

Date of Hearing: April 11, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 358 (Addis) – As Introduced February 1, 2023

SUBJECT: Community college districts: student housing.

SUMMARY: Exempts California Community College (CCC) District (CCD) student housing architectural plans from the requirement in existing law to receive approval from the Department of General Services' (DGS) Division of the State Architect (DSA). Specifically, **this bill:**

- 1) Excludes any CCD building used as a resident for students attending a campus of a CCD, except upon request by the CCD, from having to receive approval from the DGS DSA.
- 2) Adds to the definition of “residential housing” to include any building used as a residence for students attending a campus of a CCD.

EXISTING LAW:

- 1) Requires the DGS, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of, or addition to, any school building, if not exempted under Section 81133, to ensure that plans and specifications comply with specified rules and regulations and building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property (Education Code (EC) Section 81130).
- 2) Defines “school building” as any building used, or designed to be used, for community college purposes and constructed by the state, by any city, county, or city and county, by any district of any kind within the state, by any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power, or by the United States government, or any agency thereof (EC Section 81050).
- 3) Exempts community college employee housing from the Field Act; and, defines “residential housing” to mean any building used as a personal residence by a teacher or employee of a CCD, with the teacher’s or employee’s family, if applicable (EC Section 81050.5).
- 4) Requires each school building constructed, reconstructed, modified, or expanded after July 1, 2006, on a community college campus to be built according to the Field Act, as defined in Section 81130.3, or according to the California Building Standards Code, as adopted by the California Building Standards Commission (EC Section 81052).
- 5) Prohibits contracts to be awarded for the construction of elementary school, secondary school, or CCD buildings and facilities until the DGS has issued written approval stating that the plans and specifications comply with the intent of specified provisions in the Government Code, when funds from the state, county, municipalities, or other political subdivisions are used (Government Code (GOV) Section 4454).

- 6) Exempts community college employee housing from the Field Act; and, defines “residential housing” to mean any building used as a personal residence by a teacher or employee of a CCD, with the teacher’s or employee’s family, if applicable (GOV Section 4454.5).

FISCAL EFFECT: Unknown

COMMENTS: *Purpose of this measure.* According to the author, although some students may qualify for traditional affordable housing, students themselves are not designated as a special needs population and are not included in the Regional Housing Needs Assessment, which quantifies the need for housing within each jurisdiction during specified planning periods.

The author contends that because of the exclusion of students from the Assessment, students suffer from lack of protections from the state or their local governments. Further, the author states that, “campuses themselves however, suffer from increasing on-campus housing shortages, leading to escalating housing costs and extensive waiting lists.” The author states, “this is especially the case at the California Community Colleges, which originally did not provide housing as they catered to ‘commuter’ students. As a result, many community colleges are scrambling to erect housing amongst a dire landscape, all while experiencing limited land availability, high costs, and long completion days.”

Lastly, the author states, “this bill helps eliminate inequities experienced by underrepresented individuals in higher education by allowing community colleges to more quickly accommodate student-housing needs. If CCC are the engine for upward social mobility, we must address housing insecurity issues.”

This measure exempts CCD student housing architectural plans from the requirement to receive approval from the DGS DSA. The exemption of student housing for the CCC will bring parity with the CSU and UC student housing requirements.

Student housing efforts. In 2021, the Legislature and the Governor appropriated \$2 billion over three years in housing grants among the CCC, the California State University (CSU) and the University of California (UC). Despite the significant investment to bolster student housing, several barriers remain, including, but not limited to, a lack of information on student housing insecurity, and respective subgroups; no coordination and data sharing with the Administration and legislature; and, bureaucratic hurdles to approving housing production, especially for community colleges.

Further, there is no government entity aside from the public university segments that oversees student housing, creating a disjointed system and limited knowledge of student housing insecurity at the state level. The \$2 billion and the applications for student housing are currently managed by the Department of Finance, which does not have a housing sub-department or staff. Meanwhile, the Housing and Community Development Department does not weigh in on student housing, even though students are a significant at-risk group that experience homelessness. Students are not designated as a “special needs population,” and do not qualify for the Regional Housing Needs Allocation.

According to data provided by the author, students who face housing insecurity are less likely to engage seriously with their college experience and less likely to complete their course of study. In a 2022 CCC conducted survey, 65% of CCC campuses indicated they were collecting data on

student housing and food insecurity. A large percentage indicated they were partnering with community resources that provide housing assistance and access to food distribution programs. However, only 16% of the colleges surveyed provided emergency housing assistance; only 36% said they offered a place for students to store their belongings throughout the day.

In addition to the aforementioned student housing investments, AB 306 (O'Donnell) (as described in the *Prior legislation* section of this analysis), exempts employee housing at the CCC from the Field Act. This is significant because CCCs fall under the Field Act; which, has led to prolonged time lines for the CCC and developers, even with the recently allocated funds.

Field Act. The Field Act, named after the author of the bill establishing the Act, Assembly Member C. Don Field, was enacted in 1933, after an earthquake in Long Beach, California. The earthquake resulted in 120 fatalities and destroyed or rendered unsafe, 230 school buildings. The Act authorized the State Architect to develop a statewide building code to make all buildings, especially school buildings, safe from earthquakes. The Act has been strengthened since then and California's public schools and community college buildings are commonly considered to be the safest public buildings in the state. When the DSA determines that the project plans comply with all the necessary building codes and the Field Act, the school district may proceed to construction of the project.

However, the Act only applies to school facilities including facilities located on a CCC campus. According to the Seismic Safety Commission, the Act is to protect children and staff from death and injury in public schools grades K-14 and to protect public investment in school buildings during and after an earthquake. The many requirements established by the Act include having the architectural designs of any building on campus approved by the DGS DSA.

Under current state law, the CCC is the only public higher education segment subject to the Act. Both the CSU and the UC are subject to local ordinances regarding seismic activity and have their own policies; however, they are not nor have they ever been subject to the Act.

Additionally, existing state law places an additional regulatory barrier for CCC housing projects that do not exist for CSU or UC projects.

The DSA. The DSA, in part, provides design and construction oversight for K–12 schools, community colleges, and various other state-owned and state-leased facilities to ensure that they comply with all structural, accessibility, and fire and life safety codes. To promote consistent knowledge and application of the California Building Codes, as well as information for successful plan review and construction of projects under DSA's jurisdiction, DSA offers classes through its DSA Academy.

Arguments in support. According to several CCDs, "Community colleges are subject to the same building standards for primary and secondary schools. However, this has the unintended consequence of long bureaucratic construction procedures, a problem that uniquely exists at the CCCs and not at the CSU or UC." According to the CCDs, "building projects that exceed \$100,000 are required to go through DGS and DSA in addition to housing compliance standards, which results in increased cost of housing. This therefore creates barriers to building safe and affordable housing."

Further, the CCDs state that, "the ability to bypass approval from DGS and DSA on residential housing for CCC students allows community colleges to more easily accommodate its housing

needs. This will put CCC on equal footing with CSU and UC colleges across the state and help students with housing insecurity.”

Prior legislation. AB 306 (O’Donnell), Chapter 49, Statutes of 2021, which exempts school and community college employee housing architectural plans from the requirement to receive approval from the DGS DSA.

AB 3324 (O’Donnell) of the 2019-2020 Session, which was held in the Assembly Committee on Education, was substantially similar AB 306 (as described above).

REGISTERED SUPPORT / OPPOSITION:

Support

Antelope Valley Community College District
 Associated Builders and Contractors of California
 Barstow Community College District
 California Apartment Association
 California Chamber of Commerce
 California Community Colleges Chancellor's Office
 Cerritos College (UNREG)
 Community College Facility Coalition
 Community College League of California
 Contra Costa Community College District
 Faculty Association of California Community Colleges
 GENup
 Mt. San Antonio College
 North Orange Community College District
 Public Advocates, Inc.
 Rancho Santiago Community College District
 Rio Hondo College
 San Bernardino Community College District
 San Diego Community College District
 San Luis Obispo County Community College District / Cuesta College
 Santa Monica College
 Shasta College
 Sierra Community College District
 Student Senate for California Community Colleges
 Yosemite Community College District
 Yuba Community College District

Opposition

None on file.

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