

South Bay Cities Council of Governments

June 27, 2019

TO: SBCCOG Board of Directors

FROM: SBCCOG Steering Committee

RE: Bills to Monitor and for Action – **Status as of June 27, 2019**

Adherence to Strategic Plan:

ADDED AB 1763 & SB 592

Advocate for the interests of the South Bay

ECONOMIC DEVELOPMENT

<p>AB 245 (Muratsuchi)</p>	<p>California Aerospace and Aviation Commission: 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.</p>	<p>SUPPORT (3/28/19) (Ltr to Asm Job, Econ Dev. & Econ Comm 4/1/19)</p>	<p>6/17/19 Senate Government Organization Committee</p>
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ENVIRONMENT

<p>AB 740 (Burke)</p>	<p>AMENDED 6/18/19 to remove references to climate change: California Catastrophe Wildlife Victims Fund. Would establish the California Catastrophic Wildfire Victims Fund to ensure that victims of catastrophic wildfires are compensated in a timely manner, to provide reimbursements to victims for a portion of those wildfire losses, and to avoid lengthy legal proceedings. Would specify that the funding sources for the fund include the State Budget process. Would require an electrical corporation and its shareholders to annually set aside funding that would be used to reimburse the fund if the electrical corporation is determined to be responsible for a wildfire by the Department of Forestry and Fire Protection and that determination is sustained by a final judgment. Would establish the California Catastrophic Wildfire Victims Fund Commission within the Department of Insurance, which would be composed of 13 members, including the Insurance Commissioner,</p>	<p>MONITOR</p>	<p>6/26/19 Passed Senate Insurance Committee & referred to Sen. Energy, Utilities & Communications Committee</p>
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	the Director of the Department of Forestry and Fire Protection, and 8 members with specified expertise appointed by the Governor, who would serve staggered, 3-year terms. Would require the California Catastrophic Wildfire Victims Fund Commission to oversee the fund, and would authorize the commission to expand reimbursement to losses after a state of emergency, other than a wildfire, that is declared by the Governor.		
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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) LCC supports	Assembly Housing & Community Dev. Comm Hearing Date: 7/3/19
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HOUSING & HOMELESSNESS

AB 36 (Bloom)	Residential tenancies: rent control. Would modify provisions of the Costa-Hawkins Rental Housing Act to authorize an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or unit that has been issued its first certificate of occupancy within 20 years of the date upon which the owner seeks to establish the initial or subsequent rental rate, or for a dwelling or unit that is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision and the	MONITOR	4/25/19 Assembly Rules Committee
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	owner is a natural person who owns 10 or fewer residential units within the same jurisdiction as the dwelling or unit for which the owner seeks to establish the initial or subsequent rental rate, subject to certain exceptions.		
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 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.	OPPOSE (5/23/19) (Ltr to Sen Housing Comm 6/3/19)	Senate Environmental Quality Committee Hearing Date: 7/3/19
AB 302 (Berman)	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. <i>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</i>	MONITOR	6/26/19 Senate Judiciary Comm

	<i>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.</i>		
AB 881 (Bloom)	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.	OPPOSE (5/23/19) (Ltr to Sen Housing Comm 6/3/19) LCC Opposes unless amended	Senate Governance & Finance Committee Hearing Date: 7/3/19
AB 1279 (Bloom)	Planning and zoning: housing development: high-resource areas. Would require the Department of Housing and Community Development to designate areas in this state as high-resource areas, as provided, by January 1, 2021, and every 5 years thereafter. Would authorize a city or county to appeal the designation of an area within its jurisdiction as a high-resource area during that 5-year period. In any area designated as a high-resource area, would require that a housing development project be a use by right, upon the request of a developer, in any high-resource area designated pursuant be a use by right in certain parts of the high-resource area if those projects meet specified requirements, including specified affordability requirements. For certain development projects where the initial sales price or initial	MONITOR LCC Opposes unless amended – not expected to move	6/12/19 Senate Housing Committee

	<p>rent exceeds the affordable housing cost or affordable rent to households with incomes equal to or less than 100% of the area median income, would require the applicant agree to pay a fee equal to 10% of the difference between the actual initial sales price or initial rent and the sales price or rent that would be affordable, as provided. Would require the city or county to deposit the fee into a separate fund reserved for the construction or preservation of housing with an affordable housing cost or affordable rent to households with a household income less than 50% of the area median income.</p>		
<p>AB 1763 (Chiu)</p>	<p>Planning and zoning: density bonuses: affordable housing. Besides other density bonus provisions provided in law, this bill would additionally require a density bonus to be provided to a developer who agrees to construct a housing development in which 100% of the total units, exclusive of managers' units, are for lower income households, as defined. Would provide that a housing development that qualifies for a density bonus under its provisions may include up to 20% of the total units for moderate-income households, as defined. Would also require that a housing development that meets this criteria receive 4 incentives or concessions under the Density Bonus Law. Would generally require that the housing development receive a density bonus of 80%, but would exempt the housing development from any maximum controls on density if it is located within ½ mile of a major transit stop or a high-quality transit corridor, as defined, and additionally require the city, county, or city and county to allow an increase in height and floor area ratio in specified amounts that vary depending on whether the development is located within ½ mile of a major transit stop or a high-quality transit corridor. Upon the request of the developer, prohibit a city, county, or city and county from imposing any minimum vehicular parking requirement for a development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families and is either a special needs housing development or a supportive housing development, as those terms are defined.</p>	<p>MONITOR</p> <p>LCC opposes unless amended</p>	<p>Senate Governance & Finance Committee Hearing Date: 7/3/19</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>Assembly Accountability & Administrative Review Committee Hearing Date: 7/3/19</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)</p>	<p>Assembly Transportation Committee Hearing Date: 7/8/19</p>
<p>SB 330 (Skinner)</p>	<p>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 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</p>	<p>OPPOSE (3/28/19) (Ltr to Sen G & F Comm 4/9/19)</p>	<p>Assembly Local Government Committee Hearing Date: 7/10/19</p>

	<p>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>SB 592 (Wiener)</p>	<p>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 provide that the act applies to any form of land use decision by a local agency, including a ministerial or use by right decision and a discretionary approval. Would require an application that is not subject to the Permit Streamlining Act to be deemed or determined to be complete for purposes of the act at the time the application is submitted to the local agency, and would make conforming changes. Would specify that a general plan, zoning, or subdivision standard or criterion is not “applicable” for purposes of the act if its applicability to a housing development project is discretionary or if the project could be approved without the standard or criterion being met. Would provide that disproving a housing development project for purposes of the act includes any instance in which a local agency takes action on the proposed housing development project application and disproves the project, or in the case of a ministerial project, if the local agency fails to comply with the time periods specified in the applicable law authorizing the ministerial project. (3)The act requires a local agency that considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with applicable law to provide the applicant with a written document, within a specified amount of time, identifying the provisions the application is not in compliance with and an explanation of the reasons for the decision. This</p>	<p>MONITOR</p>	<p>Assembly Housing & Community Dev Committee Hearing Date: 7/3/19</p>

	<p>bill would require a local agency that determines an application that was revised after the agency's initial denial is inconsistent, not in compliance, or not in conformity with applicable law to provide a similar written document within 30 days providing an explanation of the reasons for the decision. (4)The act defines a housing development project to mean a use consisting of residential units only, specified mixed-use developments, and transitional housing or supportive housing. The bill would define a housing development project for purposes of the act to also include a single unit, including an accessory dwelling unit, or the addition of one or more bedrooms to an existing residential unit. (5) The act requires a local agency that proposes to impose a condition on a housing development project that the project be developed at a lower density to base its decision upon specified findings. The act defines "lower density" to mean any conditions that have the same effect or impact on the ability of the project to provide housing. The bill would specify that conditions that have the same effect or impact on the ability of the project to provide housing include a reduction in the number of bedrooms or other normal residential features, or the substantial impairment of the housing development project's economic viability.(6)Existing law authorizes the applicant to bring an action to enforce the act, and authorizes a court to issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development project or emergency shelter. Existing law requires the court to award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, unless an exception applies. This bill would authorize a plaintiff or petitioner who is the project applicant to seek compensatory damages for a violation of the act. Would specify that in an action brought to enforce the act, evidence is required to be taken and discretion in the determination of facts is vested in an inferior tribunal, corporation, board, or officer, regardless of whether the local agency's action was made at a legally required hearing.</p>		
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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)</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 1112 (Friedman)</p>	<p>AMENDED 6/19/19 – Would define a “shared mobility device” as a bicycle, electric bicycle, motorized scooter, electrically motorized</p>	<p>MONITOR</p>	<p>6/19/19</p>
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	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.	LCC opposes	Senate Transportation Committee
AB 1286 (Muratsuchi)	Shared mobility devices: agreements. 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.	MONITOR LCC sponsor	6/25/19 Senate Judiciary Committee
SB 400 (Umberg)	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	MONITOR	Assembly Transportation Committee Hearing Date: 7/1/19

	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.		
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FEDERAL

HR 530 (Eshoo)	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 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.	SUPPORT & REQUEST CO- SPONSORS (2/11/19) Endorsed by NLC, NATOA, NAC	1/25/19 House Energy & Commerce Committee - Subcommittee on Communications & Technology
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

- July 10 Last day for policy committees to hear and report fiscal bills to fiscal committees
- July 12 Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment
- 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 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 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 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.