Date of Hearing: July 12, 2023

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
Buffy Wicks, Chair
SB 620 (McGuire) – As Amended April 20, 2023

SENATE VOTE: 40-0

SUBJECT: Low-impact camping areas

SUMMARY: Exempts “low-impact camping areas,” as defined, from the Special Occupancy Parks Act (SOPA) and establishes minimum health and safety requirements for low-impact camping areas. Specifically, this bill:

1) Exempts a low-impact camping area from the definition of “special occupancy park” within SOPA.

2) Defines “low-impact camping area” to mean any area of private property that provides for the transient occupancy rental of a temporary sleeping accommodation for recreational purposes that is not a commercial lodging facility and that meets all of the following requirements:

   a) Provides for the transient occupancy rental of a temporary sleeping accommodation, not exceeding 14 consecutive nights per camper and 28 nights per calendar year per camper;

   b) Has no more than nine temporary sleeping accommodations;

   c) Does not include a temporary sleeping accommodation that is rented out for permanent human occupancy;

   d) Prohibits onstreet parking;

   e) Complies with applicable state and local fire safety requirements;

   f) Complies with applicable state and local tax requirements, including the payment of local transient occupancy taxes;

   g) Complies with applicable local requirements for disposal of human waste, or in the absence of applicable local requirements, requires all solid waste to be removed from the premises after each occupancy and onsite trash receptacles to abide by applicable animal-protection trash best practices or requirements;

   h) Complies with applicable local requirements for quiet hours, or in the absence of such requirements, enforces quiet hours from 10pm to 6am;

   i) Complies with applicable local requirements relating to low-impact campsites, low-incident camping, or incidental camping;

   j) Designates an operator or property manager who is available by phone 24 hours a day, seven days a week;
k) Is not located within a single-family residential zone;

l) Is not located on an urban infill site, as defined; and

m) Has not been used as a special occupancy park for the last five years unless the area was a special occupancy park before January 1, 2023 and the area met the requirements of this definition on January 1, 2023.

3) Defines “commercial lodging facility” to have the same meaning as the term “hotel,” as specified.

4) Defines “temporary sleeping accommodation” to include, but not be limited to, a tent, yurt, or recreational vehicle.

5) Provides that this bill does not authorize an individual to access private property without the permission of the landowner.

6) Authorizes the county in which the low-impact camping area is located to enforce the minimum requirements in 1)g) – 1)h) in the absence of applicable local requirements.

EXISTING LAW:

1) Defines “special occupancy park” as a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp. (Health and Safety Code (HSC) Section 18862.43)

2) Defines “recreational vehicle (RV) park” as any area or tract of land, or a separate designated section within a mobilehome park where two or more lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate owners or users of recreational vehicles, camping cabins, or tents. (HSC 18862.39)

3) Defines “temporary recreational vehicle park” as any area or tract of land where two or more lots are rented, leased, or held out for rent or lease to owners or users of recreational vehicles and that is established for one operation not to exceed 11 consecutive days, and is then removed. (HSC 18862.47)

4) Defines “incidental camping area” as any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area. (HSC 18862.19)

5) Defines “tent” as any enclosed structure or shelter fabricated entirely or in major part of cloth, canvas, or similar material supported by a frame. (HSC 18862.49)

6) Establishes requirements for the construction, maintenance, occupancy, use, and design of special occupancy parks and creates the Special Occupancy Parks Revolving Fund through SOPA. (HSC 18860 et seq.)
7) Gives the Department of Housing and Community Development (HCD) authority over special occupancy and recreational vehicle parks. (HSC 18865)

FISCAL EFFECT: Unknown.

COMMENTS:

Author’s Statement: According to the author, “California’s outdoor recreation economy is one of the state’s largest economic drivers – worth an estimated $54 billion. Camping and hiking are top tiers within that economy and in too many cases, the expense associated with camping is out of reach financially for everyday Californians.

SB 620 will usher in greater and more affordable access to the outdoors and expanded camping opportunities. The bill will also establish a needed framework, guardrails and regulations for new low impact camping including important health and safety regulations. The bill will also empower local governments to manage and oversee new low impact camping sites, and it will open up new economic opportunities for some of the most economically disadvantaged rural communities.”

Special Occupancy Parks Act: HCD has authority over mobilehome and special occupancy parks. Both mobilehome parks and RV parks must meet minimum health and safety standards and are subject to regular inspections. California has a number of state laws covering recreational vehicle parks, including requirements outlined in SOPA. RV parks are required to comply with legally distinct requirements related to permitting, operator responsibilities, and fees. Some of these requirements include toilet, shower, and lavatory provisions; domestic animal limitations; lighting installations; and lot line registrations.

Local agencies may assume special occupancy park authority in place of HCD. In order to do that, local enforcement agencies or a local building or health department must satisfy certain criteria, including:

- Providing prompt and effective recovery assistance or services during or immediately following a disaster;
- Authorization from a local governing body that has jurisdiction over the local building or health department; and
- Possessing the knowledge and expertise to administer the inspection responsibilities.

HCD can limit local enforcement authority to specific areas or parks, and the local enforcement agency can charge fees or get reimbursed by HCD. HCD must also post a description and send annual electronic notices that explain the process local agencies assuming enforcement authority. A significant number of local agencies representing districts with special occupancy parks gave back enforcement authority to HCD in recent years, citing lack of capacity and/or other limitations after receiving these notices. By exempting low-impact camping sites from SOPA, this bill removes low-impact camping sites from HCD jurisdiction, essentially returning these sites to local oversight.

Low-Impact Camping Areas: This bill defines low-impact camping areas as any area of private property that provides for the transient occupancy rental of a temporary sleeping accommodation
for recreational purposes that meets specified criteria. Low-impact camping areas are small-scale (nine or fewer sites), short-term (no more than 14 consecutive days and 28 days per year), recreational, private campgrounds – typically imagined as open areas on private, rural farmland that can support a handful of tents, RVs, or other recreational camping setups.

These small, private camping areas would currently be regulated as special occupancy parks under existing law. For these small-scale recreational campsite operators, some of the minimum requirements under SOPA may be cost-prohibitive and unnecessary. By exempting low-impact camping areas from SOPA, this bill removes these minimum requirements for these smaller camping facilities. This may provide an opportunity to increase affordable access to the outdoors, help develop rural economies, and diversify and supplement incomes for rural landowners.

**Arguments in Support:** According to a coalition of supporters, including Hipcamp, Save the Redwoods League, the Outdoor Industry Association, the California State Association of Counties, and the California Farm Bureau, “This bill would increase affordable access to California’s outdoor destinations, from the redwoods to the low desert and from the Sierra to the coastline. Low-impact camping requires little or no infrastructure and is offered at every price point. This means more Californians can benefit from time outdoors. Because these camping sites are not suitable as long-term housing, low-impact camping increases outdoor access without impacting long-term housing availability.”

**Arguments in Opposition:** None on file.

**Committee Amendments:** The bill is currently silent on where low-impact camping sites can be located except for a general prohibition on their location in single-family residential zone areas, a prohibition on urban infill sites, and general language requiring compliance with “applicable local requirements relating to low-impact campsites, low-incident camping, or incidental camping.”

Because the bill intends to defer much of the oversight and regulation of these sites away from HCD and back to local governments, **the committee may wish to consider making explicit that these campsites must comply with local rules regarding zoning, land use permitting, lot sizes, and setback rules.** Requiring the sites to comply with local zoning and other land use requirements will provide local governments the ability to weigh the suitability of specific zones or locations more closely than a standard set of statewide criteria would otherwise. In addition, some rural single-family residences with large lots may actually be ideal for these type of campsites, so **the committee may wish to consider striking the exemption on single-family zoned areas.**

The bill also contains a provision prohibiting trespassing on private property, which raises questions why this is necessary, as existing trespassing penalties and rules around private property will still apply regardless. Thus, **the committee may wish to consider deleting (c) of the new proposed HSC 18890.**

Lastly, the bill provides that in the absence of certain local requirements around waste and sewage disposal and quiet hours, a county may elect to oversee compliance with those rules. This raises a question of what enforcement would exist if HCD is removed from its oversight role and a county chooses not to enforce those rules. **The committee may therefore wish to consider requiring, rather than authorizing, a county to enforce those specified rules in the bill.**
Related Legislation:

SB 1307 (Rubio), Chapter 669, Statutes of 2022: Required HCD to post an explanation of the process for a city, county, or city and county to assume the enforcement responsibilities pursuant to SOPA, and made other changes to permitting and enforcement timelines.

SB 325 (O’Connell), Chapter 434, Statutes of 2001: Established SOPA under the jurisdiction and enforcement of HCD and local enforcement agencies.

REGISTERED SUPPORT / OPPOSITION:

Support

California Certified Organic Farmers
California Farm Bureau Federation
California Mountain Biking Coalition
California Outdoor Recreation Partnership
California State Association of Counties
Community Alliance with Family Farmers
CSAC
El Dorado County Farm Bureau
El Dorado County Farm Trails
Forest Landowners of California
Glamping Hub
Hipcamp
Latino Outdoors
Little Kamper LP
Marmot
Outdoor Afro
Outdoor Industry Association
REI
Rural County Representatives of California
Salmon Creek Ranch
Save the Redwoods League
The Nature Conservancy
Toad & Co.
Top Rope Media
Xerces Society for Invertebrate Conservation
Individual (1)

Opposition

None on file.

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