

South Bay Cities Council of Governments

June 12, 2023

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, Executive Director
David Leger, Senior Project Manager

RE: Bills to Monitor – Status as of May 31, 2023

NOTE: **BOLD recommendation & status** indicates bill added since last Board meeting

BROADBAND			
AB 41 (Holden)	<p>Telecommunications: The Digital Equity in Video Franchising Act of 2023. This bill would revise and recast the Digital Infrastructure and Video Competition Act of 2006 to, among other things: (1) rename the act as the Digital Equity in Video Franchising Act of 2023; (2) expand the definition of video service to include video programming provided as part of, and via, a service that enables users to access content, information, email, or other services offered over the public internet; (3) provide that the act does not authorize the commission to regulate the rates of video services; (4) authorize the commission to exercise all authority, jurisdiction, and powers authorized to be exercised by a franchise authority pursuant to certain federal law; (5) require a franchise applicant to submit a description of the households that are known to be unserved in the video service area footprint that is proposed by the applicant; (6) revise the revenues excluded from the definition of “gross revenue” for purposes of calculating the franchise fee for a local jurisdiction; (7) establish a policy of the state that subscribers and potential subscribers of a state video franchiseholder should benefit from equal access, as defined, to service within the service area, as specified; (8) expand the prohibition on certain cable operators or video service providers from discriminating against, or denying access to</p>	<p>SUPPORT (3/13/23)</p> <p>(Ltr sent 5/8/23)</p> <p>LCC: SUPPORT</p>	<p>5/22/23 Assembly Committee on Appropriations, third reading</p>

	service to, any group of potential residential subscribers to include discrimination or denial of equal access because of any rationale, rather than only because of the income of the residents in the local area in which the group resides; (9) repeal the maximum amount of a fine that could be assessed for a violation of the equal access requirement; and (10) authorize the commission to enforce customer standards and conditions.		
ENVIRONMENT			
AB 9 (Muratsuchi)	Greenhouse gases: market-based compliance mechanism. This bill would require CARB to initiate a regulatory process to evaluate potential updates to the market-based compliance mechanism and would require regulatory changes to take effect no later than January 1, 2025. The bill would require the evaluation to focus on specified items including whether the supply of emission allowances and carbon offsets are consistent with a linear trajectory toward the statewide GHG emission reduction goal established by CARB’s most recent scoping plan, rules for banking allowances to use for future compliance, and recommendations made by the Independent Emissions Market Advisory Committee and CARB’s environmental advisory committee. The bill would require CARB to conduct an evaluation of the compliance mechanism triennially beginning January 1, 2028.	MONITOR LCC: WATCH	5/18/23 Assembly Committee on Appropriations, third reading
AB 45 (Boerner Horvath)	Coastal resources: coastal development permits: blue carbon demonstration projects: new development: greenhouse gas emissions. This bill would authorize the Coastal Commission to authorize blue carbon demonstration projects, as defined, in order to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state’s natural and working lands and climate resilience strategies. The bill would, among other things, authorize the commission to require an applicant with a project that impacts coastal wetland, subtidal, intertidal, or marine habitats or ecosystems to build or contribute to a blue carbon demonstration project. The bill would also require new development within the coastal zone minimize greenhouse gas emissions.	SUPPORT (3/13/23) (Ltr sent 5/8/23) LCC: WATCH	5/25/23 Assembly Committee on Appropriations, third reading

AB 1538 (Muratsuchi)	Clean Energy Reliability Program. This bill would establish the Clean Energy Reliability Program, to be administered by the CPUC, upon appropriation, to provide incentive payments to qualifying load-serving entities that use eligible resources, as defined, to exceed their clean energy capacity requirements or targets, within or at the end of a given compliance period, as those requirements and compliance periods are determined through a specified commission rulemaking or its successor.	SUPPORT (4/27/23) (Ltr sent 5/8/23) LCC: WATCH	5/18/23 Assembly Committee on Appropriations, held under submission
SB 12 (Stern)	California Global Warming Solutions Act of 2006: emissions limit. This bill would amend previous goals set in the legislation by requiring the State Air Resources Board to ensure statewide greenhouse gas emissions are reduced to at least 55% below the 1990 levels by no later than December 31, 2030 (was previously 40%).	MONITOR LCC: WATCH	5/18/23 Senate Committee on Appropriations, held under submission
SB 49 (Becker)	Tax Incentives: solar canopies. This bill would provide an exemption from taxes for the sale and use of materials and supplies purchased to construct a qualified solar canopy project, as specified. This bill would require Caltrans, in coordination with the State Energy Resources Conservation and Development Commission and the CPUC, to develop a strategic plan to lease and license department-owned rights-of-way to public utilities or other entities to build and operate renewable energy generation facilities, energy storage facilities connected to renewable energy generation facilities, and electrical transmission facilities, as specified. This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, that no appropriation is made and state shall not reimburse any local agencies for the sales and use tax revenues lost by them pursuant to this bill.	MONITOR LCC: NEUTRAL	5/25/23 In Assembly. Read first time.
SB 233 (Skinner)	Electric vehicles and electric vehicle supply equipment: bidirectional capability. This bill would require EVs and EV chargers sold in California to have bidirectional capability by 2027 in order to enhance California's electrical grid reliability and resilience.	SUPPORT (5/25/23) LCC: WATCH	5/30/23 Read third time. Passed and Ordered to the Assembly.
SB 511 (Blakespear)	Greenhouse gas emissions inventories. This bill would require the state board, before January 1, 2028, to develop and publish, on its internet website, a report on greenhouse gas emission inventories for the calendar year 2025 for each city, county, city	MONITOR LCC: SUPPORT	5/25/23 In Assembly. Read first time.

	<p>and county, and special district, as provided. The bill would require the state board, consistent with the preparation of the updates to the scoping plan and before January 1, 2033, and every 5 years thereafter, to update the inventories for the subsequent calendar years, as specified. The bill would authorize the state board to solicit bids and enter into contracts for the development of the inventories. The bill would require the state board, before January 1, 2026, to establish a local government advisory committee to inform its development of the greenhouse gas emission inventories. The bill would allocate, upon appropriation by the Legislature, \$2,500,000 in the 2024–25 fiscal year for above-described purposes.</p>		
HOMELESSNESS			
<p>AB 67 (Muratsuchi)</p>	<p>Homeless Courts Pilot Program. This bill, upon an appropriation by the Legislature, would create the Homeless Courts Pilot Program, which would remain in effect until January 1, 2029, to be administered by the Judicial Council for the purpose of providing comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, chronically homeless individuals who are involved with the criminal justice system. The bill would require programs seeking grant funds to provide a number of specified services or program components, including, but not limited to, a diversion program enabling participating defendants to have infraction or misdemeanor charges dismissed upon completion of a program, provision of supportive housing, as defined, during the duration of the program, and a dedicated county representative to assist defendants with housing needs. The bill would require an applicant for grant funding under the program to submit a plan for a new homeless court program or expansion of an existing homeless court program, and would require any funding awarded to an applicant to be used in accordance with that plan. The bill would also require the Judicial Council, on or before July 1, 2027, to submit a report to the Legislature evaluating the programs funded and the success and challenges of those programs, along with recommendations for improving the programs. The bill would</p>	<p>SUPPORT (3/13/23) (Ltr sent 5/8/23) LCC: PENDING SUPPORT</p>	<p>5/18/23 Referred to Assembly Committee on Appropriations, ordered to third reading</p>

	<p>require the Judicial Council to establish performance-based outcome measures for each participating homeless court, including, among other things, information relating to the demographics of program participants, housing placements for all participants, and successful substance use disorder treatment rates.</p>		
<p>SB 37 (Caballero)</p>	<p>Older Adults and Adults with Disabilities Housing Stability Act. This bill would, upon an appropriation by the Legislature for this express purpose, require HCD, commencing January 1, 2024, to begin developing the Older Adults and Adults with Disabilities Housing Stability Program, which would offer competitive grants to nonprofit community-based organizations, continuums of care, public housing authorities, and area agencies on aging, as specified, to administer a housing subsidy program for older adults and adults with disabilities who are experiencing homelessness or at risk of homelessness, as defined. This bill would require HCD, in establishing the program guidelines, to prioritize communities in which a higher proportion of renters face severe rental cost burden than the state average. This bill would require an award recipient to use grant funds for specified activities, including housing subsidies up to the amount of reasonable rent until the participant is able to access a longer-term subsidy, no longer requires the housing subsidy, or the specified expenditure period expires and relocation costs if a landlord decides not to continue participating in the program or evicts a tenant, as specified. The bill would authorize a grantee to utilize up to 15% of its allocation for landlord recruitment and tenancy acquisition services, landlord incentives, and housing navigation and tenancy transition services, as defined. This bill would require the department to conduct specified oversight activities, including imposing reporting requirements on award recipients and contracting with an independent evaluator to conduct an interim evaluation of program outcomes and a final report. The bill would require the department to submit those reports to the Legislature, as specified.</p>	<p>MONITOR</p> <p>LCC: SUPPORT</p>	<p>5/18/23 Senate Committee on Appropriations, held under submission</p>
<p>HOUSING</p>			

<p>AB 529 (Gabriel)</p>	<p>Adaptive reuse projects. The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other specified mandatory elements, a housing element. That law requires the Department of Housing and Community Development to determine whether the housing element is in substantial compliance with specified provisions of that law. Existing law, for award cycles commenced after July 1, 2021, awards a city, county, or city and county, that has adopted a housing element determined by the department to be in substantial compliance with specified provisions of the Planning and Zoning Law and that has been designated by the department as prohousing based upon their adoption of prohousing local policies, as specified, additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by the department, as provided. This bill would add the expansion of adaptive reuse projects to the list of specified prohousing local policies.</p>	<p>MONITOR LCC: WATCH</p>	<p>5/18/23 Assembly Committee on Appropriations, ordered to third reading</p>
<p>AB 1335 (Zbur)</p>	<p>Local Government: transportation planning and land use: sustainable communities strategy. This bill would require each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan, and the total number of new housing units necessary to house the 8-year RHNA projection.</p>	<p>RECOMMEND OPPOSE LCC: PENDING</p>	<p>5/18/23 In Senate. Read first time</p>
<p>AB 1485 (Haney)</p>	<p>Housing element: enforcement: Attorney General. This bill would permit both the Department of Housing and Community Development and the office of the Attorney General to intervene as a matter of unconditional right in any legal action addressing a violation of the Planning and Zoning Law including, among others, the Housing Accountability Act, the Density Bonus Law, and the Housing Crisis Act of 2019.</p>	<p>OPPOSE (4/27/23) (Ltr sent 5/8/23) LCC: PENDING</p>	<p>5/11/23 Assembly Committee on Appropriations, ordered to third reading</p>
<p>AB 1633 (Ting)</p>	<p>Housing Accountability Act: disapprovals: California Environmental Quality Act. Existing law, the Housing Accountability Act, prohibits a local agency from disapproving a</p>	<p>MONITOR LCC: WATCH</p>	<p>5/18/23</p>

	<p>housing development project, as described, unless it makes certain written findings based on a preponderance of the evidence in the record. The act defines “disapprove the housing development project” as including any instance in which a local agency either votes and disapproves a proposed housing development project application, including any required land use approvals or entitlements necessary for the issuance of a building permit, or fails to comply with specified time periods. Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if the lead agency finds that the project will not have that effect. This bill would define “disapprove the housing development project” as also including any instance in which a local agency fails to issue a project an exemption from CEQA for which it is eligible, as described, or fails to adopt a negative declaration or addendum for the project, to certify an environmental impact report for the project, or to approve another comparable environmental document, if certain conditions are satisfied. Among other conditions, the bill would require a housing development project subject to these provisions to be located within an urbanized area, as defined, and meet or exceed 15 dwelling units per acre. By imposing additional duties on local officials, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on text date 2/17/2023)</p>		<p>Assembly Committee on Appropriations, ordered to third reading</p>
<p>SB 4 (Wiener)</p>	<p>Planning and zoning: housing development: higher education institutions and religious institutions. This measure would require that a housing development project be a use by right on any land owned by an independent institution of higher education or religious institution if the development satisfies specified criteria. Specified criteria: 1) Must comply with all objective development standards of the city that are not in conflict with the bill. 2) Can’t be located on farmland, wetlands, important habitat, VHFHSZ, hazardous waste site, flood zones,</p>	<p>RECOMMEND OPPOSE</p> <p>LCC: SUPPORT IF AMENDED</p>	<p>5/30/23 Passed Senate. Ordered to the Assembly</p>

	etc. 3) Limitations on demolishing existing residential housing. 4) Must contain 100% affordable units, expect 20% can be moderate income. 5) Allows for greater density and height in some zones. 6) Limits parking requirements.		
SB 423 (Wiener)	Land use: streamlined housing approvals: multifamily housing developments. SB 35 (Wiener, 2017) allowed for a developer to submit a development application that is subject to streamlined ministerial approval, and not subject to a conditional use permit if it contains two or more residential units and satisfies specified objective planning standards. SB 35 sunsets January 1, 2026. This bill would eliminate the sunset; authorizes SB 35 to apply in the coastal zone; authorizes the Department of General Services, at its discretion, to act in the place of a locality for development on property owned by or leased to the State; prohibits a city from enforcing its own inclusionary housing ordinance if the income limits are higher than those in SB 35.	OPPOSE (4/27/23) (Ltr sent 5/8/23) LCC: OPPOSE	5/23/23 Senate Committee on Appropriations, ordered to third reading
TRANSPORTATION			
AB 6 (Friedman)	Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions. This bill would require CARB, after January 1, 2024, and not later than September 30, 2026, to establish additional GHG emission reduction targets for 2035 and 2045. This bill would require a MPO, at least 60 days before starting the public participation process on its sustainable communities strategy (SCS), to submit to CARB for approval, a description of the technical methodology it intends to use to estimate the emissions of GHG from its SCS, and if appropriate, its alternative planning strategy. It would further require, rather than encourage, a MPO to work with CARB until CARB concludes that the technical methodology operates accurately and approves its use. This bill would require a MPO, within 120 business days after adoption, to submit an adopted SCS or alternative planning strategy, to CARB for both review and approval. The bill would require CARB's review include acceptance or rejection of the MPO's determination, and would require CARB to complete its review within 180 business days (instead of 60 currently). This bill	MONITOR LCC: WATCH	5/11/23 Assembly Committee on Appropriations, ordered to third reading

	<p>would require each project nomination to the Solutions for Congested Corridors Program to demonstrate how the project would contribute to achieving the state’s greenhouse gas emission reduction targets.</p>		
<p>AB 7 (Friedman)</p>	<p>Transportation: project selection process. This bill would require the project selection process for each transportation project funded, at least partially, from the following list of programs to incorporate the following list of principles. Programs: State Highway Account (Sect. 182 of Streets and Highway Code); Road Maintenance and Rehabilitation Account (Sect. 2031 of Streets and Highway Code); a local transportation fund established by a county pursuant to Article 11 of Chapter 2 of Division 3 of Title 3; the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 (Sect. 8879.23); Highway Users Tax Account (Sect. 2100 of Streets and Highway Code); Trade Corridor Enhancement Account (Sect. 2192.4 of Streets and Highway Code). Principles to be incorporated into the project selection process: (1) Improving the condition, resilience, and safety of road and bridge assets consistent with asset management plans, including investing in preservation of those assets, consistent with Sect. 119 of Title 23 of the United States Code. (2) Promoting and improving safety for all road users, particularly vulnerable users, and supporting major actions and goals consistent with the federal Department of Transportation’s January 2022 National Roadway Safety Strategy for safer people, safer roads, safer vehicles, safer speeds, and enhanced post-crash care, consistent with Sect. 148 of Title 23 of the United States Code. (3) Supporting accelerated project delivery and an efficient environmental review process through the One Federal Decision framework and by continuing to coordinate with other federal partners to ensure that the benefits of projects are realized as soon as possible, consistent with Sect. 139 of Title 23 of the United States Code. (4) Making streets and other transportation facilities accessible to all users and compliant with the Americans with Disabilities Act, consistent with Part 37 (commencing with Sect. 37.1) of Title 49 of the Code of Federal Regulations. (5) Addressing environmental impacts ranging from storm water</p>	<p>MONITOR</p> <p>OPPOSE (3/13/23)</p> <p>LCC: WATCH</p>	<p>5/25/23 Assembly Committee on Appropriations, ordered to third reading</p>

	<p>runoff to the emissions of greenhouse gases, consistent with Sects. 175 and 176 of Title 23 of the United States Code.</p> <p>(6) Prioritizing infrastructure that is less vulnerable and more resilient to a changing climate, consistent with Sects. 101, 119, 176, and 520 of Title 23 of the United States Code. (7) Future-proofing transportation infrastructure by accommodating new and emerging technologies such as electric vehicle charging stations, renewable energy generation, and broadband deployment in transportation rights-of-way, consistent with Part 645 (commencing with Sect. 645.101) of Title 23 of the Code of Federal Regulations and Section 151 of Title 23 of the United States Code. (8) Reconnecting communities and reflecting the inclusion of disadvantaged and underrepresented groups in the planning, project selection, and design process, consistent with Sect. 11509 of the federal Infrastructure Investment and Jobs Act (Public Law 117-58).</p> <p>On or before January 1, 2026, and annually thereafter, the agency shall submit a report to the Legislature on how each transportation project that was completed during the prior year incorporated the principles specified.</p>		
<p>AB 241 (Reyes)</p>	<p>Clean Transportation Program. This bill would extend the sunset date of a 2008 smog abatement fees to January 1, 2035 (from January 1, 2024) to continue funding the Air Quality Improvement Fund and the Alternative and Renewable Fuel and Vehicle Technology Fund. This bill would require the Clean Transportation Program’s investment plan to support annually increasing deployment of infrastructure and other projects that advance or support the deployment of light, medium, and heavy duty vehicles. This bill would require on or after January 1, 2025 that at least 50% of Clean Transportation Program funds for projects and programs directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians, and at least 50% for tangible location-based investments shall be expended in disadvantaged and low-income communities.</p>	<p>MONITOR LCC: WATCH</p>	<p>5/22/23 Assembly Committee on Appropriations, ordered to third reading</p>

AB 413 (Lee)	Vehicles: stopping, standing, and parking. This bill would prohibit stopping, standing, or parking a vehicle within 20ft of any unmarked or marked crosswalk.	OPPOSE (5/25/23) LCC: WATCH	5/23/23 In Senate, Committee on Rules for assignment
AB 1176 (Zbur)	General Plans: Local Electrification Planning Act. This bill would require cities and local jurisdictions to create plans to meet their transportation and building electrification needs, and to ensure that electric vehicle chargers and building electrification are accessible to renters, multi-family housing residents, commercial vehicle and truck fleets, and disadvantaged communities. The bill requires consideration of and planning for on-street electric vehicle charger corridors and electrification funding strategies for disadvantaged communities.	MONITOR LCC: WATCH	5/26/23 Assembly Committee on Appropriations, ordered to third reading
AB 1447 (Flora)	Vehicles: motorized scooters. This bill would classify motorized scooters into 2 classes. A class 1 motorized scooter would have a floorboard and a motor that ceases to provide power when the scooter reaches 15mph, a class 2 motorized scooter would have a floorboard or a seat and footrests, a wheel width of at least 6 inches, and a motor that ceases to provide power at 20mph, and may have headlights, turn signals, a speedometer, and brake and tail lights. The bill would prohibit an operator of a class 1 motorized scooter from operating the motorized scooter in excess of 15mph, a class 2 motorized scooter in excess of 20mph. This bill would also make provisions of the Three Feet for Safety Act applicable to a drive of a motor vehicle overtaking a motorized scooter.	MONITOR LCC: WATCH	5/26/23 In Senate. Read first time
SB 301 (Portantino)	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project. This bill would require CARB to establish the Zero-Emission Aftermarket Conversion Project (ZACP) by allocating up to \$2,000,000 annually from the Clean Vehicle Rebate Project to provide an applicant who is a California resident with a rebate for an eligible vehicle that has been converted into a zero-emission vehicle. The bill would require the rebate issued pursuant to the ZACP to be limited to one per vehicle and have a value of up to \$2,000. The bill would also require the state board to establish guidelines for the program, as specified, and minimum eligibility criteria for an applicant to be eligible for the	MONITOR LCC: WATCH	5/30/23 Passed Senate. Ordered to the Assembly

	rebate. The bill would require that if any of the moneys allocated for this purpose are not expended by the end of each fiscal year, those moneys shall be repaid to the Clean Vehicle Rebate Project.		
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BALLOT MEASURES

21-0042A1	<p>“The Taxpayer Protection and Government Accountability Act”. For new or increased state taxes currently enacted by two-thirds vote of Legislature, also requires statewide election and majority voter approval. Limits voters’ ability to pass voter-proposed local special taxes by raising vote requirement to two-thirds. Eliminates voters’ ability to advise how to spend revenues from proposed general tax on same ballot as the proposed tax. Expands definition of “taxes” to include certain regulatory fees, broadening application of tax approval requirements. Requires Legislature or local governing body set certain other fees.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.</p>	<p>MONITOR</p> <p>LCC: OPPOSE</p>	<p>2/1/23</p> <p>Eligible for November 2024 statewide ballot</p>
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Two-Year Bills

- AB 1588 (Broadband): Affordable Internet and Net Equality Act of 2023. (Support)
- AB 340 (Environment): California Environmental Quality Act: grounds for noncompliance. (Monitor)
- AB 1035 (Housing): Mobilehome parks: rent caps. (Monitor)
- AB 1708 (Public Safety): Theft – Prop 47 revision. (Support)

2023 State Legislative Calendar

- May 30 – June 2: Floor Session Only. No committees, other than conference or Rules committees, may meet for any purpose
- June 2: for each house to pass bills introduced in that house
- June 5: Committee meetings may resume
- June 15: Budget must be passed by midnight

- July 14: Last day for policy committees to meet and report bills; Summer Recess begins upon adjournment of session provided Budget Bill has been passed.
- August 14: Legislature reconvenes from Summer Recess
- September 1: Last day for fiscal committees to meet and report bills to the Floor
- September 5-14: Floor session only. No committees, other than conference or rules committees, may meet for any purpose
- September 8: Last day to amend on the floor
- September 14: Last day for each house to pass bills. Interim study recess begins at the end of this day's session
- October 14: Last day for governor to sign or veto bills passed by the legislature on or before September 14 and in his possession after September 14