

MEMO

To: City of Santa Clara

From: Townsend Public Affairs, Inc.

Date: November 11, 2021

Subject: Legislative Update

Summary

This document is meant to provide a summary of legislation that was monitored on behalf of the City of Santa Clara during the 2021 Legislative Session. 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.

COVID-19 Legislation LAP

AB 61 **(Gabriel D) Business pandemic relief.**

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 651, Statutes of 2021.

Summary: Would authorize the Department of Alcoholic Beverage Control, for a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, to permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Permit approved in accordance with the Fourth Notice of Regulatory Relief issued by the department. The bill would also authorize the department to extend the period of time during which the COVID-19 permit is valid beyond 365 days if the licensee has filed a pending application with the department for the permanent expansion of their premises before the 365-day time period expires. The bill would make these provisions effective only until July 1, 2024 and repeal them as of that date.

AB 339 **(Lee D) Local government: open and public meetings.**

Status: 10/7/2021-Vetoed by the Governor

Summary: The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive

the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 165, Statutes of 2021.

Summary: Would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees.

AB 845 (Rodriguez D) Disability retirement: COVID-19: presumption.

Status: 7/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 122, Statutes of 2021.

Summary: Current law prescribes various requirements for the organization and administration of public retirement systems, which typically provide pension, disability, and death benefits to their members. Current law provides that participants in certain membership categories may be entitled to special benefits if death or disability arises in the course of employment. The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system to modify its plan or plans to comply with that act and establishes limits on defined benefit formulas and caps on pensionable compensation. This bill, until January 1, 2023, would create a presumption, applicable to the retirement systems that PEPRA regulates and to specified members in those systems, that would be applied to disability retirements on the basis, in whole or in part, of a COVID-19-related illness. In this circumstance, the bill would require that it be presumed the disability arose out of, or in the course of, the member's employment. The bill would authorize the presumption to be rebutted by evidence to the contrary, but unless controverted, the applicable governing board of a public retirement system would be required to find in accordance with the presumption.

SB 49 (Umberg D) Income taxes: credits: California Fair Fees Tax Credit.

Status: 2-Year Bill

Summary: The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2021, and before January 1, 2026, to a taxpayer that meets certain criteria, including that the taxpayer temporarily ceased business operations for at least 30 consecutive days during the taxable year in response to an emergency order. The amount of credit would vary based on the number of consecutive days the qualified taxpayer has ceased business operations during the taxable year, with a maximum amount of \$6,000 if the qualified taxpayer has temporarily ceased business operations for at least 180 consecutive days.

- SB 64** **(Leyva D) Mobilehome parks: emergency relief: coronavirus (COVID-19).**
Status: 2-Year Bill
Summary: Would prohibit the management from terminating or attempting to terminate the tenancy of a homeowner or resident who is impacted by the coronavirus (COVID-19) pandemic on the grounds of failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement during a declared state of emergency or local emergency related to the coronavirus (COVID-19) pandemic, and during a 120-day time period after the state of emergency or local emergency is terminated. The bill would also require that any complaint for unlawful detainer against a homeowner or resident who is impacted by the coronavirus (COVID-19) pandemic clearly state on the first page of the complaint that it is subject to additional protections.
- SB 93** **(Committee on Budget and Fiscal Review) Employment: rehiring and retention: displaced workers: COVID-19 pandemic.**
Status: 4/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 16, Statutes of 2021.
Summary: Would, until December 31, 2024, require an employer, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. The bill would define the term “laid-off employee” to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation from active service was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the COVID-19 pandemic. The bill would require an employer to keep records for 3 years, including records of communications regarding the offers.
- SB 314** **(Wiener D) Alcoholic beverages.**
Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 656, Statutes of 2021.
Summary: Current law authorizes the issuance of a caterer’s permit, upon application to the Department of Alcoholic Beverage Control, to a licensee under an on-sale general license, an on-sale beer and wine license, a club license, or a veterans’ club license, that authorizes the holder of the permit to sell alcoholic beverages at specified locations and events, including, among others, conventions, sporting events, and trade exhibits. The department, pursuant to its powers and in furtherance of emergency declarations and orders of the Governor under the California Emergency Services Act regarding the spread of the COVID-19 virus, has prescribed temporary relief measures to suspend certain legal restrictions relating to, among other things, the expansion of a licensed footprint, sales of alcoholic beverages to-go, and delivery privileges. This bill would prohibit the authorization of a catering permit for use at any one premises for more than 36 events in one calendar year.
- SB 336** **(Ochoa Bogh R) Public health: COVID-19.**
Status: 10/4/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 487, Statutes of 2021.
Summary: Would require, when the State Department of Public Health issues a statewide order or mandatory guidance, or when a local health officer issues an order, related to preventing the spread of COVID-19, as defined, or protecting public health

against a threat of COVID-19, that they publish on their internet website the order or guidance and the date that the order or guidance takes effect. The bill would also require the department or local health officer to create an opportunity for local communities, businesses, nonprofit organizations, individuals, and others to sign up for an email distribution list relative to changes to the order or guidance.

Energy Legislation, Regulations, and Issues LAP

AB 418 (Valladares R) Emergency services: grant program.

Status: 10/4/2021-Vetoed by Governor.

Summary: Would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments' efforts to improve resiliency in response to power outage events. The bill would require the office to allocate funds, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require certain entities, in order to be eligible for funding, to either describe the portion of their emergency plan that includes power outages or confirm that power outages will be included when the entity revises any portion of their emergency plan.

AB 1403 (Levine D) Emergency services.

Status: 10/5/2021-Vetoed by Governor.

Summary: The California Emergency Services Act authorizes the Governor to proclaim a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist and authorizes the Governor to exercise certain powers in response to that emergency. Current law defines the term "state of 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," defined as a planned power outage, within those conditions constituting a state of emergency.

SB 52 (Dodd D) State of emergency: local emergency: planned power outage.

Status: 10/6/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 597, Statutes of 2021.

Summary: Would define a 'deenergization event' as a planned power outage and would make a deenergization event one of those conditions constituting a local emergency, with prescribed limitations.

SB 99 (Dodd D) Community Energy Resilience Act of 2021.

Status: 2-year Bill

Summary: Current law establishes within the Natural Resources Agency the State Energy Resources Conservation and Development Commission. Current law assigns the commission various duties, including applying for and accepting grants, contributions, and appropriations, and awarding grants consistent with the goals and objectives of a program or activity the commission is authorized to implement or administer. This bill, the Community Energy Resilience Act of 2021, would require the commission to develop and implement a grant program for local governments to develop community energy resilience plans and expedite permit review of distributed energy resources by local governments.

SB 533

(Stern D) Electrical corporations: wildfire mitigation plans: deenergization events.

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 244, Statutes of 2021.

Summary: Would require that an electrical corporation's wildfire mitigation plan identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken, or planned to be taken, by the electrical corporation to reduce the need for, and impact of, future deenergization of those circuits, including the estimated annual decline in circuit deenergization and deenergization impact on customers, and replacing, hardening, or undergrounding any portion of the circuit or of upstream transmission or distribution lines.

Housing LAP

AB 68

(Quirk-Silva D) Department of Housing and Community Development: California Statewide Housing Plan: annual reports.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 341, Statutes of 2021.

Summary: Current law establishes the California Statewide Housing Plan, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as well as specified segments. Current law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years. This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. The bill would require the department to publish and make the plan available to the public on the department's internet website.

AB 71

(Rivas, Luz D) Homelessness funding: Bring California Home Act.

Status: 2-Year bill

Summary: The Personal Income Tax Law, in conformity with federal income tax law, generally defines gross income as income from whatever source derived and provides various exclusions from gross income. Current federal law, for purposes of determining a taxpayer's gross income for federal income taxation, requires that a person who is a United States shareholder of any controlled foreign corporation to include in their gross income the global intangible low-taxed income for that taxable year. This bill, for taxable years beginning on or after January 1, 2022, would include a taxpayer's global intangible low-taxed income in their gross income for purposes of the Personal Income Tax Law, in modified conformity with the above-described federal provisions.

AB 215

(Chiu D) Planning and Zoning Law: housing element: violations.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 342, Statutes of 2021.

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires a planning agency, before adopting its housing element or amendment to its housing element, to submit a draft element or draft amendment to the Department of Housing and Community Development. This bill would require a local government to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to the department. The bill would require a local government to post any subsequent draft revision on its internet website and to email a link to the draft revision to individuals and organizations that have requested notices relating to the local government's housing element.

AB 345 (Quirk-Silva D) Accessory dwelling units: separate conveyance.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 343, Statutes of 2021.

Summary: The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence. Current law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met.

AB 491 (Ward D) Housing: affordable and market rate units.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 345, Statutes of 2021.

Summary: Would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor.

AB 571 (Mayes I) Planning and zoning: density bonuses: affordable housing.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 346, Statutes of 2021.

Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. 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. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units.

AB 602

(Grayson D) Development fees: impact fee nexus study.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 347, Statutes of 2021.

Summary: Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, including its current schedule of fees and exactions. This bill would require, on and after January 1, 2022, a city, county, or special district that conducts an impact fee nexus study to follow specific standards and practices, including, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

AB 721

(Bloom D) Covenants and restrictions: affordable housing.

Location: 9/28/2021- Approved by the Governor. Chaptered by Secretary of State - Chapter 349, Statutes of 2021.

Summary: Would make any recorded covenants, conditions, restrictions, or limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families who may reside on the property, unenforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided, unless a specified exception applies.

AB 787

(Gabriel D) Planning and zoning: housing element: converted affordable housing units.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 350, Statutes of 2021.

Summary: Current law requires the planning agency of a city or county to provide an annual report that includes specified information by April 1 of each year to specified entities, including the Department of Housing and Community Development. Existing law requires that this report include the progress in meeting the city's or county's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing. This bill would authorize a planning agency to include in its annual report, for up to 25% of a jurisdiction's moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit.

AB 816

(Chiu D) Homelessness: Housing Trust Fund: housing projects.

Status: 9/29/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 396, Statutes of 2021.

Summary: Current federal law requires the Secretary of the United States Department of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low income families, including homeless families, and home ownership for extremely low and very low income families. Current law requires the department to collaborate with the California Housing Finance Agency to develop an allocation plan to demonstrate how the funds will be distributed, based on the priority housing needs identified in the state's consolidated plan, and to convene a stakeholder process to inform the development of the plan. Current law requires the allocation plan and program guidelines to prioritize projects based on enumerated factors such as the extent to which project rents are affordable. The department is required to submit this plan to the Assembly Committee on Housing and Community Development and the Senate Transportation and Housing Committees 30 days after receipt of the federal funds. This bill would require the department to prioritize funding for projects that serve people experiencing homelessness, to the extent that a sufficient number of projects exist.

AB 838 (Friedman D) State Housing Law: enforcement response to complaints.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 351, Statutes of 2021.

Summary: Would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard. The bill would require the city or county to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

AB 950 (Ward D) Department of Transportation: sales of excess real property: affordable housing, emergency shelters, and feeding programs.

Status: 2-year Bill

Summary: Would authorize the Department of Transportation to sell its excess real property to the city, county, or city and county where the real property is located if the city, county, or city and county agrees to use the real property for the sole purpose of implementing affordable housing, emergency shelters, or feeding programs. The bill would exempt these sales from the California Environmental Quality Act, except the department would be required to file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the real property is located.

AB 977 (Gabriel D) Homelessness program data reporting: Homeless Management Information System.

Status: 9/29/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 397, Statutes of 2021.

Summary: Would require, on or before January 1, 2023, that a grantee or entity operating specified state homelessness programs, including the No Place Like Home Program, as a condition of receiving state funds, to enter the collected data elements on the individuals and families it serves into its local Homeless Management

Information System, unless otherwise exempted by state or federal law. The bill would require the Homeless Coordinating and Financing Council to specify the format and disclosure frequency of the required data elements. The bill would apply the data entry requirements to all new state homelessness programs that commence on or after July 1, 2021. The bill would require the Homeless Coordinating and Financing Council to provide technical assistance to any grantee or entity that operates a program subject to the bill, if the grantee or entity does not already collect and enter into the local Homeless Management Information System the data elements required.

AB 989 **(Gabriel D) Housing Accountability Act: appeals: Office of Housing Appeals.**

Status: 2-year Bill

Summary: The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.

AB 1017 **(Quirk-Silva D) Public restrooms: Right to Restrooms Act of 2021.**

Status: 2-year Bill

Summary: Would require each local government to complete an inventory of public restrooms owned and maintained by the local government, either directly or by contract, that are available to the general population in its jurisdiction. The bill would require local governments to report their findings to the State Department of Public Health, which would be required to compile the information in a report to the Legislature. The bill would require each local government to make its inventory available to agencies and service providers that work directly with homeless populations within the local government's jurisdiction and to make restroom location data available on its internet website.

AB 1029 **(Mullin D) Housing elements: prohousing local policies.**

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 353, Statutes of 2021.

Summary: Would add the preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units to the list of specified prohousing local policies.

AB 1304 **(Santiago D) Affirmatively further fair housing: housing element: inventory of land.**

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 357, Statutes of 2021.

Summary: Current law requires a public agency, as defined, to administer its

programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. This bill would clarify that a local agency has a mandatory duty to comply with the obligation described above. The bill would specify that this provision is a clarification of current law and not to be deemed a change in previous law.

SB 5 (Atkins D) Affordable Housing Bond Act of 2022.

Status: 2-year Bill

Summary: Would enact the Affordable Housing Bond Act of 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.

SB 7 (Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.

Status: 5/20/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 19, Statutes of 2021.

Summary: Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.

SB 8 (Skinner D) Housing Crisis Act of 2019.

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 161, Statutes of 2021.

Summary: Would clarify, for various purposes of the Housing Crisis Act of 2019, that "housing development project" includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law, except that the clarification does not affect a project for which an application was submitted to the city, county, or city and county before January 1, 2022.

SB 9 (Atkins D) Housing development: approvals.

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 162, Statutes of 2021.

Summary: The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill would require a proposed housing development containing no more than 2

residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, that the proposed housing development would not require demolition or alteration of housing 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, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

City Position: Oppose

SB 10

(Wiener D) Planning and zoning: housing development: density.

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 163, Statutes of 2021.

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

SB 290

(Skinner D) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 340, Statutes of 2021.

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. 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. The bill would require a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower income students.

SB 477

(Wiener D) General plan: annual report.

Status: 10/5/2021-Vetoed by the Governor.

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes a housing element. That 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 the number of applications submitted, the

location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

SB 478

(Wiener D) Planning and Zoning Law: housing development projects.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 363, Statutes of 2021.

Summary: The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

SB 649

(Cortese D) Local governments: affordable housing: local tenant preference.

Status: 2-year Bill

Summary: Would establish a state policy supporting local tenant preferences for lower income households, , that are subject to displacement risk, and, further, permit local governments and developers in receipt of local or state funds, federal or state tax credits, or an allocation of tax-exempt private activity bonds designated for affordable rental housing to restrict occupancy by creating a local housing preference for lower income households subject to displacement risk. The bill, subject to certain requirements and limitations, would authorize a local government to allow a local tenant preference in an affordable housing rental development to reduce displacement of lower income households with displacement risk beyond local government boundaries by adopting a program that allows preferences in affordable rental housing acquired, constructed, preserved or funded with state or local funds or tax programs.

SCA 2

(Allen D) Public housing projects.

Status: 2-year bill

Summary: The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, , in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election. This measure would repeal these provisions.

Human Resources and Public Sector Employment LAP

AB 123 (**Gonzalez, Lorena D**) **Paid family leave: weekly benefit amount.**

Status: 9/28/2021-Vetoed by Governor.

Summary: Current law establishes, within the Unemployment Compensation Disability Fund program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits for up to 8 weeks to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement. Current law defines “weekly benefit amount” for purposes of both employee contributions and benefits under this program to mean the amount of weekly benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law, calculated pursuant to specified formulas partly based on the applicable percentage of the wages paid to an individual for employment by employers during the quarter of the individual’s disability base period in which these wages were highest, but not to exceed the maximum workers’ compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations. This bill would revise the formulas described above for periods of disability commencing after January 1, 2023, but before January 1, 2025, by redefining the weekly benefit amount to be equal to 65% or 75% of the wages paid to an individual for employment by employers during the quarter of the individual’s disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers’ compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations, depending on the amount of wages paid to the individual for employment by employers during the quarter of the individual’s disability base period in which these wages were highest.

SB 278 (**Leyva D**) **Public Employees’ Retirement System: disallowed compensation: benefit adjustments.**

Status: 9/27/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 331, Statutes of 2021.

Summary: The California Public Employees’ Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system to modify its plan or plans to comply with the act. PEPRA establishes new defined benefit formulas and caps on pensionable compensation. This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation.

SB 452 (**Gonzalez D**) **State government: Immigrant and Refugee Affairs Agency: Office of Immigrant and Refugee Affairs.**

Status: 2-year Bill

Summary: Current law designates 8 agencies in state government and requires the secretary of an agency to be generally responsible for the sound fiscal management of each department, office, or other unit within the agency. Current law further requires

the secretary of an agency to continually seek to improve the organization structure, the operating policies, and the management information systems of each department, office, or other unit. This bill would, until January 1, 2029, establish the Immigrant and Refugee Affairs Agency as an agency within state government, to be headed by a secretary who is appointed by the Governor and subject to Senate confirmation. The bill would specify that the purpose of the agency is to reduce obstacles and enhance immigrant integration into the social, cultural, economic, and civic life of the state.

Local Authority Over Wireless Telecommunications Facilities and Cable Services LAP

AB 14 (Aquiar-Curry D) Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges.

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 658, Statutes of 2021.

Summary: Under current law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Current law requires the commission to develop, implement, and administer the California Advanced Services Fund (CASF) to encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies. Current law authorizes the commission to impose a surcharge to collect \$330,000,000 for deposit into the CASF beginning January 1, 2018 and continuing through the 2022 calendar year. Current law specifies the amount of surcharge revenues to be deposited into each account within the CASF, subject to appropriation by the Legislature. This bill would authorize the commission to impose the surcharge to fund the CASF until December 31, 2032.

AB 34 (Muratsuchi D) Broadband for All Act of 2022.

Status: 2-Year Bill

Summary: Would enact the Broadband for All Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law to support the 2022 Broadband for All Program that would be administered by the department for purposes of providing financial assistance for projects to deploy broadband infrastructure and broadband internet access services.

AB 41 (Wood D) Broadband infrastructure deployment.

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 659, Statutes of 2021.

Summary: Current law vests the Department of Transportation with full possession and control of state highways and associated property. Current law requires the department to notify companies and organizations working on broadband deployment on its internet website of specified department-led highway construction projects and authorizes those companies and organizations to collaborate with the department to install broadband conduits as part of those projects. This bill would require the department, as part of those projects that are funded by a specified item of the Budget Act of 2021 and are located in priority areas, to ensure that construction includes the installation of conduits capable of supporting optic communication cables.

SB 4

(Gonzalez D) Communications: California Advanced Services Fund.

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 671, Statutes of 2021.

Summary: Would require the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

SB 378

(Gonzalez D) Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance.

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 677, Statutes of 2021.

Summary: Would require a local agency to allow, except as provided, microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber. The bill would also require a local agency with jurisdiction to approve excavations to adopt or amend existing policies, ordinances, codes, or construction rules to allow for microtrenching. The bill would provide that these provisions do not supersede, nullify, or otherwise alter the requirements to comply with specified safety standards. The bill would authorize a local agency to impose a fee for its reasonable costs on an application for a permit to install fiber. By imposing new duties on local agencies with regard to the installation of fiber, the bill would impose a state-mandated local program.

SB 556

(Dodd D) Street light poles, traffic signal poles: small wireless facilities attachments.

Status: 10/4/2021-Vetoed by Governor.

Summary: Would prohibit a local government or local publicly owned electric utility from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities on those poles. The bill would require that street light poles and traffic signal poles be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees. The bill would authorize a local government or local publicly owned electric utility to condition access to its street light poles or traffic signal poles on reasonable terms and conditions, including reasonable aesthetic and safety standards.

Public Safety LAP

AB 26

(Holden D) Peace officers: use of force.

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 403, Statutes of 2021.

Summary: Current law requires each law enforcement agency, on or before January 1, 2021, to maintain a policy that provides a minimum standard on the use of force. Current law requires that policy to require that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be unnecessary, and to require that officers intercede when present and observing another officer using force that is clearly beyond that which is necessary. This bill would require those law enforcement policies to require those officers to immediately report potential excessive force.

AB 48

(Gonzalez, Lorena D) Law enforcement: use of force.

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 404, Statutes of 2021.

Summary: Would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

AB 89

(Jones-Sawyer D) Peace officers: minimum qualifications.

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 405, Statutes of 2021.

Summary: Current law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Current law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023.

AB 603

(McCarty D) Law enforcement settlements and judgments: reporting.

Status: 10/8/2021-Vetoed by Governor.

Summary: Would require municipalities to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, and information on bonds used to finance use of force settlement and judgment payments. The bill would require the Transportation Agency to annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol.

AB 718

(Cunningham R) Peace officers: investigations of misconduct.

Status: 2-Year Bill

Summary: Would require a law enforcement agency or oversight agency to complete its investigation into an allegation of the use of force resulting in death or great bodily injury, sexual assault, discharge of a firearm, or dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer or custodial officer, despite the peace officer's or custodial officer's voluntary separation from the employing agency. The bill would require the investigation to result in a finding that the allegation is either sustained, not sustained, unfounded, or exonerated. The bill would also require an agency other than an officer's employing agency that conducts an investigation of these allegations to disclose its findings with

the employing agency no later than the conclusion of the investigation.

SB 2

(Bradford D) Peace officers: certification: civil rights.

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 409, Statutes of 2021.

Summary: Under current law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Current law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000. Current law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. This bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.

SB 16

(Skinner D) Peace officers: release of records.

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 402, Statutes of 2021.

Summary: Current law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Current law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Current law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act, subject to redaction. This bill would make a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force, subject to disclosure.

SB 109

(Dodd D) Department of Forestry and Fire Protection: Office of Wildfire Technology Research and Development.

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 239, Statutes of 2021.

Summary: Current law requires the Office of Emergency Services and the Department of Forestry and Fire Protection to jointly establish and lead the Wildfire Forecast and Threat Intelligence Integration Center, and sets forth the functions and duties of the center, including serving as the state's integrated central organizing hub for wildfire forecasting. This bill would, until January 1, 2029, also establish the Office of Wildfire Technology Research and Development within the Department of Forestry and Fire Protection under the direct control of the Director of the department. The bill would make the office responsible for studying, testing, and advising regarding procurement of emerging technologies and tools in order to more

effectively prevent and suppress wildfires throughout the state, through specified activities, as provided.

Regional and Statewide Water Supply and Conservation LAP

- AB 100** (**Holden D**) **Drinking water: endpoint devices: lead content.**
Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 692, Statutes of 2021.
Summary: The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. Current law defines “lead free” for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would, commencing January 1, 2023, prohibit a person from manufacturing, and offering for sale in the state, an endpoint device that does not meet a certain lead leaching standard. The bill would, commencing July 1, 2023, prohibit a person from introducing into commerce or offering for sale in the state an endpoint device that does not meet that lead leaching standard.
- AB 271** (**Rivas, Robert D**) **Santa Clara Valley Water District: contracts: best value procurement.**
Status: 7/9/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 48, Statutes of 2021.
Summary: Current law authorizes certain local entities to select a bidder for a contract on the basis of “best value.” Existing law governs various types of contract procedures applicable to the Santa Clara Valley Water District and prescribes competitive bidding procedures for any improvement or unit of work over \$50,000. This bill would authorize the district, upon approval by the board of directors of the district, to award contracts on a best value basis for any work of the Anderson Dam project, defined to include prescribed activities and works of construction with regard to the Leroy Anderson Dam and Reservoir and certain fish and aquatic habitat measures described in a federal-state settlement agreement.
- SB 222** (**Dodd D**) **Water Rate Assistance Program.**
Status: 2-Year Bill
Summary: Would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill.
- SB 273** (**Hertzberg D**) **Water quality: municipal wastewater agencies.**
Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 241, Statutes of 2021.
Summary: Would authorize a municipal wastewater agency to enter into agreements

with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, , to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SB 323 (Caballero D) Local government: water or sewer service: legal actions.

Status: 9/23/2021- Approved by the Governor. Chaptered by Secretary of State. Chapter 216, Statutes of 2021.

Summary: Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Existing law provides that a local agency levying a new water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. This bill would require any judicial action or proceeding to attack, review, set aside, void, validate, or annul an ordinance, resolution, or motion adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, to be commenced within 120 days of the effective date or the date of final passage, adoption, or approval of the ordinance, resolution, or motion, whichever is later.

Regional Issues and Collaboration LAP

SB 60 (Glazer D) Residential short-term rental ordinances: health or safety infractions: maximum fines.

Status: 9/24/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 307, Statutes of 2021.

Summary: Current law sets specific monetary limits on the fines that may be imposed by city or county authorities for any violation of local building and safety codes that is an infraction, as prescribed. Current law requires a city or county levying fines pursuant to these provisions to establish a process for granting a hardship waiver in certain cases. This bill would, notwithstanding those provisions and with certain exceptions, raise the maximum fines for violation of an ordinance relating to a residential short-term rental, as defined, that is an infraction and poses a threat to health or safety, to \$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 make these violations subject to the process for granting a hardship waiver.

SB 389 **(Dodd D) Alcoholic beverages: retail on-sale license: off-sale privileges.**
Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 657, Statutes of 2021.
Summary: The Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. Current law authorizes a person holding an on-sale general license, with respect to beer and wine, and any on-sale license, with respect to the particular beverage or beverages mentioned in the license, to exercise the rights and privileges granted by an off-sale beer and wine license. This bill would, until December 31, 2026, authorize the holder of an on-sale license for a bona fide public eating place that has off-sale privileges, or a licensed beer manufacturer, licensed wine manufacturer, or licensed craft distiller that operates a bona fide public eating place at its premises of production, to exercise additional off-sale rights and privileges, subject to specified requirements.

Regional Transportation Issues LAP

AB 43 **(Friedman D) Traffic safety.**
Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 690, Statutes of 2021.
Summary: Current law establishes various default speed limits for vehicles upon highways. Current law authorizes state and local authorities to adjust these default speed limits based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. Current law authorizes local authorities to consider additional factors, including pedestrian and bicyclist safety. This bill would authorize local authorities to consider the safety of vulnerable pedestrian groups.

AB 773 **(Nazarian D) Street closures and designations.**
Status: 10/6/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 587, Statutes of 2021.
Summary: Would authorize a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. The bill would require the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

AB 970 **(McCarty D) Planning and zoning: electric vehicle charging stations: permit application: approval.**
Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State -

Chapter 710, Statutes of 2021.

Summary: Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill would clarify that these provisions apply to all cities, including charter cities.

AB 1401 (Friedman D) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

Status: 2-Year Bill

Summary: Would prohibit a public agency in a county with a population of 600,000 or more from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within 1/2 mile of public transit. The bill would prohibit a public agency in a city with of 75,000 or more located in a county with a population of less than 600,000 from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the project is located within 1/4 mile of public transit. The bill would create authorizations in this regard for a city or a county to which these prohibitions do not apply.

Sustainability and Environmental Legislation, Regulations, and Issues LAP

AB 332 (Committee on Environmental Safety and Toxic Materials) Hazardous waste: treated wood waste: management standards.

Status: 8/31/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 147, Statutes of 2021.

Summary: Current law, as part of the hazardous waste control laws, requires the Department of Toxic Substances Control to regulate the management and handling of hazardous waste. Under current law, certain wood waste that is exempt from regulation under the federal Resource Conservation and Recovery Act of 1976 is exempt from the hazardous waste control laws, if the wood waste is disposed of in a municipal landfill that meets certain requirements imposed pursuant to the Porter-Cologne Water Quality Control Act for the classification of disposal sites, and the landfill meets other specified requirements. A violation of the state's hazardous waste control laws, including a regulation adopted pursuant to those laws, is a crime. This bill would require a person managing treated wood waste to comply with the hazardous waste control laws or the management standards established in the bill, including standards for the reuse, storage, treatment, transportation, tracking, identification, and disposal of treated wood waste.

City Position: Support

AB 478 (Ting D) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic: commingled rates.

Status: 2-Year Bill

Summary: Would, on and after January 1, 2024, would require the total thermoform

plastic containers sold by a producer, or purchased in a certain quantity, in the state to contain, on average, specified amounts of postconsumer thermoform recycled plastic, per year pursuant to a tiered plan that would require the total thermoform plastic containers to contain, on average, and depending on the recycling rate, no less than 20% or 30% postconsumer recycled plastic per year on and after June 1, 2030. The bill would exclude a person or company that produces, harvests, and packages an agricultural commodity on the site where the commodity is grown or raised from this requirement.

AB 480 **(Carrillo D) Hazardous materials.**

Status: 10/9/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 743, Statutes of 2021.

Summary: Current law requires a business that handles a hazardous material (handler), or an employee, authorized representative, agent, or designee of the handler, to, upon discovery, immediately report any release or threatened release of a hazardous material, or an actual release of a hazardous substance to the UPA and the Office of Emergency Services. Current law requires the office to adopt regulations implementing this requirement on or before January 1, 2022. This bill would revise that reporting requirement to require, for regulated facilities, a handler, or an employee, authorized representative, agent, or designee of the handler, to report a release or threatened release of a hazardous material, hazardous waste, or hazardous substance to the UPA and the office immediately upon discovery of the release or threatened release. The bill would require, for unregulated facilities, that reporting to be made upon the discovery of an actual release that results in an emergency response.

City Position: Support

AB 585 **(Rivas, Luz D) Climate change: Extreme Heat and Community Resilience Program.**

Status: 2-Year Bill

Summary: Would establish the Extreme Heat and Community Resilience Program for the purpose of coordinating state efforts and supporting local and regional efforts to mitigate the impacts of, and reduce the public health risks of, extreme heat and the urban heat island effect, and would require the Office of Planning and Research to administer the program through the Integrated Climate Adaptation and Resiliency Program.

AB 818 **(Bloom D) Solid waste: premoistened nonwoven disposable wipes.**

Status: 10/6/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 590, Statutes of 2021.

Summary: Would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase "Do Not Flush" and a related symbol. The bill would prohibit a covered entity, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.

AB 1276 (Carrillo D) Single-use foodware accessories and standard condiments.

Status: 10/5/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 505, Statutes of 2021.

Summary: Would prohibit a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, as provided. The bill would prohibit those items from being bundled or packaged in a way that prohibits the consumer from taking only the item desired. The bill would authorize a food facility to ask a drive-through consumer, or a food facility located within a public airport to ask a walk-through consumer, if the consumer wants a single-use foodware accessory in specified circumstances. The bill would require a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and only provide those items when requested, as provided. The bill would exclude from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

SB 1 (Atkins D) Coastal resources: sea level rise.

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 236, Statutes of 2021.

Summary: The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.

SB 83 (Allen D) Sea Level Rise Revolving Loan Program.

Status: 10/7/2021-Vetoed by the Governor.

Summary: Current law establishes in state government the Ocean Protection Council. Current law requires the council to establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas. This bill would require the council, in consultation with the conservancy, to develop the Sea Level Rise Revolving Loan Program for purposes of providing low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property.

SB 619 (Laird D) Organic waste: reduction regulations: local jurisdiction compliance.

Status: 10/5/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 508, Statutes of 2021.

Summary: Current law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve a reduction in the statewide emissions of methane by 40%. Current law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Current law requires the Department

of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. This bill would authorize a local jurisdiction facing continuing violations that commence during the 2022 calendar year of those regulations to submit to the department no later than March 1, 2022, a notification of intent to comply.