



OPR Legislative Summary 2019



**2019
Legislative
Bill
Summary**

INTRODUCTION

This publication is a compilation of bills pertaining to local and regional governance that the Governor signed in 2019. This publication is intended to be comprehensive, but it is not exhaustive of all bills that may be relevant to local and regional government.

In general, chaptered legislation will go into effect on January 1, 2020. Bills that contain an urgency clause took effect immediately upon the Governor's signature.

The Governor's Office of Planning and Research staff remains at your disposal to answer any question regarding the content of this publication.

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California Environmental Quality Act (CEQA)

AB 29 (Holden) State Highway Route 710 / SB 7 (Portantino) Surplus nonresidential property and State Highway Route 710

Deems infeasible Alternatives F-5, F-6, and F-7 in the December 2012 Alternatives Analysis Report developed by the Los Angeles Metropolitan Transportation Authority, in addition to any other freeway or tunnel alternatives to the Interstate 710 North Gap Closure Project.

AB 143 (Quirk-Silva) Shelter crisis: homeless shelters: Counties of Alameda and Orange: City of San Jose

Extends the sunset date from 2021 to 2023 for an existing exemption under the California Environmental Quality Act (CEQA) that applies to the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco during a declared shelter crisis. The bill additionally extends the exemption to the Counties of Alameda and Orange, any city located within those counties, and the City of San Jose.

Subsequent to the declaration, the local governments are authorized to suspend health, housing, or safety regulations related to homeless shelters upon adoption of an ordinance that ensures minimal public health and safety standards. Local governments are required to develop a plan to address the shelter crisis, subject to Legislative review. Under these conditions, actions taken by a local government to make public land available for homeless shelters are not subject to CEQA review. *(Urgency measure)*

AB 430 (Gallagher) Housing development: Camp Fire Housing Assistance Act of 2019

Establishes a ministerial approval process for housing development in the cities of Biggs, Corning, Gridley, Live Oak, Orland, Willows, Yuba City, and Oroville that meet specified objective planning standards. Development proponents are required to hold at least one public meeting on the project before submitting an application. Project approvals that expire after three years may receive a one-time, one-year extension if the developer demonstrates significant progress. Project approvals do not expire if the project includes investments in affordable housing, and approvals for all projects remain valid once vertical construction has been initiated. These provisions expire on January 1, 2026.

AB 782 (Berman) California Environmental Quality Act: exemption: public agencies: land transfers

Creates a CEQA exemption for the acquisition, sale, or other transfer of interest in land, as well as the granting or acceptance of funds, by a public agency for conservation purposes.

AB 1197 (Santiago) California Environmental Quality Act: exemption; City of Los Angeles: supportive housing and emergency shelters

Creates a CEQA exemption for certain activities approved or executed by the City of Los Angeles and other eligible public agencies related to supportive housing and emergency shelters funded by

the Homeless Emergency Aid Program; the Homeless Housing, Assistance, and Prevention Program; Measure H sales tax proceeds; and bonds issued pursuant to Proposition HHH. The bill also creates an exemption for the adoption of two local ordinances related to emergency shelters and supportive housing.

AB 1515 (Friedman) Planning and zoning: community plans: review under the California Environmental Quality Act

Prohibits a court from invalidating a development approval that was granted based on a community plan that meets specified criteria, if the development was approved or had a complete application prior to the community plan being challenged in court over the community plan's compliance with CEQA.

AB 1560 (Friedman) California Environmental Quality Act: transportation: major transit stop

Revises the definition of "major transit stop" under CEQA to include bus rapid transit, as defined as a public mass transit service that includes all of the following features: 1) full-time dedicated bus lanes or operation in a separate right-of-way with a frequency of service interval of 15 minutes or less during morning and afternoon peak commute periods, 2) transit signal priority, 3) efficient fare collection system, 4) all-door boarding, and 5) defined stations.

AB 1783 (R. Rivas) H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development

Creates a streamlined, ministerial approval process for farmworker housing on agricultural land. The bill also prohibits use of specified state housing funds for H-2A worker housing.

AB 1824 (Committee on Natural Resources) California Environmental Quality Act: exemption for closure of railroad grade crossing

Creates a CEQA exemption for the closure of a railroad grade crossing by order of the California Public Utilities Commission if the Commission finds that there is a threat to public safety. The exemption would not apply to crossings for high-speed rail or a project carried out by the High-Speed Rail Authority. This exemption would expire on January 1, 2025.

SB 450 (Umberg) California Environmental Quality Act exemption: supportive and transitional housing: motel conversion

Creates a CEQA exemption for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing. This exemption expires on January 1, 2025.

SB 632 (Galgiani) California Environmental Quality Act: State Board of Forestry and Fire Protection: vegetation treatment program: final program environmental impact report

Directs the Board of Forestry and Fire Protection to complete and certify its Programmatic Environmental Impact Report for the vegetation treatment program by February 1, 2020.

SB 743 (Hertzberg) School facilities: design-build projects

Specifies that design-build contracts executed between the L.A. Unified School District and a design-build entity or its subcontractors must include terms allowing the school district to retain discretion over certain actions, and that activities after the design phase comply with applicable laws (including CEQA). If these conditions are met, then the procurement and award of a design-build contract would be compliant with CEQA.

SB 744 (Caballero) Planning and zoning: California Environmental Quality Act: permanent supportive housing

Clarifies and broadens the existing streamlined approval process for supportive housing developments created by AB 2162 (Chiu), and creates a CEQA exemption for application or award of funding through the No Place Like Home Program. Requires concurrent preparation of the administrative record for No Place Like Home projects that do not qualify as a use by right, and establishes shorter timelines for legal challenges to these projects.

Climate Change

AB 65 (Petrie-Norris) Coastal protection: climate adaptation: project prioritization: natural infrastructure: local general plans

Requires the State Coastal Conservancy to prioritize projects that use natural infrastructure to support coastal climate adaptation when allocating Proposition 68 funding. Information on such projects would be provided to the Office of Planning and Research for consideration for inclusion in the Adaptation Clearinghouse. The bill revises several definitions of "natural infrastructure" existing within statute.

AB 293 (E. Garcia) Greenhouse gases: offset protocols

Directs the Compliance Offsets Protocol Task Force to consider the development of additional greenhouse gas offset protocols, including management or conservation of natural and working lands, and the restoration of wetlands. Requires the Task Force to make recommendations on methodologies to allow groups of landowners to develop natural and working lands offset projects under the approved protocols.

SB 351 (Hurtado) Climate change: Transformative Climate Communities Program

Requires the Strategic Growth Council to consider applications from disadvantaged unincorporated communities to the Transformative Climate Communities Program.

SB 400 (Umberg) Reduction of greenhouse gas emissions: mobility options

Adds bike sharing and electric bicycles as mobility options under the Clean Cars 4 All Program.

SB 576 (Umberg) Coastal resources: Climate Ready Program and coastal climate change adaptation, infrastructure, and readiness program

Directs the Ocean Protection Council to establish and administer a coastal climate adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve coastal climate resilience. The Council would be required to coordinate with certain entities and share information, including providing information to the Office of Planning and Research for consideration of inclusion in the Adaptation Clearinghouse.

Housing

AB 68 (Ting) Land use: accessory dwelling units / AB 881 (Bloom) Accessory dwelling units / SB 13 (Wieckowski) Accessory dwelling units

Make numerous changes to laws regarding accessory dwelling units and junior accessory dwelling units related to ministerial approval, parking requirements, minimum square footage requirements, lot coverage requirements, minimum or maximum square footage, occupancy, setbacks, fees, and application review timelines.

AB 587 (Friedman) Accessory dwelling units: separate sale or conveyance

Authorizes a local agency to allow, by ordinance, an accessory dwelling unit created by a nonprofit corporation receiving a welfare exemption to be sold or conveyed separately from the primary residence, provided the sale or conveyance includes an enforceable restriction that ensures the property will be preserved for affordable housing.

AB 670 (Friedman) Common interest developments: accessory dwelling units

Voids any condition contained in any deed or other security instrument affecting the transfer or sale of any interest in planned development, as well as any provision in a governing document, that effectively prohibits or restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit meeting established minimum standards on a lot zoned for single-family housing.

AB 671 (Friedman) Accessory dwelling units: incentives

Requires a local agency to include in its housing element a plan that incentivizes and promotes the creation of accessory dwelling units that are affordable to very low, low-, or moderate-income households. Requires the Department of Housing and Community Development to develop a list of existing state grants and financial incentives for affordable accessory dwelling units, and post this list on its website by December 31, 2020.

AB 957 (Committee on Housing and Community Development) Housing omnibus

Specifies that the inventory of land suitable for residential development contained within the housing element to include residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a local government. Authorizes the Department of Housing and Community Development to provide grants to counties for rental assistance. Expands the definition of long-term rental assistance to include rental subsidies provided to supportive housing, private-market landlords, and sponsors master leasing private-making apartments. Limits the amount of long-term rental assistance a county may provide to no more than two times the fair market rent for the market area. (*Urgency measure*)

AB 1010 (E. Garcia) Housing programs: eligible entities

Changes the definitions applicable to specified housing programs, including “local agency,” “local public entity,” “nonprofit corporations,” “eligible applicant,” and “nonprofit housing sponsor” to include a governing body of an Indian reservation or rancheria, or a tribally designated housing entity. Authorizes the Department of Housing and Community Development to modify or waive various requirements for state financing for housing development if tribal law would not satisfy the requirements for financing.

AB 1483 (Grayson) Housing data: collection and reporting

Requires a local government to maintain a schedule of fees and affordability requirements imposed on housing development, all zoning ordinances and development standards, and annual fee or finance reports on its website. Local governments would also be required to maintain archives of impact fee nexus studies, cost of service studies, or equivalent reports.

Requires the Department of Housing and Community Development to revise the Statewide Housing Plan to include a 10-year housing strategy. Development of the strategy would be supported by a workgroup that includes representatives from the Department of Technology, metropolitan planning organizations, local governments, academic institutions, and nonprofits. The strategy must include an evaluation of data priorities, a strategy to achieve more consistent terminology for housing data across the state, and an assessment of the quality of data submitted by annual reports and recommendations based on that assessment.

AB 1487 (Chiu) San Francisco Bay area: housing development: financing

Establishes the Bay Area Housing Finance Authority to address the San Francisco Bay area's housing affordability crisis. The Authority would have the power to raise, administer, and allocate funds regionally to produce affordable housing, preserve existing units, and protect vulnerable tenants.

SB 330 (Skinner) Housing Crisis Act of 2019

Prohibits an affected city or county (defined based on Census Bureau definitions of urbanization) from enacting a development policy or standard that would reduce intensity of land use, impose design review standards that are not objective, limiting the amount of housing (imposing development moratoriums, limiting land use approvals or permits, capping housing units, or capping

population). Changes in land use intensity may occur if a reduction in intensity occurs concurrently with an equivalent increase in intensity.

The bill additionally makes numerous changes to housing permitting. Preliminary applications for housing may be submitted and must contain specified information. Local governments would be prohibited from applying ordinances to a development after a preliminary application is submitted, and cannot hold more than five hearings on approval of a housing project that complies with objective standards when the preliminary application is deemed complete. Any determination that a housing project is on a historic site would need to occur at the time of the preliminary application being deemed complete, and reduced timelines for approval after completion of an Environmental Impact Report. If a housing development requires demolition of residential property, the project may only be approved if there is no net loss of affordable housing, the project increases housing density, existing residents may occupy their units up to six months before the start of construction, and the developer agrees to provide relocation benefits to occupants of affordable units.

These provisions would expire on January 1, 2025.

Land Use & Planning

AB 139 (Qurik-Silva) Emergency and Transitional Housing Act of 2019

Authorizes a local government to apply written objective standards to emergency shelters stipulating provision of sufficient parking to accommodate staff. Revises the criteria assessed to determine the need for emergency shelter.

During local government reviews of the housing element, the efficacy of the housing element goals, policies, and actions to meet the community's housing needs would need to be considered. Housing needs allocations would need to include the housing needs of individuals and families experiencing homelessness.

AB 747 (Levine) Planning and zoning: general plan: safety element

Requires local governments, on or after January 1, 2022, to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

AB 948 (Kalra) Coyote Valley Conservation Program

Authorizes the Santa Clara Valley Open Space Authority to establish and administer the Coyote Valley Conservation Program to address the resource and recreational goals of the Coyote Valley.

AB 1100 (Kamalger-Dove) Electric vehicles: parking requirements

Requires local ordinances to count electric vehicle charging stations as parking spaces to meet minimum parking requirements applied to development projects.

AB 1255 (R. Rivas) Surplus public land: inventory

Requires local governments to make a central inventory of surplus and excess public land on or before December 31 of each year. The inventory must include a description of each parcel and its present use. This information must be submitted to the Department of Housing and Community Development annually beginning April 1, 2021, and be available upon request without charge. The Department of Housing and Community Development must provide this information to the Department of General Services for inclusion in a digitized inventory of all state-owned excess parcels.

AB 1730 (Gonzalez) Regional transportation plans: San Diego Association of Governments: housing

Requires that, for the purposes of complying with federal law, the updated regional transportation plan, sustainable communities strategy, and Programmatic Environmental Impact Report adopted by SANDAG on October 9, 2015, to remain in effect until SANDAG adopts its next update to the regional transportation plan on or before December 31, 2021. This update would be exempt from the California Environmental Quality Act. SANDAG would be required to submit an implementation report reviewing its most recent sustainable communities strategy. SANDAG would have limited eligibility for the Solutions for Congested Corridors Program until December 31, 2021. Local governments within SANDAG's jurisdiction would be required to undertake the sixth update their housing elements on or before April 30, 2021, and the seventh no later than 18 months after the first update to the regional transportation plan adopted in 2029.

AB 1763 (Chiu) Planning and zoning: density bonuses: affordable housing

Requires a density bonus to apply to development projects that make all units affordable to lower income households, with up to 20% of the total units authorized to be available to moderate-income households. Development projects meeting these criteria may receive four incentives or concessions under Density Bonus Law, and a height increase of up to three additional stories or 33 feet if the development is located within a ½ mile of a major transit stop. Density bonuses of up to 80% could be provided, and any controls on maximum density would not apply if the development is within ½ mile of a major transit stop. 20% of the units would be subject to a 55-year restriction on housing affordability, and the remaining units would be rented at rates consistent with the maximum rent levels for a housing development receiving an allocation of state or federal low-income housing tax credits. Upon the request of the developer, the local government would be prohibited from imposing a vehicular parking requirement.

SB 6 (Beall) Residential development: available land

Requires the Department of Housing and Community Development to provide the Department of General Services with a list of local lands available and suitable for residential development identified in a local government's housing element. The Department of General Services would be required to create a database of this information that is publicly accessible on the department's website. A local

government's inventory of land would need to be submitted electronically for housing element updates occurring on or after January 1, 2021.

SB 99 (Nielsen) General plans: safety element: emergency evacuation routes

Requires a local government to review and update the safety element during the next revision of the housing element occurring on or after January 1, 2020, to identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

SB 242 (Roth) Land use applications: Department of Defense: points of contact

Streamlines reporting requirements for development projects and General Plan amendments relating to land use around military installations, training routes, and special use airspace.

Local Government

AB 116 (Ting) Local government

Authorizes a public finance authority of an enhanced infrastructure financing district to issue bonds without submitting a proposal to the voters. The authority would be required to hold three public hearings on an enhanced infrastructure financing plan.

AB 600 (Chu) Local government: organization: disadvantaged unincorporated communities

Specifies that annexations of two or more areas contiguous to a disadvantaged unincorporated community that are individually less than 10 acres but cumulatively more than 10 acres cannot occur within five years of each other unless an application for annexation of the disadvantaged unincorporated community has been filed in the past five years, or a majority of voters in the area oppose annexation.

AB 1628 (R. Rivas) Environmental justice

Revises the definition of "environmental justice" in the Coretse-Knox-Hertzberg Local Government Act of 2000, the California Coastal Act, and Government Code to include the meaningful involvement of people of all races, cultures, incomes, and national origins with respect to those actions.

Transportation

AB 285 (Friedman) California Transportation Plan

Requires the Department of Transportation to include in the California Transportation Plan how the state will achieve maximum feasible emissions reductions to meet its 2030 climate goals, and how the Plan is consistent with, and supports attainment of, state and national ambient air quality standards. Beginning in the third update to the Plan, to be complete by December 31, 2025, the Department

must also include a forecast of the impacts of advanced and emerging technologies on the infrastructure, access, and transportation systems, as well as a review of progress made in implementing past Plans.

The bill additionally requires the Strategic Growth Council to complete a report by January 31, 2022 that provides an overview of the California Transportation Plan, Sustainable Communities Strategies, and alternative planning strategies, and how these plans influence the configuration of a statewide, multi-modal transportation system. The report must additionally review and provide recommendations to better align and coordinate the following grant programs to support statewide goals: the Affordable Housing and Sustainable Communities Program, the Transit and Intercity Capital Rail Program, the Low Carbon Transit Operators Program, the Transformative Climate Communities Program, the Sustainable Transportation Planning Grant Program, and other relevant transportation funding programs.

Wildfires & Natural Disasters

AB 38 (Wood) Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation

Requires the Natural Resources Agency, in consultation with the State Fire Marshall and the Forest Management Task Force, to review the regional capacity of each county containing very high fire hazard severity zones to improve forest health and fire resilience. This review must occur by July 1, 2021, and on or after that date, a seller of property in a high or very high fire hazard severity zone must provide documentation to a buyer demonstrating compliance with wildfire protection measures. Otherwise, the buyer and seller must enter into an agreement whereby the buyer will obtain documentation of compliance.

On or after January 1, 2021, a seller of property with a home constructed before January 1, 2020 in a high or very high fire hazard severity zone must provide a disclosure to a buyer containing information related to fire hardening improvements on the property and a list of features that might make the home vulnerable to wildfire and flying embers. On or after July 1, 2025, the disclosure must also include the State Fire Marshall's list of low-cost retrofits.

The Office of Emergency Services and the Department of Forestry and Fire Protection must develop and administer a comprehensive wildfire mitigation grant program to encourage cost-effective retrofits and structure hardening. This program is contingent upon an appropriation by the Legislature, and is repealed on July 1, 2025.

AB 111 (Committee on Budget) Wildfire agencies: public utilities: safety and insurance

Creates the California Catastrophe Council to oversee the California Earthquake Authority and the Wildfire Fund Administrator. Requires the California Public Utilities Commission to establish the Wildfire Safety Division by January 1, 2020, and take specified actions related to wildfire safety. After July 1, 2021, this division would be administered by the Office of Energy Infrastructure Safety within the

Natural Resources Agency, created by this bill. The Wildfire Safety Division would be advised by the 7-member Wildfire Safety Advisory Board, also established by this bill.

AB 178 (Dahle) Energy: building standards: photovoltaic requirements

Until January 1, 2023, authorizes residential construction to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area where a state of emergency was declared before January 1, 2020 to be built to the solar photovoltaic standards that were in place at the time of the building's original construction.

AB 188 (Daly) Fire insurance: valuation of loss

Requires that the actual cash value of a claim for the total of partial loss due to a fire of a structure and its contents be equal to the cost to repair, rebuild, or replace the lost property, minus a fair and reasonable depreciation based on its condition at the time of the incident or the policy limit, whichever is less.

AB 836 (Wicks) Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program

Establishes a pilot program within the State Air Resources Board to provide grant funding to retrofit ventilation systems to create a network of clean air centers to mitigate the adverse public health impacts of wildfires and other smoke events. The Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program is contingent upon an appropriation by the Legislature, and would end on January 1, 2025.

SB 167 (Dodd) Electrical corporations: wildfire mitigation plans

Requires electrical corporations to include protocols in their wildfire mitigation plans related to mitigating the public safety impacts of deenergizing portions of the electrical distribution system that consider the impacts on customers receiving medical baseline allowances. Electrical corporations would be authorized to deploy or provide financial assistance for backup electrical resources to customers receiving medical baseline allowances that meet specified requirements.

SB 190 (Dodd) Fire safety: building standards: defensible space program

Requires the State Fire Marshall to develop a model defensible space program that local governments may use in their enforcement of defensible space requirements. This program must be developed in consultation with representatives from local, state, and federal fire agencies; local government; building officials; utility companies; the building industry; insurers and insurance research corporations; and the environmental community. The State Fire Marshall would also be required to develop a Wildland-Urban Interface Fire Safety Building Standards Compliance training for local building officials, builders, and fire service personnel, as well as a listing of products and construction assemblies that comply with fire safety building standards.

SB 209 (Dodd) Office of Emergency Services: Wildfire Forecast and Threat Intelligence Integration Center

Requires the Office of Emergency Services and the Department of Forestry and Fire Protection to establish and administer the Wildfire Forecast and Threat Intelligence Integration Center, which would serve as the state's organizing hub for wildfire forecasting, weather information, and threat intelligence gathering, analysis, and dissemination.

SB 560 (McGuire) Wildfire mitigation plans: deenergizing of electrical lines: notifications: mobile telephony service providers

Requires that electrical corporations provide notice to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure of an impending deenergization of electrical lines. Electrical corporations would also be required to include protocols for deenergization in their wildfire mitigation plan.

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