



American Planning Association
California Chapter

Creating Great Communities for All

APA CALIFORNIA END OF SESSION LEGISLATIVE UPDATE

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The Governor has now taken action on all bills that made it to his desk. Below is the final summary of his actions on those bills in red:

AB 5 Reform:

AB 2257 – Gonzalez – Clean up vehicle for AB 5 – Independent Contractors vs Employees

Position: Support as Amended

*After AB 5 (the independent contractor bill) passed last year, many members had reported to APA California that they were experiencing issues executing contracts between public agencies, other planning firms, and individuals. APA California has been advocating this year to insert language into legislation to protect the ability of planning consultants to remain independent contractors. Assembly Member Lorena Gonzalez, the original author of AB 5 carried this bill as the main clean up measure for AB 5 to address a number of professions asking for relief from AB 5's strict criteria for professionals to remain independent contractors. After working with the author's office for a number of months, the bill was amended to make it easier to contract with independent planners, among many other changes. AB 2257 has an urgency clause, which means the bill will go into effect immediately once signed by the Governor.

Status: Signed by the Governor

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: Neutral as Amended

Status: Signed by the Governor

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

Position: Support as Amended

Status: Did not pass

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: Neutral as Amended

Status: Signed by the Governor

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: Did not pass

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

Position: Neutral as amended
Status: Did not pass

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

Position: Support as Amended
Status: Did not pass

Housing Assistance:

AB 1436 – Chiu – Provides COVID-19 rental assistance

Position: Support
Status: Did not pass (AB 3088 is the main vehicle)

AB 3088 – Assembly Member Members Chiu and Limón and Senators Bradford and Caballero – Provides temporary COVID-19 rental assistance

Position: Support
Status: Signed by the Governor

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

Position: Support (Previously set up a state appeals board to challenge local housing decisions)
Status: Did not pass (AB 3088 is the main vehicle)

Streamlining /Project Review:

AB 168 – Aguiar-Curry – Requires a pre-consultation process with a California Native American tribe(s) prior to the submission of an SB 35 permit for a streamlined housing approval

* AB 168 has an urgency clause, which means the bill will go into effect immediately once signed by the Governor.

Position: Watch
Status: Signed by the Governor

AB 831 – Grayson – Cleanup bill for SB 35 projects re path to modify projects prior to final building permit and approval of public improvements

Position: Support as Amended
Status: Signed by the Governor

AB 1561 – C. Garcia – Extends housing development permits and other entitlements due to COVID-19 impacts

Position: Support as Amended
Status: Signed by the Governor

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

Position: Watch
Status: Signed by the Governor

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

Position: Support if Amended
Status: Did not pass

SB 281 – Wiener – Extends housing development permits and other entitlements due to COVID-19 impacts

Position: Support as Amended

Status: Did not pass (Moved into AB 1561)

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

Position: Watch

Status: Did not pass

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: Did not pass

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

Position: Support

Status: Did not pass

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

Position: Support if Amended

Status: Did not pass

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: Vetoed by the Governor

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

Position: Support

Status: Vetoed by the Governor

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: Did not pass

CEQA:

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

Position: Support if Amended

Status: Did not pass

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

Position: Support

Status: Did not pass

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

Position: Support

Status: Did not pass

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

Position: Support

Status: Signed by the Governor

SB 55 – Jackson – Gut and amend that 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, and 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: Did not pass

SB 995 – Atkins – Extends the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 until 2025, allows smaller housing projects to qualify, and 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: Did not pass

Other Planning Related Topics:

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

Position: Neutral as Amended

Status: Signed by the Governor