

South Bay Cities Council of Governments

August 12, 2019

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: Bills to Monitor and for Action – **Status as of August 6, 2019**

Adherence to Strategic Plan:

RECOMMEND OPPOSE AB 315

Advocate for the interests of the South Bay

ENVIRONMENT

<p>AB 740 (Burke)</p>	<p>COMPLETELY AMENDED 7/2/19 Property insurance: fire hazard severity zones. Existing law requires each insurer to participate in the writings, expenses, and profits and losses of the association in the proportion that its premiums written bear to the aggregate premiums written by all insurers in the program, as specified, but requires the plan to provide for a method for insurers who voluntarily write basic property insurance on risks located in areas designated as brush hazard areas to be proportionately relieved of the liability to participate in the plan. This bill would add to the insurers that are proportionately relieved of the liability to participate in the FAIR Plan those voluntarily writing basic property insurance on risks in high or very high fire hazard severity zones, as determined and mapped by the Department of Forestry and Fire Protection. Would also revise the similar provision relating to areas designated as brush hazard areas by making it specifically applicable to areas so designated at the time coverage begins. Would declare that it is to take effect immediately as an urgency statute.</p>	<p>MONITOR</p>	<p>Senate Appropriations Committee Hearing Date: 8/12/19</p>
<p>AB 1694 (O'Donnell)</p>	<p>San Gabriel and Lower Los Angeles Rivers & Mountains Conservancy: territory: Dominguez Channel watershed & Santa Catalina Island. Existing law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy in the Natural Resources Agency and prescribes the functions and duties of the conservancy. Existing law, for purposes of those provisions, defines "territory" to mean the territory of the conservancy that</p>	<p>SUPPORT (6/27/19) (Ltr to Sen Nat Res & Water Comm. 7/2/19)</p>	<p>7/11/19 Senate Appropriations Committee</p>

	consists of those portions of the Counties of Los Angeles and Orange located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains, as described. This bill would additionally include the Dominguez Channel watershed and Santa Catalina Island, as described, within that definition of territory, and would make various related changes to the boundaries of that territory.		
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FINANCE

SB 5 (Beall)	AMENDED 6/17/19 Affordable Housing and Community Development Investment Program. would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. Would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria. Would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program.	SUPPORT (3/28/19) (Ltr to Sen Housing Comm 4/1/19 & ltr to Asm Housing & Comm Dev Comm 7/1/19) LCC supports	7/11/19 Assembly Appropriations Committee
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HOUSING & HOMELESSNESS

AB 68 (Ting)	Land use: accessory dwelling units. Expands ministerial approval of ADUs to include multiple ADUs in existing multifamily dwellings, multiple detached ADUs on the same lot as a multifamily dwelling and an ADU and a JADU on one lot, under specified conditions. Requires local agencies to ministerially approve a building permit for certain ADUs and JADUs in 60 days (instead of 120 days) from the time of receipt of the completed application. Provides that a local ADU ordinance cannot impose lot coverage standards or require minimum lot size or certain setbacks, and	OPPOSE (5/23/19) (Ltr to Sen Housing Comm 6/3/19 & ltr to Sen EQ Comm 7/1/19)	Senate Appropriations Committee Hearing Date: 8/12/19
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	<p>cannot require offstreet parking to be replaced when existing parking like a garage, carport or covered parking structure is demolished for the construction or conversion of an ADU. Authorizes the Department of Housing and Community Development (HCD) to submit written findings to a local agency regarding whether the local ordinance complies with state law and requires the local agency, within 30 days, to respond by either amending its ordinance or adopting a resolution with findings explaining the reason the ordinance complies, and allows HCD to notify the attorney general (AG) that the local agency is in violation.</p>		
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<p>AB 302 (Berman)</p>	<p>AMENDED 6/26/19 Parking: homeless students. Until December 31, 2022, would require a community college campus that has parking facilities on campus to grant overnight access to those facilities, on or before April 1, 2020, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college, for the purpose of sleeping in the student's vehicle overnight. Would require the governing board of the community college district to determine a plan of action to implement this requirement, as specified. On or before January 31, 2022, would require the chancellor's office to submit to the Legislature and the Governor a report based on data and information pertaining to the overnight parking facilities requirements and other housing services offered to homeless students, concerning which the bill would require the governing boards to report to the chancellor on or before October 1, 2021. Overnight parking facilities requirements would not apply to colleges providing specified homeless student housing services on or before April 1, 2020. On or before April 30, 2021, would require the chancellor's office to submit to the Legislature and the Governor a report based on data and information pertaining to the provision of these specified housing services on or before April 1, 2020, and other housing services offered to homeless students, concerning which the bill would require the colleges to report to the chancellor on or before 1/1/21.</p>	<p>MONITOR</p>	<p>7/11/19 Senate Appropriations Committee</p>
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<p>AB 881 (Bloom)</p>	<p>Accessory dwelling units. Limits the criteria by which a local agency can determine where ADUs may be permitted to the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety. Requires local agencies to ministerially approve ADUs on lots with multi-family residences and within existing garages. Removes, until January 1, 2025, the authority for local agencies to require that applicants for ADUs be owner occupants and removes the ability for cities to require owner occupancy for either the primary or the accessory dwelling unit. Specifies that, in measuring one-half mile from public transit for purposes of applying parking requirements, it is measured in walking distance. Adds a definition of "public transit" to mean a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop. Adds a definition of "accessory structure" to mean a structure that is accessory and incidental to a dwelling located on the same lot.</p>	<p>OPPOSE (5/23/19) (Ltr to Sen Housing Comm 6/3/19 & ltr to Sen Gov Fin Comm 7/1/19)</p> <p>LCC Opposes unless amended</p>	<p>7/8/19 Senate Appropriations Committee</p>
<p>AB 1482 (Chiu)</p>	<p>Tenancy: rent caps. Would, with certain exceptions, prohibit an owner of residential property from terminating the lease of a tenant that has occupied the property for at least 12 months without just cause, as defined. Would require, for certain just cause terminations that are curable, that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. Would require, for no-fault just cause terminations, as specified, that the owner assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant, as specified. Would except certain properties and circumstances from the application of its provisions. Would require an owner of residential property to provide notice to a tenant of the tenant's rights under these provisions at the beginning of the tenancy by providing an addendum to the lease to be signed by the tenant when the lease is signed. Would not prevent local rules or ordinances that provide a higher level of tenant protections, as specified. Would void any waiver of the rights under these provisions. Would repeal these provisions as of January 1, 2023. Would, until January 1, 2023, prohibit an owner of residential real property from increasing the rental rate for that property more than once annually, and prohibit the owner from increasing the rental rate in an amount that is greater than 7% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower,</p>	<p>MONITOR</p> <p>SBACC approved</p>	<p>7/11/2019 Senate Appropriations Committee</p>

	<p>more than the lowest rental rate charged for the immediately preceding 12 months, subject to specified conditions. Would exempt from these provisions deed-restricted affordable housing, specified dormitories, housing that has been issued a certificate of occupancy within the previous 10 years, housing subject to a local ordinance that imposes a more restrictive rent increase cap than these provisions, and specified single-family housing. Would require the Legislative Analyst's Office to submit a report, on or before January 1, 2023, to the Legislature regarding the effectiveness of these provisions. Would void any waiver of the rights under these provisions. Provides that these provisions apply to all rent increases occurring on or after March 15, 2019.</p>		
<p>SB 6 (Beall)</p>	<p>Residential development: available land. Would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. Would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet web. Would require for any housing element adopted on or after January 1, 2021, that an electronic copy of the inventory of land suitable for residential development be submitted to the Department of Housing and Community Development.</p>	<p>MONITOR</p>	<p>7/3/19 Assembly Appropriations Committee</p>
<p>SB 127 (Wiener)</p>	<p>AMENDED 5/17/19 Transportation funding: active transportation: complete streets. Would establish the Division of Active Transportation within the Department of Transportation (Caltrans), and require the inclusion of bicycle and pedestrian facilities on specified capital improvement projects in the State Highway Operation and Protection Program (SHOPP), as specified.</p>	<p>OPPOSE (2/11/19) (ltr to Sen Housing Comm 2/20/19 & ltr to Asm Trans Comm 7/1/19)</p>	<p>7/8/2019 Assembly Appropriations Committee</p>
<p>SB 330 (Skinner)</p>	<p>AMENDED 7/1/19 Housing Crisis Act of 2019. The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on</p>	<p>OPPOSE (3/28/19) (Ltr to Sen G & F Comm 4/9/19 & ltr to Asm</p>	<p>7/11/2019 Assembly Appropriations Committee</p>

	<p>a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete. Until January 1, 2030, would specify that an application is deemed complete for these purposes if a complete initial application was submitted, as described.</p>	<p>Local Gov Comm 7/2/19)</p>	
<p>SB 592 (Wiener)</p>	<p>AMENDED 7/3/19 Housing Accountability Act. The Housing Accountability Act, among other things, prohibits a local agency from disapproving or conditioning approval in a manner that renders infeasible a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete within the meaning of the Permit Streamlining Act, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. Would additionally prohibit a local agency from disapproving or conditioning a housing development project that is determined to be complete, as provided, and would make other related conforming changes. Would provide that the act applies to a housing development project regardless of whether the local agency's review of the project is a ministerial or use by right decision, or a discretionary approval.</p>	<p>OPPOSE (6/27/19) (Ltr to Asm Housing & Comm Dev Comm. 7/1/19)</p>	<p>7/11/2019 Assembly Appropriations Committee</p>

PUBLIC SAFETY

<p>AB 228 (Aguiar-Curry)</p>	<p>Food, beverage, and cosmetic adulterants: industrial hemp products. Would require a manufacturer of food that includes industrial hemp to be able to demonstrate that all parts of the plant used in their food come from a state or country that has an established and approved industrial hemp program that inspects or regulates hemp under a food safety program or equivalent criteria to ensure safety for human consumption and the industrial hemp cultivator or grower to be in good standing and compliance with the governing laws of the state or country of origin. Would prohibit a raw hemp product, as defined, from being distributed or sold in this state without a certificate of analysis from an independent testing laboratory, as defined, that confirms specified information, including that the tested batch of industrial hemp does not contain contaminants that are unsafe for human consumption. By creating a new crime, this bill would impose a state-mandated local program.</p>	<p>OPPOSE (6/10/19) (Ltr sent to Sen. Business, Prof. & Econ Dev Comm 6/11/19 & ltr to Sen Approp Comm 7/1/19)</p>	<p>6/26/19 Senate Appropriations Committee</p>
<p>AB 1190 (Irwin)</p>	<p>Unmanned aircraft: state and local regulation: limitations. Would, among other things, prohibit a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system. Would also authorize a state or local agency to adopt regulations to enforce FAA regulations regarding the operation of unmanned aircraft systems and would authorize state and local agencies to regulate the operation of unmanned aircraft and unmanned aircraft systems within their jurisdictions, as specified. Would also authorize a state or local agency to require an unmanned aircraft operator to provide proof of federal, state, or local registration to licensing or enforcement officials. Would authorize a local entity to designate a recreational operating area for unmanned aircraft operation. Would immunize a local entity that designates such a recreational are from liability for injury or damage associated with unmanned aircraft operation, if specified signage is posted.</p>	<p>MONITOR LCC supports</p>	<p>6/19/19 Senate Rules Committee</p>

TRANSPORTATION

<p>AB 516 (Chiu)</p>	<p>Authority to remove vehicles. Existing law authorizes a peace officer, as defined, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in</p>	<p>OPPOSE (6/27/19)</p>	<p>7/9/19 Senate Appropriations Committee</p>
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	<p>which a vehicle is located, to remove a vehicle located within the territorial limits in which the officer or employee may act, under designated circumstances, including, but not limited to, when a vehicle is found upon a highway or public land or removed pursuant to the Vehicle Code, and has been issued 5 or more notices of parking violations to which the owner or person in control of the vehicle has not responded within a designated time period. Under existing law, a vehicle that has been removed and impounded under those circumstances that is not released may be subject to a lien sale to compensate for the costs of towage and for caring for and keeping safe the vehicle. This bill would delete the authority of a peace officer or public employee, as appropriate, to remove or immobilize a vehicle under those circumstances. The bill would also modify the authority to remove a vehicle parked or left standing for 72 or more consecutive hours in violation of a local ordinance by requiring the vehicle to remain parked or left standing for 10 or more business days after a notice is affixed to the vehicle specifying the date and time after which the vehicle may be removed. The bill would repeal the related authority to conduct a lien sale to cover towing and storage expenses.</p>	<p>(Ltr to Sen Pub Safety Comm. 7/1/19)</p> <p>LCC opposes</p>	
<p>SB 400 (Umberg)</p>	<p>Reduction of greenhouse gases emissions: mobility options. Existing law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option. Existing law defines specified terms, including mobility options, which means a voucher for public transit or car sharing for purposes of the program. This bill would additionally provide that mobility options also include bike sharing and electric bicycles.</p>	<p>MONITOR</p>	<p>7/1/19 Assembly Appropriations Committee</p>

FEDERAL

<p>HR 530 (Eshoo)</p>	<p>Accelerating Wireless Broadband Deployment by Empowering Local Communities Act of 2019. Overturns the FCC's September order preempting local authority over small cell wireless infrastructure on January 14, the day the order took effect. Would not preclude future FCC or congressional preemption of cities on wireless infrastructure, but it would halt the FCC's harmful</p>	<p>SUPPORT & REQUEST CO-SPONSORS (2/11/19)</p>	<p>1/25/19 House Energy & Commerce Committee - Subcommittee on Communications & Technology</p>
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	preemption order, which ignored the input of hundreds of local governments. The bill also complements ongoing efforts to overturn the FCC order in federal courts, and the investigation by congressional leaders into alleged attempts by the FCC to thwart that litigation.	Endorsed by NLC, NATOA, NAC	
HR 1507 (Blumenauer)	The Bicycle Commuter Act of 2019. Official summary in progress. Would allow cyclists to deduct more than \$50 per month and write off bike-share memberships.	MONITOR	3/5/19 House Ways and Means Committee

STATE LEGISLATIVE CALENDAR

- Aug. 12 Legislature reconvenes from Summer Recess
- Aug. 30 Last day for fiscal committees to meet and report bills
- Sept. 3-13 Floor session only. No committees may meet for any purpose, except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees
- Sept. 6 Last day to amend bills on the floor
- Sept. 13 Last day for any bill to be passed. Interim Recess begins upon adjournment

NEW LAWS

AB 147 (Burke D) Use taxes: collection: retailer engaged in business in this state: marketplace facilitators.
SBCCOG supported

2 YEAR BILLS

AB 36 (Bloom) Residential tenancies: rent control. – SBCCOG monitored

AB 148 (Quirk-Silva) Regional transportation plans: sustainable communities strategies. – SBCCOG monitored
Would require each sustainable communities strategy to identify areas within the region sufficient to house an 8-year projection of the emergency shelter needs for the region, as specified

AB 245 (Muratsuchi) California Aerospace and Aviation Commission. – SBCCOG supported
Would establish, within the Governor’s Office of Business and Economic Development, the California Aerospace and Aviation Commission consisting of 17 members, as specified, to serve as a central point of contact for businesses engaged in the aerospace and aviation industries and to support the health and competitiveness of these industries in California. Would require the commission to make recommendations on legislative and administrative action that may be necessary or helpful to maintain or improve the state’s aerospace and aviation industries and would authorize the commission to engage in various other activities in undertaking its mission and responsibilities, as specified.

AB 315 (Garcia) Local government: lobbying associations: expenditure of public funds. - SBCCOG RECOMMENDED OPPOSE
This bill, with respect to moneys paid to or otherwise received by an association from a local agency or district member of the association, would prohibit an association of local agencies or districts from expending those moneys for any purpose other than the above-described activities and educational activities. Would also require the association to publicly disclose the amount of those moneys expended on the above-described activities of the association. Would prohibit an association from incurring any travel-related expenses except as may be necessary for the association to hold an annual conference or other gathering of its members.

AB 326 (Muratsuchi) Vehicles: motorized carrying devices. – SBCCOG monitored
Would define a motorized carrying device and authorize the use of a motorized carrying device, in accordance with specified rules, on sidewalks and crosswalks.

AB 470 (Limón) California Green Business Program. – SBCCOG monitored
Would establish the California Green Business Program within the California Environmental Protection Agency and require it to develop baseline, beyond compliance, sector-specific environmental standards, as defined, for green business certification programs operated by local governments or their designees.

AB 659 (Mullin) Transportation: emerging transportation technologies - SBCCOG monitored but support recommended
Creates a competitive grant program—the California Smart City Challenge Grant Program—by which local governments compete for funding to adopt and implement emerging transportation technologies that achieve a number of specified transportation, economic and environmental goals.

AB 1112 (Friedman) Shared mobility devices: local regulation. – SBCCOG monitored
Would define a “shared mobility device” as a bicycle, electric bicycle, motorized scooter, electrically motorized board, or other similar personal transportation device, that is made available to the public for shared use and transportation, as provided. Would require shared mobility devices to include a single unique alphanumeric ID. Would allow a local authority to require a shared mobility device provider to provide the local authority with deidentified and aggregated trip data and operational data, including as a condition for operating a shared mobility device program. Would prohibit the sharing of individual trip data, except as provided by the Electronic Communications Privacy Act. Would allow a local authority to enact reasonable regulations on shared mobility devices and providers within its jurisdiction, including, but not limited to, requiring a shared mobility service provider to obtain a permit. Would allow a local authority to ban persons from deploying and offering shared mobility devices for hire on its public right of way, subject to the California Environmental Quality Act.

AB 1279 (Bloom) Planning and zoning: housing development: high-resource areas.
Allowing development by right in designated areas – SBCCOG monitored

AB 1286 (Muratsuchi) Shared mobility devices: agreements. – SBCCOG supported
Would require a shared mobility service provider, as defined, to enter into an agreement with the city or county with jurisdiction over the area of use that requires the provider to maintain a specified amount of commercial general liability insurance and prohibits the provider from including specified provisions in a user agreement before distributing a shared mobility device within that jurisdiction. Would define shared mobility device to mean an electrically motorized board, motorized skateboard, electric bicycle, bicycle, or other similar person transportation

device. Would require a city or county that authorizes a shared mobility device provider to operate within its jurisdiction on or after January 1, 2020, to adopt operation, parking, maintenance, and safety rules regarding the use of the shared mobility devices in its jurisdiction before the provider may offer shared mobility devices for rent or use. Would require a city or county that authorized a provider to operate within its jurisdiction before January 1, 2020 and continues to provide that authorization to adopt those operation, parking, maintenance, and safety rules by January 1, 2021.

AB 1356 (Ting) Cannabis: local jurisdictions: retail commercial cannabis activity. – SBCCOG opposed
Would require a local jurisdiction to issue a minimum number of local licenses authorizing specified retail cannabis commercial activity within that jurisdiction.

AB 1530 (Cooley) – Unauthorized cannabis activity reduction grants: local jurisdiction restrictions on cannabis delivery – SBCCOG supported
Would require the Board of State and Community Corrections to create and administer a program of grants to be made on a competitive basis to cities, counties, and joint powers authorities to establish or expand an enforcement program against unauthorized cannabis activity and provide consumer education about the difference between licensed or legal cannabis activity and unlicensed or illegal cannabis activity.

AB 1672 (Bloom) Solid waste: flushable products – SBCCOG monitored but support recommended
Would require nonflushable products to be labeled clearly and conspicuously to communicate that they should not be flushed, as specified.
Would establish enforcement provisions

SB 50 (Wiener) Planning and zoning: housing development: incentives – SBCCOG opposed
Would authorize a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit as well as numerous other by right requirements.

SB 732 (Allen) Transactions and use tax: South Coast Air Quality Management District.- SBCCOG monitored
Would authorize the south coast district board to impose a transactions and use tax within their boundaries.