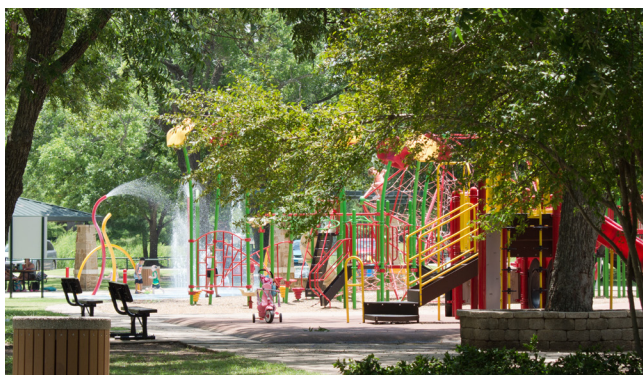


# Legislative Report

A COMPILATION OF 2019 STATUTES



# League of California Cities 2019 Legislative Report

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## ***About the League***

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents.

In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *CACities Advocate* and *Western City* magazine.

# Legislative Report

2019

Please note: Legislation marked with an asterisk (\*) has been identified as high priority by League staff.

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## Glossary of Terms

ABC	Alcohol Beverage Control
ABLE	Achieving a Better Life Experience
AC	Auditor-Controller
ACA	Affordable Care Act
ACD	American Community Survey
ACL	All County Letter
ADA	Americans with Disabilities Act
ADRC	Aging and Disability Resource Connection
ADU	Accessory Dwelling Unit
A&E	Architectural & Engineering (Contracts)
AED	Automated External Defibrillator
AG	Attorney General
APR	Annual Percentage Rate
ATP	Alternative Transportation Program
BART	Bay Area Rapid Transit
BCC	Bureau of Cannabis Control
BCSHA	Business, Consumer Services, and Housing Agency
BOE	State Board of Equalization
BSC	Building Standards Commission
BSCC	Board of State and Community Corrections
BUI	Boating/Biking Under the Influence
CAC	California Arts Council
CACO	Certified Animal Control Officer
CAEATFA	California Alternative Energy and Advanced Transportation Financing Authority
CalABLE	California Achieving a Better Life Experience
CalEITC	California Earned Income Tax Credit
Cal-EMSA	California Emergency Medical Services Authority
CALFIRE	California Department of Forestry and Fire Protection
CalHFA	California Housing Finance Agency
CalOES	California Office of Emergency Services
CalPERS	California Public Employees Retirements System
CalRecycle	California Department of Resources Recycling and Recovery
CalSTA	California State Transportation Agency
CalSTRS	California State Teachers Retirement System
Caltrans	Department of Transportation
CalVIP	California Violence Intervention and Prevention
CalWORKs	California Work Opportunities and Responsibility to Kids Program
CARB	California Air Resources Board
CARS	Cal-Access Replacement System
CAWA	California Animal Welfare Association
CCA	Community Choice Aggregation
CCC	California Community College
CCC	California Coastal Commission



CCPOA	California Correctional Peace Officers Association
CCW	Carry Concealed Weapon (Permit)
CDA	California Dental Association
CDCR	California Department of Corrections and Rehabilitation
CDE	California Department of Education
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CDPR	California Department of Pesticide Regulation
CDSS	California Department of Social Services
CDT	California Department of Technology
CDTFA	California Department of Tax and Fee Administration
CEA	California Earthquake Authority
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CFD	Community Facility District
CHP	California Highway Patrol
CHHSA	California Health and Human Services Agency
CID	Common Interest Development
CII	Criminal Investigation and Identification
CNRA	California Natural Resource Agency
CODIS	Combined DNA Index System
COG	Council of Governments
COPPSC	California Olympic and Paralympic Public Safety Command
CPOA	California Peace Officers Association
CPUC	California Public Utilities Commission
CRIA	Community Revitalization and Investment Authority
CRMP	California Residential Mitigation Program
CSLB	Contractors' State License Board
CSU	California State University
CTC	California Transportation Commission
CUPA	Certified United Program Agencies
CURES	Controlled Substance Utilization Review and Evaluation System
CVCB	California Victim Compensation Board
CWIB	California Workforce Investment Board
DCA	Department of Consumer Affairs
DDTP	Deaf and Disabled Telecommunications Program
DDS	Department of Developmental Services
DEA	Drug Enforcement Administration
DFEG	Department of Fair Employment and Housing
DGS	Department of General Services
DHCS	Department of Health Care Services
DIR	Department of Industrial Relations
DMV	Department of Motor Vehicles
DNA	Deoxyribonucleic Acid
DOE	Department of Education

DOF	Department of Finance
DOGGR	Division of Oil, Gas, and Geothermal Resources
DOI	Department of Insurance
DOJ	Department of Justice
DPR	Department of Parks and Recreation
DPH	Department of Public Health
DREOA	Disaster Response Emergency Operations Account
DROS	Dealer's Record of Sale
DSS	Department of Social Services
DTSC	Department of Toxic Substances
DWR	Department of Water Resources
EARI	Established Agricultural Research Institutions
EDD	Employment Development Department
EDR	Economic Development Rate
EHAP	Emergency Housing and Assistance Program
EIFD	Enhanced Infrastructure Financing District
EIR	Environmental Impact Report
EMS	Emergency Medical Services
EMSA	Emergency Medical Services Authority
EMT-P	Emergency Medical Technician – Paramedic
EOB	Explanation of Benefits
EPCRA	Emergency Planning and Community Right-to-Know Act
ESP	Electric Service Provider
EPA	Environmental Protection Agency
EV	Electric Vehicle
EZ	Enterprise Zone
FDA	Food and Drug Administration
FDIC	Federal Deposit Insurance Corporation
FEHA	Fair Employment Housing Act
FFS	Fee-For-Service
FHA	Federal Housing Administration
FPL	Federal Poverty Level
FPCC	Fair Political Practices Commission
FTB	Franchise Tax Board
GGRF	Greenhouse Gas Reduction Fund
GHG	Greenhouse Gas
GIS	Geographic Information System Mapping
GO-Biz	California Governor's Office of Business & Economic Development
GS \$Mart	Golden State Financial Marketplace
GVRO	Gun Violence Restraining Order
HAA	California Housing Accountability Act
HAP	Housing Assistance Program
HCD	Department of Housing and Community Development
HFP	Healthy Families Program
HHP	Health Homes Program
HHW	Household Hazardous Waste

HIPAA	Health Insurance Portability and Accountability Act
HIV	Human Immunodeficiency Virus
HMBP	Hazardous Materials Business Plan
HSRA	High-Speed Rail Authority
IGT	Intergovernmental Transfer
IOU	Investor Owned Utilities
IT	Information Technology
JPA	Joint Powers Authority
LAFCOs	Local Agency Formation Commissions
LAMBRA	Local Agency Military Base Recovery Areas
LEMSA	Local Emergency Medical Services Agency
LHO	Local Health Officer
LAO	Legislative Analyst's Office
LSE	Electric Load-Serving Entities
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
MAUCRSA	Medicinal and Adult Use Cannabis Regulation and Safety Act
MCMC	Medi-Cal and Medi-Cal Managed Care
MDT	Multidisciplinary Team
MHP	Multifamily Housing Program
MMBA	Meyers-Milias-Brown Act
MOU	Memorandum of Understanding
MWD	Metropolitan Water District (of Southern California)
NH	Naloxone Hydrochloride
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
NPLH	No Place Like Home Program
OPC	California Ocean Protection Council
OPR	Office of Planning and Research
OIG	Office of the Inspector General
OSHPD	Office of Statewide Health Planning and Development
PACE	Programs of All-inclusive Care for the Elderly
PCP	Phencyclidine
PDMP	Prescription Drug Monitoring Program
PEMHCA	Public Employees' Medical and Hospital Care Act
PEPRA	Public Employees' Pension Reform Act of 2013
PERB	Public Employment Relations Board
PERL	Public Employees Retirement Law
PFAS	Per- and Polyfluoroalkyl Substances
PFL	Paid Family Leave
PG&E	Pacific Gas and Electric
POLR	Provider of Last Resort
POST	Peace Officers Standards and Training
PRA	California Public Records Act
PRCS	Post Release Community Supervision
Proposition 65	Safe Drinking Water and Toxic Enforcement Act of 1986
PPIGT	Medi-Cal Public Provider Intergovernmental Transfer Program

PSA	Public Service Announcement
PSAP	Public Safety Answering Points
PSPS	Public Safety Power Shutoff
PTP	Property Tax Postponement
QAF	Quality Assurance Fee
RCFE	Residential Care Facility for the Elderly
RHNA	Regional Housing Needs Allocation
ROPS	Recognized Obligation Payment Schedule
RPS	Renewables Portfolio Standard
RTT	Real-Time Text
SCC	Society of Cosmetic Chemists
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCO	State Controller's Office
SDG&E	San Diego Gas and Electric
SEI	Statement of Economic Interests
SETNA	State Emergency Telephone Number Account
SFM	State Fire Marshal
SHA	Sacramento Housing Alliance
SMIF	Surplus Money Investment Fund
SMUD	Sacramento Municipal Utility District
STRTCs	Short Term Residential Treatment Centers
SLC	State Lands Commission
SOS	Secretary of State
SPI	Superintendent of Public Instruction
SUD	Substance Use Disorder
SWRCB	State Water Resources Control Board
TCJA	Tax Cuts and Jobs Act of 2017
TRUE	Tax Recovery in the Underground Economy Criminal Enforcement
TTC	Treasurer-Tax Collector
UAFCB	Utility Audit, Finance and Compliance Branch
UC	University of California
UCP	Uniform Complaint Procedures
USDA	United States Department of Agriculture
UCP	Unclaimed Property Law
UUT	Utility User Tax
UWMP	Urban Water Management Plan
VASH	Department of Veterans Administration Supported Housing
VLf	Vehicle License Fee
VRA	Voting Rights Act of 1965
WUI	Wildland Urban Interface

# **LEGISLATIVE YEAR IN REVIEW**

## 2019 Legislative Year in Review

A progressive dawn illuminated the state Capitol at the opening of the 2019 legislative session. Throughout several days of inauguration events and festivities, supporters celebrated the election of Gavin Newsom to the Governor's Office. It was a clean sweep: Democrats now occupied all constitutional offices and obtained historic supermajorities in the Legislature. With former Gov. Jerry Brown, the prudent four-term octogenarian, out of the way, California could now plunge progressively forward. "Courage for a change" was Gov. Newsom's campaign theme.

Yet California's complex challenges and governing realities meant utopia would have to wait. The Town of Paradise was in ashes after a utility-caused wildfire. Pacific Gas and Electric Company (PG&E) declared bankruptcy, requiring a major utility recovery and stabilization package to be crafted. Tension and Twitter battles with President Trump's administration over immigration, the census, environmental policies and other issues became a distraction; by late September, the state had filed 60 lawsuits against the Trump administration. Despite Gov. Newsom's goal to produce 3.5 million new units over six years, new housing production sputtered as developers balked at a weakening market with flattening rents and prices. And to the disappointment of legislators with plans for billions of dollars in new spending, Gov. Newsom's budget was cautious. Like his predecessor, he avoided overcommitting and focused on repaying debts, building reserves and making one-time expenditures, including nearly \$2.5 billion for affordable housing and homelessness. Overwhelming Democrat majorities failed to propel many progressive actions, with the most aggressive measures stalled or vetoed.

Despite multiple attacks on local zoning authority, the League and cities emerged surprisingly well. Efforts to link allocation of local transportation street and road funds to housing production were rejected, and the initially controversial housing trailer bill was later approved in workable form. Aggressive housing density bills stalled for the year; many others were amended or sidelined. On other fronts, the League worked to neutralize or stop many labor and elections bills of concern and supported a solution to rural clean water issues through a 10-year state funding plan instead of a water tax. Cities were again protected from liability for utility-caused wildfires through a repeal of inverse condemnation, and a compromise was reached to address law enforcement's use of deadly force. Bills undermining local parking authority and scooter regulation also failed.

There was time for playing offense as well. The League sponsored legislation to provide cities additional resources and tools. SB 5 (Beall, McGuire, Portantino) would have restored a more robust property tax-based financing mechanism focused on building affordable housing and infill infrastructure. While the bill was passed by both the Senate and the Assembly, the Governor vetoed SB 5 in the eleventh hour. ACA 1 (Aguiar-Curry) would allow the voters to lower the vote threshold for local general obligation bonds, sales taxes or parcel taxes that invest in affordable housing and a wide variety of infrastructure and is pending in the Assembly. AB 147 (Burke), which Gov. Newsom

signed in April, implements the 2018 U.S. Supreme Court *Wayfair* decision that enables state and local agencies to collect millions of dollars in revenue from internet sales.

### **Legislative Leadership Styles and Governor's Distractions Blunt Progressive Excess**

Battles do not always favor the strong. On paper, progressive proposals should have disrupted the status quo. Gov. Newsom took office touting bold visions and calling for courage, and Democratic legislators increased their dominance to 61-to-19 in the Assembly and 29-to-11 in the Senate. Republicans were vanquished bystanders and lacked leverage to block actions; their emotions surfaced during bitter floor debates at the end of the session.

Yet despite their advantages, progress for the progressive Democrat agenda was muted. The Governor reacted to too many issues, described by one pundit as “swinging at every pitch,” and seemed more enamored with national politics than California. Legislative dynamics also contributed. Senate pro Tem Toni Atkins (D-San Diego) and Assembly Speaker Anthony Rendon (D-Lakewood) have collaborative leadership styles that empower policy committee chairs and provide flexibility for their members on floor votes. This combination eroded the numerical partisan advantage and resulted in the most aggressive measures being watered down or stalled.

### **Governor's Initial Budget Contained Housing Funding and Threats to Local Government**

The excitement was palpable as Gov. Newsom unveiled his first budget proposal. Intense media interest caused the press conference to be moved to a larger room. With state coffers swelling and many ambitious proposals discussed on the campaign trail, reporters expected something new and different. But after the Governor occupied the stage for nearly two hours, giving detailed explanations and displaying his command of state policy and finance, those who anticipated grandiose spending and new programs from the \$20 billion surplus were disappointed.

Gov. Newsom mirrored his predecessor's cautious and prudent approach. He focused on building reserves, repaying debts, reducing pension obligations, avoiding establishing or expanding ongoing programs and offering a series of one-time expenditures. Even ongoing proposals reflected fiscal caution. At one point he held a press conference to announce a sales tax exemption for diapers and menstrual products that would be in effect for only two years.

The historic state budget investment in affordable housing and homelessness, however, was impressive. The budget included over \$2 billion for local planning grants, housing-related infrastructure, homelessness services, mixed-income housing loan programs and expanding the state's tax credit program.

But some negatives outweighed these positives for local authority. The Governor's most aggressive threats targeted cities — including tying the allocation of local transportation funds to housing production. When the housing trailer bill language was released, the

details were even more aggressive. The bill empowered the Department of Housing and Community Development (HCD) to:

- Unilaterally impose on communities statewide zoning requirements for hundreds of thousands of new housing units;
- Authorize regions to monitor city progress on zoning; and
- Penalize cities for noncompliance by taking local transportation funds.

And there was more. Gov. Newsom revealed that he would consider limitations on development impact fees. Rather than reinstating local redevelopment authority, he preferred making one-time expenditures and merging tax incentives with the new federal Opportunity Zone program and enhanced infrastructure financing districts.

### **League Works With Transportation Coalition to Get Links to SB 1 Funding Off the Table**

The League worked for over a decade building the case for increased transportation funding to address declining street and road conditions. Part of that effort included working to develop and support the passage of SB 1 (Beall) in 2017 and, in 2018, defeat Proposition 6, which sought to repeal it. Consequently, the League was determined to fight any proposals that undermined this funding stream for cities. The League was the first organization to send an “oppose” letter on AB 1568 (McCarty), a bill to shift local street and road funds from cities on the basis of housing production. In addition, the League helped organize a coalition of transportation stakeholders to oppose the bill. After an aggressive lobbying effort, the bill stalled in the first committee without a hearing. In a parallel effort, the League worked with transportation stakeholders to oppose the Governor’s similar budget proposal. Fortunately, legislators were in no mood for this. Many had cast the tough votes to pass SB 1, and even those who had opposed the bill did not want to break faith with the voters by allocating the revenues differently than had been represented to the public.

### **Two-Phase Negotiations Over Housing Trailer Bill’s Planning Elements**

Throughout the spring, the League engaged in extensive negotiations with administration representatives on the housing trailer bill. The negotiations occurred in two phases over many months.

Initially, Gov. Newsom proposed allocating \$750 million to local agencies, with \$250 million for enhanced housing-related planning and \$500 million as rewards for locals achieving various “milestones.”

In the first phase, the League focused primarily on the policy and planning elements. It was important that any new program be workable for cities and avoid establishing unrealistic and divisive conditions. As a result of these negotiations, the language was largely rewritten and eliminated the proposal for HCD to dictate additional zoning for hundreds of thousands of additional units. The League also collaborated with the California Association of Councils of Government (CALCOG) in rewriting the local planning grant language to work both for cities and regions.



While negotiations addressed planning-related issues, challenges emerged over designing the metrics to allocate the \$500 million in rewards. The League proposed a tiered system of per-unit financial awards to local agencies, with enhanced funding for higher density, transit-oriented or affordable units. This system could have worked; however, the administration and Legislature ultimately opted to use these funds for infill infrastructure grants, which the League also supported.

Last-minute changes triggered a second phase. Just before the budget deadline, the administration unveiled trailer bill language containing an aggressive packet of proposed fines, penalties and state receivership for jurisdictions lacking HCD housing element approvals. The League fought back against these punitive elements, working with legislative staff. Preserving due process in a court before aggressive actions could be taken against a city remained a critical League objective. After several days of intense negotiations, the League succeeded in revising the language to remove the most objectionable elements and ensure due process for cities.

Finally, on July 5, the Legislature passed AB 101, the housing budget trailer bill, reflecting the compromise and negotiations that took place over seven months between Gov. Newsom, the Legislature and stakeholders. The bill:

- Provides \$2.5 billion to address the housing and homelessness crisis;
- Creates incentives to increase housing production;
- Establishes a process for a court to determine that a city or county has complied with housing element law; and
- Imposes penalties, only as a last resort, if cities and counties disregard the direction of a court and continue not to fulfill their responsibilities under housing element law.

### **Efforts to Create New Infill/Affordable Housing Development Tools: SB 5 and ACA 1**

One of the League's 2019 strategic goals was "Provide Cities Additional Funding and Tools and Preserve Local Authority to Address Housing Production, Affordability and Homelessness Challenges." In pursuit of this goal, the League worked proactively with four key policy committee chairs to sponsor and support legislation that proposed expanding options for cities to finance affordable housing and infill development. The League recognized these four legislators with the 2019 League Distinguished Legislative Leadership Award for their efforts:

- Sen. Jim Beall (D-San José), chair, Senate Transportation Committee;
- Sen. Mike McGuire (D-Healdsburg), chair, Senate Governance and Finance Committee;
- Sen. Anthony Portantino (D-La Cañada-Flintridge), chair, Senate Appropriations Committee; and
- Assembly Member Cecilia Aguiar-Curry (D-Winters), chair, Assembly Local Government Committee.

SB 5 was the most substantive and robust economic development tool to be proposed since the elimination of redevelopment. The bill would have created a local-state

partnership to provide up to \$2 billion annually to fund affordable housing, infrastructure and economic development projects that also supported state policies to reduce greenhouse gas emissions, expand transit-oriented development, address poverty and revitalize neighborhoods. It took tremendous legislative leadership by Sens. Jim Beall, Mike McGuire and Anthony Portantino to get SB 5 to the Governor's desk. Unfortunately, Gov. Newsom vetoed SB 5.

ACA 1, authored by Assembly Member Cecilia Aguiar-Curry, proposes giving state voters the opportunity to approve local investments in affordable housing and infill infrastructure with a 55 percent vote. The author and the League worked extensively to build support for this measure, collaborating with a broad coalition of co-authors and organizations. Unfortunately, This measure fell just short of the required two-thirds vote on the Assembly Floor but remains eligible to move in 2020. The League also appreciates Assembly Member Aguiar-Curry's work with the League as chair of the Assembly Local Government Committee to co-author SB 5.

### **Additional Resources Secured to Address Homelessness**

Gov. Newsom focused on homelessness, augmenting resources approved by Gov. Brown in 2018, and allocated \$650 million to build emergency shelters, navigation centers and supportive housing. His budget included additional funding for the Whole Person Care Pilot programs, which coordinate health, behavioral health (including mental health and substance use disorder services) and social services, and housing for the mentally ill under the No Place Like Home Program. Accompanying trailer bill language streamlined environmental review for homeless shelters, navigation centers and new supportive housing units and allowed emergency shelters to be located in state highways' right of way beneath overpasses.

### **Major Efforts to Override Local Zoning Stall; Other Measures Signed**

The biggest legislative threats to local authority came on housing and land use. The Governor's production goal of 3.5 million housing units by 2025 — despite the state never having approached that level of construction in its history — opened the door for more radical legislative proposals. Concepts included banning density reductions in all residential zoning for 10 years, allowing all existing single-family homes to be converted to rental fourplexes, letting developers pick maximum densities of their buildings and eliminating single-family zoning.

Developer-supporting activists and sympathetic reporters applauded such proposals on social media. For some legislators, the focus on cities and zoning offered a softer political target. It avoided angering developers, environmentalists, labor representatives and other influential stakeholders. Also skipped were the challenges of dealing with more complex issues affecting housing demand, such as declining middle-class wages; lingering economic effects of the foreclosure crisis; contributions of state environmental, water and energy regulations to housing cost; and mountains of student debt diminishing the ability of potential homebuyers to save for down payments.

The League proceeded carefully in this charged environment. It was impossible to fight on all fronts at once. Instead, the League timed its engagement and worked on selected issues. Fortunately, the strategy of not playing the expected villain role immediately on every issue worked. By mid-session, cooler legislative heads prevailed and the most aggressive proposals stalled or were addressed by amendments.

The League took the opportunity to support proposals affecting misconduct by landlords. SB 329 (Mitchell) prohibits landlords from discriminating against tenants who rely upon housing assistance paid directly to landlords, such as Section 8 vouchers, and AB 1110 (Friedman) lengthens the time for tenants to receive notice before specified rent increases. The Governor signed both bills.

Proposals opposed by the League but signed into law included:

- SB 330 (Skinner), which prohibits a city from imposing any fee — except California Environmental Quality Act (CEQA)-related fees — after the submittal of a “preliminary” application. The concern is that this would essentially ban project-specific fees because these fees cannot be determined until a city fully analyzes the project. Given this omission, more local projects would likely require full environmental impact reports (EIRs) to ensure project-specific impacts are addressed; and
- AB 1763 (Chiu), which allows 100 percent of affordable housing within one half-mile of a major transit stop to be up to three stories higher than other buildings with no more than one-half parking spot per unit. Such out-of-scale structures could further exacerbate community resistance to affordable housing and would undermine community-based housing plans.

Three additional bills on Accessory Dwelling Units (ADU) were also signed into law. While all were well-intended by the authors, these bills continue compounding the confusion over this law (which has become a moving target):

- SB 13 (Wieckowski) prohibits local jurisdictions from imposing impact fees on ADUs of less than 750 square feet and limits charges on ADUs over 750 square feet to 25 percent of fees for a new single-family dwelling on the same lot;
- AB 68 (Ting) amends the statewide standards that apply to locally adopted ordinances concerning ADUs. Changes include prohibiting minimum lot size requirements, requiring at least 850 square feet per ADU and requiring approval within 60 days; and
- AB 881 (Bloom) prohibits a local jurisdiction from requiring that a property owner live in the main house or one of the accessory structures, requires local agencies to ministerially approve ADUs on lots with residential or mixed-use zones and adds a definition of “public transit” to mean a location including but not limited to a bus stop or train station where the public may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the public.

**Effort to Pre-empt Local Parking Authority Stalls**

The League led the opposition effort to AB 516 (Chiu), a bill sponsored by legal aid advocates proposing to eliminate the ability of cities and law enforcement to adequately enforce state and federal vehicle violations. The bill would have prohibited immobilizing or towing a vehicle with more than five unpaid parking tickets or traffic violations and extended traditional 72-hour violations by an additional five business days. The League worked to get the bill pulled off consent on the Assembly floor and persuaded 31 members to vote “no” or abstain, then continued to lobby with a coalition of cities against the bill in the Senate. The League thanks Sen. Portantino for recognizing the bill’s flaws and holding it in the Senate Appropriations Committee.

**Statewide Disaster and Emergency Response**

Gov. Newsom and the Legislature deserve thanks for their unwavering focus on helping communities, including the Town of Paradise, recover from recent wildfires. Paradise received emergency cash assistance to maintain operations, followed by a broader budget package that assists all cities and counties impacted by recent disasters, including backfilling lost property taxes. Despite political differences, the Governor and President Trump also worked together to ensure these communities received federal resources and support. The recovery of disaster-affected communities will take years, but the commitment and collaboration by all levels of government to assist these communities is commendable.

To address future vulnerabilities, the budget included \$300 million for disaster preparedness, emergency response, disaster-related planning, improving communications, purchasing additional equipment and pre-positioning first responder resources. The Governor also signed two League-supported emergency response bills. SB 209 (Dodd) establishes the Wildfire Forecast and Threat Intelligence Integration Center as the integrated central organizing hub for wildfire forecasting, weather information and threat intelligence gathering. SB 670 (McGuire) requires telecommunications service providers to submit a specified outage notification to the Office of Emergency Services (OES) when a telecommunications outage impacting 911 service and emergency notifications occurs.

Other League-supported legislation included AB 291 (Chu), a bill that proposed \$500 million in ongoing funds to support local emergency planning but that did not pass, and SB 45 (Allen), a proposed \$4.3 billion bond for wildfire restoration, drought mitigation and water projects. Work on SB 45 will continue in 2020.

**Tax Conformance with Opportunity Zones Stalls; Cleanup Needed on Changes to EIFDs**

The Governor’s budget focused on economic development in two areas: providing state tax conformity for investments in affordable housing or green technology in new federal opportunity zones and removing the 55 percent vote requirement for bond issuance by Enhanced Infrastructure Financing Districts (EIFDs).

Gov. Newsom's Opportunity Zone proposal ran into legislative concerns over the details and costs and was not adopted. On EIFDs, Sen. Beall, who was the author of the original EIFD law, carried SB 128 to remove the vote requirement, but that proposal stalled and the bill was used for another purpose. With several days remaining in the session, AB 116 (Ting) removed the vote requirement, but imposed a lengthy public notice and protest process attached to EIFD formation. The League and the California Association for Local Economic Development raised concerns when the bill was on the Governor's desk. However, Gov. Newsom signed This measure.

### **Utility Wildfire Liability Package Adopted**

Prior to the summer recess, Gov. Newsom and the Legislature enacted a utility wildfire liability package in AB 1054 (Holden, Burke, Mayes) and AB 111, a budget trailer bill. Pressure to pass this legislation arose with the bankruptcy of PG&E, which faced billions of dollars in claims for wildfires started by faulty equipment and poor maintenance — along with concerns over future massive fiscal exposure from other utilities and their shareholders.

Over half of the \$40 million insurance fund created by these bills is seeded by a state loan, with remaining contributions from utilities. Access to the fund is available only to utilities receiving Public Utility Commission (after 2021, its name changes to Natural Resources Agency) certification for their wildfire mitigation plans. To obtain a safety certification, an electrical corporation must establish an executive incentive compensation plan, approved by the Wildfire Division, linked to safety performance metrics that include tying 100 percent of such compensation to safety performance.

Utilities obtaining this certification receive protection from future liability for wildfires, and other changes could make it easier to shift costs to ratepayers even if utilities are responsible for causing a fire. Previously a third party had to demonstrate that a utility's action was not reasonable, but AB 1054 increased the threshold to one where "serious doubt" must be established that an electrical corporation's conduct was not reasonable. A utility then has the burden of dispelling that doubt in proving its conduct was reasonable. It will be several years before the changes enacted in this legislation can be adequately evaluated.

### **Water Tax Battles End with Safe and Affordable Drinking Water Fund**

Many rural areas lack safe water supplies but residents are too poor to pay for upgrades, so the legislative debate focuses on how to pay for it. The League worked with the Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) to oppose various water tax proposals, which would have levied a tax on all water users with proceeds transferred to a state agency for allocation. This approach was flawed — taxing urban water users with no visible benefit would undermine support for paying for improvements to urban systems.

After extensive discussions, participants agreed on an alternative financing plan ultimately included in SB 200 (Monning). The bill establishes a 10-year state commitment of up to \$130 million from the Greenhouse Gas Reduction Fund with a

backstop guarantee from the General Fund. This solution avoids the problems associated with a water tax while still addressing the goal of helping provide an adequate and affordable supply of safe drinking water to communities statewide that need it. The League applauds the leadership of SB 200's authors, Senate and Assembly leaders and the Governor for finding a workable solution.

### **Sales Tax Collections Under *Wayfair*; and Other Local Revenue Matters**

The U.S. Supreme Court's ruling in *Wayfair v. South Dakota* in June 2018 provides states more authority to require out-of-state sellers to collect sales and use tax. AB 147 (Burke), the implementing legislation supported by the League, clarifies the economic nexus thresholds to allow state and local agencies to collect a legislative estimated \$400 million per year from out-of-state retailers and marketplace facilitators. This estimate may be low; actual revenue from this measure could be higher.

Reflecting its recently refined policy on sales taxes, the League supported SB 531 (Glazer), which contains a recommendation adopted by a 2018 League task force to prohibit future sales tax agreements between local agencies and retailers with a warehouse, sales office or fulfillment center that results in a shift of sales taxes from other jurisdictions. Although SB 531 passed in both the Assembly and the Senate, Gov. Newsom vetoed the bill. In a related measure, the League opposed and requested a veto on AB 485 (Medina), which imposes an onerous list of conditions on economic incentives associated with siting a warehouse; however, Gov. Newsom signed AB 485 into law.

Cities also benefit from League-supported AB 1637 (Smith), signed by the Governor, which authorizes the state controller to automatically allocate to a state or local agency any unclaimed property in that agency's name received as part of the controller's unclaimed property database.

### **Responding to Local Recycling Challenges**

Local governments have long been responsible for ensuring that California achieves its recycling and waste management goals. California's solid waste and recycling industries, however, are facing a series of critical issues. Materials including plastics and paper are piling up at local waste facilities throughout the state with nowhere to go. First among these challenges is China's changes to its trade import policies. These changes, collectively referred to by China as the "National Sword," have significantly disrupted California's recycling industry by restricting foreign imports to China of recyclable materials and increasing the requirements for reduced contamination levels in recycling streams. This has increased costs to local governments, caused slowdowns in waste processing of other materials and put public health at risk.

In response, the League worked with a coalition of local government and environmental organizations to support the California Circular Economy and Plastic Pollution Reduction Act, contained in two identical measures SB 54 (Allen) and AB 1080 (Gonzalez). These measures would help California transition from single-use plastic containers to reusable or compostable packaging. In addition, These measures promote

the development of in-state manufacturing that uses recycled material to reduce the waste associated with single use packaging and products by 75 percent by 2030. These measures stalled in the final hours of the Legislative session; efforts to pass them will resume in January.

Organic waste materials present another major challenge. Local agencies face increasing organic recycling requirements, but the state lacks adequate infrastructure and markets. The League, along with a large coalition of environmental, waste industry and local government associations, advocated for \$100 million for organic waste diversion programs and supported SB 667 (Hueso), which proposed a five-year investment strategy. Unfortunately, SB 667 stalled, but \$25 million was allocated in the budget. AB 1583 (Eggman), which extends an existing sales tax exemption program benefitting investments in recycling infrastructure for five more years, was signed by the Governor.

### **Public Safety: Use of Force, 201 Rights, Drones and Cannabis**

A two-year long debate in the Legislature over police use of force reached a conclusion with the Governor's signature on AB 392 (Weber) and SB 230 (Caballero). Initially, these bills took differing approaches. AB 392 proposed altering the long-established legal standard used to evaluate the appropriateness of law enforcement's actions, while SB 230 approached the matter through increased training. The League and law enforcement organizations supported SB 230 and opposed AB 392. Further negotiations resulted in an agreement that removed the most objectionable elements of AB 392, and Gov. Newsom signed both bills.

SB 438 (Hertzberg) addressed another longstanding dispute over local "201 rights," affecting local emergency service delivery. The bill prohibits a public agency from delegating, assigning or contracting for 911 emergency call processing or notification duties regarding the dispatch of emergency response resources unless the delegation or assignment is to — or the contract is with — another public agency or made pursuant to a joint powers agreement or cooperative agreement. The Governor signed the bill.

League-sponsored AB 1190 (Irwin), which establishes a framework for local drone regulation, moved to the Senate where three policy committees have requested hearings in 2020.

The most contentious cannabis proposal was AB 1356 (Ting), which required local agencies to issue a minimum ratio of cannabis licenses to existing liquor licenses. The bill stalled after the League strongly opposed this measure due to its clear violation of Prop. 64. Two measures supported by the League to improve tracking and tracing of cannabis, AB 1288 (Cooley) and SB 658 (Bradford), also stalled. A budget trailer bill was adopted extending laws related to provisional licenses and providing support for community equity efforts.

### **League's Efforts to Assist Annexations and Incorporations Continued to 2020**

Sometimes it takes a long time to clean up a mess. In 2011, a budget trailer bill — SB 89 (Chapter 35, Statutes of 2011) — was rushed through the legislative process with no public hearings and swept away over \$200 million annually in vehicle license fee (VLF) revenues from cities. This action severely harmed recently incorporated cities and cities that had annexed inhabited territory.

Since then, the League sponsored numerous bills to right this wrong and re-establish good land-use policy going forward. Unfortunately, Gov. Brown resisted most of these efforts. A partial success occurred, however, in 2017 with the passage of SB 130, a budget trailer bill. With language drafted by the League, SB 130 assisted four recently incorporated cities in Riverside County that were harmed by the loss of up to 40 percent of General Fund revenue. Although SB 130 did not resolve issues associated with annexations or future incorporations, it provides the legislative template to also address these issues.

With a new governor at the helm in 2019, the League sponsored two bills: AB 213 (Reyes) and AB 818 (Cooley and Quirk). AB 213 would restore funding to approximately 140 cities that had annexed inhabited territory in reliance on previous financial incentives and then suffered when the budget process swept away those funds through SB 89. AB 818 would restore fiscal support for new incorporations — otherwise no new incorporations will occur in the state. Both bills were held in the Legislature, and educational efforts continue with the administration on the policy benefits of these bills.

### **Pensions, Labor and Employee Relations**

The League, along with other organizations representing public and private employers, played defense in 2019 against several aggressive labor-sponsored measures. With Gov. Brown (who had demonstrated his willingness to contain costs and veto measures) no longer in office, labor groups reintroduced former proposals that had been vetoed in the past. Some proposals expanded presumptions under workers' compensation, others limited contracting or required the California Public Employees' Retirement System (CalPERS) to divest from various investments.

After long battles in the Legislature, the most onerous and costly bills failed to reach the Governor's desk. For those that did, Gov. Newsom appeared to draw some lines. For instance, in the final hours of the legislative session, he sent SB 266 (Leyva), which proposed that cities pay out of their General Funds to retirees for compensation that CalPERS determined was not allowed, back to the Legislature. This is an encouraging sign.

In February, the California Supreme Court issued its much-anticipated decision in *Cal Fire*, which clarified that the purchase of air time was not a vested right. While the court avoided making wider pronouncements on vested rights under the "California Rule," the court has several cases on its docket where broader interpretations could occur. The League is also updating its comprehensive pension study for 2020 to document the hard truths that cities are grappling with as increasing shares of their General Fund



revenues are shifted to cover growing pension costs. The Governor is obviously aware of pension challenges, because he dedicated over \$4 billion in the budget to mitigate growing state liabilities.

**Outlook for 2020**

With a contentious presidential primary and election, controversial ballot measures, deteriorating relations with Washington, D.C., and continued pressure on land use and housing issues, 2020 is expected to be a year of significant political tension.

But if stakeholders take the right approach, opportunities may arise for collaborative solutions on major issues by avoiding divisive or partisan approaches and seeking leadership from Gov. Newsom, the Legislature and local governments.

In such discussions, city officials must continue to remind all stakeholders of the core values and benefits of local democracy for the residents whom they serve. As a nonpartisan organization representing the collective voices of all cities, the League remains the conduit to communicate on major policy issues affecting cities and advance the interests of cities and their residents.

Onward to a better future for California cities.

# **BUDGET AND TRAILER BILLS**

## I. Budget and Trailer Bills

### A. 2019 Budget Measure

#### [AB 74 \(Ting\) Budget Act of 2019.](#)

#### **Chapter 23, Statutes of 2019 (Urgency)**

This measure enacts the principal state government budget allocations for the 2019–20 fiscal year, and includes the following provisions relevant to local government (detailed by policy area):

#### Housing, Community and Economic Development

- Short-Term Planning and Infill Infrastructure Grants
  - \$750 million in one-time funding is allocated to increase housing production and provide technical assistance to local governments. These include:
    - \$250 million for technical assistance for local governments and Councils of Government (COG) to develop plans that include but are not limited to: streamlining housing approvals, completing California Environmental Quality Act (CEQA) reviews, improving permitting, or rezoning to increase density; and
    - \$500 million for the Infill Infrastructure Grant Program administered by the Department of Housing and Community Development (HCD). The Infill Infrastructure Grant Program provides assistance, available as gap funding to infrastructure improvements required for specific residential or mixed-use infill development. All of the funds are allocated through a competitive process, based on the merits of the individual infill projects and areas.
- Funding for Housing Tax Credits and Moderate-Income Housing Production
  - \$1 billion to help spur the production of housing that is affordable to moderate-income and low-income households. These include:
    - \$500 million General Fund one-time funding for the development of moderate-income housing. The California Housing Finance Agency (CHFA) will expand the existing Mixed-Income Loan Program that provides a lower subsidy than traditional state housing programs; and
    - \$500 million, and up to \$500 million annually thereafter, upon appropriation, for affordable housing tax credits as follows:
      - \$300 million to the existing housing tax credit program that targets new construction projects that pair with the underutilized four percent federal tax credit program; and
      - \$200 million to a new program targeting housing projects for households earning between 60 and 80 percent of area median income.
- Legal Aid for Renters and Landlord-Tenant Disputes

- \$20 million to provide grants to nonprofit service organizations to assist with landlord-tenant disputes, including legal assistance for counseling, renter education programs and preventing evictions.
- Enforcement of State Housing Laws
  - \$1.4 million to compensate the Attorney General's (AG) office for costs incurred as a result of additional workload created by operation of AB 72 (Chapter 370, Statutes of 2017). AB 72 allows HCD to find a city's housing element out of substantial compliance if it determines that the city, county, or city and county acts or fails to act in compliance with its housing element, and allows HCD to refer violations of law to the AG.

### Homelessness

- Emergency Shelters, Navigation Centers, and Supportive Housing
  - \$650 million General Fund one-time funding for homelessness, including for jurisdictions that site and build emergency shelters, navigation centers, or supportive housing.
- Whole Person Care Pilot Programs
  - \$100 million (one-time with multi-year spending authority) is allocated for Whole Person Care Pilot programs that provide housing services. These programs coordinate health, behavioral health (including mental health and substance use disorder services), and social services. This funding will be used to match county investments in health and housing services with a focus on the homeless mentally ill population.
- No Place Like Home
  - \$7 million loan for cash flow needs to the No Place Like Home Program (NPLH) until the NPLH bonds are issued in fall of 2019. The program dedicates up to \$2 billion for the development of permanent supportive housing for persons who are in need of mental health services and are experiencing homelessness, chronic homelessness, or who are at risk of chronic homelessness. Bonds are repaid by funding from the Mental Health Services Act.
- Excess State Property
  - \$3.4 million to implement the Governor's proposal to permit development of affordable housing on state-owned land.

### Environmental Quality

- Statewide Disaster and Emergency Response
  - \$75 million to improve resiliency of the state's critical infrastructure in response to investor-owned utility-led Public Safety Power Shutdown (PSPS) actions;
  - \$28.75 million in additional funds to the California Disaster Assistance Act to repair, restore, or replace public real property damaged or destroyed by a disaster and to reimburse local government costs;
  - \$50 million to immediately begin a comprehensive, statewide education campaign on disaster preparedness and safety, focusing on community engagement and public education in high risk areas;

- \$25 million General Fund for mutual aid assistance for pre-positioning of existing California Office of Emergency Services (CalOES) and local government resources;
- \$1.1 million for new fire engines from the Greenhouse Gas Reduction Fund (GGRF);
- \$15 million for the California Department of Forestry and Fire Protection (CAL FIRE) to procure innovative solutions to combat wildfires and enhance fire protection. This includes allocating \$4.6 million dollars to contract for a large air tanker, C-130 air tanker, to respond to wildfires during the peak fire season;
- \$27.48 million to CalOES for disaster preparedness and response, including mission tasking;
- \$5 million for the Defensible Space Assistance program;
- \$25 million for CalOES to support activities directly related to regional response and readiness;
- \$21 million in one-time funds for local assistance for capital outlay to rebuild camps destroyed in Woolsey and Tubbs Fires, including the Wilshire Blvd Temple Camps, the Shalom Institute Camp and Conference Center, and the Camp Newman in Santa Rosa; and
- \$2.8 million for California Department of Resources Recycling and Recovery (CalRecycle) to establish a dedicated team to help facilitate timely, safe, and effective debris removal operations as well as to assist local governments in the preparation of debris removal plans for future incidents.
- Funding for Disaster-Impacted Communities
  - \$518,000 for counties of Los Angeles, Mendocino, Napa, Orange, San Diego, Solano, Tuolumne, and Ventura for property tax losses from the 2018-19 wildfires;
  - \$25 million for local governments impacted by recent disasters;
  - \$15 million for disaster-impacted counties;
  - \$800,000 for the Town of Paradise for environmental document preparation;
  - \$10 million to support communities recovering from the Camp Fire; and
  - \$2 million for Butte County Fire Department to replace the Butte Conservation Camp.
- Safe and Affordable Drinking Water Fund
  - \$100 million from the GGRF, \$30 million from the General Fund; and
  - An additional \$3.4 million will be allocated from the General Fund for the State Water Resources Control Board (SWRCB) for administrative costs and a fund framework through 2030.
- Cap-and-Trade Funds
  - \$26 million for short-lived climate pollutants, including \$25 million for organic waste diversion programs;
  - \$275 million for air toxic and criteria air pollutants;
  - \$485 million for low carbon transportation;
  - \$127 million for climate smart agriculture;

- \$220 million for healthy forests;
- \$109 million for integrated climate action, mitigation and resilience, including \$60 million for transformative climate communities and \$30 million for urban greening;
- \$10 million for climate and clean energy research and technical assistance to disadvantaged communities; and
- \$35 million for workforce training.
- Water Conservation and Flood Protection
  - \$7.8 million in 2019-20 and approximately \$2 million in 2020-21 and 2021-22, \$1.7 million in 2022-23, and \$2.2 million annually thereafter to implement recent water conservation measures, AB 1668 (Friedman, Chapter 15, Statutes of 2018) and SB 606 (Hertzberg, Chapter 14, Statutes of 2018);
  - \$92 million to implement multi-benefit flood improvement projects;
  - \$25 million to implement multi-benefit urban flood risk reduction improvement projects;
  - \$9.25 million for research to improve observations, forecasts, and decisions support of atmospheric river precipitation events at the Department of Water Resources (DWR);
  - \$1 million for interim water storage tanks, hauled water, and permanent well replacements/repair;
  - \$2 million to cover planning costs for recovery from 2017 and 2018 wildfires;
  - \$10 million for the SWRCB to provide emergency funding to water and wastewater service providers serving disadvantaged communities; and
  - \$2.5 million to continue funding for the placement and filling of temporary water tanks for households that have lost their water supply because of a dry well.

### Community Services

- Early Childhood Education
  - \$300 million for the Full-Day Kindergarten Facilities grant program;
  - \$31.4 million in 2019-20 and \$125 million in 2020-21 for 10,000 full-day State preschool slots for non-local education agencies beginning April 1, 2020; and
  - \$245 million in non-Proposition 98 funds for the Early Learning and Care Infrastructure Grant Program.
- Youth Programs
  - \$5 million for the Board of State Community Correction's youth reinvestment grant program.
- Mental Health Programs
  - \$46.3 million for the Office of Statewide Health Planning and Development's (OSHDP) mental health workforce development program.
- Senior Programs
  - \$17.5 million annually for the Department of Aging's Senior Nutrition Program, with a sunset on December 31, 2021.

- Homelessness
  - \$5 million for providing shelter, food, and basic veterinarian services for the pets of individuals in homeless shelters;
  - \$5 million for counties to support housing navigators to help young adults, ages 18 years and up to 21 years, secure and maintain housing, with priority given to young adults in the foster care system; and
  - \$8 million allocated to counties for housing stability to help young adults, ages 18 to 25 years, secure and maintain housing, with priority given to young adults formerly in the foster care system and probation.

#### Transportation, Communications and Public Works

- California Department of Transportation (Caltrans) Funding
  - \$1.9 billion for the Capital Outlay Support program, including funding for up to 8,888 full time positions at Caltrans and 1,038 positions for contracting out for architectural and engineering (A&E) services;
  - \$85.5 million for project initiation documents for 429 position and 20 full time A&E contracting services;
  - \$236 million to loan repayment;
  - \$873 million repayment of loaned weight fees paid down in 2019-20 instead of 2020-21;
  - \$828,000 in State Highway Account funds and 10 positions for the Office of Inspector General (OIG), while transferring Caltrans existing audit programs to the OIG;
  - \$5.5 million for sound wall construction along the Foothill Freeway;
  - \$5 million for suicide prevention on the San Diego-Coronado Bridge; and
  - \$1 million for Alameda Contra Costa Transit services for Oakland Unified School District students.
- California State Transportation Agency (CalSTA)
  - \$10.8 million for the dissolution of the North Coast Rail Authority, including operations, maintenance, and outstanding debts, which also includes \$2 million for Sonoma-Marín Area Rail Transit for safety upgrades and maintenance;
  - \$3 million from the Public Transportation Account for CalSTA to conduct an assessment of the North Coast Railroad Authority for dissolving the authority, its assets, and liabilities; and
  - \$34.7 million for the Office of Traffic Safety for 2019-20.
- High-Speed Rail
  - The budget approved the following appropriations/actions for the High-Speed Rail Authority (HSRA):
    - \$4.5 million from Proposition 1A and 35 permanent positions to shift certain administrative and contract management responsibilities;
    - \$2.2 million, \$1.53 million, and five permanent positions from Proposition 1A on an ongoing basis to improve the HSRA information technology (IT) security program; and

- \$2.2 million from Proposition 1A to enhance IT operational capabilities and acquire licensing and maintenance agreements to support “cloud” infrastructure.
- California Department of Motor Vehicles (DMV) Capital Outlay Projects
  - \$15 million Inglewood Field Office Replacement Reversion;
  - \$9.9 million perimeter security fences reversion;
  - \$1.2 million Reedley Field Office replacement;
  - \$1 million Walnut Creek Field Office relocation (lease); and
  - \$1 million General Fund for highest priority deferred maintenance projects to address \$17 million backlog.
- California Highway Patrol (CHP) Capital Outlay Projects
  - \$48.7 million Hayward Office Replacement;
  - \$41.9 million El Centro Area Office Replacement; and
  - \$42 million San Bernardino Office Replacement.
- High-Occupancy Vehicle Lanes Income Verification
  - \$3 million for 8 positions and \$2 million for contractors to perform income verification in 2019-20;
  - \$3.5 million for 10 positions and \$2.3 million for 2020-21 and 2021-22;
  - \$4.5 million for 12 positions and \$3 million for 2022-23; and
  - \$461,440 for four positions in 2023-24.

### Public Safety

- Local Public Safety
  - \$2 million for local law enforcement grants to ensure that a law enforcement agency submits sexual assault forensic evidence to a crime lab;
  - \$3 million for grants to local law enforcement agencies, payable from the Alcohol Beverage Control (ABC) Fund;
  - \$3 million to establish a Gun Violence Reduction Pilot Program to support local law enforcement agencies in the counties of Ventura, San Diego, Alameda, and Santa Cruz in conducting activities related to seizing weapons and ammunitions from persons who are prohibited from possessing them;
  - \$6.2 million ongoing appropriation from the General Fund for the Standards and Training for Corrections Program, which assists local corrections agencies in improving the professional competence of their staff;
  - \$112.8 million appropriation from the General Fund for the Community Corrections Performance Incentive Grant, which was created to provide incentives for counties to reduce the number of felony probationers sent to state prison;
  - \$14.8 million appropriation from the General Fund for county probation departments to supervise the temporary increase in the average daily population of offenders on Post Release Community Supervision;



- \$3.75 million total appropriation from the General Fund to the cities of Newark, Fremont, Milpitas, San Jose, and Santa Clara to address auto break-ins; and
- \$1.2 million appropriation from the General Fund for public safety mitigation efforts for the cities of Baldwin Park, Azusa, West Covina, and South El Monte.
- Office of Emergency Services
  - Provides an additional \$152.3 million to improve the state's emergency response and preparedness capabilities including the following:
    - \$60 million General Fund to be deposited into the State Emergency Telephone Number Account (SETNA) to continue improving the 9-1-1 system, specifically to upgrade the California Public Safety Microwave Network from an analog system to a digital system;
    - \$1 million to SETNA to support the implementation and ongoing workload associated with emergency communications coordination and First Responder Network Authority broadband network services; and
    - \$16.3 million General Fund to finish the build out of the California Early Earthquake Warning System.
- Cannabis Tax Fund Allocation
  - The state budget includes language that requires the Administration to consider moving cannabis enforcement activities and associated resources from the Department of Consumer Affairs' (DCA) Division of Investigation to the Bureau of Cannabis Control beginning in fiscal year 2020. This change would do the following:
    - Re-appropriate \$10 million in equity funding; and
    - Adopt \$15 million to provide grants to local governments to assist in the creation and administration of equity programs, and to support equitable access to the regulated market for individuals through financial and technical assistance. The Governor's Office of Business and Economic Development (GO-Biz) will administer the grant program on behalf of the Bureau of Cannabis Control (BCC).
- California Department of Corrections and Rehabilitation (CDCR)
  - Rehabilitative Programs—Cognitive Therapy and Reentry Services
    - \$5 million for the California Reentry and Enrichment Grant Program to provide grants to community-based organizations that provide rehabilitative services to incarcerated individuals.
  - Substance Use Disorder Treatment
    - \$71.3 million to implement an integrated substance use disorder treatment program pilot at CDCR prisons; and
    - \$12.6 million for Substance Use Disorder Response Navigator activities through grants to local health jurisdictions and community-based organizations for the purpose of supporting syringe exchange and disposal program activities, including treatment navigators.
  - Inmate Literacy

- \$5.5 million for programs aimed at improving literacy rates of incarcerated individuals, including diagnostic remedial reading programs, literacy coaches, computer-based learning, English as a second language courses, literacy mentor programs, and teacher mentor programs.
- Inmate Health Care & Medical Classification Model Update
  - \$3.5 billion in General Fund to health care services programs which provide access to mental health, medical, and dental care for inmates; and
  - \$27.9 million to pay for increased staffing levels for health care operations throughout California's prison system.
- Juvenile Justice
  - Moves the Division of Juvenile Justice from CDCR to the Health and Human Services Agency and creates a committee within the Child Welfare Council to provide recommendations on juvenile justice policies that will improve youth outcomes and reduce recidivism;
  - \$1.2 million ongoing General Fund for key staff to plan the transition and to launch a new independent training institute that will train all staff on best practices;
  - \$1.4 million ongoing General Fund to create a partnership between the Division of Juvenile Justice and the California Conservation Corps to develop and implement an apprenticeship program;
  - \$667,000 for CDCR's Division of Juvenile Justice to meet any matching requirements for California Volunteers grant funding;
  - \$8 million for CDCR's Division of Juvenile Justice for therapeutic communities established within Division of Juvenile Justice facilities; and
  - \$11.95 million to specified cities and counties for various corrections planning and grant programs.
- California Violence Intervention and Prevention Grant Program (CalVIP)
  - \$30 million for grants to eligible cities and community based organizations that provide services such as community education, diversion programs, outreach to at-risk transitional age youth, and violence reduction models, including:
    - \$29 million in competitive grants to all other cities or community-based organizations; and
    - Of this \$29 million appropriated, \$3 million will be for competitive grants to cities with populations of 40,000 or less, defined as a "rural area."
- Victim Services
  - \$15 million to the Nonprofit Security Grant Program to assist nonprofit organizations that have historically been targets of hate-motivated violence, such as places of worship;
  - \$10 million in grants related to services for victims of human trafficking; and

- \$34.9 million for support of California Victim Compensation Board, for support services payable from the restitution fund.

### ***B. 2019 Budget Act Trailer Measures***

#### **AB 72 (Committee on Budget) Budget Act of 2018.**

##### **Chapter 1, Statutes of 2019 (Urgency)**

This measure provides resources relating to emergency and disaster events. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **AB 73 (Committee on Budget) Privacy. Lodging and Common Carriers. State Emergencies. Disaster Response-emergency Operations Account.**

##### **Chapter 2, Statutes of 2019 (Urgency)**

This measure contains changes to statutory provisions related to public safety and emergency operations. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **AB 91 (Burke) Income Taxation. Loophole Closure and Small Business and Working Families Tax Relief Act of 2019.**

##### **Chapter 39, Statutes of 2019 (Urgency)**

This measure contains the following significant federal tax conformity provisions related to the passage of the federal Tax Cuts and Jobs Act (TCJA), which made significant changes to federal tax law. Specifically, this measure:

- Expands the California Earned Income Tax Credit (CalEITC):
  - Increase to the maximum eligible earned income to \$30,000; and
  - Provides a refundable young child tax credit to a qualified tax payer up to \$1,000.
- Provides tax relief to small businesses, students, and individuals with disabilities;
- Eliminates differences in qualification criteria for Achieving a Better Life Experience Accounts (ABLE) between federal and California tax law;
- Increases the following thresholds for small businesses:
  - From \$5 million to \$25 million the amount of average annual gross receipts of a small business to be allowed to use the cash method of accounting;
  - From \$10 million to \$25 million the amount of average annual gross receipts of a taxpayer exempt from provisions precluding the deductibility of certain property costs and determining whether those costs are inventory costs or are capitalized; and
  - Exempts a small business with average annual gross receipts not exceeding \$25 million from provisions that require a taxpayer to take inventories to clearly determine their income.
- Excludes from an individual's gross income the amount of student loan indebtedness discharged on or after December 31, 2017, due to death or disability of the student, as provided;

- Limits “like-kind” exchange treatment to real property, subject to limited exceptions for middle-income tax payers; and
- Disallows the use of net operating loss carrybacks by individual and corporate taxpayers.

**[AB 97](#) (Committee on Budget) Cannabis.  
Chapter 40, Statutes of 2019 (Urgency)**

This measure contains the following significant provisions related to local regulation of cannabis:

- CEQA Exemption
  - Extends the CEQA exemption through July 1, 2021.
    - Currently, CEQA does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.
- Provisional Licenses
  - Extends the repeal date for provisional licensing to January 1, 2022; and
  - Modifies the applicant requirements to provide evidence of compliance with local ordinances. These modifications:
    - Require a provisional license to be valid for no more than 12 months from the date it was issued;
    - Require a licensing authority to include the outstanding items needed to qualify for an annual license if renewing a provisional license;
    - Authorize a licensing authority to renew provisional licenses annually until the licensing authority issues or denies the provisional licensee’s annual license;
    - Authorize a licensing authority to revoke or suspend a provisional license if the licensing authority determines the licensee failed to actively and diligently pursue requirements for an annual license; and
    - Require a licensing authority to cancel a provisional license upon issuance of an annual license, denial of an annual license, abandonment of an application for licensure, or withdrawal of an application for licensure.
- Cannabis Appeals Panel Statute
  - Clarifies that the Cannabis Control Appeals Panel is established in the Business, Consumer Services, and Housing Agency (BCSHA).
- Equity Grants
  - Authorizes the GO-BIZ to administer on behalf of the BCC provisions related to the review and granting of funding for cannabis equity programs.
    - Eligible local jurisdictions may submit an application to BCC for a grant to assist with the development of an equity program or to assist local equity applicants and local equity licensees through that local jurisdiction’s equity program.
- Penalties Against Unlicensed Activity

- Authorizes a licensing authority to issue a citation to a licensee or unlicensed person for any violations of existing law or regulations related to the Control, Regulate and Tax Adult Use of Marijuana Act of 2016;
- Authorizes licensing authorities to assess administrative fines not to exceed \$5,000 per violation for licensees and \$30,000 per violation for an unlicensed person each day; and
- Requires proceeds from citations to be used for the recovery of investigation and enforcement costs and to be deposited into the Cannabis Control Fund.

**\*[AB 101](#) (Committee on Budget) Housing Development and Financing.**

**Chapter 159, Statutes of 2019 (Urgency)**

This measure provides \$2.5 billion in funding to address California's housing and homelessness crisis, establishes incentives to encourage cities and counties to increase housing production, establishes a process for a court to determine compliance with housing element law, and imposes penalties in cases which there is disregard of the direction of a court to fulfill responsibilities under housing element law. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**[AB 110](#) (Ting) Budget Act of 2019.**

**Chapter 80, Statutes of 2019 (Urgency)**

This measure provides \$2 million to the Department of Finance (DOF) for costs associated with the implementation of the utility wildfire liability measure AB 1054 (Holden, Chapter 79, Statutes of 2019), which seeks to address the threat of catastrophic wildfires and their impacts on victims, ratepayers, utilities, and other stakeholders. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**[AB 111](#) (Committee on Budget) Wildfire Agencies. Public Utilities. Safety and Insurance.**

**Chapter 81, Statutes of 2019 (Urgency)**

This measure establishes the California Catastrophe Response Council to oversee the California Earthquake Authority (CEA) and the Wildfire Fund Administrator. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**[AB 114](#) (Committee on Budget) Education Finance. Education Omnibus Budget Trailer Measure.**

**Chapter 413, Statutes of 2019 (Urgency)**

This measure makes clarifying and technical changes associated with education programs that were adopted as part of the budget. Specifically, this measure amends the California Kids Investment and Development Savings Program, which opens ScholarShare accounts for every eligible student, to allow children, regardless of income, born after July 1, 2020, to be eligible for the program.

**[AB 115](#) (Committee on Budget) Medi-Cal. Managed Care Organization Provider Tax.**

**Chapter 348, Statutes of 2019 (Urgency)**

This measure extends a tax on managed care organizations necessary to implement the budget. Specifically, it establishes a managed care organization provider tax to provide a stable funding source for the delivery of health services in the Medi-Cal program. This measure sunsets on January 1, 2023.

**\*[AB 116](#) (Ting) Local Government.**

**Chapter 656, Statutes of 2019**

This measure contains changes to existing statutory provisions related to Enhanced Infrastructure Financing Districts (EIFDs), finance plans, and bond issuances, including the 55 percent vote requirement for bond issuance. This measure is effective January 1, 2020. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**[AB 118](#) (Committee on Budget) State Employment. State Bargaining Units 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, 17, 20, and 21.**

**Chapter 859, Statutes of 2019 (Urgency)**

This measure makes the necessary statutory changes to ratify and implement memoranda of understanding (MOUs) between 12 bargaining units (BUs) and the state, which include pay increases and increased employee contributions towards retirement.

**[AB 121](#) (Committee on Budget) Social Services.**

**Chapter 414, Statutes of 2019 (Urgency)**

This measure makes technical and clarifying changes to health and human services programs, specifically the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

**[SB 75](#) (Committee on Budget and Fiscal Review) Education Finance. Education Omnibus Budget Trailer Measure.**

**Chapter 51, Statutes of 2019 (Urgency)**

This measure is the K-12 and Early Education Omnibus trailer measure which contains various statutory changes necessary to implement the 2019–20 budget. This measure appropriates funding for education programs totaling approximately \$1.2 billion.

**[SB 76](#) (Committee on Budget and Fiscal Review) Education Finance. Constitutional Minimum Funding Obligation. Inflation and Cost-of-living Adjustments.**

**Chapter 52, Statutes of 2019 (Urgency)**

This measure makes various changes to implement budget actions related to the Proposition 98 certification process. This measure also provides \$282.2 million in Proposition 98 for the purposes of reducing the outstanding Proposition 98 funding owed to schools from previous fiscal years.

**SB 77 (Committee on Budget and Fiscal Review) Higher Education Trailer Measure.****Chapter 53, Statutes of 2019 (Urgency)**

This measure implements budget actions related to higher education including waiving fees for first-time community college students for two academic years.

**SB 78 (Committee on Budget and Fiscal Review) Health.****Chapter 38, Statutes of 2019 (Urgency)**

This measure is an omnibus health trailer measure which makes statutory revisions affecting health programs. Specifically, this measure:

- Creates the Minimum Essential Coverage Individual Mandate to require an individual who is a California resident to ensure that the individual, and any spouse or dependent of the individual, is enrolled in and maintains minimum essential health care coverage for each month beginning on and after January 1, 2020;
  - Requires the California Health Benefit Exchange (Covered California) to grant exemptions from the mandate for reason of hardship or religious conscience, and would require Covered California to establish a process for determining eligibility for an exemption; and
  - Imposes the Individual Shared Responsibility Penalty for the failure to maintain minimum essential coverage, as determined and collected by the Franchise Tax Board (FTB), in collaboration with Covered California.
- Establishes a program within Covered California to provide state subsidies to assist individuals with incomes under 600 percent of the federal poverty level (FPL) afford health insurance;
- Implements several grant programs to local health jurisdictions, with no less than 50 percent of the funding being provided to community-based organizations. These grants will be related to the prevention of sexually transmitted diseases, human immunodeficiency virus (HIV), and hepatitis C;
- Creates a Value-Based Payments program to provide supplemental incentive payments to Medi-Cal providers to meet metrics related to behavioral health integration, chronic disease management, prenatal and postpartum care, and early childhood preventive services; and
- Extends the availability of \$50 million in funding for the Health Home Program (HHP) until July 1, 2024.
  - The HHP is designed to serve eligible Medi-Cal beneficiaries with complex medical needs and chronic conditions who may benefit from a full range of physical health, behavioral health, and community-based long-term services and supports needed by eligible beneficiaries.

**SB 79 (Committee on Budget and Fiscal Review) Mental Health.****Chapter 26, Statutes of 2019 (Urgency)**

This measure makes necessary changes to implement the 2019–20 budget related to mental health programs administered by the Mental Health Services Oversight and Accountability Commission.



**SB 80 (Committee on Budget and Fiscal Review) Human Services Omnibus.  
Chapter 27, Statutes of 2019 (Urgency)**

This measure provides statutory changes related to human-services. Specifically, this measure:

- Increases the maximum aid payment amounts for CalWORKs recipients. This grant increase is intended to be the next step towards alleviating the condition of deep child poverty, defined as living with a subsistence level less than 50 percent of the FPL;
- Deletes the requirement that temporary shelter assistance be used in 16 consecutive calendar days in the CalWORKs Homeless Assistance Program (HAP). Instead, temporary shelter assistance can be used for 16 cumulative days every 12 months;
- Increases the CalWORKs asset limit to \$10,000 and the motor vehicle exemption to \$25,000 and ties inflation factors to these limits. The Budget Act includes \$7.5 million in 2019-20 for this purpose; and
- Authorizes HCD to provide funding to counties for allocation to child welfare services agencies to help young adults who are 18 to 24 years of age secure and maintain transitional housing, with priority given to young adults who were formerly in foster care or probation systems. This is supported with a continuous General Fund appropriation of \$8 million in 2019-20 and is subject to suspension on December 31, 2021.

**SB 81 (Committee on Budget and Fiscal Review) Developmental Services.  
Chapter 28, Statutes of 2019 (Urgency)**

This measure provides for statutory changes necessary to enact developmental services related budget provisions. Provisions of most interest to cities include:

- Requires the Department of Developmental Services (DDS) to submit an update of its Safety Net Plan, developed in consultation with stakeholders, on or before January 10, 2020; and
- Allows the department to include community-based residential options that consist of community crisis homes for children who meet specific criteria. This measure also requires the department to develop guidelines around the use of restraints in community crisis homes.

**SB 82 (Committee on Budget and Fiscal Review) State Government.  
Chapter 29, Statutes of 2019 (Urgency)**

This measure makes numerous statutory changes related to state administration. Specifically, this measure:

- Authorizes an adjustment of renewal fees for various ABC Act licenses beginning in January 2021 to cover the costs of licensing and enforcement. This budget act would also help the department to improve its services and to protect communities from the harms that come with noncompliant licensed premises and service to obviously intoxicated individuals; and
  - Authorizes ABC to charge fees to cover the costs of administering a Responsible Beverage Service training program and authorizes a fee for administering the alcohol server certification exam; and



- Appropriates \$2.9 million from the Alcohol Beverage Control Fund to ABC to fund the Responsible Beverage Server Training Program Act and to provide electronic services for licensees.
- Authorizes the State Public Works Board, instead of the local fire marshal, to grant exemptions for state facilities to install diaper changing stations in restrooms.
  - Allows local agencies and schools to use the state's Golden State Financial Marketplace (GS \$Mart) procurement and financing process and makes other conforming technical changes to the GS \$Mart program reporting. GS \$Mart is an innovative acquisition finance program designed to facilitate state agencies and local governments with installment or lease purchases, while meeting all requirements of a competitive bid process.

**SB 83 (Committee on Budget and Fiscal Review) Employment.  
Chapter 24, Statutes of 2019 (Urgency)**

This measure makes various changes to implement budget actions related to labor and employment. Specifically, this measure:

- Extends Paid Family Leave (PFL) benefits from six to eight weeks beginning July 1, 2020. Additionally, SB 83 will adopt intent language to convene a task force to develop a proposal by November 2019 to extend the duration of PFL benefits to six months by 2021-22. The proposal will also address job protections for workers and establish the goal of providing a 90 percent wage replacement rate for low-wage workers utilizing the PFL program;
- Reduces the reserve requirement for the Disability Insurance Fund from 45 percent to 30 percent; and
- Authorizes \$5 million in a one-time General Fund appropriation to create an outreach and education grant program for domestic workers.

**SB 84 (Committee on Budget and Fiscal Review) Political Reform Act of 1974.  
Online Filing System.**

**Chapter 30, Statutes of 2019 (Urgency)**

This measure allows for a delay in the implementation of the Cal-Access Replacement System (CARS) from February 2021 to December 31, 2023. Cal-Access is a resource that provides financial information supplied by state candidates, donors, lobbyists, and others. This measure also allocates \$6.992 million from the General Fund to develop and implement CARS.

**SB 85 (Committee on Budget and Fiscal Review) Public Resources. Omnibus  
Trailer Measure.**

**Chapter 31, Statutes of 2019 (Urgency)**

This measure makes various changes to implement the resources, environmental protection, and energy budget actions. Specifically, this measure:

- Clarifies that a fee may be charged by state and local entities for enforcement of building standards adopted by the state fire marshal relating to fire, panic safety, and other regulations;

- Specifies that funds from the GGRF appropriated for projects to reduce air pollutants consistent with community emissions reduction programs also complement and further the rules and regulatory requirements by the California Air Resources Board (CARB) and local air districts; and
- Establishes the CAL FIRE infrastructure Projects Revolving Fund to undertake agency infrastructure improvement projects. These projects must be related to the acquisition of real property or the design, construction, alteration, repair, and improvement of facilities over which the department has jurisdiction, including equipment and furnishings.

### **SB 87 (Committee on Budget and Fiscal Review) Transportation.**

#### **Chapter 32, Statutes of 2019 (Urgency)**

This measure implements budget actions related to transportation. Specifically, this measure:

- Eliminates the Local Transportation Loan Account and the Transportation Deferred Investment Fund and shifts any remaining assets and liabilities to the State Highway Account (SHA);
- Includes \$236 million in Prop. 42 loan repayment and repays outstanding transportation weight fees loaned to the General Fund;
- Makes an appropriation of up to \$7.2 million for infrastructure improvements necessary to facilitate short-line railroads becoming more compatible in supporting modern rail freight traffic; and
- Gives Caltrans inspector general the authority to examine all records, files, documents, accounts, reports, correspondence, or other property of the department and external entities that receive state and federal transportation funds from the department.

### **SB 90 (Committee on Budget and Fiscal Review) Public Employees' Retirement.**

#### **Chapter 33, Statutes of 2019 (Urgency)**

This measure makes various statutory changes to implement the California Public Employees Retirement System (CalPERS) and California State Teachers' Retirement System (CalSTRS). Specifically, this measure:

- Appropriates \$2.5 billion from the General Fund to be transferred to the Public Employees' Retirement Fund, for apportionment to prescribed state employee member categories, as directed by DOF;
  - These supplemental payments would be applied to unfunded state liabilities for enumerated state employee member categories
- Appropriates \$904 million from the General Fund in 2018–19 to be transferred to the Public Employees' Retirement Fund for payments relating to school employers' contributions and unfunded liabilities;
- Appropriates \$2.25 billion from the General Fund to the Teachers' Retirement Fund for the Defined Benefit Program. This will result in employers having to contribute 1.03 percent less than the amount currently required for 2019–20 (estimated to about approximately \$500 million) and .70 percent less in 2020–21 (approximately \$350 million); and

- The remainder of the amount (approximately \$1.6 billion) provided would make a supplemental payment to reduce the employers' share of the unfunded pension liability.
- Appropriates a total of \$2.9 billion Prop. 2 Funds in 2019–20 through 2022–23 to pay down the state share of the CalSTRS unfunded liability.

### **SB 92 (Committee on Budget and Fiscal Review) Taxation.**

#### **Chapter 34, Statutes of 2019 (Urgency)**

This measure includes a number of provisions related to taxation. Specifically, this measure:

- Exempts children's diapers and menstrual hygiene products from sales and use tax collections for sales between January 1, 2020 and January 1, 2022;
  - Requires DOF to calculate and backfill losses of county realignment funds; and
  - Requires the Legislative Analyst's Office (LAO) to evaluate the effectiveness of this exemption and consider ways to make it more targeted and report to the Legislature on or before January 1, 2021.
- Requires the Office of Tax Appeals at the California Department of Tax and Fee Administration (CDTFA) to establish a process for a person with a claim of less than \$5,000, or an entity with gross receipts of less than \$20 million filing a claim for less than \$50,000, to opt to appear before a single administrative law judge; and
- Makes minor technical and other changes to implement AB 147 (Burke, Chapter 5, Statutes of 2019), which established California's process for collection of use taxes following the *Wayfair* decision.
  - Limits liability for uncollected taxes to three years for a qualifying retailer meeting specified conditions.

### **SB 93 (Committee on Budget and Fiscal Review) Budget Act of 2018.**

#### **Augmentation.**

#### **Chapter 35, Statutes of 2019 (Urgency)**

This measure appropriates \$112.6 million to CDCR for spending shortfalls encountered in the 2018–19 fiscal year.

### **SB 94 (Committee on Budget and Fiscal Review) Public Safety. Omnibus.**

#### **Chapter 25, Statutes of 2019 (Urgency)**

This measure relates to the implementation of public safety related budget actions. Specifically, this measure:

- Transfers the Division of Juvenile Justice Facilities from the CDCR to the Health and Human Services Agency and establishes the Department of Youth and Community Restoration as of July 1, 2020;
- Creates a committee of the Child Welfare Council to provide recommendations and input on the newly created Department of Youth and Community Restoration;

- Establishes the California Reentry and Enrichment Grant program to provide grants to community based organizations that provide rehabilitative services to incarcerated individuals within correctional settings;
- Provides a six month extension of AB 1065 (Jones-Sawyer, Statutes of 2018) extending it until July 1, 2021; and
  - AB 1065 created a new Organized Retail Crime felony in California law. This expanded the jurisdiction to prosecute cases of theft or receipt of stolen merchandise;
  - This measure also requires the CHP to convene a regional property task force; and
  - Authorizes a grant program, upon appropriation by the Legislature, to create demonstration projects to reduce recidivism to high-risk misdemeanor probationers.

**SB 95 (Committee on Budget and Fiscal Review) Courts.**

**Chapter 36, Statutes of 2019 (Urgency)**

This measure allocates 25 of the 48 judgeships effective in the 2019–20 fiscal year, thereby reducing the total number of judgeships yet to be allocated to 23. This measure would also increase trial courts reserve amount from one percent to three.

**SB 96 (Committee on Budget and Fiscal Review) Emergency Telephone Users Surcharge Act.**

**Chapter 54, Statutes of 2019 (Urgency)**

This measure amends SETNA to fund 9-1-1 costs. Specifically, it authorizes CalOES to implement a monthly surcharge per access lines in the state for 9-1-1 system costs no greater than \$0.80. These surcharges will fund 911 systems, including Next Generation 9-1-1 technologies.

**SB 103 (Committee on Budget and Fiscal Review) State Employees. Memorandum of Understanding.**

**Chapter 118, Statutes of 2019 (Urgency)**

This measure provides legislative ratification of the MOU agreed to by the state and BU 6, represented by the Correctional Peace Officers Association (CCPOA). This measure provides a three percent salary increase to approximately 27,694 full-time employees. The provisions of this measure will have implications for employee health benefits, compensation increases, night shift and weekend pay differentials, and leave buy back.

**SB 104 (Committee on Budget and Fiscal Review) Health.**

**Chapter 67, Statutes of 2019 (Urgency)**

This measure makes statutory changes affecting health programs. Specifically, this measure expands full-scope Medi-Cal eligibility for adults age 19 to 25 regardless of immigration status beginning July 1, 2019.

**[SB 105](#) (Committee on Budget and Fiscal Review) Corrections Facilities.****Financing.****Chapter 37, Statutes of 2019 (Urgency)**

This measure increases CDCR's lease revenue bond authority for the construction of various Health Care Facility Improvement Projects. Specifically, this measure provides an augmentation of \$49.85 million for these projects, bringing the total for these projects up to \$1.14 billion.

**[SB 106](#) (Committee on Budget and Fiscal Review) Budget Act of 2019.****Chapter 55, Statutes of 2019 (Urgency)**

This measure is the Budget Bill Jr., which makes minor technical changes to the 2019 budget. This measure will increase appropriations in the 2019–20 fiscal year by \$285 million. Specifically, this measure:

- Appropriates \$428.6 million (an increase of \$133.4 million) from the General Fund to Covered California to provide premium assistance subsidies to individuals with household income at or below 600 percent of FPL;
- Appropriates \$5 million from the General Fund to California Health and Human Services for the Healthy California for All Commission; and
- Allocates \$5 million to California Health and Human Services to conduct research to inform the development of a Master Plan for Early Learning and Care to support comprehensive and affordable child care and universal preschool in California.

**[SB 109](#) (Committee on Budget and Fiscal Review) Budget Act of 2019.****Chapter 363, Statutes of 2019 (Urgency)**

This measure is the third Budget Bill Jr. Specifically, this measure:

- Appropriates \$10 million General Fund to the City of Palm Springs to address homelessness-related needs;
- Appropriates \$12 million General Fund for a grant to the County of Stanislaus for emergency communications equipment and infrastructure; and
- Appropriates \$3.3 million General Fund for the California Workforce Development Board's Removing Barriers to Employment Act.

**[SB 112](#) (Committee on Budget and Fiscal Review) State Government.****Chapter 364, Statutes of 2019 (Urgency)**

This measure makes technical statutory changes, including changes to the asset forfeiture report publication deadline included in SB 443 (Mitchell, Chapter 831, Statutes of 2016), for the Department of Justice from March 1st to July 1st annually.

**[SB 113](#) (Committee on Budget and Fiscal Review) Housing.****Chapter 668, Statutes of 2019 (Urgency)**

This measure makes technical statutory changes necessary to enact the housing and homelessness-related provisions of the Budget Act of 2019, and provides intent language related to recent housing-related court decisions. Specifically, this measure:

- Clarifies that the AG may request that the court issue an order or judgment directing a local jurisdiction to bring its housing element into substantial

compliance if the court finds that a local jurisdiction is not compliant with housing element law;

- Clarifies that if a court finds that a local jurisdiction’s housing element substantially complies with state housing element law, then the court finding has the same force and effect, for the purposes of financial assistance and various state incentives that require a compliant housing element, as a finding by HCD that the housing element substantially complies with state housing element law;
- Replaces the standard that an agent of the court may “be appointed with all the powers” necessary with the standard that an agent of the court may “take all the governmental actions” necessary to bring the jurisdiction’s housing element into substantial compliance;
  - Clarifies that the appointment and actions shall not limit a court’s discretion to apply any and all remedies in an action or special proceeding for a violation of housing element law.
- Clarifies that HCD shall offer a jurisdiction the opportunity for two meetings in person or via telephone once the jurisdiction has been included on HCD’s list of jurisdictions with non-compliant housing elements if the jurisdiction has not previously received notice of its inclusion; and
- Increases the amount of time, from within 30 days to within 90 days, of a request for review, by which HCD shall issue written findings as to whether the housing element of a jurisdiction that was previously found to be non-compliant has been found by HCD to be in substantial compliance with state housing element law. Clarifies that a jurisdiction may not request this review, or bring an action in court related to HCD’s determination, if the jurisdiction is the subject of a lawsuit for housing element compliance.

# **COMMUNITY SERVICES**



## II. Community Services

### A. *Aging and Seniors*

#### **[AB 567](#) (Calderon) Long-term Care Insurance.**

##### **Chapter 746, Statutes of 2019**

This measure establishes the Long Term Care Insurance Task Force in the Department of Insurance (DOI), chaired by the Insurance Commissioner and composed of specific stakeholders and representatives of government agencies to examine the feasibility of designing and implementing a statewide long-term care insurance program. This measure requires the task force to recommend options for establishing this program and to comment on their respective degrees of feasibility in a report submitted to the commissioner, the Governor, and the Legislature by July 1, 2021. This measure sunsets on January 1, 2023.

#### **[AB 1118](#) (Rubio, Blanca) Land Use. Livability Issues for Older Adults.**

##### **Chapter 820, Statutes of 2019**

This measure requires the Secretary of California Health and Human Services, in developing the Master Plan for Aging, to consider applying, on behalf of the State of California, to join the AARP Network of Age-Friendly States and Communities.

#### **[AB 1128](#) (Petrie-Norris) Program of All-inclusive Care for the Elderly.**

##### **Chapter 821, Statutes of 2019**

This measure exempts from licensure by the State Department of Public Health (DPH) a primary care clinic, an adult day health care center, or a home health agency that is approved by the State Department of Health Care Services (DHCS) to operate exclusively as part of a Program of All-Inclusive Care for the Elderly (PACE) organization or that provides services to individuals who are being assessed for eligibility to enroll in the PACE program under certain conditions.

#### **[AB 1287](#) (Nazarian) Universal Assessments. No Wrong Door System.**

##### **Chapter 825, Statutes of 2019**

This measure responds to an executive order made by the Governor ordering the development of a master plan for aging. This measure requires the master plan for aging be developed to consider the efficacy of utilizing a “No Wrong Door System.” This measure also specifies the purpose of the No Wrong Door System as assisting older adults, people with disabilities, and caregivers in obtaining accurate information and timely referrals to appropriate community services and supports.

#### **[AJR 15](#) (Bloom) Section 202 Supportive Housing for the Elderly Program.**

##### **Chapter 147, Statutes of 2019**

This measure states the Legislature’s support for federal funding of at least \$600 million per year to support the construction and operation of affordable housing through the Supportive Housing for the Elderly Program. This measure also calls on the President of



the United States and the United States Secretary of Housing and Urban Development to support significantly increased funding for that program.

**[SB 228](#) (Jackson) Master Plan on Aging.**

**Chapter 742, Statutes of 2019**

This measure is in response to an executive order by the Governor that ordered the development of a master plan for aging. The executive order requires the Secretary of the California Health and Human Services Agency (CHHSA) to convene a Cabinet-level Workgroup for Aging to advise the secretary in developing and issuing the master plan. This measure requires the Secretary, in coordination with the Director of the California Department of Aging (CDA), to lead the development and implementation of the master plan established pursuant to that executive order. This measure also requires the Secretary and the Director, with the assistance of the workgroup, to work with specified agencies to identify policies, efficiencies, and strategies necessary to implement the master plan and submit a report to the Governor and Legislature on October 1, 2020 and annually thereafter until October 1, 2030.

**[SB 280](#) (Jackson) Building Standards. Fall Prevention.**

**Chapter 640, Statutes of 2019**

This measure requires the Department of Housing and Community Development (HCD), at the next triennial building standards rulemaking cycle, to investigate possible changes to the building standards in the California Residential Code for adoption by the California Building Standards Commission to promote aging-in-place design.

**[SB 453](#) (Hurtado) Older Adults.**

**Chapter 850, Statutes of 2019**

This measure requires the CDA to develop a core model of Aging and Disability Resource Connection (ADRC) best practices, and requires ADRC programs operated jointly by area agencies on aging and independent living centers to implement these best practices by July 1, 2022. This measure also requires CDA to take specified action with regard to the implementation of the No Wrong Door System and makes the implementation of these provisions contingent of an appropriation for those purposes.

***B. Animals***

**[AB 588](#) (Chen) Animal Shelters. Disclosure. Dog Bites.**

**Chapter 430, Statutes of 2019**

This measure requires an animal shelter, including public animal shelters, to disclose if a dog four months or older bit a person and broke that person's skin before releasing the dog. This measure requires the animal shelter to obtain a signed acknowledgment from the person obtaining the dog before the dog is released to them.

**AB 1565 (Quirk) Stray Cats. Adoption. Kittens.****Chapter 8, Statutes of 2019**

This measure authorizes a shelter to put a kitten under eight weeks of age up for adoption immediately upon rescuing the kitten, if it is believed to be unowned.

**SB 245 (Chang) Public Animal Shelters. Adoptions. Veterans.****Chapter 205, Statutes of 2019**

This measure prohibits a public animal shelter from charging an adoption fee for a dog or cat if the person has a current and valid driver's license or identification card with the word "VETERAN" printed on its face. This measure also authorizes a public animal shelter to limit the number of dogs and cats adopted by an eligible veteran to one dog and cat every six months.

**SB 313 (Hueso) Animals. Prohibition on Use in Circuses.****Chapter 768, Statutes of 2019**

This measure prohibits a person from sponsoring, conducting, or operating a circus in this state that uses any animal other than a domestic dog, domestic cat, or domesticated horse. This measure also prohibits a person from exhibiting or using any animal other than a domestic dog, domestic cat, or domesticated horse in a circus in the state and authorizes a civil penalty against a person who violates these prohibitions pursuant to an action brought by specified law enforcement, including a city prosecutor.

**SB 397 (Glazer) Public Transit Operators. Passengers with Pets. Evacuation Orders.****Chapter 702, Statutes of 2019**

This measure requires the California Office of Emergency Services (CalOES) and the California Department of Food and Agriculture (CDFA), in consultation with public transit operators and county emergency management officials, to develop best practices for allowing pets on public transit vehicles serving areas subject to an evacuation order. This measure requires public transit operators to allow passengers to board transit vehicles with their pets in areas under an evacuation order per the development of best practices.

***C. Children, Child Care and Youth Programs*****AB 1 (Cooper) Youth Athletics. California Youth Football Act.****Chapter 158, Statutes of 2019**

This measure creates the California Youth Football Act, which establishes certain requirements on youth football programs, including but not limited to limiting full-contact practices to 30 minutes a day. This measure, on and after January 1, 2021, requires a youth sports organization that conducts a tackle football program to comply with certain requirements, such as, but not limited to, limiting practice sessions, full contact during practice, education/training for coaches, and having licensed emergency medical technicians during games.

**\*[AB 379](#) (Maienschein) Youth Athletics. Concussion and Sudden Cardiac Arrest Prevention Protocols.**

**Chapter 174, Statutes of 2019**

This measure deletes the designation of 27 specified sports from the definition of youth sports organization that are required to follow specified protocols with respect to concussions and other head injuries. The deletion of named sports expands the scope of this definition to include any amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate. This includes any sports program that is operated by a governmental organization.

**[AB 1301](#) (Cooley) Child Welfare. Adoption.**

**Chapter 827, Statutes of 2019**

This measure, beginning July 1, 2020, requires county child welfare agencies to compensate licensed private adoption agencies for the costs of supporting families through the process of adopting children and non-minor dependents who are eligible for the Adoption Assistance Program and allows counties to utilize certain unspent funds for additional activities related to permanency of an adoption.

**[AB 1336](#) (Smith) Child Health and Safety Fund.**

**Chapter 47, Statutes of 2019**

This measure expands the list of child health and safety concerns that may be funded via monies deposited into the Child Health and Safety Fund. The Child Health and Safety Fund is funded by the “Have a Heart, Be a Star, Help Our Kids” license plate program and civil penalties on child daycare facility providers.

**[SB 436](#) (Hurtado) Office of Child Abuse Prevention.**

**Chapter 476, Statutes of 2019**

This measure makes a number of changes to the Office of Child Abuse Prevention, including but not limited to, defining “family resource center,” and adding a representative of a local child abuse prevention council or family strengthening organization as a potential member of an multidisciplinary personnel team.

**[SB 748](#) (Stern) California Youth Poet Laureate.**

**Chapter 156, Statutes of 2019**

This measure establishes the position of California Youth Poet Laureate within the California Arts Council. This measure authorizes the Governor to appoint an individual from among three nominees, 13 to 19 years of age, provided by the California Arts Council.

***D. Mental Health and Homelessness***

**[AB 494](#) (Berman) CalFresh. Eligibility. Shelter Expense Deductions.**

**Chapter 90, Statutes of 2019 (Urgency)**

This measure requires the California State Department of Social Services (CDSS) to issue guidance to county human services agencies to establish that shelter costs

reported by a CalFresh applicant are sufficient when determining excess shelter costs. This measure prohibits county human services agencies from requesting additional documents to verify excess shelter costs except when the reported costs are questionable.

**\*[AB 761](#) (Nazarian) State Armories. Homeless Shelters.**

**Chapter 338, Statutes of 2019**

This measure authorizes, at the sole discretion of the Adjutant General, the use of any armory, deemed vacant by the Military Department throughout the year by the county or city where the armory is located, to provide temporary shelter from hazardous weather conditions for homeless persons.

**[AB 1235](#) (Chu) Youth Homelessness Prevention Centers.**

**Chapter 341, Statutes of 2019**

This measure renames “runaway and homeless youth shelters” to “youth homelessness prevention centers,” and expands the categories of youth served by these centers to include youth at risk of homelessness and youth exhibiting status offender behavior. This measure also extends the maximum allowable stay at these centers from 21 to 90 consecutive days.

**[AB 1352](#) (Waldron) Community Mental Health Services. Mental Health Boards.**

**Chapter 460, Statutes of 2019**

This measure requires a local mental health board report directly to the county governing body. This measure also requires the local mental health board to review and evaluate the local public mental health system and advise the county governing body on community mental health services delivered by the local mental health agency or local behavioral health agency. Additionally, this measure requires, among other things, local mental health boards to add to their bylaws the goal of appointing one-third of their governing body from public, private, and nonprofit entities, including cities.

**\*[SB 40](#) (Wiener) Conservatorship. Serious Mental Illness and Substance Use Disorders.**

**Chapter 467, Statutes of 2019 (Urgency)**

This measure amends a pilot program in the counties of Los Angeles, San Diego, and San Francisco, that establishes a conservatorship procedure for individuals who are incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder. Furthermore, this measure:

- Compresses the timeframes for the conservatorship, including changing the one-year conservatorship to a six-month conservatorship;
- Makes a prerequisite of that conservatorship a 28-day temporary conservatorship;
- Makes the trigger-point for the temporary conservatorship the person’s eighth 72-hour involuntary detention in a 12-month period;
- Provides that the establishment of a conservatorship is subject to a judicial determination regarding the person’s eligibility for assisted outpatient treatment; and

- Establishes additional protections to ensure that the conservatorship scheme is more narrowly drawn.

### **SB 687 (Rubio) Homeless Coordinating and Financing Council.**

#### **Chapter 345, Statutes of 2019**

This measure requires the Governor to appoint a representative from either the California Community Colleges, University of California (UC), or California State University (CSU) to the Homeless Coordinating and Financing Council.

### ***E. Natural Disaster Services and Property Insurance***

### **AB 188 (Daly) Fire Insurance. Valuation of Loss.**

#### **Chapter 59, Statutes of 2019**

This measure creates a single rule to determine the value of property damage to both total and partial losses under an “actual cash value” insurance policy.

### ***F. Parks and Recreation***

### **AB 209 (Limón) Parks. Outdoor Environmental Education. Grant Program.**

#### **Chapter 675, Statutes of 2019**

This measure requires the Director of Parks and Recreation to establish the Outdoor Equity Grants Program to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands. Eligible entities for these grants include local governments and joint powers authorities, among others. This measure prioritizes funding to outdoor environmental education programs that primarily serve pupils who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency.

### **AB 1191 (Bonta) State Lands Commission. Exchange of Trust Lands. City of Oakland. Howard Terminal Property. Oakland Waterfront Sports and Mixed-use Project, Waterfront Access, Environmental Justice, and Revitalization Act.**

#### **Chapter 752, Statutes of 2019**

This measure enacts the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act. This measure authorizes the State Lands Commission and the San Francisco Bay Conservation and Development Commission to approve an exchange of the Howard Terminal property located in the City of Oakland for a professional sports stadium, the Oakland Sports and Mixed-Used Project.

### **ACR 69 (Garcia, Eduardo) “Parks Make Life Better!” Month.**

#### **Chapter 82, Statutes of 2019**

This measure recognizes the importance of access to local parks, trails, open space, and facilities for the health, wellness, development, inspiration, and safety of all Californians and declares the month of July 2019 as “Parks Make Life Better!®” Month.

**SB 442 (Dodd) State Parks. Resource Exploitation Exceptions. Commercialization of Investigation Results.****Chapter 477, Statutes of 2019**

This measure establishes a framework for qualified institutions to commercialize research and discoveries that come from the state park system units, given certain conditions are met. The framework authorizes non-destructive forms of scientific investigation with approval from the California Department of Parks and Recreation (CDPR), establishes a commercial permit for authorized research commercialization, and authorizes the director of the CDPR to enter into a benefits sharing agreement with a qualified institution that has obtained a commercialization permit, among other things.

***G. Tobacco, E-Cigarettes and Vaping*****\*SB 8 (Glazer) State Parks. State Beaches. Smoking Ban.****Chapter 761, Statutes of 2019**

This measure bans smoking or disposal of smoking-related waste in state parks and on state coastal beaches, punishable by a fine of up to \$25 a person, with limited exceptions. Such exceptions include, but are not limited to, smoking on paved roadways and parking facilities.

**\*SB 39 (Hill) Tobacco Products.****Chapter 295, Statutes of 2019**

This measure requires tobacco products from sellers, distributors, and non-sale distributors to be delivered only in conspicuously marked containers and requires the signature of a person 21 years of age or older before completing delivery. This measure also allows for delivery to an alternative address than the billing address given, if the addresses have been verified beforehand.

# **ENVIRONMENTAL QUALITY**



### III. Environmental Quality

#### A. Air Quality

##### **[AB 423](#) (Gloria) San Diego County Air Pollution Control District. Members and Duties.**

###### **Chapter 744, Statutes of 2019**

This measure, as of March 1, 2021, restructures the governing board of the San Diego County Air Pollution Control District, which is currently governed by the five San Diego County Supervisors, to be governed by an 11-member board consisting of two county supervisors, six council members or mayors from specified cities, and three public members. This measure also requires, beginning March 1, 2021, specified district expenses be provided by an annual per capita assessment imposed on an equitable per capita basis on each city and county included in the district by the governing board.

##### **[AJR 10](#) (Reyes) Federal Clean Air Act.**

###### **Resolution Chapter 182, Statutes of 2019**

This measure states that the Legislature will:

- Strongly and unequivocally support the existing fuel economy and greenhouse gas emissions standards, the preservation of California's authority to enact stricter air pollution standards pursuant to its federal Clean Air Act waiver, and the enactment of a voluntary agreement between the California Air Resources Board (CARB) and automobile manufacturers that preserves California's status as a leader in the fight for clean air;
- Consider any and all appropriate actions to maintain and enact vehicle emissions standards for the protection of public health, California residents, and the economy; and
- Support any and all appropriate actions that enhance longstanding protections for the public's health, California residents, and the economy; and strongly urges the President and Vice President of the United States, the Secretary of the United States Department of Transportation, and the Administrator of the United States Environmental Protection Agency to reject the Safer Affordable Fuel-Efficient Vehicles Proposed Rule for Model Years 2021–2026.

##### **[SB 44](#) (Skinner) Medium- and Heavy-duty Vehicles. Comprehensive Strategy. Chapter 297, Statutes of 2019**

This measure requires CARB, in consultation with the California Department of Transportation (Caltrans), the California Energy Resources Conservation and Development Commission (CEC), and the Governor's Office of Business and Economic Development (GO-Biz), in collaboration with stakeholders, to update CARB's 2016 mobile source strategy. This update is to include a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles to bring the state into compliance with federal ambient air quality standards and to reduce medium-duty and heavy-duty vehicle sector greenhouse gas emissions (GHGs) starting on January 1, 2021, and every five years thereafter. This measure also requires CARB to recommend



reasonable and achievable goals to reduce emissions from medium-duty and heavy-duty vehicles by 2030 and 2050 as part of the comprehensive strategy and to align with the California Sustainable Freight Action Plan. This measure requires the updated mobile source strategy to be submitted to the Legislature.

**[SB 210](#) (Leyva) Heavy-duty Vehicle Inspection and Maintenance Program. Chapter 298, Statutes of 2019**

This measure requires CARB, in consultation with the Bureau of Automotive Repair to adopt and implement regulations for a Heavy-Duty Vehicle Inspection and Maintenance Program (HDVIMP) for non-gasoline, heavy-duty, on-road motor vehicles that exceed 14,000 pounds. Zero emission vehicles, publicly owned emergency vehicles, authorized emergency vehicles, military vehicles, and new vehicles that meet stringent reduced oxides of nitrogen emission standards are exempt from this measure.

***B. California Environmental Quality Act (CEQA)***

**[AB 252](#) (Daly) Department of Transportation. Environmental Review Process. Federal Program.**

**Chapter 160, Statutes of 2019**

This measure makes permanent the authority for Caltrans to carry out the National Environmental Policy Act (NEPA), which was set to expire in 2020.

**[AB 782](#) (Berman) California Environmental Quality Act. Exemption. Public Agencies. Land Transfers.**

**Chapter 181, Statutes of 2019**

This measure codifies the California Environmental Quality Act (CEQA) categorical exemption for transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources.

**\*[AB 1515](#) (Friedman) Planning and Zoning. Community Plans. Review under the California Environmental Quality Act.**

**Chapter 269, Statutes of 2019**

This measure prohibits a court invalidating the acts or decisions of the local agency, including a charter city, in adopting an update to a community plan on the grounds of noncompliance with CEQA. This measure sunsets on January 1, 2025.

**\*[AB 1560](#) (Friedman) California Environmental Quality Act. Transportation. Major Transit Stop.**

**Chapter 631, Statutes of 2019**

This measure revises the definition of “major transit stop” for purposes of qualifying for a CEQA exemption, to include a bus rapid transit station, with a frequency of service interval of 15 minutes or less during peak commute times.

**\*[AB 1824](#) (Committee on Natural Resources) California Environmental Quality Act. Exemption for Closure of Railroad Grade Crossing. Chapter 466, Statutes of 2019**

This measure exempts from CEQA the closure of a railroad grade crossing by order of the California Public Utilities Commission (CPUC) if the commission finds the crossing to present a threat to public safety. This measure also makes additional technical and clarifying changes. This measure sunsets on January 1, 2025.

**[SB 632](#) (Galgiani) California Environmental Quality Act. State Board of Forestry and Fire Protection. Vegetation Treatment Program. Final Program Environmental Impact Report. Chapter 411, Statutes of 2019**

This measure requires the State Board of Forestry and Fire Protection to, as soon as practicably feasible, but by no later than February 1, 2020, complete its environmental review under CEQA and certify a specific final program environmental impact report for a vegetation treatment program. This measure sunsets on January 1, 2021.

### ***C. Climate Change***

**[AB 285](#) (Friedman) California Transportation Plan. Chapter 605, Statutes of 2019**

This measure requires Caltrans to address how the state will attain a 40 percent reduction of greenhouse gas emissions below 1990 levels by the end of 2030 and how it will be consistent with state and national ambient air quality standards within the California Transportation Plan to be completed by December 31, 2025.

**[AB 293](#) (Garcia, Eduardo) Greenhouse Gases. Offset Protocols. Chapter 85, Statutes of 2019**

This measure requires the Compliance Offsets Protocol Task Force to make recommendations related to offsets in the cap-and-trade program and to develop recommendations for CARB on the inclusion of aggregation methodologies to allow groups of landowners to jointly develop an offset project. This measure sunsets on January 1, 2031.

**\*[AB 342](#) (Muratsuchi) Public Lands. Leasing. Oil and Gas. Prohibition. Chapter 769, Statutes of 2019**

This measure prohibits any state agency, department, commission, or any local trustee, with leasing authority over public lands within the state from entering into any new lease or other conveyance authorizing new construction of oil and gas related infrastructure upon public lands to support production of oil and natural gas upon federal lands that are designated as, or were at any time designated as, federally protected lands.

**[AB 585](#) (Limón) Public Lands. Oil, Gas, and Mineral Leases. Chapter 123, Statutes of 2019**

This measure authorizes the State Lands Commission (SLC), when considering the

approval of an assignment, transfer, or sublet of an oil and gas lease, to consider whether a proposed assignee is likely to comply with the provisions of the assigned, transferred, or sublet lease for the duration of the lease term. This measure requires an assignment, transfer, or sublease of an oil and gas lease approved by SLC to be recorded in the office of the county recorder of the county in which the leased or permitted lands are located. This measure also requires present and future oil and gas leases or permit holders to be liable for specified obligations.

**[AB 936](#) (Rivas, Robert) Oil Spills. Response and Contingency Planning.  
Chapter 770, Statutes of 2019**

This measure defines “nonfloating oil” for purposes of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. This measure revises the oil spill response laws and the duties of the Administrator of the Office of Spill Prevention and Response within the California Department of Fish and Wildlife (CDFW) to specifically address nonfloating oils.

**[AB 1057](#) (Limón) Oil and Gas. Geologic Energy Management Division. Wells and Facilities. Disposition and Acquisition Notices. Indemnity Bonds and Remediation. Additional Security. Civil Penalty.  
Chapter 771, Statutes of 2019**

This measure changes the name of the Division of Oil, Gas, and Geothermal Resources (DOGGR), within the Department of Conservation to the Geologic Energy Management Division and makes conforming changes. This measure also authorizes the Oil and Gas Supervisor to require an operator to provide an additional amount of security in an amount not to exceed the reasonable costs of plugging and abandoning all of the operator's wells or \$30 million.

**\*[AB 1237](#) (Aguiar-Curry) Greenhouse Gas Reduction Fund. Guidelines.  
Chapter 357, Statutes of 2019**

This measure requires, no later than January 1, 2021, an agency that receives an appropriation from the Greenhouse Gas Reduction Fund (GGRF) to post on the agency's website how the funds are being allocated, including eligibility criteria, application and award timelines, technical assistance, and contact information.

**[AB 1328](#) (Holden) Oil and Gas. Notice of Intention to Abandon Well. Study of Fugitive Emissions from Idle, Idle-deserted, and Abandoned Wells.  
Chapter 772, Statutes of 2019**

This measure requires DOGGR, in consultation with CARB, to study idle, idle-deserted, and abandoned oil and gas wells in California to better understand their emissions of air pollutants, including, but not limited to, GHG, toxic air contaminants, and volatile organic compounds. This measure also extends the time to commence abandonment operations from one year to 24 months before the notice to abandon the well is deemed canceled. This measure sunsets on January 1, 2024.

**[AB 1628](#) (Rivas, Robert) Environmental Justice.****Chapter 360, Statutes of 2019**

This measure revises the definition of “environmental justice” for purposes of the Office of Planning and Research’s (OPR) coordination of state agency programs, to also include the meaningful involvement of people of all races, cultures, incomes, and national origins with respect to those same actions. This measure also provides that “environmental justice” include the availability of a healthy environment for all people.

**[SR 12](#) (Jackson) Relative to the 50th Anniversary of the Santa Barbara Oil Spill.****Adopted on January 28, 2019**

This measure resolves that, on the 50th anniversary of the Santa Barbara oil spill, the Senate recognize the birth and subsequent achievements of the modern environmental movement. The Senate encourages its members to urge their constituents to participate in beach cleanups and other community efforts to bring citizen action and involvement to the protection of our environment. The Senate honors the tireless efforts and important accomplishments of California’s environmental leaders stretching from the time of the Santa Barbara oil spill to the present day.

**[SB 351](#) (Hurtado) Climate Change. Transformative Climate Communities Program.****Chapter 368, Statutes of 2019**

This measure requires the Strategic Growth Council to consider project applicants for the Transformative Climate Communities (TCC) Program that are undertaken in unincorporated areas.

**\*[SB 400](#) (Umberg) Reduction of Greenhouse Gases Emissions. Mobility Options.****Chapter 271, Statutes of 2019**

This measure adds bike sharing and electric bicycles to the statutorily defined “mobility option” within the state’s cap-and-trade funded Replace Your Ride program within the Clean Cars 4 All Program. This program offers low-income and disadvantaged community participants up to \$4,500 in “commuter bucks” for ridesharing services, carpooling, car sharing, and now bike sharing as well as electric bicycle purchases.

**[SB 551](#) (Jackson) Oil and Gas. Wells and Facilities. Abandonment and Decommissioning. Reporting and Inspections.****Chapter 774, Statutes of 2019**

This measure phases in a requirement that oil and gas well operators provide estimates of the cost to plug and abandon wells and decommission attendant oil and gas production facilities and requires the DOGGR to establish criteria for these estimates and perform inspections.

### ***D. Coastal***

#### **\*[AB 65](#) (Petrie-Norris) Coastal Protection. Climate Adaption. Project Prioritization. Natural Infrastructure. Local General Plans.**

##### **Chapter 347, Statutes of 2019**

This measure requires specified things of the State Coastal Conservancy (SCC) to prioritize projects that use natural infrastructure to help adapt to climate change when allocating funding from Proposition 68 (2018), the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018. This measure also authorizes the conservancy to provide technical assistance to coastal communities to assist them with their projects that use natural infrastructure.

#### **[AB 255](#) (Limón) Coastal Resources. Oil Spills. Grants.**

##### **Chapter 84, Statutes of 2019**

This measure provides that Native American tribes and other public entities are eligible to receive Lempert-Keene-Seastrand Oil Spill Prevention and Response Act grants.

#### **[AB 825](#) (Mullin) San Mateo County Flood and Sea Level Rise Resiliency District.**

##### **Chapter 292, Statutes of 2019**

This measure makes numerous changes to the San Mateo County Flood Control District. Some changes include, but are not limited to, changing the name of the San Mateo County Flood Control District to the San Mateo County Flood and Sea Level Rise Resiliency District, and adds addressing and protecting against the impacts of sea level rise to the powers of the district. Additionally, this measure requires, commencing January 1, 2020, the district to be governed by a board of directors, which replaces the Board of Supervisors of the County of San Mateo as the governing board of the district. This newly created board of directors includes appointments of city council members from San Mateo County.

#### **[AB 1011](#) (Petrie-Norris) Coastal Resources. Coastal Development Permits. Waiver of Filing Fees.**

##### **Chapter 185, Statutes of 2019**

This measure authorizes the California Coastal Commission (CCC) to waive the filing fee for an application for a coastal development permit and requires the CCC, when considering waiving filing fees, to give extra consideration to certain nonprofit organizations if the permit is required for a habitat restoration project or a project to provide public access to coastal resources.

#### **[AB 1644](#) (Levine) Coastal Resources. California Coastal Commission. Scientific Advice and Recommendations. Agriculture.**

##### **Chapter 168, Statutes of 2019**

This measure includes agriculture among the specified issues on which the CCC may receive technical advice and recommendations, with regard to its decision making, from members of the scientific and academic communities in the social, physical, and natural sciences.

**[AB 1680](#) (Limón) Coastal Lands. Public Access Program. Hollister Ranch.  
Chapter 692, Statutes of 2019**

This measure requires the CCC, in collaboration with SCC, CDPR, and SLC by April 1, 2021, to develop a contemporary public access program for Hollister Ranch that will replace the existing coastal access program. This measure provides that a private person or entity impeding or obstructing the implementation of the public access requirements constitutes a violation of the public access provisions of the Coastal Act.

**[SB 367](#) (Hueso) State Coastal Conservancy. Grants. Educational Projects and Programs.**

**Chapter 701, Statutes of 2019**

This measure defines and clarifies the type of educational programs and projects that may be undertaken or funded by SCC, and extends access to these programs to adults, in addition to K-12 pupils. This measure also authorizes SCC to provide technical assistance, and award grants to public agencies and nonprofit organizations, for the same purpose.

**\*[SB 576](#) (Umberg) Coastal Resources. Climate Ready Program and Coastal Climate Change Adaptation, Infrastructure, and Readiness Program.**

**Chapter 374, Statutes of 2019**

This measure establishes the Climate Ready Program to be administered by the SCC, and requires the Ocean Protection Council (OPC) to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat.

**\*[SB 690](#) (Hueso) Coastal Resources. Tijuana River Valley. Funding Prioritization.  
Chapter 381, Statutes of 2019**

This measure encourages SCC, when expending certain funds for the purposes of addressing transboundary flows and pollution in the Tijuana River Valley, to prioritize projects to improve and protect natural lands, including the main river channel, in the Tijuana River Valley, to the extent feasible.

**[SB 785](#) (Committee on Natural Resources and Water) Public Resources.  
Parklands, Freshwater Resources, and Coastal Resources. Off-highway Motor Vehicles. Public Lands.**

**Chapter 469, Statutes of 2019**

This measure makes various consensus or technical and clarifying changes to statute affecting CDFW, SCC, CDPR, and SLC, among others.

**\*[SR 57](#) (Hueso) Relative to the Tijuana River.**

**Adopted on September 6, 2019**

This measure resolves that the Senate requests that Governor Newsom explore all available state resources, where feasible, to address the sewage crisis affecting the Tijuana River Valley, the Tijuana River Estuary, and surrounding residents. The Senate requests the following:



- Governor Newsom look into the emergency that currently exists in the Tijuana River Valley due to the sewage crisis; and
- Governor Newsom supports the San Diego congressional delegation's request sent to the IBWC on July 3, 2019, to take action immediately.

This measure also acknowledges that the Senate recognizes the challenges that arise due to the need for cooperation from our federal agencies and binational partners.

### ***E. Emergency-Disaster Planning, Response and Recovery***

#### **\*[AB 72](#) (Committee on Budget) Budget Act of 2018.**

##### **Chapter 1, Statutes of 2019 (Urgency)**

This measure provides resources relating to emergency and disaster events. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **\*[AB 73](#) (Committee on Budget) Privacy. Lodging and Common Carriers. State Emergencies. Disaster Response-emergency Operations Account.**

##### **Chapter 2, Statutes of 2019 (Urgency)**

This measure contains changes to statutory provisions related to public safety and emergency operations. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **\*[AB 110](#) (Ting) Budget Act of 2019.**

##### **Chapter 80, Statutes of 2019 (Urgency)**

This measure provides \$2 million to the Department of Finance (DOF) for costs associated with the implementation of the utility wildfire liability measure AB 1054 (Holden, Chapter 79, Statutes of 2019), that addresses the threat of catastrophic wildfires and their impacts on victims, ratepayers, utilities, and other stakeholders. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **\*[AB 111](#) (Committee on Budget) Wildfire Agencies. Public Utilities. Safety and Insurance.**

##### **Chapter 81, Statutes of 2019 (Urgency)**

This measure establishes the California Catastrophe Response Council to oversee the California Earthquake Authority (CEA) and the Wildfire Fund Administrator. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **[AB 430](#) (Gallagher) Housing Development. Camp Fire Housing Assistance Act of 2019.**

##### **Chapter 745, Statutes of 2019**

This measure establishes a ministerial approval process for residential and mixed-use developments within or near the cities of Biggs, Corning, Gridley, Live Oak, Orland,

Oroville, Willows, and Yuba City, so that these projects are not subject to review under the California Environmental Quality Act (CEQA). A city approving a development pursuant to this measure must file a notice of that approval with the Office of Planning and Research. This measure sunsets on January 1, 2026.

**[AB 661](#) (McCarty) Wildfire Smoke Air Pollution Emergency Plan. Sacramento Metropolitan Air Quality Management District.**

**Chapter 392, Statutes of 2019**

This measure requires the Sacramento Metropolitan Air Quality Management District (SMAQMD) to prepare a wildfire smoke air pollution emergency plan to serve as an informational source for local agencies and the public during an air pollution emergency caused by wildfire smoke. This measure also requires the SMAQMD to develop the wildfire smoke air pollution plan in coordination with its county health officer and in consultation with local offices of emergency management or emergency services, school districts, CARB, and regional planning agencies.

**\*[AB 836](#) (Wicks) Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program.**

**Chapter 393, Statutes of 2019**

This measure establishes the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program. The grant program creates a network of clean air centers by providing funding to public facilities for smoke-protective filtration systems. The grant program prioritizes applications for projects located in a documented high smoke exposure area to mitigate the adverse public health impacts that result from wildfires and other smoke events. This measure sunsets on January 1, 2025.

**[AB 1160](#) (Dahle) Forestry. Timber Operations. Sustained Yield Plans.**

**Chapter 108, Statutes of 2019**

This measure extends the effective date of a sustained yield plan, related to timber harvest plans for timberland owners, from no more than 10 years to no more than 20 years.

**[SB 70](#) (Nielsen) Electricity. Undergrounding of Electrical Infrastructure.**

**Chapter 400, Statutes of 2019**

This measure requires each electrical corporation's wildfire mitigation plan to include where and how it considered undergrounding electrical distribution lines in areas with the highest wildfire risk.

**\*[SB 85](#) (Committee on Budget and Fiscal Review) Public Resources. Omnibus Trailer Measure.**

**Chapter 31, Statutes of 2019 (Urgency)**

This measure makes various changes to implement the resources, environmental protection, and energy budget actions. Specifically, this measure:

- Clarifies that a fee may be charged by state and local entities for enforcement of building standards adopted by the state fire marshal relating to fire, panic safety, and other regulations;



- Specifies that funds from the GGRF appropriated for projects to reduce air pollutants consistent with community emissions reduction programs also complement and further the rules and regulatory requirements by CARB and local air districts; and
- Establishes the CAL FIRE infrastructure Projects Revolving Fund to undertake agency infrastructure improvement projects. These projects must be related to the acquisition of real property or the design, construction, alteration, repair, and improvement of facilities over which the department has jurisdiction, including equipment and furnishings.

**\*[SB 167](#) (Dodd) Electrical Corporations. Wildfire Mitigation Plans.**

**Chapter 403, Statutes of 2019**

This measure requires each electrical corporation, as part of submitting their wildfire mitigation plans to the CPUC, to additionally include the impacts on customers who are receiving medical baseline allowances as part of their protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system.

**\*[SB 209](#) (Dodd) Office of Emergency Services. Wildfire Forecast and Threat Intelligence Integration Center.**

**Chapter 405, Statutes of 2019**

This measure requires the California Office of Emergency Services (CalOES) and CAL FIRE to jointly establish the Wildfire Forecast and Threat Intelligence Integration Center. The Center will be the State's integrated central organizing hub for wildfire forecasting, weather information, and threat intelligence gathering.

**[SB 247](#) (Dodd) Wildland Fire Prevention. Vegetation Management.**

**Chapter 406, Statutes of 2019**

This measure requires an electrical corporation, within one month of the completion of each substantial portion of the vegetation management requirements in its wildfire mitigation plan, to notify the CPUC's Wildfire Safety Division. This measure also requires the Wildfire Safety Division to audit the completed work and requires the audit to specify any failure of the electrical corporation to fully comply with the vegetation management requirements, among other required actions.

***F. Energy and Utilities***

**[AB 1026](#) (Wood) Electricity. Interconnection Rules.**

**Chapter 446, Statutes of 2019**

This measure requires an electrical or gas corporation (IOU) to apply only those construction and design specifications that are applicable to a new extension of service project for the 18 months following the date the application for a new extension of service project is approved. This will keep the interconnection rules in place on the date the project is approved by the IOU for 18 months.

This measure also authorizes an IOU to adopt modifications of the construction and design specifications of a new extension of service project. The conditions which can trigger a project modification are:

- An order or decision of the California Public Utilities Commission or any other state or federal agency;
- A change in the scope of work by the customer; and
- A change needed by the IOU to remedy a construction-related defect that could pose a safety-risk.

**\*[AB 1054](#) (Holden) Public Utilities. Wildfires and Employee Protection. Chapter 79, Statutes of 2019 (Urgency)**

This measure creates additional safety oversight and processes for utility infrastructure, modifies cost recovery standards from wildfire damages between investor owned utilities (IOUs) and third-parties, and authorizes an electrical corporation and ratepayer jointly funded Wildfire Fund to address future related wildfire liabilities. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**[AB 1072](#) (Patterson) Public Utilities Commission. Audits and Reviews. Chapter 448, Statutes of 2019**

This measure requires the CPUC to audit each electrical, gas, heat, telegraph, telephone, and water corporation utility. This measure also requires effective January 15, 2020, and annually thereafter, the CPUC to post on its website its standard practice audit manual, titled "Utility Audit, Finance and Compliance Branch (UAFCB) Audit and Attestation Standard Practice," and any updates to that manual.

**[AB 1083](#) (Burke) Long-term Plans and Procurement Plans. Energy and Energy Infrastructure Procurement Requirements. California Council on Science and Technology. Chapter 818, Statutes of 2019**

This measure requests the California Council on Science and Technology, on behalf of the California legislature, to undertake and complete an analysis of the effects of legislation pertaining to any of the following:

- Procurement of electricity;
- Electricity and gas products;
- Energy storage;
- Electrical or gas infrastructure by an electrical corporation; and
- Community choice aggregation (CCA).

This measure prohibits ratepayers of an electrical corporation, gas corporation, CCA, electric service provider (ESP), or local publicly utility from being assessed any fee or other charge to carry out the provision of this act. This measure sunsets on January 1, 2023.

**\*[AB 1144](#) (Friedman) Self-generation Incentive Program. Community Energy Storage Systems. High Fire Threat Districts. Chapter 394, Statutes of 2019**

This measure requires the CPUC to allocate at least 10% of the 2020 funds from the Self Generation Incentive Program for the installation of energy storage and other distributed energy resources for customers that operate critical facilities or critical infrastructure serving communities in high fire threat districts to support community resiliency.

**\*[AB 1362](#) (O'Donnell) Electricity. Load-serving Entities. Rate and Program Information. Chapter 395, Statutes of 2019**

This measure requires the CPUC to post on its website residential electric rate tariffs and programs of each load serving entity (LSEs) to enable customers and local governments to compare rates, services, environmental attributes, and other offerings. This measure also requires LSEs, which include electrical corporations, ESPs, and CCAs, to make their own electric rate tariffs and program available on their websites.

**[AB 1513](#) (Holden) Energy. Chapter 396, Statutes of 2019**

This measure makes several technical and clarifying changes to current law, which concern programs under the jurisdiction of the CPUC and other energy programs. This measure also modifies a provision, created in AB 1054 (Holden, Chapter 79, Statutes of 2019), that requires funds leftover from the wildfire fund after it is terminated be distributed to ratepayers, to instead transfer the funds to the General Fund with the intent that it be used for wildfire mitigation.

**[AB 1584](#) (Quirk) Electricity. Cost Allocation. Chapter 397, Statutes of 2019**

This measure requires the CPUC to develop and use methodologies for allocating electrical system procurement needs to each LSE based on the contribution of that entity's load and resource portfolio to the electrical system conditions that created the need for the procurement. This measure also requires the CPUC to develop and use methodologies for determining any costs resulting from a failure of a LSE to satisfy its allocation of those procurement needs.

**\*[ACR 78](#) (Holden) Public Utilities. Pacific Gas and Electric Company. Bankruptcy. Chapter 144, Statutes of 2019**

This measure states that the pending Pacific Gas and Electric (PG&E) Company and Pacific Gas and Electric Corporation Chapter 11 bankruptcy proceedings, and any resolution thereof, must protect the citizens of California from the imminent and ongoing threats posed by climate change, the buildup of fuels, and inadequate electrical infrastructure. This measure provides that it is the will of the Legislature to:

- See the CPUC, in filings with the bankruptcy court overseeing the proceedings, promote certain policy goals relating to PG&E, the electrical and gas systems,

and victims of wildfires, and communicate the proceedings' profound and direct impacts on the people of California; and

- See PG&E executive compensation be restricted based upon strict compliance with safety and reliability laws and that the company reconstitute its board of directors.

### **SB 49 (Skinner) Energy. Appliance Standards and State Water Project Assessment.**

#### **Chapter 697, Statutes of 2019**

This measure expands the California Energy Commission's (CEC) authority to develop standards for appliances to facilitate the deployment of flexible demand. This measure requires the CEC to develop and implement standards for appliances to facilitate the deployment of flexible demand technologies. The standards must enable appliance operations to be scheduled, shifted, or curtailed to reduce emissions of GHG associated with electricity generation. This measure requires that the assessment and recommendations be provided to the appropriate policy committees of the Legislature before January 1, 2022.

### **\*SB 155 (Bradford) California Renewables Portfolio Standard Program. Integrated Resource Plans.**

#### **Chapter 401, Statutes of 2019**

This measure requires the CPUC to review each renewable portfolio standard (RPS) annual compliance report, filed by a retail seller, and to notify a retail seller if the CPUC has determined, based upon its review, that the retail seller may be at risk of not satisfying the renewable procurement requirements for the then-current or future compliance period. This measure also requires the CPUC to provide recommendations in that circumstance regarding satisfying those requirements. Additionally, this measure requires the CPUC to ensure that LSEs comply with a requirement that at least 65 percent of the procurement that a retail seller counts toward the RPS requirement of each compliance period be from contracts of 10 years or more in duration or from its ownership or ownership agreements from eligible renewable energy resources.

### **SB 255 (Bradford) Women, Minority, Disabled Veteran, and LGBT Business Enterprise Procurement. Electric Service Providers. Energy Storage System Companies. Community Choice Aggregators.**

#### **Chapter 407, Statutes of 2019**

This measure expands the CPUCs supplier diversity program, called the women, minority, disabled veteran, and LGBT business enterprises, by lowering the annual revenue threshold for participation from \$25 million to \$15 million, including ESPs in the program, and requiring CCAs to report specified information. This measure also requires the CPUC to direct each CCA with gross annual revenues exceeding \$15 million to annually submit a detailed and verifiable plan for increasing procurement from small, local, and diverse business enterprises in all contract categories, including, but not limited to, renewable energy, energy storage systems, and smart grid projects.

**[SB 457](#) (Hueso) Biomethane. Gas Corporations.****Chapter 479, Statutes of 2019**

This measure extends, from 2021 to 2026, the existing Biomethane Projects Incentive Program administered by the CPUC. This measure sunsets on December 31, 2026.

**[SB 463](#) (Stern) Natural Gas Storage Wells. Well Stimulation Treatments. Chemical Composition. Leaks. Regulation.****Chapter 773, Statutes of 2019**

This measure modifies the reporting of the chemical composition of materials that may be emitted from a natural gas storage well in the event of a reportable leak, and requires DOGGR to review and revise its natural gas storage well regulations and policy.

**[SB 506](#) (Hueso) Energy Crisis Litigation.****Chapter 150, Statutes of 2019**

This measure directs the Attorney General (AG) to represent DOF in any litigation or settlement to obtain ratepayer recovery for the effects of the 2000-02 energy crisis. This measure also directs the AG to succeed the Electricity Oversight Board (EOB), and authorizes the AG to exercise all rights claims, powers and entitlements of the EOB, in any energy-crisis related litigation or settlement. This measure states the intent of the Legislature is to affirm the AG's uninterrupted authority to continue acting on behalf of the EOB for cases involving the 2000-02 energy crisis. Finally, this measure prohibits the AG from disbursing or expending proceeds of any settlements of claims related to the energy crisis.

**\*[SB 520](#) (Hertzberg) Electrical Service. Provider of Last Resort.****Chapter 408, Statutes of 2019**

This measure provides that the electrical corporation is the provider of last resort (POLR) in its electric utility service territory unless provided otherwise in a service territory boundary agreement approved by the CPUC, or unless the CPUC designates a LSE for all or a portion of that service territory. This measure establishes specified requirements for the process of designating and the qualifications required of the provider of last resort.

**\*[SB 550](#) (Hill) Public Utilities. Merger, Acquisition, or Control of Electrical or Gas Corporations.****Chapter 409, Statutes of 2019**

This measure requires the CPUC for any proposed merger, acquisition, or change in control of an electrical or gas IOU to review specified safety elements and condition approval of such a merger or acquisition on a finding that the transaction is in the public interest relative to those safety elements. This measure also does the following:

- Clarifies the reviews required by the CPUC for any other asset transactions between a public utility and any other person or entity whether public or private;
- Requires the CPUC to explicitly approve or reject any voluntary or involuntary change in ownership of assets from an electrical or gas corporation to ownership by a public entity;

- Requires the CPUC to determine whether that transaction is fair and reasonable to the affected public utility employees as part of that review;
- Eliminates the requirements sales, leases, assignments, mortgages, or other transactions be with another public utility to be subject to those conditions on approval; and
- Eliminates the requirements for the CPUC reviews for a change in ownership in the assets of an electrical or gas corporation to ownership by a public entity.

**[SB 560 \(McGuire\) Wildfire Mitigation Plans. Deenergizing of Electrical Lines. Notifications. Mobile Telephony Service Providers.](#)**

**Chapter 410, Statutes of 2019**

This measure requires public and private utilities to notify all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event. This measure also requires telecommunications providers to designate points of contact within the company to receive notifications from public and private utilities in anticipation of possible deenergization events and to notify stakeholders, such as public safety offices and emergency response offices, about the impacts to communications capabilities during such events.

**[SB 676 \(Bradford\) Transportation Electrification. Electric Vehicles. Grid Integration.](#)**

**Chapter 484, Statutes of 2019**

This measure requires an existing proceeding within the CPUC, starting on December 31, 2020, to establish strategies and quantifiable metrics to maximize the use of feasible and cost-effective electric vehicle grid integration by January 1, 2030. This measure requires the CPUC to consider how electric vehicle grid integration can mitigate any generation, transmission, and distribution costs, or increase the economic, social, or environmental benefits associated with transportation electrification.

***G. Hazardous Materials and Waste***

**[AB 142 \(Garcia, Cristina\) Lead-acid Batteries.](#)**

**Chapter 860, Statutes of 2019 (Urgency)**

This measure amends the Lead-Acid Battery Recycling Act (Act) of 2016 to do the following:

- Deletes the sunset on the \$1 Manufacturer Battery Fee and increase the fee to \$2 in perpetuity, effective April 1, 2022;
- Allows an out-of-state lead-acid battery manufacturer, not subject to the Manufacturer Battery Fee, to pay the fee on behalf of an importer and claim the associated credits to offset potential hazardous waste liability;
- Exempts, effective January 1, 2020, new motor vehicle dealers that sell or lease a used vehicle containing a lead-acid battery from the California Battery Fee;



- Requires the California Department of Tax and Fee Administration (CDTFA) to report to the Legislature by January 1, 2022, relating to out-of-state manufacturers who opted to pay the Manufacturer Battery fee; and
- Specifies that the repayment of the \$176.6 million General Fund loan or any other loan provided to the Department of Toxic Substance Control (DTSC) to clean up the Exide Technologies remediation site will not be reimbursed until the cleanup of Exide Technologies and all other areas of the state contaminated by lead-acid batteries is completed.

**[AB 647](#) (Kalra) Hazardous Substances. Cosmetics. Disinfectants. Safety Documents.**

**Chapter 305, Statutes of 2019**

This measure, beginning July 1, 2020, requires an entity that manufactures or imports a hazardous substance or mixture of substances that constitutes a cosmetic or is used as a disinfectant, that is required to create a safety data sheet for that product, to post and maintain the safety data sheet on its website by its brand name or other commonly known name in a manner generally accessible to the public. If a separate safety data sheet based on color or tint exists, this measure requires the entity to post and translate each safety data sheet into Spanish, Vietnamese, Chinese, and Korean, and other languages that the director may determine are common to the beauty care industry, and to make these translations publicly available on its website.

**[AB 1123](#) (Reyes) Safe Drinking and Toxic Enforcement Act of 1986. Appeal. Notice to the Attorney General.**

**Chapter 187, Statutes of 2019**

This measure requires certain notice be provided to the AG before certain proceedings involving the Safe Drinking and Toxic Enforcement Act of 1986 (Proposition 65) are filed in the Supreme Court, court of appeal, or the appellate division of the superior court.

**[AB 1429](#) (Chen) Hazardous Materials. Business Plans.**

**Chapter 66, Statutes of 2019**

This measure authorizes a business that handles hazardous materials to submit their Hazardous Materials Business Plan (HMBP) to the California Environmental Reporting System (CERS) once every three years, instead of annually, if that business is not required to submit Tier II chemical inventory information under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

**[AB 1597](#) (Committee on Environmental Safety and Toxic Materials) Hazardous Waste. Transportation. Electronic Manifests.**

**Chapter 133, Statutes of 2019**

This measure makes changes to the hazardous waste control law to conform the provisions of that law to the federal Environmental Protection Agency (EPA) regulations implementing the electronic manifest system, and deletes obsolete existing legal provisions.

**[SB 317](#) (Caballero) Hazardous Waste. Waste Facilities. Prohibited Chemicals. Chapter 367, Statutes of 2019**

This measure bans the sale and distribution of recreational vehicle chemical toilet deodorizers containing any of 14 designated biocidal chemicals. This measure requires, upon appropriation, the State Water Resources Control Board (SWRCB) to investigate methods to detect and quantify the specified chemicals in septic systems. This measure also requires the owner or operator of a recreational vehicle park or campground to post a notice informing users of the ban.

**[SB 519](#) (Bradford) Hazardous Substances. Underground Storage Tanks. Chapter 480, Statutes of 2019**

This measure authorizes SWRCB to utilize funding from the Site Cleanup Subaccount of the Underground Storage Tank Cleanup Fund for the reasonable and necessary costs incurred by the DTSC or water replenishment districts to identify and remediate groundwater contamination.

**[SB 552](#) (Archuleta) Hazardous Waste. Household Hazardous Waste. Door-to-door Collection Programs. Residential Pickup Services. Chapter 481, Statutes of 2019**

This measure authorizes the use of consolidated manifests in the transportation of household hazardous waste (HHW) in door-to-door HHW collection programs indefinitely, by deleting the current sunset of January 1, 2020.

**[SB 726](#) (Caballero) Hazardous Waste. Public Agencies. Materials Exchange Program. Chapter 485, Statutes of 2019**

This measure makes numerous changes to the HHW exchange program, including but not limited to, authorizing a contractor of a public agency to conduct a materials exchange program at a HHW collection facility for reusable household hazardous products and materials, and defining “materials exchange program” to mean a program conducted at a HHW collection facility that makes reusable household hazardous products or materials available to recipients.

### ***H. Solid Waste and Recycling***

**[\\*AB 54](#) (Ting) The California Beverage Container Recycling and Litter Reduction Act. Chapter 793, Statutes of 2019 (Urgency)**

This measure updates a recycling pilot project program, extends the pilot program for an additional two years, and provides funding to support those pilot projects. This measure also authorizes the Director of Finance to provide financial assistance to recycling centers in the form of supplemental payments, and exempts specified dealers from beverage container redemption requirements in unserved convenience zones until July 1, 2020. The recycling pilot project program provisions of this measure sunset on January 1, 2023.



**[AB 187](#) (Garcia, Cristina) Used Mattress Recovery and Recycling Act.  
Chapter 673, Statutes of 2019**

This measure makes various changes to the Used Mattress Recovery and Recycling Act in response to an audit report conducted by the Bureau of State Audits, as well as other changes to the program to enhance used mattress collection and recycling.

**[AB 619](#) (Chiu) Retail Food. Reusable Containers. Multiuse Utensils.  
Chapter 93, Statutes of 2019**

This measure permits a local enforcement agency to allow a temporary food facility to use multiuse utensils that are clean, rinsed, and sanitized, as an alternative to single-use utensils. This measure also clarifies provisions of law governing the ability of consumers to bring empty containers to food facilities intended for refilling with food or beverages.

**\*[AB 729](#) (Chu) Carpet Recycling. Carpet Stewardship.  
Chapter 680, Statutes of 2019**

This measure revises the Product Stewardship for Carpets Program to, among other things, require the stewardship plan include a funding mechanism with differential assessments, require a "contingency plan" in the absence of an approved plan by the California Department of Resources Recycling and Recovery (CalRecycle), and increases the administrative penalties from \$1,000 per day to \$5,000 per day.

**\*[AB 815](#) (Aguiar-Curry) Integrated Waste Management Plans. Source Reduction and Recycling Element and Household Hazardous Waste Element. Dual Stream Recycling Programs.  
Chapter 182, Statutes of 2019**

This measure requires CalRecycle to consider whether a local jurisdiction has adopted a dual stream recycling program when considering if the jurisdiction has made a good faith effort to implement its source reduction and recycling element to meet the state's diversion goals. This measure also defines "dual stream recycling program" as a program in which fiber materials are separated from containers or from glass.

**\*[AB 827](#) (McCarty) Solid Waste. Commercial and Organic Waste. Recycling Bins.  
Chapter 441, Statutes of 2019**

This measure requires commercial waste generators and organic waste generators that provide customers access to the business, to provide, by July 1, 2020, with a commercial solid waste recycling bin or an organic waste recycling bin to collect materials purchased on the premises. This measure also requires CalRecycle to develop model signage that the businesses may utilize in implementing these requirements.

**\*[AB 1162](#) (Kalra) Lodging Establishments. Personal Care Products. Small Plastic Bottles.  
Chapter 687, Statutes of 2019**

This measure prohibits lodging establishments from providing small plastic bottles containing shampoo, hair conditioner, and bath soap to guests and holds the lodging

establishments liable for civil penalties in the event of a violation. This measure also prohibits a city, county, or city and county, on and after January 1, 2020, from passing or enforcing an ordinance relating to personal care products in plastic bottles provided at lodging establishments that is in conflict with this measure, unless they have passed such an ordinance that is at least as stringent as, and not in conflict with, this section, before January 1, 2020.

**[SB 143](#) (Skinner) Junk Dealers and Recyclers. Nonferrous Material. Payment by General Use Prepaid Cards.**

**Chapter 243, Statutes of 2019 (Urgency)**

This measure makes a number of changes related to junk dealers. Specifically, this measure:

- Authorizes general use prepaid cards as a form of payment junk dealers or recyclers may provide for nonferrous material;
- Requires the junk dealer or recycler to pay any one-time or initial use fees associated with the card; and
- Prohibits account activity fees from being charged to the general use card.

***I. Water***

**[AB 305](#) (Nazarian) Public Capital Facilities. Public Water or Wastewater Agencies. Rate Reduction Bonds.**

**Chapter 225, Statutes of 2019**

This measure allows wastewater utilities to issue rate reduction bonds and makes numerous changes to the process of issuing those bonds.

**[AB 508](#) (Chu) Drinking Water. Consolidation and Extension of Service. Domestic Wells.**

**Chapter 352, Statutes of 2019**

This measure changes statutes related to the SWRCB's authority to order the consolidation of drinking water systems, including setting a deadline of July 1, 2020, as the date by which the SWRCB must develop a policy that provides a process for members of a disadvantaged community to petition for consolidation. This measure also deletes the statute that requires the SWRCB, before ordering consolidation or extension of service, to obtain written consent to the project from a domestic well owner. Additionally, this measure provides that when the receiving water system is compensated for capacity lost by payment of a capacity charge, the capacity charge will be paid only to the extent that it does not exceed the reasonable cost of providing the service.

**\*[AB 600](#) (Chu) Local Government. Organization. Disadvantaged Unincorporated Communities.**

**Chapter 612, Statutes of 2019**

This measure makes changes to Local Agency Formation Commission (LAFCO) requirements for approving annexations for two or more areas up to 10 acres, to disadvantaged unincorporated communities.

**\*[AB 658](#) (Arambula) Water Rights. Water Management.**

**Chapter 678, Statutes of 2019**

This measure authorizes a groundwater sustainability agency or local agency to apply to the SWRCB for temporary five year permits to divert and store groundwater during high-flow events.

**\*[AB 756](#) (Garcia, Cristina) Public Water Systems. Perfluoroalkyl Substances and Polyfluoroalkyl Substances.**

**Chapter 162, Statutes of 2019**

This measure authorizes SWRCB to order one or more public water systems to monitor for perfluoroalkyl and polyfluoroalkyl substances (PFAS) and establishes a separate public notification process because of any confirmed detection(s) of those substances.

**[AB 834](#) (Quirk) Freshwater and Estuarine Harmful Algal Bloom Program.**

**Chapter 354, Statutes of 2019**

This measure establishes the Freshwater and Estuarine Harmful Algal Bloom Program at the SWRCB to protect water quality and public health from harmful algal blooms.

**[AB 1180](#) (Friedman) Water. Recycled Water.**

**Chapter 455, Statutes of 2019**

This measure requires the SWRCB, on or before January 1, 2023, and upon appropriation of sufficient funds, to update the uniform statewide criteria for nonpotable recycled water uses. This measure also requires SWRCB, if it adopts standards for backflow protection and cross-connection control through the adoption of a policy handbook, to include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

**[AB 1220](#) (Garcia, Cristina) Metropolitan Water Districts.**

**Chapter 71, Statutes of 2019**

This measure provides that each Metropolitan Water District of Southern California (MWD) member agency cannot have fewer than the number of representatives the member agency had as of January 1, 2019.

**[AB 1414](#) (Friedman) Urban Retail Water Suppliers. Reporting.**

**Chapter 239, Statutes of 2019**

This measure realigns various reporting dates established for urban retail water suppliers in previous legislation so that all reports required by those measures are due on either July 1 or January 1.

**[AB 1432](#) (Dahle) Water Shortage Emergencies. Declarations. Wildfires.  
Chapter 19, Statutes of 2019**

This measure authorizes a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a wildfire.

**[AB 1588](#) (Gloria) Drinking Water and Wastewater Operator Certification Programs.  
Chapter 760, Statutes of 2019**

This measure requires the SWRCB to evaluate opportunities for issuing a water treatment operator certificate or water distribution operator certificate by reciprocity, or a wastewater certificate by examination waiver, and award experience or education credits to United States military members for comparable duties during their military service.

**[AB 1752](#) (Petrie-Norris) South Coast Water District.  
Chapter 500, Statutes of 2019**

This measure allows the South Coast Water District to contract with a private entity for the Doheny Ocean Desalination Project. This measure sunsets on January 1, 2025.

**\*[SB 19](#) (Dodd) Water Resources. Stream Gages.  
Chapter 361, Statutes of 2019**

This measure requires the DWR and the SWRCB, upon appropriation, to develop a plan to deploy a network of stream gages in order to address significant gaps in information necessary for water management and the conservation of freshwater species.

**[SB 134](#) (Hertzberg) Water Conservation. Water Losses. Enforcement.  
Chapter 203, Statutes of 2019**

This measure prohibits the SWRCB from issuing an information order, written notice or conservation order for a violation of water loss performance standards if water loss is the only objective not being met, and if the SWRCB is already taking enforcement action for water losses as part of an urban water use objective.

**\*[SB 200](#) (Monning) Drinking Water.  
Chapter 120, Statutes of 2019 (Urgency)**

This measure establishes the Safe and Affordable Drinking Water Fund to help water systems provide an adequate and affordable supply of safe drinking water to communities throughout the state. The Fund is funded by a continuous appropriation of \$130 million from the GGRF from July 1, 2020 until June 30, 2030. This measure also lays out both the eligible entities and uses for this funding and how the SWRCB will develop an expenditure plan.

**\*[SB 205](#) (Hertzberg) Business Licenses. Stormwater Discharge Compliance.  
Chapter 470, Statutes of 2019**

This measure requires certain regulated businesses to demonstrate enrollment with the National Pollutant Discharge Elimination Systems (NPDES) permit program prior to the issuance or renewal of a local business license in a city or county.

**[SB 307](#) (Roth) Water Conveyance. Use of Facility with Unused Capacity.  
Chapter 169, Statutes of 2019**

This measure requires SLC in consultation with CDFW and the DWR, to find that the transfer of the water from a groundwater basin underlying specified desert lands will not adversely affect the natural or cultural resources, including groundwater resources or habitat, of those federal and state lands in order for that transfer to be allowed.

**\*[SB 513](#) (Hurtado) State Water Resources Control Board. Grants. Interim Relief.  
Private Water Wells.**

**Chapter 373, Statutes of 2019**

This measure authorizes SWRCB to provide grants to a county, community water system, local public agency, or nonprofit organization to provide relief to households where a private water well has gone dry or has been destroyed, due to drought, wildfire, or other natural disasters. This measure also authorizes ten percent of this funding to be used for planning related to permanent solutions for dry private wells.

**[SB 699](#) (Hill) San Francisco Bay Area Regional Water System.  
Chapter 214, Statutes of 2019**

This measure extends the sunset dates of the state's oversight authority of, and bond authority for, Bay Area regional water system projects. Specifically, this measure extends the sunset date on the Wholesale Regional Water System Security and Reliability Act until January 1, 2026, and extends the sunset date on the San Francisco Bay Area Regional Water System Financing Authority's ability to issue revenue bonds until January 1, 2030.

# **GOVERNANCE, TRANSPARENCY AND LABOR RELATIONS**

## IV. Governance, Transparency and Labor Relations

### A. Labor Relations

#### **\*[AB 5](#) (Gonzalez) Worker Status. Employees and Independent Contractors. Chapter 296, Statutes of 2019**

This measure, for purposes of the Labor Code, Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, requires a worker providing labor or services for payment to be classified as an employee rather than an independent contractor, subject to the three-part ABC test established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (Dynamex). The ABC test requires the hiring entity to demonstrate that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This measure additionally provides for exemptions under the Dynamex decision and subjects those exemptions to the common law test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (DIR) (1989) 48 Cal.3d 341 (Borello).

#### **\*[AB 9](#) (Reyes) Employment Discrimination. Limitation of Actions. Chapter 709, Statutes of 2019**

This measure extends the limitation of when a complaint alleging employment discrimination may be filed under The California Fair Employment and Housing Act (FEHA) from one year to three years. This measure specifies that the operative date of the verified complaint is the date that the intake form was filed with the Labor Commissioner.

#### **\*[AB 51](#) (Gonzalez) Employment Discrimination. Enforcement. Chapter 711, Statutes of 2019**

This measure prohibits an applicant for employment or any employee to waive their right to a judicial forum for a violation of any provision of the FEHA or other specific statutes governing employment, continued employment, or the receipt of any employment-related benefit. This measure also prohibits an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of their refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment.

#### **[AB 170](#) (Gonzalez) Worker Status. Employees and Independent Contractors. Chapter 415, Statutes of 2019**

This measure is a companion bill to AB 5 (Gonzalez, Chapter 296, Statutes of 2019) and provides an exemption from that measure until January 1, 2021 for newspaper distributors.



**[AB 547 \(Gonzalez\) Janitorial Workers. Sexual Violence and Harassment Prevention Training.](#)****Chapter 715, Statutes of 2019**

This measure requires the Division of Labor Standards Enforcement within DIR to issue two types of registrations, one for registrants without employees and one for registrants with employees. Additionally, this measure prohibits the Division from approving a registration, as described above, if the employer does not include, among other things, in their written application, the name of any subcontractor or franchise servicing contracts affiliated with branch locations and the name of any subcontractor on franchise servicing the contracts.

**[AB 593 \(Carrillo\) Unemployment Insurance. Use of Information. Public Workforce Development Programs.](#)****Chapter 611, Statutes of 2019**

This measure adds chief elected officials of local workforce investment areas, as defined under federal law, to the list of entities permitted to use information obtained in the administration of the Unemployment Insurance Code for workforce development programs, and additionally to access any relevant quarterly wage data necessary for the evaluation and reporting of specified workforce program performance as required and permitted by law.

**[AB 672 \(Cervantes\) Public Employees' Retirement. Disability Retirement. Reinstatement.](#)****Chapter 98, Statutes of 2019**

This measure prohibits a person who has retired for disability from being employed by any employer without reinstatement from retirement if the position from which the person retired, or if the position includes duties or activities that the person was previously restricted from performing at the time of retirement, unless an exception applies.

**[AB 673 \(Carrillo\) Failure to Pay Wages. Penalties.](#)****Chapter 716, Statutes of 2019**

This measure authorizes an affected employee to bring an action to recover specified statutory penalties against their employer as part of a hearing held to recover unpaid wages.

**[AB 1554 \(Gonzalez\) Employers. Dependent Care Assistance Program. Notice to Employees.](#)****Chapter 195, Statutes of 2019**

This measure requires an employer to notify an employee who participates in a flexible spending account of any deadline to withdraw funds before the end of the plan year.

**[\\*SB 142 \(Wiener\) Employees. Lactation Accommodation.](#)****Chapter 720, Statutes of 2019**

This measure requires an employer to provide a lactation room and to provide access to a sink and refrigerator in close proximity to the employee's workspace. This measure



deems a denial of reasonable break time or adequate space to express milk a failure to provide a rest period in accordance with state law. This measure prohibits an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions and would establish remedies that include filing a complaint with the Labor Commissioner.

**[SB 229 \(Hertzberg\) Discrimination. Complaints. Administrative Review.](#)  
Chapter 721, Statutes of 2019**

This measure requires the Labor Commissioner, within 10 days, to file a certified copy of a final citation with the Superior Court for judicial enforcement in any county in which a person assessed a penalty has or had property or a place of business, unless the person cited requests an informal hearing to challenge the citation.

**[SB 688 \(Monning\) Failure to Pay Wages. Penalties.](#)  
Chapter 723, Statutes of 2019**

This measure provides that if the Labor Commissioner determines that an employer has paid a wage less than the wage set by contract in excess of minimum wage, the Labor Commissioner may issue a citation to the employer to recover restitution of the amounts owed.

**[SB 707 \(Wieckowski\) Arbitration Agreements. Enforcement.](#)  
Chapter 870, Statutes of 2019**

This measure provides that if the fees or costs to initiate an arbitration proceeding are not paid within 30 days after the due date, the drafting party is in material breach of the arbitration agreement, is in default of the arbitration, and waives its right to compel arbitration. If the drafting party materially breaches the arbitration agreement and is in default of the arbitration, this measure authorizes the employee or consumer to both withdraw the claim from arbitration and proceed in a court of appropriate jurisdiction, or to compel arbitration in which the drafting party is required to pay reasonable attorney's fees and costs related to the arbitration. If the employee or consumer proceeds with an action in a court of appropriate jurisdiction, this measure provides that the statute of limitations with regard to all claims brought or that relate back to any claim brought in arbitration are tolled.

**[SB 778 \(Committee on Labor, Public Employment and Retirement\) Employers. Sexual Harassment Training. Requirements.](#)  
Chapter 215, Statutes of 2019 (Urgency)**

This measure requires an employer with five or more employees to provide sexual harassment training by January 1, 2021, and thereafter once every two years.

## ***B. Elections***

### **\*[AB 17](#) (Salas) Elections. Vote by Mail Ballots.**

#### **Chapter 223, Statutes of 2019**

This measure prohibits an employer from requiring or requesting that an employee bring the employee's vote by mail ballot to work or vote the employee's vote by mail ballot at work. This measure makes a violation of this prohibition subject to a civil fine of up to \$10,000 per election.

### **[AB 49](#) (Cervantes) California Voter Protection Act Of 2019.**

#### **Chapter 553, Statutes of 2019**

This measure, the California Voter Protection Act of 2019, requires the elections official to begin mailing vote by mail ballots no later than 29 days before an election and requires that the mailing be complete within five days.

### **\*[AB 57](#) (Low) Elections. Names of Candidates.**

#### **Chapter 82, Statutes of 2019**

This measure requires phonetic transliterations for a candidate's alphabet-based names for those jurisdictions that require a translation of their ballot materials into character-based languages, such as Chinese, Japanese, and Korean. This measure also permits candidates who have a character-based name by birth or is known in the public sphere for at least two years by that character-based name to use that name instead of a phonetic transliteration.

### **[AB 59](#) (Kalra) Elections. Polling Places. College and University Campuses.**

#### **Chapter 554, Statutes of 2019**

This measure directs a county elections official conducting an all-mailed ballot election to consider a vote center location on a public or private university or college campus.

### **[AB 201](#) (Cervantes) Political Reform Act of 1974. Campaign Disclosure. Text Messages.**

#### **Chapter 555, Statutes of 2019**

This measure authorizes a committee to include the words "Paid for by" or "With" in an advertisement that is a text message in the format prescribed by this measure.

### **\*[AB 220](#) (Bonta) Political Reform Act of 1974. Campaign Funds. Childcare Costs.**

#### **Chapter 384, Statutes of 2019**

This measure authorizes the use of campaign funds to pay for childcare expenses resulting from a candidate engaging in campaign activities.

### **[AB 299](#) (Salas) Vote by Mail Ballot Tracking.**

#### **Chapter 224, Statutes of 2019**

This measure requires a county elections official, when the elections official updates the county's election management system or voter look-up tool on the county's internet website with new voter information, to provide the updated information to the Secretary of State to update the information the Secretary of State provides to the public.

**[AB 566](#) (Berman) Elections. Official Canvass Period.****Chapter 91, Statutes of 2019**

This measure requires an elections official, on the second day after an election, to send to the Secretary of State an initial report containing the estimated number of outstanding unprocessed ballots. Commencing on the sixth day after the election, the elections official is required to send a report on the estimated number of outstanding unprocessed ballots whenever the elections official publicly releases updated election results during the official canvass period.

**\*[AB 571](#) (Mullin) Political Reform Act of 1974. Contribution Limits.****Chapter 556, Statutes of 2019**

This measure sets the default contribution limits for elective county or city office at the level established by the Fair Political Practices Commission (FPPC) for state Senate and Assembly elections. Allows a county or city, by ordinance or resolution to impose contribution limits that differ from those established in this measure, and also allows for the adoption of enforcement standards for violations of those limits which may include administrative, civil, or criminal penalties.

**[AB 623](#) (Berman) Elections. Printing Requirements and Ballot Design.****Chapter 863, Statutes of 2019**

This measure deletes various provisions requiring certain text be printed in gothic font and make other ballot-related changes allowing more flexibility. Additionally, this measure establishes a ballot design advisory committee to assist the Secretary of State in promulgating regulations that prescribe ballot design and format.

**[AB 679](#) (Gonzalez) Voter Qualifications. Residence and Domicile.****Chapter 63, Statutes of 2019**

This measure clarifies that a person, for purposes of their voter registration, may take up an abode at the same place at which the person does business and claim that abode as their domicile.

**[AB 693](#) (Berman) Conditional Voter Registration. Voting.****Chapter 99, Statutes of 2019**

This measure authorizes an elections official to offer a non-provisional ballot to a conditional voter registrant if the official uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 to make verifications before issuing the non-provisional ballot and, if the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another non-provisional ballot for that election.

**[AB 698](#) (Obernolte) Elections. Initiative and Referendum Petitions. Signature Verification.****Chapter 14, Statutes of 2019**

This measure prohibits the invalidation of a signature on an initiative or referendum petition because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

**[AB 730](#) (Berman) Elections. Deceptive Audio or Visual Media.****Chapter 493, Statutes of 2019**

This measure prohibits a person, committee, or other entity, within 60 days of an election at which a candidate for elective office will appear on the ballot, from distributing with actual malice materially deceptive audio or visual media of the candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate, unless the media includes a disclosure stating that the media has been manipulated. This measure sunsets on December 31, 2022.

**\*[AB 849](#) (Bonta) Elections. City and County Redistricting.****Chapter 557, Statutes of 2019**

This measure requires the governing body of each local jurisdiction to adopt new district boundaries after each federal decennial census. This measure specifies redistricting criteria and deadlines for the adoption of new boundaries by the governing body. This measure also specifies hearing procedures that allow the public to provide input on the placement of boundaries and on proposed boundary maps. This measure requires the governing body to take specified steps to encourage the residents of the local jurisdiction to participate in the redistricting process.

**[AB 864](#) (Mullin) Political Reform Act of 1974. Disclosures.****Chapter 558, Statutes of 2019**

This measure exempts from the definition of "mass electronic mailing," for purposes of disclosures under the Political Reform Act (PRA) of 1974, communications that were solicited by recipients.

**[AB 902](#) (Levine) Political Reform Act of 1974. Fair Political Practices Commission. Regulations.****Chapter 312, Statutes of 2019**

This measure codifies an existing regulation adopted by the FPPC that where the filing deadline for statements or reports falls on a Saturday, Sunday, or official state holiday, the filing deadline shall be extended to the next regular business day, with the exception of reports that must be filed immediately before an election.

**\*[AB 903](#) (Levine) Political Reform Act of 1974.****Chapter 102, Statutes of 2019**

This measure, for purposes of the PRA, clarifies that the exclusion from the definition of "expenditure" does not apply to communications paid for with public moneys by a state or local government agency.

**[AB 909](#) (Gallagher) Political Reform Act Of 1974. Statements of Acknowledgment.  
Chapter 313, Statutes of 2019**

This measure requires any person identified as a treasurer or assistant treasurer on the statement of organization of a committee to acknowledge that, by serving as a treasurer or assistant treasurer, the person must comply with duties imposed by the act and existing regulations adopted by the Commission, and that a violation of these duties could result in criminal, civil, or administrative penalties.

**\*[AB 1043](#) (Irwin) Political Reform Act of 1974. Campaign Funds. Cybersecurity.  
Chapter 46, Statutes of 2019**

This measure authorizes the expenditure of campaign funds to pay for, or reimburse the state for, the installation and monitoring of hardware, software, and services related to the cybersecurity of the electronic devices of a candidate, elected officer, or campaign worker. This measure also requires a candidate or elected officer to report any expenditure of campaign funds for these purposes to the FPPC in the candidate or elected officer's campaign statements.

**[AB 1707](#) (Berman) Polling Places. Handheld Devices.  
Chapter 561, Statutes of 2019**

This measure clarifies that a voter or any other person may not be prohibited from using an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of other provisions of law.

**[SB 27](#) (McGuire) Primary Elections. Ballot Access. Tax Returns.  
Chapter 121, Statutes of 2019 (Urgency)**

This measure enacts the Presidential Tax Transparency and Accountability Act, which requires a candidate for President, in order to have the candidate's name placed upon a primary election ballot, to file the candidate's income tax returns for the five most recent taxable years with the Secretary of State. This measure also requires the Secretary of State, within five days of receiving the returns, to make redacted versions of the returns available to the public on the Secretary of State's internet website. The same requirements are also required for candidates for Governor.

**[SB 47](#) (Allen) Initiative, Referendum, and Recall Petitions. Disclosures.  
Chapter 563, Statutes of 2019**

This measure requires, for a state or local initiative, referendum, or recall petition that requires voter signatures and for which the circulation is paid for by a committee, as specified, that an Official Top Funders disclosure be made, either on the petition or on a separate sheet, that identifies the name of the committee, any top contributors, as defined, and the month and year during which the Official Top Funders disclosure is valid, among other things. This measure requires the committee to submit the Official Top Funders sheet and any updates to the Secretary of State, who would be required to post that statement on the Secretary of State's internet website along with the previous versions the committee submitted.

**[SB 71 \(Leyva\) Political Reform Act of 1974. Campaign Expenditures. Limitations.](#)  
Chapter 564, Statutes of 2019**

This measure prohibits the expenditure of funds in a legal defense fund campaign account to pay or reimburse a candidate or elected officer for a penalty, judgment, or settlement related to a claim of sexual assault, sexual abuse, or sexual harassment filed against a candidate or elective officer in any civil, criminal, or administrative proceeding.

**[SB 72 \(Umberg\) Conditional Voter Registration. Provisional Ballots.](#)  
Chapter 565, Statutes of 2019**

This measure requires the county elections official to offer conditional voter registration and provisional voting at all satellite offices of the county elections official and all polling places in the county. If the elections official is able to determine a conditionally registered voter's precinct, and the ballot for that precinct is available, this measure requires the elections official to provide the voter with a ballot for the voter's precinct. If the elections official is unable to determine the conditionally registered voter's precinct, or a ballot for the precinct is unavailable, this measure requires the elections official to provide the voter with a ballot and inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted.

**[SB 151 \(Umberg\) Elections.](#)  
Chapter 566, Statutes of 2019**

This measure authorizes an officer in a voter-nominated office who is subject to a recall election to have the officer's party preference identified on the ballot. This measure specifies the format and appearance of the statement of party preference. By increasing the duties of local officials relative to the information to be displayed on a recall election ballot, this measure imposes a state-mandated local program.

**[SB 359 \(Moorlach\) Elections. Referendum.](#)  
Chapter 567, Statutes of 2019**

This measure permits each section of a referendum petition to contain an impartial summary of the referendum instead of the text of the ordinance or the portion of the ordinance that is the subject of the referendum. The summary would be drafted by the proponents of the referendum, filed with the local elections official, and approved by the city attorney.

**[SB 505 \(Umberg\) Presidential Primary Elections.](#)  
Chapter 149, Statutes of 2019 (Urgency)**

This measure defines the phrases "generally advocated for or recognized candidate" or "recognized candidate" for the purposes of inclusion on the ballot for President of the United States to mean an individual who has an authorized campaign committee registered with the Federal Election Commission for the office of President of the United States.



**[SB 523 \(McGuire\) Elections. Vote by Mail Ballots.](#)****Chapter 568, Statutes of 2019**

This measure, in the case of a voter whose signatures do not match, requires the elections official to notify the voter, at least eight days before the certification of the election, of an opportunity to verify the voter's signature. It extends the deadline for a voter who did not sign the ballot identification envelope to sign the envelope, or sign and deliver an unsigned ballot statement, to no later than 5:00 p.m. two days before the certification of the election.

**[SB 641 \(Allen\) Special Elections.](#)****Chapter 328, Statutes of 2019**

This measure changes the period of time in which a special election may be conducted for consolidation purposes from 180 to 200 days following the necessary proclamation.

**[\\*SB 681 \(Stern\) Local Referenda and Charter Amendments. Withdrawal.](#)****Chapter 569, Statutes of 2019 (Urgency)**

This measure authorizes the proponent of a county, municipal, or district referendum to withdraw the referendum at any time before the 88th day before the election, whether or not a petition has already been found sufficient by the elections official. This measure grants the same authority to withdraw to the proponent of an amendment of a city or county charter.

***C. Workers' Compensation/Healthcare*****[AB 406 \(Limón\) Disability Compensation. Paid Family Leave. Application in Non-English Languages.](#)****Chapter 386, Statutes of 2019**

This measure, beginning January 1, 2025, requires the California Employment Development Department (EDD) to distribute the application for family temporary disability insurance benefits, in addition to the application in English, in all non-English languages spoken by a substantial number of non-English-speaking applicants.

**[AB 651 \(Grayson\) Air Ambulance Services.](#)****Chapter 537, Statutes of 2019**

This measure requires a health care service plan contract or a health insurance policy issued, amended, or renewed on or after January 1, 2020, to provide that if an enrollee, insured, or subscriber (individual) receives covered services from a non-contracting air ambulance provider, the individual shall pay no more than the same cost sharing that the individual would pay for the same covered services received from a contracting air ambulance provider.

**[AB 962 \(Burke\) Hospitals. Procurement Contracts.](#)****Chapter 815, Statutes of 2019**

This measure requires a licensed hospital with operating expenses of \$50 million or more, and a licensed hospital with operating expenses of \$25 million or more that is part

of a hospital system, to annually submit a report to the Office of Statewide Health Planning and Development (OSHPD) on its minority, women, LGBT, and disabled veteran business enterprise procurement efforts. This measure also requires the reports to be submitted on July 1, 2021, and then annually thereafter. This measure imposes specified civil penalties for a failure to submit a report. Lastly, this measure requires the office to maintain a link on the office's internet website that provides public access to the content of those reports.

**\*[AB 1116](#) (Grayson) Firefighters. Peer Support.**

**Chapter 388, Statutes of 2019**

This measure enacts the California Firefighter Peer Support and Crisis Referral Services Act, which authorizes the state or a local or regional public fire agency to establish a Peer Support and Crisis Referral Program to provide an agency-wide network of peer representatives available to aid fellow employees on emotional or professional issues. This measure defines a "peer support team" as a team composed of emergency service personnel, as defined, hospital staff, clergy, and educators who have completed a peer support training course.

**[AB 1117](#) (Grayson) Peace Officers. Peer Support.**

**Chapter 621, Statutes of 2019**

This measure enacts the Law Enforcement Peer Support and Crisis Referral Services Program, which authorizes a local or regional law enforcement agency to establish a peer support and crisis referral program to provide an agency-wide network of peer representatives available to aid fellow employees on emotional or professional issues. This measure defines a "peer support team" as a team composed of law enforcement personnel, as defined, who have completed a peer support training course.

**[AB 1152](#) (Holden) Vital Records.**

**Chapter 188, Statutes of 2019**

This measure permits a local health jurisdiction that exclusively serves cities to issue a record older than two years if the record is the most accurate record on file.

**[AB 1291](#) (Jones-Sawyer) Adult-use Cannabis and Medicinal Cannabis. License Application. Labor Peace Agreements.**

**Chapter 826, Statutes of 2019**

This measure requires that an applicant for a cannabis license with 20 or more employees provide a notarized statement that the applicant will enter into and abide by the terms of a labor peace agreement or demonstrate that it has already entered into a labor peace agreement. This measure further requires that an applicant with less than 20 employees at the time of application, which has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing 20 employees.



**[AB 1804](#) (Committee on Labor and Employment) Occupational Injuries and Illnesses. Reporting.****Chapter 199, Statutes of 2019**

This measure requires the report of serious occupational injury, illness, or death to the Division of Occupational Safety and Health to be made immediately by telephone or through an online mechanism established by the division for that purpose. This measure allows, until the division has made the online mechanism available, the employer to make the report by telephone or email.

**[AB 1805](#) (Committee on Labor and Employment) Occupational Safety and Health. Chapter 200, Statutes of 2019**

This measure changes the definition of “serious injury or illness” by removing the 24-hour minimum time requirement for qualifying hospitalizations, excluding those for medical observation or diagnostic testing, and explicitly including the loss of an eye as a qualifying injury. This measure deletes the loss of a body member from the definition of serious injury and, instead, includes amputation.

**[SB 537](#) (Hill) Workers’ Compensation. Treatment and Disability.****Chapter 647, Statutes of 2019**

This measure requires the Administrative Director of the Division of Workers’ Compensation to issue a report to the Legislature, on or before January 1, 2023, comparing potential payment alternatives for providers to the official medical fee schedule. This measure also requires, on or before January 1, 2024 and annually thereafter, the administrative director to publish on the division’s internet website provider utilization data for physicians, as specified, who treated 10 or more injured workers during the 12 months before July 1 of the previous year, including the number of injured workers treated by the physician and the number of utilization review decisions that resulted in a modification or denial of a request for authorization of medical treatment based upon a determination of medical necessity.

**\*[SB 542](#) (Stern) Workers’ Compensation.****Chapter 390, Statutes of 2019**

This measure provides that in the case of state and local firefighting personnel and peace officers, the term “injury” also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. This measure applies to injuries occurring on or after January 1, 2020. This measure sunsets on January 1, 2025.

***D. General Government*****[AB 560](#) (Santiago) Public Utilities. Unionization.****Chapter 429, Statutes of 2019**

This measure requires that any expense incurred by a public utility in assisting or deterring union organizing, as defined, is not recoverable either directly or indirectly in

the utility's rates and is required to be borne exclusively by the shareholders of the public utility.

**[AB 692 \(Maienschein\) Attorneys. Arbitration of Attorney's Fees.](#)**

**Chapter 13, Statutes of 2019**

This measure allows commencement of arbitration upon a request for arbitration by a client, following the commencement of an action in any court or any other proceeding by the attorney.

**[AB 749 \(Stone, Mark\) Settlement Agreements. Restraints in Trade.](#)**

**Chapter 808, Statutes of 2019**

This measure prohibits an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer.

**[AB 754 \(Grayson\) Regional Notification Centers. GIS Data. Excavations.](#)**

**Chapter 494, Statutes of 2019**

This measure authorizes the California Department of Technology (CDT) to provide geographic information system (GIS) data to a regional notification center. This measure requires CDT to collect payment from a regional notification center to cover its reasonable costs for providing GIS data pursuant to these provisions. This measure provides that a state agency is not liable to a regional notification center or other third party for providing GIS data pursuant to these provisions.

**[AB 874 \(Irwin\) California Consumer Privacy Act of 2018.](#)**

**Chapter 748, Statutes of 2019**

This measure redefines "personal information" to mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.

**\*[AB 931 \(Boerner Horvath\) Local Boards and Commissions. Representation. Appointments.](#)**

**Chapter 813, Statutes of 2019**

This measure, on and after January 1, 2030, requires, with respect to a city with a population of 50,000 or more, that the city not appoint members of non-salaried, nonelected boards or commissions consisting of five or more members such that individuals of the same gender identity comprise more than 60 percent of the board or commission's membership.

**[AB 1125 \(Cooley\) Animal Control Officer Standards Act.](#)**

**Chapter 622, Statutes of 2019**

This measure creates the Animal Control Officer Standards Act (the Act). The Act requires the California Animal Welfare Association (CAWA) to develop and maintain standards for a program to certify animal control officers. This measure requires the

board of directors of the CAWA to adopt rules, after receiving specified input, setting forth the minimum training and experience requirements necessary for an applicant to qualify as a certified animal control officer (CACO).

**[AB 1223](#) (Arambula) Living Organ Donation.**

**Chapter 316, Statutes of 2019**

This measure requires a private or public employer to grant an employee an additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of organ donation. This measure requires a public employee to first exhaust all available sick leave before taking that unpaid leave.

**\*[AB 1320](#) (Nazarian) Public Employee Retirement Systems. Prohibited Investments. Turkey.**

**Chapter 459, Statutes of 2019**

This measure, upon the passage of a federal law that imposes sanctions on the government of Turkey for failure to officially acknowledge its responsibility for the Armenian Genocide, prohibits the California Public Employees' Retirement Systems (CalPERS) and the California State Teachers' Retirement System (CalSTRS) from making additional or new investments, or renewing existing investments, of public employee retirement funds in an investment vehicle of the government of Turkey, that is issued by the government of Turkey, or that is owned by the government of Turkey. This measure requires the boards to liquidate existing investments in the government of Turkey within 18 months of the passage of the above-described federal law.

**[AB 1355](#) (Chau) Personal Information.**

**Chapter 757, Statutes of 2019**

This measure excludes consumer information that is de-identified or aggregate consumer information from the definition of personal information.

**[AB 1361](#) (Oberholte) Civil Actions. Satisfaction of Money Judgments.**

**Chapter 48, Statutes of 2019**

This measure provides that payment in satisfaction of a money judgment, or a severable portion thereof, does not constitute a waiver of the right to appeal.

**[AB 1533](#) (Eggman) Public Contracts. Local Agencies. Preferences.**

**Chapter 49, Statutes of 2019**

This measure extends the authorization, in facilitating contract awards, to establish preferences, to San Joaquin county, for small businesses, disabled veteran businesses, and social enterprises, to the County of San Joaquin.

**\*[AB 1607](#) (Boerner Horvath) Gender Discrimination. Notification.**

**Chapter 293, Statutes of 2019**

This measure, commencing January 1, 2021, requires a city, county, or city and county that issues local business licenses to provide written notification in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean of the above provisions to the licensee

when the business license is issued or renewed. By requiring local agencies to comply with these requirements, this measure imposes a state-mandated local program.

**AB 1819 (Committee on Judiciary) Inspection of Public Records. Use of Requester's Reproduction Equipment.**

**Chapter 695, Statutes of 2019**

This measure grants a requester, who inspects a disclosable record on the premises of an agency, the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in damage to the record, or unauthorized access to a computer system of the agency or secured network.

**AB 1820 (Committee on Judiciary) Personal Rights. Civil Liability and Enforcement.**

**Chapter 834, Statutes of 2019**

This measure authorizes the Department of Fair Employment and Housing (DFEH) to bring civil actions for violations of specified federal civil rights and antidiscrimination laws.

**SB 30 (Wiener) Domestic Partnership.**

**Chapter 135, Statutes of 2019**

This measure removes the requirement that persons be of the same sex or of the opposite sex and over 62 years of age in order to enter into a domestic partnership.

**SB 188 (Mitchell) Discrimination. Hairstyles.**

**Chapter 58, Statutes of 2019**

This measure, for purposes of FEHA, provides that the definition of race also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, and defines protective hairstyles.

**SB 225 (Durazo) Citizens of the State.**

**Chapter 790, Statutes of 2019**

This measure provides that citizens of the state are all persons born in the state and residing in it, except the children of alien public ministers and consuls, and all persons born out of the state who are citizens of the United States and residing within the state.

**SB 323 (Wieckowski) Common Interest Developments. Elections.**

**Chapter 848, Statutes of 2019**

This measure requires an association to provide general notice of the procedure and deadline for submitting a nomination as a candidate at least 30 days before any deadline for submitting a nomination. This measure also requires an association to disqualify a person from nomination as a candidate for not being a member at the time of the nomination. This measure authorizes an association to disqualify a person from being nominated or from serving on the board for specified reasons, including the failure to pay regular and special assessments. Lastly, this measure requires the rules to require retention of, as association elections materials, both a candidate registration list

and a voter list, which would be required to be made available to members to verify the accuracy of their individual information, in accordance with specified timeframes.

### ***E. Resolutions***

#### **SJR 3 (Wilk) Social Security.**

##### **Resolution Chapter 129, Statutes of 2019**

This measure would request the Congress of the United States to enact, and the President to sign, legislation that would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.

#### **SJR 4 (Leyva) Title X.**

##### **Resolution Chapter 115, Statutes of 2019**

This measure would urge the United States Department of Health and Human Services to rescind the new Title X regulations that will impede access to essential, time-sensitive health care for low-income individuals across California and the nation.

### ***F. Budget Trailer Bills***

#### **AB 118 (Committee on Budget) State Employment. State Bargaining Units 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, 17, 20, and 21.**

##### **Chapter 859, Statutes of 2019 (Urgency)**

This measure makes the necessary statutory changes to ratify and implement memoranda of understanding (MOUs) between 12 bargaining units (BUs) and the state, which include pay increases and increased employee contributions towards retirement.

#### **SB 83 (Committee on Budget and Fiscal Review) Employment.**

##### **Chapter 24, Statutes of 2019 (Urgency)**

This measure makes various changes to implement budget actions related to labor and employment. Specifically, this measure:

- Extends Paid Family Leave (PFL) benefits from six to eight weeks beginning July 1, 2020. Additionally, SB 83 will adopt intent language to convene a task force to develop a proposal by November 2019 to extend the duration of PFL benefits to six months by 2021-22. The proposal will also address job protections for workers and establish the goal of providing a 90 percent wage replacement rate for low-wage workers utilizing the PFL program;
- Reduces the reserve requirement for the Disability Insurance Fund from 45 percent to 30 percent; and
- Authorizes \$5 million in a one-time General Fund appropriation to create an outreach and education grant program for domestic workers.

#### **SB 90 (Committee on Budget and Fiscal Review) Public Employees' Retirement.**

##### **Chapter 33, Statutes of 2019 (Urgency)**

This measure makes various statutory changes to implement CalPERS and CalSTRS. Specifically, this measure:

- Appropriates \$2.5 billion from the General Fund to be transferred to the Public Employees' Retirement Fund, for apportionment to prescribed state employee member categories, as directed by DOF;
  - These supplemental payments would be applied to unfunded state liabilities for enumerated state employee member categories.
- Appropriates \$904 million from the General Fund in 2018–19 to be transferred to the Public Employees' Retirement Fund for payments relating to school employers' contributions and unfunded liabilities;
- Appropriates \$2.25 billion from the General Fund to the Teachers' Retirement Fund for the Defined Benefit Program. This will result in employers having to contribute 1.03 percent less than the amount currently required for 2019–20 (estimated to about approximately \$500 million) and .70 percent less in 2020–21 (approximately \$350 million); and
  - The remainder of the amount (approximately \$1.6 billion) provided would make a supplemental payment to reduce the employers' share of the unfunded pension liability.
- Appropriates a total of \$2.9 billion Prop. 2 Funds in 2019–20 through 2022–23 to pay down the state share of the CalSTRS unfunded liability.

**SB 103 (Committee on Budget and Fiscal Review) State Employees. Memorandum of Understanding.**

**Chapter 118, Statutes of 2019 (Urgency)**

This measure provides legislative ratification of the MOU agreed to by the state and Bargaining Unit (BU) 6, represented by the Correctional Peace Officers Association (CCPOA). This measure provides a three percent salary increase to approximately 27,694 full-time employees. The provisions of this measure will have implications for employee health benefits, compensation increases, night shift, and weekend pay differentials and leave buy back.

# **HOUSING, COMMUNITY AND ECONOMC DEVELOPMENT**



## V. Housing, Community and Economic Development

### A. Accessory Dwelling Units

#### \*[AB 68](#) (Ting) Land Use. Accessory Dwelling Units.

##### Chapter 655, Statutes of 2019

This measure significantly amends the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs). This measure's changes include: prohibiting minimum lot size requirements, requiring at least 850 sq.ft. per ADU, and requiring approval within 60 days. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

#### \*[AB 587](#) (Friedman) Accessory Dwelling Units. Sale or Separate Conveyance.

##### Chapter 657, Statutes of 2019

This measure authorizes a local agency to allow, by ordinance, an ADU to be sold or conveyed separately from the primary residence to a qualified low-income home buyer. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

#### \*[AB 670](#) (Friedman) Common Interest Developments. Accessory Dwelling Units.

##### Chapter 178, Statutes of 2019

This measure makes void and unenforceable any provision of a governing document of a common interest development (CID) that either effectively prohibits or unreasonably restricts the construction or use of an ADU or junior accessory dwelling unit (JADU) on a lot zoned for single-family residential use. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

#### \*[AB 671](#) (Friedman) Accessory Dwelling Units. Incentives.

##### Chapter 658, Statutes of 2019

This measure requires a local agency to include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low, or moderate-income households in its housing element. It also requires the Department of Housing and Community Development (HCD) to develop a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of accessory dwelling units with affordable rent. The list must be posted to HCD's internet website by December 31, 2020. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

#### \*[AB 881](#) (Bloom) Accessory Dwelling Units.

##### Chapter 659, Statutes of 2019

This measure prohibits a local jurisdiction from requiring a property owner live in the main house or one of the accessory structures. This measure also:

- Requires local agencies to ministerially approve ADUs on lots with multi-family residences and within existing garages; and



- Adds a definition of "public transit" to mean a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop.

*(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**\*[SB 13](#) (Wieckowski) Accessory Dwelling Units.**

**Chapter 653, Statutes of 2019**

This measure prohibits local jurisdictions from imposing any impact fees on ADUs less than 750 square feet, and limits the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot.

This measure also:

- Prohibits replacement parking when a garage, carport, or covered parking structure is demolished or converted into an ADU; and
- Prohibits owner occupancy requirements.

*(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**B. Housing and Housing Finance**

**[AB 430](#) (Gallagher) Housing Development. Camp Fire Housing Assistance Act of 2019.**

**Chapter 745, Statutes of 2019**

This measure establishes a ministerial approval process for residential and mixed-use developments within or near the cities of Biggs, Corning, Gridley, Live Oak, Orland, Oroville, Willows, and Yuba City, so that these projects are not subject to review under the California Environmental Quality Act (CEQA). A city approving a development pursuant to this measure must file a notice of that approval with the Office of Planning and Research. This measure sunsets on January 1, 2026.

**[AB 957](#) (Committee on Housing and Community Development) Housing Omnibus. Chapter 620, Statutes of 2019 (Urgency)**

This measure makes technical and non-controversial changes to various sections of the law dealing with housing. These changes include:

- Amending the housing element law to reconcile the differences between two versions of Government Code Section 65583.2, one currently operative and one that triggers on Jan 1, 2029;
- Making changes to the Housing for a Healthy California program to clarify that counties are not required to use grants for both construction and operating costs of supportive housing units, but can use the grants for one or both. Counties can also use the grants for long term rental assistance to support supportive housing; and
- Amending the No Place Like Home Program to completely convey the ways in which the State may not act in adverse interest to bondholders.

**AB 1010 (Garcia, Eduardo) Housing Programs. Eligible Entities.****Chapter 660, Statutes of 2019**

This measure amends the definitions of “local agency,” “local public entity,” and “nonprofit housing sponsor” to make the governing body of Indian reservations and Rancherias eligible to receive funding from various state affordable housing programs.

**AB 1118 (Rubio, Blanca) Land Use. Livability Issues for Older Adults.****Chapter 820, Statutes of 2019**

This measure requires the Secretary of California Health and Human Services, in developing the Master Plan for Aging, to consider applying, on behalf of the State of California, to join the AARP Network of Age-Friendly States and Communities.

**\*AB 1483 (Grayson) Housing Data. Collection and Reporting.****Chapter 662, Statutes of 2019**

This measure requires cities, counties, and special districts to maintain a current schedule of fees, exactions, and affordability requirements imposed by the city, county, or special district, including any dependent special district, applicable to a proposed housing development project, all zoning ordinances and development standards, and annual fee reports or annual financial reports on its internet website. Cities, counties, and special districts must also provide an archive of impact fee nexus studies, cost of service studies, or equivalent on its internet website.

**\*AB 1485 (Wicks) Housing Development. Streamlining.****Chapter 663, Statutes of 2019**

This measure makes various changes to SB 35 (Wiener, Chapter 366, Statutes of 2017) to allow for streamlining of housing developments that include a percentage of low income and/or moderate-income housing.

This measure amends the law so that a developer of a project is eligible for local entitlement and CEQA streamlining approval under SB 35 if it meets one of the following requirements:

- A jurisdiction fails to produce its annual report or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period; or
- The project in the San Francisco Bay Area contains ten or more units and it dedicates 20% of the total number of units to housing affordable to households making below 120% of the area median income with the average income of the units at or below 100% of the area median income.

Additionally, this measure:

- States that the rent or sale price charged for units for these households shall not exceed 30% of the gross income of the household;
- Requires any permits subsequent to the streamlined, ministerial approval, such as demolition, grading, and building permits or, if required, final map, to be issued if the application substantially complies with the development as it was

approved. Upon receipt of the application, the local government shall process subsequent permits without unreasonable delay and shall apply the same procedures and requirements on all projects;

- Declares that SB 35 projects are eligible for protections under the Housing Accountability Act; and
- Provides that improvements located on land owned by the local government or the San Francisco Bay Area Transit District necessary to implement a project shall receive streamlined ministerial approval and not be subject to CEQA.

**\*[AB 1487](#) (Chiu) San Francisco Bay Area. Housing Development. Financing. Chapter 598, Statutes of 2019**

This measure establishes the Bay Area Housing Finance Authority. The Authority's purpose is to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) serve as the governing board of the Authority.

**[AB 1783](#) (Rivas, Robert) H-2a Worker Housing. State Funding. Streamlined Approval Process for Agricultural Employee Housing Development. Chapter 866, Statutes of 2019**

This measure revises the entitlement process and eligibility for state programs that provide funding for farmworker housing. This measure emulates the process to expedite and increase the certainty of housing approval created in SB 35, (Wiener, Chapter 366, Statutes of 2017), but for farmworkers instead of infill housing.

This measure creates a streamlined, ministerial approval process for agricultural employee housing if all of the following criteria are met:

- The land is zoned for agricultural uses;
- The land is not located in environmentally unsafe or sensitive areas, including a coastal zone, wetlands, a high or very fire severity zone, a hazardous waste site, an earthquake fault zone, a flood plain or floodway, lands identified for conservation in an adopted natural community conservation plan, lands under conservation easement, and lands with specified groundwater levels;
- The development does not contain dormitory-style housing; and
- The development consists of no more than 36 units or spaces designed for use by a single family or household.

Additionally, this measure:

- Establishes that the funding predevelopment of, developing, or operating of any housing for farmworkers holding federal H-2A visas shall be ineligible for state funding;
- Provides that a tenant residing in agricultural employee housing has all the rights applicable to a person residing in employee housing;
- States that a local government may subject an eligible agricultural employee housing development to specified, objective development standards; and

- Requires HCD to establish an application and review process for certifying that a person is an affordable housing organization qualified to operate agricultural employee housing.

**[AJR 15](#) (Bloom) Section 202 Supportive Housing for the Elderly Program. Resolution Chapter 147, Statutes of 2019**

This measure states the Legislature’s support for federal funding of at least \$600 million per year to support the construction and operation of affordable housing through the Supportive Housing for the Elderly Program. This measure also calls on the President of the United States and the United States Secretary of Housing and Urban Development to support significantly increased funding for that program.

**[SB 623](#) (Jackson) Multifamily Housing Program. Total Assistance Calculation. Chapter 507, Statutes of 2019**

This measure requires HCD to use the American Community Survey (ACS), instead of the decennial census, from the US Census Bureau when determining the proportion of the funds available for senior citizens in the Multifamily Housing Program (MHP).

**[SB 646](#) (Morrell) Local Agency Utility Services. Extension of Utility Services. Chapter 78, Statutes of 2019**

This measure revises and further clarifies the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a reasonable relationship to the payer’s burdens on, or benefits received from, the water connection or sewer connection.

***C. Homelessness***

**[AB 58](#) (Rivas, Luz) Homeless Coordinating and Financing Council. Chapter 334, Statutes of 2019**

This measure requires the Governor to appoint a representative from the State Department of Education (CDE) to be a member of the Homeless Coordinating and Financing Council.

**\*[AB 139](#) (Quirk-Silva) Emergency and Transitional Housing Act of 2019. Chapter 335, Statutes of 2019**

This measure makes several changes to housing element law regarding emergency shelters. Specifically, this measure:

- Clarifies that the emergency shelter zone shall include sufficient capacity to accommodate the need for emergency shelter. “Sufficient capacity” means a zone or zones necessary to accommodate a combination of the local government’s extremely low-income regional housing need allocation and the most recent homeless point-in-time count;
- Clarifies that shelters in emergency shelter zones shall only be required to include sufficient parking to accommodate all staff working in the shelter;

- Specifies that the need for emergency shelters shall be assessed based on the need for emergency shelters based on the number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions;
- Requires the Council of Governments (COG) or HCD to include the housing needs of individuals and families experiencing homelessness in developing the methodology that allocates regional housing needs; and
  - If a COG has surveyed each of its member jurisdictions, on or before January 1, 2020, this requirement only applies to the development of methodologies for the seventh and subsequent revisions of the housing element.
- Requires each local government to also evaluate as frequently as appropriate the effectiveness of the housing element goals, policies, and related actions to meet the community's needs, including the need for emergency shelters.

**AB 143 (Quirk-Silva) Shelter Crisis. Homeless Shelters. Counties of Alameda and Orange. City of San Jose.**

**Chapter 336, Statutes of 2019 (Urgency)**

This measure expands the eligible cities and counties that may authorize emergency housing to include emergency shelter, upon the declaration of a shelter crisis to the cities in the County of Orange, the City of San Jose, and the Counties of Orange and Alameda.

**AB 728 (Santiago) Homeless Multidisciplinary Personnel Teams.**

**Chapter 337, Statutes of 2019**

This measure establishes a pilot program in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura that allows homeless adult and family multidisciplinary teams (MDTs) established in these counties to have the goal of facilitating expedited identification, assessment, and linkage of individuals at risk of homelessness to housing and supportive services, and the goal of facilitating the expedited prevention of homelessness for those individuals. This measure sunsets on January 1, 2025.

**AB 960 (Maienschein) CalWORKs. Homeless Assistance.**

**Chapter 444, Statutes of 2019**

This measure expands the type of housing the California Work Opportunity and Responsibility to Kids (CalWORKs) homeless assistance payment can be made to include a person with whom the family requesting assistance has executed a valid lease, sublease, or shared housing agreement. This measure removes the requirement that a person in the business of renting properties have a history of renting properties in order to receive payments. Additionally, this measure requires the California Department of Social Services (CDSS) to implement the act through an all-county letter (ACL) or similar instruction until final regulations are adopted. CDSS must adopt emergency regulations by January 1, 2021, or 18 months after the ACL or similar instructions are issued, whichever is later.

**AB 1188 (Gabriel) Dwelling Units. Persons at Risk of Homelessness.****Chapter 339, Statutes of 2019**

This measure permits, at the discretion of the landlord or owner of the property, a tenant to temporarily permit the occupancy of their dwelling unit by a person who is at risk of homelessness for a maximum of 12 months. An owner or landlord may adjust the rent during the time the person who is at risk of homelessness is occupying the dwelling unit. The occupant is entitled to the rights and obligations of a lodger under California Law, with the exception of the termination of the right of occupancy. This measure sunsets on January 1, 2024.

**AB 1197 (Santiago) California Environmental Quality Act. Exemption. City of Los Angeles. Supportive Housing and Emergency Shelters.****Chapter 340, Statutes of 2019 (Urgency)**

This measure establishes an exemption from CEQA for specified emergency shelters and supportive housing projects approved or carried out by the City of Los Angeles and other eligible public agencies. Eligible public agency means any of the following:

- The County of Los Angeles;
- The Los Angeles Unified School District;
- The Los Angeles County Metropolitan Transportation Authority;
- The Housing Authority of the City of Los Angeles;
- The Los Angeles Homeless Services Authority;
- The Los Angeles Community College District;
- The successor agency for the former Community Redevelopment Agency of the City of Los Angeles;
- The Department of Transportation; and
- The Department of Parks and Recreation.

This measure sunsets on January 1, 2025.

**AB 1745 (Kalra) Shelter Crisis. Emergency Bridge Housing Community. City of San Jose.****Chapter 342, Statutes of 2019**

This measure extends the sunset date on the authority of the City of San Jose to declare a shelter crisis and operate an emergency bridge housing community for homeless persons from January 1, 2022 to January 1, 2025. AB 2176 (Campos, Chapter 691, Statutes of 2016), gave the City of San Jose the authority to declare a shelter crisis and construct emergency bridge housing communities until January 1, 2022. This measure gives the city more time to develop the housing and move residents into permanent housing. This measure sunsets on January 1, 2025.

**SB 211 (Beall) State Highways. Leases.****Chapter 343, Statutes of 2019**

This measure authorizes Caltrans to lease highway airspace and real property to a state agency, city, county, or political subdivision of a city or county for temporary emergency shelters or feeding programs. This measure requires the entity that enters into the lease to pay Caltrans \$1 per month for the lease and an annual administrative fee up to



\$5,000, or the actual cost for Caltrans to administer the lease, not to exceed \$15,000. This measure authorizes Caltrans to terminate the lease at any time without penalty if needed for departmental purposes.

**\*[SB 450](#) (Umberg) California Environmental Quality Act Exemption. Supportive and Transitional Housing. Motel Conversion.**

**Chapter 344, Statutes of 2019**

This measure exempts interim motel housing projects from the requirements of CEQA. Specifically, this measure exempts from CEQA projects related to the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing, that meet certain conditions. This measure sunsets on January 1, 2025.

***D. Land Use/Planning***

**\*[AB 747](#) (Levine) Planning and Zoning. General Plan. Safety Element.**

**Chapter 681, Statutes of 2019**

This measure requires cities and counties to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios in the safety element of their general plan by January 1, 2022. A city or county that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives may use that information in the safety element to comply with this requirement.

**\*[AB 1763](#) (Chiu) Planning and Zoning. Density Bonuses. Affordable Housing.**

**Chapter 666, Statutes of 2019**

This measure revises Density Bonus Law (DBL) to require a city or county to award a developer additional density (80%), concessions and incentives, and height increases if 100% of the units in a development are restricted to lower income households. A housing development that qualifies for a density bonus under this measure may include up to 20% of the total units for moderate-income households. A housing development that meets these criteria will also receive four incentives or concessions under the DBL and, if the development is located within ½ of a major transit stop, a height increase of up to three additional stories or 33 feet, and no maximum controls on density.

**[AB 1823](#) (Committee on Natural Resources) Fire Protection. Local Fire Planning.**

**Chapter 399, Statutes of 2019**

This measure cleans up legislation passed in 2018 including: SB 901, (Dodd, Chapter 626, Statutes of 2018), and AB 2518 (Aguiar-Curry, Chapter 637, Statutes of 2018).

Specifically, this measure:

- Defines the Forestry Management Task Force to mean the task force established by the Governor to oversee the implementation of Executive Order B-52-18;
- Adds clarification of a provision of existing law, related to the management of conservation easements that include forestland;

- Delays by six months the requirement that the Department of Forestry and Fire Protection (CAL FIRE), in consultation with the Board of Forestry and Fire Protection, identify the barriers to in-state production of mass timber and other innovative forest products; and
- Ensures local agencies on the "Fire Risk Adapted Community" list comply with the CAL FIRE's regulations.

**[\\*SB 99 \(Nielsen\) General Plans. Safety Element. Emergency Evacuation Routes. Chapter 202, Statutes of 2019](#)**

This measure requires the safety element of the general plan, upon the next revision of the housing element on or after January 1, 2020, to identify any residential developments in any hazard area that does not have at least two emergency evacuation routes. Cities and counties must regularly review and update this information on the same schedule as other safety element updates.

**[SB 235 \(Dodd\) Planning and Zoning. Housing Production Report. Regional Housing Need Allocation. Chapter 844, Statutes of 2019](#)**

**Chapter 844, Statutes of 2019**

This measure allows the City of Napa and County of Napa to reach an agreement under which the county would be allowed to count certain housing units built within the city toward the county's regional housing needs assessment (RHNA) requirement.

**[SB 242 \(Roth\) Land Use Applications. Department of Defense. Points of Contact. Chapter 142, Statutes of 2019](#)**

This measure updates and streamlines local agency requirements for notifying the military of proposed developments near military installations. The Office of Planning and Research (OPR) is now required to post on its website information on development proposals, military points of contact and maps of low-level flight paths, special use airspace, and military installations.

**[SB 249 \(Nielsen\) Land Use. Subdivision Map Act. Expiration Dates. Chapter 366, Statutes of 2019 \(Urgency\)](#)**

This measure allows certain unexpired subdivision maps in Butte County to be extended for up to 36 months. A legislative body within Butte County can extend the expiration date for up to 36 months of an tentative map or vesting tentative map, that was approved on or after January 1, 2006, and not later than March 31, 2019, that relates to the construction of single or multifamily housing, and that has not expired on or before the effective date of this act.

**[\\*SB 330 \(Skinner\) Housing Crisis Act of 2019. Chapter 654, Statutes of 2019](#)**

This measure establishes the Housing Crisis Act of 2019, which places restrictions on certain types of development standards, amends the Housing Accountability Act (HAA), and makes changes to local approval processes and the Permit Streamlining Act. This measure, among other things, declares a statewide housing crisis and for a five-year period:



- Creates a “preliminary” housing project application;
- Freezes nearly all development related fees once a developer submits a “preliminary” application; and
- Allows a developer 2 1/2 years to begin construction without being subject to increased development fees.

**[SB 744 \(Caballero\) Planning and Zoning. California Environmental Quality Act. Permanent Supportive Housing. Chapter 346, Statutes of 2019](#)**

This measure makes changes to the existing streamlined process for supportive housing developments and creates a CEQA exemption for developments that qualify for No Place Like Home (NPLH) funding. If an NPLH project qualifies as a use by right, the local agency must file and post the notice. Additionally, HCD must notify the Speaker of the Assembly and the Pro Tem of the Senate when NPLH funds have been fully allocated and for that information to be posted on HCD's Web site for at least one year.

***E. Landlord–Tenant***

**[\\*AB 1110 \(Friedman\) Rent Increases. Noticing. Chapter 595, Statutes of 2019](#)**

This measure requires a 90-day notice if a landlord of a residential dwelling increases the rent by more than ten percent of the amount of the rent charged to a tenant annually.

**[\\*AB 1399 \(Bloom\) Residential Real Property. Rent Control. Withdrawal of Accommodations. Chapter 596, Statutes of 2019](#)**

This measure makes changes to the Ellis Act to clarify that property owners may not pay prior tenants liquidated damages in lieu of offering them the opportunity to re-rent their former unit. This measure also clarifies that the date on which the accommodations are deemed to have been withdrawn from the rental market is the date on which the final tenancy among all tenants is terminated.

**[\\*AB 1482 \(Chiu\) Tenant Protection Act of 2019. Tenancy. Rent Caps. Chapter 597, Statutes of 2019](#)**

This measure places an upper limit on annual rent increases: five percent plus inflation up to a hard cap of 10 percent. This measure also requires that a landlord have and state a just cause in order to evict tenants who have occupied the premises for a year. Both the rent cap and the just cause provisions are subject to exemptions including, among others, housing built in the past 15 years and single family residences unless owned by a real estate trust or a corporation. This measure does not preempt any local rent control or just cause ordinances. This measure sunsets on January 1, 2030.

**[AB 1497 \(Holden\) Hosting Platforms.](#)****Chapter 599, Statutes of 2019**

This measure adds housing offered on a hosting platform to the definition of housing accommodation in the Fair Employment and Housing Act (FEHA). This measure includes Legislative intent language stating:

- That this act will not affect the permissibility, classification, or local regulation of the use of residential structures for short-term rentals or other transient occupancy; and
- Does not imply that short-term rentals on hosting platforms should be considered permanent housing.

**[SB 18 \(Skinner\) Keep Californians Housed Act.](#)****Chapter 134, Statutes of 2019**

This measure eliminates the sunset on a statute that gives all tenants who reside in a residential rental property which is sold at foreclosure sale at least 90 days' notice that they must terminate their tenancies. This provision was set to sunset as of December 31, 2019. This measure extends the operation of these provisions indefinitely.

**[SB 222 \(Hill\) Discrimination. Veteran or Military Status.](#)****Chapter 601, Statutes of 2019**

This measure reinforces that housing discrimination on account of military or veteran status is unlawful in California by explicitly stating so within FEHA. In addition, by defining a Veterans Affairs Supportive Housing (VASH) voucher as a source of income for purposes of FEHA, this makes it unlawful for a landlord to discriminate against tenants who use VASH vouchers to pay for part or all of their rent.

**[\\*SB 329 \(Mitchell\) Discrimination. Housing. Source of Income.](#)****Chapter 600, Statutes of 2019**

This measure prohibits landlords from discriminating against tenants who rely upon housing assistance paid directly to landlords, such as a Section 8 voucher, to help them pay the rent. This measure changes the definition of "source of income" to include housing subsidies and add housing assistance to the sources of income protected by FEHA.

**[SB 638 \(Allen\) Leases. Electric Vehicle Charging Stations. Insurance Coverage.](#)****Chapter 855, Statutes of 2019**

This measure modifies the amount of insurance coverage that a landlord may demand from a tenant requesting to install an electric vehicle (EV) charging station on residential rental property. Specifically, this measure removes the requirement to obtain a general liability insurance policy, and instead requires the lessee to obtain personal liability coverage, in an amount not to exceed ten times the annual rent charged for the dwelling, covering property damage and personal injury proximately caused by the installation or operation of the electric vehicle charging station.

**[SB 644 \(Glazer\) Tenancy. Security Deposit. Service Members.](#)  
Chapter 602, Statutes of 2019**

This measure lowers the amount that a landlord can charge service members for a security deposit on residential rental housing. This measure prohibits a landlord from demanding or receiving security from a service member who rents residential property in which the service member will reside in an amount or value in excess of an amount equal to one month's rent, in the case of unfurnished residential property, or in excess of an amount equal to two months' rent, in the case of furnished residential property.

This measure does not apply if:

- The tenant has a history of poor credit or of causing damage to the rental property or its furnishings; or
- The property is rented to a group of individuals, one or more of whom is not a service member or the service member's spouse, parent, domestic partner, or dependent.

Additionally, this measure prohibits landlords from refusing to rent residential property to a service member on the ground that the landlord will not be able to require as large a security deposit from that service member.

***F. Mobile Homes***

**[AB 173 \(Chau\) Mobilehomes. Payments. Nonpayment or Late Payments.](#)  
Chapter 488, Statutes of 2019**

This measure extends, by one year, a tax abatement program, the "Register Your Mobilehome," for mobilehome owners who cannot transfer title into their names due to delinquent taxes and fees that may have been incurred by prior owners. This measure also changes the date for HCD to conduct the analysis of this program from on or before March 1, 2020 to on or before July 1, 2021.

**[AB 338 \(Chu\) Manufactured Housing. Smoke Alarms. Emergency Preparedness.](#)  
Chapter 299, Statutes of 2019**

This measure makes several changes to the law relating to fire prevention and fire safety for mobilehomes and manufactured homes. These changes include:

- Requiring all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold on or after January 1, 2020, or rented pursuant to a rental agreement entered into on or after January 1, 2020, to have installed in each room designed for sleeping a smoke alarm that is operable on the date of rental or transfer of title, is installed in accordance with the manufacturer's installation instructions, and has been approved and listed by the Office of the State Fire Marshal (SFM);
- Requiring that specified information regarding all smoke alarms installed in the used manufactured home, used mobilehome, or used multifamily manufactured home be provided to the purchaser or renter thereof;
- Requiring every owner or operator of a park to:

- Post notice of the emergency preparedness plan in a publicly accessible area within the mobilehome park;
  - Provide notice annually to all existing residents of how to access the plan and information on individual emergency preparedness contained therein and how to obtain the plan in a language other than English; and
  - Provide the plan in English and all of the languages that HCD is required to translate its forms and processes.
- HCD must make available mobilehome park emergency preparedness plans and other required documents and translate them into the required threshold languages.

### **SB 274 (Dodd) Mobilehome Parks. Tenancies.**

#### **Chapter 504, Statutes of 2019**

This measure creates an opportunity for mobilehome residents to return when a mobilehome park is destroyed by natural disaster and subsequently gets rebuilt. This measure also provides a required structure for a park's determination of whether it must accept a prospective mobilehome buyer. Mobilehome residents will now have the opportunity to designate at least three "companions" in each calendar year with whom to share the mobilehome.

### ***G. Care Facilities***

### **AB 919 (Petrie-Norris) Alcoholism and Drug Abuse Recovery or Treatment**

#### **Programs.**

#### **Chapter 811, Statutes of 2019**

This measure enhances prohibitions on entities such as alcoholism or drug abuse recovery or treatment facilities, owners, employees, or shareholders of these facilities, from giving or receiving remuneration or anything of value for the referral of a person who is seeking substance use disorder (SUD) recovery or treatment services in order to prevent those specified entities from inducing an individual to receive recovery or treatment services by providing free housing, transportation, and other related services.

An alcoholism or drug abuse recovery or treatment facility licensed by the Department of Health Care Services (DHCS) must now offer transportation services to an individual who is seeking recovery or treatment services only if specified conditions are met. These provisions shall be enforced by DHCS.

### **SB 234 (Skinner) Family Daycare Homes.**

#### **Chapter 244, Statutes of 2019**

This measure revises statutes regarding licensed family daycare homes pertaining to local zoning laws and housing protections. This measure instead requires a large family daycare home to be treated as a residential use of property for purposes of all local ordinances. This gives large family daycare homes the same status as small family daycare homes with regard to local ordinances. This measure additionally revises provisions of law to:

- Update housing protections for licensed family daycare providers to ensure they will not be prohibited from living in a home solely based on the fact that they are operating a family daycare home;
- Clarify that licensed family daycare homes are permitted to operate in apartments and other types of multifamily units;
- Clarify that family daycare providers may be subject to remedies and procedures available to them under FEHA; and
- Require the SFM to update the building and fire standards relating to life and fire safety for large and small family daycare homes.

#### ***H. Building Standards***

##### **AB 178 (Dahle) Energy. Building Standards. Photovoltaic Requirements. Chapter 259, Statutes of 2019**

This measure specifies that residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor, before January 1, 2020, is required to comply with the solar photovoltaic requirements, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and is not required to comply with any additional or conflicting solar photovoltaic requirements in effect at the time of repair, restoration, or replacement. This measure sunsets on January 1, 2023.

##### **\*AB 548 (Rodriguez) Earthquake Brace and Bolt Program. Chapter 219, Statutes of 2019**

This measure requires the California Residential Mitigation Program (CRMP) that administers the Earthquake Brace and Bolt program to provide outreach to low-income households to increase awareness of the Earthquake Brace and Bolt program in communities where the program is offered. This measure requires the CRMP to set aside at least ten percent of the funds available each year for the Earthquake Brace and Bolt program to provide supplemental grants to low-income homeowners selected for program grants.

##### **AB 1026 (Wood) Electricity. Interconnection Rules. Chapter 446, Statutes of 2019**

This measure requires an electrical or gas corporation investor-owned utility (IOU) to apply only those construction and design specifications that are applicable to a new extension of service project for the 18 months following the date the application for a new extension of service project is approved. This will keep the interconnection rules in place on the date the project is approved by the IOU for 18 months.

This measure also authorizes an IOU to adopt modifications of the construction and design specifications of a new extension of service project. The conditions that can trigger a project modification are:

- An order or decision of the California Public Utilities Commission or any other state or federal agency;
- A change in the scope of work by the customer; and
- A change needed by the IOU to remedy a construction-related defect that could pose a safety-risk.

**AB 1232 (Gloria) Affordable Housing. Weatherization.  
Chapter 754, Statutes of 2019**

This measure requires the Department of Community Services and Development to coordinate with the California Energy Commission (CEC) and the California Department of Public Health's Office of Health Equity, by January 1, 2021, to identify best practices from model programs and funding mechanisms, and provide a recommended action plan.

**\*SB 190 (Dodd) Fire Safety. Building Standards. Defensible Space Program.  
Chapter 404, Statutes of 2019**

This measure requires the SFM to develop both a model defensible space program and a Wildland-Urban Interface (WUI) Fire Safety Building Standards Compliance training manual. Specifically, this measure:

- Requires the SFM to develop a model defensible space program for use by a city or county in the enforcement of existing defensible space provisions in law;
- Requires the SFM, in the development of the defensible space program, to consult with representatives from local, state, and federal fire services, local governments, building officials, utility companies, the building industry, and the environmental community;
- Provides that components of the defensible space program must include, but not be limited to, the following:
  - General guidelines for creating and maintaining defensible space around specified structures, including appropriate guidelines and definitions for vegetation management;
  - Suggested minimum qualifications needed for enforcement personnel;
  - Guidelines for the placement of utilities; and
  - Enforcement mechanisms for compliance with and maintenance of defensible space requirements.
- Provides that if a defensible space program is adopted, the local agency for enforcement of this program must have the authority to recover the actual cost of abatement and must have the authority to place it as a special assessment or lien on the property;
- Requires the SFM to develop and make available on its internet website, a WUI Fire Safety Building Standards Compliance training manual intended for use in the training of local building officials, builders, and fire service personnel, and requires that the manual be updated;
- Requires the SFM to develop a guidance document for the maintenance of defensible space around residential structures, and requires the document to be submitted to the California Building Standards Commission for consideration for adoption into the California Green Building Standards Code;



- Requires the SFM to develop, and update on a regular basis, a WUI products handbook listing products and construction systems that comply with the WUI Fire Safety building standards for the following:
  - Exterior wall siding and sheathing;
  - Exterior windows;
  - Under eaves, including eave and cornice vents;
  - Decking;
  - Treated lumber and ignition-resistant materials; and
  - Wood shakes and shingles roofing materials.
- Authorizes the SFM to expend monies from the Fund, upon appropriation by the Legislature, in order to develop and implement a model defensible space program, and in researching and developing the guidance document, products handbook, and the educational and training provisions.

### **SB 280 (Jackson) Building Standards. Fall Prevention.**

#### **Chapter 640, Statutes of 2019**

This measure requires HCD, at the next triennial building standards rulemaking cycle, to investigate possible changes to the building standards in the California Residential Code for adoption by the California Building Standards Commission to promote aging-in-place design.

### **SB 326 (Hill) Common Interest Developments.**

#### **Chapter 207, Statutes of 2019**

This measure makes changes to the laws governing homeowners' associations (HOAs). Specifically, this measure:

- Requires an HOA, at least once every nine years, to have a licensed structural engineer or architect conduct an inspection of a randomly generated and statistically significant sample of the exterior elevated elements (EEEs), such as balconies, decks, walkways, stairways, and railings, within HOAs to determine if they are in a generally safe condition;
- Requires an inspector to notify the HOA and local code enforcement of any EEE inspection that reveals an immediate threat to the safety of the occupants;
- Requires an HOA to take preventative measures when an EEE inspection reveals an immediate threat to the safety of the occupants, including restricting access to an EEE until the local code enforcement agency inspects and approves repairs;
- Requires the first set of EEE inspections to be completed by January 1, 2025, for existing buildings, and to be completed no later than following the issuance of a certificate of occupancy for buildings for which a building permit application has been submitted on or after January 1, 2020;
- Requires the inspector of the EEEs to submit a report to the board of the association providing information, including the current physical condition and remaining useful life of the load-bearing components and associated waterproofing systems;
- Permits local governments or enforcement agencies to impose greater balcony safety requirements than those contained in the bill; and

- Nullifies any provision in an HOA's governing documents that purports to condition or limit the ability of the HOA to bring construction defect litigation against the developer or builder of the HOA.

### *I. Excess and Surplus Property*

#### **\*[AB 1255](#) (Rivas, Robert) Surplus Public Land. Inventory.**

##### **Chapter 661, Statutes of 2019**

This measure requires each county and each city to make a central inventory of specified surplus land and excess land located in all urbanized areas and urban clusters on or before December 31 of each year. The city or county must make a description of each parcel and its present uses a matter of public record and report this information to the HCD no later than April 1 of each year, beginning April 1, 2021. HCD may delay implementation of this requirement for one year. HCD must then provide this information to the state Department of General Services (DGS) for inclusion in a digitized inventory of state surplus land sites.

A county or city, upon request, must provide a list of its surplus governmental properties to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

#### **\*[AB 1486](#) (Ting) Surplus Land.**

##### **Chapter 664, Statutes of 2019**

This measure expands Surplus Land Act requirements for local agencies, requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports (APRs), and requires HCD to establish a database of surplus lands.

This measure also:

- Requires a local agency that is disposing of surplus land for the purpose of developing low- and moderate-income housing to send a notice of availability, to housing sponsors that have notified HCD (rather than the appropriate council of governments) of their interest;
- Requires HCD to maintain a list of all notices of availability on its website;
- Expands the list of exemptions from the Surplus Land Act;
- Prohibits the negotiations between a disposing agency and interested entities to determine price;
- Requires each local agency must make a central inventory of all its surplus land on or before December 31st of each year;
- Requires each local agency to report to HCD by April 1st of each year, beginning in 2021, a description of each surplus land parcel, in a form prescribed by HCD;
- Requires each local agency to, upon request, provide a list of its surplus lands free of charge;



- Requires HCD to create and maintain by September 30, 2021, and annually update, a searchable and downloadable public inventory on its website of all publicly owned or controlled lands, and their present uses, as reported to HCD;
- Requires a local agency's APR to include a list of sites owned by the city or county, and included in its housing element inventory, that have been sold, leased, or otherwise disposed of in the prior year; and
- Requires a housing element's site inventory to include, for non-vacant sites that are owned by the city or county, a description of whether there are plans to dispose of the property during the planning period and how the city or county will comply with the Surplus Lands Act.

This provision sunsets on December 31, 2028.

**\*[SB 6](#) (Beall) Residential Development. Available Land.  
Chapter 667, Statutes of 2019**

This measure requires HCD to furnish DGS with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. DGS must create a database of state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.

***J. Budget Trailer Bills***

**\*[AB 101](#) (Committee on Budget) Housing Development and Financing.  
Chapter 159, Statutes of 2019 (Urgency)**

This measure provides \$2.5 billion in funding to address California's housing and homelessness crisis, establishes incentives to encourage cities and counties to increase housing production, establishes a process for a court to determine compliance with housing element law, and imposes penalties in cases which there is disregard of the direction of a court to fulfill responsibilities under housing element law. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**\*[AB 116](#) (Ting) Local Government.  
Chapter 656, Statutes of 2019**

This measure contains changes to existing statutory provisions related to Enhanced Infrastructure Financing Districts (EIFDs), finance plans, and bond issuances, including the 55 percent vote requirement for bond issuance. This measure is effective January 1, 2020. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**\*[SB 113](#) (Committee on Budget and Fiscal Review) Housing.  
Chapter 668, Statutes of 2019 (Urgency)**

This measure makes technical statutory changes necessary to enact the housing and

homelessness-related provisions of the Budget Act of 2019, and provides intent language related to recent housing-related court decisions. Specifically, this measure:

- Clarifies that the Attorney General (AG) may request that the court issue an order or judgment directing a local jurisdiction to bring its housing element into substantial compliance if the court finds that a local jurisdiction is not compliant with housing element law;
- Clarifies that if a court finds that a local jurisdiction’s housing element substantially complies with state housing element law, then the court finding has the same force and effect, for the purposes of financial assistance and various state incentives that require a compliant housing element, as a finding by the HCD that the housing element substantially complies with state housing element law;
- Replaces the standard that an agent of the court may “be appointed with all the powers” necessary with the standard that an agent of the court may “take all the governmental actions” necessary to bring the jurisdiction’s housing element into substantial compliance;
  - Clarifies that the appointment and actions shall not limit a court’s discretion to apply any and all remedies in an action or special proceeding for a violation of housing element law.
- Clarifies that HCD shall offer a jurisdiction the opportunity for two meetings in person or via telephone once the jurisdiction has been included on HCD’s list of jurisdictions with non-compliant housing elements if the jurisdiction has not previously received notice of its inclusion; and
- Increases the amount of time, from within 30 days to within 90 days, of a request for review, by which HCD shall issue written findings as to whether the housing element of a jurisdiction that was previously found to be non-compliant has been found by HCD to be in substantial compliance with state housing element law; and
- Clarifies that a jurisdiction may not request this review, or bring an action in court related to HCD’s determination, if the jurisdiction is the subject of a lawsuit for housing element compliance.

### ***K. Miscellaneous***

#### **\*[AB 185](#) (Grayson) California Transportation Commission. Transportation and Transportation-related Policies. Joint Meetings.**

##### **Chapter 534, Statutes of 2019**

This measure adds a representative from HCD to the statutorily required minimum of two joint meetings per year held by the California Transportation Commission (CTC) and CARB to coordinate their implementation of policies that affect transportation, housing, and air quality.

#### **[AB 206](#) (Chiu) Public Nuisance. Abatement. Lead-based Paint.**

##### **Chapter 171, Statutes of 2019**

This measure makes a property owner who participates in a program to abate lead-

based paint created as a result of a judgment or settlement in any public nuisance or similar litigation, and all public entities, immune from liability in any lawsuit seeking to recover any cost associated with that abatement program.

This measure also clarifies that participation in a lead paint abatement program is not considered evidence that a property constitutes a nuisance, or is substandard or untenantable. This measure does not alter existing obligations on homeowners to maintain their property under applicable law or otherwise limit a tenant's legal remedies for addressing the presence of lead paint on a dwelling.

**\*[AB 377](#) (Garcia, Eduardo) Microenterprise Home Kitchen Operations.**

**Chapter 536, Statutes of 2019 (Urgency)**

This measure states that the governing body of a city, county, or city and county that is designated as the enforcement agency may authorize within its jurisdiction the permitting of microenterprise home kitchen operations (MEHKO). If a governing body of a city, county, or city and county authorizes the permitting of microenterprise home kitchen operations, the authorization shall apply to all areas within its jurisdiction, including being applicable to all cities within a county that authorizes microenterprise home kitchen operations, regardless of whether each city located within the jurisdiction of the county separately authorizes them. This measure also clarifies the inspection requirements for MEHKOs and clarifies regulations for MEHKO permit holders.

**[AB 775](#) (Chau) Massage Therapy.**

**Chapter 290, Statutes of 2019**

This measure establishes timelines for the approval of a massage therapy school by the California Massage Therapy Council (CAMTC). CAMTC must develop policies, procedures, rules, or bylaws governing the requirements and process for approving, denying approval of, imposing corrective action on, or unapproving schools.

This measure also requires a school that is not approved by CAMTC to notify student applicants and obtain signed acknowledgements of confirmation that each applicant understands that the school is not approved and that the education will not count towards voluntary certification.

**[AB 1018](#) (Frazier) Real Estate Appraisers.**

**Chapter 267, Statutes of 2019**

This measure prohibits a home inspector from giving an opinion of valuation on a property and specifies that the law regulating home inspectors does not exempt a home inspector from law regulating real estate appraisers. In doing so, this measure clarifies that real estate appraisers have a very specific scope of practice; to determine approximate value of real estate according to comparable homes in the surrounding area.

**SB 754 (Moorlach) Common Interest Developments. Board Members. Election by Acclamation.****Chapter 858, Statutes of 2019**

This measure states that if nominees to an HOA board in a common interest development (CID) shall be considered elected by acclamation if the number of nominees does not exceed the number of vacancies on the board if the association includes 6,000 or more units, complies with notice requirements, and permits all candidates to run. This measure also:

- Requires an association to disqualify a candidate for not being a member of the association at the time of the nomination;
- Authorizes an association to disqualify a candidate if:
  - That person has a past criminal conviction that would either prevent the association from purchasing the fidelity bond coverage or terminate the association's existing fidelity bond coverage if that person should be elected; or
  - That person has failed to be current in the payment of regular and special assessments, with some exception. An association may not disqualify a nominee for nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party.
- Requires an association to hold an election for a seat on the board of directors at the expiration of the director's terms and at least once every four years.

# **PUBLIC SAFETY**

## VI. Public Safety

### A. Alcohol Beverage Regulation

#### **[SB 717](#) (Jones) Advertising.**

##### **Chapter 671, Statutes of 2019**

This measure authorizes a craft distiller to purchase advertising space from, or on behalf of, an on-sale retail licensee subject to the same conditions as other alcohol manufacturers.

### B. Cannabis

#### **[AB 37](#) (Jones-Sawyer) Personal Income Taxes. Deductions. Business Expenses. Commercial Cannabis Activity.**

##### **Chapter 792, Statutes of 2019 (Urgency)**

This measure specifies that the federal disallowance of tax expenditures related to the illegal sale of drugs would not apply for businesses engaged in licensed cannabis activities.

#### **[AB 404](#) (Stone, Mark) Commercial Cannabis Activity. Testing Laboratories.**

##### **Chapter 799, Statutes of 2019**

This measure authorizes a cannabis testing laboratory to:

- Amend a certificate of analysis to correct minor errors, as defined by the Bureau of Cannabis Control (BCC); and
- Retest samples, after notification to and approval by the BCC, whose test results fall outside the specifications authorized by law or regulation.

#### **[AB 420](#) (Lackey) The California Cannabis Research Program.**

##### **Chapter 802, Statutes of 2019 (Urgency)**

This measure authorizes the University of California's California Cannabis Research Program (CCRP) to cultivate its own cannabis for the research project, and expand what studies may examine, including mold, bacteria, and mycotoxins.

#### **[AB 858](#) (Levine) Cannabis. Cultivation.**

##### **Chapter 809, Statutes of 2019**

This measure specifies that the description of a Type 1C license, or "specialty cottage," includes 2,500 square feet or less of total canopy size for outdoor cultivation with the option to meet an alternative maximum threshold, to be determined by the licensing authority, of up to 25 mature plants for outdoor cultivation, on one premise.

#### **[AB 1291](#) (Jones-Sawyer) Adult-use Cannabis and Medicinal Cannabis. License Application. Labor Peace Agreements.**

##### **Chapter 826, Statutes of 2019**

This measure requires that an applicant for a cannabis license with 20 or more

employees provide a notarized statement that the applicant will enter into and abide by the terms of a labor peace agreement or demonstrate that it has already entered into a labor peace agreement.

This measure further requires that an applicant with less than 20 employees at the time of application, which has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing 20 employees.

**AB 1529 (Low) Cannabis Vaporizing Cartridges. Universal Symbol.**

**Chapter 830, Statutes of 2019 (Urgency)**

This measure requires cannabis cartridges and integrated cannabis vaporizers to bear a universal symbol that must be at least one-quarter inch wide by one-quarter inch tall and either engraved, affixed with a sticker, or printed in black and white.

**SB 34 (Wiener) Cannabis. Donations.**

**Chapter 837, Statutes of 2019**

This measure allows cannabis licensees to donate medicinal cannabis under certain conditions, including but not limited to, ensuring products are included in the track and traced system, the donations are properly invoiced, and are provided in limited amounts, until January 1, 2025. It exempts cannabis designated for donation from excise, sales and use, and cultivation taxes. This measure also specifies how licensed cannabis retailers and cultivators must designate cannabis for donation purposes to allow state-level tracking and requires the Legislative Analyst's Office (LAO) to collect data on donations and associated tax revenue loss and report to the Legislature in 2023.

**SB 185 (McGuire) Cannabis. Marketing.**

**Chapter 841, Statutes of 2019**

This measure expands existing truth-in-marketing requirements that apply to marketing cannabis grown in specific counties, to further apply to "appellations of origin" established pursuant to authority currently granted to the California Department of Food and Agriculture (CDFA). Specifically, this measure prohibits the use of the term "appellation of origin" on the product label unless the cannabis or cannabis product meets the appellation of origin requirement guidelines.

**SB 527 (Caballero) Local Government. Williamson Act. Cultivation of Cannabis and Hemp.**

**Chapter 273, Statutes of 2019**

This measure clarifies that commercial cannabis and hemp cultivation may be designated as an agricultural use or a compatible use under the Williamson Act (WA). Specifically, this measure defines industry hemp as an agricultural commodity. It also provides that commercial cultivation of cannabis, as defined by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), may constitute a compatible use on WA or non-contracted lands (agriculture preserves).

**\*[SB 595](#) (Bradford) Cannabis. State Licensing Fee Waivers. Needs-based Applicants and Licensees. Local Equity Applicants and Licensees. Chapter 852, Statutes of 2019**

This measure requires the state's cannabis licensing authorities to develop and implement a program to provide a deferral or waiver for an application fee or a licensing fee for a local equity applicant or local equity licensee. It also provides the licensing authorities with the authority to adopt emergency regulations to implement this measure. Lastly, this measure makes the operation of this measure contingent upon an appropriation in the annual Budget Act or another statute for its purposes.

***C. Controlled Substances***

**[AB 528](#) (Low) Controlled Substances. Cures Database. Chapter 677, Statutes of 2019**

This measure:

- Changes the required timeframe in which pharmacists are required to report dispensed prescriptions to the state's prescription drug monitoring program (PDMP) from seven days to the following working day;
- Authorizes physicians and surgeons who are licensed by the Medical Board of California, but do not possess a federal Drug Enforcement Agency (DEA) registration, to register for access to the Controlled Substance Utilization Review and Evaluation System (CURES);
- Requires pharmacists to report Schedule V drugs to CURES;
- Expands the authority for a prescriber's licensed delegate to retrieve data from CURES on behalf of that prescriber; and
- Makes other technical and clarifying changes to laws governing the state's PDMP.

**[AB 1261](#) (Jones-Sawyer) Controlled Substances. Narcotics Registry. Chapter 580, Statutes of 2019**

This measure repeals all provisions of law requiring persons convicted of specified drug offenses to register with local law enforcement. This measure maintains law enforcement duties regarding the reporting of school employees who are arrested for specified controlled substances currently requiring registration upon conviction. This measure also provides that all statements, photographs, and fingerprints obtained under previous provisions of law requiring registration for controlled substances offenses are not open to the public and are only subject to inspection by law enforcement officers.

**[SB 569](#) (Stone) Controlled Substances. Prescriptions. Declared Local, State, or Federal Emergency. Chapter 705, Statutes of 2019**

This measure gives discretion to the California State Board of Pharmacy (Board), during a declared emergency, to authorize pharmacists to fill prescriptions for controlled substances regardless of whether they possess a valid prescription form for that drug, under certain conditions. Specifically, this measure:



- Authorizes the Board to issue a notice that it is waiving the application of the provisions of, or regulations adopted pursuant to, the Pharmacy Law regarding prescription forms during a declared local, state, or federal emergency;
- Allows a pharmacist, pursuant to a waiver made by the Board during a declared emergency, to fill a prescription for a controlled substance for use by a patient who cannot access medications as a result of the emergency, regardless of whether the prescription form meets the security printer form requirements, if the prescription meets specified requirements;
- Requires a pharmacist filling a prescription pursuant to the waiver to adhere to specified protocols; and
- Prohibits a pharmacist from refilling any prescription dispensed under the waiver.

#### ***D. Crimes, Crime Victims and Corrections***

##### **\*[AB 32](#) (Bonta) Detention Facilities. Private, For-profit Administration Services. Chapter 739, Statutes of 2019**

This measure, beginning January 1, 2020, prohibits the California Department of Correction and Rehabilitation (CDCR) from renewing contracts with any private, for-profit prison on or after January 1, 2020. Moreover, this measure requires all state prison inmates under the jurisdiction of CDCR to be removed from private, for-profit prison facilities by January 1, 2028. AB 32 specifies that the prohibition on the operation of a private detention facility does not apply to facilities providing:

- Rehabilitative, counseling, treatment, mental health, educational, or medical services to persons under the jurisdiction of the juvenile court;
- Evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court; or
- Educational, vocational, medical, or other ancillary services to an inmate in the custody of, and under the direct supervision of CDCR, a county sheriff or other law enforcement agency.

This measure does not apply to residential care facilities, school facilities used for the disciplinary detention of a pupil, facilities used for the quarantine or isolation of persons for public health reasons, or those used for the temporary detention of persons detained or arrested by a merchant, private security guard, or other private person.

##### **[AB 45](#) (Stone, Mark) Inmates. Medical Care. Fees. Chapter 570, Statutes of 2019**

This measure prohibits a county sheriff, chief or director of corrections, or chief of police from charging a fee for durable medical equipment or medical supplies provided to an inmate of a county or city jail as medically necessary to ensure the inmate has equal access to jail services, programs, or activities. This measure provides that durable medical equipment includes, but is not limited to, eyeglasses, artificial eyes, dentures, artificial limbs, orthopedic braces and shoes, and hearing aids.

**[AB 47 \(Daly\) Driver Records. Points. Distracted Driving.](#)****Chapter 603, Statutes of 2019**

This measure requires the California Department of Motor Vehicles (DMV) to add a violation point to one's driving record for a second or subsequent conviction of distracted driving related to operating a cellular phone that occurs within 36 months of a prior conviction of the same offense.

**[AB 169 \(Lackey\) Guide, Signal, and Service Dogs. Injury or Death.](#)****Chapter 604, Statutes of 2019**

This measure deletes from specified crimes against guide, signal, or service dogs the requirement that the dog be in discharge of its duties when the injury or death occurs. This measure requires a defendant convicted of these crimes to make restitution to the person for medical or medical-related expenses, or for loss of wages or income. If a guide, signal, or service dog has been injured or killed by another dog, this measure further requires a peace officer enforcing this section to remain at the crime scene until an animal control officer is present.

**[AB 484 \(Jones-Sawyer\) Crimes. Probation.](#)****Chapter 574, Statutes of 2019**

This measure eliminates the 180-day mandatory confinement period for a sentence of probation on convictions:

- Relating to the sale of cocaine, cocaine hydrochloride, or heroin; and
- For transporting, importing, selling, furnishing, administering, or giving away, or offering to transport, import, sell, furnish, administer, or give away, or attempting to import or transport, phencyclidine, commonly referred to as PCP.

**[AB 597 \(Levine\) Probation and Mandatory Supervision. Flash Incarceration.](#)****Chapter 44, Statutes of 2019**

This measure retains the authorization for the use of flash incarceration for people on probation or mandatory supervision. Flash incarceration is defined as a period of detention in a county jail, ranging between one and ten consecutive days, due to a violation of an offender's conditions of parole, Post-Release Community Supervision (PRCS), probation, or mandatory supervision. This measure sunsets on January 1, 2023.

**[AB 814 \(Chau\) Vehicles. Unlawful Access to Computer Systems.](#)****Chapter 16, Statutes of 2019**

This measure clarifies that existing law prohibits a person, business, or government agency, including a law enforcement agency, from hacking or otherwise accessing without authorization, computer data, and computer systems in a motor vehicle.

**[AB 833 \(Lackey\) Parking Penalties.](#)****Chapter 495, Statutes of 2019 (Urgency)**

This measure clarifies that late fees and/or penalty assessments associated with parking violations are not to be calculated into the \$300 programmatic cap for a local entity's payment installment plan.

**AB 851 (Cooper) Drug Masking Products.****Chapter 45, Statutes of 2019**

This measure prohibits a person from distributing, delivering, selling, or possessing with intent to distribute, deliver, or sell, a drug masking product. This measure includes the following definitions:

- “Drug masking product” is synthetic urine or any other substance designed to be added to human urine or human hair for the purpose of defrauding an alcohol or drug screening test; and
- “Synthetic urine” is any substance that is designed to simulate the composition, chemical properties, physical appearance, or physical properties of human urine.

**AB 1129 (Chau) Privacy.****Chapter 749, Statutes of 2019**

This measure adds electronic devices and unmanned aircraft systems (drones) to the list of instruments that are prohibited from being used to invade the privacy of a person.

**SB 224 (Grove) Grand Theft. Agricultural Equipment.****Chapter 119, Statutes of 2019**

This measure makes the theft of agricultural equipment in excess of \$950 grand theft punishable as an alternate felony misdemeanor. This measure also requires the proceeds of the fine imposed following a conviction of the new provision to be allocated to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program.

**SB 273 (Rubio) Domestic Violence.****Chapter 546, Statutes of 2019**

This measure extends the statute of limitations for the crime of domestic violence to five years, and makes changes to domestic violence training requirements for peace officers. Specifically, this measure:

- States that, notwithstanding any other law, a prosecution for the crime of domestic violence prosecuted under Penal Code section 273.5 may be commenced within five years of the crime;
- States that this new statute of limitations only applies to crimes that were committed on or after January 1, 2020, or to crimes for which the statute of limitations that was in effect before January 1, 2020, has not expired as of that date;
- States that the course of instruction for peace officers on domestic violence must now include a brief current and historical context on communities of color impacted by incarceration and violence; and
- Delineates additional training requirements for peace officers with respect to specified domestic violence related crimes.

**SB 459 (Galgiani) Crimes. Rape. Great Bodily Injury.****Chapter 646, Statutes of 2019**

This measure makes the five-year enhancement for the infliction of great bodily injury in the commission of specified sex offenses applicable to the crime of spousal rape where

the victim was prevented from resisting by the use of any intoxicating or anesthetic substance or a controlled substance.

**\*[SB 630](#) (Stern) Human Trafficking.**

**Chapter 57, Statutes of 2019**

This measure provides that state law does not preempt local ordinances related to human trafficking. Specifically, this measure:

- Provides that nothing in the law establishing requirements for training of employees or posting of notices prevents a local governing body from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking; and
- Provides that if a local ordinance, rule, or regulation duplicates or supplements those requirements that state law imposes upon businesses and other establishments, state law does not supersede or preempt that local ordinance, rule, or regulation.

***E. Firearms and Other Weapons***

**\*[AB 12](#) (Irwin) Firearms. Gun Violence Restraining Orders.**

**Chapter 724, Statutes of 2019**

This measure, beginning September 1, 2020, extends the duration of a gun violence restraining order (GVRO) issued or renewed from one year to between one and five years. This measure specifies that in determining the duration and renewal of a GVRO, the court will base its determination and issue the order on the following circumstances:

- The subject of the petition, or a person subject to the ex parte GVRO poses a significant danger of causing personal injury to themselves or another by having in the person's custody or control a firearm or ammunition; and
- A GVRO is necessary to prevent personal injury to the subject of the petition, the person subject to an ex parte GVRO, or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition, or the person subject to an ex parte GVRO.

This measure provides that the restrained person is entitled to request a hearing for termination of the GVRO once yearly during the effective period of the order. This measure also clarifies that when a GVRO is issued either as an ex parte order or an order after notice and hearing, and is served by a person other than a law enforcement officer, and if no request is made by a law enforcement officer, the subject is required to, within 24 hours of being served with the order, surrender all firearms and ammunition to the control of a local law enforcement agency, sell all firearms and ammunition to a licensed firearms dealer, or transfer all firearms and ammunition to a licensed firearms dealer. Lastly, this measure authorizes the employing law enforcement agency to be named in a GVRO petition filed by a law enforcement officer in place of the individual officer's name.

**AB 61 (Ting) Gun Violence Restraining Orders.****Chapter 725, Statutes of 2019**

This measure, beginning September 1, 2020, expands the category of persons who may file a petition requesting an ex parte, one-year, or renewal GVRO to include:

- An employer;
- A coworker who has had substantial and regular interactions with the subject of the petition for at least one year and has obtained the employer's approval; and
- An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, if the employee or teacher has obtained the approval of the school administration staff.

**AB 164 (Cervantes) Firearms. Prohibited Persons.****Chapter 726, Statutes of 2019**

This measure prohibits any person subject to a valid restraining order, injunction, or protective order issued out of state from possessing, receiving, purchasing, or attempting to possess, receive, or purchase a firearm in this state if the out-of-state order is equivalent in the prohibition against possessing, receiving, or purchasing a firearm. This measure also requires the Attorney General (AG) to undertake the actions necessary to implement this provision to the extent the Legislature appropriates funds for this purpose.

**AB 645 (Irwin) Firearms. Warning Statements.****Chapter 729, Statutes of 2019**

This measure requires, as of June 1, 2020, the label of any firearm packaging and any accompanying descriptive materials of any firearm sold or transferred in this state, or delivered for sale in this state by any licensed manufacturer or licensed dealer, to bear the following statement:

- "If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255)."

This measure also requires a licensed firearms dealer to post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

- IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255).

Under this measure, the handgun safety certificate test must cover issues associated with bringing a firearm into the home, including suicide.

Lastly, this measure requires, as of January 1, 2019, that an applicant for the handgun safety certificate be provided with, and acknowledge receipt of, the warning information that, "If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255)."

**AB 879 (Gipson) Firearms.**  
**Chapter 730, Statutes of 2019**

This measure provides that beginning July 1, 2024:

- A licensed firearms dealer and a licensed ammunition vendor each will automatically be deemed a licensed firearm precursor parts vendor if the dealer and licensed ammunition vendor comply with specified requirements;
- The sale of a firearm precursor part by any party must be conducted or processed through a licensed firearm precursor party vendor;
- A valid firearm precursor part vendor license is required in order for any person, firm, corporation, or other business enterprise to sell more than one firearm precursor part in any 30-day period, except as exempted, and makes violations of this provision a misdemeanor;
- A firearm precursor part vendor is prohibited from selling or otherwise transferring ownership of any firearm precursor part without, at the time of delivery, legibly recording specified information; and
- The California Department of Justice (DOJ) is authorized to issue firearms precursor parts vendor licenses.

Additionally, this measure defines:

- "Firearm precursor part" to mean a component of a firearm that is generally necessary to build or assemble a firearm; and
- "Firearm precursor part vendor" to mean any person, firm, corporation, dealer, or any other business that has a current ammunition vendor license.

This measure provides that a person who is prohibited from owning or possessing a firearm is also prohibited from owning, possessing, or having under their custody or control a firearm precursor part, and makes a violation of this provision punishable by imprisonment for up to one year in a county jail, or by a maximum fine of \$1,000, or both the fine and imprisonment.

This measure states that beginning July 1, 2025:

- A firearm parts vendor is required to electronically submit to the DOJ firearm precursor part purchase information in a format and a manner prescribed by the department for all sales or other transfers of ammunition;
- The vendor is required to verify with the DOJ, in a manner prescribed by the DOJ, that the person is authorized to purchase firearm precursor parts; and
- The DOJ must electronically approve the purchase or transfer of firearm precursor parts through a vendor, except as otherwise specified, and that this approval must occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the firearm precursor parts.

This measure allows the DOJ to recover the reasonable cost of regulatory and enforcement activities related to this article by charging firearms precursor parts purchasers and transferees a per-transaction fee, not to exceed one dollar (\$1). This measure also allows the DOJ to charge firearm precursor parts vendor license applicants a reasonable fee sufficient to reimburse the DOJ for the reasonable



estimated costs of administering the license program. This measure states that a firearm precursor part is not a firearm itself, the frame, or receiver thereof.

**[AB 1292](#) (Bauer-Kahan) Firearms.**

**Chapter 110, Statutes of 2019**

This measure specifies circumstances that allow a firearm to be transferred from one person to another by operation of law without the need to go through a firearms dealer. This measure also exempts an individual from specified prohibitions on possession and transfer of firearms when the individual is delivering a firearm to law enforcement.

**\*[AB 1297](#) (McCarty) Firearms. Concealed Carry License.**

**Chapter 732, Statutes of 2019**

This measure requires, rather than authorizes, a local licensing authority to charge a fee equal to the reasonable costs associated with processing a concealed carry weapon (CCW) license application, issuing a CCW license, and enforcing the license. This measure also thereby removes the prohibition on charging more than \$100 for the fee.

**[AB 1493](#) (Ting) Gun Violence Restraining Order. Petition.**

**Chapter 733, Statutes of 2019**

This measure authorizes, starting September 1, 2020, the subject of a GVRO petition to submit a form to the court voluntarily relinquishing the subject's firearm rights for the duration specified on the GVRO petition or, if not stated in the petition, for one year from the date of the proposed hearing, and stating that the subject is not contesting the petition.

This measure states that if the subject of the petition files this form the court must issue, without a hearing, the GVRO at least five court days before the scheduled hearing. If the subject files the form within five court days of the scheduled hearing, the court must issue the GVRO as soon as possible. The court is required to issue notice of the order to all of the parties. Lastly, this measure provides that the subject of the GVRO shall surrender all firearms, ammunition, and magazines within 48 hours of filing the form to relinquish their firearm rights.

**[AB 1669](#) (Bonta) Firearms. Gun Shows and Events.**

**Chapter 736, Statutes of 2019**

This measure updates existing law by requiring ammunition vendors who participate in gun shows to follow the same regulations that are currently required of firearms dealers who participate in gun shows.

This measure reduces the Dealers' Record of Sale (DROS) fee that a firearm dealer may charge from \$14 to \$1. It further authorizes the DOJ to charge an additional fee to the DROS fee in the amount of \$31.91 per firearms transaction to cover specified costs related to firearms regulatory enforcement.

Lastly, this measure allows the DOJ to increase the fee at a rate not to exceed any increase in the California Consumer Price Index.

**\*[SB 61](#) (Portantino) Firearms. Transfers.****Chapter 737, Statutes of 2019**

This measure prohibits the sale of a semiautomatic centerfire rifle to any person under 21 years of age. It also prohibits a person from applying to purchase more than one semiautomatic centerfire rifle in any 30-day period. This measure, lists a variety of persons and entities exempted from the one gun a month prohibition, including, but not limited to any law enforcement agency, any agency duly authorized to perform law enforcement duties, any state or local correctional facility, and any private security company licensed to do business in California.

**[SB 172](#) (Portantino) Firearms.****Chapter 840, Statutes of 2019**

This measure expands the crime of criminal storage of a firearm to include unlawful storage of an unloaded firearm and expands the list of offenses for which the 10-year firearms prohibition applies to include criminal storage of a firearm. It also establishes the "Keep Our Seniors Safe Act" to ensure residential care facilities for the elderly (RCFEs) that allow a resident to possess a firearm on the premises, meet certain requirements regarding the storage of firearms and ammunition. This measure also authorizes the transfer or loan of firearms without use of a firearms dealer under specified circumstances.

**[SB 376](#) (Portantino) Firearms. Transfers.****Chapter 738, Statutes of 2019**

This measure changes the definition of "infrequent" for purposes of specified firearms transfers. Specifically, this measure:

- Redefines "infrequent" to mean "less than six firearm transactions per calendar year, regardless of the type of firearm, and no more than 50 total firearms within those transactions;" and
- Exempts from the requirement:
  - That a person be a licensed dealer in order to transfer a firearm;
  - Specified transfers made by a formerly licensed dealer that is ceasing operations;
  - Transfers made to a specified government entity as part of a "gun-buyback" program; and
  - Transfers made by a person prohibited from possessing a firearm to a dealer for the purpose of storing that firearm.

***F. Fire Service, Emergency and Disaster Response*****[AB 453](#) (Chau) Emergency Medical Services. Training.****Chapter 88, Statutes of 2019**

This measure requires the Emergency Medical Services Authority (EMSA) to develop a training component that would mandate a minimum of two hours of dementia-specific training for emergency medical technician-paramedic (EMT-P) licensure and recertification.



**\*[AB 1168](#) (Mullin) Emergency Services. Text to 911.****Chapter 237, Statutes of 2019**

This measure requires, by January 1, 2021, each public safety answering point (PSAP) to deploy a text to 911 services that enables an individual to text “911” for emergency services, and that is capable of accepting Short Message Service (SMS) messages and Real-Time Text (RTT) messages.

**\*[AB 1699](#) (Levine) Telecommunications. Mobile Internet Service Providers. First Response Agencies. Emergencies.****Chapter 398, Statutes of 2019**

This measure prohibits telecommunications providers from throttling internet traffic for first responder agencies during an emergency.

**\*[SB 160](#) (Jackson) Emergency Services. Cultural Competence.****Chapter 402, Statutes of 2019**

This measure requires cities and counties to integrate cultural competency, as defined, in the next regular update to their emergency plan. Specifically, this measure:

- Requires city and county local emergency managers to incorporate cultural competence, as defined, into their emergency plan upon its next update and at a minimum, describe how all cultural populations within its jurisdiction are served by emergency notifications, evacuations, sheltering, mitigation, prevention, planning, and preparedness;
- Requires cities and counties, when updating their emergency plans, to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities;
- Provides that cities and counties may establish a separate community advisory board, as specified, for the purpose of cohosting, coordinating, and conducting outreach for the community engagement forums;
- Defines “cultural competence” to mean the ability to understand, communicate with, and effectively interact with people across cultures in order to ensure that the needs of all community members are addressed, with priority given to “culturally diverse communities.” “Cultural competence” includes, but is not limited to, being respectful and responsive to the cultural and linguistic needs of diverse population groups;
- Defines “culture” to mean, but is not limited to, race, ethnicity, age, gender, sexual orientation, disability, religion, income level, education, geographic location, or profession; and
- Defines “culturally diverse communities” to include, but not limited to, race and ethnicity, including indigenous peoples, communities of color, and immigrant and refugee communities; gender, including women; age, including the elderly and youth; sexual and gender minorities; people with disabilities; occupation and income level; people with disabilities; occupation and income level including low-income individuals and the unhoused; education level; people with no or limited English language proficiency; as well as geographic location.

**SB 190 (Dodd) Fire Safety. Building Standards. Defensible Space Program.**  
**Chapter 404, Statutes of 2019**

This measure requires the Office of the State Fire Marshal (SFM) to develop both a model defensible space program and a Wildland-Urban Interface (WUI) Fire Safety Building Standards Compliance training manual. Specifically, this measure:

- Requires the SFM to develop a model defensible space program for use by a city or county in the enforcement of existing defensible space provisions in law;
- Requires the SFM, in the development of the defensible space program, to consult with representatives from local, state, and federal fire services, local governments, building officials, utility companies, the building industry, and the environmental community;
- Provides that components of the defensible space program must include, but not be limited to, the following:
  - General guidelines for creating and maintaining defensible space around specified structures, including appropriate guidelines and definitions for vegetation management;
  - Suggested minimum qualifications needed for enforcement personnel;
  - Guidelines for the placement of utilities; and
  - Enforcement mechanisms for compliance with and maintenance of defensible space requirements, as specified.
- Provides that if a defensible space program is adopted, the local agency for enforcement of this program must have the authority to recover the actual cost of abatement and must have the authority to place it as a special assessment or lien on the property;
- Requires the SFM to develop and make available on its internet website, a WUI Fire Safety Building Standards Compliance training manual intended for use in the training of local building officials, builders, and fire service personnel, and requires that the manual be updated; and
- Requires the SFM to develop a guidance document for the maintenance of defensible space around residential structures, and requires the document to be submitted to the California Building Standards Commission for consideration for adoption into the California Green Building Standards Code;
- Requires the SFM to develop, and update on a regular basis, a WUI products handbook listing products and construction systems that comply with the WUI Fire Safety building standards for the following:
  - Exterior wall siding and sheathing;
  - Exterior windows;
  - Under eaves, including eave and cornice vents;
  - Decking;
  - Treated lumber and ignition-resistant materials; and
  - Wood shakes and shingles roofing materials.
- Authorizes the SFM to expend monies from the Fund, upon appropriation by the Legislature, in order to develop and implement a model defensible space program, and in researching and developing the guidance document, products handbook, and the educational and training provisions.

**\*[SB 438](#) (Hertzberg) Emergency Medical Services. Dispatch.****Chapter 389, Statutes of 2019**

This measure makes clear that medical control by a local emergency medical services agency (LEMSA) medical director, or medical direction and management of an emergency medical services (EMS) system, will not be construed to limit, supplant, prohibit, or otherwise alter a public safety agency's (PSA's) authority to directly receive and process requests for assistance originating within the PSA's territorial jurisdiction through the emergency "911" system.

This measure prohibits, with some exceptions, a public agency from delegating, assigning, or entering into a contract for "911" call processing or emergency notification duties regarding the dispatch of emergency response services, unless the contract or agreement is with another public agency. It also requires a PSA that provides "911" call processing services for medical response to make a connection available from the PSA dispatch center to an EMS provider's dispatch center for the timely transmission of emergency response information.

**\*[SB 670](#) (McGuire) Telecommunications. Community Isolation Outage.****Notification.****Chapter 412, Statutes of 2019 (Urgency)**

This measure requires telecommunications providers to notify the Governor's Office of Emergency Services (CalOES) whenever there is an outage limiting the ability for customers to make 911 calls or receive emergency notifications within 60 minutes of discovering the outage. This measure also requires CalOES to notify the affected county office(s) of emergency services, the sheriff of any county, and any public safety answering point affected by the outage.

***G. Immigration*****[AB 917](#) (Reyes) Victims of Crime. Nonimmigrant Status.****Chapter 576, Statutes of 2019**

This measure requires a certifying entity to process victim certification for purposes of obtaining a U-Visa or T-Visa within 30 days of the request, unless the non-citizen is in removal proceedings, in which case the certification must be processed in seven days of the first business following the day the request received. Under this measure, a "certifying entity" includes:

- A state or local law enforcement agency;
- A prosecutor;
- A judge;
- The Department of Industrial Relations; and
- Any other state or local government agencies that have criminal, civil, or administrative investigative or prosecutorial authority relating to human trafficking.

This measure also requires the local law enforcement agency, with whom the U-visa or T-visa applicant has filed a police report, to provide a copy of the report to the victim, victim's family member, or the victim's immigration attorney within seven days of the first business day after the day of the request. Lastly, this measure allows a victim's immigration attorney to request the necessary certification of victim helpfulness for purposes of obtaining a U-Visa or a T-Visa.

**AB 1747 (Gonzalez) California Law Enforcement Telecommunications System. Immigration.**

**Chapter 789, Statutes of 2019**

This measure prohibits state law enforcement agencies from creating or maintaining databases including an individual's citizenship or immigration status for the purpose of immigration enforcement. This measure further:

- Provides that any inquiry for information from the California Law Enforcement Telecommunications System (CLETS), other than criminal history information submitted through the system, must include a reason for initiation of the inquiry;
- Specifies that consistent with the California Values Act, CLETS shall not be used for purposes of immigration violations; and
- Authorizes the Attorney General to conduct investigations, including inspections and audits, as appropriate, to monitor compliance with this measure.

***H. Judicial Processes and Criminal Procedure***

**AB 189 (Kamlager-Dove) Child Abuse or Neglect. Mandated Reporters. Autism Service Personnel.**

**Chapter 674, Statutes of 2019**

This measure provides that a qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional provider, as defined, is a mandated reporter of known or suspected child abuse and neglect for the purposes of the Child Abuse and Neglect Reporting Act.

**AB 218 (Gonzalez) Damages. Childhood Sexual Assault. Statute of Limitations. Chapter 861, Statutes of 2019**

This measure extends the time limit for claims of childhood sexual assault from eight years past the age of majority (age 18), which amounts to 26 years of age, to 22 years past the age of majority (age 18), or 40 years of age. In addition, this measure extends the period tied to the discovery of the childhood sexual assault from within three years to within five years. This measure also states that a victim who is sexually assaulted as the result of a cover up may recover treble damages against a defendant who has engaged in that cover up of the sexual assault.

**AB 242 (Kamlager-Dove) Courts. Attorneys. Implicit Bias. Training. Chapter 418, Statutes of 2019**

This measure authorizes the Judicial Council of California to develop training on implicit bias for judges and subordinate judicial officers. This measure also requires the State

Bar of California to adopt regulations to require continuing education curriculum for licensed attorneys to include training on implicit bias and the promotion of bias-reducing strategies.

**[AB 304](#) (Jones-Sawyer) Wiretapping. Authorization.  
Chapter 607, Statutes of 2019**

This measure retains provisions of California law that authorize the AG, chief deputy attorney general, chief assistant attorney general, district attorney or the district attorney's designee to apply to the presiding judge of the superior court for an order authorizing the interception of wire or electronic communications. This measure sunsets on January 1, 2025.

**\*[AB 339](#) (Irwin) Gun Violence Restraining Orders. Law Enforcement Procedures.  
Chapter 727, Statutes of 2019**

This measure requires specified law enforcement agencies, including municipal police departments, by January 1, 2021, to develop, adopt, and implement written policies and standards relating to GVROs. This measure states that an agency's written policies and standards developed pursuant to these provisions must be consistent with any GVRO training administered by the Commission on Peace Officer Standards and Training, and must include specified standards and procedures. Finally, this measure encourages law enforcement agencies to consult with gun violence prevention experts and mental health professionals in developing these policies and standards.

**[AB 668](#) (Gonzalez) Courthouses. Privilege from Civil Arrest.  
Chapter 787, Statutes of 2019**

This measure:

- Codifies and specifies that judicial officers have the power to prevent activities that threaten access to state courthouses and court proceedings, and to prevent interruption of judicial administration, including protecting the privilege from civil arrest at courthouses and court proceedings;
- Provides that no person shall be subject to civil arrest of any type in a courthouse while attending a court proceeding or having legal business in the courthouse. Specifies that this provision shall not be construed to narrow, or in any way lessen, the pre-existing common law privilege from arrest;
- Authorizes the AG to bring a civil action in the name of the people to obtain appropriate equitable and declaratory relief if the AG has reasonable cause to believe that a violation of the privilege against arrest has occurred;
- Authorizes the recovery of court costs and reasonable attorney's fees for a successful action to enforce liability for a violation of the privilege against civil arrest as expressed in this measure; and
- Specifies that its provisions are severable, and if any provision or its application is held invalid, that invalidity shall not affect the bill's other provisions or applications.

This measure also makes various findings and declarations regarding, among other things:

- The importance of keeping courts of justice open, accessible, and free from interruption as a vital component of republican government and the exercise of constitutional rights;
- U.S. Supreme Court doctrine affirming state authority to adopt measures to safeguard the administration of justice; and
- The necessity of protecting people from civil arrests while at courthouses, both to protect witnesses and litigants, as well as to ensure that courts have access to testimony and other evidence critical to their fact-finding mission.

### **AB 701 (Weber) Prisoners. Exoneration. Housing Costs.**

#### **Chapter 435, Statutes of 2019**

This measure requires the payment of five thousand dollars (\$5,000), in addition to any other payment to which the person is entitled to by law, to any exonerated person upon his or her release, to be used for housing, including but not limited to a down payment, security deposit, or any payment necessary to secure rental housing accommodations. This measure also states that the exonerated person is also entitled to receive direct payment or reimbursement for reasonable housing costs for a period of not less than one year and not more than four years following release from custody.

Finally, this measure provides that payment for reimbursement is permitted for any rent or mortgage expense, hotel costs, or other housing accommodations, and requires the California Department of Corrections and Rehabilitation (CDCR) to approve payments or reimbursements from funds to be made available upon appropriation by the Legislature for this purpose.

### **AB 1331 (Bonta) Criminal Justice Data.**

#### **Chapter 581, Statutes of 2019**

This measure, beginning July 1, 2020, expands the data that law enforcement entities are required to report to the DOJ, related to every arrest, to include the Criminal Investigation and Identification (CII) number and incident report number.

This measure also requires criminal offender record information to include criminal court records, and prohibits a person from being denied access to that information solely on the basis of their criminal record, unless that person has been convicted of a felony or any other offense that involves moral turpitude, dishonesty, or fraud.

### **AB 1349 (Obernolte) Civil Actions. Discovery.**

#### **Chapter 190, Statutes of 2019**

This measure requires parties to provide certain discovery requests and responses in an electronic format within three court days of the request, except when the interrogatories or responses to interrogatories were not created in an electronic format. This measure also specifies that the method of transmission of the electronic format must be by any means agreed to by the parties, and that if the parties are unable to agree on the means, the method of transmission must be by electronic mail to an address provided by the requesting party.



**[AB 1396](#) (Obernalte) Protective Orders. Elder and Dependent Adults.****Chapter 628, Statutes of 2019**

This measure allows a court that is issuing a protective order after a noticed hearing in response to elder abuse to also issue an order requiring the restrained party to attend mandatory clinical counseling or anger management courses provided by a mental or behavioral health professional licensed in the state to provide those services. This measure requires the Judicial Council, by January 2021, to revise or promulgate forms as necessary to effectuate the provisions of this measure.

**\*[AB 1600](#) (Kalra) Discovery. Personnel Records. Peace Officers and Custodial Officers.****Chapter 585, Statutes of 2019**

This measure accelerates the timing of motions for discovery of peace or custodial officer personnel records, commonly referred to as Pitchess motions, in all criminal cases.

Explicitly, this measure shortens the amount of notice that the defense must give prior to the hearing on the Pitchess motion from sixteen court days to ten court days. In doing so, it also shortens the timeframe within which an opposition to the motion or a reply to the opposition must be filed.

In addition, this measure permits the discovery of records of supervisory officers even if those officers neither were present during the arrest or at the time conduct is alleged to have occurred within a jail facility, nor had any contact with the party seeking disclosure from the time of the arrest until the time of booking.

Specifically, if a supervisory officer issued command directives or had command influence over the circumstances and had direct oversight of an officer - who either was present during the arrest or at the time conduct is alleged to have occurred within a jail facility, or had contact with the party seeking disclosure from the time of arrest until the time of booking - the supervisor's record will be subject to disclosure through the Pitchess motion process.

**[AB 1618](#) (Jones-Sawyer) Plea Bargaining. Benefits of Later Enactments.****Chapter 586, Statutes of 2019**

This measure provides that a provision of a plea bargain requiring a general waiver of future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea is void as against public policy.

**[AB 1638](#) (Obernalte) Search Warrants. Vehicle Recording Devices.****Chapter 196, Statutes of 2019**

This measure expands the grounds for issuance of a search warrant to include the seizure of data from an event data recorder (EDR) that establishes evidence tending to show the commission of a motor vehicle offense, resulting in death or serious bodily injury to a person. This measure states that the data accessed by a warrant must not



exceed the scope of the data that is directly related to the public offense for which the warrant is issued. This measure provides that the scope of the data accessible by a warrant pursuant to these provisions must be limited to the specified information listed in Vehicle Code Section 9951, Subdivision (b).

**[AB 1735](#) (Bauer-Kahan) Evidence. Privileges. Human Trafficking Caseworker-victim Privilege.**

**Chapter 197, Statutes of 2019**

This measure amends the human trafficking caseworker privilege in various ways, including changes to existing definitions, the scope of the privilege, and the parties covered. This measure also:

- Extends the privilege to caseworkers even if they were not the caseworker at the time of the confidential communication;
- Eliminates the court's ability to compel disclosure when the victim is either dead or not the complaining witness in a criminal action against the perpetrator; and
- Clarifies that nothing in these provisions should be interpreted as limiting any obligation to report instances of child abuse.

**[SB 17](#) (Umberg) Civil Discovery. Sanctions.**

**Chapter 836, Statutes of 2019**

This measure provides a framework so that parties to a civil action may stipulate to initial disclosures regarding information that is typically sought in discovery. This measure also mandates a \$250 sanction against persons, parties, or attorneys that engage in certain forms of discovery abuse related to the production of documents.

**\*[SB 36](#) (Hertzberg) Pretrial Release. Risk Assessment Tools.**

**Chapter 589, Statutes of 2019**

This measure requires each pretrial services agency that uses a pretrial risk assessment tool to regularly validate the tool, and to make specified information regarding the tool publicly available. Specifically, this measure requires:

- Any pretrial risk assessment tool used by a pretrial services agency to be validated by January 1, 2021, and on a regular basis thereafter, but at least once every three years;
- The Judicial Council to maintain a list of pretrial service agencies that have satisfied the validation requirement and complied with transparency requirements;
- The Judicial Council beginning on December 31, 2020, and yearly thereafter to publish specified data on pretrial pilot projects funded under the Budget Act of 2019 and any agencies otherwise funded by the state to perform risk assessments; and
- The Judicial Council to provide a report to the courts and the Legislature containing recommendations to mitigate bias and disparate effects in pretrial decision making by July 1, 2022.

**[SB 136](#) (Wiener) Sentencing.  
Chapter 590, Statutes of 2019**

This measure amends the one-year sentence enhancement for prison or county jail felony priors by imposing the one-year sentence enhancement for a defendant sentenced to a new felony offense only if the defendant has a prior conviction for a sexually violent offense, as defined in Subdivision (b) of Welfare and Institutions Code Section 6600.

**[SB 233](#) (Wiener) Immunity from Arrest.  
Chapter 141, Statutes of 2019**

This measure makes condoms inadmissible as evidence in specified crimes relating to prostitution. It also prohibits the arrest of a person for misdemeanor drug possession or prostitution related offenses when the person is reporting certain, more serious crimes. This measure further states that the possession of condoms in any amount does not provide a basis for probable cause for arrest for a violation of specified offenses related to prostitution. Lastly, this measure prohibits the use of evidence that victims of, or witnesses to a serious felony, assault, domestic violence, extortion, human trafficking, sexual battery, or stalking, as specified, were engaged in an act of prostitution at or around the time they were the witness or victim to the crime in a separate prosecution for the crime of prostitution.

**[SB 269](#) (Bradford) Wrongful Convictions.  
Chapter 473, Statutes of 2019**

This measure extends the statute of limitations for individuals filing a wrongful conviction claim to the California Victim Compensation Board (CVCB) from within two years to within ten years of acquittal, pardon, dismissal of charges, or release from custody, whichever is later.

**[SB 304](#) (Hill) Criminal Procedure. Prosecutorial Jurisdiction in Multi-jurisdictional Elder Abuse Cases.**

**Chapter 206, Statutes of 2019**

This measure allows specified elder and dependent adult abuse offenses that occur in different jurisdictions to be consolidated into a single trial if all district attorneys in the counties with jurisdiction agree.

**[SB 310](#) (Skinner) Jury Service.  
Chapter 591, Statutes of 2019**

This measure eliminates, generally, the prohibition on persons who have been convicted of a felony from serving on a trial jury. It also prohibits persons from serving on a trial jury while they are incarcerated in prison or jail, based on specified felony convictions, or while serving on parole, post-release community supervision, felony probation, or mandated supervision for the conviction of a felony. This measure includes a severability clause, establishing that if any section should be found invalid does not invalidate other sections of this measure.

**SB 370 (Umberg) Discovery. Response to Inspection Demands.****Chapter 208, Statutes of 2019**

This measure seeks to streamline the document production process to be more efficient for litigants. Specifically, this measure:

- Requires any documents produced in response to a demand for inspection, copying, testing, or sampling to be identified with the specific request number to which the documents respond; and
- Applies the above requirement to categories of documents, as well as individual documents.

**SB 375 (Durazo) Victims of Crime. Application for Compensation.****Chapter 592, Statutes of 2019**

This measure extends the deadline for victims of violent crimes to file an application for compensation from three years to seven years. Specifically, this measure requires an application for victim compensation to be filed in accordance with the following timelines, whichever is later:

- Within seven years of the date of the crime;
- Seven years after the victim attains 21 years of age; or
- Seven years from the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime.

**SB 393 (Stone) Vessels. Impoundment.****Chapter 644, Statutes of 2019**

This measure allows a court to impound a vessel after a conviction of boating under the influence (BUI) if the conduct resulted in the unlawful killing of a person.

**SB 394 (Skinner) Criminal Procedure. Diversion for Primary Caregivers of Minor Children.****Chapter 593, Statutes of 2019**

This measure authorizes the superior court, in agreement with the district attorney and public defender, to establish a pretrial diversion program for primary caregivers of minor children. Specifically, this measure:

- Allows the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender or the contract public defender's office, to agree in writing to establish and conduct a pretrial diversion program for primary caregivers lasting between 6 and 24 months;
- Provides that the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant if the defendant meets all specified requirements;
- Excludes persons convicted of serious or violent felonies or persons alleged to have committed a crime against his or her child;
- Provides that the court on its own motion, the prosecutor, or the probation department, may move to reinstate criminal proceedings if it appears that the defendant is either performing unsatisfactorily in the program, or if the defendant

is convicted of a felony or any offense that reflects a propensity for violence subsequent to entering the program;

- Entitles a defendant who has performed satisfactorily on diversion to dismissal of the criminal charges; and
- Provides that upon successful completion of diversion and dismissal of the charges, the arrest upon which the diversion was based will be deemed to never have occurred, and the court must order access to the arrest record restricted.

**SB 439 (Umberg) Criminal Procedure. Wiretapping. Authorization and Disclosure. Chapter 645, Statutes of 2019**

This measure expands the ability for prosecuting agencies to use intercepted communications related to additional crimes captured during the lawful execution of a wiretap in court. Specifically, this measure:

- Adds to the list of crimes for which intercepted wire or electronic communication may be used in a court proceeding to include:
  - Grand theft of a firearm; and
  - Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem.
- Authorizes the use of an intercepted wire or electronic communication related to any crime involving the employment of a peace officer in an administrative or disciplinary hearing involving the employment of a peace officer;
- Prohibits the use of an intercepted wire or electronic communication as evidence in an administrative or disciplinary proceeding if the acts by a peace officer constitute only a violation of a departmental rule or guideline; and
- States that if an agency employing peace officers utilizes an intercepted wire or electronic communication relating to a crime involving a peace officer in an administrative or disciplinary hearing, the agency is required to, on an annual basis, report both of the following to the AG:
  - The number of administrative or disciplinary proceedings involving the employment of a peace officer in which the agency utilized evidence obtained from a wire interception or electronic communication; and
  - The specific offenses for which evidence obtained from a wire interception or electronic communication was used in those administrative or disciplinary proceedings.
- Provides that the AG may issue regulations prescribing the form of the reports including information reported pursuant to this measure, and include the information in its annual report on wiretap usage.

**SB 471 (Stern) Subpoenas. Service. Chapter 851, Statutes of 2019**

This measure allows the service of a subpoena by electronic mail or fax. It also specifies that service of a subpoena on a peace officer in connection with a matter regarding an event the officer witnessed or investigated in the course of their duties is governed by existing law. Lastly, this measure repeals provisions of law pertaining to service of subpoenas by telegraph or teletype.

**[SB 557 \(Jones\) Criminal Proceedings. Mental Competence. Expert Reports.](#)  
Chapter 251, Statutes of 2019**

This measure makes court documents related to a defendant's mental competency in criminal proceedings confidential. This measure:

- Specifies that all documents submitted to the court related to specified proceedings regarding the defendant's mental competence are presumptively confidential, except as otherwise provided by law;
- Specifies that a motion, application, or petition to access the documents shall be decided in accordance with the rule of the court regarding the unsealing of court records; and
- States that the defendant, counsel for the defendant, and the prosecution may inspect, copy, or utilize the documents, and any information contained therein, without an order by the court, for purposes related to the defense, treatment, prosecution, and safety of the defendant, and for the safety of the public.

**[SB 620 \(Portantino\) Criminal Offender Record Information. Referral of Persons on Supervised Release.](#)**

**Chapter 650, Statutes of 2019**

This measure allows a municipal police department or a county sheriff's department to release the name and address of a person on supervised release to specified providers of transitional services, if the person consents. This measure requires that notice be given to the released person so that they may consent to the release of their name and address. It also requires the law enforcement agency to contact the person's parole or probation officer to confirm that the person has authorized the release of their information, as specified; and in the case of probationers, requires notice of any referral to the probation officer. For persons supervised by the Department of Corrections and Rehabilitation, implementation of this measure is delayed until July 1, 2021.

**[SB 651 \(Glazer\) Discovery. Postconviction.](#)**

**Chapter 483, Statutes of 2019**

This measure clarifies that the right to post conviction discovery applies to any case in which a person was convicted of a serious or violent felony resulting in a sentence of 15 years or more, whenever that conviction occurred, and that the only provision to be prospective is the one requiring attorneys to keep their files for the term of the client's incarceration.

***I. Public Health***

**\*[AB 262 \(Gloria\) Local Health Officers. Communicable Diseases.](#)**

**Chapter 798, Statutes of 2019**

This measure requires a local health officer (LHO), during an outbreak of a communicable disease, or upon the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, to:

- Promptly notify and update governmental entities within the LHO's jurisdiction about communicable diseases required to be reported under existing law that

may affect them, if the health officer believes that action or inaction on the part of the entity might affect outbreak response efforts; and

- Make any relevant information available to governmental entities, including, but not limited to, the locations of concentrations of cases, the number of residents affected, and the measures that the governmental entities should take to assist with outbreak response efforts.

This measure authorizes an LHO to issue orders to other governmental entities within his or her jurisdiction to take any action he or she deems necessary to control the spread of the communicable disease. Under this measure, both the LHOs that provide the notification and information to a governmental entity and the entity that receives this information must comply with all applicable state and federal privacy laws.

**\*[AB 714](#) (Wood) Opioid Prescription Drugs. Prescribers.  
Chapter 231, Statutes of 2019 (Urgency)**

This measure requires a prescriber of an opioid or benzodiazepine medication to offer a prescription for naloxone hydrochloride (NH) or another drug approved by the Food and Drug Administration (FDA) for reversal of opioid-induced respiratory depression when:

- The prescription dosage is 90 or more morphine milligram equivalents per day;
- The opioid medication is prescribed within a year from the date a prescription for benzodiazepine has been dispensed to the patient; and/or
- The patient presents with an increased risk for opioid overdose.

This measure exempts a prescriber from having to provide education on opioid overdose prevention and the use of NH if the patient receiving the prescription declines the education or has received the education within the past 24 months. This measure also exempts a prescriber of opioid or benzodiazepine medications from prescribing NH and providing education, when:

- Ordering medications to be administered to a patient while the patient is in either an inpatient or outpatient setting; or
- Prescribing medications to a patient who is terminally ill, as defined in Section 11159.2(c) of the Health and Safety Code.

**[SB 513](#) (Hurtado) State Water Resources Control Board. Grants. Interim Relief.  
Private Water Wells.**

**Chapter 373, Statutes of 2019**

This measure authorizes the State Water Resources Control Board (SWRCB), subject to appropriation by the Legislature, to provide grants to eligible applicants to be used to provide interim relief to households in which a private water well has gone dry, or has been destroyed, due to drought, wildfire, or other natural disaster. This measure provides that the SWRCB may provide up to 10 percent of the funds appropriated to eligible applicants for planning related to permanent solutions for private water wells. This measure requires the SWRCB to pursue other permanent solutions for private water wells that have gone dry or been destroyed, due to drought, wildfire, or other natural disaster.



## ***J. Public Safety Professionals***

### **AB 332 (Lackey) Peace Officers. Training.**

#### **Chapter 172, Statutes of 2019**

This measure establishes a general prohibition on the release of personal identifying information as related to testing results of law enforcement academy students. This measure also requires the Commission on Peace Officer Standards and Training (POST) to submit a report to the Legislature and Governor with specified data relating to students' completion of the basic training course for peace officers and the availability of remedial training and retesting when a student fails to complete a course.

This data includes, but is not limited to:

- The number of students who attended an academy;
- The number and percentage of completion;
- The number and percentage of failure to successfully complete the academy;
- The self-dismissal rate of students who failed to complete the academy;
- The number of students who failed due to failure to complete one or more learning domains, and related data; and
- The number of students who received one or more opportunities for remedial training for a learning domain included in the report.

This measure specifies that data reported pursuant to this measure must be aggregated by the race and gender of students. The reporting requirements of this measure will sunset on January 1, 2024.

### **AB 397 (Chau) Vehicles. Driving Under the Influence.**

#### **Chapter 610, Statutes of 2019**

This measure requires every chief of police, sheriff, district attorney, and others to report to DOJ monthly, beginning in January 1, 2022, data relating to the arrests made for driving under the influence and arrests in which cannabis was suspected to be a substance under which a person was under the influence.

### **AB 433 (Ramos) Probation. Notice to Victim.**

#### **Chapter 573, Statutes of 2019**

This measure requires that an open court hearing before a judge must occur prior to an order for early termination of probation. This measure requires the prosecuting attorney to be given a two-day written notice and an opportunity to be heard on the decision to terminate probation early. It also requires the prosecuting attorney to provide notice to the victim if the victim has requested to be notified about the progress of the case.

### **\*AB 1215 (Ting) Law Enforcement. Facial Recognition and Other Biometric Surveillance.**

#### **Chapter 579, Statutes of 2019**

This measure prohibits a law enforcement agency or officer from installing, activating, or using any biometric surveillance system in connection with an officer camera or data collected by an officer camera. It also authorizes a person to bring an action for



equitable or declaratory relief against a law enforcement agency or officer who violates this prohibition.

**\*[AB 1705](#) (Bonta) Medi-Cal. Emergency Medical Transportation Services.  
Chapter 544, Statutes of 2019**

This measure, beginning July 1, 2021, requires a new Medi-Cal Public Provider Intergovernmental Transfer Program (PPIGT) for public ambulance providers that would provide additional payments to these providers in fee-for-service (FFS) Medi-Cal and Medi-Cal managed care (MCMC) plans. It replaces the existing certified public expenditures program used to fund FFS public ground providers with the new intergovernmental transfer (IGT) funded program. This measure exempts public ambulance providers from the current Quality Assurance Fee (QAF), and the resulting Medi-Cal add on payments resulting from revenue from the QAF.

**\*[SB 22](#) (Leyva) Rape Kits. Testing.  
Chapter 588, Statutes of 2019**

This measure requires law enforcement agencies to either:

- Submit sexual assault forensic evidence to the crime lab within 20 days after it is booked into evidence; or
- Ensure that a rapid turnaround deoxyribonucleic acid (DNA) program is in place to submit forensic evidence collected from the victim of a sexual assault, directly from the medical facility where the victim is examined to the crime lab, within five days after the evidence is obtained from the victim.

This measure requires crime labs to either:

- Process the evidence for DNA profiles and upload them into the Combined DNA Index System (CODIS); or
- Transmit the evidence to another crime lab for processing and uploading.

**\*[SB 230](#) (Caballero) Law Enforcement. Use of Deadly Force. Training. Policies.  
Chapter 285, Statutes of 2019**

This measure requires law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques, and other alternatives to use of force, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents. Specifically, this measure:

- Requires each law enforcement agency to maintain a policy that provides a minimum standard on the use of force and includes specified elements;
- Requires each law enforcement agency to make its use of force policy accessible to the public;
- Requires the California Commission on Peace Officers Standards and Training (POST) to develop and implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and to also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force; and
- Provides that the course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines must be developed

by POST in consultation with appropriate groups and individuals having an interest and expertise in the field on use of force. The groups and individuals must include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public. POST, in consultation with these groups and individuals, is required to review existing training programs to determine the ways in which use of force training may be included as part of ongoing programs.

**[SB 338](#) (Hueso) Senior and Disability Victimization. Law Enforcement Policies. Chapter 641, Statutes of 2019**

This measure establishes the "Senior and Disability Justice Act," which:

- Authorizes local law enforcement agencies to adopt a policy regarding senior and disability victimization;
- Requires that if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions, including those provisions related to enforcement and training;
- Requires a law enforcement agency that adopts or revises a policy on elder and dependent adult abuse on or after April 13, 2021, to make available a copy upon request to the state protection and advocacy agency; and
- Makes clarifying changes to related provisions with respect to the entities that have jurisdiction to investigate elder and dependent adult abuse.

***K. Juvenile Welfare***

**[AB 1394](#) (Daly) Juveniles. Sealing of Records. Chapter 582, Statutes of 2019**

This measure prohibits a superior court or probation department from charging an applicant a fee for filing a petition to seal records.

***L. Miscellaneous***

**[AB 127](#) (Lackey) Driving Under the Influence. Research. Chapter 68, Statutes of 2019 (Urgency)**

This measure allows a person who is under the supervision and on the property of the California Highway Patrol (CHP), to drive a vehicle while under the influence of a drug, or while under the combined influence of a drug and alcohol, for the purpose of conducting research on impaired driving.

**[AB 759](#) (Bigelow) Traffic Safety. Work Zones. Positive Protection Measures. Chapter 617, Statutes of 2019**

This measure requires, by July 1, 2021, the California Department of Transportation (Caltrans) to update guidance on the appropriate use of specified positive protection measures— including, but not limited to automated flagger assistance devices, buffer

lanes, impact attenuator vehicles, and temporary barriers—with the goal of isolating workers or work zones from traffic. This measure also requires Caltrans to compensate contractors for the use of a safety device, upon request, where the updated guidance authorizes but does not require the use of that safety device.

**[AB 880](#) (Obernolte) Transportation Network Companies. Participating Drivers. Criminal Background Checks. Chapter 618, Statutes of 2019**

This measure prohibits a transportation network company from contracting with, employing, or retaining drivers who have been convicted of human trafficking offenses.

**[AB 1213](#) (Chen) Legal Document Assistants and Unlawful Detainer Assistants. Chapter 128, Statutes of 2019**

This measure retains the operation of the provisions of law regulating legal document assistants and unlawful detainer assistants. This measure sunsets on January 1, 2024.

**\*[AB 1289](#) (Chen) Alarm Company Act. Local Use Permit. Chapter 65, Statutes of 2019**

This measure prohibits a city, county, or city and county from fining an alarm company requesting dispatch to a residential or commercial customer that does not have a current local use permit for an alarm system if either of the following applies:

- It was not the alarm company's legal responsibility to obtain the local use permit for the customer or renew the local use permit for the customer; or
- If it is the alarm company's legal responsibility to renew the local use permit for the customer, but the alarm company was not notified that the customer's local use permit had expired.

**[AB 1548](#) (Gabriel) California State Nonprofit Security Grant Program. Chapter 734, Statutes of 2019 (Urgency)**

This measure establishes the California State Nonprofit Security Grant Program to improve the physical security of nonprofit organizations that are at high risk of terrorist attack due to ideology, beliefs, or mission. This measure sunsets on January 1, 2025.

**[AB 1603](#) (Wicks) California Violence Intervention and Prevention Grant Program. Chapter 735, Statutes of 2019**

This measure codifies the establishment of the California Violence Intervention and Prevention (CalVIP) Grant Program and the authority and duties of the Board of State Community Corrections (BSCC) in administering the program, including the selection criteria for grants and reporting requirements to the Legislature. This measure sunsets on January 1, 2025.

**[AB 1754](#) (Jones-Sawyer) Office of Emergency Services. California Olympic and Paralympic Public Safety Command. Chapter 693, Statutes of 2019**

This measure requires CalOES to:

- Establish the California Olympic and Paralympic Public Safety Command (COPPSC) to facilitate the planning, resourcing, management, and delivery of safety and security at the 2028 Olympic and Paralympic Games in Los Angeles; and
- Enter into a memorandum of understanding (MOU), by January 21, 2021, with the Los Angeles Organizing Committee for the 2028 Olympic and Paralympic Games, and with other necessary parties, to implement COPPSC's safety and security activities.

This measure requires the MOU to comply with the 2028 Olympic Games and Paralympic Games Act and the Master Mutual Aide Agreement. This measure sunsets on January 1, 2029.

**\*[SB 153](#) (Wilk) Industrial Hemp.  
Chapter 838, Statutes of 2019**

This measure revises oversight of industrial hemp cultivation and testing to align state policy with the federal Agriculture Improvement Act of 2018 (2018 Federal Farm bill). Specifically, this measure:

- Requires the CDFA, by May 1, 2020, to develop and submit to the United States Department of Agriculture (USDA) a state plan consistent with the 2018 Federal Farm bill related to industrial hemp production;
- Requires a county agricultural commissioner to submit specified information, including contact information and registration status of each hemp breeder, to CDFA and requires CDFA to submit that same information to USDA within a set timeframe;
- Prohibits industrial hemp from being cultivated on a premises licensed to cultivate or process cannabis. Any industrial hemp, regardless of THC content, cultivated on such a premise will be considered cannabis;
- Establishes a range of consequences for violations of provisions governing industrial hemp production, including possible five-year suspension from the program;
- Makes ineligible for participating in the industrial hemp program any person convicted of a felony related to a controlled substance for ten years following conviction or any person that materially falsifies any information in an application or registration;
- Establishes registration requirements for established agricultural research institutions (EARI). The requirements to register an EARI include: a research plan, review by a county agricultural commission (CAC), maintenances of records, rules for changing a research plan, and specified information to be submitted to CACs, CDFA, and USDA;
- Increases the number of growers from four to five and decreases representatives of businesses that sell industrial hemp products from three to two on the Industrial Hemp Advisory Board; and
- Makes numerous technical and conforming changes.

**[SB 164 \(McGuire\) Infractions. Community Service.](#)****Chapter 138, Statutes of 2019**

This measure states that a person convicted of an infraction, who has demonstrated that payment of a fine would pose a hardship and has therefore elected to perform community service in lieu of paying the fine, may perform that community service in the county in which the infraction occurred, the county of the person's residence, or any other county to which the person has substantial ties, including employment, family, or education.

**[SB 180 \(Chang\) Gene Therapy Kits. Advisory Notice and Labels.](#)****Chapter 140, Statutes of 2019**

This measure prohibits the sale of gene therapy kits, except as otherwise permitted by federal law, unless the seller includes a notice on the seller's internet website in a conspicuous location that is displayed to the consumer prior to the point of sale, and on a label on the package containing the gene therapy kit in plain view and readily legible, stating that the kit is not for self-administration.

**[SB 192 \(Hertzberg\) Posse Comitatus.](#)****Chapter 204, Statutes of 2019**

This measure repeals the posse comitatus provision of the Penal Code, which makes an able bodied person 18 years of age or older who neglects or refuses to assist a peace officer or a judge in making an arrest, retaking an escaped person into custody, or preventing the breach of the peace, subject to a fine between \$50-\$1,000.

**[SB 259 \(Nielsen\) Department of Justice. Crime Statistics Reporting.](#)****Chapter 245, Statutes of 2019**

This measure requires that the DOJ include in its annual statewide crime report, commencing with the report that includes data from 2023, statistics on "lewd or lascivious felonies" consistent with the statistics reported regarding rape, including the number of offenses reported and the rate per 100,000 people, to the extent such data is available. This measure defines "lewd or lascivious felonies" by cross-referencing various sections and subdivisions of the Penal Code.

**[SB 390 \(Umberg\) School Safety. School Security Officers and Security Guards.](#)****Chapter 475, Statutes of 2019**

This measure requires all security guards working on the property of a California Community College (CCC) district to complete the latest training developed by the California Department of Consumer Affairs (DCA) and requires districts to provide the training to all security guards during their regular work hours.

# **REVENUE AND TAXATION**

## VII. Revenue and Taxation

### A. Sales and Use Tax

#### **\*[AB 147](#) (Burke) Use Taxes. Collection. Retailer Engaged in Business in This State. Marketplace Facilitators.**

##### **Chapter 5, Statutes of 2019 (Urgency)**

This measure, consistent with the United States Supreme Court holding in *Wayfair*, establishes the framework for the collection of state sales and use taxes from out-of-state sales by remote retailers who have significant levels of economic activity in this state, even though they do not have a physical presence in this state. Specifically, this measure specifies that, on and after April 1, 2019, a retailer engaged in business in this state includes any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property for delivery in this state by the retailer and all persons related to the retailer that exceed \$500,000. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

#### **[AB 176](#) (Cervantes) California Alternative Energy and Advanced Transportation Financing Authority. Sales and Use Taxes. Exclusions.**

##### **Chapter 672, Statutes of 2019 (Urgency)**

This measure requires the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to evaluate a project application, for a sales and use tax exclusion, for the extent to which a project will create new, or result in the loss of, permanent, full-time jobs in the state. This measure also directs the CAEATFA to evaluate the average and minimum wage of any full-time employees proposed to be hired or not retained.

#### **[AB 321](#) (Patterson) Sales and Use Taxes. Exemptions. Trucks for Use in Interstate or Out-of-state Commerce.**

##### **Chapter 226, Statutes of 2019 (Urgency)**

This measure extends the existing sales and use tax exemption for trailers and semitrailers to new, used, or remanufactured trucks with an unladen weight of 6,000 pounds intended for interstate commerce. In addition, this measure also removes a requirement that the delivery of these vehicles physically happen out-of-state to qualify for the exemption. This measure sunsets on January 1, 2024.

#### **[AB 723](#) (Quirk) Transactions and Use Taxes. County of Alameda. Santa Cruz Metropolitan Transit District.**

##### **Chapter 747, Statutes of 2019**

This measure provides the County of Alameda and County of Santa Cruz room under the two percent transactions and use tax cap by allowing a tax imposed by the Bay Area Rapid Transit (BART) to not count towards the cap, clarifying that a .05 percent tax authorized by previous law does not count towards the cap in Santa Cruz County, and clarifying that a transactions and use tax imposed by the Santa Cruz County



Metropolitan Transit District shall not be considered for the purposes of the two percent cap.

**[AB 784](#) (Mullin) Sales and Use Taxes. Exemption. California Hybrid and Zero-emission Truck and Bus Voucher Incentive Project. Transit Buses.  
Chapter 684, Statutes of 2019 (Urgency)**

This measure provides a state-only sales and use tax exemption for any zero-emission technology medium and heavy duty transit bus vehicles eligible for the California Hybrid and Zero Emission Truck and Bus Voucher Incentive Project funded by the Air Quality Improvement program. This measure sunsets on January 1, 2024.

**[AB 1257](#) (Salas) Sales and Use Taxes. Exemption. Vehicle Modifications. Physically Handicapped Persons. Veterans.  
Chapter 317, Statutes of 2019 (Urgency)**

This measure expands the existing sales and use tax exemption for materials used to modify a vehicle for physically handicapped persons to include individuals with severe burn injuries as defined by existing federal law. This measure sunsets on July 1, 2030.

**[AB 1583](#) (Eggman) The California Recycling Market Development Act.  
Chapter 690, Statutes of 2019**

This measure extends the sunset on CAEATFA, which provides a sales and use tax exemption to projects that promote the use of advanced manufacturing. This measure sunsets on January 1, 2026.

**[AB 1790](#) (Wicks) Marketplaces. Marketplace Sellers.  
Chapter 635, Statutes of 2019**

This measure requires marketplaces, including online retailers, to ensure that their terms and conditions regarding commercial relationships with marketplace sellers are made available online and drafted in plain and intelligible language.

**[SB 92](#) (Committee on Budget and Fiscal Review) Taxation.  
Chapter 34, Statutes of 2019 (Urgency)**

This measure includes a number of provisions related to taxation. Specifically, this measure:

- Exempts children's diapers and menstrual hygiene products from sales and use tax collections for sales between January 1, 2020 and January 1, 2022;
  - Requires the Department of Finance (DOF) to calculate and backfill losses of county realignment funds; and
  - Requires the Legislative Analyst's Office (LAO) to evaluate the effectiveness of this exemption and consider ways to make it more targeted and report to the Legislature on or before January 1, 2021.
- Requires the Office of Tax Appeals at the California Department of Tax and Fee Administration (CDTFA) to establish a process for a person with a claim of less than \$5,000, or an entity with gross receipts of less than \$20 million filing a claim for less than \$50,000, to opt to appear before a single administrative law judge; and

- Makes minor technical and other changes to implement AB 147 (Burke, Chapter 5, Statutes of 2019), which established California's process for collection of use taxes following the *Wayfair* decision.
  - Limits liability for uncollected taxes to three years for a qualifying retailer meeting specified conditions.

### ***B. Utility User Tax***

#### **AB 1208 (Ting) Utility User Taxes. Exemption. Clean Energy Resource. Chapter 238, Statutes of 2019**

This measure extends the sunset on the existing exemption from local utility user taxes (UUT) for electricity generated by a clean energy resource located solely on the customers premises for use only by that customer. This measure specifically applies to all cities, including charter cities. This measure sunsets on January 1, 2027.

#### **\*SB 344 (McGuire) Local Prepaid Mobile Telephony Services Collection Act. Chapter 642, Statutes of 2019**

This measure extends, until January 1, 2021, the Local Prepaid Mobile Telephony Services Collection Act, which requires sellers of prepaid wireless telecommunications services to collect a fee measured as a percentage of the sales price.

### ***C. Property Tax Administration***

#### **AB 133 (Quirk-Silva) Property Tax Postponement. Chapter 794, Statutes of 2019**

This measure increases the Property Tax Postponement (PTP) Program income eligibility threshold for homeowners who are age 62 or over, blind, or disabled from \$35,500 to \$45,000, and increases the threshold annually thereafter with an inflation adjustment. This measure also, beginning July 1, 2020, would lower the rate of interest on property tax postponement payments from 7 percent to 5 percent per year, increasing the affordability of the program while keeping the program cost-neutral.

#### **AB 608 (Petrie-Norris) Property Taxation. Exemption. Low-value Properties. Chapter 92, Statutes of 2019 (Urgency)**

This measure allows a county board of supervisors to increase its low value exemption ordinance up to \$50,000 for all possessory interests (i.e. a private individual holds an interest in real property owned by a public agency that is independent, durable, and exclusive), irrespective of its nature. This measure explicitly prohibits a county board of supervisors from exempting new construction unless the base year value of the property is \$10,000 or less. This measure sunsets on January 1, 2025.

**\*[AB 872](#) (Aguiar-Curry) Property Taxation. Change in Ownership. Parent to Child Transfer. Stock.**

**Chapter 685, Statutes of 2019 (Urgency)**

This measure allows a property of which ownership has been transferred to a child through a qualified corporation, limited to a parent's residence and the parcel of land on which the home is located, to avoid reassessment to its current market value following the death of the last surviving parent provided that it serves continuously as a child's home and the property value does not exceed \$1 million.

**[SB 196](#) (Beall) Property Taxes. Community Land Trust.**

**Chapter 669, Statutes of 2019**

This measure enacts a new welfare exemption from property owned by a community land trust and modifies property tax assessments of property subject to contracts with a community land trust.

**[SB 791](#) (Committee on Governance and Finance) Property Taxation. Valuation. Certificated Aircraft.**

**Chapter 333, Statutes of 2019 (Urgency)**

This measure changes the method to calculate California's share of total aircraft value owned by commercial air carriers for property tax purposes and re-establishes streamlined administrative procedures for counties and air carriers. Specifically, this measure:

- Repeals a requirement that the State Board of Equalization (BOE) annually designate a "representative period" for county assessors to use in an allocation formula that determines each county's share of an air carrier's total aircraft fleet value;
- Establishes a representative period for use in the allocation formula based on the proportionate amount of "time" in the air and on the ground that certificated aircraft have spent within California in the previous calendar year;
- Establishes a new allocation formula based only on time in the representative period to replace the prior two-factor allocation formula that used both time, which was weighted at 75 percent, and arrivals/departures, which was weighted at 25 percent;
- Streamlines property tax administration procedures for assessors and air carriers using one "lead county" for tax return filing and auditing related requirements; and
- Requires each air carrier to provide flight data by county and airport location to its assigned lead county for value allocation purposes.

***D. Local Government Finance***

**\*[AB 116](#) (Ting) Local Government.**

**Chapter 656, Statutes of 2019**

This measure makes changes to Enhanced Infrastructure Financing District (EIFD) law, including the removal of the 55 percent vote requirement for bond issuances. This

measure is effective January 1, 2020. (*The League has prepared a comprehensive summary on this measure in Appendix A of this document.*)

**\*[AB 485](#) (Medina) Local Government. Economic Development Subsidies. Chapter 803, Statutes of 2019**

This measure prospectively requires each local agency, before approving an economic development subsidy for a warehouse distribution center (one hundred thousand dollars (\$100,000) or more), to provide detailed information related to the impacts of the proposed warehouse, hold annual public hearings and annually report on any granted subsidies. Specifically, this measure:

- Prohibits a local agency from signing a nondisclosure agreement regarding a warehouse distribution center as part of negotiations for any subsidy;
- Requires all of the following information to be made available to the public in written form and through its Web site, in addition to being submitted to the Governor's Office of Business and Economic Development (GO-Biz):
  - The name and address of all corporations, including members of a commonly controlled group or members of a combined reporting group of which the corporation is a member, or any other business entities, except for sole proprietorships, that are the beneficiary of the economic development subsidy;
  - The name and address of all warehouse distribution centers that are the beneficiary of the subsidy;
  - The information required under existing law for any economic development subsidy;
  - The estimated number of workers employed through temporary agencies;
  - Whether any benefit package is offered;
  - For each warehouse distribution center that is the beneficiary of the subsidy, the outreach, training, and hiring plans, including plans to hire disadvantaged workers, and a description and total value of any state or federal subsidies applied for, or received by, the warehouse distribution center; and
  - A description of any accountability measures provided in the contract if the warehouse distribution center does not meet the goal outlined in the contract for subsidies.
- Requires the information to remain available to the public under existing state and federal law and to be posted on the local agency's Web site for the entire term of the subsidy;
- Requires each local agency to provide public notice and conduct a hearing before granting a subsidy to a warehouse distribution center. This is not required if a hearing and notice regarding the subsidy is otherwise required by law;
- Requires a local agency, after it grants a subsidy for a warehouse distribution center, to issue an annual report for each subsidy during the term of each subsidy and make the report available to the public and through its Web site, *in addition to* being submitted to GO-Biz;
- Requires each local agency, after it grants a subsidy for a warehouse distribution center, to hold an annual public hearing during the term of the subsidy to

consider any written or oral comments on the information contained in the annual report;

- Requires each public hearing required by this measure to be consolidated with a local agency's regularly scheduled hearing; and
- Requires a warehouse distribution center to provide a local agency any information necessary to comply with this measure.

**AB 1743 (Bloom) Local Government. Properties Eligible to Claim or Receiving a Welfare Exemption.**

**Chapter 665, Statutes of 2019**

This measure expands the properties that are exempt from community facility district (CFD) taxes to include properties that qualify for the property tax welfare exemption, provides that "method of financing" under Zoning and Planning Law includes qualifying for the welfare exemption and provides, under the Housing Accountability Act (HAA), that inconsistency with the zoning ordinance or general plan land use designation or the receipt of a welfare exemption shall not constitute a specific, adverse impact upon the public health or safety.

**SB 379 (Committee on Governance and Finance) Validations.**

**Chapter 74, Statutes of 2019 (Urgency)**

This measure enacts the First Validating Act of 2019 to validate the organization, boundaries, acts, proceedings, and bonds of state and local agencies. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

**SB 380 (Committee on Governance and Finance) Validations.**

**Chapter 75, Statutes of 2019 (Urgency)**

This measure enacts the Second Validating Act of 2019 to validate the organization, boundaries, acts, proceedings, and bonds of state and local agencies. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

**SB 381 (Committee on Governance and Finance) Validations.**

**Chapter 76, Statutes of 2019**

This measure enacts the Third Validating Act of 2019 to validate the organization, boundaries, acts, proceedings, and bonds of state and local agencies. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

***E. Miscellaneous***

**AB 91 (Burke) Income Taxation. Loophole Closure and Small Business and Working Families Tax Relief Act of 2019.**

**Chapter 39, Statutes of 2019 (Urgency)**

This measure contains the following significant federal tax conformity provisions related

to the passage of the federal Tax Cuts and Jobs Act (TCJA), which made significant changes to federal tax law. Specifically, this measure:

- Expands the California Earned Income Tax Credit (CalEITC):
  - Increases the maximum eligible earned income to \$30,000; and
  - Provides a refundable young child tax credit to a qualified tax payer up to \$1,000.
- Provides tax relief to small businesses, students, and individuals with disabilities;
- Eliminates differences in qualification criteria for Achieving a Better Life Experience Accounts (ABLE) between federal and California tax law;
- Increases the following thresholds for small businesses:
  - From \$5 million to \$25 million the amount of average annual gross receipts of a small business to be allowed to use the cash method of accounting;
  - From \$10 million to \$25 million the amount of average annual gross receipts of a taxpayer exempt from provisions precluding the deductibility of certain property costs and determining whether those costs are inventory costs or are capitalized; and
  - Exempts a small business with average annual gross receipts not exceeding \$25 million from provisions that require a taxpayer to take inventories to clearly determine their income.
- Excludes from an individual's gross income the amount of student loan indebtedness discharged on or after December 31, 2017, due to death or disability of the student, as provided;
- Limits "like-kind" exchange treatment to real property, subject to limited exceptions for middle-income tax payers; and
- Disallows the use of net operating loss carrybacks by individual and corporate taxpayers.

### **AB 263 (Burke) Taxation. Tax Expenditures. Information.**

#### **Chapter 743, Statutes of 2019**

This measure requires each future legislative measure seeking to enact a new tax expenditure to describe the goals, purposes, and objectives for authorizing such an expenditure, and to specify detailed performance indicators intended to measure the effectiveness of the expenditure. This measure includes all tax expenditures under the Personal Income Tax, the Corporation Tax, and the Sales and Use Tax laws, defining a tax expenditure as a credit, deduction, exclusion, exemption, or any other tax benefit as provided for by the state. This measure would only apply to tax expenditures enacted by measures introduced on or after January 1, 2020.

### **\*AB 498 (Weber) Business Licensing. Fees. Exemptions. Veterans.**

#### **Chapter 227, Statutes of 2019**

This measure exempts a veteran of the U.S. Armed Forces from paying any local business license fees for a business that offers or provides services if the veteran is the sole proprietor. This measure specifically applies to all cities, including charter cities.



**AB 632 (Aguiar-Curry) Counties. Offices. Consolidation.****Chapter 62, Statutes of 2019**

This measure allows the Lake County Board of Supervisors to consolidate the offices of Auditor-Controller (AC) and Treasurer-Tax Collector (TTC) when one of the offices has a vacancy.

**\*AB 857 (Chiu) Public Banks.****Chapter 442, Statutes of 2019**

This measure authorizes cities and counties to form public banks, subject to approval from the Department of Business Oversight and the Federal Deposit Insurance Corporation (FDIC).

**\*AB 945 (McCarty) Local Government. Financial Affairs. Surplus Funds.****Chapter 619, Statutes of 2019**

This measure increases from 30 percent to 50 percent the maximum allowable percentage of a local agency's surplus funds that the local agency may invest in depository institutions that use a private sector entity to assist in the placement of deposits. In addition, this measure:

- Places limits on a local agency if it pools its monies with other local agencies by only allowing it to invest up to 30 percent of its surplus funds in placement services. If that same local agency wants to separately invest outside of the pool, it would only be able to invest an additional 20 percent of its surplus funds in placement services for a maximum of 50 percent;
- Clarifies that local agency deposits in depository institutions which use private sector placement agencies are subject to existing limitations on the amount of money a local agency may deposit in a depository institution at a level intended to ensure that a local agency's deposits do not exceed the net worth, shareholder equity, or unimpaired capital and surplus of the depository;
- Requires placement agencies to ensure that each local agency which deposits its money in a depository institution that uses a private sector placement agency be provided, on a monthly basis, with an inventory of all depository institutions in which deposits have been placed on that local agency's behalf;
- Requires placement agencies to establish policies and procedures intended to ensure that they do not place additional deposits from a particular local agency with a depository institution, when such additional deposits would result in that local agency's total amount on deposit at that depository institution exceeding the FDIC or National Credit Union Administration limit; and
- Requires that depository institutions request that a participating local agency inform it of other depository institutions where it locates its deposits, which the depository institution must then provide to the private sector entity that assists with the placement of those deposits.

**AB 1296 (Gonzalez) Joint Enforcement Strike Force on the Underground****Economy. Labor Enforcement Task Force.****Chapter 626, Statutes of 2019**

This measure creates the Tax Recovery in the Underground Economy Criminal



Enforcement (TRUE) Program and allows the California Department of Justice (DOJ) to maintain two multiagency TRUE Program investigative teams in Sacramento and Los Angeles. In addition, this measure establishes that the TRUE Program will collaborate with the DOJ, the Employment Development Department (EDD), CDTFA, and the Franchise Tax Board (FTB).

**[AB 1637](#) (Smith) Unclaimed Property Law.**

**Chapter 320, Statutes of 2019**

This measure authorizes the State Controller's Office (SCO) to transfer property reported to the state under the Unclaimed Property Law (UPL) in the name of a local agency or state agency directly to that agency without the filing of a claim by the agency, and provides that existing immunity from suit under the UPL also applies to the transfer of this property.

**[AB 1822](#) (Committee on Local Government) Local Government. Omnibus.**

**Chapter 20, Statutes of 2019**

This measure makes several non-controversial changes to the local agency formation commission (LAFCO) statutes, which govern local government organization and reorganization. Specifically, this measure:

- Defines "service" to reflect common usage by being inclusive of services provided by both cities and special districts and eliminating reference to the obsolete provisions in Government Code 56821;
- Defines "service review" through a reference to the procedures that a LAFCO must follow to conduct a municipal service review;
- Clarifies that protest proceedings for a change of organization that consists of an annexation or a detachment can only be waived after commission approval; and
- Adds consolidations of cities to the LAFCO actions that must receive voter approval.

**[\\*SB 330](#) (Skinner) Housing Crisis Act of 2019.**

**Chapter 654, Statutes of 2019**

This measure establishes the Housing Crisis Act of 2019, which places restrictions on certain types of development standards, amends the Housing Accountability Act (HAA), and makes changes to local approval processes and the Permit Streamlining Act. This measure, among other things, declares a statewide housing crisis and for a five-year period:

- Creates a "preliminary" housing project application;
- Freezes nearly all development related fees once a developer submits a "preliminary" application; and
- Allows a developer 2 1/2 years to begin construction without being subject to increased development fees.

**[SB 601](#) (Morrell) State Agencies. Licenses. Fee Waiver.**

**Chapter 854, Statutes of 2019**

This measure authorizes any state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic

hardship as a result of an emergency, including a declared state of emergency, to submit an application for a reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

**SB 646 (Morrell) Local Agency Utility Services. Extension of Utility Services. Chapter 78, Statutes of 2019**

This measure revises and further clarifies the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a reasonable relationship to the payer’s burdens on, or benefits received from, the water connection or sewer connection.

**SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.**

**Chapter 329, Statutes of 2019**

This measure is the annual local government omnibus measure which makes several minor changes to state laws governing local agencies’ powers and duties. Specifically, this measure:

- Changes the name of the “Roster of Public Agencies” to the “Registry of Public Agencies” maintained by the Secretary of State;
- Requires any entity authorized to issue a building permit to the list of entities that are required to provide building permits to the county assessor;
- Requires county auditors to report annual Vehicle License Fee adjustment amounts for the county and each city in the county for that fiscal year information in an electronic format specified by the SCO and directs SCO to compile and report this information on its website in a readily accessible electronic format; and
- Allows the Weed Recreation and Parks District to exercise the powers of a Cemetery District, if approved by the Siskiyou County LAFCO.

**SB 789 (Committee on Governance and Finance) Local Government. Administration.**

**Chapter 258, Statutes of 2019**

This measure makes changes to assist county treasurers to handle public funds and county tax collectors to administer tax sales. Specifically, this measure:

- Provides that if a contract for depository services does not require the depository to bear the expense of transporting money, then the treasurer must contract for those services separately;
- Specifies that the treasurer may enter into a contract, as is allowed for banking and depository services, to procure bank courier or armored car services, as well as a contract for the pickup and transportation of money;
- States that the terms of the contract may include specification of costs, frequency and locations of pickup, and any other necessary transportation services;
- Allows, explicitly, combining overpayments and underpayments in the same cash difference fund; and
- Requires any claim filed by a party of interest to a tax sale for excess proceeds to be postmarked on or before the one-year expiration date to be considered timely

**TRANSPORTATION,  
COMMUNICATIONS AND PUBLIC  
WORKS**

## VIII. Transportation, Communications and Public Works

### IX. *Active Transportation and “Micromobility”*

#### **AB 1336 (Smith) Child Health and Safety Fund.**

##### **Chapter 47, Statutes of 2019**

This measure expands the list of child health and safety concerns that may be funded via monies deposited into the Child Health and Safety Fund. The Child Health and Safety Fund is funded by the “Have a Heart, Be a Star, Help Our Kids” license plate program and civil penalties on child daycare facility providers.

#### **\*SB 400 (Umberg) Reduction of Greenhouse Gases Emissions. Mobility Options.**

##### **Chapter 271, Statutes of 2019**

This measure adds bike sharing and electric bicycles to the statutorily defined “mobility option” within the state’s cap-and-trade funded Replace Your Ride program within the Clean Cars 4 All Program. This program offers low-income and disadvantaged community participants up to \$4,500 in “commuter bucks” for ridesharing services, carpooling, car sharing, and now bike sharing as well as electric bicycle purchases.

#### **\*SB 543 (Pan) Pedicabs.**

##### **Chapter 280, Statutes of 2019**

This measure repeals the sunset date and makes permanent existing law that allows for the consumption of alcohol on pedicabs authorized by local ordinance or resolution.

### ***B. Broadband***

#### **AB 488 (Aguiar-Curry) California Broadband Council.**

##### **Chapter 426, Statutes of 2019**

This measure adds the Secretary of Food and Agriculture, the State Librarian, and the Governor’s Tribal Advisor, or their designees, respectively, to the membership of the California Broadband Council tasked with promoting broadband deployment and adoption in unserved and underserved areas of the state.

### ***C. Electric Vehicles, Vehicle Emissions and Vehicle Technology***

#### **AB 176 (Cervantes) California Alternative Energy and Advanced Transportation Financing Authority. Sales and Use Taxes. Exclusions.**

##### **Chapter 672, Statutes of 2019 (Urgency)**

This measure requires the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to evaluate a project application, for a sales and use tax exclusion, for the extent to which a project will create new, or result in the loss of, permanent, full-time jobs in the state. This measure also directs the CAEATFA to

evaluate the average and minimum wage of any full-time employees proposed to be hired or not retained.

**[AB 784](#) (Mullin) Sales and Use Taxes. Exemption. California Hybrid and Zero-emission Truck and Bus Voucher Incentive Project. Transit Buses.  
Chapter 684, Statutes of 2019 (Urgency)**

This measure provides a state-only sales and use tax exemption for any zero-emission technology medium and heavy duty transit bus vehicles eligible for the California Hybrid and Zero Emission Truck and Bus Voucher Incentive Project funded by the Air Quality Improvement program. This measure sunsets on January 1, 2024.

**[AB 814](#) (Chau) Vehicles. Unlawful Access to Computer Systems.  
Chapter 16, Statutes of 2019**

This measure clarifies that existing law prohibits a person, business, or government agency, including a law enforcement agency, from hacking or otherwise accessing without authorization, computer data, and computer systems in a motor vehicle.

**[AB 880](#) (Oberholte) Transportation Network Companies. Participating Drivers. Criminal Background Checks.  
Chapter 618, Statutes of 2019**

This measure prohibits a transportation network company from contracting with, employing, or retaining drivers who have been convicted of human trafficking offenses.

**\*[AB 1100](#) (Kamlager-Dove) Electric Vehicles. Parking Requirements.  
Chapter 819, Statutes of 2019**

This measure requires existing and future parking spaces served by electric vehicle charging equipment to be counted towards compliance with local parking minimums. This measure also requires existing and future accessible parking spaces with an access aisle served by electric vehicle charging equipment to be counted as at least two standard automobile parking spaces towards compliance with local parking minimums.

**[AB 1583](#) (Eggman) The California Recycling Market Development Act.  
Chapter 690, Statutes of 2019**

This measure extends the sunset on CAEATFA, which provides a sales and use tax exemption to projects that promote the use of advanced manufacturing. This measure sunsets on January 1, 2026.

**[AB 1614](#) (Gipson) Vehicles. License Plate Pilot Program.  
Chapter 319, Statutes of 2019**

This measure extends for one year a pilot program conducted by the California Department of Motor Vehicles (DMV) to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards. This measure also authorizes the DMV to evaluate the inclusion of participants in the Business Partner Automation Program within the scope of the pilot program. This measure sunsets on January 1, 2021.

**AB 1671 (Berman) Department of Transportation. Motor Vehicle Technology Testing.****Chapter 322, Statutes of 2019**

This measure extends by four years the authorization for the California Department of Transportation (Caltrans), in coordination with the California Department of Highway Patrol (CHP), to conduct testing of technologies that enable drivers to safely operate motor vehicles with less than 100 feet between each vehicle or combination of vehicles. This measure also requires Caltrans to submit an additional updated report to the Legislature by April 1, 2023, regarding its findings and any recommendations for subsequent actions for the tested technologies. This measure sunsets on January 1, 2024.

**SB 44 (Skinner) Medium- and Heavy-duty Vehicles. Comprehensive Strategy.****Chapter 297, Statutes of 2019**

This measure requires the California State Air Resources Board (CARB), in consultation with Caltrans, the California Energy Resources Conservation and Development Commission (CEC), and the Governor's Office of Business and Economic Development (GO-Biz), in collaboration with stakeholders, to update CARB's 2016 mobile source strategy. This update is to include a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles to bring the state into compliance with federal ambient air quality standards and to reduce medium-duty and heavy-duty vehicle sector greenhouse gas (GHG) emissions starting on January 1, 2021, and every five years thereafter. This measure also requires CARB to recommend reasonable and achievable goals to reduce emissions from medium-duty and heavy-duty vehicles by 2030 and 2050 as part of the comprehensive strategy and to align with the California Sustainable Freight Action Plan. This measure requires the updated mobile source strategy to be submitted to the Legislature.

**\*SB 210 (Leyva) Heavy-duty Vehicle Inspection and Maintenance Program.****Chapter 298, Statutes of 2019**

This measure requires CARB, in consultation with the Bureau of Automotive Repair, to adopt and implement regulations for a Heavy-Duty Vehicle Inspection and Maintenance Program (HDVIMP) for non-gasoline, heavy-duty, on-road motor vehicles that exceed 14,000 pounds. Zero emission vehicles, publicly owned emergency vehicles, authorized emergency vehicles, military vehicles, and new vehicles that meet stringent reduced oxides of nitrogen emission standards are exempt from this measure.

**SB 676 (Bradford) Transportation Electrification. Electric Vehicles. Grid****Integration.****Chapter 484, Statutes of 2019**

This measure requires an existing proceeding within the California Public Utilities Commission (CPUC), starting on December 31, 2020, to establish strategies and quantifiable metrics to maximize the use of feasible and cost-effective electric vehicle grid integration by January 1, 2030. This measure requires the CPUC to consider how electric vehicle grid integration can mitigate any generation, transmission, and

distribution costs, or increase the economic, social, or environmental benefits associated with transportation electrification.

#### ***D. Parking***

##### **\*[AB 833](#) (Lackey) Parking Penalties. Chapter 495, Statutes of 2019 (Urgency)**

This measure clarifies that late fees and/or penalty assessments associated with parking violations are not to be calculated into the \$300 programmatic cap for a local entity's payment installment plan.

#### ***E. Policies Linking Transportation and Housing***

##### **\*[AB 185](#) (Grayson) California Transportation Commission. Transportation and Transportation-related Policies. Joint Meetings. Chapter 534, Statutes of 2019**

This measure adds a representative from the California Department of Housing and Community Development (HCD) to the statutorily required minimum of two joint meetings per year held by the California Transportation Commission (CTC) and CARB to coordinate their implementation of policies that affect transportation, housing, and air quality.

##### **\*[SB 211](#) (Beall) State Highways. Leases. Chapter 343, Statutes of 2019**

This measure authorizes Caltrans to lease highway airspace and real property to a state agency, city, county, or political subdivision of a city or county for temporary emergency shelters or feeding programs. This measure requires the entity that enters into the lease to pay Caltrans \$1 per month for the lease and an annual administrative fee up to \$5,000, or the actual cost for Caltrans to administer the lease, not to exceed \$15,000. This measure authorizes Caltrans to terminate the lease at any time without penalty if needed for departmental purposes.

#### ***F. Public Works and Contracting.***

##### **\*[AB 456](#) (Chiu) Public Contracts. Claim Resolution. Chapter 489, Statutes of 2019**

This measure extends by seven years a claim resolution process that was originally established in 2017, and set to expire in 2020, for any payment dispute a contractor has against a local agency on a public works project that prescribes specific stratified methods of dispute resolution that local agencies must adhere to within specific timelines. This measure sunsets on January 1, 2027.



**[AB 695 \(Medina\) Community College Facilities. Design-build Contracts.](#)****Chapter 492, Statutes of 2019**

This measure extends by five years the authorization for school districts and community college districts to procure design-build contracts for public works projects, originally set to expire in 2020. This measure prohibits design-build contractors and all of their subcontractors from being prequalified unless they commit to using a skilled and trained workforce from the building and construction trades for those aspects of the work. This measure sunsets on January 1, 2030.

**[AB 1089 \(Stone, Mark\) Santa Cruz Metropolitan Transit District.](#)****Chapter 107, Statutes of 2019**

This measure increases from \$25,000 to \$50,000 the threshold for the purchase of supplies, equipment, and materials by the Santa Cruz Metropolitan Transit District to be awarded to the lowest responsible or best value bidder. This measure requires the district to obtain a minimum of three quotations for a procurement exceeding \$5,000, \$50,000 for the purchase of supplies, equipment, or materials, and \$10,000 for the construction of facilities and works.

**\*[AB 1768 \(Carrillo\) Prevailing Wage. Public Works.](#)****Chapter 719, Statutes of 2019**

This measure expands the definition of public works to include work conducted during site assessment or feasibility studies. This measure also adds preconstruction work, including design, site assessment, feasibility studies, and land surveying to be part of public works, regardless of whether any further construction work is conducted for purposes of paying prevailing wage.

**[SB 128 \(Beall\) Public Contracts. Best Value Construction Contracting for Counties Pilot Program.](#)****Chapter 501, Statutes of 2019**

This measure extends a pilot program originally set to expire in 2020 by five years, which authorizes the Counties of Alameda, Los Angeles, Riverside, San Bernardino, San Diego, San Mateo, and Solano, to select a bidder based on best value for construction projects in excess of \$1 million while expanding the pilot to the Counties of Santa Clara and Monterey. The pilot program authorizes these counties to use a best value construction contracting method to award individual annual contracts for up to \$3 million for repair, remodeling, or other repetitive work done according to unit prices. The pilot program requires the board of supervisors for participating counties to submit a report about projects awarded using the best value procedures to the Legislature by January 1, 2024. This measure sunsets on January 1, 2025.

**\*[SB 197 \(Beall\) Department of Transportation. Retention Proceeds.](#)****Chapter 842, Statutes of 2019**

This measure makes permanent existing law originally set to expire in 2020, which prohibits Caltrans from withholding retention proceeds when making progress payments for work performed by a contractor.

**[SB 339](#) (Jones) Engineers, Land Surveyors, and Geologists and Geophysicists. Nondisclosure Agreements. Reporting. Chapter 145, Statutes of 2019**

This measure specifies that a Professional Engineers Act or Professional Land Surveyors' Act licensee retained as an expert witness that enters into a nondisclosure agreement shall not be prevented from reporting violations to the Board of Professional Engineers, Land Surveyors, and Geologists.

***G. Seismic Safety***

**\*[AB 548](#) (Rodriguez) Earthquake Brace and Bolt Program. Chapter 219, Statutes of 2019**

This measure requires the California Residential Mitigation Program (CRMP) that administers the Earthquake Brace and Bolt program to provide outreach to low-income households to increase awareness of the Earthquake Brace and Bolt program in communities where the program is offered. This measure requires the CRMP to set aside at least 10 percent of the funds available each year for the Earthquake Brace and Bolt program to provide supplemental grants to low-income homeowners selected for program grants.

**[SR 10](#) (Hertzberg) Relative to the 25th Anniversary of the Northridge Earthquake of 1994.**

**Adopted January 18, 2019**

This measure declares that the Senate intends to continue to study, plan, prepare, support, and fund future actions that will strengthen the state's ability to anticipate, withstand, and respond to the next major earthquakes. This measure also resolves that the Senate hereby states its intent that the lessons learned from past earthquakes be applied to the State's preparedness and emergency response efforts.

***H. Telecommunications***

**\*[AB 497](#) (Santiago) Deaf and Disabled Telecommunications Program. Chapter 287, Statutes of 2019 (Urgency)**

This measure extends a requirement originally set to expire in 2020 by five years for the CPUC to impose a surcharge up to half of one percent to subscriber intrastate telephone service to fund the Deaf and Disabled Telecommunications Program (DDTP). This measure sunsets on January 1, 2025.

**[AB 956](#) (Diep) Telecommunications. Automatic Dialing-announcing Devices. Emergency Alert Notifications. Chapter 232, Statutes of 2019**

This measure allows public safety agencies to make calls using automatic dialing-announcing devices for testing basic, enhanced, Next Generation, and similar 911 telephone systems.

**\*[AB 1079](#) (Santiago) Telecommunications. Privacy Protections.****Chapter 449, Statutes of 2019**

This measure allows public safety agencies to test systems that respond to 911 calls and emergency communications to unpublished or unlisted phone numbers without having to get prior consent from such subscribers.

**\*[AB 1699](#) (Levine) Telecommunications. Mobile Internet Service Providers. First Response Agencies. Emergencies.****Chapter 398, Statutes of 2019**

This measure prohibits telecommunications providers from throttling internet traffic for first responder agencies during an emergency.

**[SB 208](#) (Hueso) Consumer Call Protection Act of 2019.****Chapter 471, Statutes of 2019**

This measure requires telecommunications providers to implement caller identification authentication protections by January 1, 2021, and allows the CPUC to coordinate with the Attorney General (AG) to enforce federal prohibitions on illegal robocalls in California.

**\*[SB 670](#) (McGuire) Telecommunications. Community Isolation Outage. Notification.****Chapter 412, Statutes of 2019 (Urgency)**

This measure requires telecommunications providers to notify the Governor's Office of Emergency Services (CalOES) whenever there is an outage limiting the ability for customers to make 911 calls or receive emergency notifications within 60 minutes of discovering the outage. This measure also requires CalOES to notify the affected county office(s) of emergency services, the sheriff of any county, and any public safety answering point affected by the outage.

***I. Transit and Rail*****\*[AB 752](#) (Gabriel) Public Transit. Transit Stations. Lactation Rooms.****Chapter 616, Statutes of 2019**

This measure requires that there are lactation rooms open to the public in a private/secure location that include a chair, electrical outlet, and shelf or table in an enclosed space, other than a public restroom, at multimodal transit stations that begin construction or renovation on or after January 1, 2021. This measure defines a multimodal transit station that is subject to the bill's provisions as a rail station that:

- Supports intercity rail service;
- Will be part of California's high-speed rail system;
- Serves as a stop or transfer point between intercity rail or high-speed rail;
- Has a publicly accessible indoor area of at least 5,000 square feet;
- Has a public restroom; and
- Has staff during operating hours.

This measure also includes the following stations into the definition of a multimodal transit station: the Anaheim Regional Transportation Intermodal Center, Bakersfield Station, Jack London Square Station, Los Angeles Union Station, Robert J. Cabral Station, Sacramento Valley Station, Salesforce Transit Center, San Jose Diridon Station, Santa Fe Depot; and Santa Fe Passenger Depot.

For a renovation to trigger the installation of a lactation room requires more than 25 percent of the space of the indoor area of the multimodal transit station, not including train platforms, walkways, or track areas.

**\*[AB 1017](#) (Boerner Horvath) New or Modified Railroad Crossings. Approval.**

**Chapter 233, Statutes of 2019**

This measure requires the CPUC to make an engineer available from the Rail Crossings and Engineering Branch to any city or county that develops and adopts via resolution a plan to improve mobility for multimodal access for new or modified railroad crossings.

**\*[AB 1351](#) (Lackey) Transit Operators. Paratransit and Dial-a-ride Services.**

**Assessment.**

**Chapter 627, Statutes of 2019**

This measure requires the California State Transportation Agency (CalSTA), in consultation with public transit operators, to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator's similar dial-a-ride and paratransit services. This measure requires CalSTA to publish the assessment online by July 1, 2021. This measure requires CalSTA to adopt a statewide program for individuals with disabilities certified by a public transit operator to use its dial-a-ride and paratransit services to use another in-state public transit operator's similar dial-a-ride and paratransit services.

**\*[AB 1560](#) (Friedman) California Environmental Quality Act. Transportation. Major Transit Stop.**

**Chapter 631, Statutes of 2019**

This measure revises the definition of "major transit stop" for purposes of qualifying for a CEQA exemption, to include a bus rapid transit station, with a frequency of service interval of 15 minutes or less during peak commute times.

**\*[AB 1824](#) (Committee on Natural Resources) California Environmental Quality Act. Exemption for Closure of Railroad Grade Crossing.**

**Chapter 466, Statutes of 2019**

This measure exempts from CEQA the closure of a railroad grade crossing by order of the California Public Utilities Commission (CPUC) if the commission finds the crossing to present a threat to public safety. This measure also makes additional technical and clarifying changes. This measure sunsets on January 1, 2025.

**\*[SB 397](#) (Glazer) Public Transit Operators. Passengers with Pets. Evacuation Orders.**

**Chapter 702, Statutes of 2019**

This measure requires CalOES and the California Department of Food and Agriculture (CDFA), in consultation with public transit operators and county emergency management officials, to develop best practices for allowing pets on public transit vehicles serving areas subject to an evacuation order. This measure requires public transit operators to allow passengers to board transit vehicles with their pets in areas under an evacuation order per the development of best practices.

**[SB 742](#) (Allen) Intercity Passenger Rail Services. Motor Carrier Transportation of Passengers.**

**Chapter 652, Statutes of 2019**

This measure authorizes Caltrans to provide funding to joint powers authorities responsible for intercity passenger rail services for the purpose of entering into a contract with Amtrak or a public or private motor carrier of passengers for intercity transportation connecting to intercity rail service.

***J. Transportation – Funding, Planning, Safety and Streamlining***

**\*[AB 252](#) (Daly) Department of Transportation. Environmental Review Process. Federal Program.**

**Chapter 160, Statutes of 2019**

This measure makes permanent the authority for Caltrans to carry out the National Environmental Policy Act (NEPA), which was set to expire in 2020.

**[AB 285](#) (Friedman) California Transportation Plan.**

**Chapter 605, Statutes of 2019**

This measure requires Caltrans to address how the state will attain a 40 percent reduction of greenhouse gas emissions below 1990 levels by the end of 2030 and how it will be consistent with state and national ambient air quality standards within the California Transportation Plan to be completed by December 31, 2025.

**[AB 634](#) (Salas) Traffic Control Devices. Roundabouts. Memorial and Dedication Signs.**

**Chapter 95, Statutes of 2019**

This measure adds roundabouts as a type of highway facility that may be used for memorial or dedication signing by Caltrans.

**[AB 723](#) (Quirk) Transactions and Use Taxes. County of Alameda. Santa Cruz Metropolitan Transit District.**

**Chapter 747, Statutes of 2019**

This measure provides the County of Alameda and County of Santa Cruz room under the two percent transactions and use tax cap by allowing a tax imposed by the Bay Area Rapid Transit (BART) to not count towards the cap, clarifying that a .05 percent tax

authorized by previous law does not count towards the cap in Santa Cruz County, and clarifying that a transactions and use tax imposed by the Santa Cruz County Metropolitan Transit District shall not be considered for the purposes of the two percent cap.

**[AB 759](#) (Bigelow) Traffic Safety. Work Zones. Positive Protection Measures.  
Chapter 617, Statutes of 2019**

This measure requires, by July 1, 2021, Caltrans to update guidance on the appropriate use of specified positive protection measures - including, but not limited to automated flagger assistance devices, buffer lanes, impact attenuator vehicles, and temporary barriers - with the goal of isolating workers or work zones from traffic. This measure also requires Caltrans to compensate contractors for the use of a safety device, upon request, where the updated guidance authorizes but does not require the use of that safety device.

**\*[AB 1266](#) (Rivas, Robert) Traffic Control Devices. Bicycles.  
Chapter 221, Statutes of 2019**

This measure requires Caltrans to develop standards for lane striping, pavement markings, and signage that would allow bicyclists to proceed straight through a dedicated right or left-hand turn lane.

**[AB 1413](#) (Gloria) Transportation. Transactions and Use Taxes.  
Chapter 758, Statutes of 2019**

This measure authorizes the Placer County Transportation Planning Agency to impose up to a one percent transactions and use tax to the entirety of or a portion of the County, excluding the Tahoe Basin, depending on voter approval. The revenues from the tax must be spent only on transportation and transit projects that benefit the portion of the County where the tax is imposed.

**[AB 1633](#) (Grayson) Regional Transportation Plans. Traffic Signal Optimization Plans.  
Chapter 633, Statutes of 2019**

This measure authorizes cities within the jurisdiction of the Metropolitan Transportation Commission (MTC) to develop and implement a traffic signal optimization plan for reducing travel times, stops, and fuel use. This measure requires Caltrans and cities that develop these plans to coordinate any adjustments required for signals owned or operated by Caltrans.

**[AB 1810](#) (Committee on Transportation) Transportation. Omnibus Bill.  
Chapter 636, Statutes of 2019**

This measure:

- Extends for one year, until 2022, the pilot program for the California Department of General Services (DGS) to test the effectiveness of the “best value” procurement method for up to \$20 million annually for purchasing and equipping heavy mobile fleet vehicles for Caltrans;



- Clarifies that the San Diego Metropolitan Transit System is a transit district, exempting the district from city and county zoning and building ordinances;
- Allows an authorized officer of a local transportation authority to sign revenue bonds issued by the authority in conjunction with a sales tax increase in lieu of the Chair or Vice-Chair of the authority;
- Authorizes the CTC to negotiate the relinquishment of the remainder of State Route 72 with the City of Whittier and Los Angeles County, except for the portion(s) located in the City of La Habra;
- Authorizes counties to maintain or remove cattle guard facilities with gas tax funds;
- Deletes the requirement for a person who operates a motorized scooter to have a motorcycle endorsement, while preserving the requirement to have a driver's license; and
- Prohibits limousine passengers and party-buses from smoking or ingesting marijuana.

**\*[SB 137](#) (Dodd) Federal Transportation Funds. State Exchange Programs. Chapter 639, Statutes of 2019**

This measure authorizes Caltrans to expand the existing Match-Exchange Program to regions with populations greater than 200,000, allowing Caltrans to swap up to \$100 million of its funds in a fiscal year with federal funds from local transportation projects, for purposes of reducing duplicative federal environmental review requirements for locally sponsored projects.

**[SB 358](#) (Committee on Transportation) Transportation. Chapter 643, Statutes of 2019**

This measure:

- Requires the California State Controller's Office (SCO) to withhold road maintenance and rehabilitation account funds from cities and counties that are unable to meet their minimum expenditure requirements instead of requiring a payback of those funds for noncompliance; and
- Makes other technical and clarifying changes to transportation related statutes.

***K. Undergrounding and Utilities***

**[AB 1166](#) (Levine) Public Works. Protection of Underground Infrastructure. Regional Notification Center System. Electronic Positive Response. Chapter 453, Statutes of 2019**

This measure requires, starting in 2021, every operator that owns, operates, or maintains a subsurface installation such as underground pipeline, conduit, duct, or wire to supply an electronic positive response (i.e. electronic ticket status updates) to the regional notification center. Regional notification centers are nonprofits or organizations of operators of subsurface installations that provide advance warning of excavations close to existing subsurface installations, before the legal start date and time of the excavation.



**[SB 70 \(Nielsen\) Electricity. Undergrounding of Electrical Infrastructure.](#)  
Chapter 400, Statutes of 2019**

This measure requires each electrical corporation's wildfire mitigation plan to include where and how it considered undergrounding electrical distribution lines in areas with the highest wildfire risk.

**[SB 560 \(McGuire\) Wildfire Mitigation Plans. Deenergizing Of Electrical Lines. Notifications. Mobile Telephony Service Providers.](#)  
Chapter 410, Statutes of 2019**

This measure requires public and private utilities to notify all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event. This measure also requires telecommunications providers to designate points of contact within the company to receive notifications from public and private utilities in anticipation of possible deenergization events and to notify stakeholders, such as public safety offices and emergency response offices, about the impacts to communications capabilities during such events.

**[SJR 5 \(Beall\) California Transportation Infrastructure.](#)  
Resolutions Chapter 142, Statutes of 2019**

This measure urges Congress and the President of the United States (President) to enact bipartisan federal infrastructure legislation to restore California's and other states' crumbling road and freight infrastructure, respond to growing traffic congestion, and increase investment in public transportation. This measure urges Congress and the President to address the shortfall in the federal Highway Trust Fund by restoring the lost purchasing power of the federal fuel tax in order to provide the long-term funding stability necessary for California and other states.

# **LEGISLATIVE RESOLUTIONS**

## VIII. Legislative Resolutions

### A. Decennial Census

#### [HR 27](#) (Berman) Relative to the 2020 Decennial Census.

**Adopted April 1, 2019**

This measure declares that the Assembly of the State of California recognizes the importance of the 2020 Decennial Census and supports helping to ensure a complete, fair, and accurate count of all Californians.

#### [SR 27](#) (Pan) Relative to the 2020 Decennial Census.

**Adopted April 4, 2019**

This measure resolves that the Senate recognizes the importance of the 2020 Decennial Census and supports helping to ensure a complete, fair, and accurate count of all Californians.

### B. Environmental Quality

#### [ACR 78](#) (Holden) Public Utilities. Pacific Gas and Electric Company. Bankruptcy. Resolutions Chapter 144, Statutes of 2019

This measure states that the pending Pacific Gas and Electric (PG&E) Company and Pacific Gas and Electric Corporation Chapter 11 bankruptcy proceedings, and any resolution thereof, must protect the citizens of California from the imminent and ongoing threats posed by climate change, the buildup of fuels, and inadequate electrical infrastructure. This measure provides that it is the will of the Legislature to:

- See the CPUC, in filings with the bankruptcy court overseeing the proceedings, to promote certain policy goals relating to PG&E, the electrical and gas systems, and victims of wildfires, and communicate the proceedings' profound and direct impacts on the people of California; and
- See PG&E executive compensation be restricted based upon strict compliance with safety and reliability laws and that the company reconstitute its board of directors.

#### [AJR 10](#) (Reyes) Federal Clean Air Act.

**Resolutions Chapter 182, Statutes of 2019**

This measure states that the Legislature will:

- Strongly and unequivocally support the existing fuel economy and greenhouse gas emissions standards, the preservation of California's authority to enact stricter air pollution standards pursuant to its federal Clean Air Act waiver, and the enactment of a voluntary agreement between the California Air Resources Board (CARB) and automobile manufacturers that preserves California's status as a leader in the fight for clean air;

- Consider any and all appropriate actions to maintain and enact vehicle emissions standards for the protection of public health, California residents, and the economy; and
- Support any and all appropriate actions that enhance longstanding protections for the public's health, California residents, and the economy; and strongly urges the President and Vice President of the United States, the Secretary of the United States Department of Transportation, and the Administrator of the United States Environmental Protection Agency to reject the Safer Affordable Fuel-Efficient Vehicles Proposed Rule for Model Years 2021–2026.

**SR 12 (Jackson) Relative to the 50th Anniversary of the Santa Barbara Oil Spill.**  
**Adopted January 28, 2019**

This measure resolves that, on the 50th anniversary of the Santa Barbara oil spill, the Senate recognize the birth and subsequent achievements of the modern environmental movement. The Senate encourages its members to urge their constituents to participate in beach cleanups and other community efforts to bring citizen action and involvement to the protection of our environment. The Senate honors the tireless efforts and important accomplishments of California's environmental leaders stretching from the time of the Santa Barbara oil spill to the present day.

**SR 57 (Hueso) Relative to the Tijuana River.**  
**Adopted September 6, 2019**

This measure resolves that the Senate requests that Governor Newsom explore all available state resources, where feasible, to address the sewage crisis affecting the Tijuana River Valley, the Tijuana River Estuary, and surrounding residents. The Senate requests the following:

- Governor Newsom look into the emergency that currently exists in the Tijuana River Valley due to the sewage crisis; and
- Governor Newsom supports the San Diego congressional delegation's request sent to the IBWC on July 3, 2019, to take action immediately.

This measure also acknowledges that the Senate recognizes the challenges that arise due to the need for cooperation from our federal agencies and binational partners.

***C. Housing***

**AJR 15 (Bloom) Section 202 Supportive Housing for the Elderly Program.**  
**Resolutions Chapter 147, Statutes of 2019**

This measure states the Legislature's support for federal funding of at least \$600 million per year to support the construction and operation of affordable housing through the Supportive Housing for the Elderly Program. This measure also calls on the President of the United States and the United States Secretary of Housing and Urban Development to support significantly increased funding for that program.

### ***D. Immigration***

#### **ACR 1 (Bonta) Immigration. Public Charges.**

##### **Resolutions Chapter 164, Statutes of 2019**

This measure condemns the new Department of Homeland Security (DHS) regulations that change the meaning of what it means for a non-citizen to be determined as a “public charge” for purposes of inadmissibility into the United States and urges the federal government to repeal the new regulations.

#### **AJR 9 (Garcia, Cristina) Immigration Enforcement Tactics.**

##### **Resolutions Chapter 104, Statutes of 2019**

This measure urges the federal government to stop using ruses against immigrants, revise the tactics used by United States Immigration and Customs Enforcement (ICE), cease the unjust detention of undocumented immigrants, end blanket raids against individuals thought to be without documents, and adopt a standard uniform for ICE officers that clearly identifies them as ICE when operating in California.

#### **AJR 11 (Carrillo) Immigration. Development, Relief, and Education for Alien Minors Act. Deferred Action For Childhood Arrivals. Deferred Enforced Departure. Temporary Protected Status.**

##### **Resolutions Chapter 136, Statutes of 2019**

This measure urges the President and the Congress of the United States to enact legislation to provide permanent legal status and a path to citizenship for immigrant youths and individuals with Deferred Enforced Departure and Temporary Protected Status.

#### **AJR 19 (Gloria) Refugees.**

##### **Resolutions Chapter 183, Statutes of 2019**

This measure declares California’s support for the resettlement of refugees in California, no matter their religion, race, nationality, sexual orientation, gender identity, or country of origin, and calls upon other local governments and communities to join them in supporting a stronger national effort to resettle the world’s most vulnerable refugees. This measure calls on the federal government to resettle all 30,000 refugees that the United States has committed to resettle in the fiscal year 2019, and calls on Congress and the presidential administration to raise the Presidential Determination to at least 75,000 refugees for fiscal year 2020.

#### **SJR 2 (Umberg) The President’s National Emergency Declaration.**

##### **Resolutions Chapter 66, Statutes of 2019**

This measure urges the houses of the United States Congress to stand in unity and block the President’s national emergency declaration by overriding the veto of House Joint Resolution 46 and, if not possible, to consider terminating the declaration of national emergency within six months or at the earliest possible time pursuant to the National Emergencies Act. This measure urges the President to reconsider his motives and decision and allow military, defense, and counterdrug funds to be used for the purposes for which they are needed and for which they were made available.

### ***E. Public Safety***

#### **ACR 117 (Garcia, Eduardo) Gang Awareness and Prevention Month.**

##### **Resolutions Chapter 170, Statutes of 2019**

This measure designates the month of January 2020 as Gang Awareness and Prevention Month in the State of California and would encourage cities and constituents across the state to observe the month with appropriate programs, ceremonies, and activities to prevent future gang activity and honor those who lost their lives due to gang activity.

#### **AJR 4 (Aguiar-Curry) Firearms.**

##### **Resolutions Chapter 103, Statutes of 2019**

This measure urges Congress to swiftly enact House Resolution 8, the Bipartisan Background Checks Act of 2019, to require background checks for all firearm sales.

#### **AJR 5 (Jones-Sawyer) Firearm Safety.**

##### **Resolutions Chapter 127, Statutes of 2019**

This measure urges the federal government to use California as an example for firearm safety and for stronger firearm laws to protect all citizens. This measure also urges the federal government to pass legislation that would provide universal firearm safety regulation throughout the nation.

#### **SR 11 (Leyva) Relative to Human Trafficking Awareness Month.**

##### **Adopted January 28, 2019**

This measure resolves that the Senate proclaims January 2019 as Human Trafficking Awareness Month in California in order to encourage greater awareness of human trafficking within the State of California and the United States.

#### **HR 7 (Reyes) Relative to Human Trafficking Awareness Month.**

##### **Adopted January 28, 2019**

This measure proclaims, on behalf of the Assembly, January 2019 as Human Trafficking Awareness Month in California in order to encourage greater awareness of human trafficking within the State of California.

#### **SR 21 (Hill) Relative to the Know Before You Fly Educational Campaign.**

##### **Adopted April 4, 2019**

This measure resolves that the Senate recognizes and supports the Know Before You Fly campaign as an official source of safety education for prospective and active operators of unmanned aircraft systems in California.

#### **SCR 64 (Bates) Drug Abuse Awareness.**

##### **Resolutions Chapter 141, Statutes of 2019**

This measure designates the month of September 2019 as Opioid, Heroin, Fentanyl, and Prescription Drug Abuse Awareness Month.

## ***F. Workforce Development and Social Security***

### **ACR 50 (Chiu) Workforce Development.**

#### **Resolutions Chapter 143, Statutes of 2019**

This measure states the Legislature's commitment to removing barriers and ensuring that good jobs and career pathway programs are accessible to all while promoting equity and inclusion in hiring practices. This measure would call upon the state's workforce system to improve access to workforce development for all Californians. This measure calls for ensuring representation of impacted communities in the decision-making processes for developing workforce strategies, including creating more effective training programs for Limited English Proficient individuals, removing barriers for individuals reentering the workforce, creating goals and metrics that are directly tied to improving equity and access to workforce development and quality jobs for all Californians. This measure calls for building equity and accountability into our state-funded workforce development programs so that all Californians can participate, contribute, and thrive meaningfully in our current and future economy.

### **SJR 3 (Wilk) Social Security.**

#### **Resolutions Chapter 129, Statutes of 2019**

This measure requests the Congress of the United States to enact, and the President to sign, legislation that would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.



# **APPENDIX A – ADDITIONAL RESOURCES**

The content of this document is for informational purposes only and is not, nor is it intended to be, legal advice. Such content is designed only to give general information on the developments actually covered and is not designed to provide a legal opinion on the impact of those developments. It is not intended to be a comprehensive summary or interpretation of recent developments in the law, does not treat exhaustively the subjects covered, and does not provide legal advice or render a legal opinion. Since the law is constantly changing and will vary based on different facts and circumstances, the content of this document may not be current or applicable to your particular situation. You should consult an attorney for individual advice regarding your own situation.

**AB 116 (Ting)**  
**Chapter 656, Statutes of 2019**  
**Changes to Enhanced Infrastructure Financing Districts Law**

In response to the slow and burdensome adoption of EIFDs across the state, AB 116 removes the 55 percent voter approval requirement for an EIFD to issue bonds and instead requires additional public engagement and oversight requirements prior to adopting the required enhance infrastructure financing plan. AB 116 extends to EIFDs similar thresholds and requirements for issuing bonds as is required in statutes governing a similar tool - Community Revitalizing and Investment Authorities (CRIAs) AB 2 (Alejo, Chapter 319, Statutes of 2015).

AB 116 is a component of Governor Newsom's broader economic development strategy to make existing tools more attractive for local governments and investors. The removal of the 55 percent voter approval requirement to issue bonds is intended to encourage the formation of additional EIFDs. Only three EIFDs have been fully formed since the 2014 passage of the authorizing statute.

This measure contains changes to existing statutory provisions related to EIFD finance plans and bond issuances. Specifically, it:

- Requires new, robust procedures for the adoption of a EIFDs enhance infrastructure financing plan (plan) similar to the plan adoption requirements of CRIAs from AB 2 (Alejo, Chapter 319, Statutes of 2015), as follows:
  - The plan must be adopted over a series of three public hearings, held at least 30 days apart. Each of these meetings has specified notice, comment, and action requirements; and
  - During the third public hearing, the final version of the plan is subject to written and oral protests.
    - Proceedings to adopt the plan must terminate if there is a majority protest (over 50 percent of the combined number of property owners and residents in the area);
    - An election on whether to adopt the plan must be called if between 25 percent and 50 percent of the combined number of property owners and residents file a protest;
    - An election must be held within 90 days;
    - If less than 25 percent of the combined number of property owners and residents file a protest, the plan may be adopted at the third public hearing; and
    - An EIFD must adopt a plan prior to issuing bonds or levying assessments or fees.
- Requires ongoing accountability through an annual report and annual independent financial audit; and
- Authorizes the Public Financing Authority (PFA) of an EIFD to issue bonds without submitting a proposal to the voters by a majority vote of the authority.

- Currently, in order to issue bonds, an EIFD must receive approval by a majority vote of its board and 55 percent of the qualified voters within the EIFD; and
- This trailer measure strikes the 55 percent approval and related vote procedure provisions and instead allows a PFA, by majority vote, to adopt a resolution authorizing a bond issuance, separate from the approval of the enhanced infrastructure financing plan.
- Requires the resolution approving the issuance of bonds, by majority vote, to include new information, including:
  - Descriptions of projects to be financed with the proposed bond proceeds;
  - Estimated costs of the proposed projects;
  - Estimated costs of preparing and issuing the bonds and principal amount of the bond issuance;
  - The maximum interest rate and discount on the bond issuance;
  - A determination of the tax revenue available (may be an estimate) to pay the principal of, and interest, on the bonds;
  - A finding that the tax revenue available (may be an estimate) is more than, or equal to, the amount necessary to pay the principal of the bonds and any interest;
  - Demonstration that the principal amount of the bond is consistent with the estimated costs of proposed projects and preparing and issuing the bonds; and
  - The date the bonds will yield proceeds and mature.

While the removal of the 55 percent threshold is a welcome improvement of the EIFD tool, AB 116 does not address other issues that have slowed its adoption in cities. Most notably, EIFDs, like CRIs and other tax increment tools formed in the wake of redevelopment dissolution, are restricted by the lack of access to significant local property tax shares. This financial impediment, in many cases, does not allow for the creation of viable and sustainable financing districts. In addition, many EIFDs are not able to get off the ground because of high upfront initiation costs that are compounded by their low financial capacity.

Furthermore, AB 116 introduces a new protest requirement in the formation process of EIFDs that, unintentionally, significantly impacts districts that are currently in the formation process, impedes the creation of new districts, and potentially disrupts already formed districts.

### **Protest Process Timing Concerns**

#### **AB 116's protest process timing creates significant uncertainty, adds time, and increases costs for jurisdictions that are currently forming an EIFD.**

- There are several jurisdictions throughout the state that are in the process of forming an EIFD, including the City of Sacramento (Railyards), Stanislaus County, and the City of Redondo Beach, to name a few. These jurisdictions that are midstream in the EIFD formation process may have to restart their formation

proceedings and hold three (3) public hearings at least 30 days apart. In addition to the public cost of these delays, this will also add time to a process that is dependent on moving quickly to establish a base year of assessed value.

**The timing of the protest process discourages the creation of EIFDs.**

- Jurisdictions are already required to go through a stringent public engagement process to form an EIFD. The protest process makes it more difficult for jurisdictions with a long-term economic development vision to form or pursue an EIFD. In particular, the landowner and/or voter electorate at the time of formation (when the protest process occurs under AB 116) may be less supportive and relevant for a bond issuance that may occur many years later. This is an important distinction in that a minority of the current landowners and/or electorate could stop future beneficial economic development growth that may occur after they are no longer owners

**It is not clear how the new process impacts already formed districts.**

- A court may not permit a district formed prior to the enactment of AB 116 to rely on the language eliminating the bond vote requirement because the district would have previously committed to conducting an election process as part of its previously adopted Infrastructure Financing Plan (as required by original statute). Moving the timing of the protest process to the point of bond issuance would help alleviate this concern.

**AB 147 (Burke)**  
**Chapter 5, Statutes of 2019**  
**California’s New On-Line Sales Tax Collection Law**

State and local agencies will begin to see a revenue boost following the signature by Governor Newsom of League-supported AB 147 (Burke, Chapter 5, Statutes of 2019), which expands the collection of millions in state sales and use taxes from out-of-state sales via the implementation of the landmark U.S. Supreme Court decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018).

The *Wayfair* decision addressed a longstanding problem associated with the rapid growth of on-line sales, resulting in the under-collection of billions in local sales and use tax revenues across the country. Previous Court decisions, led by *Quill Corp. v. North Dakota* (1992) 504 U.S. 298, were based on antiquated catalogue sales disputes that pre-dated the Internet and required retailers to have a physical nexus with each state prior to imposing an obligation on an out-of-state retailer to collect and remit applicable sales and use taxes from customers for remote sales.

In *Wayfair*, the Court reversed those decisions by upholding a South Dakota statute that imposed a collection requirement on out-of-state vendors selling more than \$100,000 or 200 separate transactions into the state.

Since this decision, most states have enacted their own regulations and statutes. AB 147 provides important direction in the law for the implementation of *Wayfair* in California. Acting on the authority “to impose a use tax collection duty on retailers who have specified levels of economic activity in this state, even though they do not have a physical presence in this state,” This measure:

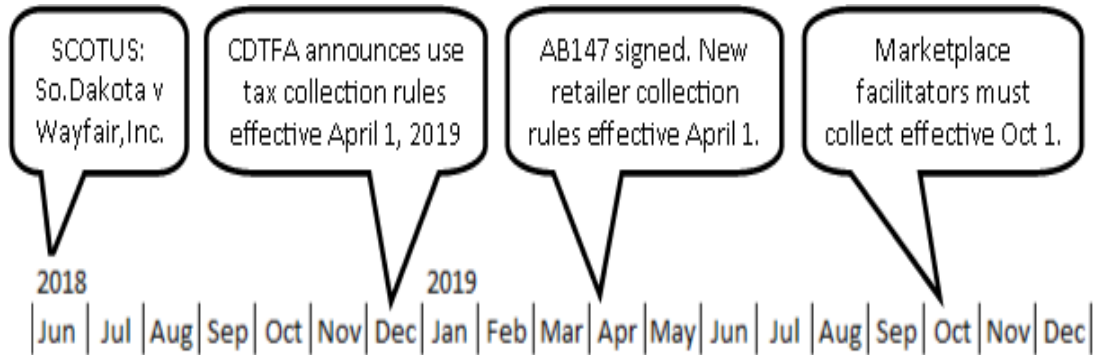
- Adds "economic nexus" provisions stipulating that a "retailer engaged in business in this state" includes any retailer that, in the preceding calendar year or the current calendar year, has a cumulative sales price from the sale of tangible personal property for delivery in California that exceeds \$500,000;<sup>1</sup>
- Makes conforming changes to Transactions and Use Tax law, ensuring that retailers collect those taxes too if they meet the \$500,000 statewide threshold; and<sup>2</sup>
- Defines a “marketplace facilitator” as the retailer responsible for the collection and remittance of sales and use taxes effective October 1, 2019. Marketplace facilitators contract with sellers to sell goods and services on their on-line platforms. Facilitators generally list products, process payments, collect receipts, and in some cases, take possession of a seller’s inventory, hold it in warehouses, and ship it to customers.

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<sup>1</sup> Revenue and Taxation Code § 6203. AB147 establishes a larger threshold than initially imposed by CDTFA. In Special Notice L-565, published in December 2018, CDTFA adopted a threshold of \$100,000 in sales or 200 separate transactions, identical to South Dakota.

<sup>2</sup> Revenue and Taxation Code § 7262

Large marketplace facilitators, such as Amazon and eBay, will now be responsible for calculating, collecting, and remitting state sales tax, including local transactions and use taxes, on sales sold by third party sellers on their online platforms. To ease implementation, AB 147 included substantial hold-harmless provisions for compliance errors until January 1, 2023.



**Transactions and Use Taxes Included for both In-State and Remote Transactions.**

Under AB 147, the obligation to collect applicable transactions and use tax<sup>3</sup> on all sales made for delivery in any city or county that imposes a transactions and use tax applies to a retailer *whether inside or outside of California* if, during the preceding or current calendar year, the total combined sales of tangible personal property in California or for delivery in California by the retailer and all persons related to the retailer *exceed \$500,000*.

This new collection requirement supersedes prior California Department of Tax and Fee Administration (CDTFA) direction regarding transactions and use tax collection requirements<sup>4</sup> and will increase transactions and use tax collections from in-state as well as out-of-state sales.

**Modest, But Positive Fiscal Effect.**

Digital commerce has been growing at over ten percent annually in recent years, more than four times the pace of overall economic growth. California’s large size means that - compared to other states - it is more likely that on-line businesses already have physical presence and therefore have already been collecting and remitting California sales and use tax. Nevertheless, estimates are that between \$1.0 and \$1.7 billion of California sales and use taxes went unpaid in 2017.<sup>5</sup>

<sup>3</sup> Transactions and use taxes are often referred to by the CDTFA as “district taxes.”

<sup>4</sup> See CDTFA Special Notice L-591.

<sup>5</sup> US Government Accountability Office, “Sales Taxes: States Could Gain Revenue from Expanded Authority, but Businesses Are Likely to Experience Compliance Costs.” GAO-18-114: November 16, 2017.

Out-of-state small businesses, those with less than \$500,000 total annual taxable sales transactions in California, are not obligated to collect and remit tax.<sup>6</sup> Based on US Census data, CDTFA estimates that this affects less than five percent of these taxable sales from out of state sellers. Sellers are still liable for the sales tax due on such transactions but the compliance rate, other than for businesses that are audited, is expected to be low.

California’s sales and use tax is composed of a number of state and local rates and allocations. Of the \$1 billion to \$2 billion in annual uncollected sales and use tax revenue about \$125 million to \$250 million would go to cities and counties for the one percent Bradley-Burns local rate. A similar amount would go to local transactions and use tax rates (local add-on sales taxes). This would be a boost in sales and use tax revenues of about 1.8 percent to 3.5 percent. Under current CDTFA rules, this out-of-state use tax is distributed through state and countywide “pools” in proportion to the rest of taxable sales within the county.

<b>California Sales and Use Tax Revenues</b>				
<i>millions</i>	<i>rate</i>	<b>2018 Collected</b>	<b>Estimated Annual Uncollected Out-of-State</b>	
			<b>low</b>	<b>high</b>
State General Fund	3.9375%	\$26,243	\$480	\$959
County Realignment	1.5625%	10,414	190	381
Proposition 172	0.5000%	3,332	61	122
County TDA	0.2500%	1,766	30	61
City* Bradley-Burns	1.0000%	7,047	122	244
Add-On Local Trans. & Use	varies	6,765	117	234
<b>Total</b>		<b>\$ 55,568</b>	<b>\$ 1,000</b>	<b>\$ 2,000</b>

*Source: Michael Coleman based on GAO analysis and CDTFA data. 4/2019*

**Further Information**

- CDTFA Special Notice April 2019: New Use Tax Collection Requirements for Remote Sellers and New District Use Tax Collection Requirements for All Retailers—Operative April 1, 2019. <https://www.cdtfa.ca.gov/formspubs/l632.pdf>
- Measure Text: AB-147 Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. (2019-2020) [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB147](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB147)

<sup>6</sup> Unless the transaction is via a “marketplace facilitator” as defined.



**AB 392 (Weber)**  
**Chapter 170, Statutes of 2019**  
**Peace Officers. Deadly Force.**

This measure revises the standards for use of deadly force by peace officers. This measure specifies that a homicide is justifiable when committed by a peace officer and those acting by their command in obedience to a court judgment or when the homicide results from a peace officer's use of force that is in compliance with the standards of *Penal Code Section 835a*.

As amended, *Penal Code § 835a* includes all of the following:

This measure provides that any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

This measure further provides that a peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer must, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

This measure prohibits a peace officer from using deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

Under this measure, a peace officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of the resistance or threatened resistance of the person being arrested.

This measure also clarifies that a peace officer must not be deemed an aggressor or lose his or her right to self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or overcome resistance.

Under *Penal Code § 835a*, the Legislature finds and declares the following:

- That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that must be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The

Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;

- It is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer;
- That the decision by a peace officer to use force must be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies;
- That the decision by a peace officer to use force must be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances must account for occasions when officers may be forced to make quick judgments about using force; and
- That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

For purposes of *Penal Code* § 835a, the following definitions apply:

- “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm;
- A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed; and
- “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

## Key 2019 Wildfire Legislation

### Background

Throughout the 2019 legislative session, the Legislature spent considerable time and attention addressing the destabilizing effects that catastrophic wildfires have had on the state. Earlier this year, more than 90 bills were introduced that would have affected various aspects of law, including wildfire recovery and prevention, emergency services, utility liability, and more. These issues have continued to be a legislative priority for the League as one of the League’s strategic goals for 2019 is improving community disaster preparedness, recovery, and climate resiliency.

Governor Gavin Newsom is also taking steps to address wildfires, climate change, and the state’s energy sector. In February, the Governor called for the creation of a Strike Force to develop comprehensive strategies to grapple with the increasingly dangerous and destructive wildfires that California’s communities continue to face and to inform legislation on these issues going forward. They issued a [report](#) in April outlining their findings.

AB 1054 by Assembly Members Chris Holden, Autumn Burke, and Chad Mayes codifies some of the Strike Force’s recommendations. This comprehensive measure outlines a wildfire plan that adds fiscal stability for investor-owned utilities (IOUs), which include Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E), establishes a Wildfire Fund, changes the cost recovery standard at the California Public Utilities Commission (CPUC), and creates a new CPUC Safety Certification. AB 111, a companion measure, establishes the California Catastrophe Council and the Wildfire Advisory Division to oversee some of the new IOU requirements detailed in AB 1054. A detailed outline of these bills is below.

### **[AB 1054 \(Holden\) Public Utilities. Wildfires and Employee Protection.](#)**

#### **Chapter 79, Statutes of 2019 (Urgency)**

Creation of Wildfire Safety Advisory Board – This measure creates, as of January 1, 2020, the “Wildfire Safety Advisory Board” within the CPUC. The Wildfire Safety Board will advise the Wildfire Safety Division and will consist of seven appointed members: five by the Governor, one by Senate Pro-Tempore, and one by Assembly Speaker.

Utility Cost Recovery Reform – This measure codifies a CPUC standard, often called the “prudent manager” standard, which allows cost recovery for electrical corporations if the expenses are just and reasonable and related to the ignition of a fire. This measure also creates a new CPUC standard where in order to pass-through expenses to ratepayers, an electrical corporation bears the burden of proof to demonstrate their conduct was reasonable, which is the current law practice, unless the electrical corporation has received a valid new “safety certification” from the CPUC. If the electrical corporation has received a valid safety certification, their conduct shall be deemed reasonable, unless a third party creates “serious doubt” as to the reasonableness of the electrical corporations conduct. Once serious doubt has been raised, the electrical corporation has the burden of dispelling that doubt and proving

their conduct to be reasonable. Additionally, this cost recovery standard will become inoperable if the insurance fund created by AB 1054 is dissolved, pursuant to Section 3292 of this measure.

Protection of Workers – This measure declares that it is in the interest of the state to have a qualified workforce to minimize the risk of wildfires. To that end, this measure requires that the size of the investor owned utility workforce be preserved or increased.

Change in Ownership of Assets – This measure prohibits successor employers, such as municipalities, from reducing or not honoring negotiated wages, hours, and other terms and conditions from two to three years after their acquisition of an entity or their assets.

Creation of Liquidity Fund – This measure creates a “Wildfire Fund” that acts as a liquidity fund for IOUs, overseen by a Fund Administrator. The liquidity fund is initially capitalized through a Surplus Money Investment Fund (SMIF) loan of \$10.5 billion. The Department of Water Resources (DWR) is authorized to issue bonds and deposit the revenue into the SMIF and the Wildfire Fund. Participating IOUs must not be in bankruptcy, unless certain conditions are met, and the deadline to join the fund is June 30, 2020. This measure also establishes detailed rules for use of the Wildfire Fund, including that IOUs must repay the fund in full, but can pass through the costs to their ratepayers, pursuant to new cost recovery standards. This measure additionally requires the Wildfire Fund Administrator to submit a plan of operations to the appropriate Legislative policy committee chairs annually.

Creation of a Subsequent Insurance Fund – This measure allows IOUs to collectively decide to convert the wildfire liquidity fund into an “Insurance Fund.” The Insurance Fund, if created, is funded by an initial investment from a SMIF loan of \$10.5 billion and an additional \$10.5 billion total from IOUs through rate pass-throughs to their ratepayers. The insurance fund totals \$40 billion: \$21 billion combined from a SMIF loan for both the liquidity and insurance funds; \$10.5 through IOU rate increases; \$7.5 billion from IOU initial contributions; and \$300 million from IOU annual contributions. In order to convert the Liquidity Fund into an Insurance Fund, IOUs must not be in bankruptcy, unless certain conditions are met.

This measure requires IOUs to pay both an initial contribution and an annual contribution to both start and remain a part of the Wildfire Fund. The initial contribution is calculated by multiplying \$7.5 billion by the wildfire fund allocation metric:

- Wildfire Fund Metric for PG&E – 64.2% = \$4.815 billion initial contribution;
- Wildfire Fund Metric SCE – 31.5 % = \$2.3625 billion initial contribution; and
- Wildfire Fund Metric SDG&E – 4.3% = \$322 million initial contribution.

Annual contribution is calculated by multiplying \$300 million by the wildfire fund allocation metric:

- Wildfire Fund Metric for PG&E – 64.2% = \$192.6 million annual contribution;
- Wildfire Fund Metric SCE – 31.5 % = \$94.5 million annual contribution; and
- Wildfire Fund Metric SDG&E – 4.3% = \$12.9 million annual contribution.

This measure authorizes IOUs to generate revenue from rate increases to fund the wildfire insurance fund and establishes rules and a formula for how IOUs must repay the fund. Claims and settlements of 40 percent and below will be paid to claimants, however, claims higher than 40 percent will also be paid, but must include information that the Fund Administrator finds to show the electrical corporation exercised its best judgement in deciding to settle at a higher percentage.

This measure creates a “Fund Administrator” (Administrator) to oversee and operate the Wildfire Fund. The Administrator will pay costs, expenses, and other obligations from the Wildfire Fund, including approving payments to IOUs. The Administrator can wind down the Wildfire Fund when they deem it appropriate or when the funds are exhausted. The Administrator can establish procedures for review, approval, and timely funding of claims from the Wildfire Fund.

This measure additionally prohibits IOUs from making a profit on the next combined \$5 billion in safety investments.

**CPUC Safety Certification** – This measure authorizes the executive director of the Wildfire Safety Board to issue a safety certification, a requirement for utilities to have access to the new cost recovery standard. To obtain a safety certification, an electrical corporation must do all of the following:

- Have an approved, by the Wildfire Division, Wildfire Mitigation Plan;
- Be in good standing, as determined by the CPUC, with their safety culture assessment;
- Establish a safety committee of its Board of Directors;
- Establish an executive incentive compensation plan, approved by the Wildfire Division, linked to safety performance metrics, including tying 100% of incentive compensation to safety performance;
- Establish a Board of Directors level reporting to the CPUC on safety issues;
- Establish a compensation structure for executive officers based on achievement of objective performance metrics; and
- Demonstrate progress on implementation of their approved wildfire mitigation plan.

This measure becomes effective on January 1, 2020.

**AB 111 (Committee on Budget) Wildfire Agencies. Public Utilities. Safety and Insurance.**

**Chapter 81, Statutes of 2019 (Urgency)**

**California Catastrophe Response Council** – This measure establishes the California Catastrophe Response Council (Council), to oversee the California Earthquake Authority (CEA) and the Wildfire Fund Administrator who manages and operates the Wildfire Fund. The Council is comprised of nine members:

- The Governor or their designee;
- The Treasurer or their designee;
- The Insurance Commissioner or their designee;
- The Secretary of the Natural Resources Agency or their designee;

- Three members of the public appointed by the Governor;
- One Speaker of the Assembly Appointee; and
- One Senate Rules Committee Appointee.

The California Earthquake Authority will only be overseen by the Council as it pertains to the Wildfire Fund.

Office of Energy Infrastructure and Safety – This measure creates the Office of Energy Infrastructure and Safety (the Office) within the Natural Resources Agency. The director of the Office is appointed by the Governor and confirmed by the Senate. Effective July 1, 2021, the Office will be the successor to the Wildfire Safety Division at the CPUC. The Office and the CPUC shall enter into a memorandum of understanding to work cooperatively with each other.

Wildfire Safety Division – This measure creates the Wildfire Safety Division at the CPUC. Starting January 1, 2020, the Wildfire Safety Division will oversee and enforce IOUs' safety compliance, and evaluate all electrical utilities' compliance with their wildfire mitigation plans. However, as of July 1, 2021, all functions of the Wildfire Safety Division will be transferred to the Office of Energy Infrastructure and Safety within the Natural Resources Agency.

In addition to AB 1054 and AB 111, there were a number of other wildfire related bills worthy of note. Below is a list of wildfire related bills that pertain to cities.

### **Budget Bills**

#### **AB 72 (Committee on Budget) Budget Act of 2018** **Chapter 1, Statutes of 2019 (Urgency)**

This measure appropriates funding related to emergency and disaster events. Specifically, it:

- Appropriates \$50 million for an emergency preparedness campaign, which includes:
  - \$30 million for a statewide campaign through California Volunteers within the Office of Planning and Research (OPR) that is primarily focused on vulnerable populations, including the elderly, disabled, and those in disadvantaged communities; and
  - \$20 million for local grants through the Governor's Office of Emergency Services (CalOES). These grants are allocated to community-based organizations and other local entities to conduct outreach on emergency preparedness and provide resources to vulnerable populations.
- Appropriates \$64.3 million to reimburse counties for property tax losses incurred in the 2017–18 and 2018–19 fiscal years as a result of wildfires;
  - \$31.3 million is allocated to backfill property tax losses incurred as a result of wildfires including current year losses for Butte, Lake, Los Angeles, Orange, Riverside, Shasta, and Siskiyou Counties as well as estimated losses in 2019–20 and 2020–21 for the Counties of Butte and Lake.

- Appropriates \$10 million in loans to the State Emergency Telephone Number Account (SETNA) towards upgrading the Next Gen 9-1-1 system;
- Appropriates \$10 million to continue emergency water funding for emergency drinking water and technical assistance;
- Appropriates \$10 million to local water districts for technical assistance related to compliance with current drinking water standards; and
- Appropriates \$15 million to the California Department of Finance (DOF) to retain legal counsel and audit services for any public utility liability issues.

**AB 73 (Committee on Budget) Privacy. Lodging and Common Carriers. State Emergencies. Disaster Response-emergency Operations Account. Chapter 2, Statutes of 2019 (Urgency)**

This measure contains statutory provisions regarding public safety and emergency operations which:

- Re-creates the Disaster Response Emergency Operations Account (DREOA), which sunset January 1, 2019, and allows the Director of Finance to transfer money from the State’s Special Fund for Economic Uncertainties reserve to the DREOA for expenses related to a disaster declared by the Governor; and
- Addresses the current prohibition on places of lodging, bus companies, movie theaters, sports arenas, and performance venues from handing over the name or identifying information of guests, passengers, or audience members, except to California peace officers or in response to a court-issued subpoena, warrant, or order.
  - Clarifies that this prohibition should not be construed to prevent a government entity from requiring a private business to provide business records for public health, civil rights, or consumer protection investigations or investigations under the purview of the CPUC.

**AB 110 (Ting) Budget Act of 2019. Chapter 80, Statutes of 2019 (Urgency)**

This measure makes changes to the 2019 budget. Specifically it appropriates up to \$2 million to DOF for costs associated with the implementation of the utility wildfire liability bill, AB 1054, which addresses the threat of catastrophic wildfires and their impacts on victims, ratepayers, utilities, and other stakeholders.

**Other Related Wildfire Bills Impacting Cities:**

**AB 178 (Dahle) Energy. Building Standards. Photovoltaic Requirements. Chapter 259, Statutes of 2019**

This measure specifies that residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor, before January 1, 2020, is required to comply with the solar photovoltaic requirements, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and is not required to comply with any additional or conflicting solar



photovoltaic requirements in effect at the time of repair, restoration, or replacement. This measure sunsets on January 1, 2023.

**[AB 430](#) (Gallagher) Housing Development. Camp Fire Housing Assistance Act of 2019.**

**Chapter 745, Statutes of 2019**

This measure establishes a ministerial approval process for residential and mixed-use developments within or near the cities of Biggs, Corning, Gridley, Live Oak, Orland, Oroville, Willows, and Yuba City, so that these projects are not subject to review under the California Environmental Quality Act (CEQA). A city approving a development pursuant to this measure must file a notice of that approval with the Office of Planning and Research. This measure sunsets on January 1, 2026.

**[AB 836](#) (Wicks) Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program.**

**Chapter 393, Statutes of 2019**

This measure establishes the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program. The grant program creates a network of clean air centers by providing funding to public facilities for smoke-protective filtration systems. The grant program prioritizes applications for projects located in a documented high smoke exposure area to mitigate the adverse public health impacts that result from wildfires and other smoke events. This measure sunsets on January 1, 2025.

**[AB 1168](#) (Mullin) Emergency Services. Text to 911.**

**Chapter 237, Statutes of 2019**

This measure requires, by January 1, 2021, each public safety answering point (PSAP) to deploy a text to 911 service that enables an individual to text “911” for emergency services, and that is capable of accepting Short Message Service (SMS) messages and Real-Time Text (RTT) messages.

**[AB 1432](#) (Dahle) Water Shortage Emergencies. Declarations. Wildfires.**

**Chapter 19, Statutes of 2019**

This measure authorizes a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a wildfire.

**[AB 1699](#) (Levine) Telecommunications. Mobile Internet Service Providers. First Response Agencies. Emergencies.**

**Chapter 398, Statutes of 2019**

This measure prohibits telecommunications providers from throttling internet traffic for first responder agencies during an emergency.

**[SB 70](#) (Nielsen) Electricity. Undergrounding of Electrical Infrastructure.**

**Chapter 400, Statutes of 2019**

This measure requires each electrical corporation’s wildfire mitigation plan to include where and how it considered undergrounding electrical distribution lines in areas with the highest wildfire risk.

**[SB 99](#) (Nielsen) General Plans. Safety Element. Emergency Evacuation Routes. Chapter 202, Statutes of 2019**

This measure requires the safety element of the general plan, upon the next revision of the housing element on or after January 1, 2020, to identify any residential developments in any hazard area that does not have at least two emergency evacuation routes. Cities and counties must regularly review and update this information on the same schedule as other safety element updates.

**[SB 209](#) (Dodd) Office of Emergency Services. Wildfire Forecast and Threat Intelligence Integration Center. Chapter 405, Statutes of 2019**

This measure requires CalOES and the California Department of Forestry and Fire Protection (CAL FIRE) to jointly establish the Wildfire Forecast and Threat Intelligence Integration Center. This center will serve as the state's integrated central organizing hub for wildfire forecasting, weather information, and threat intelligence gathering.

**[SB 397](#) (Glazer) Public Transit Operators. Passengers with Pets. Evacuation Orders. Chapter 702, Statutes of 2019**

This measure requires CalOES and the California Department of Food and Agriculture (CDFA), in consultation with public transit operators and county emergency management officials, to develop best practices for allowing pets on public transit vehicles serving areas subject to an evacuation order. This measure requires public transit operators to allow passengers to board transit vehicles with their pets in areas under an evacuation order, per the development of best practices.

**[SB 513](#) (Hurtado) State Water Resources Control Board. Grants. Interim Relief. Private Water Wells. Chapter 373, Statutes of 2019**

This measure authorizes the State Water Resources Control Board (SWRCB) to provide grants to a county, community water system, local public agency, or nonprofit organization to provide relief to households where a private water well has gone dry or has been destroyed, due to drought, wildfire, or other natural disasters. This measure also authorizes ten percent of this funding to be used for planning related to permanent solutions for dry private wells.

**[SB 560](#) (McGuire) Wildfire Mitigation Plans. Deenergizing of Electrical Lines. Notifications. Mobile Telephony Service Providers. Chapter 410, Statutes of 2019**

This measure requires public and private utilities to notify all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event. This measure also requires telecommunications providers to designate points of contact within the company to receive notifications from public and private utilities in anticipation of possible deenergization events and to notify stakeholders, such as public

safety offices and emergency response offices, about the impacts to communications capabilities during such events.

**[SB 670](#) (McGuire) Telecommunications. Community Isolation Outage. Notification.**

**Chapter 412, Statutes of 2019 (Urgency)**

This measure requires telecommunications providers to notify the Governor's Office of Emergency Services (CalOES) whenever there is an outage limiting the ability for customers to make 911 calls or receive emergency notifications within 60 minutes of discovering the outage. This measure also requires CalOES to notify the affected county office(s) of emergency services, the sheriff of any county, and any public safety answering point affected by the outage.

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## AB 101 (Committee on Budget) Summary Chapter 159, Statutes of 2019

The goal of AB 101 is to increase housing production in California. It does so by:

- 1) Providing **\$2.5 billion** in funding to address California’s housing and homelessness crisis;
- 2) Establishing **incentives** to encourage cities and counties to increase housing production;
- 3) Establishing a process for a **court** to determine that a city or county has complied with housing element law; and
- 4) Imposing **penalties**, as a last resort, if cities and counties disregard the direction of a court and continue not to fulfill their responsibilities under housing element law.

### Housing Elements

**Process changes:** AB 101 requires the California Department of Housing and Community Development (HCD) to publish an annual list of cities that have failed to adopt an HCD-approved housing element. If HCD puts a city on the list, the city has an opportunity for two meetings to discuss its housing element and HCD must provide a city written findings supporting its determination. A city may also request de novo review of its last element. HCD must issue written findings in response to the de novo review. The city may challenge HCD’s findings pursuant to CCP Section 1094.5.

**Financial penalties:** If the Attorney General (AG) sues a city, the court finds that its housing element does not substantially comply with state law, and the city fails to bring the housing element into compliance, the following fines will be imposed unless the court finds mitigating circumstances for the delay:

- Within 12 months of the court’s order: \$10,000 - \$100,000 per month;
- Within 15 months of the court’s order: \$30,000 - \$300,000 per month; and
- Within 18 months of the court’s order: \$60,000 - \$600,000 per month and the court may appoint a receiver/agent to bring the city’s housing element into compliance.

Fines are deposited into the building Homes and Jobs Trust Fund. The State Controller may intercept state and local funds if the fines are not paid.

**Financial incentives:** Additional points and other preferences will be awarded for certain state funding programs for cities that have adopted (i) housing element approved by HCD; and (ii) “prohousing local policies.” HCD will designate cities as “prohousing” by July 1, 2021 pursuant to emergency regulations.

Prohousing local policies facilitate the planning, approval, or construction of housing such as:

- Establishing local housing trust fund;
- Reducing parking requirements;
- Use by right approval;

- Reduction of permit processing time;
- Reduction of development impact fees; and
- Establishment of Workforce Housing Opportunity Zone or housing sustainability district.

### **Local Government Planning Support Grants Program**

The Program: \$250 million to regions, cities and counties for planning activities to accelerate housing production and facilitate implementation of the Regional Housing Needs Assessment (RHNA).

1) \$125 million to Council of Governments (COGs) and other regional entities [H&S 50515.02]

Application deadline: January 31, 2021. Funding can be retained for COGs use and/or suballocations to member cities and counties for following purposes:

- Improved methodology for distribution of 6<sup>th</sup> cycle RHNA;
- Regional or countywide housing trust finds;
- Technical assistance to update local planning documents;
- Infrastructure planning; and
- Feasibility studies to determine housing sites consistent with SCS.

2) \$125 million to cities and counties [H&S 50515.03]

Application deadline: July 1, 2020. Maximum amounts based upon population for the following purposes:

- Rezoning and updating planning documents;
- Completing environmental clearance to eliminate need for project-specific review;
- Infrastructure planning; and
- Developing or improving accessory dwelling unit ordinance.

### **Infill Infrastructure Grant Program of 2019**

The Program: \$500 million for competitive funding for “qualifying infill project” or “qualifying infill area.” Notice of funding availability (NOFA) to be released November 30, 2019. (\$410 million available for counties with a population more than 250,000, or any city in that county; \$90 million available for counties with a population less than 250,000, or any city in that county).

A Qualifying infill project is a residential or mixed-use project located in an urbanized area in a city with an HCD-compliant housing element. A qualifying project must meet all of the following conditions:

- 15% affordability (60% of area median income (AMI) for rental; 120% of AMI for sale);
- Equal to or greater than “Mullin” densities;
- Proximity to transit, parks, employment, schools, social services; and
- Consistency with the sustainable community strategy (SCS).

Grant funds used for “capital improvement projects” to facilitate the development of a qualifying infill project or area:

- Water, sewer, or other utility improvements;
- Streets, roads, transit;
- Project site preparation; and
- Sidewalk or streetscape improvement.

### **Homelessness: Funding and Programs**

1) The Homelessness Housing, Assistance, and Prevention Program [H&S 50217]

\$650 million is proposed for one-time grants to cities, counties, and continuums of care,<sup>1</sup> to support regional coordination, and to expand or develop local capacity, to address immediate homelessness challenges.

- \$190 million will be available to continuums of care;
- \$275 million will be available to cities or a city and county that has a population of more than 300,000; and
- \$175 million will be available to counties.

Applications must be submitted by February 15, 2020. All awards will be based on the applicant’s proportionate share of the state’s total homeless population.

2) Low Barrier Navigation Centers [Gov’t Code 65660]

A “low barrier navigation center” is a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing. It provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

A “low barrier navigation center” must be permitted as a “use by right”<sup>2</sup> if it meets the following requirements:

- Offers services to connect people to permanent housing;
- Links to coordinated entry system;
- Has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System; and
- Implements Housing First.

Within 30 days of receiving an application for a Center, a city must notify the applicant whether the application is complete. Within 60 days of a completed application, the city must act on the application.

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<sup>1</sup> Continuum of care is the group organized to carry out responsibilities under the federal McKinney-Vento Homeless Assistance Act {24 CFR 578.3}.

<sup>2</sup> “Use by right” means that a city may not require a conditional use permit or other discretionary local review. It does not exempt the center from design review.

### **Affordable Housing Programs**

- 1) Low Income Housing Tax Credits Program  
Provides for the allocation of \$500 million in new state low-income housing tax credits for new construction projects that receive the federal four percent tax credit. For these new credits, this measure would increase the eligible basis for these projects from 13 percent to 30 percent. It would require at least \$300 million of this to be available to new construction projects receiving the federal four percent tax credit, and would allow up to \$200 million to be available to projects receiving assistance from the California Housing Finance Agency (CalHFA) Mixed Income Program.
- 2) Mixed Income Program  
Appropriates \$500 million for CalHFA's Mixed Income Program, which provides financing for mixed-income housing developments.

### **CalHome Program**

Allows the CalHome program to include accessory dwelling units (ADUs) and junior accessory dwelling units (JADU), and authorizes the program to make grants for housing purposes in declared disaster areas.

### **SB 35 Clean Up Provisions**

Clarifies when additional density, floor area, units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation, when determining that the project contains at least two-thirds of the square footage of the development designated for residential use.

Allows the California Department of Public Health (CDPH) and the State Water Resources Control Board (SWRCB) to determine that a hazardous waste site has been cleared for residential use or residential mixed uses.

### **Additional Provisions**

- Changes are made to the California Tax Credit Allocation Committee (TCAC) program including making HCD and CHFA directors voting members of the Committee. Currently they are ex officio members;
- Changes made to state low income housing tax credit including additional \$500,000,000 for 2020 calendar year;
- HCD and OPR will recommend an improved RHNA process and methodology to the Legislature by December 31, 2022;
- Amendments made to Joe Serna Farmworker Housing Grant Program [H&S 50517.5];
- Amendments made to CalHome Program [H&S 50650];



- Amendments to Housing Trust Fund Matching Grants including lowering grant to \$500,000 for newly established funds; and
- Additional points and preference to city with HCD-compliant housing element and designated prohousing for Infill Incentive Grant Program of 2007 funds released after July 1, 2021.

**Summary of ADU Bills**  
**Effective January 1, 2020**  
**AB 68 (Ting), AB 587 (Friedman), AB 671 (Friedman),**  
**AB 881 (Bloom), SB 13 (Wieckowski)**

The Legislature passed several bills that may require a city to amend its existing ordinance regarding development of ADUs and Junior ADUs. A copy of the amended ordinance must be submitted to HCD within 60 days of adoption.

**Accessory Dwelling Units: Location; development standards**

Gov't Code 65852.2 requires a city to adopt an ordinance that allows ADUs subject only to ministerial (non-discretionary approval). Generally the ordinance must allow ADUs in areas zoned to allow single family or multi-family units.

Effective January 1, 2020, the law relating to ADUs will be amended to provide<sup>1</sup>:

- A city must allow an ADU within a residential or mixed-use zone. A city that does not provide water or sewer service must consult with local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where ADUs may be permitted.
  - Within an existing or proposed single-family home: One ADU or one junior ADU per lot if exterior access is available; and side and rear setbacks are sufficient for fire and safety.
  - One detached, new construction ADU that does not encroach into four-foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. City may impose total floor area of 800 square feet; height limitation of 16 feet.
  - Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space including storage rooms, boiler rooms, passageways, attics, basements, garages if each unit complies with state building standards. At least one ADU within an existing multifamily dwelling and “*shall allow up to 25 percent of the existing multifamily dwelling units.*”<sup>2</sup>
  - Not more than 2 ADUs that are located on a lot that has an existing multifamily dwelling but are detached from the dwelling and are subject to a height limit of 16 feet and four-foot rear and side setbacks.
- An ADU may be located in an attached garage, storage area or other accessory structure. If on-site parking is removed to allow for an ADU, a city may not require the on-site parking to be replaced.
- The maximum rear and side yard setback for an ADU that is not converted from an existing structure is four feet (reduced from five feet in existing law).
- Development standards:
  - City may not impose a minimum lot size.
  - Fire sprinklers cannot be required in an ADU if sprinklers are not required for the primary residence.
  - Minimum size may not prohibit efficiency unit.

<sup>1</sup> This list is a compilation of changes made by AB 68 (Ting); AB 881 (Bloom); SB 13 (Wieckowski); AB 587 (Friedman); and AB 671 (Friedman).

<sup>2</sup> Language in italics is not clear. Does this mean all multifamily units in the city?

- Maximum size may not be less than 850 square feet or 1,000 square feet for ADU that provides more than one bedroom.
- Lot coverage, floor area ratio, open space and other standards may not preclude at least an 800 square foot ADU that is at least 16 feet.
- Parking: If on-site parking is removed to allow for ADU, a city may not require the on-site parking to be replaced. No parking can be required if ADU located within ½ mile *walking distance* of public transit. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- A city must act on an application for an ADU on a lot with an existing single-family or multi-family structure within 60 days of receiving a completed application. Ministerial approval of an ADU is required under existing law.
- A city may not require owner occupancy for either the primary dwelling or the ADU. This section is repealed on January 1, 2025.
- Rental of an ADU must be for a term longer than 30 days.
- Gov’t Code 65852.2(a)(1)(D)(i) provides that an ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.

AB 587 (Friedman) creates an exception to this provision:

- Qualified non-profit corporation developed the property.
- Enforceable restriction recorded on the use of the land.
- Qualified buyer must occupy as primary residence (person of low or moderate income).
- Qualified buyer must first offer option to purchase nonprofit corporation if sells unit in the future.
- Affordability restrictions must be placed on the property for 45 years.
- A separate utility connection can be required.
- A city must submit a copy of its ADU ordinance to HCD within 60 days of adoption. HCD may submit written findings to a city regarding whether the ordinance complies with state law. If HCD finds it does not, city is given 30 days to respond to HCD’s findings. The city must either amend the ordinance or “adopt without changes.”<sup>3</sup> HCD may refer violation to Attorney General.
- HCD to adopt guidelines.

#### **Accessory Dwelling Units: Fees**

- No impact fees upon development of ADU less than 750 square feet.
- Impact fee for ADU more than 750 square feet charged proportionately in relation to the square footage of the primary dwelling unit.

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<sup>3</sup> Since ordinance has been adopted already, this must mean “readopt” ordinance. An interesting consequence: Delays effective date of ADU ordinance for 45 more days.

- Impact fee includes park fees (Gov't Code 66477) but does not include capacity fee or connection fee.
- Connection fees and capacity charges are based upon the “proportionate burden of the proposed ADU on the water or sewer system, based upon either its square feet (formerly “size”) or the number of its drainage fixture unit (DFU) values, as defined by the UPC (formerly “number of plumbing fixtures”).

**Accessory Dwelling Units: Delay in Enforcement of Building Standards**

There will be a delay in enforcement of building standards for an ADU built before January 1, 2020 or built after January 1, 2020 in a city with a noncompliant ADU ordinance (but ordinance is compliant when request is made). Cities shall delay enforcement of a building standard for five years upon request of owner on the basis that correcting the violation is not necessary to protect health and safety. Delay granted if enforcement agency – after consulting with entity responsible for enforcement of building standards and other regulations of the State Fire Marshal – determines that correcting the violation is not necessary to protect health and safety. No delays granted after January 1, 2030. [Delay procedure set forth in H & S 17980.12 added by SB 13 (Wieckowski)]. Delay provisions sunset January 1, 2035.

**Junior ADUs [unit that is no more than 500 square feet and contained entirely within an existing or proposed single-family structure]**

- A junior ADU must have a cooking facility but a city can no longer limit the nature of the electrical, gas, or propane gas connections.
- A city may no longer require a sink within an efficiency kitchen with a maximum waste line diameter of 1.5 inches.
- An application for a permit for a junior ADU must be acted on within 60 days from receipt of a completed application.

**ADUs and Housing Elements**

Housing element must include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low or moderate-income households.

# **APPENDIX B – LEAGUE RESOURCES**

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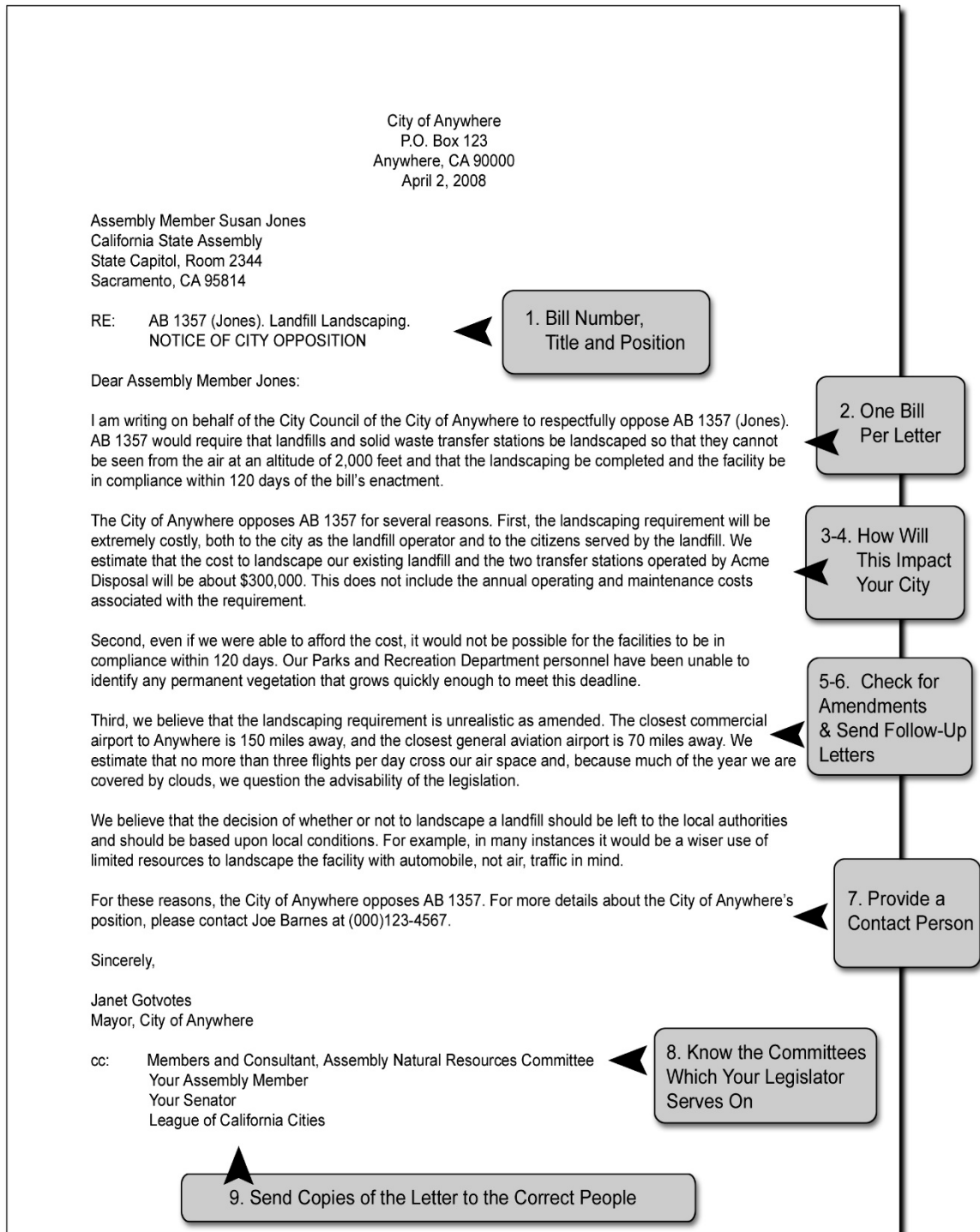
Note: With the exception of those addresses listed, and unless otherwise instructed, mail may be sent to:  
League of California Cities  
1400 K Street, 4th Floor  
Sacramento, CA 95814  
Fax: (916) 658-8240

## 10 Tips for Cities Lobbying the California Legislature

1. Become engaged in the state level political process by appointing a legislative liaison within your city to track key legislation and work with your regional public affairs manager. You can locate contact information for your regional public affairs manager online at [www.cacities.org/regionalmanagers](http://www.cacities.org/regionalmanagers).
2. Use the League as a resource. Visit [www.cacities.org/legresources](http://www.cacities.org/legresources) to access League priority bills, legislative contacts and additional information. The League's online bill tracking tool can be found at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).
3. Read *CA Cities Advocate*, the League's online newsletter, to stay current on important legislation. Subscribe at [www.cacities.org/cacitiesadvocate](http://www.cacities.org/cacitiesadvocate).
4. Develop relationships with your Senate and Assembly representatives as well as their capitol and district office staff.
5. Get to know members of your local press and educate them on legislative issues affecting your city.
6. Understand how state decisions impact your city's budget.
7. Build networks and collaborate with other groups in your community on key legislative issues.
8. Organize an internal process within your city for developing and proposing changes to laws that will help your city.
9. Adopt local policies on legislation that enable your city to react quickly to the legislative process and respond to League action alerts. View sample city legislative platforms at [www.cacities.org/legplatforms](http://www.cacities.org/legplatforms).
10. Write letters on legislation featured in *CA Cities Advocate*. Sample letters can be found at [www.cacities.org/billsearch](http://www.cacities.org/billsearch) by searching with the bill number or bill author.

## Effective Letter Writing Techniques

- 1. Include the Bill Number, Title, and Your Position in the Subject Line.** Never bury the bill number and the action you want the legislator to take in the body of the letter.
- 2. One Bill per Letter.** Legislators file letters according to the bill number.
- 3. State the Facts.** Describe the impact the bill would have on your city. Use “real world” facts; legislators like to know how a bill would specifically affect cities in their districts. The League often provides a sample letter that includes space to describe local impacts. Take the time to provide such examples. This part of the letter is the most valuable to the legislator.
- 4. Think About the Message.** Letters may be targeted to specific legislators or entire committees. Think about who you want to act on the bill and message accordingly. If you are writing in support of transportation funding, emphasizing how the project will reduce greenhouse gases might be important to one legislator, while highlighting how the project could encourage additional development and jobs might be important to another. Both messages are correct, but your effectiveness will be in selecting the right message.
- 5. Check for Amendments.** Always check the League’s website ([www.cacities.org/billsearch](http://www.cacities.org/billsearch)) to make sure you are addressing issues in the latest draft. Bills are often significantly amended and the issue you are writing about may have changed or have been deleted altogether by the time you send your letter.
- 6. Send follow-up letters to the appropriate legislative committees as a bill moves along.** You can often use your original letter with some modifications. Visit [www.cacities.org/billsearch](http://www.cacities.org/billsearch) to track the bill’s location. In addition, *CA Cities Advocate*, the League’s online newsletter, features stories on key legislation.
- 7. Provide a Contact.** At the close of the letter, provide a contact person in case there are questions about the city’s position.
- 8. Know the Committees on Which Your Legislator Serves.** A legislator is likely to pay more attention to the bill positions of their constituents especially when it comes before his or her committee. At the committee level, this is even more important because your legislator has greater ability at this point in the legislative process to have the bill amended.
- 9. Copy the Right People.** Send a copy of the letter to your senator, assembly member and the League. Please also send a copy to each committee member and staff if applicable.



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