



Agenda Submittal

Agenda #: 19 **Status:** Regular Calendar
Type: Legislation **Department:** County Administrator
File #: 19-325 **Contact:** Michelle Heppner, 784-3002
Agenda date: 5/7/2019 **Final action:** 5/7/2019
Title: Receive an update from staff and the County's State Legislative Advocate on the status of the CASA Compact legislation and other items of interest to the County; and Consider positions on AB 1483, AB 1486, SB 4, SB 5, SB 13, SB 50, and SB 330 housing bills that were discussed at the April 15, 2019 Legislative Committee and referred to the full Board for consideration
Governing body: Board of Supervisors
District: All
Attachments: 1. A - SB 50 and SB 4 Amendments Summary, 2. B - CASA Compact Bills, 3. C - California Housing Legislation Highlights, 4. Minute Order

Date	Ver.	Action By	Action	Result
5/7/2019	1	Board of Supervisors	Approved	

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board receive an update from staff and the County's State Legislative Advocate on the status of the CASA Compact legislation and other items of interest to the County; and Consider positions on AB 1483, AB 1486, SB 4, SB 5, SB 13, SB 50, and SB 330 housing bills that were discussed at the April 15, 2019 Legislative Committee and referred to the full Board for consideration.

SUMMARY:

Staff will provide an overview of legislation considered by the Board's Legislative Committee on April 15, 2019. The County's Legislative Advocate, Karen Lange of Shaw/Yoder/Antwih, Inc., will provide a verbal update on developments at the Capitol and key legislation of interest to the County. The items before the Board were reviewed by the County's Legislative Committee and are discussed individually in the discussion section below.

FINANCIAL IMPACT:

The legislative program is designed to result in additional funding and cost avoidance relative to Solano County. The cost of preparing this report and compiling the information is a General Fund cost covered in the County Administrator's administration budget.

DISCUSSION:

The County's Legislative Committee Members, Supervisor Erin Hannigan and Supervisor John Vasquez met on April 15, 2019 to discuss both Federal and State issues. Karen Lange of Shaw/Yoder/Antwih Inc., the County's state legislative advocate and Joe Krahn, Hasan Sarsour, and Tom Joseph of Paragon Government Relations, the County's federal legislative advocacy team, participated in the meeting as well. The County's April 15, 2019 Legislative Committee agenda packet can be accessed at the following link:

[<http://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=30248>](http://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=30248)

Included in the April 15, 2019 Legislative Committee agenda was seven housing related bills as well as a discussion around the CASA Compact housing related bills (Attachment B), of which three (AB1483, AB1484 and SB 330) were being considered for a recommendation to the full Board and an additional four (SB 4, SB 5, SB 123, and SB 50) identified by staff as concerns for the County. All seven bills are discussed separately below in the bills recommended by the Legislative committee for a position section.

Another bill included on the April 15, 2019 Legislative Committee agenda was AB 1769 (Frazier) related to funding for a mental health facility for Solano County. Health & Social Services staff brought it to the Board separately on April 23, 2019 for a broader discussion on the concept of the mental health facility and a request for a Support position on the bill.

Two other items included on the April 15, 2019 Legislative Committee agenda were discussions on:

1. Industrial Hemp state regulations and three bills, AB 228, SB 153, and SB 527. Staff provided the Board a write-up in the Significant Issues Memo issued on April 25, 2019.
2. In-Home Support Services (IHSS) / County Medical Services Program (CMSP) changes occurring through the State Budget process. Due to the pace of the discussions at the state level, staff will be sending the Board with an overview of the process and anticipated outcomes via email.

Bills Recommended by the Legislative Committee for a Position

[AB 1483 \(Grayson D\) Housing data: collection and reporting.](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=7uiPrwNr9cV9UqiGNCbpKZ1XHoT%2fKbuV9nbtgCSxBUfcjpsH5i%2f8IAuokqzT3NgJ)

[<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=7uiPrwNr9cV9UqiGNCbpKZ1XHoT%2fKbuV9nbtgCSxBUfcjpsH5i%2f8IAuokqzT3NgJ>](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=7uiPrwNr9cV9UqiGNCbpKZ1XHoT%2fKbuV9nbtgCSxBUfcjpsH5i%2f8IAuokqzT3NgJ)

The Planning and Zoning Law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development (HCD) that includes, among other specified information, the number of net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, as provided. This bill would authorize the department to require a planning agency to include in that annual report specified additional information that this bill would require, as specified.

The Legislative Committee discussed the bill and noted that it was overly general in nature and that the state Department of Housing and Community Development (HCD) is not, nor should it be, in a position to evaluate and determine whether local permit processing information is accurate. This responsibility should fall to the local agency. If the intent of the bill is to allow HCD to question potential inconsistencies in data reporting, this should be clarified and worded as such in the bill. Staff provided input to Assemblymember Grayson's staff person, Steven Stenzler, who was on the line seeking clarification that HCD will not be calling out the accuracy of the data required by this bill.

The Legislative Committee recommended a WATCH position.

[AB 1486 \(Ting D\) Local agencies: surplus land. <http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=7uiPrwNr9cV9UqiGNCbpKf912a2quIGe4Z9Sdhzh66QniZlpDt8wKsBEsJkI%2bYha>](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=7uiPrwNr9cV9UqiGNCbpKf912a2quIGe4Z9Sdhzh66QniZlpDt8wKsBEsJkI%2bYha)

Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines "local agency" for these purposes as every city, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby

requiring these entities to comply with these requirements for the disposal of surplus land. The bill would specify that the term “district” includes all districts within the state, and that this change is declaratory of existing law.

The Legislative Committee discussed concerns regarding the revised definition of “surplus” land, prioritizing it, and proving an inventory of all surplus land in an agency’s jurisdiction to the state Department of Housing and Community Development (HCD). Staff noted that the provisions of the bill should not apply to rural property that does not have adequate city services (sewer or water) or utilities available.

The Legislative Committee recommended an OPPOSE position on this bill.

[SB 4 \(McGuire D\) Housing. <http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=LXv%2bP0XHB55Nc5KI%2bLE3IAYWi3mdC87YjbuOU9zw93Bx%2bkzHwKRhsEAFLbrnwiP>](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=LXv%2bP0XHB55Nc5KI%2bLE3IAYWi3mdC87YjbuOU9zw93Bx%2bkzHwKRhsEAFLbrnwiP)

Would authorize a development proponent of a neighborhood multifamily project or eligible transit-oriented development (TOD) project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a “neighborhood multifamily project” to mean a project to construct a multifamily unit of up to 2 residential dwelling units in a nonurban community, as defined, or up to 4 residential dwelling units in an urban community, as defined, that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019.

There was a discussion on the definition of surplus land and that the bill provides for minimum zoning restrictions on residential/commercial/institutional zones within certain distances (1/4 to 1/2 mile) from major transit (rail and ferry). This provision sets up potential conflicts with rural lands that exist within the specific distance of transit. The consensus was that the bill should not apply to rural property that does not have adequate city services (sewer or water) or utilities available. Staff also noted that the bill was amended to reiterate the importance of prime agricultural land and that requirements of the bill should apply to land in existing urban areas only.

The Legislative Committee discussed the bill and recommended a WATCH position.

[SB 5 \(Beall D\) Affordable Housing and Community Development Investment Program. <http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=pVEC2i5Dy5WjwRk1QQvSyWe0Lg4ssu7dZ5eeEBrrxGabweaxQd6NUq9L0BRbyqGA>](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=pVEC2i5Dy5WjwRk1QQvSyWe0Lg4ssu7dZ5eeEBrrxGabweaxQd6NUq9L0BRbyqGA)

Would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria.

There was a short discussion and staff noted it would like not impact County land use.

The Legislative Committee discussed the bill and recommended a WATCH position.

[SB 13 \(Wieckowski D\) Accessory dwelling units. <http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=wtRSvU78nFsJDoXNWJ6BI50lpUdJ3GZV8BebnguKkNugBKCJIsnaKkgKBKYRRJlu>](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=wtRSvU78nFsJDoXNWJ6BI50lpUdJ3GZV8BebnguKkNugBKCJIsnaKkgKBKYRRJlu)

Current law requires accessory dwelling units to comply with specified standards, including that the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling or detached if

located within the same lot, and that it does not exceed a specified amount of total area of floor space. This bill would, instead, authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling use.

The Legislative Committee discussed the intent of the bill to remove regulatory barriers to Accessory Dwelling Units (ADU)

The Legislative Committee discussed the bill and recommended an OPPOSE position.

[SB 50 \(Wiener D\) Planning and zoning: housing development: incentives.](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=x1U2K%2fjryQpcTV8Z%2fV2s8GbyiW5Kvli1oGlc%2fvoDxWgfgghy3Bby8Tlo6LncPoKNQ)
<<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=x1U2K%2fjryQpcTV8Z%2fV2s8GbyiW5Kvli1oGlc%2fvoDxWgfgghy3Bby8Tlo6LncPoKNQ>>

Would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law.

On Wednesday, April 24, the Senate Governance and Finance Committee debated both SB 4 (McGuire) and SB 50 (Wiener). Committee Chair McGuire announced an agreement between the two authors that would result in SB 4 no longer moving forward. SB 50 will be the vehicle moving forward, and substantial amendments are pending, based on the agreement made in Committee. Of note, counties under 600,000 population will be dispensed with differently in the bill than larger counties. A description of the amendments is attached to this report as Attachment A.

The Legislative Committee discussed the bill and recommended a WATCH position.

[SB 330 \(Skinner D\) Housing Crisis Act of 2019.](http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=LFC0bvA6fnp99TAUimvDvl2K4%2fXxOQG9EeORKv0M9blC015TU4ufEge3eTkImU16) <<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=LFC0bvA6fnp99TAUimvDvl2K4%2fXxOQG9EeORKv0M9blC015TU4ufEge3eTkImU16>>

The Housing Accountability Act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete. This bill would, until January 1, 2030, specify that an application is deemed complete for these purposes if a complete initial application was submitted, as specified.

A discussion pursued regarding the three reasons the League of California Cities is opposed to this bill. Namely 1) it would eliminate the local governments ability to impose parking restrictions on any new residential development, 2) it would freeze impact fees for a certain period of time, and 3) it would prohibit local governments from charging impact fees for affordable housing developments. Staff noted this bill limits local land use control in that it limits the County's ability to change its General Plan zoning to a less intense designation in certain circumstances and limits the number of public hearings for a development project in a twelve-month period otherwise it is automatically approved.

The Legislative Committee discussed the bill and recommended an OPPOSE position.