POLICY UPDATE – OCTOBER 2020

October 7, 2020

Prepared by: Kevin L. Maevers, AICP
Vice Director of Policy
Inland Empire Section – APACA

Greetings IES Board Members,

I hope this this month’s Policy Update email finds you all safe and well. While this information is subject to change, I wanted to share the latest legislative news with all of you.

FROM THE APA-CA LEGISLATIVE UPDATE
On August 31, the 2020 Legislative Session came to an end. The Governor has now signed/vetoed all bills that made it to his desk at the end of the 2020 Legislative Session. Attached is an update of the high priority bills APA California worked on along with his actions. As always, you can access the full list of planning related bills on the Legislative page of the APA California website.

As expected, AB 5 Reform, housing, homelessness, and wildfire mitigation remained a priority. Below is a summary of the bills that have been signed by the Governor. Other bills were vetoed or did not pass to the Governor's Office for signature. Please see the attached memo from Lauren De Valencia y Sanchez, APA California Lobbyist, for additional information.

AB 5 Reform:
• **AB 2257** – Gonzalez – Clean up vehicle for AB 5 – Independent Contractors vs Employees
• **Position: Support as Amended**
• After AB 5 (the independent contractor bill) passed last year, many members had reported to APA California that they were experiencing issues executing contracts between public agencies, other planning firms, and individuals. APA California has been advocating this year to insert language into legislation to protect the ability of planning consultants to remain independent contractors. Assembly Member Lorena Gonzalez, the original author of AB 5 carried this bill as the main clean up measure for AB 5 to address a number of professions asking for relief from AB 5’s strict criteria for professionals to remain independent contractors. After working with the author’s office for a number of months, the bill was amended to make it easier to contract with independent planners, among many other changes. AB
2257 has an urgency clause, which means the bill will go into effect immediately once signed by the Governor.

- **Status:** Signed by the Governor

**Density Bonus and Development Incentives:**
- **AB 2345** – Gonzalez – Adds other layers of density, incentives, waivers and concessions for moderate-income and other density bonus projects
  - **Position:** Neutral as Amended
  - **Status:** Signed by the Governor

**Housing Elements/RHNA Reform/Homelessness:**
- **AB 725** – Wicks – Requires at least 25 percent of RHNA for moderate-income housing and above be allocated to sites with zoning that allows at least two units of housing in larger metropolitan jurisdictions
  - **Position:** Neutral as Amended
  - **Status:** Signed by the Governor

**Housing Assistance:**
- **AB 3088** – Assembly Member Members Chiu and Limón and Senators Bradford and Caballero – Provides temporary COVID-19 rental assistance
  - **Position:** Support
  - **Status:** Signed by the Governor

**Streamlining /Project Review:**
- **AB 168** – Aguilar-Curry – Requires a pre-consultation process with a California Native American tribe(s) prior to the submission of an SB 35 permit for a streamlined housing approval
  - *AB 168 has an urgency clause, which means the bill will go into effect immediately once signed by the Governor.
  - **Position:** Watch
  - **Status:** Signed by the Governor

- **AB 831** – Grayson – Cleanup bill for SB 35 projects re path to modify projects prior to final building permit and approval of public improvements
  - **Position:** Support as Amended
  - **Status:** Signed by the Governor

- **AB 1561** – C. Garcia – Extends housing development permits and other entitlements due to COVID-19 impacts
  - **Position:** Support as Amended
  - **Status:** Signed by the Governor
• **AB 1851** – Wicks – Restricts faith-based organization housing parking requirements  
  • **Position:** Watch  
  • **Status:** Signed by the Governor

**CEQA:**

• **SB 288** – Wiener – Provides a statutory CEQA exemption for bus rapid transit and regional rail services projects  
  • **Position:** Support  
  • **Status:** Signed by the Governor

**Other Planning Related Topics:**

• **AB 2421** – Quirk – Streamlines permitting for backup generators for cell towers  
  • **Position:** Neutral as Amended  
  • **Status:** Signed by the Governor

Please see the attached *APA California Legislative Update, October 2020* and *APA California End of Session Legislative Update* for additional information on specific legislation and APACA positions.

I hope everyone is staying safe and healthy during these challenging times. I will continue to keep you posted on legislative activities.

Respectfully Submitted,

Kevin L. Maevers, AICP, CNU, RE  
President / Director of Community & Economic Development

Arivitas Strategies, LLC  
KLMaevers@Arivitas.com
The Governor has now taken action on all bills that made it to his desk. Below is the final summary of his actions on those bills in red:

**AB 5 Reform:**

**AB 2257 – Gonzalez – Clean up vehicle for AB 5 – Independent Contractors vs Employees**
Position: Support as Amended
*After AB 5 (the independent contractor bill) passed last year, many members had reported to APA California that they were experiencing issues executing contracts between public agencies, other planning firms, and individuals. APA California has been advocating this year to insert language into legislation to protect the ability of planning consultants to remain independent contractors. Assembly Member Lorena Gonzalez, the original author of AB 5 carried this bill as the main clean up measure for AB 5 to address a number of professions asking for relief from AB 5’s strict criteria for professionals to remain independent contractors. After working with the author’s office for a number of months, the bill was amended to make it easier to contract with independent planners, among many other changes. AB 2257 has an urgency clause, which means the bill will go into effect immediately once signed by the Governor.
Status: Signed by the Governor

**Density Bonus and Development Incentives:**

**AB 2345 – Gonzalez – Adds other layers of density, incentives, waivers and concessions for moderate-income and other density bonus projects**
Position: Neutral as Amended
Status: Signed by the Governor

**SB 1085 – Skinner – Increases density bonus benefits for moderate-income for sale and student housing projects**
Position: Support as Amended
Status: Did not pass

**Housing Elements/RHNA Reform/Homelessness:**

**AB 725 – Wicks – Requires at least 25 percent of RHNA for moderate-income housing and above be allocated to sites with zoning that allows at least two units of housing in larger metropolitan jurisdictions**
Position: Neutral as Amended
Status: Signed by the Governor

**AB 3040 – Chiu – Provides incentives to upzone single family sites for 4plexes and allows up to 25% of those developed sites to be counted under RHNA**
Position: Support
Status: Did not pass

**AB 3269** — Chiu — Requires jurisdictions to adopt a plan to reduce homelessness
Position: Neutral as amended
Status: Did not pass

**SB 1138** — Wiener — Adds requirements to sites identified in the Housing Element to accommodate emergency shelters
Position: Support as Amended
Status: Did not pass

**Housing Assistance:**

**AB 1436** — Chiu — Provides COVID-19 rental assistance
Position: Support
Status: Did not pass (AB 3088 is the main vehicle)

**AB 3088** — Assembly Member Members Chiu and Limón and Senators Bradford and Caballero — Provides temporary COVID-19 rental assistance
Position: Support
Status: Signed by the Governor

**SB 1410** — Caballero and Bradford — Provides COVID-19 rental assistance
Position: Support (Previously set up a state appeals board to challenge local housing decisions)
Status: Did not pass (AB 3088 is the main vehicle)

**Streamlining /Project Review:**

**AB 168** — Aguiar-Curry — Requires a pre-consultation process with a California Native American tribe(s) prior to the submission of an SB 35 permit for a streamlined housing approval
* AB 168 has an urgency clause, which means the bill will go into effect immediately once signed by the Governor.
Position: Watch
Status: Signed by the Governor

**AB 831** — Grayson — Cleanup bill for SB 35 projects re path to modify projects prior to final building permit and approval of public improvements
Position: Support as Amended
Status: Signed by the Governor

**AB 1561** — C. Garcia — Extends housing development permits and other entitlements due to COVID-19 impacts
Position: Support as Amended
Status: Signed by the Governor

**AB 1851** — Wicks — Restricts faith-based organization housing parking requirements
Position: Watch
Status: Signed by the Governor

**AB 3107** — Bloom — Allows projects with at least 20% affordable housing to be allowed on commercial sites
Position: Support if Amended
Status: Did not pass

**SB 281** — Wiener — Extends housing development permits and other entitlements due to COVID-19 impacts
Position: Support as Amended
Status: Did not pass (Moved into AB 1561)
SB 899 – Wiener – Allows by right approval for nonprofit hospital and religious institution housing
Position: Watch
Status: Did not pass

SB 902 – Wiener – Allows local governments to pass ordinance to zone any parcel up to 10 units of residential density per parcel, at a height specified by the local government, for parcels located in a transit-rich and jobs rich areas or urban infill site, and exempts the ordinance from CEQA
Position: Support as Amended
Status: Did not pass

SB 1120 – Atkins – Allows duplexes in single family zones and streamlines lot splits
Position: Support
Status: Did not pass

SB 1385 – Caballero – Allows housing in retail and office zones
Position: Support if Amended
Status: Did not pass

**Wildfire Mitigation and Planning:**

AB 3164 – Friedman – Requires CalFire to develop a wildland-urban interface wildfire risk model to determine the risk for a community or parcel in specified wildfire hazard zones
Position: Support
Status: Vetoed by the Governor

SB 182 – Jackson – Adds new requirements for development approvals in VHFHSZ and updates to the safety element
*Two-Year bill from 2019*
Position: Support
Status: Vetoed by the Governor

SB 1199 – McGuire — Creates the Commission on Home Hardening to develop a three-tiered certification system of fire prevention levels for structures in a Wildland-Urban Interface
Position: Support
Status: Did not pass

**CEQA:**

AB 609 – Levine – Requires electronic noticing requirements for certain CEQA documents
Position: Support if Amended
Status: Did not pass

AB 2323 – Friedman – Cleans up current CEQA exemptions for housing development
Position: Support
Status: Did not pass

AB 3279 – Friedman – Provides streamlining in CEQA litigation and deletes obsolete and duplicative provisions from CEQA
Position: Support
Status: Did not pass
SB 288 – Wiener – Provides a statutory CEQA exemption for bus rapid transit and regional rail services projects
  Position: Support
  Status: Signed by the Governor

SB 55 – Jackson – Gut and amend that makes various changes proposed in SB 950 that did not move forward this year. *The proposal has been scaled back but still proposes, among other things, to exempt from the requirements of CEQA emergency shelters or supportive housing projects meeting certain requirements, and makes a number of changes related to the preparation of the administrative record, codifies tolling agreements, provides longer timeframes for public review and comment of EIRs and repeals various other obsolete provisions from CEQA.
  Position: Review
  Status: Did not pass

SB 995 – Atkins – Extends the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 until 2025, allows smaller housing projects to qualify, and requires a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR
  Position: Support if Amended
  Status: Did not pass

Other Planning Related Topics:

AB 2421 – Quirk – Streamlines permitting for backup generators for cell towers
  Position: Neutral as Amended
  Status: Signed by the Governor