



American Planning Association
California Chapter

Creating Great Communities

JULY 2021 LEGISLATIVE UPDATE

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Legislature Breaks for Summer Recess

Over the last few months, the Senate and Assembly have continued to move hundreds of bills of interest to planners through the legislative process. In addition, the Legislature and the Governor reach agreement on a historically-robust budget, with new state spending allocated for planning programs. Both proposed legislation and the budget continue to focus on high-priority issue areas: housing, homelessness, wildfire mitigation, and broadband deployment. The Legislature adjourned on July 15 for their summer recess and will return on August 16. From that point on, everyone will be working to pass their bills before the end of session deadline on September 10.

Many of the bills APA California has been tracking have passed out of their final policy committees and will continue to move this year, such as AB 1401 (Friedman) eliminating mandatory parking requirements near transit and SB 9 (Atkins) permitting small-scale multiunit development in all residential zones; however, some bills have been tabled, notably SB 12 (McGuire) related to new wildfire planning and development standards and AB 115 (Bloom)/SB 6 (Caballero) related to housing in commercial zones. These are now considered two-year bills and cannot move again until next session in January. Below is a list of priority bills still moving in the Legislature. For more information on all bills that APA California is tracking, please visit the [full bill list](#), which is always posted on the APA California website.

APA California continues to remain actively engaged in many bills, working closely with legislative and committee staff on amendments, and providing general feedback on implementation of various proposals. APA California has proposed amendments and removed opposition and/or concerns to a number of bills while supporting and providing lead testimony on key housing and wildfire mitigation bills as they continue to move through the Legislature.

2021-2022 California Budget Update

In the Governor's May-Revision to his 2021-2022 Budget, first released in January, the entire proposal totaled \$262 billion, relying on a \$75 billion surplus from tax revenue and roughly \$25 billion in stimulus funds from the federal government. Of interest to planners, significant investments in housing and homelessness, wildfire mitigation, broadband infrastructure, climate resiliency and planning have all been included in the budget and subsequent budget trailer bills. While California's fiscal year started on July 1 with a placeholder budget, the Governor and legislative leadership reached a final agreement on the budget on July 12.

The overall structure of the agreement has been signed along with some trailer bills that implement specific provisions of the budget. The Legislature also passed a series of early action budget bills, including an eviction moratorium extension and initial funding related to wildfire mitigation. This year's budget process has been very different than past budget cycles. With such a large surplus and a number of important policy issues California must tackle, particularly in light of the COVID-19, working through the details has taken additional time. The Legislature and the Governor continue to work through the specifics of the budget and will have until the end of session on September 10 to pass all remaining clean up and trailer bills. For more information, please see the Governor's [press release](#) on the budget deal.

****Don't forget to join us online at the upcoming Virtual Chapter Conference on Wednesday, September 15 for a full recap of the 2021 Legislative Session****

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 140 (Budget Trailer Bill) Provides for several statutory changes necessary to implement the housing and homelessness provisions of the Budget Act of 2021.

Position: Support

On the Governor's Desk

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

Senate Appropriations Committee

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

Position: Support

Senate Appropriations Committee

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

Senate Appropriations Committee

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: Review Amendments

Senate Governance and Finance Committee – will be heard after policy committee deadline

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

Senate Appropriations Committee

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

Senate Appropriations Committee

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

Senate Appropriations Committee

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

Senate Appropriations Committee Suspense File

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

Senate Appropriations Committee

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

Position: Support

Senate Appropriations Committee

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

Senate Appropriations Committee

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

Position: Support

Senate Appropriations Committee

ACA 1 (Aguar-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 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

Assembly Appropriations Committee

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

Assembly Appropriations Committee

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

On the Assembly Floor

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

Assembly Floor

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

Assembly Appropriations Committee

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

Assembly Appropriations Committee

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

Position: Support

Assembly Floor

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

Senate Appropriations Committee

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

Senate Appropriations Committee Suspense File (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

Senate Appropriations Committee

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

Senate Appropriations Committee

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

Senate Appropriations Committee

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

Assembly Appropriations Committee

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

Senate Appropriations Committee

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

Assembly Appropriations Committee

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

Senate Appropriations Committee

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

Senate Appropriations Committee

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

Senate Appropriations Committee

SB 156 (Budget Trailer Bill) Provides the statutory framework to implement the broadband provisions contained in the 2021 Budget Package.

Position: Support

On the Governor's Desk

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

Assembly Appropriations Committee

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

Assembly Appropriations Committee

CEQA

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

Position: Support as Amended

On the Governor's Desk

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 37 (Cortese) Updates statutes regarding a consolidated list of hazardous waste sites and hazardous substances sites (Cortese List) and prohibits use of the "common sense" exemption for any project on a Cortese List site.

Position: Review

Assembly Appropriations Committee

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

Assembly Appropriations Committee