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MCCMC LEGISLATIVE COMMITTEE MEETING
MONDAY, MARCH 25, 2019, 8:00 AM
SAN RAFAEL CITY HALL – 3RD FLOOR CONFERENCE ROOM
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901

AGENDA

A. WELCOME/INTRODUCTIONS

B. REPORTS

David Jones/Kyra Ross – Emanuels Jones, Sacramento
Carole Mills, District Representative – report from Senator Mike McGuire
Henry Symons, District Representative – report from Assembly member Marc Levine
Nancy Hall Bennett - League of California Cities

C. UPDATES

- Confirmation of Dates for April and May Legislative Committee Meeting

D. COMMITTEE BUSINESS

1. Action Items

a. AB 1487 (Chiu) Land use: housing element.
b. AB 1568 (McCarty) General plans: housing element: production report: withholding of transportation funds.
c. SB 4 (McGuire) Housing.
d. SB 5 (Beall) Local-State Sustainable Investment Incentive Program.
e. SB 6 (Beall) Housing production.
f. SB 50 (Weiner) Planning and zoning: housing development: equitable communities incentive.
g. ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.

2. Watch Items

a. AB 36 (Bloom) Affordable housing: rental prices.
b. AB 68 (Ting) Land use: accessory dwelling units.
c. AB 69 (Ting) Land use: accessory dwelling units.
d. AB 747 (Levine) Planning and zoning: general plan: safety element.
e. AB 847 (Grayson) Transportation finance: priorities: housing.
f. AB 1347 (Boerner Horvath) Electricity: renewable energy and zero-carbon resources: state and local government buildings.
g. SB 330 (Skinner) Housing Crisis Act of 2019.

E. CHAIRS REPORT

- General Committee Update: Chair

F. CALENDAR

Upcoming General MCCMC Meetings:

- Wednesday, March 27, 2019 – Hosted by the City of Belvedere
- Wednesday, April 24, 2019 – Town of Corte Madera
- Wednesday, May 22, 2019 – Town of Fairfax

Upcoming MCCMC Legislative Committee Meetings:

- Monday, April 15, 2019, at 3 PM, Session with Senator McGuire at 4 PM (Civic Center)
- Monday, May 27, 2019 – Memorial Day Holiday, reschedule (?)
- Monday, June 24, 2019

G. ADJOURN

AB 1487 (Chiu) Land use: housing element.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan that includes various mandatory elements, including a housing element. That law requires the housing element to contain, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. That law requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified.

This bill would make nonsubstantive changes to that law.

- League Position: Watch

AB 1568, as introduced, (McCarty) General plans: housing element: production report: withholding of transportation funds.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy.

This bill would require the department, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions described above to determine if that city or county has met the applicable minimum housing production goal for that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum housing production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.

Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Before receiving an apportionment of funds under the program from the Controller in a fiscal year, existing law requires an eligible city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of the report, to apportion funds to eligible cities and counties included in the report, as specified. Existing law requires cities and counties to maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of these funds.

This bill would, commencing with the 2022–23 fiscal year and through and including the 2051–52 fiscal year, also require cities and counties to be certified in the prior fiscal year by the Department of Housing and Community Development, as described above, in order to remain eligible for an apportionment of these funds. For each city and county that is not in compliance with this requirement, the bill would require the Controller to withhold the apportionment of funds that would otherwise be apportioned and distributed to the city or county for the fiscal year and deposit those funds in a separate escrow account for each city or county that is not in compliance. The bill would require the Controller to distribute the funds in the escrow account to the applicable city or county after the city or county is certified to be in compliance and meets other specified requirements. The bill would make other technical and conforming changes.

- League Position: Oppose

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

Existing law authorizes a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards to be subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit.

This bill would authorize a development proponent of a neighborhood multifamily project or eligible TOD project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily unit of up to 2 residential dwelling units in a nonurban community, as defined, or up to 4 residential dwelling units in an urban community, as defined, that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019. The bill would define an "eligible TOD project" as a project located in an urban community, as defined, that meets specified height requirements, is located within 1/2 mile of an existing or planned transit station parcel or entrance, and meets other floor area ratio, density, parking, and zoning requirements. The bill also requires an eligible TOD project development proponent to develop a plan that ensures transit accessibility to the residents of the development in coordination with the applicable local transit agency. The bill would require specified TOD projects to comply with specified affordability, prevailing wage, and skilled and trained workforce requirements. The bill would also define "eligible parcel" to mean a parcel located within a city or county that has unmet regional housing needs and has produced fewer housing units than jobs over a specified period; is zoned to allow residential use and qualifies as an infill site; is not located within a historic district, coastal zone, very high fire hazard severity zone, or a flood plain; the development would not require the demolition of specified types of affordable housing; the parcel is not eligible for development under existing specified transit-oriented development authorizations; and the parcel in question has been fully reassessed on or after January 1, 2021, to reflect its full cash value.

This bill would require a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval; otherwise, the development is deemed to comply with those requirements. The bill would limit the authority of a local agency to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would prohibit a local agency, special district, or water corporation from considering a neighborhood multifamily unit to be a new residential use for the purpose of calculating fees charged for new development, except as otherwise provided. The bill would provide that if a local agency approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter, so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local agency from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions.

This bill would allow a local agency to exempt a project from the streamlined ministerial approval process described above by finding that the project will cause a specific adverse impact to public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

(2) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a

project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill would establish a streamlined ministerial approval process for neighborhood multifamily and transit-oriented projects, thereby exempting these projects from the CEQA approval process.

(3) The bill would make findings that ensuring access to affordable housing is a matter of statewide concern rather than a municipal affair and, therefore, applies to all cities, including a charter city and a charter city and county.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

- League Position: Watch

SB 5, as amended (Beall) Affordable Housing and Community Development Investment Program.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, subject to certain modifications. Existing law requires an annual reallocation of property tax revenue from local agencies in each county to the Educational Revenue Augmentation Fund (ERAF) in that county for allocation to specified educational entities.

Existing law authorizes certain local agencies to form an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization and investment authority for purposes of, among other things, infrastructure, affordable housing, and economic revitalization.

This bill would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria.

The bill would require the Affordable Housing and Community Development Investment Committee to adopt guidelines for plans and approve no more than $200,000,000 per year from July 1, 2020, to June 30, 2025, and $250,000,000 per year from July 1, 2025, to June 30, 2029, in reductions in annual ERAF contributions for applicants for plans approved pursuant to this program. This bill would provide that eligible projects include, among other things, construction of workforce and affordable housing, certain transit oriented development, and projects promoting strong neighborhoods.

The bill would require the Affordable Housing and Community Development Investment Committee, upon approval of a plan, to issue an order directing the county auditor to reduce the total amount of ad valorem property tax revenue otherwise required to be contributed to the county's ERAF from the applicant by the annual reduction amount approved. The bill would require a county auditor, if the applicant is an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization investment authority, to transfer to the district or authority an amount of property tax revenue equal to the reduction amount approved by the Affordable Housing and Community Development Investment Committee. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would authorize applicants to use approved amounts to incur debt or issue bonds or other financing to support an approved project.

The bill also would require each applicant that has received funding to submit annual reports, as specified, and would require the Affordable Housing and Community Development Investment to provide a report to the Joint Legislative Budget Committee that includes certain project information.

Section 8 of Article XVI of the California Constitution sets forth a formula for computing the minimum amount of revenues that the state is required to appropriate for the support of school districts and community college districts for each fiscal year.

This bill would require the Director of Finance to adjust the percentage of General Fund revenues appropriated for school districts and community college districts for these purposes in a manner that ensures that the reductions in contributions to a county's ERAF pursuant to the Affordable Housing and Community Development Investment Program have no net fiscal impact upon the total amount of the General Fund revenue and local property tax revenue allocated to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

- League Position: Support

SB 6, as amended (Beall) Residential development: available land.

Existing law requires each state agency to make a review of all proprietary state lands over which it has jurisdiction, subject to certain exceptions, and to report to the Department of General Services on those lands in excess of its foreseeable needs. Existing law requires the jurisdiction over lands reported excess to be transferred to the department upon request. Existing law requires the Department of General Services to report to the Legislature annually on the lands declared excess. Existing law requires a city or county to have a general plan for development with a housing element and to submit the housing element to the Department of Housing and Community Development prior to adoption or amendment. Existing law requires that the housing element include an inventory of land suitable and available to residential development, as specified.

This bill would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.

- League Position: Watch

SB 50, as amended, Wiener. Planning and zoning: housing development: incentives.

Existing law, known as the Density Bonus Law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and minimum controls on automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a 1/2-mile or 1/4-mile radius of a major transit stop, as defined.

The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by these provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also delay implementation of these provisions in sensitive communities, as defined, until July 1, 2020, as provided.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

- League Position: Watch

ACA 1, as amended (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of 2/3 of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly require the approval of 55% of the voters of the city, county, city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.

- League Position: Support

WATCH ITEMS

AB 36, as introduced (Bloom) Affordable housing: rental prices.

Existing law declares that the Legislature has provided specified reforms and incentives to facilitate and expedite the construction of affordable housing, and provides a list of statutes to that effect.

This bill would state the findings and declarations of the Legislature that, among other things, affordable housing has reached a crisis stage that threatens the quality of life of millions of Californians as well as the state economic outlook. This bill also would express the Legislature's intent to enact legislation in order to stabilize rental prices and increase the availability of affordable rental housing.

- League Position: Watch

AB 68, as introduced (Ting) Land use: accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, maximum unit size, parking, and height standards.

This bill would prohibit an ordinance from imposing requirements on minimum lot size, lot coverage, or floor area ratio, and would prohibit an ordinance from establishing size requirements for accessory dwelling units that do not permit at least an 800 square feet unit of at least 16 feet in height to be constructed.

Existing law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit within 120 days of receiving the application.

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit permit within 60 days of receipt.

Existing law requires ministerial approval of a permit to create one accessory dwelling unit within a single-family dwelling, subject to specified conditions and requirements.

This bill would require ministerial approval of an application for a permit to create one or more accessory dwelling units or junior accessory dwelling units on a single-family dwelling or multifamily dwelling, subject to specified conditions and requirements.

Existing law authorizes a local agency ordinance for accessory dwelling units to require that a permit applicant be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

This bill would provide that, if a local agency imposes an owner-occupancy restriction, the monitoring for compliance shall not be more frequent than annually and be based on specified published documents. The bill would describe owner-occupant for purposes of that requirement.

Existing law authorizes a local agency to adopt an ordinance providing for the creation of junior accessory dwelling units in single-family residential zones, and requires a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 120 days of submission of the application.

This bill would instead require a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 60 days of submission of the application. The bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

- League Position: Watch

AB 69, as introduced (Ting) Land use: accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, maximum unit size, parking, and height standards. Existing law requires a local agency to submit the accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption and authorizes the department to review and comment on the ordinance.

This bill would authorize the department to submit written findings to a local agency as to whether the local ordinance complies with state law, and to notify the Attorney General if the ordinance violates state law. The bill would require a local agency to consider the department's findings and would authorize the local agency to amend its ordinance to comply with state law or adopt a resolution with findings explaining why the ordinance complies with state law, and addressing the department's findings.

Existing law requires the Department of Housing and Community Development to propose building standards to the California Building Standards Commission, and to adopt, amend, or repeal rules and regulations governing, among other things, apartment houses and dwellings, as specified.

This bill would require the department to propose small home building standards governing accessory dwelling units and homes smaller than 800 square feet. The bill would require the small home building standards to be submitted to the California Building Standards Commission for adoption on or before January 1, 2021.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

- League Position: Watch

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

The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires this general plan to include certain mandatory elements, including a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards,

flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires the safety element to address, among other things, evacuation routes related to identified fire and geologic hazards.

This bill would require the safety element's address of evacuation routes to include their capacity under a range of emergency scenarios.

By increasing the duties of local government officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

- League Position: Watch

AB 847, as introduced (Grayson) Transportation finance: priorities: housing.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy.

This bill would require the Department of Housing and Community Development, on or before June 30, 2020, and on or before June 30 every year thereafter, to review each production report submitted by a city or county in accordance with the provisions described above to determine if that city or county has met its very low, low-, and moderate-income housing goals, as defined, for that reporting period. The bill would require the department, if it determines that a city or county has met one of those housing goals, to submit a certification of that result to the Controller by no later than June 30 of that year.

(2) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller to transfer from the Transportation Debt Service Fund to the General Fund an amount of those revenues necessary to offset the current year debt service payments made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116, as approved by the voters at the June 5, 1990, statewide general election.

Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula, which is referred to as the local streets and roads program. Before receiving an apportionment of funds under the local streets and roads program from the Controller in a fiscal year, existing law requires an eligible city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of the report, to apportion funds to eligible cities and counties included in the report, as specified.

This bill would delete the transfer of certain miscellaneous revenues deposited in the State Highway Account to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116, as approved by the voters at the June 5, 1990, statewide general election. The bill would instead require the miscellaneous revenues, upon appropriation by the

Legislature, to be apportioned by the Controller to cities and counties pursuant to a specified formula if those cities and counties are eligible to receive an apportionment pursuant to the local streets and roads program, and if those cities and counties have been certified by the Department of Housing and Community Development to have met their very low income housing goals or low-income housing goals.

(3) Under existing law, the California Transportation Commission allocates various state and federal transportation funds through specified state programs to local and regional transportation agencies to implement projects consistent with the requirements of those programs. These programs include the Active Transportation Program and a program established as part of the Road Maintenance and Rehabilitation Program to fund transportation improvements in counties that have sought and received voter approval of taxes or that have imposed fees, which taxes or fees are dedicated solely to transportation improvements. Existing law requires the commission to adopt guidelines for the allocation of funds for these programs.

This bill would require the guidelines for both of those specified programs to give a 10% bonus in certain instances to the selection priority of a project located in a city or county certified by the Department of Housing and Community Development to have met its moderate-income housing goals.

- League Position: Taking to Policy Committee

AB 1347, as introduced (Boerner Horvath) Electricity: renewable energy and zero-carbon resources: state and local government buildings.

Existing law establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045.

This bill would establish the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to state and local government buildings by December 31, 2030, and to all California end-use customers by December 31, 2045.

- League Position: Taking to Policy Committee

SB 330, as introduced (Skinner) Housing Crisis Act of 2019.

(1) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, until January 1, 2030, with respect to land where housing is an allowable use, would prohibit the legislative body of a county or city, defined to include the electorate exercising its local initiative or referendum power, in which specified conditions exist, from enacting an amendment to a general plan or adopting or amending any zoning ordinance that would have the effect of (A) changing the zoning classification of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; (B) imposing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing design standards that are more costly than those in effect on January 1, 2019; or (D) establishing a maximum number of conditional use or other discretionary permits that the county or city will issue for the development of housing within all or a portion of the county or city, or otherwise imposing a cap on the number of housing units within or the population of the county or city. The bill would, notwithstanding these prohibitions, allow a city or county to prohibit the commercial use of land zoned for residential use consistent with the authority of the city or county conferred by other law. The bill would state that these prohibitions would apply to any zoning ordinance

adopted or amended on or after January 1, 2018, and that any zoning ordinance adopted, or amendment to an existing ordinance or to an adopted general plan, on or after that date that does not comply would be deemed void.

The bill would state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.

(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.

This bill, until January 1, 2030, would prohibit a city or county from conducting more than 3 de novo hearings held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, on an application for a zoning variance or a conditional use permit or equivalent development permit for a housing development project. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 3 hearings consistent with the applicable timelines under the Permit Streamlining Act, but would require the city or county to either approve or disapprove the permit within 12 months from when the date on which the application is deemed complete, as provided.

(3) The Planning and Zoning Law requires a county or city to designate and zone sufficient vacant land for residential use with appropriate standards, as provided. That law also authorizes a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies certain objective planning standards.

This bill, until January 1, 2030, with respect to land where housing is an allowable use, would prohibit a county or city in which specified conditions exist from (A) changing the general plan designation or zoning classification of a parcel or parcels of property to a less intensive classification or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan land use designation or zoning ordinances of the city or county as in effect on January 1, 2018, with respect to a housing development project for which the application is deemed complete; (B) imposing a moratorium, or enforce an existing moratorium, on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing any new, increasing or enforcing any existing, requirement that a proposed housing development include parking; (D) charging fees, as defined, for the approval of a housing development project in excess of specified amounts, or charging any fee in connection with the approval of units within the housing development that meet specified affordability criteria; or (E) establishing a maximum number of conditional use or other discretionary permits that the county or city will issue for the development of housing within all or a portion of the county or city or otherwise imposing or enforcing a cap on the number of housing units within or the population of the county or city. The bill would also deem an application for a permit for a proposed housing development project to be consistent and in compliance with the general plan land use designation and zoning ordinances of a city or county, if a reasonable person could have found that the application would have been consistent and in compliance with the general plan land use designation and zoning ordinances of the city or county as in effect on January 1, 2018. If the city or county grants a conditional use permit approving a proposed housing development project and that project would have been eligible for a higher density under the city's or county's general plan land use designation and zoning ordinances as in effect on January 1, 2018, the bill would also require the city or county to allow the project at that higher density. The bill would also prohibit a county or city from approving a housing development project under these provisions if that project would require the demolition of certain types of existing housing, as provided.

The bill would state that these provisions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.

(4) The Planning and Zoning Law requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. That law requires the state or local agency to provide copies of this information available to all applicants for development projects and to any persons who request the information.

The bill, with respect to an application for a conditional use permit, zoning variance, or any other discretionary permit for a housing development project that is submitted to any city, including a charter city, or county that is not otherwise subject to the provisions described in (3), above, would (A) prohibit enforcement of any zoning ordinance adopted, amendment to an existing zoning ordinance or general plan, or any other standard adopted or amendment to an existing standard after the date on which the application for that housing development project is deemed complete; (B) prohibit any fee, as defined, in excess of the amount of fees or other exactions that applied to the proposed housing development project at the time the application for that housing development project is deemed complete; and (C) for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the housing development, at the time the application is deemed complete. The bill would require that each local agency make copies of any above-described list with respect to information required from an applicant for a housing development project available both (A) in writing to those persons to whom the agency is required to make information available and (B) publicly available on the internet website of the local agency. The bill would repeal these provisions as of January 1, 2030.

(5) The State Housing Law, among other things, requires the Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission, and to adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public, governing hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. That law specifies that the provisions of the State Housing Law and the building standards and rules and regulations adopted pursuant to that law apply in all parts of the state and requires specified entities within each city, county, or city and county to enforce within its jurisdiction those pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. A violation of the State Housing Law, or any building standard, rule, or regulation adopted pursuant to that law, is a misdemeanor. This bill would require the department to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission, and to adopt, amend, or repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public, applicable to occupied substandard buildings, as defined, in lieu of the above-described building standards, rules, and regulations. The bill would provide that an occupied substandard building that complies with these alternative building standards, rules, and regulations is deemed to be in compliance with the State Housing Law, and the building standards, rules, and regulations adopted pursuant to that law, for a period of 7 years following the date on which the enforcement agency finds a violation of the State Housing Law or a related building standard, rule, or regulation. The bill would make these provisions inoperative, except as specified, on January 1, 2030, and repeal these provisions on January 1, 2037.

(6) This bill would include findings that the changes proposed by this bill to the Planning and Zoning Law address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(7) By imposing various new requirements and duties on local planning officials with respect to housing development, and by changing the scope of a crime under the State Housing Law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

- League Position: Watch

LEGISLATIVE CALENDAR

- March 29, 2019 – Cesar Chavez Day observed
- April 11, 2019 - Spring recess begins upon adjournment of this day's session (J.R. 51(a)(2))
- April 22, 2019 – Legislature reconvenes from Spring recess (J.R. 51(a)(2))
- April 26, 2019 – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house
- May 3, 2019 – Last day for policy committees to hear and report to the Floor nonfiscal bills introduced in their house (J.R. 61(a)(3))
- May 10, 2019 – Last day for policy committees to meet prior to June 3 (J.R. 61(a)(4))
- May 17, 2019 - Last day for fiscal committees to meet and report to the floor bills introduced in their house (J.R. 61(a)(5)). Last day for fiscal committees to meet prior to June 3 (J.R. 61(a)(6)).
- May 27, 2019 - Memorial Day
- May 28-31, 2019 - Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7))
- May 31, 2019 - Last day for each house to pass bills introduced in that house (J.R. 61(a)(8))
- June 3, 2019 - Committee meetings may resume (J.R. 61(a)(9))
- June 15, 2019 - Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3))
- July 10, 2019 - Last day for policy committees to hear and report fiscal bills to fiscal committees (J.R. 61(a)(10))
- July 12, 2019 - Last day for policy committees to meet and report bills (J.R. 61(a)(11)). Summer Recess begins on adjournment, provided Budget Bill has been passed (J.R. 51(a)(3))
- August 12, 2019 - Legislature reconvenes from Summer Recess (J.R. 51(a)(3))

LEAGUE OF CALIFORNIA CITIES CALENDAR

- April 3 – 5, 2019 – Public Works Officer Institute & Expo
- April 24, 2019 – Legislative Action Day
- May 8 – 10, 2019 – City Attorney's Spring Conference
- June 19 – 20, 2019 - Mayors and Council Members Executive Forum
- June 21, 2019 – Mayors and Councilmembers Advanced Leadership Workshops