



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Lee Wilcox

**SUBJECT:** STATE LEGISLATIVE AND  
REGULATORY UPDATE

**DATE:** December 5, 2018

Approved

*D. D. S. L.*

Date

12/7/18

**RECOMMENDATION**

Accept the attached report from the City’s state legislative advocacy firm of Cruz Strategies.

**BACKGROUND**

The City’s state legislative and regulatory advocacy focused on several high-priority policies. Highlights include:

**Homelessness**

The City worked with the Big 11 Mayors Coalition, stakeholders, the legislature, and the Governor to secure \$500 million in one-time statewide budget surplus funds for homelessness under the Homeless Emergency Aid Program (HEAP). HEAP is a flexible block grant program that is designed to provide direct assistance to cities, counties, and Continuums of Care to address the homelessness crisis. The program allocates \$11.4 million to the City of San José and \$17 million to Santa Clara County.

This November, voters also approved Propositions 1 and 2, which will raise \$4 billion and \$2 billion for affordable housing and homelessness programs and developments.

SB 519 (Beall) – The City co-sponsored SB 519, which authorizes Caltrans to lease properties to the cities of LA and San Jose for \$1 dollar a month when the property is used for emergency homeless shelters. The Governor signed the bill.

**Accessory Dwelling Units**

The City influenced legislative policy decisions related to Accessory Dwelling Units. The City advocated to preserve local control and played a critical role in discussions around bills seeking state governance of local ordinances – SB 831 (Wieckowski), SB 1469 (Skinner), and AB 2890 (Ting). All bills ultimately failed during the committee process.

### **Bond Measure Ballot Language**

In 2017 the Governor signed AB 195 (Obernolte), which required that any tax ballot measures to include a statement on how much the measure would raise annually and the rate and duration of the tax. As an unintended consequence, AB 195 created confusion for voters on bond measures. The City led a coalition of labor, school associations, and affordable housing advocates on a suspension of AB 195 for bonds. This idea passed the budget conference committee as a budget trailer bill, however, the coalition was unable to secure the Governor's support. The City will explore additional legislation in 2019 on this issue.

### **Clean Energy and Climate Change**

San José Clean Energy – The City engaged heavily on the California Public Utilities Commission (CPUC) rulemaking on the exit fee that Community Choice Aggregator (CCA) customers pay to leave an Investor-Owned Utility. This included creating a letter from seventeen state Assemblymembers and Senators opposing the Alternate Proposed Decision, media outreach from Mayor Liccardo, Oakland Mayor Schaaf, and San Francisco Mayor Breed, ex parte meetings with CPUC Commissioners, and conversations with the Governor, his team, and legislators on the issue. Local San José residents through the San José Community Energy Advocates also reached out to Commissioners and testified at the CPUC hearing about the negative impacts of the Alternate Proposed Decision. Unfortunately, the CPUC voted in October to adopt the Alternate Proposed Decision and raise the exit fee rates. The City is working closely with CalCCA and the association representing CCAs on a potential legislative fix in the next session.

AB 1884 (Calderon and Bloom) – The City supported AB 1884, which prohibits full service restaurants from providing plastic straws unless a customer requests it. The Governor signed this bill.

AB 3232 (Friedman) and SB 1477 (Stern) – AB 3232 requires the California Energy Commission (CEC) to reduce Greenhouse Gas Emissions from building stock by at least 40% below 1990 levels by 2030. SB 1477 requires the CEC and the CPUC to develop residential incentive program for low-emission space and water heating equipment. The City supported both bills, and the Governor signed them.

### **Public Safety**

The City was very engaged in crafting language and advocating for AB 2504 (Low), which requires peace officer and dispatcher trainings to cover sexual orientation, gender identity as well as LGBT history, domestic violence response and workplace inclusiveness. The Governor signed the bill.

The Police Department also provided an educational session on use of force for San José's state representatives to help them better understand police training and protocols as

the legislature considered AB 931 (Weber). The bill would have restricted when peace officers could use deadly force. The City will continue to monitor and proactively engage on bills that would have significant impacts on policing practices in San José.

**Transportation**

The City opposed Proposition 6, which would have repealed SB 1 (Beall, 2017) that raises revenue for transportation maintenance and infrastructure programs. The voters rejected Proposition 6 in November. SB 1 provides \$17 million annually to the City of San José for pavement maintenance and repair. It also provides new funding to programs that serve San José residents including congestion relief projects on Highway 101, Phase 2 of the Silicon Valley BART extension to Alum Rock/28<sup>th</sup> Street, downtown San José, and Diridon Stations, and Caltrain electrification and capacity improvements.

**COORDINATION**

The Administration coordinated this memo with San José Clean Energy, the City Attorney's Office, Cruz Strategies, and the Environmental Services, Police, Housing, and Transportation Departments.

/s/

LEE WILCOX

Chief of Staff, City Manager's Office

For questions, please contact Bena Chang, Director of Intergovernmental Relations at (408) 975-3240.

Attachment



**November 20, 2018**

**TO: City of San Jose**

**FROM: Steve Cruz / Anna Alvarado / Audrey Ratajczak  
The Quintana Cruz Company, LLC**

**RE: End of Session Report – November 2018**

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**UPDATES**

- General Legislative Overview

**BUDGET**

- General Overview
- Wildfires
- Housing
- Cap and Trade
- Parks and Water
- Health / Human Services
- Public Safety
- Cannabis
- Other

**CITY PRIORITIES**

- Homelessness
- AB 195 Fix
- Housing
- SB 1 Repeal
- Priority Bill Updates

**UPCOMING ACTIVITIES**

- Upcoming Deadlines

**2018 STATEWIDE BALLOT PROPOSITIONS**

## **UPDATES**

### ***End of Session Review***

The 2017-2018 legislative session proved to be a productive year by all accounts. The Legislature passed significant legislation where they've been unsuccessful in previous years in the areas of housing, public safety and homelessness. The Quintana Cruz Company (QCCo) was actively involved in moving and shaping these measures on behalf of the city.

Following the month-long summer recess, the Legislature reconvened on August 6th and began a hectic last month of session filled with committee hearings and floor sessions. A key milestone that took place during the last month was the Appropriations Suspense File hearing, where both Assembly and Senate houses voted on fiscal bills. Given the state's general fund limitations of discretionary dollars each year, a significant number of bills failed to move off of the suspense file. Amongst the bills that were held was AB 1395 (Chu), which would have required the Department of Transportation to prioritize its litter cleanup and abatement efforts based on certain key indicators. The League of Cities was a strong opponent to the measure due to the fact that some rural areas of the state might not be flagged as a priority compared to the other larger cities. QCCo coordinated efforts with the city to approach the author's office and address critical concerns, and after fiscal implications made by the Appropriations Committee, the bill ultimately failed. Several other controversial measures also moved off the suspense file, including AB 1912 (Rodriguez) JPA liabilities, and the Accessory Dwelling Unit (ADU) measures: AB 2890 (Ting) and SB 831 (Wieckowski). QCCo was heavily involved in advocating the city's concerns on these measures. Fortunately, despite efforts from the Telco industry to bring back a small cell measure, a re-introduction of SB 649 (Hueso) did not occur in this legislative session. QCCo, along with our local government partners at the League of Cities and CSAC, monitored any movement related to small cell legislation or a re-introduction of SB 649. We do expect similar measures to be introduced in 2019 under a new administration that would impact cities and counties. Following the appropriations deadline, the remaining two weeks of the legislative session consisted of lengthy floor sessions each day.

One of the largest issues tackled was the historic bail reform. SB 10 by Hertzberg would eliminate cash bail system in California. The measure stalled last year in the face of strong opposition from public safety officials and bail industry. But, the measure gained momentum with support from Governor and leadership in the waiting hours of the legislative session, see further details below.

Another of the largest issues the Legislature addressed this year was wildfires, which came before the Wildfire Preparedness and Response Legislative Conference Committee. Governor Brown and legislators convened the Conference Committee during summer recess to put forth legislation that would strengthen disaster preparedness in response to increasing wildfire dangers. A controversial issue was to revise liability law as it relates to utility companies and wildfire causation.

Finally, a major issue that the Legislature continued to take on is the lack of affordable housing. While 2018 started out with a slew of housing measures, many proposals were scaled back or held in committee. Several active bills included the ADU measures, which two of the three main bills were also held in committee, SB 831 and SB 1469. During the last month of session, there were efforts from stakeholders to amend the last ADU bill, AB 2890 (Ting). However, during Appropriations suspense hearing, the Senate decided to pull the bill into Senate Rules committee to have further discussions and avoid the fiscal committee deadline. Despite ongoing conversations surrounding fee provisions, and given insufficient time left in the current session, leadership made the decision to hold the bill and continue ADU discussions next year. In light of compromised amendments, many local governments went neutral on two other significant housing bills relating to regional housing needs assessments: AB 1771 (Bloom) and SB 828 (Wiener) which would both change local housing planning requirements.

The legislature finally adjourned just minutes prior to the midnight deadline on August 31st, and the Governor had until September 30th to either sign or veto any legislation.

## **BUDGET**

On June 27<sup>th</sup>, Governor Brown signed the main budget bill and most of the trailer bills. The Governor signed a \$138.6 billion general fund budget, and later in the session signing significant trailer bills that were amended late August to meet the 72 hour in-print rule. The Governor did not veto any items in the budget, thus preserving critical one-time funding and other important state priorities, such as:

- Homeless package of \$500 million, with \$350 million through the Emergency Aid Program going to the Continuums of Care. Other homeless investments including NPLH and CalWORKs programs.
- Incompetent to Stand Trial proposal provides \$100 million to counties for diversion of individuals from the IST waiting list.
- Cap and Trade agreement which provides \$40 million for the Transformative Climate Communities program and \$25 million for organics waste diversion.
- Continuum of Care Reform – some additional funding for the Resource Family Approval Process and Level of Care Assessment.

### *Employment Trailer Bill Signed:*

Governor Brown also signed trailer bill SB 866 which creates a new state law regulating how public employers interact with employee unions. The law applies new requirements on how public employers must manage wage and salary deductions and how they can communicate with employees about union membership. The Governor signed SB 866 hours after the *Janus v. AFSCME* Supreme Court decision was made.

## Wildfires

As mentioned earlier, during the last few months there was active legislation to address the recent wildfire disasters. As part of these discussions, utility companies pushed efforts to make changes to their liability due to the fact that some of the utilities have been held responsible for the fires in Northern California.

The wildfire related legislation was brought up during the last week of the legislative session. Late in the night, SB 901 by Senator Dodd was amended to serve as the vehicle for the Joint Conference Committee on Wildfire Prevention's negotiations. The bill addresses numerous issues concerning wildfire prevention, response and recovery, including funding for mutual aid, fuel reduction and forestry policies, wildfire mitigation plans by electric utilities, and cost recovery by electric corporations of wildfire-related damages. Specifically, the package included \$1 billion in funding over the next five years from the Greenhouse Gas Reduction Fund for improved forest management and fire prevention programs. For fires after January 2019, utilities would have their share of fault determined by the PUC using a number of factors, including climate. Additionally, SB 901 expands the mutual aid system so that it can be used more broadly for the advance placement of firefighters and equipment ahead of fires, enabling better preparation to tackle wildfires. Among other items, the bill also establishes within the Governor's Office of Planning and Research the Commission on Catastrophic Wildfire Cost Recovery, who will consider how to socialize costs from wildfires. Ultimately, the conference committee report was adopted on August 31.

### *Local Wildfire and Disaster Response*

As far as local disaster response, cities advocated for \$100 million for local fire response, including reimbursement for local agency repositioning, as well as upgrades to the state's mutual aid system. The budget package appropriates the following funding for several activities due to the wildfires and mudslides in late 2017:

- Mutual Aid — Provides \$25 million to the Office of Emergency Services for mutual aid. Budget language specifies this funding must be used for equipment and technology that improves the mutual aid system.
- California Disaster Assistance Act (CDAA) — Increases the CDAA by \$49.52 million. The CDAA provides financial assistance to local governments for the reimbursement of local government costs associated with certain emergency activities.
- CalRecycle — \$1.250 million for CalRecycle to lead a disaster recovery and debris removal team to respond to disaster events, train internal staff, support local agency requests for technical assistance, and assist with disaster response and debris removal plans.
- Local Government Backfill — Provides \$32.9 million to backfill the property tax revenue losses that cities, counties, and special districts will incur in 2017–18 and 2018–19

## Housing

The budget package approved by the Legislature and signed by the Governor includes more than \$700 million in funding to address homelessness. The focal point of the homelessness package is \$500 million for Homeless Emergency Aid to local governments. The budget also includes more than \$200 million in additional

investments to address and prevent homelessness and provide supportive services for vulnerable populations.

### *Emergency Homeless Aid Block Grants*

The \$500 million Homeless Emergency Aid Program includes three pots of funding:

- \$250 million to Continuums of Care (CoC) divided into nine “groupings” based on their 2017 Point-in-Time (PIT) homeless count
- \$100 million to each CoC based purely on their 2017 PIT
- \$150 million based on PIT count to large cities with a population of more than 330,000 residents.

### *No Place Like Home on the Ballot*

The Governor’s plan to place the “No Place Like Home” (NPLH) Program on the November 2018 ballot was also included in the final budget agreement (SB 861/AB 1827). If approved by the voters, the program would authorize up to \$140 million in Mental Health Services Act funding to be diverted in 2018-19 to “jump-start” NPLH, and allow the issuance starting in January of 2019 of up to \$2 billion in bonds to build permanent supportive housing units.

### *SB 2 Funding*

The budget allocates half of the first year SB 2 revenues, estimated to be \$62.5 million, to the California Emergency Solutions Grant program and \$62.5 million to the new Housing for a Healthy California program. Both programs would be administered through the California Department of Housing and Community Development.

### Cap and Trade

Prior to summer recess, the Legislature agreed on a plan to allocate approximately \$1.46 billion in Cap & Trade revenues from the Greenhouse Gas Reduction Fund for FY 18-19. The expenditure plan includes a significant investment in CAL Fire dedicated at fire prevention and the reduction of GHG from catastrophic wildfire. The funding will help to implement various fire protection/prevention programs, including elements of the State’s Forest Carbon Plan, and more prescribed burns across the state. This year’s cap and trade expenditure plan also included additional funding for the diversion of organic waste, as mandated under SB 1383 funding for the Transformative Climate Communities Program and funding for fire programs, equipment and California’s Mutual Aid Systems. However, there is still an unmet need in both of these programs.

### SB 848 (Committee on Budget and Fiscal Review) Transportation

This measure makes a number of technical and clarifying changes to several transportation issues, including allowing self-help counties that have passed a county-wide sales tax measure for transportation projects to limit CalTrans administrative charges to 10% and giving cities and counties the ability to reimburse themselves for Road Maintenance and Rehabilitation Account funding expenditures across multiple fiscal years. In addition, this trailer bill also requires the Department of Motor Vehicles to impose an additional \$1 transaction fee to cover its implementation costs.

SB 856 (Committee on Budget and Fiscal Review) — Greenhouse Gas Reduction Fund and Proposition 56 Revenue Allocations. This measure appropriates a \$1.4 billion GGRF expenditure plan for FY 2018-19. Some highlights of the expenditure plan include:



- Local Fire Response — \$25 million to the Governor’s Office of Emergency Services (CalOES) for local fire response to be used for procurement and maintenance of fire engines and support of the California Fire and Rescue Mutual Aid System.
- Waste Diversion — \$25 million to CalRecycle for waste diversion, which fund infrastructure grants to help meet new organic waste diversion rules and address declining recycling markets.
- Transformative Climate Communities — \$40 million to the Strategic Growth Council for the Transformative Climate Communities program, which fund grants for neighborhood-level innovative projects that reduce GHG emissions in the most disadvantaged communities.
- Urban Greening — \$20 million to the Natural Resources Agency for urban greening grant program.
- Urban Forestry — \$5 million to CAL FIRE for urban forestry grant program.
- Beacon — \$2 million to the Strategic Growth Council for technical assistance to disadvantaged communities, including \$1 million for which ILG is eligible for the Beacon Program.
- Low-Income Energy Efficiency — \$10 million to the Department of Community Services and Development for low-income solar and multi-family weatherization programs, including at least \$2 million for farmworker housing.

## Parks and Water

### *Proposition 68 Allocations*

On June 5<sup>th</sup>, California voters approved Proposition 68, the \$4 billion parks, water and wildlife bond. Funds are now available for appropriation in the 2018-19 budget. Legislative leaders and the Administration agreed to over a billion-dollar allocation, including funding for several programs that will be of interest to cities and counties, such as: competitive grants for safe neighborhood parks, groundwater projects, water quality, etc.

## Health Care/Human Services

### *Adult Protective Services*

The budget includes the Governor’s May Revision proposal, with some modifications, to provide funding to establish the Home Safe Pilot Program. An additional \$50 million was provided to the Department of Health Care Services to provide counties with funding for intensive outreach, treatment and related services for homeless persons in need of mental health services, as referenced in the Health and Human Services Chapter. Another \$15 million was provided to fund the pilot program with Adult Protective Services to assist seniors experiencing homelessness or at risk of losing their home by providing temporary rental or utility assistance, housing repairs, landlord mediation, and case management. This program requires a local match.

The budget also establishes the California Emergency Solutions and Housing Program to fund activities that include rental assistance, housing relocation, navigation centers, emergency housing, and shelter diversion, that will be funded by dedicating 50 percent

of the first year of revenue derived from real estate recording fees established by SB 2 (Atkins) of 2017.

### *AB 1811 (Budget) Trailer Bill: Human Services*

This omnibus human services trailer bill makes a number of changes to the CalWORKs program, Home Safe Program, and child welfare systems, and includes the following provisions:

- Increases the daily rate for CalWORKs temporary homeless assistance from \$65 to \$85 per day for shelter for families up to four members. With additional family members at \$15 each, the maximum allowable rate will be \$145. County welfare departments have authority to increase these amounts to secure additional bed space needed by the family.
- Increases CalWORKs grants by 10 percent commencing April 1, 2019.
- Requires group homes to develop protocols designed to limit the frequency of law enforcement involvement arising out of incidents at group homes and other licensed residential facilities providing care for dependent children.

### *Early Childhood Education*

The budget contains a total of \$1 billion federal and state funds over four years for early childhood programs, including adding 13,400 child care and 2,947 preschool slots, rate increases for providers, and new quality investments. In addition, the budget provides \$90 million beginning April 1, 2019 and \$360 million ongoing funding to increase CalWORKs grants designed to reduce the number of children living in deep poverty.

### *2020 Census Complete Count*

The Budget Act provided \$90.3 million dollars for statewide outreach and other activities related to the 2020 Census count. This appropriation is significantly higher than the Governor's January Budget allocation of \$40.3 million. The State is in a unique and difficult situation because nearly 75% of Californians are considered to be "hard to count". These are Californians who are renters, young men, children, African Americans, and Latinos. At the same time, the reliance on online questionnaires may further complicate efforts to secure a complete and accurate count of all state residents. A joint legislative hearing on the 2020 Census took place on August 13th, in collaboration with the Select Assembly Committee on Census, the Assembly Select Committee on the Nonprofit Sector, and the Senate Select Committee on 2020 US Census. The subject was "Connecting the Census to Californians: The Roles of Nonprofits and Local Governments" which included a discussion of how to maximize the \$40 million provided in the 2018-19 State Budget to ensure a complete count. QCCo advocated for an additional \$5 million for the city during the budget process and lobbied key targets, including budget staff, leadership, and our delegation. Unfortunately, the Legislature did not earmark funding that several local governments requested, with the exception of Los Angeles and Santa Clara counties. On Sept 5th, CSAC and GovOps hosted a meeting to discuss immediate and long-term needs for the 2020 Census and the critical role local governments will play in achieving a complete and accurate count. Following this meeting, QCCo coordinated a call with the city and GovOps to

communicate and ensure the agency is aware of the city's current landscape as far as a complete count census plan. QCCo will continue to engage the agency and the city moving forward as decisions surrounding funding strategy are on-going.

### Public Safety

The final budget deal includes a significant investment in court facilities. The 2018-19 budget renews the State's investment in court construction which includes \$1.3 billion in lease revenue bonds for several counties. Additionally, the courts trailer bills, SB 847/AB 1813, requires Judicial Council to conduct a reassessment of all remaining trial court projects and submit a fund condition statement with any new infrastructure proposals.

### *Incompetent to Stand Trial (IST)*

\$100 million was provided in the main budget bill to the Department of State Hospitals for Diversion Funding for Individuals with Serious Mental Disorders. AB 1810/SB 844 provides that the DSH may solicit proposals from and may contract with a county to help fund the development or expansion of pretrial diversion that meets all of the following criteria:

- Participants are individuals diagnosed with schizophrenia, schizoaffective disorder, or bipolar disorder, who have the potential to be found incompetent to stand trial for felony charges or who have been found incompetent to stand trial (IST).
- There is a significant relationship between the individual's serious mental disorder and the charged offense or between the individual's condition of homelessness and the charged offense.
- The individual does not pose an unreasonable risk of danger to public safety if treated in the community.

This bill provides that a county submitting a proposal for funding shall designate a lead entity to apply for the funds. This lead entity shall show in its proposal that it has support from other county entities or other relevant entities including courts. This program will be primarily targeted to those counties with the highest referrals of felony ISTs to DSH: Alameda, Contra Costa, Fresno, Kern, Los Angeles, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Santa Clara, Solano, Sonoma, and Stanislaus. DSH, in consultation with the Council on Criminal Justice and Behavioral health within CDCR, shall prioritize proposals that demonstrate the potential to reduce referrals to the IST list and that demonstrate all of the following:

- Provision of clinically appropriate or evidence-based mental health treatment and wraparound services across a continuum of care.
- Collaboration between community stakeholders and other partner government agencies in the diversion of individuals with serious mental disorders.
- Connection of individuals to services in the community after they have completed diversion.

As mentioned, AB 1810 created an expansive mental health diversion program. A number of concerns were raised after the legislation was signed into law. SB 215 (Beall) helps to remedy some of the concerns: (1) excluding certain offenses from the diversion program (including murder and sex offenses); (2) allowing the court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion; and (3) preserving victim restitution. SB 215 was ultimately signed

by the Governor. The bill does not change the IST program, but makes changes to which defendants are eligible.

### *AB 1812 (Budget) Trailer Bill: Public Safety*

This public safety omnibus trailer bill makes technical changes to Department of Corrections and Rehabilitation administration processes and the juvenile justice reform system, including:

- Allowing youths committed to the Division of Juvenile Justice on or after July 1, 2018, who would previously have been sentenced for up to seven years, to be released from custody in two years, or at age 23, whichever is later, unless an order for further detention has been made by a committing court.
- Establishing an innovation grant program to develop law enforcement trainings to reduce officer-involved shootings.

### *Law Enforcement Training*

The budget restores proposed training expenditure reductions included in the Governor's January Budget. Peace Officer Standards and Training (POST) received the following: \$15 million for use of force and de-escalation training (no more than \$5 million may be used for the purchase and operation of equipment); \$5 million for crisis mental health training; \$5 million for grants to foster innovations in training and procedures for law enforcement officers with the goal of reducing the number of officer-involved shootings statewide; and \$45,000 to update the model hate crimes policy and guidelines.

### *Proposition 47*

Proposition 47 was passed by the voters in November 2014, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permitted inmates previously sentenced for these reclassified crimes to petition for resentencing. The budget includes \$64.6 million which will be allocated according to the formula outlined in Prop 47.

### Cannabis

The Budget includes approximately \$130 million to fund cannabis-related activities, which are largely authorized for a two-year limited-term basis and include the following:

- Licensing and Enforcement
- Tax Collection and Business Filings
- Hearings and Appeals

The Budget also includes funding for the following programs, as specified in Proposition 64:

- Community Engagement—\$10 million for the Governor's Office of Business and Economic Development to support the Community Reinvestment Grants Program that will be awarded on a competitive basis to local health departments and qualified community-based non-profit organizations to support substance use disorder treatment, job placement, legal services, and other cannabis use-related programs.

- Research—\$2 million for the University of California San Diego’s Center for Medicinal Cannabis Research to further the objectives of the Center
- Drug Recognition—\$3 million for the California Highway Patrol to establish and adopt protocols to determine whether a driver is operating a vehicle while impaired, including best practices to assist law enforcement agencies.

Under Prop 64, cannabis excise tax is anticipated to generate \$630 million in 2018-19. While the forecast assumes revenue will be phased in over time, preliminary data indicates revenue receipts are slower than expected. Cannabis revenue projections are subject to great uncertainty. Proposition 64 specified the allocation of resources in the Cannabis Tax Fund, which are not subject to appropriation by the Legislature. Pursuant to Proposition 64, expenditures are prioritized as follows:

- Regulatory and administrative costs necessary to implement, administer, and enforce the Cannabis Act. The Administration will use the initial revenues into the tax fund to repay the General Fund loans totaling \$120 million used to support these activities while cannabis tax proceeds were unavailable.
- Research and activities related to the legalization of cannabis, and the past effects of its criminalization.
- Programs to support substance use disorder treatment, environmental impacts of cannabis cultivation, and public safety.

#### *AB 924 (Bonta) Tribal Cannabis*

AB 924 (Bonta) is a two-year bill that resurfaced in June related to tribal cannabis. Last year, when this bill was introduced it would have allowed tribes to enter into the cannabis market without being regulated by the state or local governments and instead enter into agreements with federally-recognized sovereign Indian tribes to allow for an alternative framework. Currently, the State and local governments have limited ability to regulate most activities undertaken by Indian tribes on tribal land - as long as those activities stay on tribal land. For those tribes engaging in cannabis activities off tribal land, they may only sell cannabis to (or purchase cannabis from) a California regulated cannabis business if the tribe obtains a state license. This would require a broad waiver of tribal sovereign immunity. As currently applied by the state regulatory agencies, this also requires that the tribe’s activities, like those of any other licensee, not violate city or county ordinances. In the end, AB 924 failed passage in Senate Appropriations suspense file on August 13<sup>th</sup>.

#### Online Sales Tax

The U.S. Supreme Court issued its decision in *South Dakota v. Wayfair* on June 21, ruling that state and local governments can require vendors with no physical presence in the state to collect use tax.

According to the decision, “economic and virtual contacts” are enough to create “a substantial nexus” with the state allowing for the state to require remote sellers to collect and remit use tax.

With this ruling, the Supreme Court overruled more than 50 years of precedent that had held that some physical presence in the state was a requirement in order for the state to require an out-of-state vendor to collect and remit use taxes.

Under prior law, where a vendor was not required to collect and remit sales tax, the purchaser of that vendor's goods was still required to pay a use tax to the state. However, most consumers fail to do so. The implications for California's budget are substantial. The Board of Equalization estimated that for FY 2018–19, the total local use tax revenue losses related to e-commerce and traditional mail order sales will be \$879 million.

#### AB 1838 Trailer Bill Compromise to Remove Supermajority Tax Initiative

AB 1838 is a compromise trailer bill deal that was supported by major soda corporations to remove the Tax Fairness and Accountability Act measure from the ballot. This proposal preempts the ability of cities and other local agencies from levying any new tax, fee or assessment on groceries and soda for twelve years. On June 28, the Governor signed AB 1838 and subsequently the Tax Fairness and Accountability Act measure was removed from the ballot.

#### SB 866 (Budget) — Trailer Bill General Government (Civil Service)

This TBL authorizes the Department of Human Resources to provide training programs to any public employee or officer so that the quality of service rendered by those persons may be continually improved.

### CITY PRIORITIES

**Homelessness:** After months of advocacy for homelessness funding through the budget process, QCCo, along with other local government allies, including the Big 11 Mayors, successfully secured funding to address the homelessness epidemic in this year's legislative session. QCCo helped position the city to be part of the major budget discussions and negotiations alongside Senate/Assembly Leadership and the Governor's Office, while simultaneously providing visibility and showcasing the need in San Jose. As previously mentioned, our efforts resulted in the investment of \$500 million dollars, with \$350 million through the Emergency Aid Program going to the Continuums of Care. As funding rolls out to the locals, QCCo will continue to engage the city and ensure information is flowing accordingly, as well as monitor any other homelessness measures in the upcoming legislative session.

**AB 195 Fix:** During the final moments in budget conference committee, QCCo actively engaged on the AB 195 Fix, quickly positioning the city as the lead for the local government side of the issue. The coalition of labor, education and other public agencies, including the cities of San Jose, Oakland and San Francisco, requested to extend the implementation of AB 195, which passed last year. The bill mandates changes to the ballot label for local bonds and was characterized as a technical fix, but the policy implications are far-reaching and damaging for the communities the public agencies serve. AB 195 is generating significant voter confusion and threatening local's ability to meet the infrastructure, housing, health, and many other needs of California residents. QCCo was instrumental in connecting the Mayor with Governor Brown to discuss the need of a budget trailer bill to post pone the implementation of the bill. However, due to several conflicting priorities at stake, and with insufficient time to sway the Governor, this issue was not addressed in this session. QCCo plans to coordinate with the city and our coalition to strategize for next year's efforts under a new administration.

**Housing:** During the summer recess, the Department of Housing and Community Development updated their February determination of eligibility for SB 35 streamlining of housing projects by local jurisdiction. The determination is based on data from each jurisdiction's April 2018 "housing element annual progress report," which shows the number of building permits issued relative to each jurisdiction's regional housing needs allocation. Also during this time, QCCo organized a lobby day on behalf of Housing Director Jacky Morales-Ferrand, to meet with our delegation and other key capitol staff to discuss the city's top housing priorities, including homelessness issues.

In terms of housing and land use legislation, there were significant bills Governor Brown signed just right before the deadline: **SB 828 (Wiener)** removed provisions that made further amendments to the housing element process. The bill's requirements to identify 25 percent more sites than required by the jurisdiction's RHNA allocation and an unworkable prohibition on where counties could plan for housing, were removed at the request of the Assembly Local Government Committee.

Local governments argued that 125% requirement was unnecessary in light of legislation passed last year with the goal of ensuring that only the most easily developable sites can be included in the inventory **AB 1397 (Low)** and that there is always an adequate supply of sites to accommodate development affordable at each income level, **SB 166 (Skinner)**. **SB 828** codifies some of the current practices of HCD, especially with regards to consideration of vacancy rates at rent burdens in determining the amount of new housing that should be accommodated by local land use plans, while **AB 1771** adds guardrails around appeals processes that some cities have used to reduce their housing planning obligations. Both bills also seek to direct more development to wealthier urban areas with better access to jobs and transit. This aligns with state climate change policies and should reduce pressure for sprawl-style development via unreasonably high RHNA allocations to less-urban unincorporated areas. The two bills differ in their approaches to this issue, and regional governments have rightfully pointed out that the legislation must address potential conflicts in cases where additional housing development in "higher-opportunity" communities doesn't align with goals to reduce driving.

### *Accessory Dwelling Units*

Prior to summer recess, we saw two ADU bills fail during the committee process that would have amended the same provisions of state law that governs local ordinances related to accessory dwelling units. Local governments were in opposition to all three bills due to the fact that the state ADU law was completely revised by legislation that only went into effect last year. **SB 831 (Wieckowski)** was held in the Assembly Local Government Committee and **SB 1469 (Skinner)** was held on suspense in the Senate Appropriations Committee. As previously mentioned, the last ADU bill **AB 2890 (Ting)** was moved to Sen Rules in order to avoid the fiscal deadline and allow additional time to negotiate amendments. QCCo engaged the city by lobbying our delegation and the Pro Tem's office to ensure, if amendments were to be considered, that the city had a seat at the table to shape and influence the policy decision. However, due to both houses not being able to come to a compromise, the Senate held the bill in Senate Rules and plan to continue the discussions next year.

### Other Top Housing Bills Signed by the Governor:

- AB 2923 by Chiu, BART: transit-oriented development: Controversial bill relating to housing developments near BART station.
- AB 2162 by Chiu, Planning and Zoning housing development: the bill would fast-track developments for the homeless or disabled — permanent, low-income apartments with optional support services. The bill proposes making developments exempt from environmental reviews and other approvals as long as they comply with a city's zoning rules.
- AB 2372, by Gloria, Density bonus bill: aims to spur creation of lower-cost efficiency units by rewarding developers based on how much usable floor space their projects would include per lot. Per the author, he claims that soaring housing prices threaten to uproot all but the wealthiest of residents, and has been frustrated by how many high-cost luxury units are being built — and fewer affordable apartments.
- AB 2035 by Mullin, Affordable Housing Authorities (AB 1598 clean-up) This bill is the clean-up to AB 1598 (Mullin, 2017). The bill was amended to: allow housing funds generated by an authority to be used for lower-income housing, and allow financing of infrastructure needed to support housing.
- AB 686 by Santiago, Housing Discrimination: This bill requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing practices.
- AB 2562 by Mullin, HCD Loans: This bill authorizes HCD to adjust interest rates on loans issued to low-income rental housing projects and to provide flexibility on refinancing certain project loans. Recent amendments deleted provisions relating to multifamily housing loans.

**SB 1 repeal efforts:** Proposition 6 to repeal Senate Bill 1 – the Road Repair and Accountability Act of 2017 – ultimately failed on the November ballot. If it had passed, thousands of critical projects to improve the safety and efficiency of California's multi-modal transportation system would have needed to be canceled or delayed. That would have impacted the most heavily traveled state highways down to rural roads that serve as vital routes for economic, farm-to-market, and tourist activity.

### **AB 2588 (Chu) Mobile homes – City Sponsored Bill**

This measure was the city's sponsored bill that would require all mobile homes to have a smoke alarm approved by the Office of the State Fire Marshal. This bill would also require every park operator to annually post notice of the emergency preparedness plan in a publicly accessible area, and to provide translated materials to the mobile home community. During the Sen Transportation Committee hearing, QCCo was part of the lead testimony, and after lobbying members of the committee for support, despite several push back on the requirement to translate materials, the bill passed through the legislative process, but unfortunately vetoed by the Governor.



### **SB 519 (Beall) Caltrans: property lease**

Another measure QCCo took to the finish line on behalf of the city was SB 519, which authorizes Caltrans to lease properties to the cities of LA and San Jose for \$1 dollar a month, only if property is used for emergency homeless shelters. This bill stemmed from LA's request to be able to lease this type of property, which was anticipated to be heard last minute before the Assembly Transportation committee. During the last few days of session, we were able to leverage Sen Beall's leadership on the issue and include San Jose in the bill, so the city too could address some of their shelter crises. Along with LA, QCCo was the lead testimony in committee during the late hours of session, and after a lengthy hearing, the bill ultimately passed both committees and Senate/Assembly floors. The bill was signed by the Governor on September 17<sup>th</sup>.

## **5. Priority Bill Updates**

### **AB 87 (Ting D) Vehicles: removal: autonomous vehicles.**

**Last Amend:** 8/6/2018

**Status:** 9/22/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 667, Statutes of 2018.

**Summary:** Current law authorizes a peace officer, or a public employee who is engaged in directing traffic or enforcing parking laws, to remove a vehicle under specified circumstances, including when the vehicle is found or is operating on the highway with a registration expiration date in excess of 6 months before the date it is found or operated on the highway, or displaying a license plate or registration sticker that was not issued for that vehicle. This bill would authorize a peace officer or specified public employee, as specified, to remove a vehicle that uses autonomous technology without a valid permit that is required to operate the vehicle on public roads.

### **AB 686 (Santiago D) Housing discrimination: affirmatively further fair housing.**

**Last Amend:** 8/17/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 958, Statutes of 2018.

**Summary:** Would require a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation, as provided.

### **AB 700 (Jones-Sawyer D) Outdoor advertising displays: arenas.**

**Last Amend:** 6/4/2018

**Status:** 9/11/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 337, Statutes of 2018.

**Summary:** The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from certain of its provisions specified advertising displays located on the premises of an arena or that have been authorized, as of January 1, 2019, by, or in accordance with, a local ordinance as part of a specific plan or sign district adopted in connection with the approval of the arena and that are subject to specified conditions. This bill would extend the date of this authorization to January 1, 2021.

**AB 748 (Ting D) Peace officers: video and audio recordings: disclosure.**

**Last Amend:** 8/23/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 960, Statutes of 2018.

**Summary:** The California Public Records Act requires that public records, as defined, be available to the public for inspection and made promptly available to any person. Current law makes records of investigations conducted by any state or local police agency exempt from these requirements. Current law requires specified information regarding the investigation of crimes to be disclosed to the public unless disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation. This bill would, notwithstanding the above provisions, commencing July 1, 2019, allow a video or audio recording that relates to a critical incident, as defined, to be withheld for 45 calendar days if disclosure would substantially interfere with an active investigation, subject to extensions, as specified.

**AB 1168 (Gipson D) Gambling: local moratorium.**

**Last Amend:** 5/22/2017

**Status:** 9/26/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 744, Statutes of 2018.

**Summary:** Under the current Gambling Control Act, a city, county, or city and county may authorize controlled gambling consistent with state law. Current law prohibits, until January 1, 2020, the governing body and the electors of a city, county, or city and county that has not authorized legal gaming within its boundaries prior to January 1, 1996, from authorizing legal gaming. Current law also prohibits, until January 1, 2020, an ordinance in effect on January 1, 1996, that authorizes legal gaming within a city, county, or city and county from being amended to expand gaming in that jurisdiction beyond that permitted on that effective date. This bill would instead make those prohibitions applicable until January 1, 2023.

**AB 1184 (Ting D) City and County of San Francisco: local tax: transportation network companies: autonomous vehicles.**

**Last Amend:** 8/22/2018

**Status:** 9/21/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 644, Statutes of 2018.

**Summary:** Would authorize the City and County of San Francisco, subject to applicable voter approval requirements, to impose a tax on each ride originating in the City and County of San Francisco provided by an autonomous vehicle, whether facilitated by a transportation network company or any other person, or by a participating driver in an amount not to exceed 3.25% of net rider fares, as defined, for a ride and 1.5% of net rider fares for a shared ride, as specified. The bill would also authorize the City and County of San Francisco to set a lower tax rate for net rider fares for a ride provided by a zero-emission vehicle.

**AB 1771 (Bloom D) Planning and zoning: regional housing needs assessment.**

**Last Amend:** 8/24/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 989, Statutes of 2018.

**Summary:** The Planning and Zoning Law requires the appropriate council of governments, or, for cities and counties without a council of governments, the Department of Housing and Community Development, to adopt a final regional housing need allocation plan that allocates a share of the regional housing need to each city,

county, or city and county and is consistent with specified objectives, including that the plan increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner. Current law defines the term “household income levels” for purposes of these provisions. This bill would revise the objectives required to be addressed in the regional housing needs allocation plan and additionally require the plan to include an objective to increase access to areas of high opportunity for lower- income residents, while avoiding displacement and affirmatively furthering fair housing.

**AB 1884 (Calderon D) Food facilities: single-use plastic straws.**

**Last Amend:** 8/6/2018

**Status:** 9/20/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 576, Statutes of 2018.

**Summary:** Would prohibit a full-service restaurant, as specified, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer. The bill would specify that the first and 2nd violations of these provisions would result in a notice of violation and any subsequent violation would be an infraction punishable by a fine of \$25 for each day the full-service restaurant is in violation, but not to exceed an annual total of \$300. The provisions would be enforced by the same officers authorized to enforce the California Retail Food Code.

**AB 1912 (Rodriguez D) Public employees’ retirement: joint powers agreements: liability.**

**Last Amend:** 8/24/2018

**Status:** 9/29/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 909, Statutes of 2018.

**Summary:** The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power. Under the act, if an agency is not one or more of the parties to the agreement but is a public entity, commission, or board constituted pursuant to the agreement, the debts, liabilities, and obligations of the agency are the debts, liabilities, and obligations of the parties to the agreement, unless the agreement specifies otherwise. This bill would specify that the parties to the joint powers agreement may not specify otherwise with respect to retirement liabilities of the agency if the agency contracts with a public retirement system, and would eliminate an authorization for a party to a joint powers agreement to separately contract or assume responsibilities for specific debts, liabilities, or obligations of the agency.

**AB 2000 (Kaira D) Alcoholic beverages: tied-house restrictions: advertising.**

**Last Amend:** 8/16/2018

**Status:** 9/18/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 483, Statutes of 2018.

**Summary:** The Alcoholic Beverage Control Act generally prohibits a manufacturer, winegrower, distiller, bottler, or wholesaler, among other licensees, or agents of these licensees, from paying a retailer for advertising. The act creates a variety of exceptions from this prohibition. Current law requires the purchase of advertising space or time in this context to be conducted pursuant to a written contract with the on-sale licensee, with a specified exception. Current law makes it a crime for an on-sale licensee to coerce certain licensees to purchase advertising space or time, as specified. This bill would expand the exceptions described above to allow beer manufacturers, winegrowers, distilled spirits rectifiers, distilled spirits manufacturers, or distilled spirits manufacturer’s agents to purchase advertising space and time, in connection with

described events, from, or on behalf of, on-sale retail licensees, as described above, at specified stadiums located in the City of San Jose.

**AB 2098 (McCarty D) Adult Education Block Grant Program: immigration integration.**

**Last Amend:** 8/17/2018

**Status:** 9/26/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 751, Statutes of 2018.

**Summary:** Current law establishes the Statewide Director of Immigrant Integration in the Governor's Office of Planning and Research, appointed by the Governor, for the purpose of developing a comprehensive statewide report on programs and services that serve immigrants and programs and services currently managed by a state agency or department to support California immigrants. This bill would require the reports prepared by the chancellor and the Superintendent to be additionally provided to the director. The bill would require those reports to also include any recommendations related to delivery of immigrant integration for adults.

**AB 2162 (Chiu D) Planning and zoning: housing development: supportive housing. Last Amend:** 8/24/2018

**Status:** 9/26/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 753, Statutes of 2018.

**Summary:** The Planning and Zoning Law requires the housing element to contain, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs and a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation. That law specifies that transitional housing and supportive housing are a residential use of property, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This bill would make a nonsubstantive change to this requirement.

**AB 2219 (Ting D) Landlord-tenant: 3rd-party payments.**

**Last Amend:** 6/7/2018

**Status:** 8/28/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 233, Statutes of 2018.

**Summary:** Current law regulates the terms and conditions of residential tenancies. Current law requires a landlord or his or her agent to allow a tenant to pay rent or a security deposit by at least one form of payment that is neither cash nor electronic funds transfer, except as specified. This bill would require, subject to specified limitations, a landlord or a landlord's agent to allow a tenant to pay rent through a third party.

**AB 2343 (Chiu D) Real property: possession: unlawful detainer. Last Amend:** 6/25/2018

**Status:** 9/5/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 260, Statutes of 2018.

**Summary:** Current law establishes a procedure, known as an unlawful detainer action, that a landlord must follow in order to evict a tenant. Current law provides that a tenant is subject to such an action if the tenant continues to possess the property without permission of the landlord in specified circumstances, including when the tenant has violated the lease by defaulting on rent or failing to perform a duty under the lease, but the landlord must first give the tenant a 3-day notice to cure the violation or vacate. This

bill would change the notice period to exclude judicial holidays, including Saturday and Sunday.

**AB 2504 (Low D) Peace officer training: sexual orientation and gender identity.**

**Last Amend:** 6/26/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 969, Statutes of 2018.

**Summary:** Would require the Commission on Peace Officer Standards and Training to develop and implement a course of training regarding sexual orientation and gender identity minority groups in this state. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers and dispatchers and would require the course or courses to include specified topics, including the terminology used to identify and describe sexual orientation and gender identity and how to create an inclusive workplace within law enforcement for sexual orientation and gender identity minorities.

**AB 2544 (Lackey R) Parking penalties. Last Amend: 8/7/2018**

**Status:** 9/18/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 494, Statutes of 2018.

**Summary:** Current law authorizes a processing agency that processes unpaid parking penalties to proceed under specified options to collect those penalties. Under one option, a processing agency is authorized to file an itemization of unpaid penalties with the Department of Motor Vehicles for the department to collect the penalties along with the registration of the vehicle. Current law requires this option, starting on July 1, 2018, to include a process to provide a payment plan for indigent persons. This bill would specify that the option to collect unpaid penalties that were issued before July 1, 2018, through the department requires a process to provide a payment plan for indigent persons, as specified.

**AB 2562 (Mullin D) Department of Housing and Community Development loans.**

**Last Amend:** 8/22/2018

**Status:** 9/26/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 765, Statutes of 2018.

**Summary:** Current law authorizes the Department of Housing and Community Development to approve an extension of a department loan, the subordination of a department loan to new debt, or an investment of tax credit equity under specified rental housing finance programs other than the Multifamily Housing Program, subject to specified conditions. This bill would include loans made under the Multifamily Housing Program and any and all other multifamily housing loans funded or monitored by the department within specified provisions authorizing the extension of an existing loan, subordination of an existing loan to new debt, or an investment of tax credit equity.

**AB 2753 (Friedman D) Density bonuses: density bonus application.**

**Last Amend:** 8/22/2018

**Status:** 9/29/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 921, Statutes of 2018.

**Summary:** Current law requires a city or county to adopt procedures and timelines for processing a density bonus application and provide a list of documents and information required to be submitted with the application in order for it to be deemed complete. Current law requires a city or county to notify an applicant whether the application is complete within 30 calendar days of receiving the application, or a resubmittal of that application, and establishes an appeal process for that decision. This bill would

additionally require a city or county to provide the applicant with a determination as to the amount of density bonus and any parking ratios requested by the applicant for which the development is eligible and whether the applicant has provided adequate information to make a determination as to any incentives, concessions, or waivers or reductions development standards requested by the applicant.

**AB 2873 (Low D) Personal vehicle sharing: recalled vehicles.**

**Last Amend:** 8/24/2018

**Status:** 9/20/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 591, Statutes of 2018.

**Summary:** Would prohibit, as soon as practicable but not more than 48 hours after a vehicle is subject to a manufacturer's recall and a recall notice has been issued by the manufacturer and appears in the National Highway Traffic Safety Administration recall database, or not more than 48 hours after receiving notification of a manufacturer's recall by a specified third party, a personal vehicle sharing program, as defined, from facilitating or arranging for transportation with that vehicle until after any recall notices for that vehicle no longer appear in the National Highway Traffic Safety Administration recall database.

**AB 2923 (Chiu D) San Francisco Bay Area Rapid Transit District: transit-oriented development.**

**Last Amend:** 8/17/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 1000, Statutes of 2018.

**Summary:** Current law establishes the San Francisco Bay Area Rapid Transit District (BART) with various powers and duties and establishes a board of directors as the legislative body of the district. Current law requires the board to determine all questions of district policy and what transit facilities should be acquired or constructed, and authorizes the board to establish zones within the district to undertake the acquisition or construction of any transit facilities. This bill would require the board to adopt by ordinance new transit-oriented development (TOD) zoning standards for each station that establish minimum local zoning requirements for height, density, parking, and floor area ratio only, that apply to an eligible TOD project, as defined.

**AB 2989 (Flora R) Motorized scooter: use of helmet: maximum speed.**

**Last Amend:** 8/16/2018

**Status:** 9/19/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 552, Statutes of 2018.

**Summary:** Would permit a local authority to authorize the operation of a motorized scooter on a highway with a speed limit of up to 35 miles per hour and would additionally allow for operation of a motorized scooter on a highway with a higher speed limit if the motorized scooter is operated within a Class IV bikeway. The bill would specify that the existing maximum 15 mile per hour speed limit for the operation of a motorized scooter applies regardless of a higher speed limit applicable to the highway. The bill would require the operator of a motorized scooter to wear a helmet only if the operator is under 18 years of age.

**AB 3037 (Chiu D) Community Redevelopment Law of 2018.**

**Last Amend:** 4/30/2018

**Status:** 5/25/2018-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/23/2018)

**Summary:** Existing law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Community Redevelopment Law of 2018, would authorize a city or county to propose the formation of a redevelopment housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements, including that the resolution of intention include a passthrough provision and an override passthrough provision, as defined. The bill would require the city or county to submit that resolution to each affected taxing entity, and would authorize an entity that receives that resolution to elect to not receive a passthrough payment, as provided.

**ACA 18 (Gray D) Gambling.**

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. G.O. on 5/31/2018)

**Summary:** The California Constitution prohibits various gaming activities within the state, including casino-style gaming, but authorizes the Legislature to provide for the regulation of horse racing, charitable bingo games, the California State Lottery, and charitable raffles. This measure would authorize the Legislature to permit sports wagering only if a change in federal law occurs to authorize sports wagering in this state.

**ACA 31 (Cervantes D) Public employee salaries: limit.**

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. P.E.,R. & S.S. on 6/21/2018)

**Summary:** Would propose to enact the Public Executive Pay Reform Act of 2018. The measure would prohibit an employee of a public employer from receiving an annual base salary or payrate that exceeds the salary of the Governor established by the California Citizens Compensation Commission that is effective at the time the employment contract is entered. The measure would exempt from this prohibition an employment contract in effect on the date the measure becomes effective, but would apply the prohibition to a contract entered into, renewed, extended, or revised on or after that date.

**AB 2588 (Chu D) Manufactured housing.**

**Last Amend:** 5/25/2018

**Status:** 9/27/2018-Vetoed by Governor.

**Summary:** Would require all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold or rented to have a smoke alarm that has been approved and listed by the Office of the State Fire Marshal on or after January 1, 2014. By expanding the scope of a crime, this bill would impose a state-mandated local program.

**AB 2681 (Nazarian D) Seismic safety: potentially vulnerable buildings.**

**Last Amend:** 8/17/2018

**Status:** 9/28/2018-Vetoed by Governor.

**Summary:** Current law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. This bill would, upon the identification of funding by the Office of

Emergency Services, require the building department of a city or county that meets specified requirements to create an inventory of potentially vulnerable buildings, as defined, within its jurisdiction, based on age and other publicly available information, and submit that inventory to the office, as specified.

**AB 3178 (Rubio D) Integrated waste management plans: source reduction and recycling element: diversion requirements.**

**Last Amend:** 6/27/2018

**Status:** 9/10/2018-Vetoed by the Governor

**Summary:** Would make findings, including, among others, that under China's National Sword import policy, many recyclable materials are now banned and may no longer be imported into that country, which has had a profound impact on California efforts to meet state recycling objectives. The bill would require the department, when evaluating a jurisdiction's good faith effort to implement a diversion program, to also consider, until January 1, 2022, whether China's National Sword import policy caused the absence or loss of a market for recyclable materials that necessitated the disposal of those materials as a temporary measure to avoid a public health threat, as specified.

**SB 100 (De León D) California Renewables Portfolio Standard Program: emissions of greenhouse gases.**

**Last Amend:** 8/20/2018

**Status:** 9/10/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 312, Statutes of 2018.

**Summary:** The Legislature has found and declared that its intent in implementing the California Renewables Portfolio Standard Program is to attain, among other targets for sale of eligible renewable resources, the target of 50% of total retail sales of electricity by December 31, 2030. This bill would revise the above-described legislative findings and declarations to state that the goal of the program is to achieve that 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030.

**SB 183 (Lara D) Educational equity: immigration status. Last Amend: 8/24/2018**

**Status:** 9/26/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 779, Statutes of 2018.

**Summary:** Existing law, the Equity in Higher Education Act, states the policy of the State of California to afford all persons, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in postsecondary educational institutions of the state, and states that the purpose of related existing law is to prohibit acts that are contrary to that policy and to provide remedies therefor. This bill would expressly reference immigration status in the specified characteristics for purposes of those provisions. The bill would specify that nothing in the Equity in Higher Education Act shall be construed to require a postsecondary educational institution to offer admission or student financial aid to a nonimmigrant alien, as specified, except as provided, and that nothing in the act shall be construed to change a student's eligibility for state financial aid.

**SB 192 (Beall D) Mental Health Services Fund.**

**Last Amend:** 8/6/2018

**Status:** 9/10/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 328, Statutes of 2018.

**Summary:** The MHSA authorizes a county to maintain a prudent reserve to ensure that



services do not have to be significantly reduced in years in which revenues are below the average of previous years. The MHSA, except as specified, requires any funds allocated to a county that have not been spent for their authorized purpose within 3 years to revert to the state to be deposited into the fund and available for other counties in future years. This bill would clarify that the value of a prudent reserve for a Local Mental Health Services Fund shall not exceed 33% of the average community services and support revenue received for the fund, in the preceding 5 years.

**SB 212 (Jackson D) Solid waste: pharmaceutical and sharps waste stewardship.**

**Last Amend:** 8/27/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 1004, Statutes of 2018.

**Summary:** Would establish a stewardship program, under which a manufacturer or distributor of covered drugs or sharps, or other entity defined to be covered by the bill, would be required to establish and implement, either on its own or as part of a group of covered entities through membership in a stewardship organization, a stewardship program for covered drugs or for sharps, as applicable. The bill would impose various requirements on a covered entity or stewardship organization that operates a stewardship program, including submitting a proposed stewardship plan, an initial stewardship program budget, an annual budget, annual report, and other specified information to CalRecycle.

**SB 237 (Hertzberg D) Electricity: direct transactions.**

**Last Amend:** 8/24/2018

**Status:** 9/20/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 600, Statutes of 2018.

**Summary:** The Public Utilities Act requires the Public Utilities Commission to authorize and facilitate direct transactions between electricity suppliers and retail end-use customers, but suspends direct transactions except as expressly authorized. Current law expressly requires the commission to authorize direct transactions for nonresidential end-use customers, subject to an annual maximum allowable total kilowatt-hour limit established, as specified, for each electrical corporation, to be achieved following a now completed 3-to 5-year phase-in period. This bill would require the commission, on or before June 1, 2019, to issue an order specifying, among other things, an increase in the annual maximum allowable total kilowatt-hour limit by 4,000 gigawatt-hours and apportion that increase among the service territories of the electrical corporations.

**SB 519 (Beall D) State highways: property leases.**

**Last Amend:** 8/23/2018

**Status:** 9/17/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 444, Statutes of 2018.

**Summary:** Current law authorizes the Department of Transportation to lease certain property, including the area above or below a state highway, and certain property held for future highway purposes, to public agencies under specified terms and conditions, including specific provisions governing leases of airspace and other property in the City and County of San Francisco for purposes of an emergency shelter or feeding program. This bill would authorize the department to offer leases to the Cities of Los Angeles and San Jose on a right of first refusal basis for any airspace under a freeway or certain real property acquired for highway purposes located in each city for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified.

**SB 765 (Wiener D) Planning and zoning: housing. Last Amend: 8/27/2018**  
**Status:** 9/27/2018-Approved by the Governor. Chaptered by Secretary of State.  
Chapter 840, Statutes of 2018.

**Summary:** Current 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. Current law requires the objective planning standards to include specified requirements. This bill would modify those provisions by requiring a skilled and trained workforce to be used if the application for the development consists of a specified number of units with a residential component that is not 100% subsidized affordable housing.

**SB 818 (Beall D) Mortgages and deeds of trust: foreclosure.**

**Last Amend:** 6/21/2018

**Status:** 9/14/2018-Approved by the Governor. Chaptered by Secretary of State.  
Chapter 404, Statutes of 2018.

**Summary:** Would reenact various provisions of the California Homeowner Bill of Rights, as specified, and make other changes. With regard to first lien mortgages or deeds of trust on residential real property, as specified, the bill would prohibit an entity that forecloses on more than 175 real properties from recording a notice of default or notice of sale, or conducting a trustee's sale after a borrower submits a complete application for a first lien loan modification and that application is pending.

**SB 822 (Wiener D) Communications: broadband Internet access service. Last Amend: 8/23/2018**

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State.  
Chapter 976, Statutes of 2018.

**Summary:** Would enact the California Internet Consumer Protection and Net Neutrality Act of 2018. This act would prohibit fixed and mobile Internet service providers, as defined, that provide broadband Internet access service, as defined, from engaging in specified actions concerning the treatment of Internet traffic.

**SB 822 (Wiener D) Land use: housing element. Last Amend: 8/24/2018**

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State.  
Chapter 974, Statutes of 2018.

**Summary:** Current law requires the appropriate council of governments, or the department for a city and county that does not have a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county in accordance with certain requirements and procedures, including that a specified type of ordinance or policy that limits the number of residential building permits issued by a city or county may not be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need. This bill would prohibit the prior underproduction of housing in a city or county from the previous cycle and stable population numbers in a city or county from the previous cycle from being used as a justification for a determination or a reduction in the jurisdiction's share of the regional housing need.

**SB 833 (McGuire D) Emergencies: Office of Emergency Services: guidelines: alert and warning systems.**

**Last Amend:** 8/20/2018

**Status:** 9/21/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 617, Statutes of 2018.

**Summary:** Would, on or before July 1, 2019, would require OES, in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency. The bill would require OES to provide each city, county, and city and county with a copy of the guidelines.

### **SB 901 (Dodd) Wildfires**

**Last Amend:** 8/28/2018

**Status:** 9/21/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 626, Statutes of 2018.

**Summary:** The Budget Act of 2018 appropriated \$99,376,000 to the Office of Emergency Services for purposes of local assistance. Of those funds, \$25,000,000 was made available, pursuant to a schedule, for equipment and technology that improves the mutual aid system. Current law authorizes the Department of Forestry and Fire Protection (CalFire) to administer various programs, including grant programs, relating to forest health and wildfire protection. This bill would revise the Budget Act of 2018 to provide that the \$25,000,000 described above shall be applied to support activities directly related to regional response and readiness.

### **SB 912 (Beall D) California Housing Finance Agency: management compensation.**

**Last Amend:** 6/20/2018

**Status:** 9/21/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 661, Statutes of 2018.

**Summary:** Current law, among other officers within the California Housing Finance Agency, provides for a director of enterprise risk management and compliance with specified duties related to the development of new programs or changes to existing law or regulations that may result in new or increased risk to the agency. Current law requires that the board of directors of the agency establish the compensation of the key exempt management in the agency's annual budget, as provided. This bill, with respect to the compensation of those key exempt management positions, would include the director of enterprise risk management and compliance and the risk manager among those positions, and would delete obsolete references.

### **SB 918 (Wiener D) Homeless Youth Act of 2018. Last Amend: 8/21/2018**

**Status:** 9/27/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 841, Statutes of 2018.

**Summary:** Current law establishes various programs, including, among others, the Emergency Housing and Assistance Program, homeless youth emergency service pilot projects, and Housing First and the Homeless Coordinating and Financing Council, to provide assistance to homeless persons. Current law establishes the council to oversee the implementation of the Housing First guidelines and regulations, and, among other things, identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. This bill would require the council to assume additional responsibilities, including setting specific, measurable goals aimed at preventing and ending homelessness among youth in the state and defining outcome measures and gathering data related to those goals.

### **SB 946(Lara D) Sidewalk vendors.**

**Last Amend:** 8/16/2018

**Status:** 9/17/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 459, Statutes of 2018.

**Summary:** Would prohibit a local authority, as defined, from regulating sidewalk vendors, except in accordance with the provisions of the bill. The bill would provide that a local authority is not required to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the provisions of the bill. The bill would apply these provisions to a chartered or general law city, county, or city and county.

**SB 959 (Beall D) Water corporation: advice letters. Last Amend: 6/13/2018**

**Status:** 9/14/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 409, Statutes of 2018.

**Summary:** Under current law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations, as defined. This bill would require a water corporation with more than 10,000 service connections to maintain, for a certain period, on its Internet Web site an archive of all advice letters that are pending, approved, or rejected on or after January 1, 2019, in a specified manner.

**SB 1085 (Skinner D) Public employees: leaves of absence: exclusive bargaining representative service.**

**Last Amend:** 8/23/2018

**Status:** 9/28/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 893, Statutes of 2018.

**Summary:** Current law, 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, the Judicial Council Employer-Employee Relations Act and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, specified local public agencies, and their employees. This bill would require public employers, subject to the acts described above, and specified public employers of transit workers, upon request of the exclusive representative of an employee, to grant reasonable leaves of absence without loss of compensation or other benefits for the purpose of enabling employees to serve as stewards or officers of the exclusive representative, or of any statewide or national employee organization with which the exclusive representative is affiliated.

**SB 1121 (Dodd D) California Consumer Privacy Act of 2018.**

**Last Amend:** 8/27/2018

**Status:** 9/23/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 735, Statutes of 2018.

**Summary:** The California Consumer Privacy Act of 2018, grants, commencing on January 1, 2020, a consumer various rights with regard to personal information relating to that consumer that is held by a business. The act requires a business that collects personal information about a consumer to disclose the consumer's right to delete personal information described above on its Internet Web site or in its online privacy policy or policies. This bill would modify that requirement by requiring a business that collects personal information about a consumer to disclose the consumer's right to delete personal information in a form that is reasonably accessible to consumers and in accordance with a specified process.

**SB 1152 (Hernandez D) Hospital patient discharge process: homeless patients.**

**Last Amend:** 8/23/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 981, Statutes of 2018.

**Summary:** Would require each hospital to include a written homeless patient discharge planning policy and process within the hospital discharge policy, as specified. The bill would require a hospital to document specified information before discharging a homeless patient. The bill would, commencing on July 1, 2019, require a hospital to develop a written plan for coordinating services and referrals for homeless patients with the county behavioral health agency, health care and social service agencies in the region, health care providers, and nonprofit social service providers, as available, to assist with ensuring appropriate homeless patient discharge.

**SB 1205 (Hill D) Fire protection services: inspections: compliance reporting.**

**Last Amend:** 6/20/2018

**Status:** 9/27/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 854, Statutes of 2018.

**Summary:** Current law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Current law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided. This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's, or district's, compliance with the above-described inspection requirements, as provided.

**SB 1244 (Wieckowski D) Public records: disclosure.**

**Last Amend:** 7/5/2018

**Status:** 9/17/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 463, Statutes of 2018.

**Summary:** The California Public Records Act, when it appears to a superior court that certain public records are being improperly withheld from a member of the public, requires the court to order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The act requires the court to award court costs and reasonable attorney's fees to the plaintiff if the plaintiff prevails in litigation filed pursuant to these provisions, and requires the court to award court costs and reasonable attorney's fees to the public agency if the court finds that the plaintiff's case is clearly frivolous. This bill would replace "plaintiff" with "requester" in that provision, would make conforming changes, and would specify that these provisions do not preclude the award of fees and costs pursuant to other provisions of law.

**SB 1333 (Wieckowski D) Planning and zoning: general plan: zoning regulations: charter cities.**

**Last Amend:** 8/24/2018

**Status:** 9/27/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 856, Statutes of 2018.

**Summary:** Would specify that provisions of the Planning and Zoning Law regarding general plans, specific plans, and the adoption and review of housing elements apply to

charter cities. The bill would also make a nonsubstantive change with respect to the requirement that a charter city adopt a general plan by resolution.

**SB 1369 (Skinner D) Energy: green electrolytic hydrogen.**

**Last Amend:** 8/24/2018

**Status:** 9/19/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 567, Statutes of 2018.

**Summary:** Current law requires the PUC and the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake specified actions to advance the state's clean energy and pollution reduction objectives, including, where feasible, cost effective, and consistent with other state policy objectives, increasing the use of large- and small-scale energy storage with a variety of technologies. This bill would specify green electrolytic hydrogen, as defined, as one of these energy storage technologies to be targeted for increased use.

**SB 1412 (Bradford D) Applicants for employment: criminal history.**

**Last Amend:** 8/23/2018

**Status:** 9/30/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 987, Statutes of 2018.

**Summary:** Current law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, from seeking from any source, or from utilizing as a factor in determining any condition of employment, information concerning participating in a pretrial or posttrial diversion program or concerning a conviction that has been judicially dismissed or ordered sealed, as provided. This bill would specify that these provisions do not prohibit an employer, including a public agency or private individual or corporation, from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to federal law, federal regulation, or state law, (1) the employer is required to obtain information regarding the particular conviction of the applicant, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, (2) the applicant would be required to possess or use a firearm in the course of his or her employment, (3) an individual with that particular conviction is prohibited by law from holding the position sought, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, or (4) the employer is prohibited by law from hiring an applicant who has that particular conviction, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation.

**AB 6 (Oberholte R) Local ballot measures: statement of the measure.**

**Last Amend:** 6/25/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. E. & C.A. on 6/25/2018)

**Summary:** Current law requires a local government body, when submitting for voter approval a bond measure the security for which constitutes a lien on the property for ad valorem taxes, to provide the voters a statement that includes estimates of tax rates and debt service in connection with the measure. This bill would instead require that the statement for a bond measure include the best estimate from official sources of the average annual tax rate that would be required to be levied to fund the bond issue over the entire duration of the bond debt service, as specified. By imposing new duties on local elections officials, the bill would create a state-mandated local program.

**AB 726 (Holden D) Energy.**

**Last Amend:** 9/8/2017

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 9/12/2017)

**Summary:** Would repeal the current law governing the transformation of the ISO into a regional organization adopted as part of the Clean Energy and Pollution Reduction Act of 2015 and replace it with provisions authorizing the transformation of the ISO into a regional organization if the ISO governing board undertakes certain steps and the Commission on Regional Grid Transformation, which the bill would create, makes specified findings by December 31, 2018. The bill would make inoperative other provisions of existing law relating to the ISO entering into a multistate entity or transforming into a regional organization unless the Commission on Regional Grid Transformation does not make the specified findings by that date.

**AB 813 (Holden D) Multistate regional transmission system organization: membership.**

**Last Amend:** 8/24/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 8/16/2018)

**Summary:** Would prohibit a California electrical transmission facility owner, a retail seller of electricity, or a local publicly owned electric utility from joining a multistate regional transmission system organization, as defined, unless the bylaws or other organizational documents that govern the organization, and the organization's operations, meet Federal Energy Regulatory Commission requirements and other specified requirements. The bill would require a California transmission owner, retail seller, or local publicly owned electric utility, before joining a multistate regional transmission system organization, to submit the bylaws and other organizational documents that govern the multistate regional transmission system organization to the Energy Commission for review.

**AB 931 (Weber D) Criminal procedure: use of force by peace officers.**

**Last Amend:** 8/24/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 8/16/2018)

**Summary:** Current law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Current law does not require an officer to retreat or desist from an attempt to make an arrest because of resistance or threatened resistance of the person being arrested. This bill would, as of January 1, 2020, require peace officers to attempt to control an incident by using time, distance, communications, and available resources in an effort to deescalate a situation whenever it is safe, feasible, and reasonable to do so.

**AB 1395 (Chu D) State highways: Department of Transportation: litter cleanup and abatement: report. Last Amend:** 8/6/2018

**Status:** 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/13/2018)

**Summary:** Would require the Department of Transportation, within its maintenance programs relating to litter cleanup and abatement, to prioritize its litter cleanup and abatement efforts based on certain key indicators. The bill would also require the department, on or before January 1, 2020, to conduct an assessment of the problem of litter on state highways and to make a specified report to the Legislature on its findings.

The bill would require the department to consult with interested stakeholders that may include city and county officials in the development of the report.

**AB 1743 (O'Donnell D) California Career Technical Education Incentive Grant Program.**

**Last Amend:** 5/25/2018

**Status:** 6/29/2018-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. ED. on 6/7/2018) **Summary:** Current law establishes the California Career Technical Education Incentive Grant Program, administered by the State Department of Education, with the purpose of encouraging and maintaining the delivery of career technical education programs during implementation of the school district and charter school local control funding formula. Current law appropriates specified amounts for the program from the General Fund for the 2015–16, 2016–17, and 2017–18 fiscal years, and provides minimum eligibility standards for grant applicants. This bill would instead specify that the purpose of the program is to encourage and maintain the delivery of high-quality career technical education programs.

**AB 2558 (Brough R) County officers.**

**Last Amend:** 6/27/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. THIRD READING on 6/27/2018)

**Summary:** Current law sets forth the officers of a county and authorizes the board of supervisors of a county to consolidate, separate, and reconsolidate their duties, as specified. Current law further authorizes the board to consolidate the offices of auditor, controller, treasurer, tax collector, and director of finance. This bill would prohibit the board of supervisors from consolidating an elective office with an appointed office pursuant to these provisions, or separating those offices once combined, except through a specified election process.

**AB 2578 (Chiu D) Infrastructure financing districts: City and County of San Francisco.**

**Last Amend:** 3/22/2018

**Status:** 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/6/2018)

**Summary:** Current law authorizes the City and County of San Francisco to create infrastructure financing districts, including districts that include specified waterfront property, adopt infrastructure financing plans for those districts, and issue bonds financed by projected increases in ad valorem property taxes to fund certain public facilities, pursuant to a specified procedure. Existing law specifies the types of projects a waterfront district may finance. This bill would revise those provisions by, among other things, expanding the authorization for the creation of waterfront districts by the City and County of San Francisco to include a shoreline protection district, as defined, subject to a shoreline protection enhanced financing plan, as provided.

**AB 2787 (Quirk D) Long duration bulk energy storage: procurement.**

**Last Amend:** 8/28/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. INACTIVE FILE on 8/31/2018)

**Summary:** This bill would require the Independent System Operator (ISO), on or before December 31, 2019, to complete a process for the procurement of long duration energy storage projects that in aggregate have at least 1,000 megawatts capacity, but not more than 2,000 megawatts, except as provided. The bill would require the ISO to develop a



methodology for allocating the cost of that procurement to all load-serving entities within the ISO-controlled electrical grid, as provided.

**AB 2890 (Ting D) Land use: accessory dwelling units.**

**Last Amend:** 7/3/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 8/16/2018)

**Summary:** The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth standards the ordinance is required to impose, including, among others, maximum unit size, parking, lot coverage, and height standards. Current law prohibits the ordinance from establishing size requirements for accessory dwelling units that do not permit at least an efficiency unit to be constructed. This bill would prohibit the imposition of lot coverage standards or requirements on minimum lot size, lot coverage, or floor area ratio, and would prohibit an ordinance from establishing size requirements for accessory dwelling units that do not permit at least an 800 square foot unit of at least 16 feet in height to be constructed.

**SB 460 (De León D) Communications: broadband Internet access service: state agencies.**

**Last Amend:** 8/28/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. THIRD READING on 8/29/2018)

**Summary:** Would require an Internet service provider that submits a bid or proposal to, or that otherwise proposes to enter into or renew a contract with, a state agency with respect to any contract in the amount of \$100,000 or more for the provision of broadband Internet access service to certify that it is in full compliance with, and renders broadband Internet access service to the state agency consistent with, specified provisions of SB 822 of the 2017–18 Regular Session concerning the treatment of Internet traffic, as provided. The bill would authorize a state agency to waive these provisions under specified conditions. This bill contains other related provisions.

**SB 831 (Wieckowski D) Land use: accessory dwelling units.**

**Last Amend:** 6/21/2018

**Status:** 6/29/2018-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. L. GOV. on 6/20/2018)

**Summary:** Would require the ordinance for the creation of accessory dwelling units to designate areas where accessory dwelling units may be excluded for health and safety purposes, as specified. The bill would revise the standards for the local ordinance to, among other things, delete the authority to include lot coverage standards, and include a prohibition on considering the square footage of a proposed accessory dwelling unit when calculating an allowable floor-to-area ratio or lot coverage ratio for the lot.

**SB 1206 (De León D) No Place Like Home Act of 2018.**

**Last Amend:** 5/25/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. HEALTH on 6/11/2018)

**Summary:** Would enact the No Place Like Home Act of 2018 and provide for submission of that act to the voters at the November 6, 2018, statewide general election. The bill would include any appropriation or transfer to the No Place Like Home Fund from the General Fund or other funds as moneys required to be paid into the No Place Like Home Fund. The bill would specify that the service contracts between the

authority and the department may be single-year or multiyear contracts and provide for payments to the department from amounts on deposit in the Supportive Housing Program Subaccount.

**SCA 20 (Glazer D) Local sales taxes: online sales.**

**Last Amend:** 4/23/2018

**Status:** 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. APPR. SUSPENSE FILE on 5/22/2018)

**Summary:** Would provide that, on and after January 1, 2020, for the purpose of distributing the revenues derived under a sales tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the retail sale of tangible personal property by a qualified retailer, as defined, that is transacted online is instead consummated at the point of the delivery of that tangible personal property to the purchaser's address or to any other delivery address designated by the purchaser.

**SB 905 (Wiener D) Alcoholic beverages: hours of sale.**

**Last Amend:** 8/23/2018

**Status:** 9/28/2018-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Would, beginning January 1, 2021, and before January 2, 2026, would require the Department of Alcoholic Beverage Control to conduct a pilot program that would authorize the department to issue an additional hours license to an on-sale licensee located in a qualified city which would authorize, with or without conditions, the selling, giving, or purchasing of alcoholic beverages at the licensed premises between the hours of 2 a.m. and 4 a.m., upon completion of specified requirements by the qualified city in which the licensee is located. The bill would impose specified fees related to the license to be deposited in the Alcohol Beverage Control Fund.

**SB 937 (Wiener D) Lactation accommodation.**

**Last Amend:** 8/24/2018

**Status:** 9/30/2018-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Would require an employer to provide a lactation room or location that includes prescribed features and would require an employer, among other things, to provide access to a sink and refrigerator in close proximity to the employee's workspace, as specified. The bill would require an employer to develop and implement a policy regarding lactation accommodation and make it available to employees, as specified. The bill would also require an employer to maintain records of requests for lactation accommodation for 3 years and to give the Labor Commission access to those records.

**SB 1125 (Atkins D) Federally qualified health center and rural health clinic services.**

**Last Amend:** 8/28/2018

**Status:** 9/27/2018-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Current law provides that federally qualified health center (FQHC) services and rural health clinic (RHC) services, as defined, are covered benefits under the Medical program, to be reimbursed, to the extent that federal financial participation is obtained, to providers on a per-visit basis. "Visit" is defined as a face-to-face encounter between a patient of an FQHC or RHC and specified health care professionals. This bill would authorize reimbursement for a maximum of 2 visits taking place on the same day

at a single location if after the first visit the patient suffers illness or injury requiring additional diagnosis or treatment, or if the patient has a medical visit and a mental health visit or a dental visit, as defined.

**SB 1477 (Stern)** Low-emissions buildings and sources of heat energy.

**Last Amend:** 8/6/2018

**Status:** 9/13/18 Approved by the Governor. Chaptered by Secretary of State. Chapter 378, Statutes of 2018.

**Summary:** This bill would require the Public Utilities Commission to develop and supervise the administration of the Technology and Equipment for Clean Heating (TECH) Initiative, a statewide market development initiative, to require gas corporations to advance the state's market for low-emission space and water heating equipment for new and existing residential buildings. The bill would require the commission, as a part of the initiative, to identify and target key low-emission space and water heating equipment technologies that are in an early stage of market development and that would assist the state in achieving its greenhouse gas emissions reduction goals.

**AB 3232 (Friedman)** Zero-emissions buildings and sources of heat energy

**Last Amend:** 5/29/2018

**Status:** 9/13/18 Approved by the Governor. Chaptered by Secretary of State - Chapter 373, Statutes of 2018.

**Summary:** Would require the State Energy Resources Conservation and Development Commission, by January 1, 2021, to assess the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030. The bill would require the commission to include in the 2021 edition of the integrated energy policy report and all subsequent integrated energy policy reports a report on the emissions of greenhouse gases associated with the supply of energy to residential and commercial buildings.

**AB 1778 (Holden)** Transit-Oriented Redevelopment Law of 2018

**Last Amend:** 4/10/2018

**Status:** 4/27/18 Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. GOV. on 3/22/2018)

**Summary:** Current law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Transit-Oriented Redevelopment Law of 2018, would authorize a city or county to propose the formation of a redevelopment agency by adopting a resolution of intention that meets specified requirements, and submitting that resolution to each affected taxing entity and to each owner of land within the district.

## **UPCOMING ACTIVITIES**

### ***Dates and Deadlines***

**December 3<sup>rd</sup>** First Day to Introduce Legislation

**December 4<sup>th</sup>** Sacramento Lobby Day

**January 1<sup>st</sup>** Statutes take effect

**January 7<sup>th</sup>** Legislature reconvenes

**January 10<sup>th</sup>** Governor's budget

## **2018 STATEWIDE BALLOT PROPOSITIONS**

<b>Proposition</b>	<b>Title</b>	<b>Pass/Fail</b>
Proposition 1	SB 3 (Beall), Veterans and Affordable Housing Bond Act of 2018	Pass
Proposition 2	AB 1827 (Budget Committee), No Place Like Home Act of 2018	Pass
Proposition 3	Water Supply and Water Quality Act of 2018	Fail
Proposition 4	Children's Hospital Bond Act of 2018	Pass
Proposition 5	People's Initiative to Protect Proposition 13 Savings	Fail
Proposition 6	(Gas Tax Repeal) Voter Approval for Increases in Gas and Car Tax	Fail
Proposition 7	AB 807 (Chu) Daylight saving time	Pass
Proposition 8	Fair Pricing for Dialysis Act	Fail
Proposition 10	(Rent Control) Affordable Housing Act	Fail
Proposition 11	Emergency Ambulance Employee Safety and Preparedness Act	Pass
Proposition 12	Prevention of Cruelty to Farm Animals Act	Pass