



Agenda

LEGISLATION COMMITTEE

April 11, 2022
1:00 P.M.

To slow the spread of COVID-19, in lieu of a public gathering, the meeting will be accessible via Zoom to all members of the public as permitted by Government Code section 54953(e).

Join from PC, Mac, Linux, iOS or Android: <https://cccouny-us.zoom.us/j/3501763799>
Or Telephone:
1-888-278-0254 (US Toll Free)
Conference code: 219464

Supervisor Diane Burgis, Chair
Supervisor Karen Mitchoff, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (*speakers may be limited to three minutes*).
3. **RECEIVE and APPROVE the Record of Action for the March 14, 2022 meeting of the Legislation Committee, with any necessary corrections.**
4. **ACCEPT the report on matters related to the FY 2022-23 State Budget and Legislation of Interest to the County, and provide direction to staff and the County's state lobbyists.**
5. **CONSIDER finding SB 847 (Hurtado) COVID 19 Relief: Tenancy: Grant Program consistent with the Board's adopted FY 2021-22 State Legislative Platform.**
6. **CONSIDER providing a recommendation to the Board of Supervisors of "Oppose Unless Amended" on AB 2295 (Bloom) Local educational agencies: Housing Development Project as recommended by the Director of Conservation and Development.**
7. The next meeting is currently scheduled for May 9, 2022 at 1:00 p.m.
8. Adjourn

The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 1025 Escobar St., 4th Floor, Martinez, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Lara DeLaney, Committee Staff
Phone (925) 655-2057, Fax (925) 655-2066
lara.delaney@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

3.

Meeting Date: 04/11/2022
Subject: Record of Action for Legislation Committee Meeting
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2022-01
Referral Name: Record of Action
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-655-2057

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the discussions made in the meetings.

Referral Update:

Attached for the Committee's consideration is the draft Record of Action for its March 14, 2022 meeting.

Recommendation(s)/Next Step(s):

Staff recommends approval of the Record of Action for the March 14, 2022 meeting.

Attachments

DRAFT Record of Action

DRAFT



LEGISLATION COMMITTEE

RECORD OF ACTION FOR
March 14, 2022

Supervisor Diane Burgis, Chair
Supervisor Karen Mitchoff, Vice Chair

Present: Diane Burgis, Chair
Karen Mitchoff, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator, staff to Committee; Chris Wickler, Field Representative, District IV; Christy Saxton, Director, Health, Housing, Homeless Services Division of HSD; Daniel Peddycord, Climate and Health Policy Officer; Jennifer Quallick, Field Representative, District II; Jill Ray, Field Representative, District II; John Cunningham, Principal Planner, DCD; Julie Enea, Senior Deputy County Administrator, CAO's office; Kim McCarl, PIO, CCHS; Luz Raygoza-Gonzalez, ASA III, EHSD; Monica Nino, County Administrator; Sonia Bustamante, Chief of Staff, District I; Will Nelson, Principal Planner, DCD

Attendees: Bill Walker; Aimee Filipas; James Gross, Michelle Rubalcava; Amy McKeon; Greg Burns; Allison; Donya; Fallon; Jim McKeon; Katharine Mason; Lauren McCabe Herpich; Mae Lum; Paul Schlesinger; Rachael Blucher; Robb McSorley; S Blair; Stefania Pisanu; Tess Schirmer; Vince Stark; additional public attendees

1. Introductions

Chair Burgis called the meeting to order at 1:02 p.m., introducing herself and Vice Chair Mitchoff.

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

No public comment was made to the Committee.

3. Staff recommends approval of the Record of Action for the February 14, 2022 meeting.

The Record of Action for the February 14, 2022 meeting was approved as presented.

AYE: Chair Diane Burgis
Vice Chair Karen Mitchoff

4. ACCEPT the report and provide direction and/or input to staff and the County's state lobbyists, as needed.

Staff and the County's state advocates provided a recap of the report and indicated that a CARE Court stakeholders meeting was held that morning; slides would be provided to the County.

AYE: Chair Diane Burgis

Vice Chair Karen Mitchoff

5. CONSIDER recommending a position to the Board of Supervisors on SB 871 (Pan) and directing staff to place the item on a Board of Supervisors agenda for consideration.

The County's Health Officer, Dr. Ori Tzvieli, requested that the Committee not take a position on the bill at this time, noting that more time was needed to look at the science particularly as more vaccines were under development potentially offering longer lasting protection against COVID-19 and its variants. Vice Chair Mitchoff inquired as to how much more time would be needed to evaluate the scientific data to which Dr. Tzvieli responded about six months. Vice Chair Mitchoff noted the legislature would be out of session in six months. She noted she was not willing to oppose the bill but preferred that the bill be referred to the full Board of Supervisors with no recommendation from the Committee. She directed staff to send the bill to the Board after it was heard by the Senate Health Committee. Dr. Tzvieli also noted there were active discussions on the bill with other Bay Area health officers. Several members of the public spoke in opposition to the bill, indicating that although they weren't "anti-vax," it was creating anxiety for them.

AYE: Chair Diane Burgis

Vice Chair Karen Mitchoff

6. CONSIDER recommending a position of "Support" on AB 2094 (Rivas/ Quirk-Silva) General Plan: Annual Report: Extremely-Low Income and directing staff to place the item on the Board's consent agenda.

The Director of the County's Health, Housing and Homeless Services division of Health Services spoke in favor of the bill, noting its intention to increase transparency in reporting of a jurisdiction's progress on meeting its housing needs in its required annual report on Housing Element implementation. Will Nelson from the Department of Conservation and Development indicated they could not support the bill because the information is difficult to obtain and could not be relied upon; it would pose an additional unfunded burden on the department. The Committee discussed referring the bill to the full Board of Supervisors for discussion with a recommendation of Oppose from the Committee.

AYE: Chair Diane Burgis

Vice Chair Karen Mitchoff

7. ACCEPT the report and provide direction and/or input, as needed.

The County's federal advocate from Thorn Run Partners, Paul Schlesinger, provided an update on the County's FY 2022 federal earmark projects which were included in the Omnibus bill signed by the President. He noted that the additional COVID-19 support was pulled out of the final bill but talks were continuing in Congress on additional funding. The Committee accepted the federal legislative program report.

AYE: Chair Diane Burgis

Vice Chair Karen Mitchoff

8. The next meeting is currently scheduled for April 11, 2022 at 1:00 p.m.

9. Adjourn

The meeting was adjourned at 1:45 p.m.

For Additional Information Contact:

Lara DeLaney, Committee Staff
Phone (925) 335-1097, Fax (925) 646-1353
lara.delaney@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

4.

Meeting Date: 04/11/2022
Subject: FY 2022-23 State Budget and State Bills of Interest
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2022-02
Referral Name:
Presenter: L. DeLaney and Nielsen Merksamer Team **Contact:** L. DeLaney, 925-655-2057

Referral History:

The Legislation Committee regularly receives reports on the State Budget and legislation of interest to the County.

Referral Update:

LAO Report on State Appropriations Limit

The Legislative Analyst's Office (LAO) released a [report](#) outlining the implications of the Governor's budget proposal. The report titled "State Appropriations Limit Implications" examines various state revenue scenarios to predict budget outlooks into the future. In summary: without making some serious reforms to the state's tax structure (to reduce state revenues) or seeking voter approval to modify the State Appropriation Limit (to allow for more expenditures), the Governor's budget is unsustainable whether state revenues grow slower, faster, or as expected.

To mitigate this eventuality, the LAO offers some short- and long-term options. For short-term options, the Legislature could reject all non-SAL excluded proposals in the Governor's proposed budget and then save those resources for future SAL requirements. The Legislature could opt to delay SAL-required payments for a two-year period, as authorized by the Constitution, but it must save those revenues to be able to pay the SAL-required payments in the future. Finally, the Legislature could change the definition of subventions to count more funding at the local level. As for longer-term fixes, the LAO suggests that the Legislature could reduce taxes on an ongoing basis to bring state revenues to the SAL, which would necessarily constrain state government spending, or the Legislature could ask voters to make reforms to the state's appropriations limit by placing a constitutional amendment on the ballot.

The constraints imposed by the Gann Limit appear to have become inescapable for the state's budget crafters and must be carefully considered in the coming months as the May Revision is released and final negotiations on the budget begin.

Acting Governor Kounalakis Signs Extension of Tenant Protections

In rapid fashion, the Legislature approved [AB 2179](#) (Grayson and Wicks) to extend tenant protections for renters who have applied for the state's rental assistance program but whose applications have yet to be processed. AB 2179 extends the protections through June 30, 2022.

Lt. Governor Eleni Kounalakis, who is the acting Governor while Governor Gavin Newsom is traveling abroad, signed the bill, marking the first time a woman signed legislation into law in California.

Beneficial Fire Strategic Plan Released

This week, the Governor's Wildfire and Forest Resilience Task Force issued its [Strategic Plan for Expanding the Use of Beneficial Fire](#) to guide the state's efforts in expanding the use of prescribed fire and cultural burning to build forest and community resilience in addressing forest management and wildfire mitigation. The Strategic Plan sets a target of expanding

beneficial fire to 400,000 acres annually by 2025 as part of an overall goal to treat 1 million acres annually in California by 2025.

Key elements include:

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

Children and Behavioral Health Initiative Update

The Newsom Administration recently held a webinar to share updates on Children and Behavioral Health Youth Initiative (CYBHI), which included an overview of the CYBHI, a presentation on the plans and scope of work for each workstream, and information on stakeholder engagement. Here are links to a [recording](#) and [slide deck](#) from the webinar.

The CYBHI engagement plan includes convening and engaging three groups:

Children, youth, and families, including children and youth 25 years of age and younger and their families as the key constituency of the initiative.

Cross-sector and inter-agency partners, including healthcare and education partners, subject matter experts, state, local, and federal agencies, community-based organizations, social services, legislature, philanthropy, academia, and other public and private sector partners.

Community partners on the ground and in the field, including California community members interested in children and youth behavioral health (e.g., Californians with professional and/or lived experiences).

This [table](#) summarizes planned engagement efforts in the near term and going forward.

Assembly Budget Subcommittee Hearing Focuses on CalAIM and Medi-Cal Issues

Assembly Budget Subcommittee No. 1 on health and human services met on March 28 to discuss CalAIM and Medi-Cal proposals ([agenda](#)). DHCS provided overviews of Enhanced Care Management, community supports, CalAIM behavioral health reforms, the long-term services and supports component of CalAIM, and the proposed changes to the suspension of Medi-Cal benefits when an adult is incarcerated.

DHCS reported that as of January 1, 2022, 25 counties went live with Enhanced Care Management (ECM). The next phase of ECM implementation begins July 1, 2022. Additionally, in January 2023, ECM will be expanded to long-term care, nursing home residents transitioning to communities, and the justice-involved population. In July 2023, ECM will be expanded to focus on children and youth.

As on January 1, 2022, 25 managed care plans in 47 counties started offering over 520 community supports. Approximately 40,000 people – mostly individuals transitioning from Whole Person Care – are receiving community supports. By July 2022, nearly all managed care plans in all counties will offer some level of community supports. Recall that managed care plans can choose whether they offer community supports and which of the state's 14 identified community supports the plan will offer. Most Medi-Cal managed care plans are electing to provide five to six community supports. The most common community supports being offered are housing related services, medically tailored meals, and asthma remediation. DHCS expects the plans will continue to expand community support elections in 2023 and 2024.

Legislation to Implement the Kaiser Contract for Medi-Cal Introduced

[AB 2724](#) was gutted and amended last week to incorporate provisions to implement the Kaiser Medi-Cal single contract language (also known as “alternate health care service plan”) proposed by the Newsom Administration in trailer bill language. The revamped measure, now authored by Assembly Member Joaquin Arambula, is in the Assembly Health Committee but has not yet been set for hearing. Although introduction of the Kaiser language into a bill suggests the contract will be discussed via

the policy committee process, it remains possible that the issue could become part of budget negotiations this summer.

Attachment A: Master List of Bills of Interest to Contra Costa County

Attachment B: 2022 Elections Report

Recommendation(s)/Next Step(s):

ACCEPT the report and provide direction to staff and the County's state lobbyists, as needed.

Attachments

Attachment A: Bills of Interest

Attachment B: 2022 Elections Report

**Master File of Bills of Interest
To Contra Costa County
04/07/22**

AB 1034

AUTHOR: Bloom [D]
TITLE: Cannabis: Noncannabis Food and Beverage Products
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2021
LAST AMEND: 03/04/2021
DISPOSITION: Pending
LOCATION: Senate Business, Professions & Economic Development Committee

SUMMARY:

Relates to the Control, Regulate and Tax Adult Use of Marijuana Act. Authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. Authorizes a local jurisdiction to allow for the preparation or sale of noncannabis food or beverage products, as specified, by a licensed retailer or microbusiness in the area where the consumption of cannabis is allowed subject to specified restrictions.

STATUS:

07/14/2021 In SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT: Not heard.

AB 1599

AUTHOR: Kiley [R]
TITLE: Proposition 47: Repeal
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/03/2022
LAST AMEND: 03/01/2022
DISPOSITION: Pending
LOCATION: Assembly Public Safety Committee

SUMMARY:

Repeals the changes and additions made by Proposition 47, except those related to reducing the penalty for possession of concentrated cannabis. Reduces the value threshold for a violation of those provisions to be punishable as a felony from specified amount to specified amount. Reduces the value threshold for committing grand theft under those provisions from specified amount to specified amount. Provides for the submission of this measure to the voters for approval at the next

statewide general election.

STATUS:

03/09/2022 In ASSEMBLY. Coauthors revised.

AB 1608

AUTHOR: Gipson [D]

TITLE: County Officers: Consolidation of Offices

FISCAL no

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/04/2022

LAST AMEND: 04/07/2022

DISPOSITION: Pending

FILE: 19

LOCATION: Assembly Second Reading File

SUMMARY:

Deletes the authority of the board of supervisors of a county to combine the duties of the sheriff with the duties of the coroner.

STATUS:

04/07/2022 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.

AB 1657

AUTHOR: Nguyen J [R]

TITLE: Oil Spills: Reporting: Waters of the United States

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/14/2022

LAST AMEND: 03/14/2022

DISPOSITION: Pending

LOCATION: Assembly Appropriations Committee

SUMMARY:

Defines threatened discharge of oil in waters of the state to include, but not be limited to, a discharge by a facility, as defined, located where an oil spill may impact state waters. Requires a facility to be presumed to be located where an oil spill may impact state waters if certain circumstances apply, including that any portion of a pipeline that services the facility transports oil to, from, or through state waters.

STATUS:

03/21/2022 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS. (11-0)

AB 1663

AUTHOR: Maienschein [D]

TITLE: Protective Proceedings

FISCAL yes

COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/19/2022
LAST AMEND: 03/16/2022
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires the Judicial Council to establish a conservatorship alternatives program within each self-help center in each superior court. Identifies petitions for conservatorships for which less restrictive. Makes communications with the program confidential. Requires the Judicial Council to establish and staff a centralized Supported Decisionmaking Technical Assistance Program (SDM-TAP). Appropriates specified amount from the General Fund to the Judicial Council.

STATUS:
04/06/2022 In ASSEMBLY Committee on APPROPRIATIONS: To
Suspense File.

AB 1750

AUTHOR: Davies [R]
TITLE: Controlled Substances: Treatment
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/01/2022
LAST AMEND: 03/17/2022
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Allows the court to order the defendant, and a juvenile court to order a minor, to complete a controlled substance education or treatment program, as specified, if available. Requires the county drug program administrator and representatives of the court and county probation department, with input from substance use treatment providers, to design and implement an approval and renewal process for controlled substance education and treatment programs.

STATUS:
04/06/2022 In ASSEMBLY Committee on APPROPRIATIONS: To
Suspense File.

AB 1774

AUTHOR: Seyarto [R]
TITLE: California Environmental Quality Act: Water Conveyance
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/03/2022

DISPOSITION: Pending
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Requires the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

STATUS:
02/10/2022 To ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.

AB 1778

AUTHOR: Garcia [D]
TITLE: State Transportation Funding: Freeway Projects
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/03/2022
LAST AMEND: 03/24/2022
DISPOSITION: Pending
COMMITTEE: Assembly Transportation Committee
HEARING: 04/18/2022 2:30 pm
SUMMARY:

Requires the department to consult the Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects. Requires the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway projects in areas that fall within the zero to specified percentile on the housing and environmental variables analyzed through the index, as provided.

STATUS:
03/24/2022 From ASSEMBLY Committee on TRANSPORTATION with author's amendments.
03/24/2022 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.

AB 1897

AUTHOR: Wicks [D]
TITLE: Nonvehicular Air Pollution Control:Refineries
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/09/2022
DISPOSITION: Pending

COMMITTEE: Assembly Natural Resources Committee

HEARING: 04/18/2022 2:30 pm

SUMMARY:

Relates to existing law which prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public. Makes a person who violates this provision liable for a civil penalty if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to the federal Clean Air Act, and the stationary source is a refinery.

STATUS:

02/18/2022 To ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.

AB 1944

AUTHOR: Lee [D]

TITLE: Local Government: Open and Public Meetings

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/10/2022

DISPOSITION: Pending

LOCATION: Assembly Local Government Committee

SUMMARY:

Specifies that if a member of a legislative body of a local agency elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing. Requires all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public.

STATUS:

02/18/2022 To ASSEMBLY Committee on LOCAL GOVERNMENT.

AB 2094

AUTHOR: Rivas R [D]

TITLE: General Plan: Annual Report: Extremely Low-income

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/14/2022

DISPOSITION: Pending

COMMITTEE: Assembly Local Government Committee

HEARING: 04/20/2022 9:30 am

SUMMARY:

Requires a city or county's annual report to include the locality's progress in meeting the housing needs of extremely low income households, as specified.

STATUS:
03/23/2022 From ASSEMBLY Committee on HOUSING AND
COMMUNITY DEVELOPMENT: Do pass to Committee on
LOCAL GOVERNMENT. (8-0)

AB 2179

AUTHOR: Grayson [D]
TITLE: COVID 19 Relief: Tenancy
FISCAL yes
COMMITTEE:
URGENCY yes
CLAUSE:
INTRODUCED: 02/15/2022
ENACTED: 03/31/2022
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 2022-013
SUMMARY:

Provides that any extension, expansion, renewal, reenactment, or new adoption of a measure by the specified local authorities. Extends the date for which the requirements and limitations described above relating to coronavirus rental debt repayment periods are determined to a specified date. Prohibits any provision by the specified local authorities permitting a tenant to repay coronavirus rental debt beyond a specified date.

STATUS:
03/31/2022 Chaptered by Secretary of State. Chapter No. 2022-013

AB 2186

AUTHOR: Grayson [D]
TITLE: Housing Cost Reduction Incentive Program
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/15/2022
LAST AMEND: 03/23/2022
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:

Establishes the Housing Cost Reduction Incentive Program, to be administered by the Department of Housing and Community Development, for the purpose of reimbursing cities, counties, and cities and counties for development impact fee reductions provided to qualified housing developments, as defined, and for the reasonable interest costs associated with impact fee deferrals.

STATUS:
04/06/2022 In ASSEMBLY. Coauthors revised.

AB 2325

AUTHOR: Rivas [D]
TITLE: Coordinated Homelessness Response
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2022
LAST AMEND: 04/06/2022
DISPOSITION: Pending
COMMITTEE: Assembly Housing and Community Development Committee
HEARING: 04/20/2022 9:00 am

SUMMARY:

Requires the California Interagency on Homelessness on or before September 30, 2023, to convene a funders workgroup to accomplish specified goals related to ending homelessness.

STATUS:

04/06/2022 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT with author's amendments.
04/06/2022 In ASSEMBLY. Read second time and amended. Re-referred to Committee on HOUSING AND COMMUNITY DEVELOPMENT.

AB 2374

AUTHOR: Bauer-Kahan [D]
TITLE: Crimes Against Public Health and Safety: Dumping
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2022
LAST AMEND: 04/07/2022
DISPOSITION: Pending
FILE: 24
LOCATION: Assembly Second Reading File

SUMMARY:

Requires, instead of authorize, the court to order a person convicted of dumping commercial quantities of waste to remove, or pay for the removal of, the waste matter that was illegally dumped. The bill would authorize the court to order the surrender of a professional or business license that is related to the illegal dumping activity for which the person has been convicted, as a condition of probation.

STATUS:

04/07/2022 In ASSEMBLY. Read second time and amended. Re-referred to Committee on BUSINESS AND PROFESSIONS.

AB 2449

AUTHOR: Rubio [D]
TITLE: Open Meetings: Local Agencies: Teleconferences
FISCAL no

COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/17/2022
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee

SUMMARY:
Authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions.

STATUS:
03/03/2022 To ASSEMBLY Committee on LOCAL GOVERNMENT.

AB 2627

AUTHOR: Bauer-Kahan [D]
TITLE: Electronically Collected Personal Information
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2022
DISPOSITION: Pending
COMMITTEE: Assembly Privacy and Consumer Protection Committee
HEARING: 04/19/2022 1:30 pm

SUMMARY:
Authorizes a state or local agency, at the request of the governing board of a California Community College district, to enter into a memorandum of understanding that would allow the agency and the district to share electronically collected personal information about users, unless the user has not granted permission for that disclosure, for purposes of facilitating outreach to, and enrollment, of individuals in the California Community Colleges system and notifying the user of all available resources.

STATUS:
03/10/2022 To ASSEMBLY Committees on PRIVACY AND CONSUMER PROTECTION and HIGHER EDUCATION.

AB 2647

AUTHOR: Levine [D]
TITLE: Local Government: Open Meetings
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2022
DISPOSITION: Pending

LOCATION: Assembly Local Government Committee

SUMMARY:

Requires a local agency to make writings and agendas of public meetings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

STATUS:

03/10/2022 To ASSEMBLY Committees on LOCAL GOVERNMENT and JUDICIARY.

AB 2677

AUTHOR: Gabriel [D]

TITLE: Information Practices Act of 1977

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/18/2022

DISPOSITION: Pending

COMMITTEE: Assembly Privacy and Consumer Protection Committee

HEARING: 04/19/2022 1:30 pm

SUMMARY:

Amends the Information Practices Act of 1977. Removes a certain exemption for local agencies and includes, among other things, genetic information, IP address, online browsing history, and location information within the definition of personal information for the act's purposes. Requires that those rules established by the agency be consistent with applicable provisions of the State Administrative Manual and the State Information Management Manual.

STATUS:

03/10/2022 To ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION.

ACA 11

AUTHOR: Kalra [D]

TITLE: Taxes to Fund Health Care Coverage and Cost Control

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/05/2022

DISPOSITION: Pending

LOCATION: ASSEMBLY

SUMMARY:

Imposes an excise tax, payroll taxes, and a State Personal Income CalCare Tax at specified rates to fund comprehensive universal single-payer health care coverage and a health care cost control system for the benefit of every resident of the state, as well as reserves deemed necessary to ensure payment, to be established in statute.

STATUS:
01/05/2022 INTRODUCED.

SB 843

AUTHOR: Glazer [D]
TITLE: Taxation: Renters' Credit
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/11/2022
LAST AMEND: 03/21/2022
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 04/18/2022 9:00 am

SUMMARY:

Relates to the Budget Act. Increases the credit amount for a qualified renter to a specified amount for spouses filing joint returns, heads of households, and surviving spouses and a specified amount for other individuals. Provides that the credit amount in excess of the qualified renter's liability would be refundable and paid from the Tax Relief and Refund Account to the qualified renter upon appropriation by the Legislature.

STATUS:
03/31/2022 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS. (5-0)

SB 852

AUTHOR: Dodd [D]
TITLE: Climate Resilience Districts: Formation: Funding
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/18/2022
LAST AMEND: 03/09/2022
DISPOSITION: Pending
COMMITTEE: Senate Governance and Finance Committee
HEARING: 04/07/2022

SUMMARY:

Authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. Defines eligible project to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

STATUS:
04/07/2022 From SENATE Committee on GOVERNANCE AND

FINANCE: Do pass as amended to Committee on NATURAL RESOURCES AND WATER.

SB 869

AUTHOR: Leyva [D]
TITLE: Housing: Mobilehome Parks: Recreational Vehicle Parks
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/24/2022
LAST AMEND: 03/28/2022
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 04/18/2022 9:00 am

SUMMARY:

Requires the Department of Housing and Community Development, by a specified date, to adopt regulations to require each person employed or acting under contract as an onsite manager or assistant manager, or otherwise acting in an onsite or offsite managerial capacity or role, on behalf of a mobilehome park or recreational vehicle park to receive appropriate training of at least a specified hours during the initial year and an unspecified number of hours of followup training each year.

STATUS:

03/30/2022 Withdrawn from SENATE Committee on PUBLIC SAFETY.
03/30/2022 Re-referred to SENATE Committee on APPROPRIATIONS.

SB 871

AUTHOR: Pan [D]
TITLE: Public Health: Immunizations
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/24/2022
DISPOSITION: Pending
LOCATION: Senate Health Committee

SUMMARY:

Prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, childcare center, day nursery, nursery school, family day care home, or development center, unless prior to their admission to that institution they have been fully immunized against COVID-19. Removes the personal belief exemption from any additional immunization requirements deemed appropriate by the Department of Public Health.

STATUS:

02/24/2022 In SENATE. Rescinds referral to Committee on JUDICIARY due to limitations concerning COVID-19 virus.

SB 904

AUTHOR: Bates [R]
TITLE: Controlled Substances: Treatment
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/01/2022
LAST AMEND: 03/23/2022
DISPOSITION: Pending
LOCATION: Senate Public Safety Committee
SUMMARY:

Allows the court to order the defendant, and a juvenile court to order a minor, to complete a controlled substance education or treatment program, as specified, if available. Requires the county drug program administrator and representatives of the court and county probation department, with input from substance use treatment providers, to design and implement an approval and renewal process for controlled substance education and treatment programs. Imposes a state mandated local program.

STATUS:
04/05/2022 In SENATE Committee on PUBLIC SAFETY: Not heard.

SB 1097

AUTHOR: Pan [D]
TITLE: Cannabis and Cannabis Products: Labeling
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2022
LAST AMEND: 03/29/2022
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 04/18/2022 9:00 am
SUMMARY:

Requires cannabis or a cannabis product, other than those for topical use, to include a warning label that covers at least the front or principal face of a product, is in the largest type possible for the area, is bright yellow, and includes a pictorial or graphic element, as specified, and one of a series of warnings. require the department to either recertify the warnings or provide updated warning label language and designs every certain years commencing on a specified date.

STATUS:
04/04/2022 From SENATE Committee on BUSINESS, PROFESSIONS AND ECON. DEVELOPMENT: Do pass to Committee on APPROPRIATIONS. (8-0)

SB 1100

AUTHOR: Cortese [D]
TITLE: Open Meetings: Orderly Conduct

FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2022
LAST AMEND: 03/21/2022
DISPOSITION: Pending
COMMITTEE: Senate Judiciary Committee
HEARING: 04/19/2022 1:30 pm
SUMMARY:

Authorizes the presiding member of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. Requires removal to be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to cease the disruptive behavior.

STATUS:

03/21/2022 In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.

SB 1140

AUTHOR: Umberg [D]
TITLE: Public Social Services: Electronic Benefits Transfer
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2022
LAST AMEND: 03/08/2022
DISPOSITION: Pending
COMMITTEE: Senate Human Services Committee
HEARING: 04/19/2022 1:30 pm
SUMMARY:

Provides for the establishment of a statewide electronic benefits transfer (EBT) system, administered by the State Department of Social Services. Prohibits a recipient from incurring any loss of electronic benefits stolen in that manner. Expands county duties relating to the administration of food benefits.

STATUS:

03/17/2022 Re-referred to SENATE Committee on HUMAN SERVICES.

SB 1253

AUTHOR: Melendez [R]
TITLE: Infrastructure Plan: Flood Control: Delta Levees
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/17/2022

LAST AMEND: 03/08/2022
DISPOSITION: Pending
COMMITTEE: Senate Natural Resources and Water Committee
HEARING: 04/26/2022 9:00 am
SUMMARY:
Require the plan to set out infrastructure priorities relating to specified flood prevention and maintenance projects.

STATUS:
03/29/2022 From SENATE Committee on GOVERNMENTAL ORGANIZATION: Do pass to Committee on NATURAL RESOURCES AND WATER. (14-0)

SB 1338

AUTHOR: Umberg [D]
TITLE: Community Assistance, Recovery, and Empowerment
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2022
LAST AMEND: 03/16/2022
DISPOSITION: Pending
LOCATION: Senate Judiciary Committee

SUMMARY:
Establishes the Community Assistance, Recovery, and Empowerment (CARE) Court Program to connect a person struggling with untreated mental illness and substance use disorders with a court-ordered CARE plan.

STATUS:
03/23/2022 Re-referred to SENATE Committees on JUDICIARY and PUBLIC SAFETY.

SB 1342

AUTHOR: Bates [R]
TITLE: Aging Multidisciplinary Personnel Teams
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2022
LAST AMEND: 03/30/2022
DISPOSITION: Pending
COMMITTEE: Senate Judiciary Committee
HEARING: 04/26/2022 1:30 pm

SUMMARY:
Authorizes an area agency on aging or a county, or both, to establish an aging multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services and to allow provider agencies to share confidential information, as specified, for the

purpose of coordinating services. Requires the sharing of information permitted under these provisions to be governed by protocols developed by each area agency on aging or county.

STATUS:

04/05/2022

From SENATE Committee on HUMAN SERVICES: Do pass to Committee on JUDICIARY. (5-0)

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To: NIELSEN MERKSAMER CLIENTS
From: NM Government Law Section
Date: 4/6//22
Re: 2022 California Elections

To keep you up to date on all the significant races and issues on the California Primary and General Election ballots in 2022, we have prepared the following list of what voters can expect to see in June and November. We will update and distribute this list as the political landscape changes due to the adoption of the new Assembly Senate and Congressional maps and as other initiatives qualify for the ballot.

Changes from previous updates are **highlighted**.

The 2022 California Elections

(Primary Election – 6/7/22 & General Election 11/8/22)

US Senate – Incumbent Alex Padilla (appointed in 2021) is running for election to a full term.

US House of Representatives – 52 seats are up for election. This is down one seat due to the 2020 Census and redistricting.

Governor – Incumbent Gavin Newsom is eligible to run for reelection.

Lieutenant Governor – Incumbent Eleni Kounalakis is running for reelection.

Attorney General – Incumbent Rob Bonta is running for reelection.

Secretary of State – Incumbent Shirley Weber is running for reelection.

Treasurer – Incumbent Fiona Ma is running for reelection.

Controller – Incumbent Betty Yee is termed out.

Insurance Commissioner – Incumbent Ricardo Lara is running for reelection.

Superintendent of Public Instruction – Incumbent Tony Thurmond is running for reelection.

Board of Equalization - All four Board of Equalization seats are up for election in 2022. All incumbents are eligible for re-election. Incumbent Malia Cohen is not seeking re-election to the Board and is currently running for State Controller.

Changes for the State Legislature in 2022 (Open Seats):

(3/28/22 update lists candidates based on SOS 3/25/22 preliminary posting. Final/Certified list to follow on 3/31/22)

California State Assembly	
Assembly District 5	Frank Bigelow (R) – Not running for reelection +Rebecca Chenoweth (D), Jason Paletta (R), Joe Patterson (R), Greg Smith (R)
Assembly District 6	Kevin Kiley (R) – Running for US House Seat (CD 3) +Janice Marlae Bonser (L), Cathy Cook (R), Bob Marques (R), Kevin McCarty (D), Josh Pane (D)
Assembly District 9	Jim Cooper (D) – Running for Sacramento County Sheriff +Heath Flora (R)
Assembly District 10	Marc Levine (D) – Running for Insurance Commissioner +Eric Guerra (D), Stephanie Nguyen (D), Tecoy Porter (D), Eric Rigard (R), Ben Thompkins (D)
Current Assembly District 11 Special Primary Election 4/5/22	Lori Wilson (D) wins uncontested Special Primary Election and will be sworn in on 4/6/22
Assembly District 11 (Special Election 6/7/22)	VACANT: Jim Frazier (D) – Retired 12/31/21 +Jenny Leilani Callison (NP), Lori D. Wilson (D)
Assembly District 17 (Special Election 4/19/22)	VACANT: David Chiu (D) – Appointed San Francisco City Attorney +David Campos (D), Matt Haney (D), Bill Shireman (R)
Assembly District 20	Bill Quirk (D) – Not running for reelection +Jennifer Esteen (D), Joseph Gracar (R), Shawn Kumagai (D), Liz Ortega (D)
Assembly District 21	Adam Gray (D) – Running for US House Seat (CD 13) +James Hsuchen Coleman (D), Mark Gilham (R), Maurice Goodman (D), Giselle Hale (D), Alison M. Madden (D), Diane Papan (D), Tania Solé (G)
Assembly District 22	Kevin Mullin (D) – Running for US House Seat (CD 14) +Juan Alanis (R), Joel Gutierrez Campos (R), Chad M. Condit (D), Guadalupe “Lupita” Salazar (R), Jessica Self (D)
Assembly District 29	Mark Stone (D) – Not running for reelection +Stephanie L. Castro (R), Robert Rivas (D)
Assembly District 32	Rudy Salas (D) – Running for US House Seat (CD 22) +Vince Fong (R)
Assembly District 35	Jordan Cunningham (R) – Not running for reelection +Jasmeet Bains (D), Leticia Perez (D)
Assembly District 42	Chad Mayes (I) – Not running for reelection +Jacqui Irwin (D), Lori Mills (R), Ted Nordblum (R)
Assembly District 46	Adrin Nazarian (D) – Not running for reelection +Dana Caruso (R), Jesse Gabriel (D)
Assembly District 50	Richard Bloom (D) – Not running for reelection +Rodgir Cohen (L), Eloise Gomez Reyes (D), Sheela Stark (R)
Assembly District 58	Cristina Garcia (D) – Running for House Seat (CD 42) +Leticia Castillo (R), Sabrina Cervantes (D), Bernard William Murphy (R)

Assembly District 61 (Special Election TBA)	Jose Medina (D) – Not running for reelection +Tina Simone McKinnor (D), Robert Pullen-Miles (D), Angie Reyes English (D), Nico Ruderman (D), James Arlandus Spencer (R)
Current Assembly District 62 Special Primary Election 4/5/22	Tina Simone McKinnor (D) and Robert Pullen-Miles (D) advance to Special General election to be held on 6/7/22
Assembly District 62	+Maria Estrada (D), Anthony Rendon (D)
Assembly District 67	Kelly Seyarto (R) – Running for SD 32 +Param Brar (D), Sou Moua (R), Sharon Quirk-Silva (D), Soo Yoo (R)
Assembly District 69	Tom Daly (D) – Not running for reelection +Al Austin II (D), Janet Denise Foster (D), Josh Lowenthal (D), Merry Taheir (D)
Current Assembly District 80 Special Primary Election 4/5/22	David Alvarez (D) and Georgette Gómez (D) advance to Special General Election to be held 6/7/22
Assembly District 70	Patrick O'Donnell – Not running for reelection +Ted Bui (R), Jason Gray (R), Emily Hibard (R), Kimberly Ho (R), Diedre Thu-Ha Nguyen (D), Tri Ha (R)
Assembly District 80 (Special Election 6/7/22)	VACANT: Lorena Gonzalez – Retired 1/5/22 +David Alvarez (D), Georgette Gómez (D), Lincoln Picard (R), John Vogel Garcia (R)
California State Senate	
Senate District 1	Brian Dahle (R) – Running for CA Governor. He will be half-way through his final term in the State Senate
Senate District 4	Jim Nielsen (R) – Termed out +Marie Alvarado-Gil (D), Steven C. Bailey (R), Jolene Rehana Daly (R), Michael Gordon (R), Jack Griffith (R), Jeff McKay (R), George Radanovich (R), Tim Robertson (D)
Senate District 6	Richard Pan (D) – Termed out +Michael J. Huang (R), Roger Niello (R), Paula Villescaz (D)
Senate District 8	Andreas Borgeas (R) – Not running for reelection +Angelique Ashby (D), Rafa Garcia (D), Dave Jones (D)
Senate District 10	Bob Wieckowski (D) – Termed out +Jim Canova (D), Jama Khan (D), Raymond Liu (D), Lily Mei (D), Paul J. Pimentel (R), Aisha Wahab (D)
Senate District 18	Robert Hertzberg (D) – Termed out +Alejandro Galicia (R), Steve Padilla (D)
Senate District 20	Connie Leyva (D) – Not running for reelection +Ely De La Cruz Ayao (R), Daniel Hertzberg (D), Caroline Menjivar (D), Seydi Alejandra Morales (D)
Senate District 27	Henry Stern (D) – Running for LA Board of Supervisors. He will only be halfway through his second four-year term in the State Senate
Senate District 28	Melissa Melendez (R) – Termed out +Jamaal A. Gullede (D), Joe Lisuzzo (R), Kamilah Victoria Moore (D), Lola Smallwood-Cuevas (D), Cheryl C. Turner (D)

Senate District 30	Sydney Kamlager (D) – Not running for reelection. Running for House Seat (CD 37) +Bob Archuleta (D), Henry Bouchot (D), Martha Camacho Rodriguez (D), Mitch Clemmons (R)
Senate District 36	Patricia Bates (R) – Termed out +Kim Carr (D), Janet Nguyen (R)
Senate District 40	Ben Hueso (D) – Termed out +Brian W. Jones (R), Joseph C. Rocha (D)

**All Assembly seats are up in 2022 (Currently 56 Democrats, 19 Republicans, 1 Independent, and 4 Vacancies)*

**Assembly District 17 & 49 Primaries are to be held 2/15/22 and Special Elections are to be held 4/19/22*

**Primary Elections for Assembly Districts 11 and 80 and CD 22 will be held on 4/5/22 and the Special General Elections for these races will be held on 6/7/22*

**The primary for the special election for AD 62 will be held on 4/5/22 and the general election will be held on 6/7/22*

**All even numbered Senate Seats are up in 2022 (Currently 31 Democrats & 9 Republicans)*

Changes Due to Redistricting

Now that the California Citizens Redistricting Commission has completed work on California’s new district maps, some state legislators find themselves in somewhat different and sometimes overlapping districts:

+Assemblymember Kevin McCarty (D), who currently represents AD 7, announced that he will run for reelection in the new AD 6.

+Assemblymember Ken Cooley (D), who currently represents AD 8, reports that he will seek reelection in AD 7.

+ Assemblymember Jim Patterson (R), is redistricted into what is now AD 8. That new district will include much of the Fresno and Clovis area Patterson held before, but now merges into the same territory occupied by Assemblyman Frank Bigelow (R).

+Assemblymember Heath Flora (R), who currently represents AD 12, will now run for reelection in the new AD 9.

+Senator Melissa Hurtado (D), who currently represents SD 14, has announced that she will run for reelection in SD 16.

+Assemblymember Buffy Wicks (D), who currently represents AD 15, has announced that she will run in the new AD 14.

+ Assemblymember Evan Low (D) currently holds AD 28, just south of Assembly District 24, which is held by Assemblyman Marc Berman (D). Under the new maps, however, those districts would overlap in one new district. Assemblymember Low has announced that he will not run against Berman and will instead run in the newly formed AD 26.

+Assemblymember Mark Stone (D), who currently represents AD 29, will run for reelection in the new AD 28.

+Assemblyman Vince Fong (R), who currently represents District 34, has announced that he will seek reelection in the newly drawn AD 32.

+Assemblymember Thurston Smith (R), who currently represents AD 33, will now run for reelection in the new AD 34.

+Assemblymember Tom Lacky (R), who currently represents AD 36, reports he will run for reelection in the new AD 34.

+Assemblymember Suzette Valladares (R), who currently represents AD 38, reports that she will run for election in the new AD 40.

+Assemblymember Luz Rivas (D), who currently represents AD 39, has announced that she will be running in the newly drawn AD 43. The vast majority of her current seat is in the new 43rd district.

+Assemblymember James Ramos (D), who currently represents AD 40, reports that he will run for reelection in the new AD 45.

+Assemblymember Eloise Reyes (D), who currently represents AD 47, reports she will run for reelection in AD 50.

+Assemblymember Wendy Carrillo (D), who currently represents AD 51, reports that she will run for reelection in the new AD 52.

+Assemblymember Miguel Santiago (D), who currently represents AD 53, has announced that he will seek reelection in AD 54.

+Assemblyman Reggie Jones-Sawyer (D), who currently represents AD 59, will run for reelection in AD 57.

+Assemblymember Mike Gipson (D), who currently represents AD 64, has announced that he will run for reelection in the new AD 65.

+Assemblymembers Cottie Petrie-Norris (D) and Steven Choi (R) will face each other in the new AD 73. They are not running in their current Assembly seats (AD 74 and AD 68 respectively).

+Assemblymember Laurie Davies (R), who currently represents AD 73, reports she will run for reelection in the new AD 74.

+Assemblymembers Marie Waldron (R) and Randy Voepel (R) are now included in the 75th Assembly District.

+Assemblymember Brian Maienschein (D), who currently represents AD 77, reports that he will run for reelection in the new AD 76.

+Senator Anna Caballero (D) is now in the same district as Senator Melissa Hurtado (D). Both have announced that they will run for the new SD 14.

+Senator Maria Elena Durazo (D), who currently represents SD 24, reports that she will run for reelection in the new SD 26.

+Senator Ben Allen (D), who currently represents SD 26, has announced that he will running for reelection in the new SD 24.

+Senators Connie Leyva (D) and Susan Rubio (D) were previously in neighboring districts but are now in the same one. Senator Leyva has announced that she will not run in the new district.

+Assemblymember Janet Nguyen (R), who currently represents AD 72, has announced that she will be running for the new SD 36. She has represented the majority of the Senate seat over her 18 years in public service.

+Due to redistricting, Senators Josh Newman and Dave Min have been drawn into the same district. Min and Newman will not face reelection until 2024.

Changes for the House of Representatives

Congressional District 9	Jerry McNerney (D) – Not running for reelection in 2022 +Mark T. Andrews (NP), Harpreet Singh Chima (D), Karena Apple Feng (D), Josh Harder (D), Khalid Jeffrey Jafri (D), Jonathan Madison (R), Tom Patti (R), Jim Shoemaker (R)
Congressional District 14	Jackie Speier (D) – Not running for reelection in 2022 +Alison Hayden (R), Sri “Steve” Iyer (R), James Andrew Peters (D), Liam Miguel Simard (NP), Major Singh (NP), Eric Swalwell (D), Tom Wong (R)
Current Congressional District 22 Special Primary Election 4/5/22	Connie Conway (R) and either Lourin Hubbard (D) Eric Garcia (D) / Matt Stoll (R) (too close to call) advance to Special General Election on 6/7/22
Congressional District 22	Devin Nunes (R) – Resigned at the end of 2021 +Chris Mathys (R), Adam Medeiros (R), Study Salas (D), David G. Valadao (R)
Congressional District 37	Karen Bass (D) – Not running for reelection in 2022 +Chris Champion (R), Baltazar “Bong” Fedalizo (R), Sydney Kamlager (D), Daniel W. Lee (D), Sandra Mendoza (D), Jan C. Perry (D), Michael Shure (D)
Congressional District 40	Lucille Roybal-Allard (D) – Not running for reelection in 2022 +Young Kim (R), Asif Mahmood (D), Greg Rath (R), Nick Taurus (R)

Congressional District 47	Alan Lowenthal (D) – Not running for reelection in 2022 +Scott Baugh (R), Brian Burley (R), Katie Porter (D), Errol Webber (R), Amy Phan West (R)
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Initiatives

There will likely be numerous initiatives on the 2022 ballot. As of 12/13/21, only one has qualified:

1892. (20-0003)

REFERENDUM CHALLENGING A 2020 LAW PROHIBITING RETAIL SALE OF CERTAIN FLAVORED TOBACCO PRODUCTS.

Summary Date: 09/10/20

Circulation Deadline: 11/30/20

Signatures Required: 623,212

Proponent(s): Aaron Agenbroad, Jaime Rojas, Beilal Mohamad-Ali Chatila

If the required number of registered voters sign this petition and the petition is timely filed, there will be a referendum challenging a 2020 law on the next statewide ballot after the November 3, 2020 general election. The challenged law prohibits the retail sale of certain flavored tobacco products and tobacco flavor enhancers. The referendum would require a majority of voters to approve the 2020 state law before it can take effect.

****NOTE* There are currently three measures eligible for the 2022 ballot. These measures will become qualified on the 131st day prior to the November General Election:***

1877. (19-0018A1)

ADJUSTS LIMITATIONS IN MEDICAL NEGLIGENCE CASES. INITIATIVE STATUTE.

Summary Date: 12/02/19

ELIGIBLE: 07/21/20

Signatures Required: 623,212

Proponent(s): Scott Olsen, Nelson A. Moreno, Bree Lynn Moreno

-In medical negligence cases, adjusts for inflation: (1) \$250,000 limit established in 1975 on quality-of-life and survivor damages (which include pain and suffering); and (2) contingent attorney's fees limits established in 1987. In cases involving death or permanent injury, allows judge or jury to exceed these limits and requires judge to award attorney's fees. Requires attorneys filing medical negligence cases to certify reasonable basis for claims or good-faith attempt to obtain medical opinion; attorneys who file meritless lawsuits must pay defendant's expenses. Extends deadlines for filing medical negligence lawsuits. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Increased state and local government health care costs predominantly from raising or removing the cap on noneconomic damages in medical malpractice cases, likely ranging from the low tens of millions of dollars to the high hundreds of millions of dollars annually.**

1885. (19-0028A1)

REQUIRES STATE REGULATIONS TO REDUCE PLASTIC WASTE, TAX

PRODUCERS OF SINGLE-USE PLASTICS, AND FUND RECYCLING AND ENVIRONMENTAL PROGRAMS. INITIATIVE STATUTE.

Summary Date: 01/08/20

ELIGIBLE: 07/19/21

Signatures Required: 623,212

Proponent(s): Michael J. Sangiacomo, Caryl Hart, and Linda Escalante

-Requires CalRecycle to adopt regulations reducing plastic waste, including to: (1) require that single-use plastic packaging, containers, and utensils be reusable, recyclable, or compostable, and to reduce such waste by 25%, by 2030; (2) prohibit polystyrene container use by food vendors; and (3) tax producers of single-use plastic packaging, containers, or utensils by January 1, 2022, and allocate revenues for recycling and environmental programs, including local water supply protection. Prohibits Legislature from reducing funding to specified state environmental agencies below 2019 levels. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **State revenue from new tax on single-use plastic packaging and foodware likely in the range of a few billion dollars annually. Revenues would be used to administer and implement programs intended to reduce waste, increase recycling, and restore habitats. Unknown net effect on local governments. There would likely be increased costs for waste collecting and sorting which might be partially or fully offset by new tax revenue, payments from producers to support recycling, or lower costs associated with a reduction in total plastic waste collected.**

1886. (19-0029A1)

AUTHORIZES NEW TYPES OF GAMBLING. INITIATIVE CONSTITUTIONAL AND STATUTORY AMENDMENT.

Summary Date: 01/21/20

Final Full Check: 05/27/21

ELIGIBLE: 05/27/21

Signatures Required: 997,139

Proponent(s): Edwin "Thorpe" Romero, Jeff L. Grubbe, Anthony Roberts, Mark Macarro
-Allows federally recognized Native American tribes to operate roulette, dice games, and sports wagering on tribal lands, subject to compacts negotiated by the Governor and ratified by the Legislature. Beginning in 2022, allows on-site sports wagering at only privately operated horse-racing tracks in four specified counties for persons 21 years or older. Imposes 10% tax on sports-wagering profits at horse-racing tracks; directs portion of revenues to enforcement and problem-gambling programs. Prohibits marketing of sports wagering to persons under 21. Authorizes private lawsuits to enforce other gambling laws. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased state revenues, potentially reaching the tens of millions of dollars annually, from payments made by facilities offering sports wagering and new civil penalties authorized by this measure. Some portion of these revenues would reflect a shift from other existing state and local revenues. **Increased state regulatory costs, potentially reaching the low tens of millions of dollars annually. Some or all of these costs would be offset by the increased revenue or reimbursements to the state. Increased state enforcement**

costs, not likely to exceed several million dollars annually, related to a new civil enforcement tool for enforcing certain gaming laws.

All other initiative and referendum related information can be found on the California Secretary of State's website [HERE](#).

<https://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status>



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 04/11/2022
Subject: SB 847 (Hurtado) COVID 19 Relief: Tenancy: Grant Program
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2022-11
Referral Name: SB 847 (Hurtado)
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-655-2057

Referral History:

Legislation Committee Vice Chair Mitchoff requested that SB 847 be referred to the Committee for consideration.

Referral Update:

SB 847 COVID 19 Relief: Tenancy: Grant Program

Author: Melissa Hurtado (D-014)
Title: COVID 19 Relief: Tenancy: Grant Program
Fiscal Committee: yes
Urgency Clause: no
Introduced: 01/13/2022
Last Amend: 03/28/2022
Disposition: Pending
Committee: Senate Judiciary Committee
Hearing: 04/19/2022 1:30 pm, 1021 O Street, Room 1200
Summary: Creates a grant program under the administration of the department and would require the department to award a program grant, as defined, to a qualified applicant who submits a complete application, as defined, on a first come, first served basis. Requires the program to provide grants to all tier one applicants, as defined, before providing grants to other applicants. Relates to qualified applicant. Establishes a fund.
Status: 03/28/2022 In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.

According to the bill sponsor, the California Apartment Association, this bill aims to cover rental arrears for renters who accrued COVID-19-related rental debt but were rejected by the Emergency Rental Assistance Program (ERAP).

If passed, SB 847 will eliminate a renter's rental debt and ensure that rental housing providers are compensated for the housing they provided during the pandemic. It will close a loophole that causes applicants to be rejected even when they can demonstrate a need. Most importantly, the bill will remove the risk for some rental properties from getting foreclosed or forced out of the rental market --- leaving more renters without a home.

The federal [Emergency Rental Assistance Program](#) (ERAP) has strict income eligibility requirements that limit applicants to 80% AMI or less. However, renters in all income levels and demographics have applied for ERAP relief since the pandemic put everyone in financial distress. Applicants over 80% AMI are disqualified leaving no safety net or resource to help cover the

rental debt they accrued at no fault of their own. This has resulted in many rental housing owners having no mechanism to recoup the costs of the services they have provided and forced some to backfill the debt using their own retirement funds and/or through personal loans.

SB 847 will give a tool for both parties to be made whole. It will be a grant program administered by the State that will be similar to the federally-funded ERAP but with more flexibility to ensure that more renters and homeowners are covered.

In addition to advocacy priorities of "COVID-19 Response and Economic Recovery," and "Housing and Homelessness," the County's adopted [2021-22 State Platform](#) includes the following related policies/principles:

- SUPPORT the continuation and expansion of funding for fair and equitable affordable housing, homelessness assistance and prevention programs, and strategic local and regional responses to homelessness that promote transparency, equity and data informed decision-making and enhance access to resources that support the County's compliance with federal and state anti-homelessness and anti-poverty initiatives and requirements.
- SUPPORT increasing and maintaining affordable housing stock and housing stability by way of supporting funding, policy, or regulations that promote fair and equitable housing for the most vulnerable low, very low, and extremely low-income households, including the acquisition, production and preservation of various housing types and the protection of stable housing for vulnerable persons experiencing homelessness.

It is worth noting that the California legislature passed, and Acting Governor Kounalakis signed, [AB 2179](#) (Grayson and Wicks), which extended rental protections through June 30, 2022 for those who have faced financial hardships during the pandemic. California's \$5.5 billion COVID-19 Rent Relief program is the largest statewide renter assistance program in the country and covers 100 percent of past-due rent payments for qualified low-income Californians. The state program has to date assisted more than 220,000 low-income households, with thousands of additional households assisted by local rent relief programs. Under the state program, tenants can access rental funds directly if their landlord chooses not to participate, and landlords can receive compensation even if their otherwise income-qualified tenants have already vacated a unit. Additional program information is available at the [Housing Is Key](#) website.

The fact sheet for SB 847 is Attachment A.

A sample support letter is Attachment B.

Recommendation(s)/Next Step(s):

CONSIDER finding SB 847 consistent with the Board of Supervisors' adopted 2021-22 State Platform and DIRECT staff to send a letter of support for the bill.

Attachments

Attachment A: SB 847 Fact Sheet

Attachment B: Letter of Support Template

Senate Bill 847 **Homeowners Relief Act**

Introduced Jan 13, 2022

SUMMARY

SB 847 closes the coverage gap for tenants and homeowners who have applied and been rejected from the state rental assistance program.

THE PROBLEM

As of July 2021, more than 1.8 million homeowners were behind on their mortgages. Many of these homeowners own rental property. When federal mortgage forbearance ends, they may be forced to remove their rental units from the market and sell them in order to avoid foreclosure.

BACKGROUND

The Federal Emergency Rental Assistance Program has provided \$5.2 Billion to California to pay rent for some low-income tenants who have been unable to pay their rent. The Program only provides rental assistance for tenants who make less than or equal to 80% of the area median income (“AMI”).

There are property owners with tenants who are behind on their rent but will never receive any form of government rental assistance because they earn too much money to qualify for the Program.

At the same time, California law allowed tenants to pay just 25 percent of their past rent, and in return, they received permanent protection from eviction for the remainder of the unpaid rent. They are not required to apply for funding through the Rental Assistance Program. Rental property owners can attempt to collect unpaid rent from the

tenant by filing a small claims court action, but they are not allowed to evict the tenant. Local governments continue to enforce even stricter eviction bans. In the City of Los Angeles, homeowners are not allowed to evict a tenant who has claimed a COVID hardship for nonpayment of rent or collect until June 2023, even if the tenant has not paid the 25 percent required by state law. In Alameda County, homeowners are prohibited from *ever* evicting any tenants for non-payment of rent due during the moratorium period – which is in effect indefinitely – even if the tenant did not experienced a COVID hardship.

SOLUTION

SB 847 establishes a grant program, administered by the Department of Housing and Community Development that allows for distribution of funds to homeowner applicants, upon appropriation by the Legislature.

FOR MORE INFORMATION

Marisol Ibarra, Legislative Director

Office of Senator Melissa Hurtado

Marisol.Ibarra@sen.ca.gov; (916) 651-4014

March ___, 2022

The Honorable Melissa Hurtado
California State Senate
1021 O Street, Room 7310
Sacramento, CA 95814

Re: SB 847 (Hurtado) – COVID-19 – Support Letter

Dear Senator Hurtado:

As a **POSITION** in the **City of NAME** I am writing to inform you of my strong support of SB 847, your bill that would provide rental assistance for landlords and tenants who do not qualify for assistance under the state Emergency Rental Assistance Program (“Program”). SB 847 creates a commonsense grant program administered by the Housing and Community Development Department to distribute state funds on behalf of tenants who are unable to pay rent due to a COVID-19 hardship and do not qualify under the federal Emergency Rental Assistance Program (“FERAP”).

Thank you for your very important bill that makes tremendous strides to keep tenants housed and close the existing loopholes within the FERAP.

Sincerely,

[Name/Organization]

By

(Signature)

(Title)



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

6.

Meeting Date: 04/11/2022
Subject: AB 2295 (Bloom) Local educational agencies: housing development projects.
Submitted For: John Kopchik, Director, Conservation & Development Department
Department: Conservation & Development
Referral No.: 2022-10
Referral Name: Legislation
Presenter: John Cunningham **Contact:** John Cunningham, 655-2915

Referral History:

This is the first time the Legislation Committee has considered this bill.

Contra Costa's adopted [2021-22 State Legislative Platform](#) includes the following policy relevant to the subject bill:

Land Use/Community Development/Natural Resources: MAINTAIN local agency land use authority.

Referral Update:

Measure: [AB-2295](#)
Lead Authors: Bloom (A)
Coauthors: Robert Rivas (A)
Topic: Local educational agencies: housing development projects.
31st Day in Print: 03/19/22
Title: An act to add Article 6 (commencing with Section 17505) to Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code, relating to housing.
House Location: Assembly
Last Amended Date: 03/29/22
Committee Location: Assembly Housing and Community Development
Committee Hearing Date: 04/20/22

The bill provides that a housing development project must be deemed an authorized use on any real property owned by a local educational agency (LEA) if it meets specified affordability criteria and planning standards. (From the 4/1/2022 bill analysis)

The bill would allow school districts, the County Office of Education, or charter schools to develop property as housing outside the County's voter approved (Measure L-2006) urban limit line (ULL), "...even if that is inconsistent with any provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation." (From the 4/1/2022 bill analysis) This is in conflict with the Board's adopted legislative platform which includes, "MAINTAIN local agency land use authority."

Staff does not have an exhaustive inventory of school district owned land outside the ULL. However, we are aware of a number of school district-owned parcels in east County, in the unincorporated area, outside the ULL. One parcel assemblage is at the southwest corner of Delta Road and Sellers Avenue, the other at the east terminus of Kellogg Creek Road.

In considering this expansion of land use authority for school districts it is useful to consider the performance of school districts and their state counterpart, the Department of Education (DOE) relative to *existing* authority:

- In 2012, the DOE launched a significant process to reform their school siting guidelines in response to AB32 (2006), and SB375 (2008). There was a "summit" at the start of the process that included some fanfare pointing to the need for the DOE to have policies consistent with the new, GHG reduction driven paradigm. The DOE subsequently conducted hearings and initiated public outreach. The process stopped several years later with no explanation or announcement. Inquiries to the state have either gone unanswered or were responded to with limited information. The school siting guidelines were never updated.
- At the local level the Department of Conservation and Development has had to engage a local school district on several occasions due to potential inconsistencies between land use and environmental law and the purchase of and development of new school sites.

Considering the record of the DOE and local school districts on the development of land which is *central* to their core mission, educating youth, *expanding* their authority to include housing development may be ill-advised.

While the limitations on extending services to any parcels outside the ULL will ultimately be a significant constraining factor, staff believes that asserting local land use authority through the ULL is a more reliable and practical approach to the problems presented by the bill.

Staff recommends that the Board of Supervisors send a letter to the author requesting an amendment that would exclude areas outside a local jurisdictions voter approved or Board/Council adopted urban limit line, urban growth boundary, urban service area, urban development boundary, urban/rural boundary, or the equivalent and to engage like-minded organizations in order to build a coalition in support of this position.

Other/Supporting Information

The position of the California State Association of Counties is currently unknown, staff is waiting for a response.

Registered Support/Opposition

Support

CityLab - UCLA (Sponsor)

Landed

Los Angeles Unified School District

SPUR

Terner Center for Housing Innovation at the University of California, Berkeley

Support If Amended

California School Boards Association

Opposition

Oppose Unless Amended

State Building & Construction Trades Council of California

Inventory of Growth Boundaries

Staff could not find a definitive list of the various types of growth boundaries in California. The following is a partial list compiled by the Greenbelt Alliance:

Alameda County: Alameda County, Dublin, Fremont, Hayward, Livermore, Pleasanton

Contra Costa County: Antioch, Contra Costa County, Danville, El Cerrito, Hercules, Martinez, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek

Marin County: Marin County, Novato

Napa County: American Canyon, Napa, St. Helena, Yountville

San Mateo County: San Mateo County

Santa Clara County: Cupertino, Gilroy, Los Gatos, Milpitas, Morgan Hill, Palo Alto, San Jose

Solano County: Benicia, Fairfield, Rio Vista, Vallejo, Vacaville

Sonoma County: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma,

Windsor

Beyond the Bay Area: Solvang, Winters

Recommendation(s)/Next Step(s):

CONSIDER providing a recommendation to the Board of Supervisors of "Oppose Unless Amended" on AB 2295 (Bloom)
Local educational agencies: Housing Development Projects and DIRECT staff to place the item on the Board's consent agenda and communicate with potential partner organizations.

Fiscal Impact (if any):

N/A

Attachments

AB 2295 (Bloom) BILL TEXT

AB 2295 (Bloom) LEA-Housing ANALYSIS

AMENDED IN ASSEMBLY MARCH 29, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2295

Introduced by Assembly Member Bloom
(Coauthor: Assembly Member Robert Rivas)

February 16, 2022

An act to add Article 6 (commencing with Section 17505) to Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code, to amend Section 65583.1 of the Government Code, and to add Section 50510.6 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2295, as amended, Bloom. Local educational agencies: housing development projects.

(1) Existing law, the Planning and Zoning Law, requires that the legislative body of each county and each city adopt a comprehensive, long-term general plan for the physical development of the county and city, and specified land outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. *Existing law generally requires each local agency to comply with all applicable building ordinances of the county or city in which the territory of the local agency is situated, but, among other things, authorizes the governing board of a school district that has complied with specified law, by a $\frac{2}{3}$ vote of its members, to render a city or county zoning ordinance inapplicable*

to a proposed use of property by the school district, unless the proposed use of the property is for nonclassroom facilities, as provided.

This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a qualified housing development on land owned by a local educational agency be an authorized use if the housing development complies with certain conditions. Among these conditions, the bill would require the housing development to consist of at least 10 units, be subject to a recorded deed restriction for at least 55 years requiring that at least ~~49%~~ 30% of the units have an affordable rent for lower income households, as those terms are defined, *at least 20% of the units be occupied by teachers and employees of a local educational agency at rents that do not exceed 120% of the area median income*, and 100% of the units be rented by teachers and employees of the local educational agency, except as specified. *This bill would authorize a city or county to impose objective zoning standards, objective subdivision standards, and objective design review standards, as defined, that do not conflict with these provisions unless those standards would have the effect of physically precluding the construction of a qualified development project of less than or equal to 3 stories and 30 feet in height. This bill would deem a qualified housing development consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan.* The bill would prohibit a city or county from imposing any development standards on a housing development project under these provisions. The bill would exempt a housing development project subject to these provisions from various requirements regarding the disposal of surplus land.

~~This bill would require the Department of Housing and Community Development to provide technical assistance and support to a local educational agency that develops housing pursuant to these provisions.~~

(2) The Field Act requires the Department of General Services, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted, to ensure that plans and specifications comply with adopted rules and regulations and building standards published in regulations and that the work of construction is performed in accordance with the approved plans and specifications for the protection of life and property.

This bill would exempt a housing development project authorized under these provisions from the requirements of the Field Act.

~~(3) Existing law requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, and requires the share of a city or county of the regional housing need to include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county. Existing law requires the housing element to identify adequate sites for housing, as specified.~~

~~This bill would authorize the department to allow a city or county to identify adequate sites for multifamily housing on sites owned by a local educational agency, based on any factors deemed relevant by the department.~~

~~(4)~~

~~(3) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.~~

~~(5)~~

~~(4) By adding to the duties of local planning officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 17505) is
2 added to Chapter 4 of Part 10.5 of Division 1 of Title 1 of the
3 Education Code, to read:

4

5 Article 6. Housing Development Projects

6

7 17505. For purposes of this article:

8 (a) "Affordable rent" has the same meaning as set forth in
9 Section 50053 of the Health and Safety Code.

10 (b) "Local educational agency" means a school district, county
11 office of education, or charter school.

1 (c) "Lower income households" means the same as defined in
2 Section 50079.5 of the Health and Safety Code.

3 (d) "Qualified housing development project" means a housing
4 development project as defined in paragraph (2) of subdivision (h)
5 of Section 65589.5 of the Government Code that meets all of the
6 following requirements:

7 (1) The housing development consists of at least 10 housing
8 units.

9 (2) At least ~~49~~ 30 percent of the units of the housing
10 development will be rented and occupied by lower income
11 households at an affordable rent.

12 (3) *At least 20 percent of the housing development's units will*
13 *be rented and occupied by teachers and employees of a local*
14 *educational agency at a rent that does not exceed 120 percent of*
15 *the area median income, to reflect the diversity of the school*
16 *districts and pay scales.*

17 ~~(3)~~

18 (4) The housing development proponent has committed to
19 record, prior to the issuance of the first building permit, a land use
20 restriction or covenant providing that any ~~lower income~~ housing
21 units required under ~~paragraph (2)~~ paragraphs (2) and (3) shall
22 remain available at affordable rent to persons and families of lower
23 ~~income~~ the affordable rent established in paragraphs (2) and (3)
24 for no less than 55 years.

25 (5) *A local educational agency shall maintain ownership of a*
26 *qualified housing development project for the length of the 55 year*
27 *affordability requirement.*

28 ~~(4)~~

29 (6) One hundred percent of the units of the housing development
30 shall be rented by teachers and employees of the local educational
31 agency. If the local educational agency receives an insufficient
32 number of teachers and employees to apply for and occupy the
33 units, the unoccupied units may be offered to lower income
34 households that do not include a teacher or employee of the local
35 educational agency.

36 (7) *When units in a qualified housing development become*
37 *unoccupied and available for rent, a local educational agency*
38 *shall first offer such units to teachers and employees. If a local*
39 *educational agency receives an insufficient number of applications*
40 *from teachers and employees, the unoccupied units may be offered*

1 *to lower income households that do not include a teacher or*
2 *employee of the local educational agency.*

3 17506. (a) Notwithstanding any inconsistent provision of a
4 city's or county's general plan, specific plan, zoning ordinance,
5 or regulation, a qualified housing development project shall be
6 deemed an authorized use on any real property owned by a local
7 educational agency.

8 ~~(b) A qualified housing development project shall not be subject~~
9 ~~to any development standards imposed by the city or county. The~~
10 ~~qualified housing development shall be deemed consistent,~~
11 ~~compliant, and in conformity with local development standards,~~
12 ~~zoning codes or maps, and the general plan.~~

13 (b) (1) *Notwithstanding any local law and except as provided*
14 *in subdivision (d) of Section 17505, a city or county may impose*
15 *objective zoning standards, objective subdivision standards, and*
16 *objective design review standards that do not conflict with this*
17 *section.*

18 (2) *A city or county shall not impose objective zoning standards,*
19 *objective subdivision standards, and objective design review*
20 *standards that have the effect of physically precluding the*
21 *construction of a qualified development project of less than or*
22 *equal to three stories and 30 feet in height.*

23 (3) *For purposes of this section, the terms "objective zoning*
24 *standards," "objective subdivision standards," and "objective*
25 *design review standards" mean standards that involve no personal*
26 *or subjective judgment by a public official and are uniformly*
27 *verifiable by reference to an external and uniform benchmark or*
28 *criterion available and knowable by both the development*
29 *applicant or proponent and the public official prior to submittal.*
30 *These standards may be embodied in alternative objective land*
31 *use specifications adopted by a local agency, and may include,*
32 *but are not limited to, housing overlay zones, specific plans,*
33 *inclusionary zoning ordinances, and density bonus ordinances.*

34 (4) *A qualified housing development shall be deemed consistent,*
35 *compliant, and in conformity with local development standards,*
36 *zoning codes or maps, and the general plan.*

37 (c) Notwithstanding Article 3 (commencing with Section 17280)
38 of Chapter 3 and Article 6 (commencing with Section 17365) of
39 Chapter 3, a qualified housing development project on real property

1 owned by a local educational agency shall not be subject to
2 oversight and approval by the Department of General Services.

3 (d) Notwithstanding any other law, the funds derived from a
4 qualified housing development project on real property owned by
5 a local educational agency may be used for general operating
6 purposes of the local educational agency.

7 (e) Subject to the requirements of Article 8 (commencing with
8 Section 17515) and Article 9 (commencing with Section 17527),
9 any land used for the development of a qualified housing
10 development project may be jointly used or jointly occupied by
11 the local ~~education~~ *educational* agency and any other party.

12 17507. Any land used for the development of a qualified
13 housing development project subject to this article shall be exempt
14 from the requirements of all of the following:

15 (a) Article 8 (commencing with Section 54220) of Chapter 5 of
16 Part 1 of Division 2 of Title 5 of the Government Code.

17 (b) Article 2 (commencing with Section 17230) of Chapter 1
18 of this code.

19 (c) Article 4 (commencing with Section 17455) of this code.

20 ~~17508.—The Department of Housing and Community~~
21 ~~Development shall provide technical assistance and support to~~
22 ~~local educational agencies interested in developing housing~~
23 ~~pursuant to this article.~~

24 ~~17509.~~

25 17508. The Legislature finds and declares that this article
26 addresses a matter of statewide concern rather than a municipal
27 affair as that term is used in Section 5 of Article XI of the
28 California Constitution. Therefore, this article applies to all cities,
29 including charter cities.

30 ~~SEC. 2.—Section 65583.1 of the Government Code is amended~~
31 ~~to read:~~

32 ~~65583.1. (a) (1) The Department of Housing and Community~~
33 ~~Development, in evaluating a proposed or adopted housing element~~
34 ~~for substantial compliance with this article, may allow a city or~~
35 ~~county to identify adequate sites, as required pursuant to Section~~
36 ~~65583, by a variety of methods, including, but not limited to,~~
37 ~~redesignation of property to a more intense land use category and~~
38 ~~increasing the density allowed within one or more categories.~~

39 ~~(2) The department may allow a city or county to identify~~
40 ~~adequate sites, as required pursuant to Section 65583, for accessory~~

1 dwelling units based on the number of accessory dwelling units
2 developed in the prior housing element planning period whether
3 or not the units are permitted by right, the need for these units in
4 the community, the resources or incentives available for their
5 development, and any other relevant factors, as determined by the
6 department.

7 ~~(3) The department may allow a city or county to identify~~
8 ~~adequate sites, as required pursuant to Section 65583, for~~
9 ~~multifamily housing on sites owned by a local educational agency~~
10 ~~pursuant to Article 6 (commencing with Section 17505) of Chapter~~
11 ~~4 of Part 10.5 of Division 1 of Title 1 of the Education Code, based~~
12 ~~on any factors deemed relevant by the department.~~

13 ~~(4) Nothing in this section reduces the responsibility of a city~~
14 ~~or county to identify, by income category, the total number of sites~~
15 ~~for residential development as required by this article.~~

16 ~~(b) Sites that contain permanent housing units located on a~~
17 ~~military base undergoing closure or conversion as a result of action~~
18 ~~pursuant to the Defense Authorization Amendments and Base~~
19 ~~Closure and Realignment Act (Public Law 100-526), the Defense~~
20 ~~Base Closure and Realignment Act of 1990 (Public Law 101-510),~~
21 ~~or any subsequent act requiring the closure or conversion of a~~
22 ~~military base may be identified as an adequate site if the housing~~
23 ~~element demonstrates that the housing units will be available for~~
24 ~~occupancy by households within the planning period of the~~
25 ~~element. No sites containing housing units scheduled or planned~~
26 ~~for demolition or conversion to nonresidential uses shall qualify~~
27 ~~as an adequate site.~~

28 ~~Any city, city and county, or county using this subdivision shall~~
29 ~~address the progress in meeting this section in the reports provided~~
30 ~~pursuant to paragraph (1) of subdivision (b) of Section 65400.~~

31 ~~(e) (1) The Department of Housing and Community~~
32 ~~Development may allow a city or county to substitute the provision~~
33 ~~of units for up to 25 percent of the community's obligation to~~
34 ~~identify adequate sites for any income category in its housing~~
35 ~~element pursuant to paragraph (1) of subdivision (c) of Section~~
36 ~~65583 where the community includes in its housing element a~~
37 ~~program committing the local government to provide units in that~~
38 ~~income category within the city or county that will be made~~
39 ~~available through the provision of committed assistance during~~
40 ~~the planning period covered by the element to low- and very low~~

1 income households at affordable housing costs or affordable rents,
2 as defined in Sections 50052.5 and 50053 of the Health and Safety
3 Code, and which meet the requirements of paragraph (2). Except
4 as otherwise provided in this subdivision, the community may
5 substitute one dwelling unit for one dwelling unit site in the
6 applicable income category. The program shall do all of the
7 following:

8 (A) Identify the specific, existing sources of committed
9 assistance and dedicate a specific portion of the funds from those
10 sources to the provision of housing pursuant to this subdivision.

11 (B) Indicate the number of units that will be provided to both
12 low- and very low income households and demonstrate that the
13 amount of dedicated funds is sufficient to develop the units at
14 affordable housing costs or affordable rents.

15 (C) Demonstrate that the units meet the requirements of
16 paragraph (2).

17 (2) Only units that comply with subparagraph (A), (B), (C), (D),
18 or (E) qualify for inclusion in the housing element program
19 described in paragraph (1), as follows:

20 (A) Units that are to be substantially rehabilitated with
21 committed assistance from the city or county and constitute a net
22 increase in the community's stock of housing affordable to low-
23 and very low income households. For purposes of this
24 subparagraph, a unit is not eligible to be "substantially
25 rehabilitated" unless all of the following requirements are met:

26 (i) At the time the unit is identified for substantial rehabilitation;
27 (I) the local government has determined that the unit is at imminent
28 risk of loss to the housing stock, (II) the local government has
29 committed to provide relocation assistance pursuant to Chapter 16
30 (commencing with Section 7260) of Division 7 of Title 1 to any
31 occupants temporarily or permanently displaced by the
32 rehabilitation or code enforcement activity, or the relocation is
33 otherwise provided prior to displacement either as a condition of
34 receivership, or provided by the property owner or the local
35 government pursuant to Article 2.5 (commencing with Section
36 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and
37 Safety Code, or as otherwise provided by local ordinance; provided
38 the assistance includes not less than the equivalent of four months'
39 rent and moving expenses and comparable replacement housing
40 consistent with the moving expenses and comparable replacement

1 ~~housing required pursuant to Section 7260, (III) the local~~
2 ~~government requires that any displaced occupants will have the~~
3 ~~right to reoccupy the rehabilitated units, and (IV) the unit has been~~
4 ~~found by the local government or a court to be unfit for human~~
5 ~~habitation due to the existence of at least four violations of the~~
6 ~~conditions listed in subdivisions (a) to (g), inclusive, of Section~~
7 ~~17995.3 of the Health and Safety Code.~~

8 ~~(ii) The rehabilitated unit will have long-term affordability~~
9 ~~covenants and restrictions that require the unit to be available to,~~
10 ~~and occupied by, persons or families of low- or very low income~~
11 ~~at affordable housing costs for at least 55 years or the time period~~
12 ~~required by any applicable federal or state law or regulation.~~

13 ~~(iii) Prior to initial occupancy after rehabilitation, the local code~~
14 ~~enforcement agency shall issue a certificate of occupancy indicating~~
15 ~~compliance with all applicable state and local building code and~~
16 ~~health and safety code requirements.~~

17 ~~(B) Units that are located either on foreclosed property or in a~~
18 ~~multifamily rental or ownership housing complex of three or more~~
19 ~~units, are converted with committed assistance from the city or~~
20 ~~county from nonaffordable to affordable by acquisition of the unit~~
21 ~~or the purchase of affordability covenants and restrictions for the~~
22 ~~unit, are not acquired by eminent domain, and constitute a net~~
23 ~~increase in the community's stock of housing affordable to low-~~
24 ~~and very low income households. For purposes of this~~
25 ~~subparagraph, a unit is not converted by acquisition or the purchase~~
26 ~~of affordability covenants unless all of the following occur:~~

27 ~~(i) The unit is made available for rent at a cost affordable to~~
28 ~~low- or very low income households.~~

29 ~~(ii) At the time the unit is identified for acquisition, the unit is~~
30 ~~not available at an affordable housing cost to either of the~~
31 ~~following:~~

32 ~~(I) Low-income households, if the unit will be made affordable~~
33 ~~to low-income households.~~

34 ~~(II) Very low income households, if the unit will be made~~
35 ~~affordable to very low income households.~~

36 ~~(iii) At the time the unit is identified for acquisition the unit is~~
37 ~~not occupied by low- or very low income households or if the~~
38 ~~acquired unit is occupied, the local government has committed to~~
39 ~~provide relocation assistance prior to displacement, if any, pursuant~~
40 ~~to Chapter 16 (commencing with Section 7260) of Division 7 of~~

1 ~~Title 1 to any occupants displaced by the conversion, or the~~
2 ~~relocation is otherwise provided prior to displacement; provided~~
3 ~~the assistance includes not less than the equivalent of four months'~~
4 ~~rent and moving expenses and comparable replacement housing~~
5 ~~consistent with the moving expenses and comparable replacement~~
6 ~~housing required pursuant to Section 7260.~~

7 ~~(iv) The unit is in decent, safe, and sanitary condition at the~~
8 ~~time of occupancy.~~

9 ~~(v) The unit has long-term affordability covenants and~~
10 ~~restrictions that require the unit to be affordable to persons of low-~~
11 ~~or very low income for not less than 55 years.~~

12 ~~(vi) For units located in multifamily ownership housing~~
13 ~~complexes with three or more units, or on or after January 1, 2015,~~
14 ~~on foreclosed properties, at least an equal number of~~
15 ~~new-construction multifamily rental units affordable to lower~~
16 ~~income households have been constructed in the city or county~~
17 ~~within the same planning period as the number of ownership units~~
18 ~~to be converted.~~

19 ~~(C) Units that will be preserved at affordable housing costs to~~
20 ~~persons or families of low- or very low incomes with committed~~
21 ~~assistance from the city or county by acquisition of the unit or the~~
22 ~~purchase of affordability covenants for the unit. For purposes of~~
23 ~~this subparagraph, a unit shall not be deemed preserved unless all~~
24 ~~of the following occur:~~

25 ~~(i) The unit has long-term affordability covenants and~~
26 ~~restrictions that require the unit to be affordable to, and reserved~~
27 ~~for occupancy by, persons of the same or lower income group as~~
28 ~~the current occupants for a period of at least 55 years.~~

29 ~~(ii) The unit is within an "assisted housing development," as~~
30 ~~defined in paragraph (3) of subdivision (a) of Section 65863.10.~~

31 ~~(iii) The city or county finds, after a public hearing, that the unit~~
32 ~~is eligible, and is reasonably expected, to change from housing~~
33 ~~affordable to low- and very low income households to any other~~
34 ~~use during the next eight years due to termination of subsidy~~
35 ~~contracts, mortgage prepayment, or expiration of restrictions on~~
36 ~~use.~~

37 ~~(iv) The unit is in decent, safe, and sanitary condition at the~~
38 ~~time of occupancy.~~

1 ~~(v) At the time the unit is identified for preservation it is~~
2 ~~available at affordable cost to persons or families of low- or very~~
3 ~~low income.~~

4 ~~(D) Units in a motel, hotel, or hostel that are converted with~~
5 ~~committed assistance from the city or county from nonresidential~~
6 ~~to residential by the acquisition of the unit or the purchase of~~
7 ~~affordability covenants and restrictions for the unit, are not acquired~~
8 ~~by eminent domain, and constitute a net increase in the~~
9 ~~community's stock of housing affordable to low- and very low~~
10 ~~income households. For purposes of this subparagraph, a unit is~~
11 ~~not converted by acquisition or the purchase of affordability~~
12 ~~covenants unless all of the following occur:~~

13 ~~(i) The unit is part of a long-term recovery response to~~
14 ~~COVID-19.~~

15 ~~(ii) The unit is made available for people experiencing~~
16 ~~homelessness as defined in Section 578.3 of Title 24 of the Code~~
17 ~~of Federal Regulations.~~

18 ~~(iii) The unit is made available for rent at a cost affordable to~~
19 ~~low- or very low income households.~~

20 ~~(iv) The unit is in decent, safe, and sanitary condition at the~~
21 ~~time of occupancy.~~

22 ~~(v) The unit has long-term affordability covenants and~~
23 ~~restrictions that require the unit to be affordable to persons of low-~~
24 ~~or very low income for not less than 55 years.~~

25 ~~(vi) This subparagraph shall remain in effect only for the sixth~~
26 ~~revision of the housing element pursuant to Section 65588.~~

27 ~~(E) All spaces in a mobilehome park, as defined in subdivision~~
28 ~~(a) of Section 18214 of the Health and Safety Code, that is acquired~~
29 ~~with committed assistance from the city or county where any of~~
30 ~~the following apply:~~

31 ~~(i) The mobilehome park will be acquired with financing that~~
32 ~~includes a loan from the department pursuant to Section 50783 or~~
33 ~~50784.5 of the Health and Safety Code.~~

34 ~~(ii) At least 50 percent of the current residents in the~~
35 ~~mobilehome park to be acquired are lower-income households and~~
36 ~~the entity acquiring the park agrees to enter into a regulatory~~
37 ~~agreement for a minimum of 55 years that requires both of the~~
38 ~~following:~~

39 ~~(1) All vacant spaces shall be rented at a space rent that does~~
40 ~~not exceed 50 percent of maximum rent limits established by the~~

1 California Tax Credit Allocation Committee at 60 percent of the
2 area median income.

3 (2) The space rent for existing residents at the time of the
4 acquisition of the property, both during the 12 months preceding
5 the acquisition and during the term of the regulatory agreement,
6 shall not increase more than 5 percent in any 12-month period.

7 (3) This subdivision does not apply to any city or county that,
8 during the current or immediately prior planning period, as defined
9 by Section 65588, has not met any of its share of the regional need
10 for affordable housing, as defined in Section 65584, for low- and
11 very low income households. A city or county shall document for
12 any housing unit that a building permit has been issued and all
13 development and permit fees have been paid or the unit is eligible
14 to be lawfully occupied.

15 (4) For purposes of this subdivision, "committed assistance"
16 means that the city or county enters into a legally enforceable
17 agreement during the period from the beginning of the projection
18 period until the end of the third year of the planning period that
19 obligates sufficient available funds or other in-kind services to
20 provide the assistance necessary to make the identified units
21 affordable and that requires that the units be made available for
22 occupancy within two years of the execution of the agreement.
23 "Committed assistance" does not include tenant-based rental
24 assistance.

25 (5) For purposes of this subdivision, "net increase" includes
26 only housing units provided committed assistance pursuant to
27 subparagraph (A) or (B) of paragraph (2) in the current planning
28 period, as defined in Section 65588, that were not provided
29 committed assistance in the immediately prior planning period.

30 (6) For purposes of this subdivision, "the time the unit is
31 identified" means the earliest time when any city or county agent,
32 acting on behalf of a public entity, has proposed in writing or has
33 proposed orally or in writing to the property owner, that the unit
34 be considered for substantial rehabilitation, acquisition, or
35 preservation.

36 (7) In the fourth year of the planning period, as defined by
37 Section 65588, in the report required pursuant to Section 65400,
38 each city or county that has included in its housing element a
39 program to provide units pursuant to subparagraph (A), (B), (C),
40 (D), or (E) of paragraph (2) shall report in writing to the legislative

1 body, and to the department within 30 days of making its report
2 to the legislative body, on its progress in providing units pursuant
3 to this subdivision. The report shall identify the specific units for
4 which committed assistance has been provided or which have been
5 made available to low- and very low income households, and it
6 shall adequately document how each unit complies with this
7 subdivision. If, by the end of the third year of the planning period,
8 the city or county has not entered into an enforceable agreement
9 of committed assistance for all units specified in the programs
10 adopted pursuant to subparagraph (A), (B), (C), (D), or (E) of
11 paragraph (2), the city or county shall, not later than the end of the
12 fourth year of the planning period, adopt an amended housing
13 element in accordance with Section 65585, identifying additional
14 adequate sites pursuant to paragraph (1) of subdivision (c) of
15 Section 65583 sufficient to accommodate the number of units for
16 which committed assistance was not provided. If a city or county
17 does not amend its housing element to identify adequate sites to
18 address any shortfall, or fails to complete the rehabilitation,
19 acquisition, purchase of affordability covenants, or the preservation
20 of any housing unit within two years after committed assistance
21 was provided to that unit, it shall be prohibited from identifying
22 units pursuant to subparagraph (A), (B), (C), (D), or (E) of
23 paragraph (2) in the housing element that it adopts for the next
24 planning period, as defined in Section 65588, above the number
25 of units actually provided or preserved due to committed assistance.

26 (d) A city or county may reduce its share of the regional housing
27 need by the number of units built between the start of the projection
28 period and the deadline for adoption of the housing element. If the
29 city or county reduces its share pursuant to this subdivision, the
30 city or county shall include in the housing element a description
31 of the methodology for assigning those housing units to an income
32 category based on actual or projected sales price, rent levels, or
33 other mechanisms establishing affordability.

34 SEC. 3. Section 50510.6 is added to the Health and Safety
35 Code, to read:

36 50510.6. The department shall provide technical assistance
37 and support to local educational agencies interested in developing
38 housing pursuant to Article 6 (commencing with Section 17505)
39 of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education
40 Code.

1 ~~SEC. 4.~~

2 *SEC. 2.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of Section
7 17556 of the Government Code.

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Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Buffy Wicks, Chair

AB 2295 (Bloom) – As Amended March 29, 2022

SUBJECT: Local educational agencies: housing development projects

SUMMARY: Provides that a housing development project must be deemed an authorized use on any real property owned by a local educational agency (LEA) if it meets specified affordability criteria and planning standards. Specifically, **this bill:**

- 1) Defines “local educational agency” to mean a school district, county office of education, or charter school.
- 2) Defines a “qualified housing development project” to mean a housing development project that meets all of the following requirements:
 - a) The units must be rented as follows:
 - i. All of the units must be rented by teachers and employees of the LEA;
 - ii. If the LEA receives an insufficient number of teachers and employees to apply for and occupy the units, the unoccupied units may be offered to lower income households that do not include a teacher or employee of the LEA; and
 - iii. When a unit becomes unoccupied and available for rent, first offer for such units must go to teachers and employees of the LEA.
 - b) It consists of at least 10 housing units;
 - c) It meets the following affordability criteria;
 - i. At least 30 percent of the units will be rented and occupied by lower income households at an affordable rent;
 - ii. At least 20 percent of units will be rented and occupied by teachers and employees of an LEA at a rent that is affordable for households with incomes that do not exceed 120 percent of the area median income; and
 - iii. The housing development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any housing units required to meet its affordability criteria must remain available at affordable rent levels for no less than 55 years.
 - d) A LEA must maintain ownership of a qualified housing development project for the length of the 55 year affordability requirement.
- 3) Provides that a qualified housing development project must be deemed an authorized use on any real property owned by a LEA, even if that is inconsistent with any provision of a city’s or county’s general plan, specific plan, zoning ordinance, or regulation. Provides that a

qualified housing development must be deemed consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan.

- 4) Provides the following regarding the objective standards applied to a qualified housing development project:
 - a) A city or county must not impose objective standards that preclude the construction of a qualified development project of at least three stories and 30 feet in height;
 - b) A city or county may impose other objective standards that do not conflict with this section.
- 5) Provides that a qualified housing development project on real property owned by a LEA will not be subject to oversight and approval by the Department of General Services.
- 6) Specifies that funds derived from a qualified housing development project on real property owned by a LEA may be used for general operating purposes of the LEA.
- 7) States that any land used for the development of a qualified housing development project may be jointly used or jointly occupied by the LEA and any other party.
- 8) Provides that any land used for the development of a qualified housing development project is exempt from the requirements of all of the following:
 - a) The Surplus Lands Act (Government Code Section 54220 et seq);
 - b) The Disposal of Sites requirement of Education Code Section 17230 et seq; and
 - c) Provisions regarding the sale or lease of real property owned by school districts contained in Education Code Section 17455 et seq.
- 9) Provides that the Legislature finds and declares that this article addresses a matter of statewide concern rather than a municipal affair, and therefore the provisions of this bill apply to all cities, including charter cities.
- 10) Provides that no reimbursement is required by the provisions of this bill because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill.

EXISTING LAW:

- 1) Allows a city or county to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public, including land use authority (Section 7 of Article XI of the California Constitution).
- 2) Establishes the Teacher Housing Act of 2016 (Health and Safety Code 53570 et seq), which established that:
 - a) It is state policy to support housing for teachers and school district employees;

- b) School districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing may restrict occupancy to teachers and school district employees on land owned by school districts;
- c) School districts may allow local public employees or other members of the public to occupy housing created through the Teacher Housing Act; and
- d) A majority of the units must be rented at an affordable rent to lower income or moderate-income households.

FISCAL EFFECT: Unknown

COMMENTS:

Author’s Statement: According to the author, “School districts in California own 10,900 properties with over 150,000 acres of land, half of which are potentially suitable for housing. By easing the administrative and bureaucratic hurdles, AB 2295 will help local educational agencies feasibly construct enough housing to meet the current demand and help address teaching shortages—ultimately helping keep quality teachers and staff in the classroom.”

California’s Housing Crisis: California is in the midst of a housing crisis. The median price of a single-family home exceeds \$800,000, which only 24 percent of households can afford to purchase – 50 percent less than the national average, and 33 percent less than at the start of the pandemic.¹ Over half of renters – and 80 percent of low-income renters – are “rent burdened,” in households paying more than 30 percent of their income toward housing, which means they have less to pay for other essentials such as food, transportation, and health care.² In 2020, over 160,000 Californians experienced homelessness on a given night.³ The housing crisis substantially impacts many of the state’s 650,000 employees of local educational agencies (LEAs). Over one-third of these employees pay over 30 percent of their income towards housing, including 31 percent of teachers and nearly half of all other LEA employees that are not school administrators.⁴

A major cause of our housing crisis is the mismatch between the supply and demand for housing. While there are various estimates of the size of this mismatch, they all concur that the deficit is in the millions of units. This includes a large and growing housing affordability gap. The state has a target of over one million new homes for lower income households over the next eight years – over 120,000 units a year.⁵ Yet California has never produced more than 20,000 new affordable rental homes in any year.⁶

¹ [California Association of Realtors Housing Affordability Index](#). Data for the 3rd quarter of 2021.

² HCD, [California Statewide Housing Plan](#), February 2018, Table 1.2

³ [The 2020 Annual Homeless Assessment Report \(AHAR\) to Congress \(huduser.gov\)](#)

⁴ Education Workforce Housing in California: Developing the 21st Century Campus, cityLAB UCLA et al, December 2021: <https://www.csba.org/-/media/CSBA/Files/Advocacy/LegislativeAdvocacy/ResearchReport.ashx?la=en&rev=2d0b1e2e409f4dc6b3177338d016cbb1>

⁵ This total reflects all of the Regional Housing Needs Assessments, as summarized in the 2022 Statewide Housing Plan: <https://storymaps.arcgis.com/stories/94729ab1648d43b1811c1698a748c136>

⁶ According to communication from the California Housing Partnership Corporation.

Housing on School District Land: There are over 1,000 LEAs in California. Collectively, they own more than 150,000 acres of land.⁷ According to recent research, of land owned by LEAs, there are 7,068 properties with potentially developable land of one acre or more, totaling 75,000 acres statewide. At a modest density of 30 dwelling units per acre, such properties could contain 2.3 million units of housing – more than enough to house the state’s 300,000 teachers and 350,000 other LEA employees.

Despite the potential for development, there is very little housing on LEA property. This is understandable, given that the primary function of this land is for educational purposes. It is also because there are myriad impediments to completion of employee housing on LEA property, including:

- Lack of expertise: the core competency of LEAs is education. To the degree there is expertise in new construction or facilities management, it is focused on educational facilities, not on building and managing housing.
- Lack of funding: given exceedingly high construction costs, the price of new housing exceeds what is affordable to most LEA staff. As such, to develop employee housing, LEAs will need to identify public sources of funding.
- Lack of permission: getting housing approved in California is often a laborious and risky process, reflecting the complexity of government review, public processes, and required analysis under the California Environmental Quality Act (CEQA). LEA properties typically face the additional hurdle of not having zoning that permits housing or specified development standards for housing projects. As such, if it wanted to build housing for its employees, the LEA would need to seek permission from a local government to establish the right to build housing and identify objective standards for the project to conform with.

Despite the impediments, state and local officials are increasingly exploring ways to facilitate housing on LEA property, as a way to help LEAs recruit and retain employees. The Teacher Housing Act of 2016 (SB 1413, Leno, Chapter 732, Statutes of 2016), created a state policy to support housing for teachers and school district employees, and specified that projects can receive local or state funds or tax credits if developments are restricted to school district employees. Since June 2018, eight California LEAs have put a proposition or measure before local voters to fund education workforce housing development, with six of these measures passing.⁸ And recent research identified 46 LEAs pursuing housing projects on 83 different sites.⁹ However, to date, California is home to just four completed education workforce housing developments by Los Angeles Unified and Santa Clara Unified.

This bill seeks to address the fact that, on most LEA property, housing is not a permissible use and that these properties have no applicable development standards for housing. The bill would make housing a permissible use, and establish an allowable height of 30 feet, if the housing project met the following affordability and occupancy criteria:

- Developments would need to make 30 percent of the units affordable to lower income households and 20 percent would need to be affordable to moderate-income households;

⁷ See footnote 4

⁸ Ibid.

⁹ Ibid.

- LEAs would have to rent the units to their employees. However, should there not be enough LEA employees to fill the units, they could fill the units with lower income households.

While housing would become a permissible use, the project would still need to go through the local government’s entitlement process, including CEQA. The local government would be able to apply its own zoning and design review standards, as long as they do not preclude the project from being three stories or thirty feet in height.

Arguments in Support: Supporters of the bill argue that it will help unlock the potential for new housing for LEA staff, which will help facilitate teacher recruitment and retention, particularly in high cost areas. According to the Los Angeles Unified School District, “this bill will enhance certainty, increase flexibility, and streamline the process of developing educator workforce housing on school land, which will help districts recruit and retain teachers and classified staff.”

Arguments in Opposition: The opponent of the bill, the State Building and Construction Trades Council, argue that the bill should include requirements for utilization of a skilled and trained workforce, pay prevailing wages, and require use of apprentices. They also argue that the bill would “significantly limit the opportunity for public review by making housing by right on any property owned by a local educational agency.” It should be noted that the bill does not propose to make such housing by right.

Committee Amendments: The committee may wish to consider the following amendments to help improve the functionality of this bill in serving to facilitate housing for teachers and other employees of LEAs:

- Move the contents of the bill from the Education Code to the Government Code, as the Government Code is the location of planning and zoning law;
- Align with Teacher Housing Act by:
 - Specifying that a majority of the units must be affordable to lower income or moderate-income households, instead of 50 percent; and
 - Requiring that units that are not occupied by local educational agency employees be offered first to local public employees, and then to general members of the public.
- Specifying that, on school district property, qualifying housing projects must be an “allowable use” instead of an “authorized use,” so as to ensure that it is clear that projects are still subject to local discretionary processes and review under CEQA;
- Specifying the objective standards that the project must meet, including:
 - Defining the “development footprint” as the portion of the property that is developed for the housing development, inclusive of parking and roadways developed internal to the site to serve the housing development, and other above-ground improvements developed to serve the housing development. This definition is necessary to account for the fact that the housing would only be developed on a portion of a larger school district site.
 - Establishing a minimum residential density for the development footprint that is the greater of either:
 - The residential density already permitted by the local government; or

- The density deemed appropriate in Housing Element law to facilitate the development of multi-family housing (generally 30 units per acre in urban areas, 20 in suburban areas, and 10 in rural areas);
 - Clarifying that the allowed height must be what is allowed by the local government if the local government's allowed height exceeds 30 feet; and
 - Requiring that the site be adjacent to a site that permits residential use, to minimize instances where a school district proposes housing on a potentially inappropriate site, such as on a bus yard surrounded by industrial uses.
 - Revise the definition of a local education agency to exclude charter schools, as they often function outside the purview of or with limited oversight by the school district.
 - Remove the ability for the funds derived from the housing development project to be used for general operating purposes of the LEA, in recognition that current law limits the use of similar revenues to development and maintenance of facilities.
 - Remove the provision that a qualified housing development project on real property owned by an LEA shall not be subject to oversight and approval by the Department of General Services.

Related Legislation:

SB 1413 (Leno), Chapter 732, Statutes of 2016: This bill established the Teacher Housing Act of 2016 to facilitate the acquisition, construction, rehabilitation, and preservation of affordable housing restricted to teachers or school district employees.

AB 3308 (Gabriel), Chapter 199, Statutes of 2020: This bill expanded allowed occupancy under the Teacher Housing Act of 2016 to local public employees and other members of the public, while maintaining the right for school districts to prioritize their own employees.

SB 6 (Caballero), 2021: This bill would allow residential uses to be an allowable use on commercially-zoned land, as specified. This bill is pending hearing in this committee.

Double referred: This bill was also referred to the Assembly Committee on Local Government, where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

CityLab - UCLA (Sponsor)

Landed

Los Angeles Unified School District

SPUR

Turner Center for Housing Innovation at the University of California, Berkeley

Support If Amended

California School Boards Association

Opposition

Oppose Unless Amended

State Building & Construction Trades Council of California

Analysis Prepared by: Steve Wertheim / H. & C.D. / (916) 319-2085