



Governor's Office of Planning and Research

*2018
Legislative
Bill
Summary*



INTRODUCTION

This publication is a compilation of bills pertaining to local and regional governance that the Governor signed in 2018. This publication is intended to be comprehensive, but it is not exhaustive of all bills that may be relevant to local and regional government.

In general, chaptered legislation went into effect on January 1, 2019. Bills that contain an urgency clause took effect immediately upon the Governor's signature.

The Governor's Office of Planning and Research staff remains at your disposal to answer any question regarding the content of this publication.

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CANNABIS

AB 2164 Local Ordinance – Fines and Penalties: Cannabis.

Allows a local agency to adopt an ordinance that provides for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis. If a local agency adopts such an ordinance, the ordinance must provide for a reasonable period of time for the correction or remedy of the violation prior to the imposition of administrative fines or penalties pursuant to existing law if several requirements are met.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

AB 734 California Environmental Quality Act – Oakland Sports and Mixed-Use Project.

Authorizes the Governor to provide expedited (270 day) judicial review for a proposed baseball park and mixed-use development in the City of Oakland if certain requirements are met.

AB 987 California Environmental Quality Act – Sports and Entertainment Project.

Authorizes the Governor to provide expedited (270 day) judicial review for a proposed basketball arena and related development in the City of Inglewood if certain requirements are met.

AB 1804 California Environmental Quality Act – Exemption: Residential or Mixed-Use Housing Projects.

Provides a statutory exemption from CEQA for infill residential and mixed-use projects occurring within an unincorporated area of a county.

AB 2782 California Environmental Quality Act.

Authorizes lead agencies, in describing and evaluating projects in an environmental document, to consider specific economic, legal, social, technological, or other benefits of the project and the negative impacts of denying the project.

AB 2341 California Environmental Quality Act – Aesthetic Impacts.

Eliminates consideration of aesthetic effects under CEQA for specified projects involving the refurbishment, conversion, repurposing, or replacement of an existing abandoned, dilapidated, or vacant building, provided the new structure does not substantially exceed the height of the existing structure or create a new source of substantial light or glare.

FINANCING

SB 961 Enhanced Infrastructure Financing Districts.

Enacts the Second Neighborhood Infill Finance and Transit Improvements Act (NIFTI-2), which allows enhanced infrastructure financing districts to issue debt for certain projects within one-half mile of transit without voter approval. Like last year's NIFTI Act, sales tax increment can be captured.

SB 1145 Enhanced Infrastructure Financing Districts – Maintenance.

Authorizes enhanced infrastructure financing districts to fund maintenance of public capital facilities on a pay-as-you-go basis.

AB 2035 Affordable Housing Authorities

Makes administrative and technical changes to Affordable Housing Authority (AHA) Law. Revises and expands language related to how an AHA can expend funds. Allows an AHA to finance water, sewer, or other public infrastructure necessary to support the development of affordable housing, as specified.

FIRE AND OTHER NATURAL DISASTERS

SB 465 Property Assessed Clean Energy (PACE) Program - Wildfire Safety Improvements.

Expands, until January 1, 2029, Property Assessed Clean Energy financing to allow cities and counties in very high fire hazard severity zones to authorize contractual assessments for property owners to finance wildfire safety improvements.

SB 901 Wildfire Protection and Prevention Legislation.

Addresses numerous issues concerning wildfire prevention, response and recovery, including funding for mutual aid, fuel reduction and forestry policies, wildfire mitigation plans by electric utilities, and cost recovery by electric corporations of wildfire-related damages. Also includes a temporary CEQA exemption for certain prescribed fire, thinning, or fuel reduction projects undertaken on federal lands that have been reviewed under NEPA.

SB 1079 Advance Payment Local Fire Prevention Grants.

Authorizes Cal FIRE to issue advance payments of local assistance fire prevention grants and forest health grants to nonprofits, special districts, Native American tribes, and local agencies.

SB 1205 Fire Protection Services - Inspections: Compliance Reporting.

Requires local fire departments to annually report on their compliance with their currently statutorily required inspections. Specifically, requires every city, county or district fire department to annually report to its administering authority on its compliance with the inspection requirements; requires the report to occur when the administering authority discusses its annual budget, or at another time determined by administering authority; requires the administering authority to acknowledge receipt of the report in a resolution or a similar formal document; defines “administering authority” as a city council, county board of supervisors, or district boards, as the case may be.

SB 1260 Fire Prevention and Protection – Prescribed Burns.

Authorizes federal, state, and local agencies to engage in collaborative forestry management, creates new opportunities for public and private land managers to mitigate wildfire risks, and enhances the Cal FIRE role in identifying the wildfire hazards as local governments plan for new housing and neighborhoods.

AB 1919 Price Gouging: State of Emergency.

Makes it a misdemeanor for a landlord to increase the rental price by more than 10 percent after the proclamation or declaration of a natural disaster. Also makes other reforms to limit rent increases and evictions following an emergency.

AB 2911 Fire Safety.

Makes changes to local planning processes; provides for new building standards based on data from the 2017 fire season; provides for new vegetation management guidance, defensible space authorizations, and re-vegetation requirements in order to improve fire safety; and provides that utilities may be liable for damages for removing vegetation not within their easements.

GRANTS

SB 1072 Regional Climate Collaborative Program – Technical Assistance.

Establishes a regional climate collaborate program, to be administered by the Strategic Growth Council (SGC) to assist disadvantaged and low-income communities in gaining access to statewide public and other grant moneys. Also requires SGC to develop technical assistance guidelines that may be used by state agencies in delivering technical assistance resources.

AB 829 Local Government - Funding: State-Assisted Projects.

Essentially, prohibits cities and counties from requiring a letter of acknowledgement or similar document prior to applying for state assistance for any housing development.

AB 1933 Greenhouse Gas Reduction Fund - Recycling Infrastructure Projects

Adds the recovery of food for human consumption to the activities that are eligible for Greenhouse Gas Reduction Fund (GGRF) funding when doing so also reduces greenhouse gas (GHG) emissions. Also adds the expansion of facilities that process recyclable materials and projects to improve the quality of recyclable materials as eligible infrastructure projects to receive GGRF moneys when doing so also reduces GHG emissions.

AB 2377 Agriculture - Cannella Environmental Farming Act of 1995: Technical Assistance Grant Program.

Requires the California Department of Food and Agriculture to establish a technical assistance grant program to provide funds to technical assistance providers who help farmers and ranchers apply for grants from the Healthy Soils Program, alternative manure management programs, and the State Water Efficiency and Enhancement Program.

AB 2252 State Grants – State Grant Administrator.

Requires the California State Library, on or before July 1, 2020, to create a funding opportunities Internet Web portal that provides a centralized location for grant seekers to find state grant opportunities. It further requires each state agency to register every grant they administer with the California State Library and to accept electronic applications for any grant.

HOUSING: DENSITY BONUSES

SB 1227 Density Bonuses

Requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks the bonus and agrees to construct a project that will contain at least 20% of the total units for lower-income students in a student housing development, as specified. Development must provide priority to students experiencing homelessness. The density bonus will be calculated based on the number of beds instead of units.

AB 2372 Density Bonuses: Floor Area Ratio Bonus

Authorizes a city or county to establish a procedure by ordinance to grant a developer a floor area ratio bonus, in lieu of a density bonus, for specified projects that contain a specified number of affordable units

AB 2753 Density Bonuses - Density Bonus Application

Seeks to expedite the processing of density bonus applications. Requires a city, county, or city and county to provide a developer, at the time an application for a density bonus is deemed complete, a determination as to the following: (a) the amount of density bonus for which a development is eligible; (b) if the applicant requests a parking ratio, the ratio for which the applicant is eligible; and (c) if the applicant requests incentives, concessions, or

waivers or reductions in development standards, whether the applicant provided adequate information for the city, county, or city and county to make a determination as to those incentives, concessions, or waivers or reductions.

AB 2797 Planning and Zoning - Density Bonuses

Requires any density bonus, concessions, incentives, waivers, or reductions of development standards, and parking ratios to which the applicant is entitled to under state density bonus law to be permitted in a manner that is consistent with both density bonus law and the California Coastal Act. The law supersedes the Second District Court of Appeal's opinion in *Kahnel Gardens, LLC v. City of Los Angeles* (2016) 3 Cal.App.5th 927, 944, which held that the State Density Bonus Law is subordinate to the Coastal Act.

HOUSING: PLANNING AND APPROVAL

SB 765 Planning and Zoning - Housing.

Makes amendments to SB 35, the major streamlining law enacted in 2017, which requires localities to grant a streamlined ministerial approval to housing projects that meet the locality's objective standards, commit to provide prevailing wage labor and provide a specified amount of affordable housing, among other criteria.

SB 828 Land Use - Housing Element.

Makes amendments to the Regional Housing Needs Assessment process to use additional data to more accurately and fairly reflect job growth and housing needs, with an emphasis on fair housing goals. Prohibits the prior underproduction of housing in a city or county from the previous cycle and stable population numbers in a city or county from the previous cycle from being used as a justification for a determination or a reduction in the jurisdiction's share of the regional housing need. Requires the methodology approved by Department of Housing and Community (HCD) to grant allowances to adjust for data factors relating to overcrowding, vacancy rates, and households that are cost burdened, based on the region's total projected households, which includes existing households as well as future projected households.

SB 1226 Building Standards - Building Permits.

Requires HCD to propose the adoption of a building standard to authorize a local enforcement official to determine the date of construction of a residential unit, apply the building standards in effect of that date of construction, and issue a retroactive building permit when a record of the issuance of a building permit for the construction of an existing residential unit does not exist.

AB 686 Housing Discrimination - Affirmatively Further Fair Housing.

Requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing and not take any action that is inconsistent with that obligation. Additionally, an assessment of fair housing practices must now be included in upcoming housing elements.

AB 1771 Planning and Zoning - Regional Housing Needs Assessment.

Companion bill to SB 828. Makes amendments to the Regional Housing Needs Assessment process to use more data to more accurately and fairly reflect job growth and housing needs, with an emphasis on fair housing goals. Require regional housing needs allocation plans to include an objective to increase access to areas of high opportunity for lower-income residents, while avoiding displacement and affirmatively furthering fair housing. Requires the council of governments or delegate sub-region as applicable, to provide, along with the proposed methodology, an explanation of how the proposed methodology furthers the objectives required to be addressed by the regional housing needs allocation plan. Members of the public can request these objectives, methodology and accompanying materials.

AB 2162 Planning and Zoning – Housing Development: Supportive Housing.

Streamlines affordable housing projects that include supportive housing units and onsite supportive services. Supportive housing is housing linked to an onsite or offsite service that assists the resident in retaining the housing, improving his or her health status, or increasing the ability to live and work in the community. Qualifying criteria relates to affordability, long-term deed restrictions, nonresidential floor use providing supportive services and other design requirements. The law prohibits the local government from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within a half-mile of a public transit stop.

AB 3194 Housing Accountability Act – Project Approval.

Specifies that a proposed housing development project is not inconsistent with the applicable zoning standards and criteria if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. The Legislature also declared its intent that a “specific, adverse impact on the public health and safety” - the only permissible basis on which a local government can reject or reduce the size of a project that complies with objective standards - will “arise infrequently.”

LOCAL GOVERNANCE AND MISCELLANEOUS LAND USE

SB 946 Sidewalk Vendors.

Prohibits a local authority from regulating sidewalk vendors, except in accordance with the provisions in the statute. Would additionally require the dismissal of any prior criminal prosecutions for sidewalk vending.

SB 1035 General Plans.

Requires climate adaptation and resiliency information contained in a general plan to be regularly updated. Specifically, requires the safety element to be revised to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city and county that was not available during the previous revision of the safety element. Further, requires this revision to occur upon each revision of the housing element or local hazard mitigation plan, but not less than every eight years.

SB 1202 Land Use – Development Fees.

Requires local governments that have not completed a required report on mitigation fees for three consecutive years to pay the costs of requested audits of their mitigation fee funds.

SB 1333 Planning and Zoning – General Plan: Zoning Regulations: Charter Cities.

Applies specified provisions of the state planning and zoning laws to charter cities, ensuring that their zoning ordinances, specific plans, and development agreements are consistent with their plans for affordable housing contained in their housing elements.

AB 1445 Designated Qualified Opportunity Zones – Sale or Lease of Property.

Requires a city or county that sells or leases property to a qualified opportunity zone fund to collect and post a timeline for completion of the investment activity on the property and information relating to the development of the property.

AB 2132 Building Permit Fees: Waiver.

Authorizes cities and counties to waive or reduce all building permit fees for improvements to the home of a senior with a qualifying disability that are made to accommodate that disability.

AB 2263 Designated Historical Resource – Conservation or Adaptation: Required Parking.

Requires a local agency to reduce the required number of required parking spaces for development projects in which a designated historical resource is being converted or adapted. The exact reduction depends on the use of the property and its location.

AB 2598 Cities and Counties - Ordinances: Violations.

Increases the fine amounts that counties and cities may assess for violations of their building and safety codes and creates a new fine for specified violations of building and safety codes on commercial property.

AB 2913 Extending the Duration of Building Permits.

Extends the duration of a building permit from 6 months (180 days) to 12 months, as long as construction has started and has not been abandoned. A permit is subject to the building standards in effect on the date of original issuance, and if the permit does expire, the developer may obtain approval from the local building official for one or more six-month extensions.

AB 2973 Land Use – Subdivision Map Act: Expiration Dates.

Allows a 24-month extension for unexpired subdivision maps that relate to the construction of single or multifamily housing, in jurisdictions that meet certain criteria.

AB 3036 Solid Waste - Byproducts from the Processing of Food or Beverages.

Prohibits a county, city, district, or local governmental agency from subjecting the hauling of certain byproducts from the processing of food and beverages to an exclusive franchise, contract, license, or permit.

SPECIAL DISTRICTS

SB 448 Local Government - Organization: Districts.

Requires the State Controller to publish a list of inactive special districts and establishes a process for local agency formation commissions to dissolve inactive special districts.

AB 2600 Regional Park and Open Space Districts.

Establishes an alternative procedure for forming a regional park and open space district. Authorize the formation of a district by the adoption of a resolution of application by the legislative body of any county or city that contains the territory proposed to be included in the district.

TRANSPORTATION

AB 636 Local Streets and Roads – Expenditure Reports.

Revises the due date for cities and counties to submit a required report for the State Controller’s Office detailing the expenditure of funds for street or road purposes during the preceding fiscal year.

AB 1184 City and County of San Francisco - Local Tax: Transportation Network Companies: Autonomous Vehicles.

Enacts the Transportation Assistance Funding Act, which authorizes the City and County of San Francisco to impose a tax on each ride originating in San Francisco provided by a participating or autonomous driver.

AB 2363 Zero Traffic Facilities Task Force.

Creates a task force to determine whether the traditional methodology for establishing speed limits (the 85th percentile rule) needs to be replaced.

AB 2923 San Francisco Bay Area Rapid Transit District – Transit Oriented Development.

Requires, until January 1, 2029, cities and counties to adopt zoning standards in the San Francisco Bay Area Rapid Transit District’s (BART) transit-oriented development guidelines and establishes a streamlined approval process for certain projects on BART-owned land.

UTILITIES

SB 1215 Provision of Sewer Service - Disadvantaged Communities.

Authorizes the Regional Water Quality Control Boards to order the provision of sewer service to a disadvantaged community that has inadequate onsite sewage treatment systems.

AB 2179 Municipal Corporations - Public Utility Service: Water and Sewer Service

Authorizes a municipal corporation to utilize the alternative procedures to sell or transfer a municipal utility furnishing sewer service, including providing that a majority vote is needed by the legislative body and the voters of the jurisdiction, instead of the existing requirement of a two-thirds vote by each.

AB 2371 Water Use Efficiency - Landscape Irrigation.

Requires implementation of policies that affect outdoor landscape water use efficiency recommended by an independent review panel, including requiring the Contractors State License Board to conduct an analysis of its examination content related to landscape irrigation efficiency practices; permitting a home inspection to include an examination of the irrigation system, as specified; and other requirements related to landscape water efficiency and standards.

AB 2501 Drinking Water - State Administrators: Consolidation and Extension of Service.

Revises and recasts existing law to expand the State Water Resources Control Board’s authority to order the consolidation of, and appoint an administrator for, drinking water systems that serve a disadvantaged community and that consistently fail to provide safe, affordable drinking water.

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