

## MEMO

**To:** City of Santa Clara  
**From:** Townsend Public Affairs, Inc.  
**Date:** July 13, 2020  
**Subject:** 2020 Q1 and Q2 Legislation

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### Summary

This document is meant to provide a summary of current legislation that is being actively monitored on behalf of the City of Santa Clara. Where appropriate, Townsend Public Affairs has worked with the City to provide information on legislation, assess the potential impact of legislation to the City, and recommend positions that the City may wish to adopt on specific bills.

The information below is sorted by the Legislative Advocacy Position that is most relevant to the bill or activity.

### **Affordable Housing and Homelessness LAP**

**AB 725 ([Wicks](#))** Housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions.

**Current Text:** Amended: 1/16/2020

**Introduced:** 2/19/2019

**Last Amend:** 1/16/2020

**Status:** 6/23/2020-Referred to Senate Housing Committee

**Summary:** The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need determined pursuant to specified law. This bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. The bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing.

**AB 953 ([Ting](#))** Land use: accessory dwelling units.

**Current Text:** Amended: 1/6/2020

**Introduced:** 2/21/2019

**Last Amend:** 1/6/2020

**Status:** 6/23/2020-Referred to Senate Governance and Finance Committee.

**Summary:** Current law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. This bill would deem a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days.

**AB 1279 (Bloom)** Planning and zoning: housing development: high-opportunity areas.

**Current Text:** Amended: 4/24/2020

**Introduced:** 2/21/2019

**Last Amend:** 4/24/2020

**Status:** 4/24/2020-From committee chair, with author's amendments: Amend, and re-refer to Senate Housing Committee.

**Summary:** The Planning and Zoning Law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards, including that the development is (1) located in a locality determined by the Department of Housing and Community Development to have not met its share of the regional housing needs for the reporting period, and (2) subject to a requirement mandating a minimum percentage of below-market rate housing. This bill would require the department to designate areas in this state as high-opportunity areas by January 1, 2022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.

**AB 1484 (Grayson)** Mitigation Fee Act: housing developments.

**Current Text:** Amended: 9/6/2019

**Introduced:** 2/22/2019

**Last Amend:** 9/6/2019

**Status:** 9/9/2019-Read second time. Ordered to third reading. Re-referred to Senate Rules Committee.

**Summary:** The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would prohibit a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project unless specified requirements are satisfied by the local agency, including that the housing impact requirement be roughly proportional in both nature and extent to the impact created by the housing development project.

**AB 1851 (Wicks)** Religious institution affiliated housing development projects: parking requirements.

**Current Text:** Amended: 5/5/2020

**Introduced:** 1/6/2020

**Last Amend:** 5/5/2020

**Status:** 6/11/2020-In Senate. To Senate Rules Committee for assignment.

**Summary:** Would prohibit a local agency from requiring the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. The bill would prohibit the number of religious-use parking spaces requested to be eliminated from exceeding 50% of the number that are available at the time the request is made. The bill would prohibit a local agency from requiring the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.

**AB 2323 (Friedman)** California Environmental Quality Act: exemptions.

**Current Text:** Amended: 6/4/2020

**Introduced:** 2/14/2020

**Last Amend:** 6/4/2020

**Status:** 6/23/2020-Referred to Senate Environmental Quality Committee.

**Summary:** CEQA exempts from its requirements certain residential, employment center, and mixed-use development projects meeting specified criteria, including that the project is undertaken and is consistent with a specific plan for which an environmental impact report has been certified. This bill would require that the project is undertaken and is consistent with either a specific plan prepared pursuant to specific provisions of law or a community plan in order to be exempt. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

**AB 2345 (Gonzalez)** Planning and zoning: density bonuses: annual report: affordable housing.

**Current Text:** Amended: 5/22/2020

**Introduced:** 2/18/2020

**Last Amend:** 5/22/2020

**Status:** 6/11/2020-In Senate. To Senate Rules Committee for assignment.

**Summary:** The Planning and Zoning Law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle. This bill would require that the annual report include specified information regarding density bonuses granted in accordance with specified law.

**AB 2405 (Burke)** Housing: children and families.

**Current Text:** Amended: 6/4/2020

**Introduced:** 2/18/2020

**Last Amend:** 6/4/2020

**Status:** 6/11/2020-In Senate. To Senate Rules Committee for assignment.

**Summary:** Would declare that it is the policy of the state that every child and family has the right to safe, decent, and affordable housing, and would require the policy to consider homelessness prevention, emergency accommodations, and permanent housing, as specified. The bill would, among other things, require all relevant state agencies and departments, including, but not limited to, the Department of Housing and Community Development, the State Department of Social Services, and the Office of Emergency Services, and local jurisdictions to consider that state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to advancing the guidelines listed as core components of Housing First. The bill would make these provisions operative on January 1, 2026, and would make implementation of these provisions subject to an appropriation of funds in the annual Budget Act for these purposes.

**AB 2960 (Gipson)** Shelter crises: fire and life safety standards.

**Current Text:** Amended: 5/22/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/22/2020

**Status:** 6/11/2020- In Senate. To Senate Rules Committee for assignment.

**Summary:** Would authorize a city, county, or city and county to permit the operation of an emergency housing facility year round when the facility does not comply with state building standards for local fire and life safety standards if they submit reasonable standards to the State

Fire Marshal that do certain things. The State Fire Marshal would be required to review the standards within 30 days and either approve them or respond as to why they do not meet the threshold requirements. If the standards do not meet the threshold requirements, the city, county, or city and county would not be able to use them.

**AB 3040 (Chiu)** Local planning: regional housing need assessment.

**Current Text:** Amended: 5/11/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/11/2020

**Status:** 6/11/2020-In Senate. To Senate Rules Committee for assignment.

**Summary:** Would authorize a city or county to include in its inventory of land suitable for residential development specified sites that contain an existing single-family dwelling unit, but that the city or county authorizes to contain 4 dwelling units as a use by right. The bill would require these sites to be identified to satisfy either the moderate or the above-moderate income regional housing need income level. The bill would require a city or county identifying a site pursuant to these provisions to adopt a resolution or ordinance that, among other things, establishes that the additional units may be developed as a use by right on the site. The bill would require the department to review and make findings regarding a resolution or ordinance adopted by a city or county under these provisions.

**AB 3107 (Bloom)** Planning and zoning: general plan: housing development.

**Current Text:** Amended: 5/11/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/11/2020

**Status:** 6/11/2020-In Senate. To Senate Rules Committee for assignment.

**Summary:** The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable and available for residential development. If that inventory does not identify adequate sites to accommodate the need for groups of all household income levels existing law requires the city or county to rezone those sites within specified periods. This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any element of the general plan for commercial if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria.

**AB 3153 (Rivas, Robert)** Parking and zoning: bicycle and car-share parking credits.

**Current Text:** Amended: 5/14/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/14/2020

**Status:** 6/23/2020-Referred to Senate Governance and Finance Committee.

**Summary:** Would require a local agency to allow an applicant for a housing development project to reduce the number of motor vehicle parking spaces that they would otherwise be required to provide based on the number of long-term bicycle parking spaces and car-sharing spaces provided subject to certain limitations, as specified. The bill would provide that a parking reduction allowed pursuant to these provisions does not reduce or increase the number of incentives or concessions to which the applicant is otherwise entitled under a specified provision of the Density Bonus Law.

**AB 3279** ([Friedman](#)) California Environmental Quality Act: administrative and judicial procedures.

**Current Text:** Amended: 6/4/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/4/2020

**Status:** 6/23/2020-Referred to Senate Environmental Quality Committee.

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Among other changes, this bill would repeal certain obsolete and duplicative provisions from CEQA and make non-substantive changes to certain other provisions.

**AB 3300** ([Santiago](#)) Homelessness: California Access to Housing and Services Act.

**Current Text:** Amended: 6/4/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/4/2020

**Status:** 6/16/2020-In Senate. To Senate Rules Committee for assignment.

**Summary:** By executive order, the Governor required the Department of Finance to establish the California Access to Housing and Services Fund, administered by the State Department of Social Services, to provide funding for additional affordable housing units, providing rental and operating subsidies, and stabilizing board and care homes. This bill, the California Access to Housing and Services Act, would establish the California Access to Housing and Services Fund in the State Treasury and continuously appropriate moneys in the fund solely for the purpose of implementing and administering the bill's provisions.

**SB 592** ([Wiener](#)) Housing development: Housing Accountability Act: permit streamlining.

**Current Text:** Amended: 9/9/2019

**Introduced:** 2/22/2019

**Last Amend:** 9/9/2019

**Status:** 9/11/2019-Re-referred to Assembly Rules Committee pursuant to Assembly Rule 96.

**Summary:** The Housing Accountability Act (the HAA), among other things, requires a local agency that proposes to disapprove or impose specified conditions on 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, to make specified written findings based on a preponderance of the evidence in the record. This bill would additionally require a local agency to make those findings if it proposes to disapprove or impose specified conditions on a housing development project that is determined to be complete, as provided, and would make other related conforming changes.

**SB 773** ([Skinner](#)) Land use: accessory dwelling units.

**Current Text:** Amended: 1/6/2020

**Introduced:** 2/22/2019

**Last Amend:** 1/6/2020

**Status:** 1/27/2020-Passed the Senate. In Assembly.

**Summary:** Current law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within

60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. This bill would deem a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days.

**SB 795 (Beall)** Economic development: housing: workforce development: climate change infrastructure.

**Current Text:** Amended: 6/18/2020

**Introduced:** 1/6/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor

**Summary:** Current law requires that the California Workforce Development Board and each local workforce development board ensure that programs and services funded by the federal Workforce Innovation and Opportunity Act of 2014 and directed to apprenticeable occupations are conducted in coordination with apprenticeship programs approved by the Division of Apprenticeship Standards, as specified. Current law establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," within the Governor's office to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill, upon appropriation by the Legislature, would make up to \$2,000,000,000 available in each fiscal year for the purpose of providing emergency economic recovery and development, climate change, and disaster response.

**SB 899 (Wiener)** Planning and zoning: housing development: higher education institutions and religious institutions.

**Current Text:** Amended: 6/18/2020

**Introduced:** 1/30/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020- On the Senate Floor

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards. This bill would require that a housing development project be a use by right upon the request of an independent institution of higher education or religious institution that partners with a qualified developer on any land owned in fee simple by the applicant on or before January 1, 2020, if the development satisfies specified criteria.

**SB 902 (Wiener)** Planning and zoning: housing development: density.

**Current Text:** Amended: 5/21/2020

**Introduced:** 1/30/2020

**Last Amend:** 5/21/2020

**Status:** 6/22/2020-Passed the Senate. In Assembly.

**Summary:** Would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria.

**SB 995 ([Atkins](#))** Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects.

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/12/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor

**Summary:** CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project would have a significant effect on the environment. CEQA authorizes the preparation of a master EIR and authorizes the use of the master EIR to limit the environmental review of subsequent projects that are described in the master EIR. This bill would require a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR.

**SB 1030 ([Committee on Housing](#))** Housing omnibus.

**Current Text:** Amended: 4/6/2020

**Introduced:** 2/14/2020

**Last Amend:** 4/6/2020

**Status:** 6/18/2020-Referred to Assembly Housing and Community Development Committee.

**Summary:** Current law requires each county and each city to make a central inventory of all surplus land and certain lands in excess of its foreseeable needs, identified as provided, on or before December 31 of each year and to make a description of each parcel and its present use a matter of public record. Current law requires each county and each city to provide a list of its surplus land and excess land to, among other entities, a citizen upon request and without charge. This bill would revise this provision to instead require a county or city to provide a list of surplus land and excess land to an individual upon request and without charge.

**SB 1085 ([Skinner](#))** Density Bonus Law: qualifications for incentives or concessions

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/19/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor

**Summary:** Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, excluding the units added by a density bonus awarded pursuant to the Density Bonus Law or any local law granting a greater density bonus. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based.

**SB 1120 ([Atkins](#))** Subdivisions: tentative maps.

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/19/2020

**Last Amend:** 6/18/2020

**Status:** 6/23/2020-Ordered to special consent calendar.

**Summary:** Would, among other things, require a proposed housing development containing 2 residential units to be considered ministerially, without discretionary review or hearing, in zones where allowable uses are limited to single-family residential development if the proposed housing development meets certain requirements, including that the proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing

unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

**SB 1138 (Wiener)** Housing element: emergency shelters: rezoning of sites.

**Current Text:** Amended: 3/24/2020

**Introduced:** 2/19/2020

**Last Amend:** 3/24/2020

**Status:** 6/22/2020-Passed the Senate. In Assembly.

**Summary:** The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes a housing element. Current law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and to make adequate provision for the existing and projected needs of all economic segments of a community. This bill would revise the requirements of the housing element, as described above, in connection with identifying zones or zoning designations that allow residential use, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. If an emergency shelter zoning designation where residential use is a permitted use is unfeasible, the bill would permit a local government to designate zones for emergency shelters in a nonresidential zone if the local government demonstrates that the zone is connected to amenities and services that serve homeless people.

**SB 1385 (Caballero)** Local planning: housing: commercial zones

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-Passed the Senate. In Assembly.

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project an allowable use on a neighborhood lot that is zoned for office or retail commercial use under a local agency's zoning code or general plan. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

## COVID-19 Legislation LAP

**AB 398 (Chu)** COVID-19 Local Government and School Recovery and Relief Act.

**Current Text:** Amended: 6/17/2020

**Introduced:** 2/6/2019

**Last Amend:** 6/17/2020

**Status:** 6/17/2020-in Senate Rules Committee.

**Summary:** Current law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges. Current law establishes the California Department of Tax and Fee Administration in the Government Operations Agency to administer various statutory taxes and fees. Current law provides that the Controller shall superintend the fiscal concerns of the state. This bill would, on and after January 1, 2021, but before January 1, 2026, impose a tax on a large business, defined as a for-profit, private entity that has more than 500 employees that perform



any part of their duties within the state, at the rate of \$275 per employee. The bill would require the California Department of Tax and Fee Administration to administer the tax and collect the tax pursuant to the Fee Collection Procedures Law.

**AB 828 (Ting)** Temporary moratorium on foreclosures and unlawful detainer actions: coronavirus (COVID-19).

**Current Text:** Amended: 5/18/2020

**Introduced:** 2/20/2019

**Last Amend:** 5/18/2020

**Status:** 5/18/2020-in Senate Rules Committee.

**Summary:** Would prohibit a person from taking any action to foreclose on a residential real property while a state or locally declared state of emergency related to the COVID-19 virus is in effect and until 15 days after the state of emergency has ended, including, but not limited to, causing or conducting the sale of the real property or causing recordation of a notice of default.

**SB 1159 (Hill)** Workers' compensation: COVID-19: critical workers.

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/20/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor.

**Summary:** Would, until an unspecified date, define "injury" for an employee to include illness or death resulting from coronavirus disease 2019 (COVID-19) under specified circumstances. The bill would create a disputable presumption, as specified, that an injury that develops or manifests itself while an employee is employed arose out of and in the course of the employment. The bill would require an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified government employees, a leave of absence.

**SB 1410 (Caballero)** COVID-19 emergency: tenancies.

**Current Text:** Amended: 6/19/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/19/2020

**Status:** 6/23/2020-On the Senate Floor

**Summary:** The Tenant Protection Act of 2019 prohibits, with certain exceptions, an owner of residential real property from increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. This bill would authorize an owner of real property and a tenant to sign and execute a tenant-owner COVID-19 eviction relief agreement that, during a state of emergency related to the COVID-19 pandemic, and unspecified additional days, would allow the tenant to defer the tenant's unpaid rent, and would prohibit the owner from serving a notice terminating the tenancy or filing a complaint for unlawful detainer for that unpaid rent or during the state of emergency, unless an exception applies. The agreement would require the tenant to repay the unpaid rent to the state as installments in accordance with a specified repayment schedule during taxable years beginning on or after January 1, 2024, and before January 1, 2034.

**SB 1431 (Glazer)** Property taxation: reassessment: disaster relief.

**Current Text:** Amended: 5/6/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/6/2020

**Status:** 6/18/2020-Held in Senate Appropriations Committee and under submission.

**Summary:** Current property tax law requires, for property to be eligible for reassessment under

specified provisions, that damage or destruction be caused by one of 3 specified occurrences, including a major misfortune or calamity in an area or region subsequently proclaimed by the Governor to be in a state of disaster if the property was damaged or destroyed by the misfortune or calamity that caused the Governor to proclaim the region to be in a state of disaster. Current property tax law generally requires that an application for reassessment be filed within the later of the time specified in the county's ordinance or within 12 months of the misfortune or calamity and be executed under penalty of perjury. This bill would expand these provisions to include damage to or destruction of property due to a misfortune or calamity in an area or region subsequently proclaimed by the Governor to be in a state of emergency if the property was damaged or destroyed by the misfortune or calamity that caused the Governor to proclaim the area to be in a state of emergency.

## Energy Legislation, Regulations, and Issues LAP

**AB 2178** ([Levine](#)) Emergency services.

**Current Text:** Introduced: 2/11/2020

**Introduced:** 2/11/2020

**Status:** 6/23/2020-Referred to Senate Governmental Organization Committee.

**Summary:** Current law defines the terms "state of emergency" and "local emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a deenergization, defined as a planned public safety power shutoff, as specified, within those conditions constituting a state of emergency and a local emergency.

**SB 350** ([Hill](#)) The Golden State Energy Act.

**Current Text:** Amended: 6/11/2020

**Introduced:** 2/19/2019

**Last Amend:** 6/11/2020

**Status:** 6/18/2020-Re-referred Senate Rules Committee pursuant to Senate Rule 29.10(d).

**Summary:** Would authorize the Public Utilities Commission to petition a court to appoint a receiver to assume possession of Pacific Gas and Electric Company's property and to operate its electrical and gas systems if the commission determines in a proceeding that the appointment of a receiver is warranted pursuant to the processes or procedures set forth in a specified commission investigation. The bill would authorize a court to appoint such a receiver and would require the receiver to control and operate Pacific Gas and Electric Company upon such terms and conditions as the court prescribes.

**SB 378** ([Wiener](#)) Electrical corporations: deenergization events

**Current Text:** Amended: 1/21/2020

**Introduced:** 2/20/2019

**Last Amend:** 1/21/2020

**Status:** 6/18/2020-Referred to Assembly Utilities and Energy Committee

**Summary:** Would require each electrical corporation to annually submit a report to the Wildfire Safety Division and, after June 30, 2021, to the Office of Energy Infrastructure Safety, that includes the age, useful life, and condition of the electrical corporation's equipment, inspection dates, and maintenance records for its equipment, investments to maintain and improve the operation of its transmission and distribution facilities, and an assessment of the current and future fire and safety risk posed by the equipment.

**SB 801 (Glazer)** Electrical corporations: wildfire mitigation plans: public safety protocol.

**Current Text:** Amended: 5/20/2020

**Introduced:** 1/7/2020

**Last Amend:** 5/20/2020

**Status:** 6/18/2020-On the Senate Floor

**Summary:** Would require an electrical corporation to deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance if the customer meets those conditions and the additional condition that the customer is located in a high fire threat district. The bill would require an electrical corporation to develop its program to provide backup electrical resources or financial assistance in consultation with community disability rights groups or other local disability rights advocates.

**SB 862 (Dodd)** Planned power outage: public safety.

**Current Text:** Amended: 5/20/2020

**Introduced:** 1/16/2020

**Last Amend:** 5/20/2020

**Status:** 6/18/2020-On the Senate Floor

**Summary:** Current law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a deenergization event, as defined, within a sudden and severe energy shortage constituting a state of emergency and a local emergency.

**SB 884 (Dodd)** Education finance: emergencies: public safety power shutoffs.

**Current Text:** Amended: 6/18/2020

**Introduced:** 1/23/2020

**Last Amend:** 6/18/2020

**Status:** 6/23/2020-Ordered to special consent calendar.

**Summary:** If the average daily attendance of a school district, county office of education, or charter school has been materially decreased during a fiscal year because of a specified emergency, current law requires the Superintendent of Public Instruction to estimate the average daily attendance in a manner that credits to the school district, county office of education, or charter school approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred. This bill would add public safety power shutoffs to the list of emergencies for which the above-described provisions apply.

**SB 952 (Nielsen)** Sales and use taxes: exemption: backup electrical generators

**Current Text:** Amended: 5/29/2020

**Introduced:** 2/10/2020

**Last Amend:** 5/29/2020

**Status:** 6/18/2020-On the Senate Floor

**Summary:** Current state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. This bill, on and after January 1, 2021, and before January 1, 2026, would provide an exemption from those taxes with respect to the sale of, or the storage, use, or consumption of, a backup electrical resource, generator as defined, if that backup electrical generator is purchased for use exclusively in powering a critical facility, as defined, by a city, county, city and county, special district, or other political subdivision during deenergization events, as defined, and the purchaser provides to the seller a written statement with regard to these facts.

**SB 1099 (Dodd)** Emergency backup generators: critical facilities: order for abatement

**Current Text:** Amended: 6/2/2020

**Introduced:** 2/19/2020

**Last Amend:** 6/2/2020

**Status:** 6/9/2020-On the Senate Floor

**Summary:** Would require, either commencing January 1, 2022, or 12 months after the adoption of a specified rule on emergency backup generators, the air pollution control officer to develop stipulations, as specified, and conditions, as specified, for an order for abatement that allows the operator of a critical facility, as defined, to use a permitted emergency backup generator, as defined, in exceedance of that permit's runtime and testing and maintenance limits if specified conditions are met. The bill would require the stipulations to be in effect for not more than 5 years or the length of time agreed upon for the replacement of the emergency backup generator in the conditions.

**SB 1215 (Stern)** Electricity: microgrids.

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/20/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor

**Summary:** Would require the Public Utilities Commission, in consultation with the Office of Emergency Services, to create a database of critical facilities and critical infrastructure, and related critical circuits that are located in tier 2 or tier 3 high fire-threat districts served by electrical corporations, and identify with respect to each whether it serves a low-income and disadvantaged community. The bill would require an electrical corporation, electric service provider, or community choice aggregator, upon request, to collaborate with local governments within its service area to identify critical circuits and microgrid projects.

## Human Resources/Public Sector Employment LAP

**AB 1850 (Gonzalez)** Worker classification: employees and independent contractors.

**Current Text:** Amended: 5/12/2020

**Introduced:** 1/6/2020

**Last Amend:** 5/12/2020

**Status:** 6/11/2020-Passed the Assembly. To the Senate.

**Summary:** Current law exempts specified occupations and business relationships from the application of the ABC test as specified. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. Current exemptions include a bona fide business-to-business contracting relationship, as defined, under the specified conditions. Under current law, the business-to-business exemption does not apply to an individual worker, as opposed to a business entity, who performs labor or services for a contracting business. This bill would delete that individual worker provision.

## Public Safety LAP

**AB 291 (Chu)** Local Emergency Preparedness and Hazard Mitigation Fund.

**Current Text:** Amended: 1/23/2020

**Introduced:** 1/28/2019

**Last Amend:** 1/23/2020

**Status:** 6/23/2020-Referred to Senate Governmental Organization Committee.

**Summary:** Would establish a Local Emergency Preparedness and Hazard Mitigation Fund to, upon appropriation by the Legislature, support staffing, planning, and other emergency mitigation priorities to help local governments meet emergency management, preparedness, readiness, and resilience goals. The bill would require the Office of Emergency Services to establish the Local Emergency Preparedness and Hazard Mitigation Fund Committee under the Standardized Emergency Management System Advisory Board.

**AB 1185 (McCarty)** Officer oversight: sheriff oversight board.

**Current Text:** Introduced: 2/21/2019

**Introduced:** 2/21/2019

**Status:** 6/11/2020-From inactive file. Ordered to second reading.

**Summary:** Would authorize a county to establish a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents. The bill would authorize a sheriff oversight board to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within the jurisdiction of the board. The bill would authorize a county to establish an office of the inspector general to assist the board with its supervisory duties, as provided.

**AB 1196 (Gipson)** Peace officers: use of force.

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/21/2019

**Last Amend:** 6/18/2020

**Status:** 6/18/2020-In Senate Rules Committee

**Summary:** Current law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under current law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. Current law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold.

**AB 2213 (Limón)** Office of Emergency Services: model guidelines.

**Current Text:** Amended: 5/14/2020

**Introduced:** 2/12/2020

**Last Amend:** 5/14/2020

**Status:** 6/11/2020-Passed the Assembly. In Senate.

**Summary:** Would require the Office of Emergency Services, in coordination with California Volunteers, to develop model guidelines for local governments, operational areas, and nonprofit, community-based, faith-based, and private sector organizations active in disasters to identify, type, and track community resources, as defined, that could assist in responding to or recovering from local, tribal, regional, national, or international disasters, as specified. The bill would require the OES to publish and distribute the initial model guidelines by May 1, 2022, and to update and distribute the guidelines annually thereafter.

**AB 3074 (Friedman)** Fire prevention: wildfire risk: defensible space: ember-resistant zones.

**Current Text:** Amended: 5/4/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/4/2020

**Status:** 6/11/2020-Passed the Assembly. In Senate.

**Summary:** Current law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. A violation of these requirements is a crime. This bill would require a person described above to use more intense fuel reductions between 5 and 30 feet around the structure, and to create an ember-resistant zone within 5 feet of the structure, as provided.

**AB 3164 (Friedman)** Fire prevention: wildland-urban interface wildfire risk model: model use guidelines.

**Current Text:** Amended: 5/4/2020

**Introduced:** 2/21/2020

**Last Amend:** 5/4/2020

**Status:** 6/11/2020-Passed the Assembly. In Senate.

**Summary:** Would require the Department of Forestry and Fire Protection, by July 1, 2022, to develop a wildland-urban interface wildfire risk model to determine the risk for a community or parcel within a local responsibility area or state responsibility area and guidelines for the proper use of the model, as provided. The bill would require the department to establish, and consult with, an advisory workgroup, with specified members, to develop the model. The bill would require the department to update the model and guidelines when fire hazard severity zones are revised.

**SB 739 (Stern)** Fire prevention: defensible space and home hardening training.

**Current Text:** Amended: 1/15/2020

**Introduced:** 2/22/2019

**Last Amend:** 1/15/2020

**Status:** 1/27/2020-Passed the Senate. To the Assembly.

**Summary:** Would require the Department of Forestry and Fire Protection to develop and implement a training program to train individuals to support and augment the department in its defensible space and home hardening assessment and education efforts. The bill would require the department to issue a certification of completion to individuals who have successfully completed the training program. The bill would repeal these provisions on January 1, 2025.

**SB 1348 (Stern)** Fire prevention: fire hazard severity zones

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor

**Summary:** Current law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Current law requires a local agency, within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review. This bill would also require the director to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment.

## Regional and Statewide Water Supply and Conservation LAP

**AB 1672 (Bloom)** Solid waste: nonwoven disposable products.

**Current Text:** Amended: 1/23/2020

**Introduced:** 2/22/2019

**Last Amend:** 1/23/2020

**Status:** 6/23/2020-Referred to Senate Environmental Quality Committee

**Summary:** The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would require, commencing January 1, 2021, except as provided, certain nonwoven disposal products to be labeled clearly and conspicuously to communicate that they should not be flushed. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those nonwoven disposal products.

**AB 3005 (Rivas, Robert)** Leroy Anderson Dam and Reservoir: permitting, and public contracting.

**Current Text:** Amended: 6/3/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/3/2020

**Status:** 6/11/2020-Passed the Assembly. In Senate.

**Summary:** Would, if the Department of Fish and Wildlife determines that the Anderson Dam project, as defined, will substantially adversely affect existing fish and wildlife resources and the Santa Clara Valley Water District complete certain actions for the project, require the department within 180 days of receipt of a notification, as defined, from the district to issue a final agreement with the district that includes reasonable measures necessary to protect the affected resource, unless the department and the district agree to an extension.

**Position: Support**

**SB 1386 (Moorlach)** Local government: assessments, fees, and charges: water.

**Current Text:** Amended: 4/1/2020

**Introduced:** 2/21/2020

**Last Amend:** 4/1/2020

**Status:** 6/18/2020-Referred to Assembly Local Government Committee

**Summary:** The Proposition 218 Omnibus Implementation Act prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Current law defines, among other terms, the term "water" for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source. This bill would specify that "water" for purposes of the Proposition 218 Omnibus Implementation Act also includes the public fixtures, appliances, and appurtenances connected to an above-described system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.

## Regional Issues and Collaboration LAP

**SB 98** (Committee on Budget) Education Finance: education omnibus budget trailer bill

**Current Text:** Amended: 6/23/2020

**Introduced:** 1/10/2019

**Last Amend:** 6/23/2020

**Status:** 6/23/2020-Amended. Re-referred to Assembly Budget Committee.

**Summary:** This measure contains numerous provisions to implement the education provisions of the 2020-21 State Budget. Among the provisions, this bill adopts clarifications to County excess ERAF calculation, making calculations prior to 2019 final under certain parameters, requires new penalties beginning in 2019-20, and requires the State Controller to provide guidance.

**Position:** Oppose (sent prior to this measure being in print)

**SB 940** ([Beall](#)) Housing Crisis Act of 2019: City of San Jose.

**Current Text:** Amended: 4/17/2020

**Introduced:** 2/10/2020

**Last Amend:** 4/17/2020

**Status:** 6/22/2020-Passed the Senate. To the Assembly.

**Summary:** The Housing Crisis Act of 2019 does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity. This bill would authorize the City of San Jose to proactively change a zoning ordinance to a more intensive use and use the added capacity to subsequently change a zoning ordinance applicable to an eligible parcel, as defined, to a less intensive use as long as there is no net loss in residential capacity. The bill would require that the change to a zoning ordinance to a less intensive use pursuant to these provisions occur within one year of the change to the zoning ordinance to a more intensive use.

**SB 1049** ([Glazer](#)) Cities and counties: ordinances: short-term rentals.

**Current Text:** Amended: 5/29/2020

**Introduced:** 2/18/2020

**Last Amend:** 5/29/2020

**Status:** 6/22/2020-Passed the Senate. To the Assembly.

**Summary:** Would authorize the legislative body of a city or county, for the violation of a short term rental ordinance that is an infraction, to impose a fine not exceeding \$1,500 for a first violation, \$3,000 for a 2nd violation of the same ordinance within one year, and \$5,000 for each additional violation of the same ordinance within one year of the first violation. The bill would define "short term rental" for purposes of these provisions to mean a residential property that is not a hotel or motel that is rented to a visitor for fewer than 30 consecutive days or less. The bill, with respect to cities, would also make these violations subject to the process for granting a hardship waiver.

**SB 1441** ([McGuire](#)) Local Prepaid Mobile Telephony Services Collection Act.

**Current Text:** Introduced: 2/21/2020

**Introduced:** 2/21/2020

**Status:** 6/18/2020-Referred to Assembly Revenue and Taxation Committee

**Summary:** The local prepaid MTS act requires that these local charges imposed by a city, county, or a city and county on prepaid mobile telephony services be collected from the prepaid consumer by a seller at the same time of the retail sale, as specified. Existing law requires that all local charges be collected and paid to the California Department of Tax and Fee Administration pursuant to the Fee Collection Procedures Law be deposited in the Local Charges for Prepaid Mobile Telephony Services Fund, and be transmitted to the city, county, or city and county. This bill would extend operation of



the local prepaid MTS act indefinitely and would make nonsubstantive changes to eliminate cross-references in the MTS act to the Prepaid Mobile Telephony Service Surcharge Collection Act.

## Regional Transportation Issues LAP

**SB 278 ([Beall](#))** Metropolitan Transportation Commission.

**Current Text:** Amended: 3/28/2019

**Introduced:** 2/13/2019

**Last Amend:** 3/28/2019

**Status:** 6/18/2020-Referred to Assembly Transportation Committee

**Summary:** The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a local area planning agency to provide comprehensive regional transportation planning for the region comprised of the 9 San Francisco Bay area counties. The act requires the commission to continue to actively, on behalf of the entire region, seek to assist in the development of adequate funding sources to develop, construct, and support transportation projects that it determines are essential. This bill would also require the commission to determine that those transportation projects are a priority for the region. It should also be noted, this bill was originally intended to be the legislative vehicle for any necessary changes needed to advance the FASTER Bay Area proposal; however, that measure is no longer being pursued in the current legislative session.

## Sustainable and Environmental Legislation, Regulations, and Issues LAP

**AB 3256 ([Garcia, Eduardo](#))** Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

**Current Text:** Amended: 6/4/2020

**Introduced:** 2/21/2020

**Last Amend:** 6/4/2020

**Status:** 6/8/2020-Re-referred to Assembly Rules Committee

**Summary:** Would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.

**SB 45 ([Allen](#))** Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

**Current Text:** Amended: 1/23/2020

**Introduced:** 12/3/2018

**Last Amend:** 1/23/2020

**Status:** 1/30/2020-Passed the Senate. In Assembly.

**Summary:** Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

**SB 54 (Allen)** Solid waste: packaging and products.

**Current Text:** Amended: 9/10/2019

**Introduced:** 12/11/2018

**Last Amend:** 9/10/2019

**Status:** 1/23/2020-Ordered to Assembly inactive file.

**Summary:** Would enact the California Circular Economy and Pollution Reduction Act, which would impose a comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging, as defined, and priority single-use products to be administered by the Department of Resources Recycling and Recovery. As part of that regulatory scheme, the bill would require the department, before January 1, 2024, to adopt regulations that require producers, as defined, (1) to source reduce, to the maximum extent feasible, single-use packaging and priority single-use products, and (2) to ensure that all single-use packaging and priority single-use products that are manufactured on or after January 1, 2030, and that are offered for sale, sold, distributed, or imported in or into California are recyclable or compostable.

**SB 1044 (Allen)** Firefighting equipment and foam: PFAS chemicals.

**Current Text:** Amended: 6/18/2020

**Introduced:** 2/18/2020

**Last Amend:** 6/18/2020

**Status:** 6/22/2020-On the Senate Floor.

**Summary:** Would, commencing January 1, 2022, would require any person, as defined, including a manufacturer that sells firefighter personal protective equipment to any person to provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains perfluoroalkyl and polyfluoroalkyl substances (PFAS), and would provide that a violation of this requirement is punishable by a specified civil penalty. The bill would require the seller and the purchaser to retain the notice on file for at least 3 years and to furnish the notice and associated sales documentation to the State Fire Marshal within 60 days upon request, as provided. The bill would authorize the State Fire Marshal to request from a manufacturer, and the bill would require the manufacturer to provide, a certificate of compliance that certifies that the manufacturer is in compliance with these provisions.

**SB 1085 (Moorlach)** Emergency backup generators: emergency variance: operation during deenergization events.

**Current Text:** Amended: 5/26/2020

**Introduced:** 2/20/2020

**Last Amend:** 5/26/2020

**Status:** 6/22/2020-Passed the Senate. To the Assembly.

**Summary:** Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources. Current law establishes one or more hearing boards with a specified membership in each air district for the purposes of performing specified functions, including, among others, issuing specified emergency variances without notice or a hearing. This bill would require a facility permittee applying for an emergency variance with an air district hearing board to demonstrate that the permitted emergency backup generator is using the cleanest, feasible, available backup power source sufficient to meet the facility's electrical service demand during a deenergization event.

## Wireless Telecommunications Facilities and Cable Services LAP

**AB 2421** ([Quirk](#)) Land use: permitting: wireless communications: emergency standby generators.

**Current Text:** Amended: 6/4/2020

**Introduced:** 2/19/2020

**Last Amend:** 6/4/2020

**Status:** 6/11/2020-Passed the Assembly. In Senate.

**Summary:** Would, until January 1, 2024, require local agencies to make the installation of an emergency standby generator within the physical footprint of a macro cell tower site that meets specified requirements a permitted use subject only to local agency administrative review. The bill would specify procedures for the processing of permit applications by a local agency and would authorize a local agency to impose a fee to cover costs associated with administering the bill's provisions.