

# Overview of Enacted Bills Affecting Counties from the 2019/2020 Legislative Session

## Agriculture, Environment, and Natural Resources

### **SB 527 (Caballero) – Williamson Act: Cultivation of Cannabis and Hemp**

This bill by Senator Anna Caballero allows the regulated cultivation of industrial hemp and cannabis to be treated as agricultural and compatible uses, within an agricultural preserve and thus eligible to participate in the Williamson Act. CSAC supported this measure in conjunction with the Rural County Representatives of California.

### **SB 657 (Monning) – Cannabis Cultivation: Agricultural Commissioners Reporting**

This bill allows County Agricultural Commissioners to include county cannabis crop information in reports to California Department of Food and Agriculture. It allows them to voluntarily submit information regarding state cultivator license type, local license type, price tier, production methods, and other pieces of important information in their annual reports. CSAC supported the measure.

### **SB 726 (Caballero) – Hazardous Waste: Materials Exchange Program**

This bill allows for the expansion of reusable household hazardous materials exchange programs in a way that protects consumers and the environment. CSAC supported this bill because it helps decrease landfill disposal of potentially harmful products while providing the benefit of access to materials that could be reused in the community.

## Administration of Justice

### **AB 206 (Chiu) – Public Nuisance: Abatement**

This bill provides limited immunity from lawsuits and other claims associated a public entities' participation in the lead abatement program. CSAC supported the bill.

### **AB 597 (Levine) – Probation and Mandatory Supervision: Flash Incarceration**

This bill extends the authorization for the use of flash incarceration by probation departments for individuals on probation or mandatory supervision until January 1, 2023. AB 597 was sponsored by the Chief Probation Officers of California (CPOC) and supported by CSAC.

### **AB 1390 (Stone) – Deferred Entry of Judgment Pilot Program**

This bill expands eligibility for the youth deferred entry of judgment pilot program to defendants who are older than 21 years of age but under 25 years of age at the time of the offense with approval of the multidisciplinary team established by the county. AB 1390 was sponsored by CPOC and supported by CSAC.

## Health and Human Services

### **AB 1301 (Cooley) – Child Welfare: Adoption**

This bill transfers the administration of the Private Adoption Agency Reimbursement Program (PAARP) from the California Department of Social Services (CDSS) to county

welfare departments. Additionally, the bill changes the maximum reimbursement rates for private adoption agencies through the PAARP. Now, county welfare departments may use any unspent funds for additional permanency related activities. AB 1301 was sponsored by the County Welfare Directors Association (CWDA) and supported by CSAC.

#### **SB 438 (Hertzberg) – Emergency Medical Services: Dispatch**

This bill prohibits local emergency medical service agencies (LEMSAs) operated by counties from contracting with private entities for secondary 9-1-1 dispatch duties unless the local fire agency declines to take over those duties. It allows current joint powers and cooperation agreements to continue, and as amended, preserves the medical control authority of the county medical director. CSAC adopted a neutral position on the bill.

## Government, Finance, and Administration

#### **AB 1637 (Smith) – Unclaimed Property Law**

This bill by Assembly Member Christy Smith, which CSAC supported, will allow the State Controller to automatically transfer unclaimed property in the name of a county or other local agency, without the requirement that the local agency affirmatively claim that property. This should significantly streamline the return of funds to counties.

#### **SB 542 (Stern) – Workers' Compensation**

This measure creates a new workers' compensation presumption for post-traumatic stress injury for specified peace officers and firefighting personnel. While CSAC and other local government advocates opposed the bill and requested a veto, it had been considerably narrowed from its original form. Amendments included narrowing the bill to only post-traumatic stress injury, rather than all mental health disorders; removing retroactive provisions; and imposing a sunset date of January 1, 2025.

## Transportation and Land Use

#### **SB 137 (Dodd) – Federal Transportation Funds: State Exchange Programs**

This bill streamlines environmental review and expedites county bridge and safety projects by authorizing additional exchanges of federal and state transportation funding through the Match Exchange Program. CSAC worked closely with the Legislature, the California Department of Transportation (Caltrans), the California Department of Finance, and the California State Transportation Agency to negotiate amendments and secure passage of the bill. CSAC sponsored SB 137.

#### **AB 1515 (Friedman) – Planning and Zoning: Housing**

This bill provides clarity to local governments in implementing development projects consistent with an updated community plan when legal actions are taken against a jurisdiction's plan on the basis of noncompliance with the California Environmental Quality Act (CEQA). CSAC supported this bill.

## Voting & Elections

#### **SB 72 (Umberg) – Conditional Voter Registration: Provisional Ballots**

Requires conditional voting registration and provisional voting to be available at all polling places. Under this bill, Californians “will be able to register to vote on election day at local polling places”.

**[AB 49 \(Cervantes\) – California Voter Protection Act of 2019](#)**

Requires county registrars to finish sending vote-by-mail ballots within 5 days to voters who register as a permanent absentee voter or request a vote-by-mail ballot 29 days before Election Day. For voters who register as absentee after the 29-day threshold, counties can continue sending mail ballots on a rolling basis.

**[AB 571 \(Mullin\) – Political Reform Act of 1974: Contribution Limits](#)**

This bill creates identical campaign contribution limits to those imposed on certain elective state office candidates for county or city offices. Higher or lower local elective office contribution limits, codified by a city or county, are not impacted by this law. AB 571 neither alters current local contribution limits, nor does it limit how a city or county sets its own contribution limits in the future by resolution, ordinance or initiative after AB 571 becomes effective.

**[AB 849 \(Bonta\) – City and County Redistricting](#)**

This bill would set up rules restricting how cities and counties draw their council and supervisory maps. Among other things, the bill would require each district to “respect the geographic integrity of local neighborhoods and communities of interest.”

## Miscellaneous

**[SB 225 \(Durazo\) – The California Inclusion Act](#)**

Existing law prohibits non-citizens from holding civil office. This bill allows all residents, whether citizens or not, to serve on local boards and commissions.

**[SB 160 \(Jackson\) – Emergency Services: Cultural Competence](#)**

Requires counties to integrate cultural competence into their emergency plans.

**[AB 477 \(Cervantes\) – Emergency Preparedness: Vulnerable Populations](#)**

Requires counties to include representatives from the access and functional needs population in updates to their emergency plans.

**[AB 212 \(Bonta\) – Counties: Recording Fees](#)**

Authorizes a fee for each document filed with a county recorder to be used for restoration and preservation of the county recorder's permanent archival microfilm, to implement and fund a county recorder archive program as determined by the county recorder, or to implement and maintain or utilize a trusted system for the permanent preservation of recorded document

## Housing

### ***Tenant Protections***

**[AB 1482 \(Chiu\) – The Tenant Protection Act of 2019](#)**

Enacts a cap of 5 percent plus inflation per year on rent increases statewide for the next 10 years. The new law does not apply a cap to vacant units, and owners can continue to reset

rents to market rate at vacancy. It also prevents landlords from evicting certain tenants without landlords first providing a reason for the eviction and requires relocation assistance. The law does not apply to properties built in the last 15 years, nor does it apply to single-family home rentals (unless owned by large corporations) or to projects already under construction or under current rent control schemes. The new law defers to more stringent local measures, including existing local rent control with lower limits and local just cause eviction laws. The law's anti-eviction protections, which would limit evictions to lease violations or require relocation assistance, will kick in after a tenant has lived in an apartment for a year. Gov. Newsom's enactment of a rent cap comes less than a year after California voters [rejected a ballot measure](#) that would have expanded local rent control policies statewide, which would have likely resulted in tighter restrictions in some cities than those now offered by AB 1482.

#### **AB 1110 (Friedman) – Noticing Rent Increases**

This bill requires 90-day notice, rather than 60-day notice, before a landlord may increase the rent of a month-to-month tenant by more than 10 percent.

#### **SB 18 (Skinner) – The Keep Californians Housed Act**

Removes the Dec. 31, 2019, sunset date on a state law which gives tenants at least 90 days' notice before their tenancy can be terminated if a landlord loses ownership of their rental property as a result of a foreclosure sale.

#### **SB 329 (Mitchell) – Housing Discrimination: Source of Income**

This bill amends California's Fair Employment and Housing Act to protect housing voucher holders from housing discrimination based on their source of income. CSAC supported this measure after the CSAC Executive Committee voted to approve this position.

### ***Streamlining, Increasing Density, and Reducing Barriers to Production***

#### **SB 330 (Skinner) – Housing Crisis Act of 2019**

Includes a number of new procedural protections, including the following:

- ***Preliminary Application Protections*** – limitations on a jurisdiction's ability to change development standards and zoning applicable to the project once a "preliminary application" is submitted
- ***Application Completeness Streamlining*** – amends the Permit Streamlining Act to specify what constitutes a "preliminary application" and states that a jurisdiction has one chance to identify incomplete items in an initial application and after that may not request the submission of any new information that was not in the initial list of missing items
- ***Fees/Exactions Limitations*** – prevents jurisdictions from increasing exactions or fees during a project's application period, but allows such increases if the resolution or ordinance establishing the fee calls for automatic increases in the fee over time
- ***Hearing Limitations*** – prohibits cities or counties from conducting more than five hearings if a proposed housing development complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete
- ***Downzoning Prohibitions*** – prohibits a jurisdiction (with some exceptions) from enacting development policies, standards or conditions that would change current zoning and general plan designations of land where housing is an allowable use to "lessen the intensity of housing"; from placing a moratorium or similar restrictions

on housing development; from imposing subjective design standards established after Jan. 1, 2020; and limiting or capping the number of land use approvals or permits that will be issued in the jurisdiction, unless the jurisdiction is predominantly agricultural.

#### **AB 1763 (Chiu) – Density Bonuses for 100 Percent Affordable Projects**

Creates enhanced density bonus options, including a potential 80 percent increase in base density and unlimited density bonuses for qualifying projects within a half-mile of a major transit stop, under the State Density Bonus Law. However, this only applies to projects that consist of 100 percent affordable housing (no more than 20 percent moderate-income, and the remainder for lower-income).

#### **AB 1484 (Wicks) – Amendments to SB 35's Streamlined Ministerial Approval Process**

This bill makes a number of important clarifications to SB 35 of 2017, a law that allows qualifying housing and housing-rich mixed-use projects to qualify for a streamlined, ministerial CEQA-exempt approval process if the project meets the local government's objective zoning, subdivision and design review standards, provides a specific minimum number of affordable housing units, agrees to pay prevailing wages to construction workers, and meets other qualifying criteria. AB 1484 amends SB 35 in several ways: *Moderate-Income Options* – broadens eligibility for SB 35 to Bay Area projects that provide 20 percent of their units for moderate-income households (less than 120 percent of area median income), under certain conditions

- ***Calculating "Two-Thirds" Mixed-Use Projects*** – clarifies that the calculation to determine if a project qualifies for SB 35 where it consists of two-thirds residential excludes underground space such as parking garages and basements
- ***Approval Expiration Dates*** – clarifies that the three-year expiration for SB 35 approvals in case of litigation expires three years after a final judgment upholding the approval, and clarifies that the approval also remains valid as long as vertical construction of the development has begun and is in progress
- ***Subsequent Permits*** – clarifies that local governments must issue subsequent permits – such as demolition, grading, building permits and final maps – without unreasonable delay, as long as those subsequent permit applications substantially comply with the approved SB 35 permit
- ***Standards of Review and Consistency with Other Laws*** – clarifies that the standard for determining whether a project qualifies for SB 35 is highly deferential *to the project applicant*: a project complies with SB 35's criteria as long as "there is substantial evidence that would allow a reasonable person to conclude" that the development complies
- ***Housing Accountability Act*** – clarifies that under existing law, SB 35 projects are entitled to protection under the Housing Accountability Act

#### **AB 101 – Housing Development and Housing 2019-20 Budget Act**

This bill requires local governments to provide "by right," CEQA-exempt approvals to certain qualifying navigation centers that move homeless Californians into permanent housing. The law, which took effect on July 31, 2019, also creates additional incentives for cities to comply with their mandates to plan for sufficient housing in their Housing Elements, and provides some modest additional remedies that the state can use in court when cities fail to comply with housing element law. These reforms fall well short of Gov. Newsom's proposal at the beginning of 2019 to withhold state money from cities that fail to plan for and approve sufficient housing.

### **AB 1783 (Rivas) – Farmworker Housing**

This bill creates a streamlined, ministerial CEQA-exempt approval process for qualifying agricultural employee housing developments on land zoned primarily for agricultural uses.

### ***Accessory Dwelling Units***

### **AB 68 (Ting) & AB 881 (Bloom) – Processing Timelines, Ordinance Prohibitions and Triplexes**

Requires local agencies to either approve or deny an ADU project within 60 days of receiving a complete building permit application on a ministerial (CEQA-exempt) basis. The new law further prohibits local agencies from adopting ADU ordinances that: impose minimum lot size requirements for ADUs; set certain maximum ADU dimensions; require replacement off-street parking when a "garage, carport or covered parking structure" is demolished or converted to construct the ADU. Notably, the new law allows for an ADU as well as a "junior" ADUs where certain access, setback and other criteria are met – this has been referred to the "tripelex-ation" of single-family zoning. The new law has also explicitly identified opportunities for ADUs in multifamily buildings, including storage rooms, boiler rooms, etc., where building standards are met. New enforcement mechanisms have also been added. The Department of Housing and Community Development (HCD) may now notify the Attorney General's Office of any violations of these new provisions.

### **SB 13 (Wieckowski) – Owner Occupancy Prohibitions and Fee Limitations**

Provides, until Jan. 1, 2025, that cities may not condition approval of ADU building permit applications on the applicant being the "owner-applicant" of either the primary dwelling or the ADU. Additionally, agencies cannot impose impact fees on ADUs under 750 square feet. It also imposes additional restrictions and conditions on local governments' ability to charge development impact fees. It also creates an amnesty program for accessory dwelling units (ADUs) built before January 1, 2020, which would grant non-code compliant ADU owners the opportunity to request a delayed enforcement for up to five years. CSAC is concerned about making local government responsible for determining which conditions listed in state law are most important for health and safety—a difficult task that potentially affects tenants' rights. CSAC requested the Governor's veto on this bill.

### **AB 587 (Friedman) – Separate Conveyances**

Provides that local agencies may now allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met. Prior law that prohibited ADUs from being sold or conveyed separately from the primary residence in which they are co-located hindered shared ownership models, such as tenancies in common. This law, therefore, is expected to increase the ability of affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.

### **AB 670 (Friedman) – HOA Limitations**

Prevents homeowners' associations from barring ADUs. Many single-family neighborhoods in California were established as common-interest developments under the Davis-Stirling Common Interest Development Act. These properties are typically governed by a set of Covenant, Conditions and Restrictions (CC&Rs), which often restrict the types of construction that can occur within and adjacent to a member's home. AB 670 makes



unlawful any HOA condition that "prohibits or unreasonably restricts" the construction of ADUs on single-family residential lots.

#### **AB 671 (Friedman) – Local Government Assistance**

Requires local governments to include in their General Plan housing elements plans to incentivize and promote the creation of affordable ADUs. The law also requires HCD to develop, by Dec. 31, 2020, a list of state grants and financial incentives for ADU development.

#### ***Surplus Land Availability, Planning, and Impact Fee Data***

#### **AB 1486 (Ting) – Surplus Lands Act Process Amendments**

This bill expands the Surplus Lands Act's (Act) requirements for local agencies in an effort to achieve more affordable housing on surplus properties. Existing law requires agencies, when disposing of surplus land, to first offer it for sale or lease for the purpose of developing affordable housing. The bill analysis states that local agencies have attempted to circumvent the Act process in the past. Notable amendments include a new requirement for a local agency to provide information about its disposition process to HCD and for HCD to submit, within 30 days, written findings of any process violations that have occurred. Amendments also provide that a local agency that violates the Act is liable for 30 percent to 50 percent of the final sale price.

#### **SB 6 (Beall) – Available Residential Land**

Requires local agencies preparing a housing element or amendment on or after Jan. 1, 2021, to submit an inventory of land suitable residential development. Additionally, new law requires HCD to provide to the Department of General Services a list of lands suitable and available for residential development that were identified by a local government as part of the housing element. The Department of General Services must create a database of information regarding available local and state lands available and searchable by the public online.

#### **AB 1255 (Rivas) – Surplus Public Land Inventory**

Further requires agencies to make a central inventory of all surplus land and to report such information to HCD by April 1 of each year, beginning April 1, 2021. Agencies are further required to provide a list of its surplus land to requesting parties without charge. HCD must then report the information to the Department of General Services for inclusion in a digitized inventory of surplus properties.

#### **AB 1483 (Grayson) – Housing Impact Fee Data Collection and Reporting**

Requires local agencies to make information available on housing development fees, applicable zoning ordinances and standards, annual fee reports and archived nexus fee studies. Such agencies are then required to update the information within 30 days of any changes. Additionally, HCD will be required, on or after Jan. 1, 2020, to prepare a 10-year housing data strategy that identifies the data useful to enforce existing housing laws and inform state housing policymaking. Among other information requirements, the strategy must include information that provides a better understanding of project appeals, approvals, delays and denials and provides an understanding of the process, certainty, costs and time to approve housing.

#### ***CEQA and Housing***

### **AB 1560 (Friedman) – Defining "major transit stop"**

Broadens the definition of a "major transit stop" under Public Resources Code Section 21064.3 to include bus rapid transit. Projects located within a half-mile of a qualifying bus rapid transit stop that meet other qualifying conditions may qualify for multiple benefits: parking reductions pursuant to the State Density Bonus Law; CEQA infill housing, aesthetic and parking exemptions; SB 375 streamlining for qualifying transit priority projects; a less than significant Vehicle Miles Traveled (VMT) impact presumption. The new definition also applies to local incentives, such as those adopted per Measure JJJ and implemented in the City of Los Angeles' Transit Oriented Guidelines, for residential projects located within 1,500 feet of a major transit stop.

### **SB 744 (Caballero) – No Place Like Home Projects**

Streamlines the approval process for supportive housing projects by clarifying that a decision to seek funding through the No Place Like Home program is not a project for the purpose of CEQA. No Place Like Home is a voter-approved bond measure that will allocate up to \$2 billion for the development of permanent supportive housing and wrap around mental health services. The new law also provides a number of clarifying amendments that ensures a local government's design standards, impact fees and exactions are applied similarly to supportive housing projects as other residential projects in the same zone.

### **SB 450 (Umbert) – CEQA Exemption: Supportive and Transitional Housing**

This bill exempts a motel, hotel, residential hotel, or hostel that is converted into a supportive housing or transitional housing project from the CEQA until January 1, 2025. Modifications to these structures would be limited to minor interior or exterior alterations to facilitate their use as supportive or transitional housing. CSAC supported this bill.

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