



APA CALIFORNIA LEGISLATIVE UPDATE

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End of Session Consolidation – Many Housing, Homelessness and Wildfire Bills Still on the Table

The Legislature returned in person to resume legislative work on July 27 after an unplanned extended Summer Recess. While the Legislature had originally intended to return on July 13, a two-week delay was deemed necessary after a number of legislators and staff tested positive for COVID-19. Members are back and again accompanied by very limited staff and are only allowing limited public participation for hearings in the Capitol. Most public participation since their initial return in May has been conducted remotely and/or by providing comments and letters to staff in advance of hearings. While legislative deadlines were already moved to allow more flexibility to pass bills before the end of session, members in both houses are yet again being advised to further limit the number of bills they continue to move. Currently there are still over 500 bills that are awaiting final action, and members have been asked to table many of those bills that don't deal directly with the impacts of COVID-19 and other pressing issues that cannot wait until 2021.

Housing, homelessness and wildfire mitigation remain a priority, though the number of proposals has been trimmed down and consolidated. The Senate and Assembly are both moving several housing bills that are intended to accelerate the review and approval of development projects. This year's "Housing Package" includes AB's 1279, 2323, 2345, 2405, 3040, 3107, and 3269 from the Assembly. From the Senate, SB's 899, 902, 995, 1085, 1120, 1138, and 1385 are also moving. APA is also supporting housing funding in a new \$25 billion Economic Recovery Fund plan just announced. APA, after working with the authors, sponsors and committee staff since March, has been able to move to support or support if amended on many of the bills still moving and is continuing to work closely on amendments to the remaining bills to address final concerns.

APA California continues to work with legislative and administrative staff through conference calls, providing direct feedback and written comments on proposed legislation as well as COVID-19 impacts on planning processes and services. Included on that list is AB 1850 to address issues faced by planners, planning consultants, and public agencies in complying with AB 5, which restricts the ability to maintain an independent contractor status rather than an employee status in California. While there are still a number of bills pending their respective final policy committee hearing and floor votes, legislative leadership has not yet made clear which bills will continue to move. Though deadlines for bills have been moved, the end of the two-year session, which is August 31, is a constitutional requirement that cannot be changed without a constitutional amendment. Should the Legislature determine it is necessary, they can also work with the Governor to call a Special Session in the winter, which would allow for new bills to be introduced and moved on an urgency basis and under a truncated schedule.

Below is a list of high priority bills still moving that APA California has been lobbying and the position on and status of each. Position letters on these high priority bills are posted on the APA California website and as always, please visit www.apacalifornia.com to find APA California's hot bill list with up-to-date information on all active legislation APA California is tracking.

AB 5 Reform:

AB 1850 – Gonzalez – Clean up vehicle for AB 5 – Independent Contractors vs Employees

Position: APA California has submitted recommendations to the author's office to amend independent contractor requirements related to planners and public agencies to allow planners to continue to contract to provide non-employee planning services. APA California has also asked to clarify the business-to-business exemptions for those planners and planning firms who contract with other planning firms and/or individuals.

Status: Senate Labor Committee

Density Bonus and Development Incentives:

AB 2345 – Gonzalez – Adds other layers of density, incentives, waivers and concessions for moderate-income and other density bonus projects

Position: Oppose Unless Amended

Status: Senate Housing Committee

SB 1085 – Skinner – Increases density bonus benefits for moderate-income for sale and student housing projects

Position: Support as Amended

Status: Assembly Appropriations Committee

Housing Elements/RHNA Reform/Homelessness:

AB 725 – Wicks – Requires at least 25 percent of RHNA for moderate-income housing and above be allocated to sites with zoning that allows at least two units of housing in larger metropolitan jurisdictions

Position: Reviewing Amendments

Status: Senate Housing Committee

AB 3040 – Chiu – Provides incentives to upzone single family sites for 4plexes and allows up to 25% of those developed sites to be counted under RHNA

Position: Support

Status: Senate Housing Committee

AB 3269 – Chiu – Requires jurisdictions to adopt a plan to reduce homelessness

Position: Neutral as amended

Status: Senate Housing Committee

SB 1138 – Wiener – Adds requirements to sites identified in the Housing Element to accommodate emergency shelters

Position: Support if Amended

Status: Assembly Appropriations Committee

Housing Assistance:

AB 1436 – Chiu – Provides COVID-19 rental assistance

Position: Support as Amended

Status: Senate Judiciary Committee

SB 1410 – Caballero and Bradford – Provides COVID-19 rental assistance

Position: Support as Amended (Previously set up a state appeals board to challenge local housing decisions)

Status: Assembly Judiciary Committee

Streamlining / Project Review:

AB 1851 – Wicks – Restricts faith-based organization housing parking requirements

Position: Watch

Status: Senate Appropriations Committee

AB 3107 – Bloom – Allows projects with at least 20% affordable housing to be allowed on commercial sites

Position: Support if Amended

Status: Senate Housing Committee

SB 899 – Wiener – Allows by right approval for nonprofit hospital and religious institution housing

Position: Watch

Status: Assembly Appropriations Committee

SB 902 – Wiener – Allows local governments to pass ordinance to zone any parcel up to 10 units of residential density per parcel, at a height specified by the local government, for parcels located in a transit-rich and jobs rich areas or urban infill site, and exempts the ordinance from CEQA

Position: Support as Amended

Status: Assembly Local Government Committee

SB 1120 – Atkins – Allows duplexes in single family zones and streamlines lot splits

Position: Support

Status: Assembly Local Government Committee

SB 1385 – Caballero – Allows housing in retail and office zones

Position: Support if Amended

Status: Assembly Local Government Committee

Wildfire Mitigation and Planning:

AB 3164 – Friedman – Requires CalFire to develop a wildland-urban interface wildfire risk model to determine the risk for a community or parcel in specified wildfire hazard zones

Position: Support

Status: Senate Natural Resources Committee

SB 182 – Jackson – Requires new requirements for development approvals in VHFHSZ and updates to the safety element *Two-Year bill from 2019*

Position: Support

Status: Assembly Floor

SB 1199 – McGuire— Creates the Commission on Home Hardening to develop a three-tiered certification system of fire prevention levels for structures in a Wildland-Urban Interface

Position: Support

Status: Assembly Governmental Organization Committee

CEQA:

AB 609 – Levine – Requires electronic noticing requirements for certain CEQA documents

Position: Support if Amended

Status: Senate Environmental Quality Committee

AB 2323 – Friedman – Cleans up current CEQA exemptions for housing development

Position: Support

Status: Senate Environmental Quality Committee

AB 3279 – Friedman – Provides streamlining in CEQA litigation and deletes obsolete and duplicative provisions from CEQA

Position: Support

Status: Senate Environmental Quality Committee

SB 288 – Wiener – Provides a statutory CEQA exemption for bus rapid transit and regional rail services projects

Position: Support

Status: Assembly Natural Resources Committee

SB 55 – Jackson – Gut and amend that takes makes various changes proposed in SB 950 that did not move forward this year. The proposal has been scaled back but still proposes, among other things, to exempt from the requirements of CEQA emergency shelters or supportive housing projects meeting certain requirements. The bill also makes a number of changes related to the preparation of the administrative record, codifies tolling agreements, provides longer timeframes for public review and comment of EIRs and repeals various other obsolete provisions from CEQA.

Position: Review

Status: Assembly Rules Committee

SB 995 – Atkins – Extends the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 until 2025, allows smaller housing projects to qualify, requires a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR

Position: Support if Amended

Status: Assembly Natural Resources Committee

Other Planning Related Topics:

AB 2421 – Quirk – Streamlines permitting for backup generators for cell towers

Position: Neutral as Amended

Status: Senate Appropriations Committee