



American Planning Association
California Chapter

Creating Great Communities

JUNE 2021 LEGISLATIVE UPDATE

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Many Planning and Land Use Bills Continue to Move After House of Origin Deadline

As summer approaches, the Legislature has been busy moving hundreds of bills out of their respective house, however this is far less than what was introduced earlier this year. Although legislators have substantially pared back the amount of bills they will continue to move, housing, homelessness, wildfire mitigation and broadband deployment continue to remain high priority issues, both in current proposed legislation and in the proposed budget. With the house of origin deadline passed, policy committees will begin to meet again to hear bills from the other house, working towards the end of session deadline on September 10.

Over the last few months, APA California has taken positions on many bills and has been working closely with legislative and committee staff to provide feedback, and in some cases secure amendments, to ensure bills are able to be properly implemented and encourage good planning in communities. Because of this, APA California has removed opposition on most bills of concern and is supporting or working to move towards support on many others. Between now and then, there is still a lot of work to be done and we appreciate all the feedback received on bills from APA California members!

2021-2022 California Budget Update

The Governor released the [May-Revision](#) to his 2021-2022 Budget on May 14. The entire budget proposal totals \$267.8 billion, relying on a \$75 billion surplus from tax revenue and \$25 billion in stimulus funds from the federal government. This will provide for a \$100 billion surplus that is intended to support the "California Comeback Plan". Of interest to planners, significant investments in housing and homelessness, wildfire mitigation, support for broadband infrastructure and climate resiliency and planning have been proposed. The May-Revision also continues to include substantial funding for the state's reserves and COVID-19 economic recovery. Budget negotiations are ongoing with the final budget deadline of June 15 rapidly approaching. While the budget must be passed by this date, trailer bills to implement specific provisions of the budget do not have to be passed until the end of session on September 10.

How You Can Get Involved in Shaping APA California's Legislative Positions

All position letters and the full list of bills APA California is tracking are always available [online](#). If you have thoughts on these bills, please continue to share them at policy@apacalifornia.org or join APA California's [Legislative Review Team](#). We also encourage members to use our position letter template for your own jurisdiction/company to support the Chapter's positions on bills, which is available on our new [resources](#) page.

Planning Related Bills Still Moving

Despite the fact that many of the bills that APA California has been tracking have crossed houses and will continue to move this year, some bills have been tabled for the year. These bills are now considered two-year bills and cannot move again until next session in January. For more information on those that are now two year bills, please take a look at the [full bill list](#). Below is a list of priority bills still moving in the Legislature.

Housing/Coordinated Planning

AB 91 (Ting) Extends the moratorium on evictions for non-payment of rent due to COVID-19 financial hardship to June 30, 2021.

Position: Support

Signed by the Governor

AB 215 (Chiu) Requires jurisdictions with low progress towards meeting their RHNA to have a mid-cycle housing element consultation with HCD and adopt pro-housing policies.

*Position: Concerns
In the Senate*

AB 345 (Quirk-Silva) Requires jurisdictions to allow separate conveyance of ADUs owned by non-profits.

*Position: Support
In the Senate*

AB 561 (Ting) Allows the State Treasurer to establish and administer the Help Homeowners Add New Housing Program to assist homeowners in qualifying for loans to construct ADUs and JADUs.

*Position: Support
In the Senate*

AB 500 (Ward) Requires housing opportunities for persons of low and moderate income to be protected, encouraged, and, where feasible, provided by the California Coastal Act of 1976. Requires local governments within the coastal zone to adopt streamlining of permitting related to ADUs and supportive housing projects.

*Position: Support
In the Senate*

AB 721 (Bloom) Makes restrictive covenants that limit the number or size of units and the number of residents that may reside on a property unenforceable if a property owner is developing a 100% affordable housing development.

*Position: Support
In the Senate*

AB 787 (Gabriel) Authorizes cities and counties to receive credit towards their RHNA for the conversion of above moderate-income units to very low-, low, and moderate-income units.

*Position: Support
In the Senate*

AB 803 (Boerner-Horvath) Creates the Starter Home Revitalization Act of 2021", which authorizes a development proponent to submit an application for the construction of a small home lot development, if certain conditions are met.

*Position: Watch
In the Senate*

AB 816 (Chiu) Creates the Office of the Housing and Homelessness Inspector General to create accountability for state and local actions to address homelessness, imposes new requirements on local governments to develop actionable plans, and creates a public right of action to compel compliance with those new plans.

*Position: Watch
In the Senate*

AB 989 (Gabriel) Creates the Housing Accountability Committee at HCD to receive appeals from developers when a housing development is denied by a local government, and to approve the development if the denial violates the provisions of the Housing Accountability Act.

*Position: Neutral as Amended
In the Senate*

AB 1029 (Mullin) Adds preservation of affordable housing units as a pro-housing policy.

*Position: Support
In the Senate*

AB 1322 (R. Rivas) Creates a process for the governing body of a city or county to seek judicial validation that a local measure approved by the voters is in conflict with state housing law.

*Position: Support
In the Senate*

AB 1398 (Bloom) Requires expedited rezoning for local jurisdictions that fail to adopt a legally compliant housing element within 120 days of the statutory deadline and makes expedited rezoning a pro-housing policy.

*Position: Watch
In the Senate*

AB 1401 (Friedman) Prohibits local governments from enforcing minimum automobile parking requirements for developments located close to public transit.

*Position: Support if Amended
In the Senate*

ACA 1 (Aguir-Curry) Proposes to amend the California Constitution, subject to approval by voters at a statewide election, to allow a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure.

*Position: Support
Not yet set for a hearing (does not have to meet the standard deadlines)*

SB 6 (Caballero) Enacts the Neighborhood Homes Act, which establishes housing as an allowable use on any parcel zoned for office or retail uses.

*Position: Support
In the Assembly*

SB 8 (Skinner) Extends the sunset on the Housing Crisis Act of 2019 by five years, to January 1, 2030, and makes various other changes.

*Position: Watch
In the Assembly*

SB 9 (Atkins) Requires ministerial approval of a housing development of no more than two units in a single-family zone and the subdivision of a parcel zoned for residential use into two parcels, or both.

*Position: Support
In the Assembly*

SB 10 (Wiener) Authorizes a city or county to pass an ordinance to zone any parcel for up to 10 units of residential density, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site.

*Position: Support
In the Assembly*

SB 15 (Portantino) Requires HCD to administer a program to provide grants to local governments that rezone idle sites used for a big box commercial shopping center to allow the development of low and moderate income housing.

*Position: Support
In the Assembly*

SB 290 (Skinner) Make several changes to Density Bonus Law to expand incentives for developing moderate-income housing, including providing an incentive or concession for specified student housing developments that include lower-income units.

*Position: Support
In the Assembly*

SB 477 (Wiener) Adds a number of requirements to the annual progress report (APR) that local governments are required to submit to HCD each year.

*Position: Support as Amended
In the Assembly*

SB 478 (Wiener) Prohibits a local government from imposing specified minimum floor-to-area ratio (FAR) standards on housing projects of 3-10 units.

*Position: Watch
In the Assembly*

SB 728 (Hertzberg) Authorizes a qualified nonprofit housing organization to purchase a for-sale unit under Density Bonus Law.

*Position: Support
In the Assembly*

SB 778 (Becker) bill allows conversion of vacant retail, commercial, and industrial space to ADUs in mixed-use buildings.

*Position: Watch
In the Assembly*

Inclusion and Social Justice

AB 491 (Ward) Requires new mixed-income multifamily developments offer the same access to common entrances and amenities to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units.

*Position: Support
In the Senate*

SCA 2 (Allen) Proposes to place an initiative on the ballot in 2022 to repeal Article 34 of the California Constitution, which requires a majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded low-rent housing project.

*Support
In the Senate (does not have to meet the standard deadlines)*

Neighborhood Vitality and Healthy Communities

AB 585 (L. Rivas) Establishes the Extreme Heat and Community Resilience Program within OPR to coordinate the state's efforts to address extreme heat and to facilitate the implementation of regional and state climate change planning into effective programs.

*Position: Support
In the Senate*

AB 897 (Mullin) Requires OPR to facilitate the creation of regional climate networks and create standards for the development of a regional climate adaptation action plan to support the implementation of regional climate adaptation efforts.

*Position: Support
In the Senate*

AB 1147 (Friedman) Requires each Metropolitan Planning Organization to submit a 2035 target action plan to identify barriers in meeting regional GHG emissions reduction targets and establishes the Sustainable Communities Strategy Block Grant Program.

*Position: Review Amendments
In the Senate*

SB 1 (Atkins) Establishes the California Sea Level Rise Mitigation and Adaptation Act of 2021 and creates a new program at the Ocean Protection Council to help coordinate and fund efforts to prepare for sea level rise associated with climate change.

*Position: Support
In the Assembly*

Hazards and Hazard Mitigation

AB 642 (Friedman) Makes various changes to support cultural and prescribed fire, requires CAL FIRE to identify moderate and high fire hazard severity zones through updating maps and expands fire safety building standards.

*Position: Support
In the Senate*

SB 12 (McGuire) Imposes certain fire hazard planning responsibilities on local governments and requires cities and counties to make specified findings on fire standards prior to permitting development in very high fire hazard severity zones.

*Position: Support
In the Assembly*

SB 63 (Stern) Makes various changes to enhance fire prevention efforts by CAL FIRE, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply.

*Position: Support
In the Assembly*

SB 85 (Committee on Budget) Provides early action budget funding for wildfire mitigation.

*Position: Support
Signed by the Governor*

Infrastructure, Services, and Fees

AB 571 (Mayes) Prohibits a city or county from charging affordable housing impact fees on a housing development's affordable units.

*Position: Support as Amended
In the Senate*

AB 537 (Quirk) Makes changes to existing law that requires an application for a wireless telecommunications facility to be deemed approved.

*Position: Neutral as Amended
In the Senate*

AB 602 (Grayson) Adds new requirements to impact fee nexus studies, including the adoption of a capital improvement plan for projects above a specified threshold, requires cities and counties to request certain information from development proponents and requires HCD to develop a nexus study template.

*Position: Oppose Unless Amended
In the Senate*

SB 378 (Gonzalez) Requires local governments to allow fiber installers to use microtrenching as a method for installing fiber unless the local government makes a specified finding that permitting microtrenching would adversely impact public health and safety.

*Position: Support if Amended
In the Assembly*

SB 556 (Dodd) Establishes permitting requirements for the placement of small wireless facilities on street light and traffic signal poles owned by local governments, including specified timelines for approving and attaching infrastructure, limitations on fees for attachments, and restrictions on local governments' ability to prohibit small wireless facility attachments.

*Position: Review Amendments
In the Assembly*

CEQA

AB 819 (Levine) Requires CEQA notices and environmental review documents to be filed electronically and posted online.

*Position: Support as Amended
In the Senate*

SB 7 (Atkins) Reenacts and revises the expedited CEQA administrative and judicial review procedures established by the Jobs and Economic Improvement Through Environmental Leadership Act (AB 900, 2011) for environmental leadership development projects and expands AB 900 eligibility to include smaller housing projects.

*Position: Watch
Signed by the Governor*

SB 44 (Allen) Establishes expedited administrative and judicial review of environmental review and approvals granted for environmental leadership transit projects that meet specified requirements.

*Position: Watch
In the Assembly*