



## City of Riverside

### Legislative Highlights Year Two of the 2021/22 Legislative Session

Oct 17, 2022

This report provides a detailed overview of the second half of the 2021/22 State Legislative Session in Sacramento. It includes a summary of the State Budget for FY 2022/23 pertaining to local government revenue as well as specific allocations to the City of Riverside (City) and the surrounding region. It also includes legislation on which the City took positions, as well as those being closely monitored that, if passed and signed by the Governor, may affect or change the way the City provides certain local services.

The report is categorized by key issue areas, with a synopsis of major actions taken by the Legislature with relevance to the City's guiding principles and practices. To the greatest extent possible, this report strives to provide the City with a review of the actions taken by the Legislature and Governor as well as a conjecture of what policy and budget issues may surface in 2023.

## **Legislative Overview of the 2021-22 Session**

### **City of Riverside: Bill Tracking**

Total bills tracked: 1200

Bills that failed passage: 674

Chaptered Bills: 463

Vetoed Bills: 63

Please see the separately attached bill report for additional details.

This year, California continued to rebound from the COVID-19 pandemic by providing funding and policy relief to local agencies, the business community and the state's residents and employees. Conducting business within the Capitol began to return to normal as well. As the number of reported COVID-positive cases dropped, legislative leadership began to allow in-person office meetings and committee and floor hearings.

To that end, law makers focused more of their efforts on other pressing statewide crises such as behavioral health, climate change, economic recovery, housing and homelessness.

With that came an unprecedented state budget surplus. The State's total general fund for FY 22/23 is \$308 billion with a surplus of roughly \$100 billion. This allowed for monumental shifts in funding for mental health and human services, affordable housing and a package of aggressive climate measures that included record-breaking capital investments aimed at transforming State practices and leading the U.S. on the battle against climate change.

On the legislative front, the number of introduced bills from both houses came in at an impressive 4,476; with 1,500 Senate Bills and 2,976 Assembly Bills.

At the end of the two-year session, 2,002 total bills made it through both legislative houses and on to the Governor's desk for his review. The official signing period for Governor Newsom to act on all legislation ended Friday, September 30<sup>th</sup> at midnight, marking the final deadline and signaling the end of the 2021-22 Legislative Session, where over two-thirds of the 2,002 bills were signed and made into law, most of which will take effect on January 1, 2023.

## **Summary of Major Policy and Budget Issues**

### **State Budget Highlights**

This fiscal year's state budget (FY22-23) showed an unprecedented \$97.5 billion surplus of a total general fund of \$308 billion, which kept legislators and the Governor's office very busy throughout the year.

On June 27, the Governor signed the primary budget framework [SB 154](#) (Skinner) followed by [AB 178](#) (Ting) on June 30, which made significant amendments to SB 154 and represents the 2022 Budget Act agreement. The Governor also signed dozens of budget trailer bills, which include implementation language for specific appropriations in August prior to the end of the legislative session.

As it relates to local funding, the state budget contains \$180 million to help cities implement state-mandated organic waste recycling programs.

Despite lengthy negotiations, the \$308 billion budget largely stayed true to the goals of the Governor's proposed May Revision by increasing financial reserves, strengthening economic

support for businesses and families, and allocating most of the surplus to one-time investments.

With the state's economic future growing increasingly tenuous in future years, lawmakers allocated a record \$37.2 billion to the state's rainy-day fund. However, the focal point of this historically large budget is a \$17.5 billion inflation relief package, \$9.5 billion of which will go directly to Californians. Fiscal relief will also be provided in the form of low-income rental and utility assistance programs and targeted tax credits for individuals, businesses, and nonprofits. Below is a breakdown of the key budget policies and investments that impact cities.

### Housing, Community, and Economic Development

The state budget allocated more than \$2.5 billion for various housing programs, including \$500 million to the Infill Infrastructure Grant program over the next two years, \$500 million in Low-Income Housing Tax Credits, \$400 million to the Multifamily Housing Program, \$410 million over the next two years for Adaptive Reuse, and \$150 million to Homekey 2.0.

The budget bill also created a new first-time homebuyer program, the California Dream for All program, which would help make homeownership more achievable and affordable. Up to \$1 billion in revolving revenue bonds will be available per year for ten years to generate the needed funds. The bond principal would be repaid once homebuyers sell or refinance the house. The funds would then be recycled to help future homebuyers.

Other allocations include:

- \$100 million over two years for mobile homes and manufactured housing.
- \$150 million over two years for the preservation of existing affordable housing.
- \$100 million over two years for affordable housing on state excess sites.
- \$350 million for the CalHOME program.
- \$50 million for the California Housing Financing Authority's accessory dwelling unit financial assistance program.
- \$100 million over two years to continue the Veterans Housing and Homelessness Prevention Program created by Proposition 41 (2014).

Additionally, one of the trailer bills, [SB 197](#) (Committee on Budget and Fiscal Review), contains language that provides a one-year extension to cities in the Southern California Association of Governments that were unable to adopt a certified housing element by Oct. 15, 2021. The deadline for completing required rezoning may also be extended by one year, under specified circumstances, if the city has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very-low-income households.

### Homelessness

Combating the state's homelessness crisis continues to be a top priority for the Governor, the Legislature and local governments. Critical investments in homelessness include:

- \$700 million for Encampment Resolution grants over two years to help local governments with resolving critical encampments and transitioning individuals into permanent housing.

- \$1 billion in 2023-24 for the Homeless Housing, Accountability, and Prevention Program.

Critical investments in behavioral health include:

- \$65 million for the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Court proposal which will help fund SB 1338 (Umberg), signed into law in August.
- \$1.5 billion over two years for bridge housing solutions for individuals experiencing homelessness with serious mental illness.
- \$200 million to support California’s behavioral health workforce, including \$26 million to increase the number of licensed behavioral health professionals through grants to existing university or college behavioral health professional training programs.
- \$250 million over three years to address urgent needs and emergent issues in behavioral health for children and youth.

### Climate Change

Longer and hotter periods of extreme heat are affecting more and more communities. The budget includes \$25 million, one-time, to provide grants to communities seeking to build or upgrade existing facilities to serve as community resilience centers that mitigate the public health impacts of extreme heat and other emergencies exacerbated by climate change. Cooling centers, fairground upgrades, and other public buildings would be eligible for this funding. An additional \$300 million for extreme heat has yet to be allocated.

The Legislature appropriated \$21 billion towards an energy and climate package to address issues around solid waste and recycling, wildfires, zero-emission vehicles, and the drought. One of the most notable items included in this year’s budget is \$180 million in [SB 1383](#) (Lara, 2016) local assistance grants for cities and counties. This funding will help cities implement this important greenhouse gas emission reduction law, which requires local governments to divert organic waste from landfills.

Last year, Cal Cities and a coalition of local government, environmental, and waste hauler associations advocated for and secured \$60 million for local assistance grants for SB 1383 organic waste diversion regulation implementation. This year, Cal Cities again led a local government coalition to secure an additional \$180 million for cities and counties to implement the [SB 1383](#) regulations. Cal Cities will continue to monitor these dollars as CalRecycle develops a grant program to distribute these funds.

Although the main budget has been signed into law, there are still some of the larger pots of funding in this package that are still being negotiated by the Governor and the Legislature. The remaining funding pots that need to be finalized include:

- \$3.795 billion for energy investments.
- \$3.534 billion for zero-emission vehicles.
- \$530 million for wildfire and forest resilience.
- \$1.465 billion for drought resilience and response.
- \$773 million for nature-based solutions.

- \$180 million for the state’s Cap-and-Trade Program.
- \$330 million in special funds, Beverage Container Recycling: Strengthening the Circular Economy with Consumer Recycling Credits and Market Incentives.
- \$3.111 billion for other climate change projects.

Cal Cities will continue to monitor these remaining allocations as they are finalized over the next two months.

### Child Care

The budget includes several investments in early childhood and child care to help meet the state’s ongoing child care crisis. The COVID-19 pandemic led to the temporary or permanent closure of over 10,000 child care programs. Funding and resources to address the affordability and availability of early learning and care options is essential to an equitable economic recovery and future stability.

Notably, the budget includes \$100 million for the acquisition, construction, development, and renovation of child care facilities. Other significant investments support actions taken earlier in the COVID-19 pandemic, such as waiving family fees for childcare, increasing rates for the California State Preschool, and funding agreements between the state and child care providers union for health benefits.

### Libraries

The state budget includes funding for community services programs that support public libraries, seniors and youth, and local parks. Specifically, the budget bill provides \$50 million to support an infrastructure grant program for libraries. The budget also expresses an intent to provide an additional \$100 million in 2023-24 for this program. These grants will address the life-safety and critical maintenance needs of public library facilities throughout California. There are also additional library-related investments to support literacy, outdoor access, workforce training, and lunch at the library programming.

### Parks and Open Spaces

This year’s budget includes several key investments in parks and open spaces, such as \$35 million for the Recreational Trails and Greenways Program, which offers competitive grants that provide infrastructure development and enhancements to enable Californians to reconnect with nature.

Other parks and open space investments include:

- \$13.5 million to support programs that expand the availability of state park passes offered via local libraries.
- \$25 million for the California Cultural and Art Installations in the Parks Program, which will fund art installations to reflect local cultural heritages and connect the public to the natural resources of state and local parks.

### Transportation, Communications, and Public Works

The budget includes \$47 billion worth of investments in the state's infrastructure, including a \$14.8 billion multiyear transportation package for transit, freight, active transportation, climate adaptation, and other purposes across the state.

The budget also includes a compromise between the Governor and legislative leaders on how best to provide relief to Californians impacted by growing inflation. The main expenses in this \$11 billion inflationary relief package include:

- \$9.5 billion worth of direct stimulus checks to Californians.
- \$439 million to suspend the General Fund portion of the sales tax on diesel fuel, which is used to support public transit services. This reduces costs by about 23 cents per gallon, a move that will primarily benefit businesses. The budget will backfill this funding with quarterly transfers from the General Fund.

The budget also commits \$6.1 billion for electric vehicle-related initiatives, including:

- \$3.9 billion for the electrification of ports, heavy-duty trucks, school and public transit buses in the state.
- \$1.2 billion on 40,000 passenger electric vehicles and 100,000 new charging stations throughout the state by the end of 2023.
- \$1.2 billion over two years for freight-related infrastructure at and around the state's ports. Additionally, the budget invests \$1 billion in the current year for the Active Transportation Program.

### Broadband

Trailer bill [SB 189](#) allocates \$550 million (\$300 million in 2023-24 and \$250 million in 2024-25) to support the completion of the Broadband Middle-Mile Initiative. The initiative is a partnership among several state entities to construct an open-access middle-mile network, which will help deliver affordable, high-speed broadband services to all Californians

### Energy Facility Siting and Authority

Although this year's budget is largely positive for city priorities, it does include one major negative: the removal of cities' permitting and siting authority for certain types of energy projects. The Governor and the Legislature hastily developed and passed [AB 205](#) (Committee on Budget), an energy budget trailer bill that completely removes the ability of local government to site and permit certain types of energy facilities.

In the bill, permitting for the siting of certain types of energy projects, such as on and offshore wind or large-scale solar, would be consolidated at the California Energy Commission. AB 205 was introduced without input from local governments and was only in print for three days before it was passed by the Legislature. Cal Cities, along with our county partners, will begin discussions with the Administration and the California Energy Commission to better understand how this bill will be implemented.

### Public Safety

The budget amendment, AB 178, increased the funding available for peace officer wellness grants to be administered by the Board of State and Community Corrections from \$40 million to \$50 million. Additionally, the budget includes funding for the California Office of Emergency Services to assist with mutual aid for response and recovery during emergent incidents. \$25 million will be made available to support activities directly related to regional response and readiness. An additional \$23 million will be made available to the Law Enforcement Mutual Aid System in support of responses to conditions that threaten public safety, such as civil unrest.

### Cannabis

The final budget agreement also includes the elimination of the cultivation tax. The cannabis excise rate will remain at 15% for three years, allowing relevant state agencies to adjust the cannabis excise tax rate every two years that follow in order to capture revenues equivalent to the cultivation tax. Additionally, the minimum baseline for Allocation 3, which includes Youth Education Prevention, Early Intervention, and Treatment Programming, will be set at \$670 million to ensure there are no gaps in service.

AB 178 also established the Cannabis Local Jurisdiction Retail Access Grant Program by setting aside \$20 million to be allocated to local jurisdictions that plan to expand cannabis retail access but do not have any cannabis retail permitting programs.

### Revenue and taxation

The state appropriations limit or the “Gann Limit” was back in the limelight again this year. As the name implies, the Gann Limit constrains total state spending to adjusted levels; funds that exceed the limit must be spent on excluded expenditures or be rebated back to taxpayers. In a maneuver to improve the state’s Gann condition, the budget excludes additional local subventions — unrestricted money received by a local agency from the state — from the state limit and thus counts some additional expenditures within local government appropriations limits when capacity exists at that level of government.

The vast majority of the redefined subventions affect county appropriations limits. However, cities may need to revise their local calculations in the coming months.

In addition to the billions in direct relief, the budget includes a suspension of the General Fund portion of the sales tax on diesel fuel, reducing costs by about 23 cents per gallon. The budget will backfill this funding with quarterly transfers from the General Fund.

### **State Funding Specific to Riverside**

- \$25,000,000 to the City of Riverside for the Cesar Chavez Community Center Renovations.

- \$25,000,000 to the City of Riverside for the California Citrus State Historic Park Capital improvements.
- \$88.3 million General Fund for CARE Court. Specifically, this includes \$57 million in one-time start-up funds to support county planning and preparation activities. Of the \$57 million, \$31 million is for county planning and preparation activities, including hiring, training, and developing policies and procedures, and to support information technology infrastructure costs. The remaining \$26 million is for the first set of counties that will begin implementing CARE Court for planning and preparation activities. These counties are Glenn, Orange, Riverside, San Diego, Stanislaus, Tuolumne, and the city and county of San Francisco.
- \$83,000,000 shall be available on a one-time basis to support campus expansion projects at the UC Riverside and UC Merced campuses. It is the intent of the Legislature that \$83,000,000 will be provided in the Budget Act of 2023 and \$83,000,000 will be provided in the Budget Act of 2024 to support these projects.
- \$1,000,000 is to establish the County of Riverside Citizens Redistricting Commission in the County of Riverside upon the enactment of Assembly Bill 1307 of the 2021–22 Regular Session. The funds shall be used for the commission’s costs, including startup costs, related to the redistricting efforts associated with the 2030 United States Census
- \$51,500,000 shall be available to UC Riverside on a one-time basis to support campus expansion projects. It is the intent of the Legislature that \$51,500,000 will be provided to UC Riverside in both the Budget Act of 2023 and the Budget Act of 2024 to support these projects.
- \$47,000,000 shall be available to support climate initiatives at the UC Riverside campus.
- \$10,400,000 to the Spanish Town Heritage Foundation through the County of Riverside Regional Park and Open Space District for the preservation of Trujillo Adobe.

## **Behavioral Health**

On April 4<sup>th</sup> of this year, Sen. Susan Eggman and the California Big City Mayors coalition announced a package of legislation to modernize the behavioral health care system in California, specifically aimed at modernizing the behavioral health care system in California. Of the eight bills introduced, three were signed by the Governor and will take effect on January 1, 2023.

The package of bills are as follows:

### **SB 970 (Eggman) - Improvements to the Mental Health Services Act**

This bill would have made substantive changes to the Mental Health Services Act (MHSA) planning and accountability processes by: 1) Establishing measurable outcomes that address top



public priorities, 2) Creating an online publicly accessible dashboard to track outcomes, 3) Supporting intercounty collaboration and sharing of best practices, and 4) Allowing county goals and measurable outcomes to drive county implementation and spending. This major reform would have supported targeted, continuous improvement of the services provided by the MHSA.

Status: Failed Passage by the Legislature

### **SB 1154 (Eggman) - Behavioral Health Bed Registry**

This bill would have required the Department of Public Health to collaborate with the Department of Health Care Services and the Department of Social Services to develop a real-time, internet-based dashboard to collect, aggregate, and display information about beds in inpatient psychiatric facilities, crisis stabilization units, residential community mental health facilities, and licensed residential alcoholism or drug abuse recovery or treatment facilities.

Status: Failed Passage by the Legislature

### **SB 1035 (Eggman) Clarify That Medication is Allowed in Assisted Outpatient Treatment Orders**

This bill clarifies that when the court determines a person meets the criteria for assisted outpatient treatment (AOT), the court order is required to state all the categories of AOT treatment the person will receive, including medication when included in the person's treatment plan.

Status: Signed into law by the Governor

### **SB 1238 Regional Behavioral Health Planning**

This bill would require the State Department of Health Care Services, in consultation with each council of governments, to determine the existing and projected need for behavioral health services for each region in a specified manner and would require, as part of that process, councils of governments to provide the department-specified data. The bill would authorize a council of governments, within 30 days following notice of the determination from the department, to file with the department an objection to the department's determination of the region's existing and projected behavioral health need. The bill would require the department to make a final written determination of the region's existing and projected behavioral needs within 45 days of receiving an object.

Status: Vetoed by the Governor

### **SB 929 (Eggman) - LPS Act Data Improvements**

This bill expands the Department of Health Care Services' responsibility in current law to collect and publish information about involuntary detentions to include additional information, such as clinical outcomes, services provided, and availability of treatment beds.

Status: Signed into law by the Governor

### **SB 1416 (Eggman) - Modernizing the Definition of Grave Disability**

This bill would have modernized the definition of “gravely disabled” within the Lanterman-Petris-Short Act to more accurately provide for the needs faced by individuals experiencing severe mental illness. SB 1416 would include under the definition of “gravely disabled” a condition in which a person, as a result of a mental health disorder, is unable to provide for the basic needs of personal or medical care or self-protection and safety.

Status: Failed passage by the Legislature

### **SB 1227 (Eggman) - Involuntary Commitment: Intensive Treatment**

This bill permits a second up to 30-days of intensive treatment period under the Lanterman-Petris-Short (LPS) Act for a person who is still in need of intensive services and the certification for an additional up-to 30 days has begun, as specified.

Status: Signed into law by the Governor

### **SB 965 (Eggman) - Conservatorships: Gravely Disabled Persons**

This bill would have created, in a proceeding under the Lanterman-Petris-Short (LPS) Act, an exception to the rule against hearsay that allows an expert witness to rely on the out-of-court statements of medical professionals, as defined, who have treated the person who is the subject of the conservatorship petition.

Status: Failed Passage by the Legislature

## **CARE Court**

The Governor issued a plan in early March that would “compel” treatment for approximately 12,000 people with severe mental illness and drug addiction and homelessness. The intent of the Governor’s plan would be to prevent people from ending up in more restrictive settings like conservatorships or incarceration.

The bill, **SB 1338 (Umberg)**, which was signed into law, establishes the CARE Act, which must be implemented by Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties by October 1, 2023, and the remaining counties by December 1, 2024, subject to delays based on a state or local emergency, or discretionary approval by the Department of Health Care Services (DHCS), up until December 1, 2025.

The bill also provides that a respondent may qualify for the CARE process only if all of the following criteria are met: a) The person is 18 years of age or older. b) The person is currently

experiencing a severe mental illness and has a diagnosis identified in the disorder class: schizophrenia spectrum and other psychotic disorders. It also requires that at least one of the following is true:

- The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating.
- The person is in need of services and supports in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or to others.
- Participation in a CARE plan or agreement would be the least restrictive alternative necessary to ensure the person's recovery and stability.
- It is likely that the person will benefit from participation in a CARE plan or agreement
- It allows a court, if a criminal defendant is found to be mentally incompetent and ineligible for a diversion, to refer the defendant to the CARE program

## **Climate Change**

California continues to make-good on its commitment on putting in the work to help protect communities from the devastating impacts of climate change, build for the long-term, and safeguard our treasured state for generations to come. Most notably in this session, Governor Newsom issued a strategic climate change platform to advance that mission.

### **Governor Newsom's 5 Pillars to Address Climate Change**

On August 12, 2022, a mere two weeks before the end of session, the Governor issued a series of proposals that he wanted the Legislature to address before August 31<sup>st</sup>. Several proposals were strongly opposed by oil producers, including the Western States Petroleum Association and its member companies as well as the State Building Trades Council. All but one bill passed both houses at the end of session and now are on the Governor's desk, which he will most likely sign.

The Governor's climate proposals include:

### **AB 1279 (Muratsuchi & C. Garcia) The CA Climate Crisis Act**

This bill requires the state to achieve net-zero greenhouse gas (GHG) emissions as soon as possible, but no later than 2045, to achieve that goal with at least an 85% reduction in GHG emissions, and to achieve and maintain net negative GHG emissions thereafter. The bill also creates requirements for reporting from the California Air Resources Board (ARB) and review by the Legislative Analyst's Office (LAO).

Status: Signed by into law by the Governor

### **AB 2133 (Quirk) California Global Warming Solutions Act of 2006: emissions limit**

This bill would have required the State Air Board (ARB) to ensure that statewide greenhouse gas (GHG) emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.

Status: Failed passage by the Legislature

### **SB 905 (Caballero) Carbon Capture & Storage**

This bill seeks to develop and implement a regulatory framework that enables a streamlined and safe deployment of Carbon Capture, Removal, Utilization and Sequestration technologies in California. Specifically, the bill directs ARB to establish the Carbon Capture, Removal, Utilization and Storage Program which will evaluate the safety and efficacy of carbon capture and removal technologies, maximize workforce benefits, and protect frontline communities by minimizing impacts to health, safety and the environment from these projects.

Status: Signed into law by Governor

### **SB 1020 (Laird) Clean Energy, Jobs, and Affordability Act of 2022**

This bill establishes interim targets to the statewide 100% clean energy policy. Additionally requires state agencies to accelerate their 100% clean energy policy goal by 10 years.

Status: Signed into law by Governor

### **SB 1137 (Gonzalez/Limon) Oil and gas: operations: location restrictions**

This bill requires all oil or gas production facilities or wells with a wellhead within a health protection zone to comply with health, safety, and environmental requirements, and comply with specified community communication and water sampling requirements. Specifically, it proposes a 3,200-foot setback from oil wells from certain structures like neighborhoods and schools.

Status: Signed into law by Governor

## **Clean/Green/Renewable Energy**

In May, the Governor pressured lawmakers to approve an energy plan that aimed to expedite and streamline construction of new clean energy facilities. Included was a controversial clause that allows developers to bypass local permitting and instead turn to the California Energy Commission for fast-track approval.

The bill, **AB 205**, which was signed into law by the Governor, will allow clean energy developers to opt into a new streamlined environmental review and approval process via the California Energy Commission (CEC) for certain solar, wind, and battery storage projects.

## **Housing and Homelessness**

To solve our affordable housing crisis, the Legislature passed a series of bills that called for streamlining the approval process for building homes, and building housing units near public transit lines in an effort to encourage environmentally friendly commutes. The State also took action to prioritize people over cars by eliminating parking requirements in new developments near transit.

A full list of housing-related bills signed by the Governor can be found below:

### *General Plan Housing Element*

**AB 1445 (Levine)** – This bill requires fire, sea level rise, evacuation risk to be considered in determining each city’s share of regional housing goals.

**AB 2339 (Bloom)** – Unmet housing goals from previous planning cycles are carried over and added to the goals of next planning cycle. This bill requires cities to allow homeless shelters in more zones.

**AB 2653 (Santiago, Wicks)** – This bill allows the state to reject cities’ housing element annual reports that don’t meet state guidelines.

### *Accessory Dwelling Units (ADUs)*

**SB 897 (Wieckowski)** – This bill requires cities to allow 2-story ADUs up to 18' tall near transit or on a lot with multifamily housing, also allows reduction of parking requirements in multifamily buildings where garages are converted into ADUs.

**AB 916 (Salas)** - This bill requires cities to allow adding bedrooms without public hearings. (Previously also increased ADU height limit to 18', this was merged into SB897.)

### *Parking*

**AB 2097 (Friedman)** – This bill prohibits local agencies from imposing minimal parking standards for housing, business, or other development within 1/2 mile of a major transit stop or high-quality transit corridor.

**AB 2244 (Wicks)** - This bill allows a developer of a new place of worship, when also constructing housing, to reduce by 50 percent the number of religious use parking spaces that would be required for a newly constructed place of worship.

## Zoning

**SB 6 (Caballero)** - This bill enacts, until January 1, 2033, the Middle Class Housing Act of 2022, which establishes housing as an allowable use on any parcel zoned for office or retail uses.

**AB 2011 (Wicks)** – This bill enacts the "Affordable Housing and High Road Jobs Act of 2022" to create a ministerial, streamlined approval process for 100% affordable housing projects in commercial zones and for mixed-income housing projects along commercial corridors, as specified. The bill would also impose specified labor standards on those projects, including requirements that contractors pay prevailing wages, participate in apprenticeship programs, and make specified healthcare expenditures.

## Affordable Housing Production

**AB 2334 (Wicks)** – This bill allows a housing development project in 17 specified counties (including Riverside) to receive added height and unlimited density if the project is located in an urbanized very low vehicle travel area, at least 80 percent of the units are restricted to lower income households, and no more than 20 percent are for moderate income households.

## **CANNABIS**

In response to the myriad of issues stemming from the state's legalization of recreational use of cannabis, the Legislature passed, and the Governor signed the following bills:

**AB 2188 (Quirk)** – This bill provides, with certain exceptions, that it is unlawful for an employer to discriminate against a person in hiring, termination, or terms and conditions of employment based on a drug screening test finding the presence of non-psychoactive cannabis metabolites in their system or for the person's off the job use of cannabis.

**SB 1186 (Wiener)** – This bill prohibits local governments, beginning January 1, 2024, from banning, or effectively banning, the delivery of medicinal cannabis to patients or primary caregivers within their jurisdictions, enforceable through an action for writ of mandate.

## **Public Safety**

On behalf of the City in the 2021-22 legislative session, we tracked over 220 public safety related bills. Below is a list of bills on which the City took specific interest.

**AB 662 (Rodriguez D) State Fire Marshal and Emergency Medical Services Authority: peer-to-peer suicide prevention.**

Current law directs the State Fire Marshal to establish additional training standards that include criteria for curriculum content recommended by the Emergency Response Training Advisory Committee involving first responders to terrorism incidents, as provided. Current law requires the State Fire Marshal to contract with the California Firefighter Joint Apprenticeship Program for the development of that curriculum content criteria. Current law authorizes every paid and volunteer firefighter assigned to field duties in a state or local fire department or fire protection or firefighting agency to receive the training. Current law makes these requirements contingent upon the receipt of federal funds, as provided. This bill would require the State Fire Marshal to establish additional training standards that include the criteria for curriculum content recommended by the Statewide Training and Education Advisory Committee involving peer-to-peer suicide prevention programming. The bill would require the State Fire Marshal to coordinate with the California Firefighter Joint Apprenticeship Program to develop and deliver the curriculum content criteria. The bill would authorize all paid personnel assigned to field duties in a state or local fire department or fire protection or firefighting agency to receive the peer-to-peer suicide prevention training, as provided. This bill would require the State Fire Marshal to make the curriculum content criteria available to the authority.

Status: Signed into law by the Governor

**AB 988 (Bauer-Kahan D) Mental health: 988 Suicide and Crisis Lifeline.**

Would enact the Miles Hall Lifeline and Suicide Prevention Act. The bill would require the Office of Emergency Services to verify, no later than July 16, 2022, that technology that allows for transfers between 988 centers as well as between 988 centers and 911 public safety answering points, is available to 988 centers and 911 public safety answering points throughout the state. The bill would require, no later than 90 days after passage of the act, the office to appoint a 988-system director, among other things. The bill would require, no later than July 1, 2024, the office to verify interoperability between and across 911 and 988. The bill would require the office to consult with specified entities on any technology requirements for 988 centers.

Status: Signed into law by the Governor

**AB 1014 (McCarty D) Cannabis: retailers: delivery: vehicles.**

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities. MAUCRSA establishes the Department of Cannabis Control for the administration and enforcement of its provisions. MAUCRSA generally defines delivery to mean the commercial transfer of cannabis or cannabis products to a customer, requires the delivery of cannabis or cannabis products to be made only by a licensed retailer, microbusiness, or nonprofit, and establishes requirements for the delivery of cannabis and cannabis products, including that an employee of the licensee carry a copy of the licensee's current license and a government-issued identification with a photo of the employee, such as a driver's license. This

bill would require, on or before January 1, 2023, the regulations established by the bureau regarding the minimum security and transportation safety requirements to include regulations that would allow for an increase in the value of cannabis goods to be carried during delivery of those cannabis goods to customers by employees of a licensed retailer to \$10,000, as specified. The bill would require a licensed retailer to provide their delivery employee certain hardware, tools, and supplies, access to healthcare benefits, and either a vehicle that meets certain requirements or reimbursement for certain costs for the use of the employee's vehicle, as specified.

Status: Failed Passage by the Legislature

**AB 1071 (Rodriguez D) Office of Emergency Services: tabletop exercises.**

Current law establishes the Office of Emergency Services (OES) within the office of the Governor and sets forth its powers and duties relating to responsibility over the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. This bill would require OES to biennially convene key personnel and agencies that have emergency management roles and responsibilities to participate in tabletop exercises in which the participant's emergency preparedness plans are discussed and evaluated under various simulated catastrophic disaster situations, as specified.

Status: Failed Passage by the Legislature

**AB 1613 (Irwin D) Theft: jurisdiction.**

Would establish the jurisdiction of a criminal action brought by the Attorney General for theft, organized retail theft, or receipt of stolen property as including the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense. The bill would also, if multiple offenses of theft or other specified crimes all involving the same defendant or defendants and the same merchandise, or the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, establish that any of those jurisdictions is a proper jurisdiction for all of the offenses. The bill would extend jurisdiction to all associated offenses connected together in their commission to the underlying theft offenses.

Status: Signed into law by the Governor

**AB 1685 (Bryan D) Vehicles: parking violations.**

Current law requires a processing agency to offer a payment plan for unpaid parking citations to qualified indigent persons. This bill would require a processing agency, if it seeks to collect an unpaid parking penalty by requesting the Department of Motor Vehicles to place a registration hold on the vehicle, to forgive at least \$1,500 in parking fines and fees annually for a qualified



homeless person, provide certain information regarding the parking citation forgiveness program, including on its internet website, and collect and have readily available specified information.

Status: Failed Passage by the Legislature

**AB 1740 (Muratsuchi D) Catalytic converters.**

Current law requires a core recycler, as defined, who accepts a catalytic converter for recycling to maintain a written record of specified information regarding the transaction, including the item type and quantity, amount paid for the catalytic converter, an identification number, if any, and the vehicle identification number, for not less than 2 years. Current law makes it a crime to violate these requirements. This bill would require a core recycler to include additional information in the written record, including the year, make, and model of the vehicle from which the catalytic converter was removed and a copy of the title of the vehicle from which the catalytic converter was removed.

Status: Signed into law by the Governor

**AB 2147 (Ting) Limits on pedestrian stops.**

This bill would “prohibit a peace officer, as defined, from stopping a pedestrian for specified traffic infractions unless a reasonably careful person would realize there is an immediate danger of collision with a moving vehicle or other device moving exclusively by human power.” This was a reintroduction of a bill defeated the previous year but narrowed enough to allow it to garner the support needed to pass this year.

Status: Signed by the Governor

**AB 2645 (Rodriguez D) Local emergency plans: integration of access and functional needs: community resilience centers.**

Current law, the California Emergency Services Act, among other things, creates the Office of Emergency Services, which is responsible for the state's emergency and disaster response services, as specified. Current law requires the Governor to coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency. Current law requires the governing body of each political subdivision of the state to carry out the provisions of the State Emergency Plan. Current law grants the Governor certain powers to be exercised in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency, including providing for approval of local emergency plans. Current law requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by emergency communications, emergency evacuation for individuals who are dependent on public transportation, and accessible emergency sheltering. This bill would require a county, pursuant to the above-described requirement to integrate access and functional needs into its emergency plan upon the plan's next update, to address specific additional plan elements. The bill would require the plan, with regard to emergency evacuation, to also integrate evacuation and transportation plans to account for local community resilience centers, to ensure

that local community resilience centers, as defined, are prepared to serve as communitywide assets during extreme heat events and other disasters, to designate available locations that may be necessary to provide respite to individuals during certain environmental emergencies, and to integrate evacuation plans to account for specified state grant programs relating to community resilience.

Status: Signed into law by the Governor

**AB 2773 (Holden) Notification requirement during traffic/pedestrian stop.**

This bill requires, among other things, that “a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, state the reason for the stop” unless doing so would jeopardize life or property from an imminent threat. AB 2773 also then expands RIPA reporting requirements to include this data and context. Some law enforcement groups such as the California Police Chiefs Association, opposed this bill through the year, forcing several clarifying amendments. However, other rank and file law enforcement groups removed their opposition along the way, making the bill harder to defeat. It was also argued that AB 2773 was consistent with CHP protocols.

Status: Signed by the Governor

**AB 2830 (Bloom D) The Community Assistance, Recovery, and Empowerment (CARE) Court Program.**

The Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura’s Law, requires each county to offer specified mental health programs, unless a county or group of counties opts out by a resolution passed by the governing body, as specified. The Lanterman-Petris-Short Act provides for short-term and longer-term involuntary treatment and conservatorships for people who are determined to be gravely disabled. This bill would enact the Community Assistance, Recovery, and Empowerment (CARE) Act, which would authorize specified people to petition a civil court to create a CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, stabilization medication, and housing support to adults who are suffering from schizophrenia spectrum and psychotic disorders and who lack medical decision making capacity. The bill would specify the process by which the petition is filed and reviewed, including requiring the petition to be signed under penalty of perjury, and to contain specified information, including the acts that support the petitioner’s belief that the respondent meets the CARE criterion.

Status: Failed passage by the Legislature

**SB 1087 (Gonzalez D) Vehicles: catalytic converters.**

Would prohibit any person from purchasing a used catalytic converter from anybody other than certain specified sellers, including an automobile dismantler, an automotive repair dealer, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter. A violation of this provision would be an infraction, punishable by a fine, as specified.

Status: Signed into law by the Governor

**SB 1227 (Eggman D) Involuntary commitment: intensive treatment.**

Under the Lanterman-Petris-Short Act, when a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, the person may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Health Care Services for up to 72 hours for evaluation and treatment. Under current law, if a person is detained for 72 hours under those provisions, and has received an evaluation, the person may be certified for not more than 14 days of intensive treatment, as specified. Current law further authorizes a person to be certified for an additional period of not more than 30 days of intensive treatment if the person remains gravely disabled and is unwilling or unable to accept treatment voluntarily. Current law requires the person to be released at the end of the 30 days, except under specified circumstances, including, but not limited to, when the patient is subject to a conservatorship petition filed pursuant to specified provisions. Current law requires an evaluation to be made when a gravely disabled person may need to be detained beyond the initial 14-day period, as to whether the person is likely to qualify for appointment of a conservator, and, if so, requires that referral to be made, as specified. This bill would authorize the professional person in charge of the facility providing intensive treatment to the person to file a petition in the superior court for the county in which the facility is located, seeking approval for up to an additional 30 days of intensive treatment.

Status: Signed into law by the Governor

**Drought, Water Resilience**

Population growth, a changing climate, and increasing costs are straining California’s extensive water supply system, requiring new strategies to manage demand and diversify water sources.

Also, the pandemic and its economic fallout are affecting many aspects of water management. A much-needed national conversation about racism has illuminated water equity issues’ such as how we address climate change, safe drinking water, and water scarcity.

On August 11, 2022, Governor Newsom announced a water strategy that has been applied to the reality of a hotter, drier California, ripe with extreme weather patterns like intermittent atmospheric rivers. Without action, state officials believe extreme weather could diminish California’s water supply by up to 10% by 2040.

To help make up for the water supplies California could lose over the next two decades, the strategy prioritizes actions to capture, recycle, de-salt and conserve more water. These actions include:

- Creating storage space for up to 4 million acre-feet of water, which will allow us to capitalize on big storms when they do occur and store water for dry periods
- Recycling and reusing at least 800,000 acre-feet of water per year by 2030, enabling better and safer use of wastewater currently discharged to the ocean.
- Freeing up 500,000 acre-feet of water through more efficient water use and conservation, helping make up for water lost due to climate change.
- Making new water available for use by capturing stormwater and desalinating ocean water and salty water in groundwater basins, diversifying supplies and making the most of high flows during storm events.

## **Wildfire Resilience/Mitigation**

A prohibition on indigenous burning, wildfire suppression, and a warming climate have made California’s headwater forests more susceptible to extreme wildfires, but improved management practices can help.

On Mar 30, 2022 the Governor’s Wildfire and Forest Resilience Task Force issued a Strategic Plan for expanding the use of beneficial fire to expand the use of prescribed fire and cultural burning to build forest and community resilience statewide – efforts critical to forest management and wildfire mitigation. By expanding the use of beneficial fire, the state can utilize smart burning tactics on brush and other fuels to help both prevent the start of fires and mitigate the spread of wildfires.

The key elements of the Strategic Plan include:

- Launching an online prescribed fire permitting system to streamline the review and approval of prescribed fire projects;
- Establishing the state’s new Prescribed Fire Claims Fund to reduce liability for private burners;
- Beginning a statewide program to enable tribes and cultural fire practitioners to revitalize cultural burning practices;
- A prescribed fire training center to grow, train, and diversify the state’s prescribed fire workforce;
- An interagency beneficial fire tracking system;
- Pilot projects to undertake larger landscape-scale burns; and
- A comprehensive review of the state’s smoke management programs to facilitate prescribed fire while protecting public health.

The Wildfire and Forest Resilience Action Plan issued in January 2021 is also backed by the Governor’s \$1.5 billion investment in forest health and wildfire resilience, and a proposed \$1.2 billion additional investment for fiscal years 2022-23 and 2023-24.

## **Reproductive Health**

The legislature proved their commitment to making sure that Californians have the freedom to do what they want with their body. They ensured citizen medical records are protected, everyone has easier access to affordable abortion care and birth control.

In one of the most controversial policy battles our nation has experienced, the Supreme Court took the Roe v. Wade ruling under review. Seeing the calamity approach, and prior to the final decision, the Governor and Legislature announced a proposed California Constitutional Amendment that would codify a woman's right to choose in California.

This measure, [Senate Constitutional Amendment 10](#) (SCA 10 Atkins, no position), will go on the 2022 Ballot for voters to enact as [Proposition 1](#).

Along with the amendments, California ensured nurse practitioners and certified nurse-midwives can perform abortion care procedures and launched abortion.ca.gov to help people in and outside of California access abortion care. Also, the administration is launching a pilot program to add wellness vending machines stocked with contraceptives, menstrual products and more.

## **Future Forecast**

### **November Election and Possible Impacts**

#### **Senate**

With Senate terms running four-years, there are only 20 seats out of 40 up for election this year. Of those 20, five are open seats with two Democrats facing off in the General Election. The Dem v. Dem districts typically match up to be moderate, business-friendly Democrats against labor-backed progressives. A prime example of this is in Senate District 10, where Lily Mei (Mayor of Fremont, the largest city in the District) is running against Aisha Wahab (Hayward Councilmember). Both sides spent almost \$2.5 million in the primary, and that pace of spending is expected to continue through November.

Wahab has the Democratic Party endorsement, as well as that of the Bernie Sanders-inspired California Working Families Party and a predictable assortment of labor groups. Mei has backing from most local mayors, as well as Congressman Ro Khanna, and business groups like the Realtors, home builders and CalChamber. Also, Mei was the first Chinese-American woman elected Mayor in Fremont, something that will give her an advantage in a district that is plurality Asian.

Overall, and including incumbents whose seats are not up this year, party make-up of the Senate is predicted as follows:

- Safe Democratic – 30
- Toss-up – 3
- Safe Republican – 7

Of the toss-ups, Democratic Senator Melissa Hurtado (Senate District 16) has the toughest challenge, facing Republican David Shepard in a District that saw total Republican candidates receive 51.4% of the vote in the primary. In the other two toss-up races, one favors Democrat Catherine Blakespear in Senate District 38, and the other favors Republican Roger Niello in Senate District 6.

The Senate is expected to end up with 32 Democrats and 8 Republicans, and all-time super-majority for the Democrats. However, there remains a large contingency of moderate Democrats in the Senate that holds enough votes to represent a roadblock against overly progressive legislation.

### **Assembly**

Assembly terms run two years; all 80 seats are up for election each cycle. Due in part to redistricting, appointments, and an unexpected number of resignations earlier this year, there are 27 open seats in the Assembly. Considering the primary election results, the predicted make-up of the 2023 Assembly is as follows:

- Safe Democratic – 60
- Toss-up – 6
- Safe Republican – 14

Four of the toss-ups lean to the Democrats, with only two expected to go to the Republican. Incumbent Democrats Ken Cooley and Brian Maienschein face the biggest threats, with primary result showing Cooley barely ahead of his Republican challenger, and Maienschein slightly behind in total votes. However, Democrat turn-out is always expected to be higher in general elections, and along with significant party support, both are still slightly favored to hold onto their seats.

### **Looking Ahead**

As the most populous state in the nation, and now the 5<sup>th</sup> largest economy in the world and largest sub-national economy in the world, California always draws significant attention in terms of politics and progressive government activity. With complex political dynamics and a complicated legislative process, government engagement has been and will continue to be very difficult to navigate.

It is a challenge to predict what statewide issues or legislation will materialize in 2023 due to the ever-changing nature of the State Legislature, leadership positions, committee assignments and high-profile matters that require state action. Additionally, the November election will result in

approximately 35 new legislators who will be sworn in on December 5<sup>th</sup> of this year.

To that end, the following issues will mostly likely continue to be priorities for the Legislature and Governor in 2023:

- Combating the state’s homelessness and housing crises
- Addressing the state’s four-year drought
- Combatting current rises in certain crime, auto theft and retail theft
- Addressing climate change

In order to position the City of Riverside to influence and take advantage of the various opportunities in California, our team will continue to provide detailed information on state government actions and develop relationships with key stakeholders, regulators, and policymakers.