



City of Riverside

LEGISLATIVE HIGHLIGHTS 2021/22 Legislative Session

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**Prepared by:
Amy Brown
Max Perry
Colin Hawley**

This report provides an overview of particular bills of interest for the City of Riverside during the first half of the 2021/22 State Legislative Session in Sacramento. The report is broken down into key issue areas, with a synopsis of major actions taken by the Legislature with relevance to the City's agenda. To the greatest extent possible, this report strives to provide the City with insight and perspective to shape the City and Arc's state advocacy strategies moving forward.

The legislative year was one that nobody could have imagined. We continue to endure the worldwide COVID-19 health pandemic, a state budget deficit of roughly \$54 billion in 2020, monumental civil advocacy for public safety reform, and some of the most destructive wildfires California has seen. California ended the fiscal year with \$87 billion in surplus, as COVID-19 altered the State Legislative Session significantly with the State Legislature prolonging recesses to protect members of the Legislature, nuances of virtual policy committee hearings and the Capitol building being closed to in-person advocacy. Due to the upended legislative calendar and upon request of the Senate Pro-Tempore and Assembly Speaker, members of the Legislature reduced their bill packages by nearly 75 percent – a 12 bill minimum per member.

As such, detailed below are particular bills of interest to the City, their current statuses and the impact they might have on municipal affairs.

Legislative Overview

Despite shifted focus toward the pandemic, wildfire mitigation and civil justice reform, the Legislature and Governor remained steadfast to address the State's housing and homeless crises. Based on the Legislature's prioritization and reduction of bills this year, we can surmise that the

State will continue to aggressively push a political agenda that attempts to address these issues for the foreseeable future. We can also anticipate that the Legislature will attempt to revive statewide proposals having significant impacts on the business community that failed passage this year.

Below are some of the key bills acted upon in 2021.

Summary of Major Policy Issues

COVID-19 RELIEF

AB 61 (Gabriel) Business Pandemic Relief

This bill would authorize the Department of Alcoholic Beverage Control to permit licenses to expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization (TCA). It would extend the period of time during which the COVID-19 TCA is valid beyond 365 days if the licensee has filed a pending application with the department for the permanent expansion of their premises before the 365-day time period expires. It would make these provisions effective only until July 1, 2024.

League's Position: Support

Status: Governor's Desk

AB 654 (Reyes) COVID-19: exposure: notification

The California Occupational Safety and Health Act of 1973 authorizes the Division of Occupational Safety and Health to prohibit the performance of an operation or process, or entry into that place of employment when, in its opinion, a place of employment, operation, or process, or any part thereof, exposes workers to the risk of infection with COVID-19, so as to constitute an imminent hazard to employees. Current law requires that the prohibition be issued in a manner so as not to materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power or water. Current law requires that these provisions not prevent the entry or use, with the division's knowledge and permission, for the sole purpose of eliminating the dangerous conditions. This bill would add the delivery of renewable natural gas to the list of utilities that the division's prohibitions are not allowed to materially interrupt.

League Position: Support

Status: Governor's Desk

HOUSING AND HOMELESSNESS

As noted above, the debate surrounding California's housing and homelessness crisis continued to intensify in the new year, and a bevy of bills have taken aim at the growing problem.

Three key pieces of legislation, SB 8, SB 9 and SB 10 were signed by Governor Newsom last Thursday, signaling an emphatic focus on the issue, and a desired expediency for resolution.

The housing package will do much to transform California cities and suburban areas by expanding housing production, streamlining housing permitting, increasing density, addressing climate change and promoting construction near transportation and employment hubs.

These statute changes are intended to create a more accessible housing market for lower-income residents, and are projected to create over 84,000 new affordable homes, including over 44,000 new housing units and treatment beds for people exiting homelessness.

Below are the bills of importance regarding housing and homelessness, with an emphasis on those that have direct impacts on the City, and those that are heading to the Governor’s Desk for a signature or veto.

AB 215 (Chiu) Planning and Zoning Law: housing element: violations.

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. That law requires a planning agency, before adopting its housing element or amendment to its housing element, to submit a draft element or draft amendment to the Department of Housing and Community Development. This bill would require a local government to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to the department. The bill would require a local government to post any subsequent draft revision on its internet website and to email a link to the draft revision to individuals and organizations that have requested notices relating to the local government’s housing element, as specified.

League of Cities’ (League) Position: Oppose
Status: Governor’s Desk

AB 500 (Ward) Local planning: coastal development: streamlined permitting.

The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units, consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.

League’s Position: Oppose
Status: 2-Year

AB 602 (Grayson) Development fees: impact fee nexus study.

Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

League’s Position: Oppose Unless Amended
Status: Governor’s Desk

AB 816 (Chiu) Homelessness: Housing Trust Fund: housing projects.

Current federal law requires the Secretary of the United States Department of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low-income families, including homeless families, and home ownership for extremely low and very low-income families. Current law requires the department to collaborate with the California Housing Finance Agency to develop an allocation plan to demonstrate how the funds will be distributed, based on the priority housing needs identified in the state’s consolidated plan, and to convene a stakeholder process to inform the development of the plan. Current law requires the allocation plan and program guidelines to prioritize projects based on enumerated factors such as the extent to which project rents are affordable. The department is required to submit this plan to the Assembly Committee on Housing and Community Development and the Senate Transportation and Housing Committees 30 days after receipt of the federal funds. This bill would require the department to prioritize funding for projects that serve people experiencing homelessness, to the extent that a sufficient number of projects exist.

League’s Position: Oppose Unless Amended
Status: Governor’s Desk

AB 838 (Friedman) State Housing Law: enforcement response to complaints.

This bill would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as specified, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator

of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

League's Position: Oppose Unless Amended
Status: Governor's Desk

AB 989 (Gabriel) Housing Accountability Act: appeals: Office of Housing Appeals.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.

League's Position: Oppose
Status: 2-Year

AB 1401 (Friedman) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

This bill would prohibit a public agency in a county with a population of 600,000 or more from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within 1/2 mile, as specified, of public transit, as defined. The bill would prohibit a public agency in a city with of 75,000 or more located in a county with a population of less than 600,000 from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the project is located within 1/4 mile, as specified, of public transit, as defined. The bill would create authorizations in this regard for a city or a county to which these prohibitions do not apply.

League's Position: Oppose
Status: 2-Year

AB 1174 (Grayson) Planning and zoning: housing: development application modifications, approvals, and subsequent permits.

The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, that the development and the site on which it is located satisfy specified location, urbanization, and zoning requirements.

Current law provides that a development approved pursuant to the streamlined, ministerial approval process is valid indefinitely if specified requirements are met, and otherwise is valid, except as provided, for 3 years from the date of the final action establishing that approval and remains valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Current law authorizes a development proponent to request a modification to a development that has been approved under the streamlined, ministerial approval process if the request is submitted before the issuance of the final building permit required for construction of the development. Current law defines “affordable rent” for purposes of this streamlined, ministerial approval process. This bill would clarify the requirements that must be met for an approved development to be valid indefinitely.

League’s position: Watch
Status: Chaptered

SB 8 (Skinner) Housing Crisis Act of 2019.

This bill would clarify, for various purposes of the Housing Crisis Act of 2019, that “housing development project” includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law, except that the clarification does not affect a project for which an application was submitted to the city, county, or city and county before January 1, 2022.

League’s position: Watch
Status: Chaptered

SB 9 (Atkins) Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

League Position: Oppose
Status: Chaptered

SB 10 (Wiener) Planning and zoning: housing development: density.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superseding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

League's position: Watch
Status: Chaptered

SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites.

Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the Budget Act or other act, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of housing, as defined.

League Position: Support
Status: In the Assembly. May be taken up in January

SB 477 (Wiener) General Plan: annual report.

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. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

League's position: Watch
Status: Governor's Desk

SB 478 (Wiener) Planning and zoning law: housing development projects.

The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

League's position: Watch

Status: Governor's desk

SB 765 (Stern) Accessory dwelling units: setbacks.

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.

League Position: Support

Status: Failed Passage

PUBLIC SAFETY

In the realm of public safety, the 2021-22 Legislative Session began much like the two previous years before it—a plethora of law enforcement reform bills introduced, many of which being highly untenable, but voraciously debated.

Key proposals centered around officer decertification, use of force, positional asphyxia, minimum age and education requirements, sanctuary state laws, kinetic weapon use, gang enhancements, trial procedure, media access, bail reform and more. In a vacuum these bills would have presented difficult operational circumstances for local agencies, but if passed together, the reforms would have created a wholly unworkable situation for law enforcement officers across the State.

As a result, many law enforcement organizations were forced to oppose a wide swathe of legislation, either outright killing detrimental bills or working with author's offices and stakeholders to amend certain provisions to a feasible degree.

Key end of session developments centered on SB 2 (Bradford), AB 937 (Carrillo), AB 333 (Kamlager), SB 98 (McGuire) and SB 262 (Hertzberg). Of these bills, the California Police Chiefs Association (CPCA) is asking for a veto on SB 98 and AB 333.

SB 98 is a reintroduction of McGuire's bill last year (which was eventually vetoed by Governor Newsom) and it hasn't changed much since that last iteration. It is unclear if the Governor's office feels the same way about this year's attempt, but there are still major concerns around an officer's ability to respond to potentially dangerous events like mass protests when any individual who identifies themselves as "media" can obstruct law enforcement, while preventing officers from obstructing them.

AB 333 is a bill dealing with gang enhancements, which would make it extremely difficult for prosecutors to prove gang affiliations, even with typically conclusive evidence. The author's office pushed the bill through in the last few days of session without giving opposition groups an opportunity to fully mobilize an informative campaign against it, and as a result, the bill squeaked by its concurrence vote with 40 ayes. There are ongoing concerns about the continued easing of punishments we have seen in recent years as violent crime and especially gang-related offenses have grown to a concerning degree in many parts of the State.

Below is a list of the more prominent bills of concern to law enforcement groups in the first half of the 2021-22 Legislative Session.

AB 48 (Gonzalez, Lorena) Law enforcement: use of force.

This bill would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

Police Chief Association's (CPCA) Position: Oppose
Status: Governor's Desk

AB 89 (Jones-Sawyer) Peace officers: minimum qualifications.

Current law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Current law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a

report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023.

CPCA's Position: Support
Status: Governor's Desk

AB 333 (Kamlager) Participation in a criminal street gang: enhanced sentence.

Current law makes it a crime, punishable as either a misdemeanor or a felony, to actively participate in a criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity and to actively promote, further, or assist in felonious criminal conduct by members of that gang. This bill would also require that the crimes committed to form a pattern of criminal gang activity have commonly benefited a criminal street gang and that the common benefit from the offenses be more than reputational, as specified. The bill would remove looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. The bill would prohibit the use of the currently charged crime to prove the pattern of criminal gang activity.

CPCA's Position: Oppose
Status: Governor's Desk

AB 490 (Gipson) Law enforcement agency policies: arrests: positional asphyxia.

This bill would prohibit a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia, as defined. By requiring local agencies to amend use of force policies, this bill would impose a state-mandated local program.

CPCA's Position: Oppose Unless Amended
Status: Governor's Desk

AB 937 (Carrillo) Immigration enforcement.

The California Values Act, prohibits a California law enforcement agency from providing a person's release date, or responding to a request for notification of a release date, unless that information is available to the public, and prohibits the transfer of an individual to immigration authorities, as specified, unless the person has been convicted of specified crimes or arrested for a serious or violent felony. This bill would prohibit any state or local agency from arresting or assisting with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose, as specified. The bill would additionally prohibit state or local agencies or courts from using immigration status as a factor to deny or to recommend denial of probation or participation in any diversion, rehabilitation, mental health program, or placement in a credit-earning program or class, or to determine custodial classification level, to deny mandatory supervision, or to lengthen the portion of supervision served in custody.

CPCA's Position: Oppose
Status: 2-year

SB 2 (Bradford) Peace officers: certification: civil rights.

Under current law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Current law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000. Current law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. This bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.

CPCA’s Position: (Soft) Oppose
Status: Governor’s Desk

SB 16 (Skinner) Peace officers: release of records.

Current law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Current law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Current law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act, subject to redaction as specified. This bill would make a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force, subject to disclosure.

CPCA’s Position: Support
Status: Governor’s Desk

SB 81 (Skinner) Sentencing: dismissal of enhancements.

Current law generally authorizes a court to dismiss an action or to strike or dismiss an enhancement in the furtherance of justice. This bill would, except as specified, require a court to dismiss an enhancement if it is in the furtherance of justice to do so. The bill would require a court to consider and afford great weight to evidence offered by the defendant to prove that specified mitigating circumstances are present. The bill would provide that proof of the presence of one or more specified mitigating circumstances weighs greatly in favor of dismissing an enhancement, unless the court finds that dismissal would endanger public safety, as defined.

CPCA’s Position: Oppose

Status: Governor’s Desk

SB 98 (McGuire) Public peace: media access.

This bill would, if peace officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, require that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would prohibit a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public.

CPCA’s Position: Oppose
Status: Governor’s Desk

SB 262 (Hertzberg) Bail.

Current law requires the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail, as specified, and requires the superior court judges, when adopting that schedule, to consider the seriousness of the offense charged and assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, as specified. This bill would instead require the Judicial Council to, starting January 1, 2023, prepare, adopt, and annually revise a statewide bail schedule. The bill would require the Judicial Council, when adopting that schedule, to consider the seriousness of the offense charged and input from stakeholders, experts, and other interested parties. The bill would require the court, prior to setting bail, to consider whether nonfinancial conditions will reasonably protect the public and the victim and reasonably assure the arrestee’s presence at trial.

CPCA’s Position: Oppose
Status: 2-year

HAZARD PAY

There were many efforts made at the local level to pass “hazard pay” or “hero pay” ordinances this year due to the continued threat of the COVID-19 pandemic. These local ordinances require employers to pay additional wages to essential workers, as is defined in those ordinances.

The State Legislature attempted a last-minute policy change by requiring the State, through the Controller, to provide a one-time payment of \$1,500 to essential workers.¹

¹ As proscribed by the proposal: (3) “Critical infrastructure industry sectors” shall include the following:
(A) Health care workers, including workers that provide patient transportation;
(B) Workers at farms, food production and processing facilities, grocery stores, drug stores and and restaurants;
(C) Janitors, maintenance workers, and sanitation workers;
(D) Truck drivers, transit staff, food and package delivery drivers, airport workers, and warehouse workers;

VACCINE MANDATES, LIABILITIES & PAID SICK LEAVE

Labor advocates and business groups attempted a late session push to alleviate liability of employers who require proof of vaccines of their employees. Among those negotiations were considerations to extend the State's paid sick leave requirements which were passed last year during the height of the COVID-19 pandemic.

AB 1102 by Assembly Member Low was identified as the vehicle for those changes in statute. These efforts were stalled due to the lack of support from legislators towards the end of session.

There have been discussions with Assembly Leadership to resurrect those negotiations and possibly introduce a new bill in January of 2022.

OTHER BILLS OF INTEREST

AB 361 (Rivas) Open meetings: state and local agencies: teleconferences

This bill would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

League's Position: Support
Status: Chaptered

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- (E) Childcare workers, educators, and classified school staff;
 - (F) Workers at hotels and commercial lodging facilities;
 - (G) Workers manufacturing healthcare products such as personal protective equipment and paper products; and
 - (H) Employees of a state, local, special district or Tribal government with the exception of law enforcement officers
 - (I) Employees of a public or private gas, electric, or water utility company
 - (J) Employees of the University of California, California State University, and Community College systems.

AB 339 (Lee) Local government: open and public meetings

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

League's Position: Oppose
Status: Governor's Desk

AB 43 (Friedman): Traffic Safety

This bill would allow cities greater flexibility when calculating speed limits along the most dangerous sections of roadway under certain circumstances.

League's Position: Support
Status: Governor's Desk

AB 118 (Kamlager) Department of Social Services: C.R.I.S.E.S. Grant Pilot Program

This bill would enact the Community Response Initiative to Strengthen Emergency Systems Act, or the C.R.I.S.E.S. Act, for purposes of creating, implementing, and evaluating the C.R.I.S.E.S. Grant Pilot Program, which the act would establish. The bill would require the department to administer the program if appropriate funding is made available to the department. The bill would require the department to award grants to qualified grantees, which include city, county, and tribal departments of social services, disability services, health services, public health, or behavioral health, based on grant eligibility criteria developed in partnership with a stakeholder workgroup.

League's Position: Watch
Status: Governor's Desk

AB 491 (Ward) Housing: affordable and market rate units

The bill would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The bill would define various terms for these purposes.

League's Position: Watch
Status: Governor's Desk

AB 773 (Nazarian) Street closures and designations

This bill would authorize a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. The bill would require the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

League's Position: Support
Status: Governor's Desk

AB 934 (Cooley) Public buildings: shelter in place: guidelines

This bill would, no later than March 1, 2022, require the Department of General Services to prepare and submit to the Joint Rules Committee a report summarizing current building safety guidelines of the Federal Emergency Management Agency, or similar building safety guidelines, relating to the integration of shelter-in-place facilities in public buildings.

League's Position: Support
Status: Governor's Desk

AB 14 (Aguiar Curry) Communications: California Advanced Services Fund: Deaf and Disabled Telecommunications Program: Surcharges

This bill (in tandem with SB 4 below) authorizes the CA Public Utilities Commission to continue imposing an existing surcharge through December 31, 2032. It prioritizes the deployment of broadband infrastructure in unserved and underserved communities through the California Advanced Services Fund.

League's Position: Support
Status: Governor's Desk

SB 4 (Gonzalez) Communications: California Advanced Services Fund

This bill would require the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

League's Position: Support
Status: Governor's Desk

SB 343 (Allen) Environmental advertising: recycling symbol: recyclability: products and packaging

Current law declares that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products and that, for consumers to have accurate and useful information about the environmental impact of plastic products, environmental marketing claims should adhere to uniform and recognized standards. This bill would further declare that it is the public policy of the state that claims related to the recyclability of a product or packaging be truthful and that consumers deserve accurate and useful information related to how to properly handle the end of life of a product or packaging.

League's Position: Support

Status: Governor's Desk

SB 556 (Dodd) Street light poles, traffic signal poles: small wireless facilities attachments

This bill would prohibit a local government or local publicly owned electric utility from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities on those poles. The bill would require that street light poles and traffic signal poles be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees, as provided. The bill would authorize a local government or local publicly owned electric utility to condition access to its street light poles or traffic signal poles on reasonable terms and conditions, including reasonable aesthetic and safety standards.

League's Position: Oppose

Status: Governor's Desk

SB 619 (Laird) Organic waste: reduction regulations: local jurisdiction compliance

Current law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. Current law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. This bill would authorize a local jurisdiction facing continuing violations that commence during the 2022 calendar year of those regulations to submit to the department no later than March 1, 2022, a notification of intent to comply, as prescribed.

League's Position: Support

Status: Governor's Desk

SB 640 (Becker) Transportation financing: jointly funded projects

Current law provides for the deposit of various funds, including revenues from certain increases in fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the department for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Current law requires a city or county to submit to the California Transportation Commission a list of proposed projects, as specified, to be eligible for an apportionment of those funds. This bill would authorize cities and counties to propose projects to be jointly funded by the cities and counties' apportionments of those funds, as specified.

League's Position: Support
Status: Chaptered

AB 237 (Gray) Public employment: Unfair practices: health protection

Under current law, the Public Employment Relations Board (PERB) has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. This bill, the Public Employee Health Protection Act, would make it an unfair practice for a covered employer, as defined, to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in the authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike.

League Position:
Status: Governor's Desk

AB 332 (Committee on Environmental Safety and Toxic Materials) Hazardous waste: treated wood waste: management standards

Current law, as part of the hazardous waste control laws, requires the Department of Toxic Substances Control to regulate the management and handling of hazardous waste. Under current law, certain wood waste that is exempt from regulation under the federal Resource Conservation and Recovery Act of 1976, as amended, is exempt from the hazardous waste control laws, if the wood waste is disposed of in a municipal landfill that meets certain requirements imposed pursuant to the Porter-Cologne Water Quality Control Act for the classification of disposal sites, and the landfill meets other specified requirements. A violation of the state's hazardous waste control laws, including a regulation adopted pursuant to those laws, is a crime. This bill would require a person managing treated wood waste to comply with the hazardous waste control laws or the management standards established in the bill, including standards for the reuse, storage, treatment, transportation, tracking, identification, and disposal of treated wood waste, as provided.

League Position: Support
Status: Chaptered

AB 389 (Grayson) Ambulance Services

The Prehospital Emergency Medical Care Personnel Act authorizes a local EMS agency to create one or more exclusive operating areas in the development of a local plan, if a competitive process is utilized to select the provider of the services pursuant to the plan, except as specified. This bill would specify that a county is authorized to contract for emergency ambulance services with a fire agency, as defined, that will provide those services, in whole or in part, through a written subcontract with a private ambulance service.

League Position: Support

Status: Governor's Desk

AB 585 (Rivas) Climate change: Extreme Heat and Community Resilience Program

This bill would establish the Extreme Heat and Community Resilience Program for the purpose of coordinating state efforts and supporting local and regional efforts to mitigate the impacts of, and reduce the public health risks of, extreme heat and the urban heat island effect, and would require the Office of Planning and Research to administer the program through the Integrated Climate Adaptation and Resiliency Program.

League Position: Support

Status: 2-Year

AB 602 (Grayson) Development Fees: Impact Fee Nexus Study

Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

League Position: Oppose Unless Amended

Status: Chaptered

AB 758 (Nazarian) Marks-Roos Local Bond Pooling Act of 1985: electric utilities: rate reduction bond

The Marks-Roos Local Bond Pooling Act of 1985 authorizes certain joint powers authorities, upon application by a local agency that owns and operates a publicly owned utility, defined to mean

certain utilities furnishing water or wastewater service to not less than 25,000 retail customers, to issue rate reduction bonds to finance utility projects, as defined, subject to certain requirements. Under the act, these rate reduction bonds are secured by a pledge of utility project property, and the joint powers authority issuing the bonds may impose on, and collect from, customers of the publicly owned utility a utility project charge to finance the bonds, as provided. This bill would expand the definition of a publicly owned utility for these purposes to include a local publicly owned electric utility, as defined. The bill would authorize an authority to issue rate reduction bonds to finance or refinance utility projects for the provision of generation, transmission, or distribution of electrical service.

League Position: Support

Status: Chaptered

AB 970 (McCarty) Planning and Zoning: Electric Vehicle Charging Stations: Permit Application

Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill would clarify that these provisions apply to all cities, including charter cities.

League Position: Oppose

Status: Governor's Desk

AB 1403 (Levine) Emergency Services

The California Emergency Services Act authorizes the Governor to proclaim a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor to exercise certain powers in response to that emergency. Current law defines the term "state of emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a "deenergization event," defined as a planned power outage, as specified, within those conditions constituting a state of emergency.

League Position: Support

Status: Governor's Desk

SB 28 (Caballero) Digital Infrastructure and Video Competition Act of 2006: deployment data

The Digital Infrastructure and Video Competition Act of 2006, establishes a procedure for the issuance of state franchises for the provision of video service, defined to include cable service and open-video systems, administered by the Public Utilities Commission. The act provides that the holder of a state franchise is not a public utility as a result of providing video service and does not provide the commission with authority to regulate the rates, terms, and conditions of video service except as explicitly set forth in the act. The act requires a franchise holder to annually report to the

commission regarding the availability of and subscriptions to broadband and video service, as specified. This bill would repeal the requirement that franchise holders annually report regarding the availability of and subscriptions to broadband and video service.

League Position: Support
Status: Governor's Desk

SB 52 (Dodd) State of Emergency: Local Emergency: Planned Power Outages

This bill would define a 'deenergization event' as a planned power outage, as specified, and would make a deenergization event one of those conditions constituting a local emergency, with prescribed limitations.

League Position: Support
Status: Governor's Desk

SB 60 (Glazer) Residential Short-Term Rental Ordinances: Health and Safety Infractions: Maximum Fines

Current law sets specific monetary limits on the fines that may be imposed by city or county authorities for any violation of local building and safety codes that is an infraction, as prescribed. Current law requires a city or county levying fines pursuant to these provisions to establish a process for granting a hardship waiver in certain cases. This bill would, notwithstanding those provisions and with certain exceptions, raise the maximum fines for violation of an ordinance relating to a residential short-term rental, as defined, that is an infraction and poses a threat to health or safety, to \$1,500 for a first violation, \$3,000 for a 2nd violation of the same ordinance within one year, and \$5,000 for each additional violation of the same ordinance within one year of the first violation. The bill would make these violations subject to the process for granting a hardship waiver.

League Position: Support
Status: Chaptered

SB 270 (Durazo) Public Employment: Labor Relations: Employee Information

Current, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Current law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. This bill, commencing July 1, 2022, would authorize an exclusive representative to file a charge of an unfair labor practice with

the board, as specified, alleging a violation of the above-described requirements only if specified conditions are met, including that the exclusive representative gives written notice of the alleged violation and that the public employer fails to cure the violation, as specified. The bill would limit a public employer's opportunity to cure certain violations.

League Position: Oppose
Status: Chaptered

SB 278 (Leyva) Public Employees' Retirement System: disallowed compensation: benefit adjustments

The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA, among other things, establishes new defined benefit formulas and caps on pensionable compensation. This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation.

League Position: Oppose
Status: Chaptered

SB 284 (Stern) Workers' Compensation: Firefighters and Peace Officers: Post-traumatic Stress

Current law, under the workers' compensation system, provides, only until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit, but applies only to injuries occurring on or after January 1, 2020. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would make that provision applicable to active firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services, among other officers.

League Position: Oppose
Status: 2-Year

SB 314 (Wiener) Alcoholic Beverages

Current law authorizes the issuance of a caterer's permit, upon application to the Department of Alcoholic Beverage Control, to a licensee under an on-sale general license, an on-sale beer and wine license, a club license, or a veterans 'club license, that authorizes the holder of the permit to sell alcoholic beverages at specified locations and events, including, among others, conventions, sporting events, and trade exhibits. Under existing law, licensees are required to first obtain consent from the department for sales of alcoholic beverages at each event in the form of a catering or event authorization. This bill would prohibit the issuance of a catering authorization for use at any one premises for more than 36 events in one calendar year, except as specified.

League Position: Support
Status: Governor's Desk

SB 323 (Caballero) Local Government: Water or Sewer Service: Legal Actions

Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Existing law provides that a local agency levying a new water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. Except as provided, this bill would require any judicial action or proceeding to attack, review, set aside, void, validate, or annul an ordinance, resolution, or motion adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, to be commenced within 120 days of the effective date or the date of final passage, adoption, or approval of the ordinance, resolution, or motion, whichever is later.

League Position: Support
Status: Chaptered

SB 341 (McGuire) Telecommunication Services: Outages

This bill would require each provider of telecommunications service to maintain on its internet website a public outage map showing that provider's outages, and would require the Office of Emergency Services, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those maps, as specified. The bill would authorize the office to provide the commission with all of the information provided to it as part of a telecommunications service provider's community isolation outage notification and require the office to aggregate that data and post that aggregated data on its internet website.

League Position: Support
Status: Governor's Desk

SB 590 (Allen) 2022 Statewide Primary Election: Terms of Office

Current law, Chapter 111 of the Statutes of 2020, moved the date of the statewide direct primary election in even-numbered years in which there is no presidential primary election from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in June. Current law authorizes elections for certain local offices to be held on the day of the statewide direct primary election. This bill would extend any term of office set to expire in March or April 2022, where the next scheduled regular election for that office has been consolidated with the 2022 statewide primary election, until the certification of election results from the 2022 statewide primary election.

League Position: Support
Status: Chaptered

B 640 (Becker) Transportation Financing: Jointly-Funded Projects

Current law provides for the deposit of various funds, including revenues from certain increases in fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the department for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Current law requires a city or county to submit to the California Transportation Commission a list of proposed projects, as specified, to be eligible for an apportionment of those funds. This bill would authorize cities and counties to propose projects to be jointly funded by the cities and counties' apportionments of those funds, as specified.

League Position: Support
Status: Chaptered

SB 780 (Cortese) Local Finance: Public Investment Authorities

Current law establishes enhanced infrastructure financing districts to finance public capital facilities or other specified projects of community-wide significance. Current law provides for the membership of the governing body of the district, referred to as the public financing authority. This bill would authorize the legislative bodies, as defined, to appoint an alternate member to the public financing authority who may serve and vote in place of a member who is absent or disqualifies themselves from participating in a meeting of the authority. If a district has more than 3 participating affected taxing entities, the bill would authorize the legislative bodies of the taxing entities to, upon agreement, appoint only one member of their respective legislative bodies, and one alternate member, in addition to the public members.

League Position: Support
Status: Chaptered

**SB 792 (Glazer) Sales and Use Tax: Returns: Online Transactions: Local Jurisdiction
Schedule**

Current law authorizes the Department of Tax and Fee Administration to require the filing of reports by any person or class of persons with information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the use tax, as specified. Current law requires a retailer or purchaser subject to the sales and use tax to file, on or before the last day of the month following each quarterly period, a return for the preceding quarterly period. This bill, for reporting periods beginning on or after January 1, 2022, would require a qualified retailer, defined as a retailer whose annual qualified sales of tangible personal property transacted online exceeded \$50,000,000 for the previous calendar year, to include with each tax return a schedule that reports for each local jurisdiction the gross receipts from the qualified sale of tangible personal property shipped or delivered to a purchaser in that jurisdiction.

League Position: Support
Status: Governor's Desk