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MCCMC LEGISLATIVE COMMITTEE MEETING

MONDAY, September 23, 2024 8:00 AM

TELECONFERENCE:

<https://us06web.zoom.us/j/89736217142?pwd=lcUnDfbxsfPsTEjNNo5qdeeFMzSdfj.1>

CALL-IN NUMBER: +1 669 444 9171

MEETING ID: 846 2577 1862

AGENDA

A. WELCOME/INTRODUCTIONS

B. GUEST SPEAKER/PRESENTATION

- None

C. REPORTS

Nancy Hall Bennett, League of California Cities

Melissa Apuya, District Director, Assemblymember Damon Connolly's Office

Summer Cassel, District Representative, Senator Mike McGuire's Office

D. UPDATES

Kyra Ross, Emanuels Jones & Associates:

- Sacramento Update
- Insurance Update

E. COMMITTEE BUSINESS

1. Action Items (More information can be found below)

- *Letters to Request action by the Governor*
 - *AB 1893 (Wicks) Housing Accountability Act: housing disapprovals: required local*
 - *SB 7 (Blakespear) Regional housing need: determination.*
 - *SB 571 (Allen): Fire safety: ingress and egress route recommendations report*
 - *AB 1778 (Connolly) Vehicles: electric bikes.*



2. Bills w/Position Status

- See MCCMC 2024 Bill Position Tracker Spreadsheet

F. CHAIRS REPORT

- Update:
 - SB 1037
 - SB 272 (2023)
- Advocacy Priorities for Next Session of CA. Legislature

G. CALENDAR

Upcoming MCCMC Legislative Committee Meetings:

- October 28, 2024: Assemblymember Damon Connolly Visits
- November 25, 2024: Senator Mike McGuire Visits

H. ADJOURN

ACTION ITEMS (Bills)

1. **AB 1893 (Wicks) Housing Accountability Act: housing disapprovals: required local findings.**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1893

This bill would authorize a local agency that has failed to adopt a housing element that is in substantial compliance with the Housing Element Law to disapprove or conditionally approve a housing development project for very low, low-, or moderate-income households if it makes a finding that the housing development project fails to meet certain objective planning standards, including, requiring that a housing development project that complies with these density thresholds be deemed in compliance with the density standards necessary for the streamlined, ministerial approval processes described above.

Cal Cities Position: Request for veto **Status:** CHAPTERED

2. **SB 7 (Blakespear) Regional housing need: determination.**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB7

This bill, gutted and amended on June 10th, makes a number of technical changes to the regional housing needs determination (RHND), process conducted by HCD and the regional housing needs allocation (RHNA) process. The bill is intended to make improvements to the RHNA development process to increase participation of people with special housing needs (homeless) in the RHNA methodology development process, make RHNA statute consistent with how it is applied, and simplify steps in the process required by statute.

Cal Cities Position: Watch **Status:** CHAPTERED

3. **SB 571 (Allen): Fire safety: ingress and egress route recommendations: report.**

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB571 This bill would require the office to conduct a study and prepare a report, including recommendations, that



evaluates potential improvements to state standards for ingress and egress and evacuation routes for development, as defined, in the event of a natural disaster, as provided. For purposes of assisting with and informing the development of the report, the bill would require the office to convene and consult with a working group that includes specified voluntary representatives, including from the Office of the State Fire Marshal. The bill would require the Office of Planning and Research, on or before January 1, 2027, to submit the report to the appropriate fiscal and policy committees of the Legislature and the Governor.

Cal Cities Position: Watch **Status:** Governor's Desk

4. **AB 1778 (Connolly) Vehicles: electric bikes.**

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1778

This bill would, until January 1, 2029, authorize a local authority within the County of Marin, or the County of Marin in unincorporated areas, to adopt an ordinance or resolution that would prohibit a person under 16 years of age from operating a class 2 electric bicycle or require a person operating a class 2 electric bicycle to wear a bicycle helmet, as specified. The bill would require an ordinance or resolution that is adopted for this purpose to make a violation an infraction punishable by either a fine of \$25 or completion of an electric bicycle safety and training course, as specified. The bill would, if an ordinance or resolution is adopted, require the county to, by January 1, 2028, submit a report to the Legislature that includes, among other things, the total number of traffic stops initiated for violations, the results of the traffic stops, and the actions taken by peace officers during the traffic stops, as specified.

Cal Cities Position: Support in Concept **Status:** Governor's Desk

BILLS TO WATCH

1. **AB 2286 (Aguiar-Curry). Vehicles: autonomous vehicles.**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2286

This bill would require a manufacturer of an autonomous vehicle to report to the department a collision on a public road that involved one of its autonomous vehicles with a gross vehicle weight of 10,001 pounds or more that is operating under a testing permit that resulted in damage of property, bodily injury, or death within 10 days of the collision.

Cal Cities Position: Support **Status:** Governor's Desk

5. **AB 1820 (Schiavo) Housing development projects: applications: fees and exactions**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1820

This bill would require local agencies to provide an estimate of all taxes and fees within 30 business days of a request from a project applicant during the preliminary application process.



The bill was recently amended to specify that preliminary fee and exaction estimate is for informational purposes only and does not affect the scope, amount, or time of payment of any fee or exaction.

Cal Cities Position: Neutral **Status:** Governor's Desk

6. SB 915 (Cortese) Local government: autonomous vehicles.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB915

This bill allows local governments to consider adequate safeguards that promote community safety, such as reasonable vehicle caps, data transparency rules, and interactions with emergency responders, as well as regulate maximum fare rates, ensure ADA accessibility, and perform annual inspections for health and safety. The bill was amended in May to narrow the scope of the bill's requirements to the 15 largest cities. The measure, co-sponsored by CalCities and backed by labor advocates and local government groups, is modeled after the existing statute that allows local governments to pass ordinances regulating taxicabs.

Cal Cities Position: Sponsor **Status:** DEAD, Assembly Transportation Committee

7. AB 2302 (Addis) Open meetings: local agencies: teleconferences.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2302

This bill would revise limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets. The bill, for the purpose of counting meetings attended by teleconference, would define a "meeting" as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

Cal Cities Position: Support **Status:** Governor's Desk

8. SB 1211 (Skinner) Land use: accessory dwelling units.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1211

This bill increases the number of detached ADUs eligible for ministerial permitting on lots with an existing multifamily development. The bill increases the number of detached ADUs eligible for a ministerial approval process on a lot that has existing multifamily dwelling units from no more than two detached ADUs to no more than eight detached ADUs, provided the number of ADUs does not exceed the number of existing dwelling units on the lot. Additionally, the bill prohibits local governments from requiring the replacement of uncovered parking spaces that are demolished to allow for the construction of an ADU.

Cal Cities Position: Request for Veto **Status:** Governor's Desk

9. AB 2085 (Bauer-Kahan) Planning and zoning: ministerial approval: community clinic.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2085

This bill would authorize a development proponent to submit to a local agency an application for a licensed community clinic that is located in a zone where office, retail, health care, or parking are a principally permitted use. The bill would make the development subject to a streamlined, ministerial approval process where the development is not subject to a conditional use permit or



any other nonlegislative discretionary approval, as described. The bill would provide that a development eligible for approval pursuant to this process is not a “project” for purposes of CEQA, thereby expanding the exemption for ministerial approval of projects under CEQA.

Cal Cities Position: No Position **Status:** Governor’s Desk

10. SB 1031 (Wiener) San Francisco Bay Area: local revenue measure: transportation improvements.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1031

This bill would authorize the Metropolitan Transportation Commission (MTC) to propose new taxes, allocate new revenues, and issue bonds for specified transportation improvements in the nine-county San Francisco Bay Area (Bay Area). The bill would also require the California State Transportation Agency (CalSTA) to oversee a comprehensive assessment that considers transit agency consolidation within the Bay Area region, and submit a report of recommendations to the Legislature, based on the findings of the assessment.

Of note, on the Senate Floor, Senator Wiener committed to holding the bill at the Assembly Desk until agreement is reached between representatives of the Bay Area.

Cal Cities Position: No Position **Status:** DEAD

Bills Added to Watch List (4/22/24)

11. SB 1037 (Wiener) Planning and zoning: general plan. housing element: enforcement.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1037

This bill, in any action brought by the Attorney General, on behalf of HCD or in an independent capacity, to enforce the adoption of housing element revisions, as specified, or to enforce any state law that requires a city, county, or local agency to ministerially approve any land use decision or permitting application for a housing development project, as specified, would subject the city, county, or local agency to specified remedies, including a civil penalty of, at minimum, \$10,000 per month, and not exceeding \$50,000 per month, for each violation, as specified. The bill would require that the penalties set forth in the bill would only apply when the local land use decisions or actions are arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair. The bill would require these civil penalties, as specified, to be deposited into the Building Homes and Jobs Trust Fund for the sole purpose of supporting the development of affordable housing located in the affected jurisdiction, except as provided, and would require that expenditure of any penalty moneys deposited into the fund under these provisions be subject to appropriation by the Legislature.

Cal Cities Position: Request for Veto **Status:** CHAPTERED

12. AB 2330 (Holden) Endangered species: authorized take: wildfire preparedness.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2330



This bill would authorize a local agency to submit to the Department of Fish and Wildlife a locally designed plan to conduct wildfire preparedness activities on land designated as a fire hazard severity zone that minimizes impacts to wildlife and habitat for candidate, threatened, and endangered species, and meets specified criteria.

Cal Cities Position: Sponsor **Status:** Governor's Desk

Bills Added to Watch List (5/15/24)

13. SB 1060 (Becker) Property insurance underwriting: risk models.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1060

This bill requires a property insurer using risk models for underwriting purposes to account for wildfire risk reduction associated with hazardous fuel reduction, home hardening, defensible space, and fire prevention activities for properties, communities, and landscapes. The bill, beginning January 15, 2026 and before each January 15th thereafter, also requires the California Department of Insurance (CDI) to ensure property insurers' underwriting models comply with the specified wildfire risk mitigation evaluation criteria.

Cal Cities Position: Support **Status:** DEAD, Assembly Appropriations Committee

Bills Added to Watch List (7/17/24)

14. SB 504 (Dodd) Wildfires: defensible space: grant programs: local governments.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB504

This bill would require the Department of Forestry and Fire Protection, when reviewing applications for the local assistance grant program, to give priority to any local governmental entity that is qualified to perform defensible space assessments in very high and high fire hazard severity zones who and that reports that information using the common reporting platform. This bill currently applies to unincorporated, not incorporated areas. This bill would also make conforming change changes with respect to a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure that is within a very high fire hazard severity zone designated by a local agency.

Cal Cities Position: Watch **Status:** Governor's Desk

15. SB 610 (Wiener): Fire prevention & mitigation area: defensible space: State Fire Marshal.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB610

This bill would revise and recast these provisions by, among other things, replacing the requirement that the State Fire Marshal classify lands within state responsibility areas into fire hazard severity zone requirements zones with a requirement that the State Fire Marshal Marshal, on or before an unspecified date, designate, by regulation, a wildfire mitigation area in the state, excluding federal lands. The bill would require the wildfire mitigation area to be based on fuel loading, slope, fire weather, overall fire hazard severity, and other relevant factors identified by the Director of Forestry and Fire Protection as a major cause of wildfire spread. The bill would require the State Fire Marshal to consider and incorporate, as relevant, any local ordinances that designate fire hazard severity on local lands into the wildfire mitigation area designation and provide maps on its internet

website that show the new wildfire mitigation area overlaid with the preexisting state and local fire hazard severity zones.



Cal Cities Position: Concerns

Status: DEAD, Assembly Appropriations Committee

BILLS WITH MCCMC POSITION

16. SB 1164 (Newman) Property taxation: new construction exclusion: accessory dwelling units.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1164

This bill attempts to accelerate the construction of ADU's by allowing property owners to claim an exemption from property tax reassessment for ADU construction until 10 years have passed or when the property changes hands, effectively stopping any property tax increase based on the assessed value of the ADU addition. The bill only applies to projects completed between January 1, 2025 and January 1, 2030.

Cal Cities Position: Oppose

Status: DEAD, Assembly Revenue & Taxation Committee

17. AB 2561 (McKinnor) Local public employees: vacant positions.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2561

This bill would require each public agency with bargaining unit vacancy rates exceeding 10% for more than 90 days within the past 180 days to meet and confer with a representative of the recognized employee organization to produce, publish, and implement a plan consisting of specified components to fill all vacant positions within the subsequent 180 days.

Cal Cities Position: Oppose Status: Governor's Desk

18. SB 937 (Wiener) Development projects: permits and other entitlements: fees and charges.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB937

This bill would defer cities' collection of development fees until the certificate of occupancy is issued on a housing project. The bill would not allow a city to charge interest rates on any of the deferred fees. Additionally, the bill would extend by 18 months a housing entitlement that was issued before January 1, 2024, and that will expire before December 31, 2025. The goal of the bill is "to provide developers with flexibility to navigate challenging market conditions, while protecting a key source of revenue for local governments."

Cal Cities Position: Request for Veto

Status: Governor's Desk

19. AB 1886 (Alvarez) Housing Element Law: substantial compliance: Housing Accountability Act.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1886

This measure would clarify that a housing element is substantially compliant with Housing Element Law, when both a local agency adopts the housing element and the Department of Housing and Community Development or a court finds it in compliance. This "trigger" is also intended to clarify when the Builder's Remedy may be utilized.

Cal Cities Position: Request for Veto **Status:** CHAPTERED



20. AB 2485 (Carrillo) Regional Housing need: determination.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2485

This bill would require the department to publish on its internet website the data sources, analyses, and methodology, as specified, prior to finalization of the regional determination. The bill would also require the department, for the 7th and subsequent revisions of the housing element, to assemble and convene an advisory panel that includes, among others, an expert on the data assumptions by each council of governments to advise the department on the assumptions and methodology it will use to determine each region housing need. The bill would also require the department to consult with the advisory panel before making determinations on the council of governments' data assumptions and methodology it will use to determine each region's housing need for the 7th and subsequent revisions of the housing element. The bill would also additionally require the department to publish its determination on its internet website.

Cal Cities Position: Support **Status:** DEAD, Senate Appropriations Committee

21. AB 2557 (Ortega) Local agencies: contracts for special services and temporary help: performance reports.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2557

This bill requires, beginning July 1, 2025, contracting agencies that provide special services for local governments to submit reports detailing the cost of services, workforce data, performance reports, and progress toward contract objectives. The bill applies to any contract that currently is or was in the prior five years, performed by employees of the city or town represented by an employee organization. Additionally, the bill does not apply to contracts for less than \$100,000 and contracts to provide services for work "not usually performed by public employees".

Cal Cities Position: Oppose **Status:** DEAD, Senate Appropriations Committee

MCCMC LEGISLATIVE COMMITTEE SCOPE OF ADVOCACY:



Fiscal Protection: Protect city revenues from the State.

Local Control: Support legislation that enhances local control of resources to provide services, while supporting regional cooperation. Oppose unfunded mandates, preemption of local authority, and control of land use.

Transportation Investment: Promote a stable transportation finance structure for state and local government. Support multimodal transportation that enhances livable communities.

Housing and Land Use: Protect local government land use authority. Oppose punitive housing legislation and legislation that restricts or reduces local discretion on land use decisions.

Other legislation can be recommended to MCCMC at a regular meeting.