~~barriers and increase privacy.~~

6 ~~(J) Any new interim sheltering funded by round 6 funds shall~~
7 ~~be low barrier, comply with Housing First as provided in Chapter~~
8 ~~6.5 (commencing with Section 8255) of Division 8 of the Welfare~~
9 ~~and Institutions Code, and prioritize interventions other than~~
10 ~~congregate shelters except clinically enhanced congregate shelters~~
11 ~~as specified in subparagraph (G).~~

12 ~~(4) Nonhousing solutions, including nonhousing services for~~
13 ~~people experiencing unsheltered homelessness, including, but not~~
14 ~~limited to, persons experiencing homelessness from encampment~~
15 ~~sites and those transitioning out of encampment sites. This includes~~
16 ~~street outreach, evidence-based engagement services, intensive~~
17 ~~case management services, assertive community treatment, housing~~
18 ~~navigation, harm reduction services, coordination with street-based~~
19 ~~health care services, and hygiene services for people living in~~
20 ~~encampments and unsheltered individuals.~~

21 ~~(5) Vehicle buyback programs for persons experiencing~~
22 ~~vehicular homelessness, if those buyback offers are paired with~~
23 ~~an offer of interim or permanent housing.~~

24 ~~(f) (1) Applicants may request, in a form prescribed by the~~
25 ~~department, approval to utilize round 6 funding on allowable~~
26 ~~expenditures outside of the state's intended priorities, as~~
27 ~~enumerated in this section.~~

28 ~~(2) The department may grant applicants preapproval to utilize~~
29 ~~program funding on allowable uses only after an applicant has~~
30 ~~demonstrated that state priorities are adequately resourced, and~~
31 ~~the applicant has exhausted all means to accomplish these priorities.~~

32 ~~(g) An applicant shall not use more than 7 percent of a round 6~~
33 ~~program allocation for administrative costs incurred by the city,~~
34 ~~county, continuum of care, or tribe to administer its program~~
35 ~~allocation. For purposes of this subdivision, "administrative costs"~~
36 ~~does not include staff or other costs directly related to~~
37 ~~implementing activities funded by the program allocation.~~

38 ~~(h) (1) The department may authorize an applicant to use up~~
39 ~~to an additional 1 percent for costs related to the Homeless~~
40 ~~Management Information System. Related costs include Homeless~~

1 Management Information System licenses, training, system
 2 operating costs, and costs associated with carrying out related
 3 activities.

4 (2) Upon agreement between the grantee and the Homeless
 5 Management Information System lead entity, the grantee shall
 6 transfer the authorized amount of funds pursuant to paragraph (1)
 7 for related costs to the Homeless Management Information System
 8 lead entity. The department shall specify the method and manner
 9 for this transfer of funds.

10 (i) A recipient of a round 6 program allocation shall comply
 11 with Housing First as provided in Chapter 6.5 (commencing with
 12 Section 8255) of Division 8 of the Welfare and Institutions Code.

13 (j) Notwithstanding Section 27011 of the Government Code,
 14 or any other law governing the deposit of funds in the county
 15 treasury, a county may accept or deposit into the county treasury
 16 funds from any source for the purpose of administering a project,
 17 proposal, or program under this article.

18 (k) For purposes of Section 1090 of the Government Code, a
 19 representative of a county serving on a board, committee, or body
 20 with the primary purpose of administering funds or making funding
 21 recommendations for applications pursuant to this article shall
 22 have no financial interest in any contract, program, or project voted
 23 on by the board, committee, or body on the basis of the receipt of
 24 compensation for holding public office or public employment as
 25 a representative of the county.

26 (l) A program recipient shall not use funding from the program
 27 allocated under this section to supplant Encampment Resolution
 28 Funding program grant funds provided under Section 50251.

29 ~~SEC. 3.~~

30 *SECTION 1.* Section 22650 of the Vehicle Code is amended
 31 to read:

32 22650. (a) It is unlawful for a peace officer or an unauthorized
 33 person to remove an unattended vehicle from a highway to a garage
 34 or to any other place, except as provided in this code.

35 (b) Any removal of a vehicle is a seizure under the Fourth
 36 Amendment of the Constitution of the United States and Section
 37 13 of Article I of the California Constitution, and shall be
 38 reasonable and subject to the limits set forth in Fourth Amendment
 39 jurisprudence. A removal pursuant to an authority, including, but
 40 not limited to, as provided in Section 22651, that is based on

1 community caretaking, is only reasonable if the removal is
2 necessary to achieve the community caretaking need, such as
3 ensuring the safe flow of traffic or protecting property from theft
4 or vandalism.

5 (c) Those law enforcement and other agencies identified in this
6 chapter as having the authority to remove vehicles shall also have
7 the authority to provide hearings in compliance with the provisions
8 of Section 22852. During these hearings the storing agency shall
9 have the burden of establishing the authority for, and the validity
10 of, the removal.

11 (d) This section does not prevent a review or other action as
12 may be permitted by the laws of this state by a court of competent
13 jurisdiction.

14 (e) This article does not prevent a local government from
15 performing emergency summary abatement of ~~vehicles~~ *vehicles*,
16 *as defined in Section 670, that are* creating imminent health and
17 safety hazards, pursuant to state law or local ordinance.

18 ~~SEC. 4.~~

19 *SEC. 2.* Section 22660 of the Vehicle Code is amended to read:

20 22660. Notwithstanding any other provision of law, a city,
21 county, or city and county may adopt an ordinance establishing
22 procedures for the abatement and removal, as public nuisances, of
23 abandoned, wrecked, dismantled, or inoperative vehicles, or
24 ~~vehicles formerly used as shelter by persons experiencing~~
25 *homelessness, vehicles, as defined in Section 670, or parts thereof*
26 from private or public property, and for the recovery, pursuant to
27 Section 25845 or 38773.5 of the Government Code, or assumption
28 by the local authority, of costs of administration and the removal.

29 ~~SEC. 5.~~

30 *SEC. 3.* Section 22661 of the Vehicle Code is amended to read:

31 22661. Any ordinance establishing procedures for the removal
32 of abandoned vehicles shall contain all of the following provisions:

33 (a) The requirement that notice be given to the Department of
34 Motor Vehicles within five days after the date of removal,
35 identifying the vehicle or part thereof and any evidence of
36 registration available, including, but not limited to, the registration
37 card, certificates of ownership, or license plates.

38 (b) Making the ordinance inapplicable to (1) a vehicle or part
39 thereof that is completely enclosed within a building in a lawful
40 manner where it is not visible from the street or other public or

1 private property or (2) a vehicle or part thereof that is stored or
2 parked in a lawful manner on private property in connection with
3 the business of a licensed dismantler, licensed vehicle dealer, or
4 a junkyard. This exception shall not, however, authorize the
5 maintenance of a public or private nuisance as defined under
6 provisions of law other than this chapter.

7 (c) Making the ordinance applicable to public agencies operating
8 a vehicle buyback program for ~~persons experiencing homelessness,~~
9 ~~utilizing funding from Sections 50232 to 50238, inclusive, Sections~~
10 ~~50239 to 50244, inclusive, or Sections 50250 to 50254.5, inclusive,~~
11 ~~of the Health and Safety Code, and wishing to dispose of a vehicle,~~
12 ~~formerly used as shelter by a person experiencing homelessness,~~
13 *the removal of vehicles, as defined in Section 670, including, but*
14 *not limited to, vehicles that are being used, or have been used, as*
15 *shelter, and wishing to dispose of those vehicles from public or*
16 private property, irrespective of the vehicle's operability,
17 registration status, or condition.

18 (d) (1) The requirement that not less than a 10-day notice of
19 intention to abate and remove the vehicle or part thereof as a public
20 nuisance be issued, unless the property owner and the owner of
21 the vehicle have signed releases authorizing removal and waiving
22 further interest in the vehicle or part thereof.

23 (2) However, prior notice of intention is not required for removal
24 of a vehicle or part thereof that is inoperable due to the absence
25 of a motor, transmission, or wheels and incapable of being towed,
26 and is valued at less than two hundred dollars (\$200) by a person
27 specified in Section 22855, if either of the following criteria is
28 met:

29 (A) The property owner has signed a release authorizing removal
30 and waiving their interest in the vehicle or part thereof.

31 (B) The vehicle or part is determined by the local agency to be
32 a public nuisance presenting an imminent threat to public health
33 or safety.

34 (3) Prior to final disposition pursuant to Section 22662 of a
35 vehicle or part for which evidence of registration was recovered
36 pursuant to subdivision (a), the local agency shall provide notice
37 to the registered and legal owners of intent to dispose of the vehicle
38 or part, and if the vehicle or part is not claimed and removed within
39 12 days after the notice is mailed, from a location specified in
40 Section 22662, or if the owner signs a release waiving the waiting

1 period, final disposition may proceed. A local agency or contractor
2 thereof is not liable for damage caused to a vehicle or part thereof
3 by removal pursuant to this section.

4 (4) Paragraph (2) applies only as follows:

5 (A) To inoperable vehicles located upon a parcel that is zoned
6 for agricultural use.

7 (B) To inoperable vehicles located upon a parcel that is not
8 improved with a residential structure containing one or more
9 dwelling units.

10 (e) The 10-day notice of intention to abate and remove a vehicle
11 or part thereof, when required by this section, shall contain a
12 statement of the hearing rights of the owner of the property on
13 which the vehicle is located and of the owner of the vehicle. The
14 statement shall include notice to the property owner that they may
15 appear in person at a hearing or may submit a sworn written
16 statement denying responsibility for the presence of the vehicle
17 on the land, with their reasons for such denial, in lieu of appearing.
18 The notice of intention to abate shall be mailed, by registered or
19 certified mail, to the owner of the land as shown on the last
20 equalized assessment roll and to the last registered and legal owners
21 of record unless the vehicle is in such condition that identification
22 numbers are not available to determine ownership.

23 (f) The requirement that a public hearing be held before the
24 governing body of the city, county, or city and county, or any other
25 board, commissioner, or official of the city, county, or city and
26 county as designated by the governing body, upon request for such
27 a hearing by the owner of the vehicle or the owner of the land on
28 which the vehicle is located. This request shall be made to the
29 appropriate public body, agency, or officer within 10 days after
30 the mailing of notice of intention to abate and remove the vehicle
31 or at the time of signing a release pursuant to subdivision (d). If
32 the owner of the land on which the vehicle is located submits a
33 sworn written statement denying responsibility for the presence
34 of the vehicle on their land within that time period, this statement
35 shall be construed as a request for hearing that does not require
36 the presence of the owner submitting the request. If the request is
37 not received within that period, the appropriate public body,
38 agency, or officer shall have the authority to remove the vehicle.

39 (g) The requirement that after a vehicle has been removed, it
40 shall not be reconstructed or made operable, unless it is a vehicle

1 that qualifies for either horseless carriage license plates or historical
2 vehicle license plates, pursuant to Section 5004, in which case the
3 vehicle may be reconstructed or made operable.

4 (h) A provision authorizing the owner of the land on which the
5 vehicle is located to appear in person at the hearing or present a
6 sworn written statement denying responsibility for the presence
7 of the vehicle on the land, with their reasons for the denial. If it is
8 determined at the hearing that the vehicle was placed on the land
9 without the consent of the landowner and that they have not
10 subsequently acquiesced to its presence, then the local authority
11 shall not assess costs of administration or removal of the vehicle
12 against the property upon which the vehicle is located or otherwise
13 attempt to collect those costs from the owner.

14 (i) A provision specifying that, notwithstanding any other
15 provision of law, emergency summary abatement of vehicles
16 creating imminent health and safety hazards shall be permissible
17 pursuant to procedures specified in all applicable state laws or
18 local ordinances.

19 ~~SEC. 6.~~

20 *SEC. 4.* Section 22662 of the Vehicle Code is amended to read:

21 22662. (a) Vehicles or parts thereof may be disposed of by
22 removal to a scrapyard, automobile dismantler's yard, or any
23 suitable site operated by a local authority for processing as scrap,
24 or other final disposition consistent with subdivision (e) of Section
25 22661.

26 (b) A local authority may operate such a disposal site when its
27 governing body determines that commercial channels of disposition
28 are not available or are inadequate, and it may make final
29 disposition of such vehicles or parts, or the local agency may
30 transfer such vehicle or parts to another, provided such disposal
31 shall be only as scrap. Vehicles described in subdivision (c) of
32 Section 22661 may be scrapped and dismantled in place and
33 disposed of at a suitable site operated by a local authority.

34 ~~SEC. 7.~~

35 *SEC. 5.* Section 22851.3 of the Vehicle Code is amended to
36 read:

37 22851.3. (a) Whenever a peace officer, as defined in Chapter
38 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
39 Code, or any other employee of a public agency authorized
40 pursuant to Section 22669, removes, or causes the removal of, a

1 vehicle pursuant to Section 22669 and the public agency or, at the
2 request of the public agency, the lienholder determines the
3 estimated value of the vehicle is five hundred dollars (\$500) or
4 less, the public agency that removed, or caused the removal of,
5 the vehicle shall cause the disposal of the vehicle under this section,
6 subject to all of the following requirements:

7 (1) Not less than 72 hours before the vehicle is removed, the
8 peace officer or the authorized public employee has securely
9 attached to the vehicle a distinctive notice which states that the
10 vehicle will be removed by the public agency. This subdivision
11 does not apply to abandoned vehicles removed pursuant to
12 subdivision (d) of Section 22669 which are determined by the
13 public agency to have an estimated value of three hundred dollars
14 (\$300) or less.

15 (2) Immediately after removal of the vehicle, the public agency
16 which removed, or caused the removal of, the vehicle shall notify
17 the Stolen Vehicle System of the Department of Justice in
18 Sacramento of the removal.

19 (3) The public agency that removed, or caused the removal of,
20 the vehicle or, at the request of the public agency, the lienholder
21 shall obtain a copy of the names and addresses of all persons having
22 an interest in the vehicle, if any, from the Department of Motor
23 Vehicles either directly or by use of the California Law
24 Enforcement Telecommunications System. This paragraph does
25 not require the public agency or lienholder to obtain a copy of the
26 actual record on file at the Department of Motor Vehicles.

27 (4) Within 48 hours of the removal, excluding weekends and
28 holidays, the public agency that removed, or caused the removal
29 of, the vehicle or, at the request of the public agency, the lienholder
30 shall send a notice to the registered and legal owners at their
31 addresses of record with the Department of Motor Vehicles, and
32 to any other person known to have an interest in the vehicle. A
33 notice sent by the public agency shall be sent by certified or
34 first-class mail, and a notice sent by the lienholder shall be sent
35 by certified mail. The notice shall include all of the following
36 information:

37 (A) The name, address, and telephone number of the public
38 agency providing the notice.

1 (B) The location of the place of storage and description of the
2 vehicle which shall include, if available, the vehicle make, license
3 plate number, vehicle identification number, and mileage.

4 (C) The authority and purpose for the removal of the vehicle.

5 (D) A statement that the vehicle may be disposed of 15 days
6 from the date of the notice.

7 (E) A statement that the owners and interested persons, or their
8 agents, have the opportunity for a poststorage hearing before the
9 public agency that removed, or caused the removal of, the vehicle
10 to determine the validity of the storage if a request for a hearing
11 is made in person, in writing, or by telephone within 10 days from
12 the date of notice; that, if the owner or interested person, or their
13 agent, disagrees with the decision of the public agency, the decision
14 may be reviewed pursuant to Section 11523 of the Government
15 Code; and that during the time of the initial hearing, or during the
16 time the decision is being reviewed pursuant to Section 11523 of
17 the Government Code, the vehicle in question may not be disposed
18 of.

19 (5) (A) A requested hearing shall be conducted within 48 hours
20 of the request, excluding weekends and holidays. The public
21 agency that removed the vehicle may authorize its own officers to
22 conduct the hearing if the hearing officer is not the same person
23 who directed the storage of the vehicle.

24 (B) Failure of either the registered or legal owner or interested
25 person, or their agent, to request or to attend a scheduled hearing
26 shall satisfy the poststorage validity hearing requirement of this
27 section.

28 (6) The public agency employing the person, or utilizing the
29 services of a contractor or franchiser pursuant to subdivision (b)
30 of Section 22669, that removed, or caused the removal of, the
31 vehicle and that directed any towing or storage, is responsible for
32 the costs incurred for towing and storage if it is determined in the
33 hearing that reasonable grounds to believe that the vehicle was
34 abandoned are not established.

35 (7) An authorization for disposal may not be issued by the public
36 agency that removed, or caused the removal of, the vehicle to a
37 lienholder who is storing the vehicle prior to the conclusion of a
38 requested poststorage hearing or any judicial review of that hearing.

39 (8) If, after 15 days from the notification date, the vehicle
40 remains unclaimed and the towing and storage fees have not been

1 paid, and if no request for a poststorage hearing was requested or
2 a poststorage hearing was not attended, the public agency that
3 removed, or caused the removal of, the vehicle shall provide to
4 the lienholder who is storing the vehicle, on a form approved by
5 the Department of Motor Vehicles, authorization to dispose of the
6 vehicle. The lienholder may request the public agency to provide
7 the authorization to dispose of the vehicle.

8 (9) If the vehicle is claimed by the owner or their agent within
9 15 days of the notice date, the lienholder who is storing the vehicle
10 may collect reasonable fees for services rendered, but may not
11 collect lien sale fees as provided in Section 22851.12.

12 (10) Disposal of the vehicle by the lienholder who is storing the
13 vehicle may only be to a licensed dismantler or scrap iron
14 processor. A copy of the public agency's authorization for disposal
15 shall be forwarded to the licensed dismantler within five days of
16 disposal to a licensed dismantler. A copy of the public agency's
17 authorization for disposal shall be retained by the lienholder who
18 stored the vehicle for a period of 90 days if the vehicle is disposed
19 of to a scrap iron processor.

20 (11) If the names and addresses of the registered and legal
21 owners of the vehicle are not available from the records of the
22 Department of Motor Vehicles, either directly or by use of the
23 California Law Enforcement Telecommunications System, the
24 public agency may issue to the lienholder who stored the vehicle
25 an authorization for disposal at any time after the removal.

26 The lienholder may request the public agency to issue an
27 authorization for disposal after the lienholder ascertains that the
28 names and addresses of the registered and legal owners of the
29 vehicle are not available from the records of the Department of
30 Motor Vehicles either directly or by use of the California Law
31 Enforcement Telecommunications System.

32 (12) A vehicle disposed of pursuant to this section may not be
33 reconstructed or made operable, unless it is a vehicle that qualifies
34 for either horseless carriage license plates or historical vehicle
35 license plates, pursuant to Section 5004, in which case the vehicle
36 may be reconstructed or made operable.

37 (b) The requirements in subdivision (a) shall be waived if the
38 public agency meets either of the following conditions:

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— 18 —

- 1 (1) Obtains a release signed by the owner of the vehicle
- 2 assigning their interest in the vehicle to the public agency for
- 3 purposes of disposition.
- 4 (2) Determines that the vehicle poses a public nuisance, has
- 5 posted a 15-day public notice to the vehicle specifying that the
- 6 vehicle is subject to disposal if not removed, and allows for a
- 7 hearing pursuant to paragraphs (5) to (8), inclusive, of subdivision
- 8 (a).

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CALIFORNIA STATE SENATOR

Jesse Arreguín

REPRESENTING SENATE DISTRICT 07

SB 692 – Vehicles: homelessness

SUMMARY

SB 692 would authorize a city, county, or city and county to adopt an ordinance for the abatement and removal of abandoned or inoperable vehicles formerly used as shelter by people experiencing homelessness. This bill would also require an ordinance to establish certain procedures and notice requirements for the removal of abandoned vehicles, with the authorization to remove vehicles that are creating an imminent health and safety standard. Finally, this bill would make an ordinance applicable to local governments that are operating a vehicle buyback program to expedite the removal of vehicles used as shelter from the streets, as long as the buy-back offer is paired with an offer of interim or permanent housing.

BACKGROUND

Abandoned or inoperable vehicles are a significant issue in California that are creating public health and safety concerns in cities and counties. Many of these vehicles are often linked to homelessness, and it is unfortunate that individuals experiencing homelessness are sometimes forced to reside in these vehicles due to California’s housing crisis. For many years, California has significantly invested in a variety of programs, such as ERF, Roomkey and Homekey, to help thousands of people move from dangerous encampments into stable housing.

PROBLEM

When an individual experiencing homelessness is moved indoors, these abandoned, and oftentimes inoperable, vehicles remain on the street. In many cases, these vehicles are in such poor condition and pose serious health and safety risks, which results in local towing companies refusing to take them. Moreover, the current Vehicle Code prohibits local governments from summarily abating and addressing imminent health and safety hazards when these conditions occur in a vehicle.

SOLUTION

SB 692 would authorize local governments to enact an ordinance to abate and remove abandoned or inoperable vehicles with certain procedures and notice requirements to be followed. Additionally, this bill would authorize local governments to remove and dismantle vehicles formerly used as shelter and purchased through a buy-back program, as long as the buyback offer is paired with an offer of interim or permanent housing.

Emerging research demonstrates that people living in vehicles often decline resources for fear of losing their largest asset: their vehicle. Yet emerging research also demonstrates that when people in poverty are given cash, they use it to wisely meet their most pressing economic needs. SB 692 affords that same opportunity to our most vulnerable residents living in vehicles. Once these vehicles are vacated, it would allow local governments to avoid the impound process altogether and instead have them be dismantled.

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SUPPORT

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