

South Bay Cities Council of Governments

April 25, 2019

TO: SBCCOG Board of Directors

FROM: SBCCOG Steering Committee

RE: Bills to Monitor and for Action – **Status as of April 16, 2019**

Adherence to Strategic Plan:

Goal B: *Regional Advocacy*. 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>4/8/19 Assembly Appropriations Committee</p>
--------------------------------	---	--	---

ENVIRONMENT

<p>AB 470 (Limón)</p>	<p>California Green Business Program. Would establish the California Green Business Program within the California Environmental Protection Agency. Would require the California Green Business Program to, among other things, develop baseline, beyond compliance, sector-specific environmental standards, as defined, for green business certification programs operated by local governments or their designees. Would also provide for the establishment of these local programs, which would certify small- and medium-sized businesses and public agencies as California green businesses, or an equivalent designation of the local program's choosing, for voluntarily adopting environmentally preferable business practices, including, but not limited to, increased energy efficiency, pollution prevention, reduced greenhouse gas emissions reduction, water conservation, waste reduction practices, & efficient and active transportation initiatives.</p>	<p>MONITOR</p>	<p>4/3/19 Assembly Appropriations Suspense File</p>
---------------------------	---	----------------	---

FINANCE

<p>AB 147 (Burke)</p>	<p>Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. On and after April 1, 2019, a retailer engaged in business in this state includes any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property for delivery in this state by the retailer and all persons related to the retailer that exceed \$500,000. Would allow the department to grant relief to certain retailers engaged in business in this state for specified interest or penalties imposed on use tax liabilities due and payable for tax reporting periods beginning April 1, 2019 and ending December 31, 2022. Would allow the department to grant relief to certain retailers engaged in business in this state for specified interest or penalties imposed on use tax liabilities due and payable for tax reporting periods beginning April 1, 2019 and ending December 31, 2022. URGENCY LEGISLATION TO TAKE EFFECT IMMEDIATELY</p> <p>ANALYSIS: the fiscal effect of these new rules will be the collection of use tax revenue of approximately \$10 million per year from retailers who sell into California but who do not have a physical presence in the state.</p>	<p>SUPPORT (3/28/19)</p> <p>(Ltr to author 4/9/19)</p> <p>LCC supports</p>	<p>4/15/19 Enrolled – to Governor</p>
<p>SB 5 (Beall)</p>	<p>Local-State Sustainable Investment Incentive Program. Would establish in state government the Local-State Sustainable Investment Incentive Program, which would be administered by the Sustainable Investment Incentive Committee. Would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority or transit village development district to apply to the Sustainable Investment Incentive Committee to participate in the program and would authorize the committee to approve or deny applications for projects meeting specific criteria. Would require the Sustainable Investment Incentive Committee to adopt guidelines for applications and approve no more than \$200,000,000 per year from July 1, 2020, to June 30, 2025, and \$250,000,000 per year from July 1, 2025, to June 30, 2029, in reductions in annual ERAF contributions for applicants for projects approved pursuant to this program. Would provide that eligible projects include, among other things, the predevelopment, development, acquisition,</p>	<p>SUPPORT (3/28/19)</p> <p>(Ltr to Sen Housing Comm 4/1/19)</p> <p>LCC supports</p>	<p>Senate Appropriations Committee Hearing Date: 4/22/19</p>

	rehabilitation, and preservation of workforce and affordable housing, certain transit oriented development, and projects promoting strong neighborhoods.		
SB 732 (Allen)	Transactions and use tax: South Coast Air Quality Management District. Would authorize the south coast district board to impose a transactions and use tax within the boundaries of the south coast district, as specified, with the moneys generated from the transactions and use tax to be used to supplement existing revenues being used for south coast district purposes, as specified.	MONITOR	Senate Governance & Finance Committee Hearing Date: 4/24/19

HOUSING & HOMELESSNESS

AB 36 (Bloom)	Residential tenancies: rent control. Existing law, the Costa-Hawkins Rental Housing Act, prescribes statewide limits on the application of local rent control with regard to certain properties. This bill would modify those provisions 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 10 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 owner is a natural person who owns 2 or more 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.	MONITOR	Assembly Housing and Community Development Committee Hearing Date: 4/25/19
AB 139 (Quirk-Silva)	Emergency and Transitional Housing Act of 2019. The Planning and Zoning Law requires, the planning agency to investigate and make recommendations regarding reasonable means to implement the general plan by April 1 of each year an annual report that includes a listing of sites rezoned to accommodate that portion of RHNA that can be accommodated. This bill would additionally require the report to include the number of emergency shelter beds currently available within the jurisdiction and the number of shelter beds that the jurisdiction has contracted for that are located within another jurisdiction, as specified.	MONITOR	Assembly Housing & Community Development Committee Hearing Date: 4/24/19
AB 148 (Quirk-Silva)	Regional transportation plans: sustainable communities strategies. Would require each sustainable communities strategy to also identify areas within the region sufficient to house an 8-year projection of the emergency shelter needs for the region, as	MONITOR	1/24/19 Assembly Transportation Committee

	specified. For the 5th and each subsequent update to the sustainable communities strategy, would require the metropolitan planning organization to, among other things, (1) identify the region's progress in the development of housing and emergency shelters in the areas within the region that were identified, in the prior sustainable communities strategy, as sufficient to house the 8-year projection of the region's regional housing and emergency shelter needs, and (2) determine whether the development will successfully meet the 8-year projection. Would require the state board's report, as described above, to include data-supported metrics that identify housing and emergency shelter developments related to the 8-year projection of the regional housing and emergency shelter needs that was assumed in the prior sustainable communities strategy, and the physical location of housing and emergency shelters identified in the most recently submitted sustainable communities strategy update.	CALCOG opposes unless amended	
AB 302 (Berman)	Parking: homeless students. Would require a community college campus that has parking facilities on campus to grant overnight access to those facilities, on or before July 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.	MONITOR	4/3/19 Assembly Appropriations Committee
SB 6 (Beall)	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. The bill 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.	MONITOR	Senate Appropriations Committee Hearing Date: 4/22/19
SB 50 (Wiener)	Planning and zoning: housing: equitable communities incentive. Would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a	OPPOSE (2/11/19) (ltr to Sen Housing Comm 2/20/19; ltr re:	Senate Governance & Finance Committee Hearing Date: 4/24/19

	<p>job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. Would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a 1/2-mile or 1/4-mile radius of a major transit stop, as defined. Would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.</p>	<p>amended version 4/1/19)</p>	
<p>SB 127 (Wiener)</p>	<p>Transportation funding: active transportation: complete streets. Would require Caltrans, by January 1, 2021, "when undertaking any capital improvement project on a state highway or a local street crossing a state highway that is funded through the SHOPP to include new pedestrian and bicycle facilities, or improve existing facilities, as part of the project." Would establish a Division of Active Transportation within Caltrans to oversee the existing Active Transportation Program and require that an undersecretary of the Transportation Agency be assigned to it.</p>	<p>OPPOSE (2/11/19) (ltr to Sen Housing Comm 2/20/19)</p>	<p>Senate Transportation Committee Hearing Date: 4/23/19</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</p>	<p>OPPOSE (3/28/19) (Ltr to Sen G & F Comm 4/9/19)</p>	<p>Senate Housing Committee Hearing Date: 4/22/19</p>

	<p>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. This bill, 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>		
--	---	--	--

PUBLIC SAFETY

<p>AB 1190 (Irwin)</p>	<p>Unmanned aircraft: state and local regulation: limitations. <i>BOLD AND ITALICS ARE THE RECENT AMENDMENTS.</i> 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 <i>also</i> authorize a state or local agency to adopt regulations to enforce <i>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.</i> 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. <i>Would include the operation of small unmanned aircraft systems within the definition of hazardous recreational activity for purposes of public entity liability, and 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 area from liability for injury or damage associated with unmanned aircraft operation, if specified signage is posted.</i></p>	<p>MONITOR</p>	<p>Assembly Privacy and Consumer Protection and Judiciary Committees Hearing Date: 4/23/19</p>
<p>AB 1356 (Ting)</p>	<p>ADDED SINCE STEERING COMMITTEE MEETING Cannabis: local jurisdictions: retail commercial cannabis activity. This bill, if more than 50% of the electorate of a local jurisdiction voted in favor of Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), would require a local jurisdiction to issue</p>	<p>RECOMMEND OPPOSE (Ltr to Asm Bus & Prof</p>	<p>Assembly Business & Professions Committee Hearing Date: 4/23/19</p>

	<p>a minimum number of local licenses authorizing adult-use or medicinal retail cannabis commercial activity within that jurisdiction that would be permitted by a retailer license issued under The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Would require the minimum number of those local licenses required to be issued in that jurisdiction to be 25% of the number of currently active on-sale general licenses for alcoholic beverage sales in that jurisdiction, as specified, unless the minimum number would result in a ratio greater than one local license for retail cannabis commercial activity for every 10,000 residents of the local jurisdiction, in which case the bill would require the minimum number to be determined by dividing the number of residents in the local jurisdiction by 10,000 and rounding down to the nearest whole number. Would authorize a local jurisdiction to impose a fee on licensees to cover the regulatory costs of issuing those local licenses. Would allow any local jurisdiction subject to the requirements of this bill that wants to establish a lower amount of these local licenses to submit an ordinance or other law, that clearly specifies the level of participation in the retail commercial cannabis market it would allow, to the electorate of that local jurisdiction at the next regularly scheduled local election following the operative date of this bill. Would provide that the local ordinance or other local law becomes effective if approved by more than 50% of its electorate. Would require the local jurisdiction to issue those licenses as otherwise required by this bill within a specified period of time if a local jurisdiction subject to the requirements of this bill does not submit a local ordinance or other local law regarding the lower amount of licenses to the electorate, or that local ordinance or other local law fails to receive more than 50% of the approval of the electorate voting on the issue.</p>	<p>Comm for hearing authorized by SBCCOG officers)</p>	
--	---	--	--

TRANSPORTATION

<p>AB 326 (Muratsuchi)</p>	<p>Vehicles: motorized carrying devices. Would define a motorized carrying device and would authorize the use of a motorized carrying device, in accordance with specified rules, on sidewalks and crosswalks.</p>	<p>MONITOR</p>	<p>4/9/19 Assembly Appropriations Committee</p>
<p>AB 1112 (Friedman)</p>	<p>Motorized scooters: local regulation. (1) Would authorize a local authority to regulate motorized scooters by, among other things, assessing limited penalties for moving or parking violations involving the use of motorized scooters. Would prohibit a local authority from subjecting the riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motorized scooters or bicycles. Would authorize a local authority to regulate scooter share operators by, among other things, requiring a scooter share operator to pay fees that do not exceed the reasonable cost to the local authority of regulating the scooter share operator. Would prohibit a local authority from imposing any unduly restrictive requirements on a scooter share operator. Would authorize a local authority to require a scooter share operator to provide to the local authority trip data for all trips starting or ending within the jurisdiction of the local authority and would prohibit disclosure of the information pursuant to public records requests received by the local authority. Would include findings that uniformity in certain aspects of local regulation of motorized scooters and commercial scooter share programs and operators proposed by this bill addresses a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities and counties, including charter cities and counties. (2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.</p>	<p>MONITOR</p>	<p>Assembly Transportation Committee Hearing Date: 4/22/19</p>
<p>AB 1286 (Muratsuchi)</p>	<p>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 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</p>	<p>MONITOR</p>	<p>Assembly Privacy and Consumer Protection and Committee Hearing Date: 4/23/19</p>

	mobility device to mean a motorized scooter, bike, skateboard, or other device. Would require a city or county to adopt safety rules regarding the use of the shared mobility devices in its jurisdiction before the shared mobility service provider may offer shared mobility devices for rent or use.		
--	--	--	--

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	1/31/19 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

- Apr. 26 Last day for policy committees to meet and report to fiscal committees fiscal bills introduced in their house
- May 3 Last day for policy committees to meet and report to the floor non-fiscal bills introduced in their house
- May 10 Last day for policy committees to meet prior to June 3
- May 17 Last day for fiscal committees to meet and report to the floor bills introduced in their house, prior to June 3
- May 28-31 Floor session only Bills referred pursuant to A.R. 77.2, and Conference Committees
- May 31 Last day for each house to pass bills introduced in that house
- June 3 Committee meetings may resume
- June 15 Budget Bill must be passed by midnight
- 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