

South Bay Cities Council of Governments

September 11, 2023

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: Bills to Monitor – Status as of September 8, 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. The Digital Infrastructure and Video Competition Act of 2006 establishes a procedure for the Public Utilities Commission to issue state franchises for the provision of video service, defined as video programming services, cable service, or open-video system service, except any video programming provided by a commercial mobile service provider, as defined in federal law, or 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. The act provides that the holder of a state franchise is not a public utility as a result of providing video services and that the act does not authorize the commission to regulate the rates, terms, and conditions of video service, except as explicitly set forth in the act. The act establishes a state franchise fee to be remitted to a local entity based on the franchiseholder’s gross revenues, as defined, derived from the provision of cable or video service within that jurisdiction. The act prohibits a cable operator or video service provider that has been granted a state franchise from discriminating against, or denying access to service to, any group of potential residential subscribers because of the income of the residents in the local area in which the group resides, as specified. This bill would revise and recast the Digital Infrastructure and Video Competition Act of 2006 to, among other</p>	<p>SUPPORT UNLESS AMENDED (7/27/23) (Ltr sent 5/8/23) LCC SUPPORT</p>	<p>9/11/23 Assembly concurrence in Senate amendments</p>

	things, rename the act as the Digital Equity in Video Franchising Act of 2023, require the commission to conduct any hearings and issue a state franchise or a reject each application for a state franchise not more than 120 days after the commission has deemed the application complete, and extend deadlines related to the commission’s review of applications for state franchises. This bill contains other related provisions and other existing laws. (Based on text date 7/13/2023)		
ENVIRONMENT			
<u>AB 1567</u> (Garcia)	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024. This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15.995B pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.	SUPPORT (8/14/23) (Ltr sent 8/15/23) LCC: SUPPORT IF AMENDED	6/14/23 Senate Natural Resources & Water Committee
<u>SB 49</u> (Becker)	Renewable energy: Department of Transportation strategic plan. This bill would require the department, in coordination with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission, to develop a strategic plan to develop land within department-owned rights-of-way for renewable energy generation facilities, energy storage facilities, and electrical transmission and distribution facilities, as specified. The bill would require the strategic plan to consider the department owning the facilities, or leasing, granting easements, or entering into joint-use agreements with public utilities or other entities for this purpose. On or before July 1, 2027, the bill would also require the department to publish specified information on its internet website, including the actual amount of area of department-owned rights-of-way subject to a lease, easement, or	MONITOR LCC: NEUTRAL Tax incentives for solar removed from bill	9/11/23 Assembly 3rd Reading, Senate Bills

	joint-use agreement for renewable energy generation or energy storage. (Based on text date 7/12/2023)		
SB 233 (Skinner)	Electric vehicles and electric vehicle supply equipment: bidirectional capability. This bill would require the Energy Commission, in consultation with the state board, on or before June 30, 2024, to convene a stakeholder workgroup to examine challenges and opportunities associated with using an electric vehicle as a mobile battery to power a home or building or to provide electricity to the electrical grid, and require the Energy Commission, in consultation with the stakeholder workgroup, on or before January 1, 2026, to submit a report to the Governor and Legislature that includes, among other things, specified information related to the bidirectional capability of electric vehicles and electric vehicle service equipment, as specified. This bill would require that, beginning in model year 2030, all new electric light-duty motor vehicles and schoolbuses sold in California be bidirectional capable. If the state board determines there is a sufficiently compelling beneficial bidirectional-capable use case to warrant imposing a bidirectional-capable mandate on another vehicle type, the bill would authorize the state board to require that vehicle type to be bidirectional capable beginning in, or after, model year 2030.	SUPPORT (5/25/23) LCC: WATCH	9/11/23 Assembly 3rd Reading, Senate Bills
SB 867 (Allen)	Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024. This bill would place a bond measure on the March 5, 2024 statewide primary election ballot. If approved by voters, \$15.5B in bonds would be issued pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.	SUPPORT IF AMENDED (8/14/23) (Ltr.sent 8/15/23) LCC: SUPPORT IF AMENDED	7/6/23 Assembly Committee on Natural Resources
GOVERNANCE			
AB 557 (Hart)	Open meetings: local agencies: teleconferences. This bill would allow cities to meet remotely during proclaimed states of	SUPPORT (8/14/23)	9/11/23

	emergency under modified Brown Act requirements. Would also provide greater flexibility for agencies that meet on a fixed date every month by extending the AB 361 (Rivas, Statutes of 2021) renewal period to 45 days.	(Ltr sent 8/15/23) LCC: SPONSOR	Assembly Concurrence in Senate Amendments – conference comm
HEALTH			
AB 531 (Irwin)	The Behavioral Health Infrastructure Bond Act of 2023. This bill would enact the Behavioral Health Infrastructure Bond Act of 2023 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4.68B to finance grants for the acquisition of capital assets for, and the construction and rehabilitation of, unlocked, voluntary, and community-based treatment settings and residential care settings and also for housing veterans and others who are experiencing homelessness or are at risk of homelessness and are living with a behavioral health challenge.	SUPPORT (8/14/23) (Ltr sent 8/15/23) LCC: SUPPORT IN CONCEPT	9/11/23 Senate Assembly Bills – Third Reading
SB 43 (Eggman)	Behavioral Health. This bill would modernize the definition of "gravely disabled" within the Lanterman Petris-Short Act to include conditions that result in a substantial risk of serious harm to an individual's physical or mental health. This includes the inability to seek medical care, adequate shelter, or self-protection and safety.	SUPPORT (8/14/23) (Ltr sent 8/15/23) LCC: SUPPORT	9/11/23 Assembly 3rd Reading – Senate Bills
SB 326 (Eggman)	The Behavioral Health Sciences Act. The Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 in the November 2004 state general election, funds a system of county mental health plans for the provision of mental health services. Existing law authorizes the MHSA to be amended by 2/3 vote of the Legislature if amendments are consistent with and further the intent of the MHSA. The Legislature is also authorized to add provisions to clarify procedures and terms of the MHSA by majority vote. If approved by the voters at the March 5, 2024 election, it would delete the provision that establishes vote requirements to amend the MHSA,	SUPPORT IN CONCEPT (8/14/23) LCC: SUPPORT IN CONCEPT (Ltr sent 8/15/23)	9/11/23 Assembly 3rd Reading – Senate Bills

	requiring all amendments of the MHSA to be approved by the voters. It would rename it to the Behavioral Health Services Act (BHSA) expanding it to include treatment of substance use disorders, changing the county planning process and expanding services for which counties and the state can use the funds. It would revise the distribution of the money, including allocating up to \$36 million to the Department for Behavioral Health Workforce Funding. It would authorize the department to require a county to implement specific evidence based practices.		
HOUSING			
<u>AB 529</u> (Gabriel)	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.	MONITOR LCC: WATCH	9/11/23 Senate Assembly Bills – Second Reading
<u>AB 1485</u> (Haney)	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.	OPPOSE (4/27/23) (Ltr sent 5/8/23) LCC: PENDING	9/11/23 Senate Assembly Bills – Second Reading

<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 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>MONITOR LCC: WATCH</p>	<p>9/11/23 Senate Assembly Bills – Second Reading</p>
<p>AB 1657 (Wicks)</p>	<p>The Affordable Housing Bond Act of 2024. This bill would enact the Affordable Housing Bond Act of 2024, which, if adopted, would authorize the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to finance programs to fund affordable rental housing and</p>	<p>SUPPORT (8/14/23) (Ltr sent 8/15/23)</p>	<p>9/1/23 Senate Appropriations Committee Suspend File</p>

	homeownership programs, including, among others, the Multifamily Housing Program, the CalHome Program, and the Joe Serna, Jr. Farmworker Housing Grant Program.	LCC: SUPPORT	
SB 4 (Wiener)	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, 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.	OPPOSE (6/22/23) LCC: SUPPORT IF AMENDED	9/7/23 Senate Concurrence – conference comm.
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 7/26/23) LCC: OPPOSE	9/11/23 Senate Concurrence – conference comm
TRANSPORTATION			
AB 7 (Friedman)	Transportation: project selection process. This bill would require the California Transportation Plan to also include an analysis of how the Transportation Agency, Caltrans, and CTC are achieving principles outlined in the Climate Action Plan for Transportation Infrastructure, federal IIJA, and the federal Justice40 initiative. The analysis shall include a list of example projects completed under each program; how the program	MONITOR OPPOSE (3/13/23) LCC: CONCERNS	9/11/23 Senate Assembly Bills 3rd Reading

	<p>advances priorities in each; and the percentage of program funds that benefit disadvantaged communities. On or after January 1, 2025, the Transportation Agency, Caltrans, and CTC shall incorporate into their existing program funding guidelines and planning processes the following principles: a) Building toward an integrated, statewide rail and transit network, centered around the existing California State Rail Plan, that leverages the California Integrated Travel Project to provide seamless, affordable, multimodal travel options in all contexts, including suburban and rural settings, to all users; b) Investing in networks of safe and accessible bicycle and pedestrian infrastructure, particularly by closing gaps on portions of the state highway system that intersect local active transportation and transit networks or serve as small town or rural main streets, with a focus on investments in low-income and disadvantaged communities throughout the state; c) Including investments in light-, medium-, and heavy-duty ZEV infrastructure as part of larger transportation projects. Supporting the innovation in and development of the ZEV market and help ensure ZEVs are accessible to all, particularly those in more rural/remote communities; d) Strengthening our commitment to social and racial equity by reducing public health and economic harms and maximizing community benefits to disproportionately impacted disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities in urbanized and rural regions, and involving these communities early in decisionmaking. Investments should also avoid placing new or exacerbating existing burdens on these communities, even if unintentional; e) Making safety improvements to reduce fatalities and severe injuries of all users towards zero on our roadways, railways, and transit systems by focusing on context-appropriate speeds, prioritizing vulnerable user safety to support mode shift, designing roadways to accommodate for potential human error and injury tolerances, and ultimately implementing a safe systems approach; f) Assessing physical climate risk as standard practice for transportation infrastructure projects to enable informed decisionmaking, especially in communities that are most vulnerable to climate-related health and safety risks; g) Promoting</p>		
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	<p>projects that do not significantly increase passenger vehicle travel, particularly in congested urbanized settings where other mobility options can be provided and where projects are shown to induce significant auto travel. These projects should generally aim to reduce vehicle miles traveled (VMT) and not induce significant VMT growth. When addressing congestion, consider alternatives to highway capacity expansion, such as providing multimodal options in the corridor, employing pricing strategies, and using technology to optimize operations; h) Promoting compact infill development while protecting residents and businesses from displacement by funding transportation projects that support housing for low-income residents near job centers, provide walkable communities, and address affordability to reduce the housing-transportation cost burden and auto trips; i) Developing a zero-emission freight transportation system that avoids and mitigates environmental justice impacts, reduces criteria and toxic air pollutants, improves freight’s economic competitiveness and efficiency, and integrates multimodal design and planning into infrastructure development on freight corridors; j) Protecting natural and working lands from conversion to more intensified uses and enhance biodiversity by supporting local and regional conservation planning that focuses development where it already exists and aligns transportation investments with conservation priorities to reduce transportation’s impact on the natural environment.</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</p>	<p>MONITOR LCC: WATCH</p>	<p>9/11/23 Assembly 3rd Reading</p>

	Californians, and at least 50% for tangible location-based investments shall be expended in disadvantaged and low-income communities.		
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	9/11/23 Senate Assembly Bills – 2 nd 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	9/11/23 Senate Assembly Bills – 2nd reading
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 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.	MONITOR LCC: WATCH	9/11/23 Assembly Senate Bills – 3rd reading

BALLOT MEASURES

<p>21-0042A1</p>	<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. 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 LCC: OPPOSE</p>	<p>2/1/23 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 9 (Environment): Greenhouse gases: market-based compliance mechanism. (Monitor)
- AB 340 (Environment): California Environmental Quality Act: grounds for noncompliance. (Monitor)
- AB 1538 (Environment): Clean Energy Reliability Program. (Monitor)
- SB 12 (Environment): California Global Warming Solutions Act of 2006: emissions limit. (Support)
- SB 37 (Homelessness): Older Adults and Adults with Disabilities Housing Stability Act. (Monitor)
- AB 1035 (Housing): Mobilehome parks: rent caps. (Monitor)
- AB 1708 (Public Safety): Theft – Prop 47 revision. (Support)
- AB 6 (Transportation): Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions. (Monitor)
- AB 1176 (Transportation): General plans: Local Electrification Planning Act. (Monitor)
- **AB 45 Environment): Coastal resources: coastal development permits: blue carbon demonstration projects: new development: greenhouse gas emissions (Support)**
- **SB 511 (Environment): Greenhouse gas emissions inventories (Monitor)**
- **AB 67 (Homelessness): Homeless Courts Pilot Program (Support)**
- **AB 1335 (Housing): Local Government: transportation planning and land use: sustainable communities strategy (Oppose unless amended)**

2023 State Legislative Calendar

- 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