



LEAGUE OF  
**CALIFORNIA  
CITIES**

# Legislative Report

December 2021



Strengthening California Cities Through Advocacy and Education

# League of California Cities 2021 Legislative Report

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## ***About the League of California Cities***

Established in 1898, the League of California Cities (Cal Cities) is a member organization that represents California's incorporated cities. Cal Cities 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 California State Capitol, Cal Cities provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes the *Cal Cities Advocate* weekly newsletter and *Western City* magazine.

# Legislative Report

2021

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

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## Glossary of Terms

ABC	Alcohol Beverage Control
ARPA	American Rescue Plan Act
BART	Bay Area Rapid Transit
BCC	Bureau of Cannabis Control
CAC	California Arts Council
CALFIRE	California Department of Forestry and Fire Protection
CalOES	California Office of Emergency Services
CalPERS	California Public Employees Retirements System
CalRecycle	California Department of Resources Recycling and Recovery
CalSTRS	California State Teachers Retirement System
Caltrans	Department of Transportation
CalWORKs	California Work Opportunities and Responsibility to Kids Program
CARB	California Air Resources Board
CASF	California Advanced Services Fund
CCA	Community Choice Aggregation
CCC	California Coastal Commission
CDCR	California Department of Corrections and Rehabilitation
CDPH	California Department of Public Health
CDWB	California Workforce Development Board
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CPUC	California Public Utilities Commission
CRIA	Community Revitalization and Investment Authority
C.R.I.S.E.S.	Community Response Initiative to Strengthen Emergency Systems
CRV	California Redemption Value
CSPP	California State Preschool Program
CTC	California Transportation Commission
DEA	Drug Enforcement Administration
DDTP	Deaf and Disabled Telecommunications Program
DIVCA	Digital Infrastructure and Video Competition Act
DMV	Department of Motor Vehicles
DOJ	Department of Justice
EIFD	Enhanced Infrastructure Financing District
EV	Electric Vehicle
FCC	Federal Communications Commission
FEHA	Fair Employment Housing Act
FPCC	Fair Political Practices Commission
GGRF	Greenhouse Gas Reduction Fund
HCD	Department of Housing and Community Development
MAUCRSA	Medicinal and Adult Use Cannabis Regulation and Safety Act
NOI	Notice of Intent
OPR	Office of Planning and Research
POST	Peace Officers Standards and Training
SOS	Secretary of State

SPI	Superintendent of Public Instruction
SWRCB	State Water Resources Control Board
VoIP	Voice over Internet Protocol



# **LEGISLATIVE YEAR IN REVIEW**

## 2021 Legislative Year in Review

For many, the beginning of 2021 felt like a continuation of 2020, as COVID-19 continued to significantly impact the globe, and cities throughout the state were still reeling from the economic impacts of the pandemic. On the legislative side, 2020's truncated legislative session was defined more by Gov. Gavin Newsom's executive authority than state lawmakers taking action. And worst of all, any guarantee of state or federal relief for cash-strapped cities was tepid at best.

One silver lining from the mayhem of the 2020 legislative session — which ended with a crying newborn, a cursing legislator, and two COVID-19 outbreaks — was that the League of California Cities was able to build upon key relationships in the Legislature to advance top priorities for cities in 2021. Many important bills that died in 2020 came back, often with favorable results for cities. Moreover, the state's historic budget surplus of \$100 billion, along with \$8 billion for California cities through a federal relief package, created new opportunities to fund an array of city priorities.

Lawmakers were also more focused this year, introducing a whopping 2,421 bills, far more than in 2019 or 2020. Cal Cities monitored more than 70% of the bills introduced and engaged on the most important measures to cities. Of the 836 bills to reach the Governor's desk, 92% were signed. Further, the Governor's actions aligned with Cal Cities' positions on bills 70% of the time, highlighting how critical it is that we engage on bills in the legislative process to try to stop or get amendments to those impacting cities the most.

Although this year seemed in many respects to be a repeat of 2020, the legislative results are anything but. Cal Cities' many — and at times, monumental — wins this year at the state and federal level have demonstrated the strength of our organization, and most importantly, our members. Together, we successfully advanced each legislative priority in our 2021 Action Agenda.

### **An \$8 billion lifeline for cities**

At the beginning of the year, the state announced that it was flush with cash, despite predictions to the contrary, and the federal government was poised to deliver billions in aid to American families and businesses in yet another relief package. Unfortunately, both seemed reluctant to provide funding relief for cities, which had provided many new, pandemic-related services while maintaining existing services with shrinking budgets. Statewide, cities were facing a \$7 billion shortfall. Save for \$500 million in CARES Act state funding in 2020, cities had been left to fend for themselves. Many powerful lawmakers at the federal level openly balked at the idea of providing any relief to cities. In March, Cal Cities' year-long research, lobbying, and grassroots efforts finally paid off. Thanks to strong partnerships with the state of California and our Support Local Recovery coalition, as well as national partners like the National League of Cities, Cal Cities delivered on its first Action Agenda item: \$8 billion in direct, flexible funding for

cities of all sizes through the American Rescue Plan Act. The historic funding package has already had a transformative effect on many communities.

However, dollars do not guarantee success. Cal Cities worked closely with the U.S. Department of the Treasury and the California Department of Finance throughout the year to ensure cities' concerns were addressed during the federal rulemaking process and that the application process was streamlined. Those partnerships ensured that every city in California received American Rescue Plan Act dollars. Working closely with the Department of Finance to get processes established quickly helped California be one of the first states to distribute funding to all its municipalities, whereas other states continue to struggle to do so. Cal Cities involvement was key to ensuring expedited and streamlined distribution of funds here at home while also keeping city officials updated with important information about resources and processes to access these funds through regular updates on our [Guide to Local Recovery](#) webpage.

### **The state made a significant investment in the production of affordable housing, but high-profile housing bills undermined local control**

For years, Cal Cities has sought ongoing dedicated funding from the state to help address California's affordable housing crisis while preserving local decision-making. And for years, the state and Legislature has responded by proposing — or worse, passing — inflexible statewide mandates that prioritize the needs of developers over local communities, while simultaneously failing to provide any long-term resources to help cities plan for housing. Some bills have even upended or hindered existing housing plans. As a Cal Cities legislative priority this year, we fought hard to stave off housing bills that were most harmful to cities and supported bills to help cities plan for more housing. Some of the housing bills that undermine local decision-making made it through and were signed by the Governor, while important budget bills were largely positive for cities.

The state continued this year to make homelessness a budget priority. In total, the [2021-22 budget](#) provides \$10 billion for affordable housing and homeless programs. The budget specifically includes more than \$2 billion over the next two years to help cities address homelessness and \$2.2 billion for Homekey. The budget also includes more than \$750 million to support affordable housing development. This funding marks an important shift from providing less generous, one-time funding to cities to address homelessness, to the state providing \$1 billion annually for the next two years. Additionally, the Legislature and the Governor have committed to making funding to address homelessness an annual priority.

In another significant win for cities, several bills infringing upon local control became two-year bills or failed to advance entirely, including [AB 500 \(Ward\)](#), [AB 1401 \(Friedman\)](#), and [AB 989 \(Gabriel\)](#). These bills would have added more decision-makers to the housing plan process, which would adversely impact cities, and would have likely stalled existing efforts to build more affordable housing.

Unfortunately, two bills of significant concern were ultimately signed into law, despite the fervent objections of California's city leaders: [SB 9 \(Atkins\)](#) and [AB 215 \(Chiu\)](#). More than 240 cities joined Cal Cities in opposition to SB 9, which will require local governments to ministerially approve a housing development containing two residential units in single-family zones and urban lot splits. This 'by right' or mandatory approval scheme changes the rules midstream and as a result, may hinder housing plans already being implemented.

AB 215 slows existing housing efforts by adding a step to the housing element certification process requiring 40 additional days. Moreover, a last-minute amendment created a new three-year statute of limitations for any housing plan enforcement process. It also allows the Department of Housing and Community Development to appoint or contract with other counsel to represent the department in such cases if the Attorney General declines to represent them.

Cal Cities expects to see additional proposals over land use authority in the next session, particularly on state funding reporting requirements — which were not fully codified in this year's budget trailer bills — and single-family zoning. Cal Cities continues to prioritize the need for resources to support the construction of affordable housing while preserving local control. Ultimately, this problem affects all Californians and requires extensive collaboration at the local, regional, and state levels.

### **California passes largest public broadband infrastructure investment in the country**

The pandemic shined a glaring floodlight on many of the state's inequities, including the massive digital divide. For years, Cal Cities has advocated for high-quality, affordable broadband in rural, urban, and suburban communities. In 2020, Cal Cities came close to securing a funding package, which ultimately crumbled due to legislators in-fighting during the end-of-session chaos, while many Californians struggled to stay connected while working from home and having children doing school remotely.

Protecting and modernizing infrastructure was another Cal Cities priority this year and we pushed legislators hard on the issue. By the summer our efforts paid off. In July, the state passed a [\\$6 billion broadband package](#) — the country's largest public broadband infrastructure investment. Unlike previous funding attempts, this bill provides local leaders more opportunities to participate in broadband deployment. It also prioritizes the construction of networks in unserved areas, as well as those with lower speeds not suitable for education, commerce, and video conferencing. This ensures that services benefit those needing them the most.

Cal Cities also worked closely with Assembly Member Cecilia Aguiar-Curry and Senator Lena Gonzalez, who have long advocated for high-speed, widely available, and reliable broadband to develop two complementary bills: [AB 14 \(Aguiar-Curry\)](#) and [SB 4 \(Gonzalez\)](#). The two measures prioritize equitable broadband deployment and make important separate tweaks to the California Advanced Services Fund, which supports

broadband deployment. While a last-minute industry push was made to kill SB 4, cities came out strong, advocating to legislators about the need for these bills, which secured their passage in the Legislature and the Governor's signature on both bills. These two lawmakers were honored for their persistent work to bring broadband to California's unserved and underserved neighborhoods with the 2021 Distinguished Legislative Leadership Award at the Cal Cities 2021 Annual Conference and Expo.

AB 14 and SB 4 also were accompanied by a welcomed veto of [SB 556 \(Dodd\)](#), which would have forced local governments to make space on public infrastructure available to telecommunications providers. The Governor's veto message largely mirrored Cal Cities' arguments, with Gov. Gavin Newsom noting that provisions of the bill "conflict with and complicate some of the FCC requirements." He also stated, "part of our achievements laid out in the broadband budget bill, SB 156 (Chapter 112, Statutes of 2020), enables and encourages local governments to take an active role in last mile deployment and, in doing so, drive competition and increase access."

Cities could not have had a better year regarding affordable and reliable broadband. Collectively, these wins are the result of years of continued intense advocacy from Cal Cities and its members. Cities put themselves at the forefront of a national conversation about broadband access and demonstrated their capability to provide high-quality services to all their residents. In doing so, we were able to fend off bad bills and lay the groundwork for transformative change in cities.

### **Cal Cities secures much-needed funding for disaster preparedness, resiliency, and recovery**

With unprecedented pandemic-related shortfalls, legislators and the Governor were forced to rework the 2020 state budget. One of the first major areas that was chopped was disaster preparedness, resiliency, and recovery. The narrative was substantially different in 2021. For starters, the state's coffers were overflowing providing significant opportunities to create and reimagine programs and provide resources. Second, California was entering another devastating — and likely multi-year drought — as well as an increasingly long and volatile fire season. It was clear that direct, flexible funding was desperately needed for those on the frontlines of climate change: cities.

With strengthening community disaster preparedness, resiliency, and recovery as another Cal Cities priority in 2021, and building on last year's work, Cal Cities partnered with key legislators to secure \$4.5 billion in the state budget to help cities prepare for, fight, and recover from wildfires, as well as update local coastal plans and fund urban climate resiliency programs. In the final days of the legislative session, lawmakers also passed [SB 155 \(Committee on Budget and Fiscal Review\)](#) and [SB 170 \(Skinner\)](#), two trailer bills that provide millions for climate resiliency and disaster preparedness. Notably, SB 155 contains an ongoing, ten-year appropriation of \$200 million to CAL FIRE for healthy forest fire prevention programs, prescribed burns, and other fuel reduction projects.

In 2020, the state could not even agree on a one-time climate change package. This year, every issue area, from sea level rise to extreme heat mitigation, received state funding.

### **Major Brown Act relief secured; proposed unfunded mandate vetoed**

In addition to Cal Cities' top four priorities in our 2021 Action Agenda, other issues emerged and were a focus for our advocacy efforts. Unsurprisingly, Brown Act relief and modernization was a critical priority issue for many city officials in 2021. Last March, the Governor issued Executive Order N-29-20, which was followed by subsequent executive orders, allowing cities to conduct remote meetings under modified Brown Act requirements. The Legislature passed, and the Governor signed, [AB 361 \(Robert Rivas\)](#) shortly before the order was set to expire, which allows cities to conduct remote meetings under some similar conditions and rules, while also expanding this to include any declared state of emergency. At the urging of Cal Cities and other local government associations, the bill was amended to include an urgency clause, allowing cities to provide services and conduct city business safely and uninterrupted.

From the moment [AB 339 \(Lee\)](#) was introduced, Cal Cities led a coalition in strong opposition to the bill. While cities are committed to conducting public meetings transparently and providing opportunities for public participation, AB 339 was the wrong approach. The bill failed to consider the practical impacts of unlimited remote public comment on local agencies' ability to both deliberate and act on items of importance to the public. The measure would have required cities to provide call-in and internet-based options, in addition to in-person options, for members of the public during any public meeting. By not including any clear ability to limit participation or length of testimony, the bill would have allowed a relatively small group of people from anywhere in the world to disrupt a local government meeting. With continued pressure from Cal Cities and local governments, the bill was significantly amended but remained problematic.

Although AB 339 passed out of the Legislature, it eventually was vetoed by the Governor, who shared many of Cal Cities' concerns. He noted that the bill would "set a precedent of tying public access requirements to the population of jurisdiction," "limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings," and "puts the health and safety of the public and employees at risk."

The Governor's veto is important; however, much work remains to be done as we are actively looking at ways to revise and modernize the Brown Act to increase public access while protecting public health and safety.

### **Pandemic regulatory relief maintains local control**

In a move to support California's post-pandemic recovery, the Governor and the Legislature almost unanimously approved several pieces of legislation to build upon some of the state's more successful pandemic-era rules: [SB 314 \(Wiener\)](#), [AB 61 \(Gabriel\)](#), and [SB 389 \(Dodd\)](#). All three Cal-Cities supported measures provide some

regulatory flexibility or relief to qualified businesses serving alcoholic beverages in nontraditional spaces due to indoor dining restrictions. Cal Cities worked closely with SB 314's and AB 61's authors to secure key amendments that preserve local authority.

### **A good year for organic waste diversion**

Although Cal Cities focuses much of its advocacy efforts on its yearly Action Agenda, it is also responsive to the evolving needs of cities. One key issue in 2021 was the need for additional funding and time to implement [SB 1383 \(Lara, 2016\)](#) organic waste diversion regulations. Cal Cities worked closely with its members through a survey and a series of roundtables to determine the extent of the issue and with Senator John Laird on a legislative solution.

A longtime assembly member, former budget chair, and former Natural Resources Agency Secretary, Senator Laird was instrumental in helping cities secure funding and flexible compliance pathway. [SB 170 \(Skinner\)](#) includes \$60 million in grant funding to help cities implement SB 1383 regulations and more than \$100 million for organic waste infrastructure. Although far less than Cal Cities' original ask, it is still the largest amount of money ever set aside for cities in a single fiscal year for SB 1383 implementation. Additionally, [SB 619](#), which Senator Laird authored, gives local governments a pathway to compliance with SB 1383 and Cal Cities more time to secure additional SB 1383 funding.

Senator Laird ultimately was awarded the 2021 Distinguished Legislative Leadership Award at Cal Cities' 2021 Annual Conference and Expo for his work in providing additional funding and time for SB 1383 regulations.

### **A good year for other environmental issues**

For years, Cal Cities has been heavily involved in attempts to overhaul California's plastic recycling system, a desire shared by many lawmakers, most notably Senator Ben Allen. This year, several innocuous, but notable recycling bills finally passed — despite fervent opposition from industry groups, potentially setting up a larger fight in 2022, including at the ballot box.

One of the more noteworthy measures is [SB 343 \(Allen\)](#) which clarifies which materials are suitable for recycling. Due to decades of greenwashing, many consumers wrongly assume that all materials with the word "recyclable" or the "chasing arrows" symbol are recyclable. These designations now will be reserved for materials that are truly recyclable and routinely sold to manufacturers to make new products. These changes will reduce contamination, lower waste volume, and improve recycling rates. SB 343 passed due to a coalition of nonprofits and local government partners, including Cal Cities.

Cal Cities also worked closely with cities and lawmakers to pass [AB 1311 \(Wood\)](#). Cal Cities, along with the California State Association of Counties and the Rural County

Representatives of California, identified a crisis-in-making early on — zero access to certified recycling centers in numerous counties. Using that information, Assembly Member Jim Wood crafted AB 1311, which expands the number of beverage container redemption opportunities under the California Beverage Container Recycling and Litter Reduction Act. The bill, which is a strong step in the right direction, will help create new opportunities for consumers to redeem their California Redemption Value and preserve the program's core functions.

Unlike last year, dozens of environmental quality bills advanced to the Governor's desk. Other significant bills include [SB 1 \(Atkins\)](#), which establishes new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise, and [SB 323 \(Caballero\)](#) that gives public agency water and sewer rates the same protections already afforded to fees and charges that fund other essential government services.

### **SB 640 levels the playing field for key transportation funding process**

Transportation funding continues to be an issue for cities struggling to maintain their roads, streets, and bridges. Cities seek creative ways to leverage their existing funds to help deliver needed local and regional projects. One strategy to successfully finance projects is to partner with other jurisdictions to pool transportation funds. However, under SB 1 (Beall, 2017), it was unclear if cities had the authority to jointly sponsor local streets and roads projects. [SB 640 \(Becker\)](#) clarifies this additional flexibility for cities to access the funding while teaming up with other cities or counties.

Under SB 640, two or more eligible cities, or one or more cities and a county, can combine resources on projects that affect multiple jurisdictions. The bill also consolidates reporting requirements into a single report making it easier for cities to provide required information. A desperately needed bill, both changes will allow cities to negotiate more competitive rates, thus maximizing SB 1 dollars on regional projects, and adding flexibility to the spending of that funding.

While this is a step in the right direction, continued talks around a more sustainable funding source for road maintenance and construction are urgently needed.

### **Major pension bill unfairly punishes cities**

Despite opposition from Cal Cities members and coalition partners [SB 278 \(Leyva\)](#) will become law in 2022. Under SB 278, if CalPERS determines that compensation agreed to under a collective bargaining agreement is non-pensionable, cities must pay penalties to the affected retired member, survivor, or beneficiary and CalPERS, with 10% going directly to CalPERS. This creates both a conflict of interest for CalPERS and places 100% of the total liability for such overpayments on public agencies. SB 278 is a de facto and retroactive benefit enhancement measure that will further strain local agency budgets at a time where the impacts of COVID-19 and retirement obligations are making it exceedingly difficult to effectively provide critical services for the public.



## Revenue and taxation measures yield mostly positive results

This year, lawmakers were reluctant to alter the existing revenue and taxation laws as many communities were still struggling to recover from the pandemic. Cal Cities worked extensively to educate key lawmakers about these impacts, resulting in several bills being held. As a result, 2021 was a good year for cities in the revenue and taxation space, except for a key sales tax measure that failed to secure the Governor's signature.

Two Cal Cities-supported bills, [SB 60 \(Glazer\)](#) and [SB 219 \(McGuire\)](#), were passed and signed. SB 60 allows cities and counties to impose larger fines for violations of short-term rental ordinances up to \$5,000 for each violation, which will help prevent public health and safety violations related to short-term rentals. SB 219 provides much-needed flexibility to residents unable to pay their property taxes due to economic hardship caused by a shelter-in-place order. Additionally, [SB 555 \(McGuire\)](#), a bill that would have resulted in less effective tax collection from short-term rentals, was turned into a two-year bill.

[SB 792 \(Glazer\)](#) aimed to better inform the public's understanding of online transactions and the flow of goods across the state with new, modernized reporting requirements. Cal Cities members and others advocated for better data about these transactions. However, the Governor vetoed the bill, noting that it creates a "burdensome and costly new reporting requirement for many retailers that is unrelated to their tax obligations." Cities will have to continue relying on current analysis, which is constrained to modeling based on transaction and use tax (district tax) data from about half of California's 482 cities.

## Key amendments secured for significant police reform bills

After the senseless death of George Floyd and the civil unrest that followed, it became clear that public safety and police reform policy would be a major priority of the Legislature this session. The Cal Cities Board of Directors voted in December 2020 to create a Public Safety Task Force, which would provide feedback and recommendations on public safety policy priorities. This allowed Cal Cities to remain highly engaged on these issues throughout the year, negotiating amendments that removed some of the more contentious elements for cities, while preserving the bills' core functions and promoting appropriate transparency, reporting, and certification standards.

Cal Cities, California State Sheriffs Association, and the California Correctional Peace Officers Association, played a key role in securing amendments to [SB 16 \(Skinner\)](#). As previously drafted, the measure would have made every incident involving unreasonable or excessive force and any sustained finding that an officer failed to intervene in such cases subject to disclosure. The bill now only mandates the disclosure of substantiated claims. Cal Cities and others removed their opposition, paving the way for the Governor's eventual signature.

Cal Cities also secured substantial amendments to [SB 2 \(Bradford\)](#), which undercuts the federally held doctrine of qualified immunity and outlines a largely unworkable peace officer decertification process. The amendments Cal Cities negotiated addressed financial concerns related to lawsuits under the Tom Bane Civil Rights Act, which would have seriously impacted cities financially. While these were critical amendments, Cal Cities remained opposed to the bill largely due to the new Peace Officer Standards and Training Commission advisory board, which removes police chiefs from the decision-making process. Despite our continued opposition, the Governor signed this measure.

Cal Cities supported [AB 89 \(Jones-Sawyer\)](#) after the author addressed concerns about the measure's impact on recruitment and a lack of access to higher education in some communities. The signed bill takes a nuanced, collaborative, and thoughtful approach to the law enforcement certification process. This measure includes the requirement to create a modern policing degree program by June 2023, as well as recommendations to provide financial assistance for students from historically underserved and disadvantaged communities.

One of the last bills the Governor acted on was [AB 603 \(McCarty\)](#), which he vetoed. The bill would have required cities to post details about money spent on law enforcement-related settlements and judgments online. Cal Cities argued that the measure would both undermine trust — as most defendants settle with the plaintiff out of economic necessity — and impose a significant, non-reimbursable cost statewide. The Governor partially agreed with Cal Cities, noting that the information is already available and could “have potentially significant General Fund costs associated with [it].”

The bills passed this year largely mirror Cal Cities recently adopted peace officer decertification process policy. Bad actors need to be held accountable, but in a way that does not remove cities from the decision-making process. Bills like SB 2 (Bradford), while far from perfect, make moves in the right direction. Cal Cities will continue to focus advocacy efforts on improving that process and ensuring its transparency and effectiveness.

In short, 2021 yielded positive legislative results for cities, largely thanks to the efforts of Cal Cities and California’s city officials. Despite monumental — and at times, seemingly insurmountable challenges — local leaders rose to the occasion and made sure lawmakers knew how bills would impact their communities.

But city leaders were not just their greatest advocates. They also demonstrated that, when given the right tools and information, cities can find solutions to some of the nation's most pressing problems. Working together with state and federal lawmakers, Cal Cities and its members were able to deliver some truly historic outcomes for California's many diverse communities.

## Outlook for 2022

Next year will undoubtedly be another interesting year. Several key housing bills that failed to materialize may resurface in 2022, and a statewide drought and the continuing effects of climate change will influence many legislative conversations around water infrastructure, disaster preparedness, and climate resiliency. Pension sustainability, infrastructure funding, and other public safety reforms will also remain hot-button issues, all as local communities continue to recover from the economic and public health impacts of the pandemic.

The policy fight will not just be confined to the halls of the Capitol. Next year is also an election year, which means voters will be asked to decide the fate of several ballot initiatives in November 2022, many of which may significantly impact cities.

The 2022 election, as well as new redistricting lines, will certainly impact decisions and priorities in Sacramento. The Governor, as well as many lawmakers, will be up for reelection, some in new legislative districts. The election will most likely impact the Legislature's legislative agenda but given the Governor's large margin of victory in the recall election, it's difficult to anticipate how his reelection campaign may impact his priorities in 2022.

Given the magnitude of legislative issues that are left to be resolved and the ballot measure fights ahead of us, it will be more important than ever that in 2022 cities are united in their effort to affirm local decision-making. Cal Cities will continue to fight on behalf of cities to ensure that their voices are heard loud and clear in the Capitol, and remain laser-focused on advancing the priorities that matter most to city leaders.

Together, we will work to uphold local authority, advance our legislative priorities, and improve the quality of life for the Californians that call our communities home.

# **BUDGET AND TRAILER BILLS**

## I. Budget and Trailer Bills

### A. 2021 Budget Acts

#### [AB 128](#) (Ting) Budget Act of 2021.

##### Chapter 21, Statutes of 2021 (Urgency)

Cal Cities has prepared a comprehensive summary of this measure in Appendix A of this document.

#### [AB 161](#) (Ting) Budget Act of 2021.

##### Chapter 43, Statutes of 2021

This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

##### Environmental Quality

- \$500 million General Fund available for wildfire prevention and forest resilience activities in 2021-22, upon order of the Department of Finance; and
- \$15 million for the San Joaquin River Conservancy for operations and maintenance.

##### Statewide Government

- \$28.4 million General Fund for counties related to the Gubernatorial Recall Election.

#### [AB 164](#) (Ting) Budget Act of 2021.

##### Chapter 84, Statutes of 2021

This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

##### Transportation, Communications, and Public Works

This measure provides the following investments in broadband infrastructure, as follows:

- \$2 billion for last-mile broadband infrastructure, which will increase connectivity and affordability for underserved and unserved rural and urban communities;
- \$3.25 billion for a statewide, open-access, middle-mile network, to make it easier for internet providers to provide faster, cheaper service throughout the state; and
- \$750 million to establish a new loan loss reserve account to provide collateral to local governments issuing bonds for municipal broadband deployment.

#### [SB 129](#) (Skinner) Budget Act of 2021.

##### Chapter 69, Statutes of 2021

This measure contains major revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

### Revenue and Taxation

The state continues utilizing its record surplus to pay down debt, honor deferrals, and prepare for rising outyear costs. Notably, the budget agreement includes the following:

- The reserve funds include: \$15.8 billion in the Proposition 2 Budget Stabilization Account (Rainy Day Fund) for fiscal emergencies, \$900 million in the Safety Net Reserve, \$4.5 billion in the Public School System Stabilization Account, and an estimated \$4 billion in the state's operating reserve; and
- The budget continues to pay down the state's long-term retirement liabilities, with \$3.4 billion in payments required by Proposition 2 in 2021-22 plus \$7.9 billion in additional payments over the next three years.

### Housing and Homelessness

#### *Housing*

- \$50 million for the Serna Jr. Farmworker Housing Grant Program at the Department of Housing and Community Development;
- \$10 million for a grant program for local governments to incentivize the conversion of idle commercial properties to affordable housing;
- \$50 million in one-time General Fund resources to expand the Golden State Acquisition Fund (GSAF), which, combined with matching funds, GSAF makes up to five-year loans to developers for acquisition or preservation of affordable housing; and
- \$100 million to the California Housing Finance Agency (CalHFA), to expand CalHFA's homebuyer assistance program and begins the process of developing the California Dream for All First Time Homebuyer Program to be used for homebuyer assistance.

#### *Homelessness*

- \$250 million in General Fund for Homekey within the Multifamily Housing Program, bringing the total investment to \$1.45 billion;
- \$4 million for a homeless data system at the Business, Consumer Services, and Housing Agency;
- \$285 million General Fund for the Department of Social Services for the CalWORKs homeless program;
- \$50 million to address encampments for persons experiencing homelessness;
- \$300 million General Fund one-time for the Home Safe Program over two years to help combat senior homelessness; and
- \$380 million one-time for the CalWORKs Housing Support Program over two years to house families in the program and help them avoid eviction.

### Environmental Quality

#### *Climate Resiliency Package*

- \$2.5 billion in General Fund.
  - \$730.7 million for water and drought resilience package;
  - \$440 million on a one-time basis for a climate resiliency package;

- \$65 million on a one-time basis for a circular economy package;
- \$200 million for local parks grants; and
- \$258 million for wildfire prevention and forest resiliency package.

#### *Office of Planning and Research (OPR)*

- \$185 million to OPR for cities for local assistance, \$150 million to the 13 largest cities, and \$35 million to all cities under 300,000 population.

#### *Sea Level Rise*

- \$40 million for sea level rise grants for support or local assistance to local governments.

#### *Wildfire*

- Approximately \$39.5 million from the Greenhouse Gas Reduction Fund (GGRF) to the California Department of Forestry and Fire Protection (CAL FIRE) for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires; and
- \$35 million from the GGRF to CAL FIRE to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

#### *Water*

- \$663 million for local assistance to Department of Water Resources; includes \$100 million for urban community drought relief and \$3 million for immediate drought support;
- \$1.385 billion to the State Water Resources Control Board; includes \$650 million each for drinking water and wastewater projects; and
- \$985 million to forgive residential and commercial customer arrearages and water enterprise revenue shortfalls from March 4, 2020, to June 15, 2021.

#### *Energy*

- \$993.5 million for California Arrearage Payment Program to reduce delinquent electricity and natural gas utility bill balances for customers experiencing economic hardship from COVID-19.

#### Transportation, Communications, and Public Works

- \$2.7 billion in funding for a variety of programs related to zero-emission vehicles.
  - \$525 million for the Clean Vehicle Rebate Project;
  - \$500 million for zero-emission vehicle charging and fueling infrastructure;
  - \$500 million in funding for the Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program;
  - \$125 million in zero-emission vehicle manufacturing grants;

- \$475 million for drayage trucks, transit buses, and school buses, and associated infrastructure;
- \$407 million for zero-emission transit investments; and
- \$50 million for near-zero truck replacement.
- \$350 million for the first year of a \$400 million transportation adaptation grant program; and
- \$328 million for a variety of beautification and improvement projects along the state highway system and local streets and roads.

## Public Safety

### *Cannabis*

The budget agreement contains spending allocations to transition provisional licenses to more permanent annual licenses under the new Department of Cannabis Control, including:

- \$30 million for fee waivers and deferrals for social equity applicants; and
- \$100 million allocated for the Local Jurisdiction Assistance Grant Program, which will provide funding to local jurisdictions with commercial cannabis licensees needing the greatest assistance in transitioning from a provisional license to an annual license.

### **SB 170 (Skinner) Budget Act of 2021.**

#### **Chapter 240, Statutes of 2021**

This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

- \$50 million for urban greening and urban forestry projects;
- \$10 million for regional climate assistance, and \$115 million for the Transformative Climate Communities program through the Strategic Growth Council;
- \$25 million to the Governor's Office of Planning and Research through the Integrated Climate Adaptation and Resiliency Program for climate resiliency planning and implementation grants;
- \$100 million to CAL FIRE, including for priority urban forestry projects;
- \$25 million in fiscal year 2022-23, and \$75 million in fiscal year 2023-24, to OPR for projects that mitigate the impacts of extreme heat or the urban heat island effect;
- \$40 million in various grants to further the creation of a circular economy by funding recycling and organic waste infrastructure projects; and
- \$130 million from the GGRF for waste reduction and management; including \$60 million for local jurisdictions to implement the CalRecycle SB 1383 (Lara, Statutes of 2016) organic waste diversion regulations, and \$70 million for organic waste infrastructure.



## ***B. 2021 Budget Act Trailer Measures***

### **AB 88 (Cmte. on Budget) One-Time Stimulus and Grant Payments. Garnishment. Exclusion From Gross Income.**

#### **Chapter 12, Statutes of 2021**

This measure amends the Golden State Stimulus Act established in SB 88 (Cmte. On Budget and Fiscal Review, Chapter 8, Statutes of 2021) to exempt the stimulus payments from garnishment orders, exclude the stimulus payments from the definition of gross income, and other technical changes.

### **AB 137 (Cmte. on Budget) State Government.**

#### **Chapter 77, Statutes of 2021**

This measure implements the following actions notable for local governments related to state administration:

- Establishes the Forced or Involuntary Sterilization Program within the California Victim Compensation Board to provide reparations for the survivors of state-sponsored sterilization;
- Waives fees for state gambling licenses between Jan. 31, 2020, to July 31, 2021; and
- Creates the Solar Restitution Program to provide restitution for homeowners that have been defrauded by solar installers after Jan. 1, 2016. This measure sunsets on June 30, 2024.

### **AB 140 (Cmte. on Budget) Housing.**

#### **Chapter 111, Statutes of 2021**

This measure includes the following provisions and funding for housing and homelessness:

- \$2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program;
- \$50 million for Encampment Resolution Grants, which will help local governments resolve critical encampments and transition individuals into permanent housing;
- \$2.7 million in one-time funding for Caltrans Encampment Coordinators to mitigate safety risks at encampments on state property and to coordinate with local partners to connect these individuals to services and housing;
- \$250 million for the Infill Infrastructure Grant Program and extends the lifetime of the program to Jan. 1, 2026; and
- A statutory exemption for the California Environmental Quality Act for activities funded by the second round of funding for Homekey.

### **AB 141 (Cmte. on Budget) Budget Act of 2021. Department of Cannabis Control. Licensure. Safety and Quality Assurance.**

#### **Chapter 70, Statutes of 2021**

This measure established the Department of Cannabis Control within the Business, Consumer Services and Housing Agency and consolidated the powers, duties,

functions, responsibilities, and jurisdiction for commercial cannabis activities previously divided among the Bureau of Cannabis Control, the Department of Food and Agriculture, and the Department of Public Health. Further information is included on the Cal Cities website in the publication [Seed to Sale: A Guide to Regulating Cannabis in California Cities](#).

### **[AB 145](#) (Cmte. on Budget) Public Safety.**

#### **Chapter 80, Statutes of 2021**

This measure implements the following actions related to public safety that are notable for local governments:

- Authorizes counties to enter into contracts with the state to train justice-involved youth in firefighting skills at the Pine Grove Youth Conservation Camp;
- Establishes the County Resentencing Pilot Program to exercise prosecutorial resentencing discretion between district attorneys, county public defenders, and community-based organizations;
- Modified the California Community Corrections Performance Incentives Act allocation formula for the 2021-22 fiscal year; and
- Authorizes the Governor's Office of Emergency Services to provide financial reimbursements for the conduction of medical evidentiary examinations of sexual assault survivors.

### **[AB 148](#) (Cmte. on Budget) Public Resources.**

#### **Chapter 115, Statutes of 2021**

This measure makes the following changes to the Public Resources Code as follows:

- Establishes the California Water and Wastewater Arrearage Payment Program within the State Water Resources Control Board to provide relief for arrearages accrued during the COVID-19 pandemic, with specified parameters;
- Authorizes the state to create a grant program or make direct expenditures to provide relief in response to health and safety impacts of a drought. This program is subject to appropriation in a subsequent fiscal year; and
- Extends the sunset date of the Beverage Container Recycling Pilot Program to Jan. 1, 2027 and expands the pilot program capacity to 10 projects.

### **[AB 149](#) (Cmte. on Budget) Transportation.**

#### **Chapter 81, Statutes of 2021**

This measure includes the following provisions and funding within the overall 2021-22 budget package necessary to implement actions related to transportation:

#### **Extension of Statutory Relief for Transit Agencies**

Extends several types of temporary statutory relief for transit agencies impacted by the COVID-19 pandemic that were provided as part of the 2020 Budget Act. These provisions include:

- Continues the hold harmless provision for calculation and allocation of State Transit Assistance (STA) Program, STA-State of Good Repair, and Low Carbon Transit Operations Program allocations (Local Revenue Basis Only) provided in the 2020 Budget Act through the 2022-23 budget years. Directed the State

Controller to "freeze" for the 2020-21 through 2022-23 budget years the local revenue allocation factors used most recently before the pandemic;

- Allocates transit agencies funds under these three programs using those same allocation factors, as opposed to updating the factors each year;
- Extends the temporary suspension of the financial penalties associated with the Transportation Development Act's requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares through 2022-23; and
- Continues the temporary suspensions of the financial penalties associated with the STA Program's operating cost per revenue vehicle hour requirements through 2022-23.

### Clean California

Establishes the Clean California Local Grant Program of 2021, to allocate grants to local and regional public agencies, transit agencies, and tribal governments for purposes of beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces.

- Limits grant awards to \$5 million per grant;
- Prohibits grants that fund projects that displace people experiencing homelessness;
- Requires a funding distribution that takes into account the population that each project is intended to benefit relative to the total population that all projects awarded grants pursuant to the program will benefit and the needs of underserved communities;
- Establishes the Clean California State Beautification Program of 2021 to provide funding to beautify and clean up state highways;
- Allows the Department of Transportation to use job order contracting for the Clean California Beautification Program of 2021; and
- Provides that the Department of Transportation is delegated the authority necessary to carry out the purchase of vehicles, equipment, or other products as needed to implement the department's supplemental Fleet Acquisition Plan Fiscal Year 2021–22 for the acquisition of 269 medium-and heavy-duty vehicles and equipment to support litter abatement under the Clean California Beautification Program of 2021.

### Local Streets and Roads

Makes the following changes related to the local streets and roads maintenance of efforts for cities and counties, as follows:

- Provides that cities and counties are not required to comply with the annual minimum expenditure requirements in 2019-20;
- Requires the Controller to adjust the annual minimum expenditure requirements in the 2020-21 and 2021-22 fiscal years in proportion to any decrease in taxable sales within the applicable city or county between specified fiscal years; and
- Authorizes a city or county to petition the State Controller to use transient occupancy tax revenues in lieu of taxable sales, for purposes of making these adjustments.

**[AB 150](#) (Cmte. on Budget) Sales and Use Tax Law. Personal Income Tax Law. Corporation Tax Law. Budget Act of 2021.**

**Chapter 82, Statutes of 2021**

This measure makes several statutory changes to the Revenue and Taxation code necessary to implement the 2021 Budget Act. This measure makes the following changes notable for local governments:

- Extends the sunset date for the State Historic Tax Credit to Jan. 1, 2027;
- Permanently exempts sales and sales use tax for diapers and menstrual products;
- Expands a tax credit for small businesses that hire new employees;
- Establishes a tax credit for employers who hire homeless individuals between Jan. 1, 2022, and Jan. 1, 2027;
- Extends the sunset date for tax credits for individuals that donate fresh fruits and vegetables to a food bank; and
- Increases the amount of credits allocated in the California Competes Tax Credit program.

**[AB 175](#) (Cmte. on Budget) Housing. Mortgages and Deeds of Trust. Use of State Property. Surplus Land Disposal. Financing Programs.**

**Chapter 255, Statutes of 2021**

This measure makes a variety of technical, clarifying changes to recent legislation to address housing and homelessness included in the 2021 Budget Act. Specifically, this measure makes the following changes notable for local governments:

- Clarifies foreclosure procedures and requirements for bidders, foreclosed-on owners, and foreclosure trustees;
- Authorizes the City of Sacramento to enter into a contract with the Cal Expo Board of Directors to provide emergency homelessness shelters; and
- Provides that surplus land disposal procedures existing on Dec. 31, 2019, apply to the Metro North Hollywood Joint Development Project under specific conditions until Dec. 31, 2024.

**[AB 177](#) (Cmte. on Budget) Public Safety.**

**Chapter 257, Statutes of 2021**

This measure makes several technical statutory changes in order to implement the public safety portions of the 2021 Budget Act, and also makes the following changes notable for local governments:

- Eliminates 17 criminal administrative fees as of Jan. 1, 2022; and
- Increases the transcript rate for court reporters to \$1.13 for each 100 words.

**[SB 85](#) (Cmte. on Budget and Fiscal Review) Budget Act of 2020.**

**Chapter 14, Statutes of 2021**

This measure amends the 2020 Budget Act and appropriates \$536 million for the 2020-21 fiscal year for wildfire and forest resiliency programs. Cities are eligible for several large pots of funding for home hardening, urban forestry, and wildfire prevention.

Notable items for cities within this funding package include:

- \$342 million to CAL FIRE, including but not limited to:

- \$123 million for fire prevention grants to reduce wildfire risk to homes and communities;
- \$10 million for urban forestry to provide grants to local governments to plant trees, improve the management of urban forests, and better utilize wood waste; and
- \$2 million for defensive space inspectors in the State Responsibility Area lands to ensure that structures are in compliance with state defensible space requirements.
- \$25 million for the California Office of Emergency Services to assist low-income and disadvantaged homeowners with home hardening programs;
- \$16 million for the Climate Catalyst Revolving Loan Fund. Eligible uses for this fund include: providing loans, loan guarantees, and other credit support to encourage the development of businesses that utilize wood and forest biomass and encouraging private-sector innovations in technology, business models, infrastructure, and supply chains in woody biomass markets; and
- \$50 million to the Department of Conservation for the Regional Forest and Fire Capacity Program, which provides block grants to regional and statewide entities to engage with communities, develop project priority plans, prepare projects to be shovel-ready, and implement demonstration projects.

**[SB 87](#) (Caballero) California Small Business Covid-19 Relief Grant Program. Income Tax. Gross Income. Exclusion. Small Business Grants. Chapter 7, Statutes of 2021**

This measure appropriates \$2.075 billion to establish the California Small Business COVID-19 Relief Grant Program to provide economic relief via grants to small businesses impacted by the COVID-19 pandemic.

**[SB 88](#) (Cmte. on Budget and Fiscal Review) One-Time Stimulus Payment. Delinquent Accounts. Earned Income Tax Credit. Statements. Chapter 8, Statutes of 2021**

This measure establishes the Golden State Stimulus program, which includes one-time \$600 stimulus payments to provide relief for low-income Californians impacted by the COVID-19 pandemic, within specified parameters. See [SB 139](#) (Chapter 71, Statutes of 2021) for the Golden State Stimulus II program.

**[SB 91](#) (Cmte. on Budget and Fiscal Review) COVID-19 Relief. Tenancy. Federal Rental Assistance. Chapter 2, Statutes of 2021**

This measure extends the statewide moratorium on evictions for nonpayment of rent due to COVID-19 financial hardship to June 30, 2021, and establishes the State's Emergency Rental Assistance Program. The U.S. Treasury Department allocated \$2.6 billion to California for the program, with \$1.5 billion of federal rental relief funds to go toward implementation of a statewide rental assistance program, and \$1.1 billion to go to California's largest cities and counties according to federal law. More information is available on the [Cal Cities website](#).

**[SB 92](#) (Cmte. on Budget and Fiscal Review) Juvenile Justice.  
Chapter 18, Statutes of 2021**

This measure includes provisions and amendments to execute the shift of responsibility for the state's juvenile justice system to local jurisdictions, as included in the 2020 Budget Act. Specifically, this measure includes the following statutory changes notable for local governments:

- Closes state juvenile justice correctional facilities on June 30, 2023; and
- Authorizes counties to establish secure youth treatment facilities for youth that are found to be a ward of the court as a result of an offense that would have resulted in commitment to a state juvenile justice correctional facility.

**[SB 93](#) (Cmte. on Budget and Fiscal Review) Employment. Rehiring and Retention. Displaced Workers. COVID-19 Pandemic.  
Chapter 16, Statutes of 2021**

This measure requires employers in specified industries to offer return-rights to formerly laid-off employees as a result of the COVID-19 pandemic until Dec. 31, 2024.

**[SB 94](#) (Skinner) Alcoholic Beverage Control. Barbering and Cosmetology. License Renewal Fees. Waiver.  
Chapter 9, Statutes of 2021**

This measure waives fees for the licensees of the State Board of Barbering and Cosmetology between Jan. 1, 2021, and Jan. 1, 2023. This measure also waives fees for licensees of the Department of Alcoholic Beverage Control between March 1, 2021, and Feb. 28, 2023.

**[SB 139](#) (Cmte. on Budget and Fiscal Review) Golden State Stimulus II. Golden State Stimulus.  
Chapter 71, Statutes of 2021**

This measure establishes the Golden State Stimulus II program, which includes one-time stimulus payments to provide relief for low-income and middle-income Californians impacted by the COVID-19 pandemic, within specified parameters and with varying stimulus amounts based on marital status, tax filing status, and with or without dependents. See [SB 88](#) (Chapter 8, Statutes of 2021) for the first Golden State Stimulus program.

**[SB 147](#) (Cmte. on Budget and Fiscal Review) Budget Act of 2020. Augmentation.  
Chapter 40, Statutes of 2021**

This measure amends the 2020 Budget Act to provide supplemental appropriations in the 2020-21 fiscal year. These augmentations are for unforeseen state costs, primarily related to court-ordered reforms at correctional facilities.

**[SB 151](#) (Cmte. on Budget and Fiscal Review) Economic Development.  
Chapter 74, Statutes of 2021**

This measure includes a suite of investments in economic development and economic relief related to the COVID-19 pandemic. Most notable investments for local governments in this measure include:

- Establishes the California Competes Grant Program to incentivize businesses to make significant investments in California, with specified requirements;
- Updates to the Innovation Hubs Program to focus on inclusivity, startup companies, and commercialization of technology;
- Establishes the California Dream Fund to provide small grants to new businesses via the California Small Business Technical Assistance Expansion Program;
- Establishes the California Venues Grant Program to provide grants to venues that host live events;
- Establishes the California Nonprofit Performing Arts Grant Program to support performing arts workforce development; and
- Establishes the California Microbusiness COVID-19 Relief Grant Program to fund regional programs that support microbusinesses.

**SB 152 (Cmte. on Budget and Fiscal Review) Elections.  
Chapter 34, Statutes of 2021**

This measure appropriates \$35 million to the Secretary of State to support statewide and county costs of the 2021 gubernatorial recall election. It also authorizes a local government entity that previously called a special local election to consolidate that election with a gubernatorial recall election if all the following conditions are met:

- The special local election was called prior to June 15, 2021;
- The original date on which the special local election was called is not more than 30 days before and not more than 30 days after the date of the gubernatorial recall election; and
- The call to consolidate the special local election with the gubernatorial recall election is issued within four days from the date of issuance of the Lieutenant Governor's proclamation calling a gubernatorial recall election.

**SB 155 (Cmte. on Budget and Fiscal Review) Public Resources Trailer Bill.  
Chapter 258, Statutes of 2021**

This measure makes the following investments in climate resiliency and disaster preparedness:

- \$200 million continuously appropriated to CAL FIRE for healthy forest and fire prevention programs, and for prescribed burns and other fuel reduction projects;
- \$350 million to the State Coastal Conservancy for mitigating the impacts and effects of sea level rise, including low-interest loans to local jurisdictions to purchase properties vulnerable to sea level rise;
- \$25 million to the OPR through the Integrated Climate Adaptation Program for establishing a grant program to mitigate the impacts of extreme heat or the heat island effect; and
- \$25 million to the Strategic Growth Council for the establishment of a community resilience centers grant program.

**[SB 156](#) (Cmte. on Budget and Fiscal Review) Communications. Broadband.  
Chapter 112, Statutes of 2021**

This measure provides the statutory framework to implement the investments in public broadband infrastructure appropriated in [AB 164](#) (Ting, Chapter 84, Statutes of 2021), as follows:

- \$2 billion for last-mile broadband infrastructure, which will increase connectivity and affordability for underserved and unserved rural and urban communities;
- \$3.25 billion for a statewide, open-access, middle-mile network, to make it easier for internet providers to provide faster, cheaper service throughout the state; and
- \$750 million to establish a new loan loss reserve account to provide collateral to local governments issuing bonds for municipal broadband deployment.

The measure also reforms the California Advanced Services Fund program to ensure the funds are spent quickly and efficiently and includes accountability and oversight provisions, including a nine-member council with broad representation.

**[SB 158](#) (Cmte. on Budget and Fiscal Review) Hazardous Waste.  
Chapter 73, Statutes of 2021**

This measure makes several programmatic and structural reforms to the Department of Toxic Substances Control, of which, items notable for local governments include:

- The establishment of an Office of the Ombudsperson to receive complaints and suggestions from the public and regulated community;
- Changes to the existing Hazardous Waste Management Account fee structure; and
- Appropriates \$500 million to address underutilized properties with the presence of a hazardous substance, pollutant, or contaminants and establishes a competitive grant program to provide funding to local governments and other entities to investigate and clean up such properties.

**[SB 160](#) (Cmte. on Budget and Fiscal Review) Department of Cannabis Control.  
Licensure. Appellations of Origin. Trade Samples.  
Chapter 87, Statutes of 2021**

This measure makes various technical amendments and revisions to [AB 141](#) (Cmte. on Budget, Chapter 70, Statutes of 2021) regarding the Department of Cannabis Control. Further information is included on the Cal Cities website in the publication [Seed to Sale: A Guide to Regulating Cannabis in California Cities](#).

**[SB 162](#) (Cmte. on Budget and Fiscal Review) Community Economic Resilience  
Fund Program.  
Chapter 259, Statutes of 2021**

This measure appropriates \$600 million to establish the Community Economic Resilience Fund Program, which is intended to build an equitable and sustainable economic recovery from the impacts of COVID-19 on California's industries, workers, and communities, and to provide for the durability of that recovery by fostering long-term economic resilience in the overall transition to a carbon-neutral economy. Specifically, this measure will, among other things:



- Award planning grants on a competitive basis to establish and support at least one High Road Transition Collaborative per region in areas that have had disproportionate impacts due to COVID-19; and
- Develop one or more regional and subregional economic recovery and transition plans addressing essential elements of a high road strategy, including economic diversification, industry planning, workforce development, and the identification and integration of current or supplemental safety net programs.

**[SB 169](#) (Cmte. on Budget and Fiscal Review) Postsecondary Education Trailer Bill.**

**Chapter 262, Statutes of 2021**

This measure, among other items, appropriates \$500 million in the 2021-22 fiscal year to establish the Higher Education Student Housing Grant Program to provide one-time grants for the construction or renovation of student housing. This program is intended to provide affordable, low-cost options for students enrolled in public postsecondary education. This measure also establishes the Higher Education Capacity Expansion Grant Program to provide one-time grants for capacity expansion projects to support increased California resident enrollment and includes legislative intent to appropriate funds for this program in a subsequent fiscal year.

# **COMMUNITY SERVICES**

## II. Community Services

### *A. Aging and Seniors*

#### **[AB 323](#) (Kalra) Long-Term Health Facilities.**

##### **Chapter 458, Statutes of 2021**

This measure increases the number of civil penalties that can be assessed by the California Department of Public Health (CDPH) when issuing penalties against long-term care facilities for violations that result in the death of a resident from "direct proximate cause" to "substantial factor" and the death was a result of the violation.

#### **[AB 665](#) (E. Garcia) Care Facilities. Internet Access.**

##### **Chapter 469, Statutes of 2021**

This measure requires residential facilities serving adults, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly with existing internet service to provide at least one internet access device that can support real-time interactive applications, is equipped with videoconferencing technology, and dedicated for client or resident use.

#### **[SB 650](#) (Stern) Skilled Nursing Facilities.**

##### **Chapter 493, Statutes of 2021**

This measure requires organizations that operate, conduct, own, manage, or maintain a skilled nursing facility to prepare and file an annual consolidated financial report with the California Department of Health Care Access and Information. The financial report will include data from all related parties the organization has an ownership or control interest of 5% or more and that provides any services or supplies to the skilled nursing facility. This measure also requires the financial reports to begin after Dec. 31, 2023, and to be reviewed by a certified public accountant.

### *B. Animal Services*

#### **[AB 468](#) (Friedman) Emotional Support Animals.**

##### **Chapter 168, Statutes of 2021**

This measure requires a person or business that sells or provides a dog for use as an emotional support dog to provide a written notice to the buyer or recipient of the dog stating that the dog does not have the special training required to qualify as a guide, signal, or service dog. This notice must also explain that these animals are not entitled to the rights and privileges accorded by law to a guide, signal, or service dog and that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as a guide, signal, or service dog is a misdemeanor.

**[AB 1535](#) (Cmte. on Business and Professions) **Veterinary Medical Board. Application and Examination. Discipline and Citation.**  
**Chapter 631, Statutes of 2021****

This measure extends the provisions establishing the Veterinary Medical Board within the Department of Consumer Affairs and authorizes the Board to appoint an executive officer until Jan. 1, 2026. Additionally, this measure enacts numerous changes to the regulation of veterinarians, Registered Veterinary Technicians, Veterinary Assistant Controlled Substances Permit holders, veterinary schools, and veterinary premises.

***C. Arts and Culture***

**[SB 628](#) (Allen) **California Creative Workforce Act of 2021****

This measure enacts the California Creative Workforce Act of 2021 to establish creative arts workforce development as a state priority and promote employment and "earn and learn" job training opportunities for creative workers. This measure requires the California Arts Council (CAC) to design the program in collaboration with the California Workforce Development Board (CWDB). The CAC is required to consult with local governments, community nonprofit organizations, and educational institutions in this effort. Additionally, this measure directs the CAC, in consultation with the CWDB, to design a grant program pursuant to the objectives of the California Creative Workforce Act.

***D. Children, Childcare, and Youth Programs***

**\*[AB 46](#) (L. Rivas) **California Youth Empowerment Act.**  
**Chapter 660, Statutes of 2021****

This measure creates the California Youth Empowerment Act and establishes the California Youth Empowerment Commission (CYEC) in state government. The CYEC will consist of 13 voting commissioners between 14 and 25 years of age, with 11 members appointed by the Governor, one at-large member appointed by the Senate Committee on Rules, and one at-large member appointed by the Speaker of the Assembly, along with several ex officio, non-voting members from various geographic regions of the state. The CYEC will serve as an advisory body to the Legislature and Administration.

**[AB 366](#) (Rubio) **Foster Youth. Placement of Siblings.**  
**Chapter 581, Statutes of 2021****

This measure prohibits the physical capacity of the home from being the sole reason to deny placement of a sibling group if each child in the home has an age-appropriate place to sleep and there are no other safety risks.

**[AB 382](#) (Kamlager) Whole Child Model Program.****Chapter 51, Statutes of 2021**

This measure removes labor organizations from the Department of Health Care Services Whole Child Model program stakeholder advisory group and instead includes recognized exclusive representatives of California Children's Services county providers. Additionally, this measure extends the sunset of the advisory group from Dec. 1, 2021, to Dec. 31, 2023.

**[AB 506](#) (Gonzalez) Youth Service Organizations. Child Abuse and Neglect Prevention.****Chapter 169, Statutes of 2021**

This measure requires an administrator, employee, or volunteer of a youth service organization to complete child abuse and neglect reporting training and undergo a background check. This measure also requires a youth service organization to develop and implement child abuse prevention policies and procedures that, among other things, ensure the reporting of suspected incidents of child abuse to persons or entities outside of the organization. AB 506 additionally authorizes insurers to request information demonstrating compliance with these provisions before writing liability insurance for a youth service organization.

**[AB 1140](#) (R. Rivas) Foster Care. Rights.****Chapter 297, Statutes of 2021**

This measure specifies that children who are placed in residential facilities and homes by the Office of Refugee Resettlement of the federal Department of Health and Human Services are included among those who the Office of the State Foster Care Ombudsperson is responsible for investigating and attempting to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.

**[AB 1363](#) (L. Rivas) Preschool. Dual Language Learners.****Chapter 498, Statutes of 2021**

This measure requires the Superintendent of Public Instruction (SPI) to develop procedures for providers to identify and report data on dual language learners enrolled in the California State Preschool Program. Additionally, this measure requires the SPI quality indicator for preschool programs to include activities and services that support dual language learners in the development of their home language and English.

**[SB 400](#) (Jones) Homeless Children and Youths. Local Educational Agencies.****Collaboration, Training, and Reporting.****Chapter 400, Statutes of 2021**

This measure requires a liaison for homeless children and youths of a local educational agency, as defined to include a school district, county office of education, charter school, or special education local plan area, to ensure the identification by school personnel of those children and youths through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth.

## ***E. Mental and Community Health***

### **SB 465 (Eggman) Mental Health.**

#### **Chapter 544, Statutes of 2021**

This measure requires the Mental Health Services Oversight and Accountability Commission to report to specified legislative committees the outcomes for people receiving community mental health services under a full-service partnership model, including any barriers to receiving the data and recommendations to strengthen California's use of full-service partnerships to reduce incarceration, hospitalization, and homelessness.

## ***F. Natural Disaster Preparedness***

### **\*AB 118 (Kamlager) Department of Social Services. C.R.I.S.E.S. Grant Pilot Program.**

#### **Chapter 694, Statutes of 2021**

This measure creates the Community Response Initiative to Strengthen Emergency Systems (C.R.I.S.E.S) Grant Pilot Program. The C.R.I.S.E.S. grants are intended to expand the participation of community-based organizations in an emergency response role for vulnerable populations. This measure requires the Department of Social Services to administer the program and award grants to qualified grantees, which include city, county, and tribal departments of social services, disability services, health services, public health, or behavioral health, based on grant eligibility criteria developed in partnership with a stakeholder workgroup.

### **\*AB 580 (Rodriguez) Emergency Services. Vulnerable Populations.**

#### **Chapter 744, Statutes of 2021**

This measure requires the Governor's Office of Emergency Services (Cal OES) to establish a standardized emergency management system for use by all emergency response agencies. Additionally, AB 580 requires the Director of Cal OES to appoint representatives of the access and functional needs population to serve on pertinent committees related to that system and to ensure the needs of that population are met within that system. This measure also requires counties to send their emergency plan to Cal OES on or before March 1, 2022, and upon any update to the plan after that date.

### **AB 663 (Chen) Corporations. Electronic Transmissions. Bylaws. Emergency Powers.**

#### **Chapter 523, Statutes of 2021**

This measure authorizes a general corporation, nonprofit corporation, or cooperative corporation, in anticipation of an emergency or during an emergency to take any action it determines to be necessary or appropriate to respond to the emergency, mitigate the effects of the emergency, or comply with lawful federal and state government orders. However, this measure prohibits action that requires the vote of the shareholders or members unless the required shareholder or member approval was obtained prior to the emergency. Additionally, this measure permits a general corporation to hold annual

shareholder meetings and a nonprofit corporation and cooperative corporation to hold meetings entirely via teleconference or other remote means when all shareholders consent or in the case of an emergency.

### ***G. Parks and Recreation***

#### **[AB 959](#) (Mullin) Park Districts. Ordinances. Nuisances. Abatement. Chapter 268, Statutes of 2021**

This measure authorizes the board of directors of a regional park district, regional park and open-space district, or regional open-space district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance. This measure additionally authorizes a district that adopts such a nuisance ordinance to establish a nuisance abatement procedure, including notice and hearing requirements, and to collect abatement and related administrative costs and penalties, including through a nuisance abatement lien. The county recorder can also impose a fee on a district to reimburse the costs of processing and recording a nuisance abatement lien and providing notice. The district can initiate a civil action to abate a nuisance in the name of the district.

# **ENVIRONMENTAL QUALITY**



### III. Environmental Quality

#### *A. Air Quality*

##### **AB 619 (Calderon) Air Quality Chapter 412, Statutes of 2021**

This measure requires the California Department of Public Health (CDPH), in coordination with stakeholders, to develop a plan with recommendations and guidelines for counties to use in the case of a significant air quality event caused by wildfires or other sources. Counties, in advance of their next emergency plan update, must use the air quality plan developed by the department to create a county-specific plan that addresses all these recommendations and guidelines.

##### **AB 1261 (Burke) State Air Resources Board. Greenhouse Gas Emissions. Incentive Programs. Chapter 714, Statutes of 2021**

This measure requires the California Air Resources Board (CARB) to establish specified processes to assist the state in achieving its greenhouse gas emissions reduction goals. This includes a process to identify any overlap among its incentive programs that share the same objectives and evaluate data on the behavioral changes that result from each of its incentive programs. The information collected pursuant to these processes will be used to refine the greenhouse gas emissions estimates for its incentive programs in annual reports to the Legislature, funding plans, or any long-term planning documents or reports as recommended by the State Auditor.

##### **AB 1346 (Berman) Air Pollution. Small Off-Road Engines. Chapter 753, Statutes of 2021**

This measure requires CARB, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines. CARB will also identify and, to the extent feasible, make available funding for a commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines. This funding will be made available to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

##### **SB 589 (Hueso) Air Pollution. Alternative Vehicles and Vehicle Infrastructure. Chapter 732, Statutes of 2021**

This measure requires the State Energy Resources Conservation and Development Commission to identify workforce development and training resources needed to meet the electric vehicle charging infrastructure goals of putting at least five million zero-emission vehicles in service by 2030 and reducing greenhouse gas emissions to 40% below 1990 levels by 2030.

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

### **AB 819 (Levine) California Environmental Quality Act. Notices and Documents. Electronic Filing and Posting. Chapter 97, Statutes of 2021**

This measure requires California Environmental Quality Act (CEQA) notices and environmental review documents to be filed electronically and posted online. This measure also requires notices of an environmental impact report to be posted on the website of the county clerk of each county in which the project is located.

### **AB 1344 (Arambula) State Department of Public Health. Needle and Syringe Exchange Services. Chapter 480, Statutes of 2021**

This measure reiterates and clarifies an existing exemption from CEQA for needle and syringe exchange program application submissions, authorizations, and operations performed pursuant to the Clean Needle and Syringe Exchange Program within CDPH.

### **SB 7 (Atkins) Environmental Quality. Jobs and Economic Improvement Through Environmental Leadership Act of 2021. Chapter 19, Statutes of 2021**

This measure re-establishes the expedited California Environmental Quality Act (CEQA) administrative and judicial review procedures in the Jobs and Economic Improvement Through Environmental Leadership Act (Leadership Act) for “environmental leadership development projects” for four years. Projects certified by the Governor under the former Leadership Act before Jan. 1, 2020, and approved by a lead agency on or before Jan. 1, 2022, may be governed by the requirements of the former Leadership Act.

### **SB 44 (Allen) California Environmental Quality Act. Streamlined Judicial Review. Environmental Leadership Transit Projects. Chapter 633, Statutes of 2021**

This measure establishes expedited administrative and judicial review of environmental review and approvals granted for an environmental leadership transit project proposed by a public or private entity or its affiliates that is located wholly within the County of Los Angeles or connects to an existing transit project wholly located in that county and that is approved by the lead agency on or before Jan. 1, 2024. This measure sunsets on Jan. 1, 2025.

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

### **AB 680 (Burke) Greenhouse Gas Reduction Fund. California Jobs Plan Act of 2021. Chapter 746, Statutes of 2021**

This measure enacts the California Jobs Plan Act of 2021. This measure requires CARB to work with the Labor and Workforce Development Agency to update, by July 1, 2025, Greenhouse Gas Reduction Fund (GGRF) funding guidelines for administering

agencies. This update ensures all applicants to grant programs funded by the GGRF meet specified standards, including fair and responsible employer standards and inclusive procurement policies. Additionally, this measure requires administering agencies to prioritize applicants that demonstrate a partnership with an educational institution or training program targeting residents of under-resourced, tribal, and low-income communities in the same region as the proposed project.

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

#### **[AB 63](#) (Petrie-Norris) Marine Resources. Marine Managed Areas Improvement Act. Restoration and Monitoring Activities.**

##### **Chapter 368, Statutes of 2021**

This measure adds restoration and monitoring to the list of authorized activities by the designating entity or managing agency in a State Marine Conservation Area.

#### **[AB 66](#) (Boerner Horvath) Coastal Resources. Research. Landslides and Erosion. Early Warning System. County of San Diego.**

##### **Chapter 456, Statutes of 2021**

This measure requires the Scripps Institution of Oceanography at the University of California, San Diego, to conduct research on coastal cliff landslides and erosion in the County of San Diego. This measure requires the research to be completed by Jan. 1, 2025. Additionally, this measure requires the Scripps Institution of Oceanography to provide a report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research. This report must be submitted to the Legislature no later than March 15, 2025.

#### **[AB 72](#) (Petrie-Norris) Environmental Protection. Coastal Adaptation Projects. Natural Infrastructure. Regulatory Review and Permitting. Report.**

##### **Chapter 369, Statutes of 2021**

This measure enacts the Coastal Adaptation Permitting Act of 2021. This measure authorizes the Natural Resources Agency to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects that use natural infrastructure. This measure requires the agency to submit, by July 1, 2023, a report to the Legislature with suggestions and recommendations to improve coordination between agencies.

#### **[\\*SB 1](#) (Atkins) Coastal Resources. Sea Level Rise.**

##### **Chapter 236, Statutes of 2021**

This measure establishes the California Sea Level Rise Mitigation and Adaptation Act of 2021 and creates the California Sea Level Rise State and Regional Support Collaborative (Collaborative) at the Ocean Protection Council to help coordinate and fund state efforts to prepare for sea level rise associated with climate change. This measure also requires the Collaborative to provide, upon appropriation, up to \$100 million for cities to update local coastal plans to address sea level rise. This measure additionally requires the California Coastal Commission (CCC) to adopt

recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program.

**[SB 433](#) (Allen) California Coastal Act of 1976. Enforcement. Penalties.  
Chapter 643, Statutes of 2021**

This measure extends the CCC's authority to impose administrative civil penalties on a person, including a landowner, who is in violation of any provision of the California Coastal Act other than public access. This measure requires CCC staff to annually prepare and present a written report that includes information related to the imposition of those penalties and to annually provide the written report to the Legislature. Additionally, this measure requires the CCC to provide an opportunity for local governments with a certified Local Coastal Program to enforce violations of its building codes.

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

**\*[SB 52](#) (Dodd) State of Emergency. Local Emergency. Planned Power Outage.  
Chapter 597, Statutes of 2021**

This measure clarifies that planned power shutoff events, such as a public safety power shutoff, qualifies as a "deenergization event" for which a local emergency can be declared under the California Emergency Services Act.

**\*[SB 109](#) (Dodd) Department of Forestry and Fire Protection. Office of Wildfire Technology Research and Development.  
Chapter 239, Statutes of 2021**

This measure establishes the Office of Wildfire Technology Research and Development (Office) within the Department of Forestry and Fire Protection (CAL FIRE), and the Wildfire Technology Research and Development Review Advisory Board (Advisory Board). The Office is responsible for studying, testing, and advising the procurement of emerging technologies and tools to more effectively prevent and suppress wildfires throughout the state. The Office is required to make recommendations to state and local agencies on the most effective and useful technologies and tools for procurement. Additionally, the Advisory Board is required to meet at least four times per year to review, analyze, and assess the activities and progress of the Office, and to consult with the public, private, and nonprofit entities regarding their interaction and responsiveness of the Office. This measure sunsets on Jan. 1, 2029.

**\*[SB 341](#) (McGuire) Telecommunications Service. Outages.  
Chapter 425, Statutes of 2021**

This measure requires the Governor's Office of Emergency Services (Cal OES), in coordination with the California Public Utilities Commission (CPUC), to adopt regulations for public outage maps maintained by telecommunications providers on their websites. Additionally, this measure requires the CPUC and Cal OES to develop and implement backup electricity rules to require telecommunications providers to maintain backup electricity sufficient to maintain service for at least 72 hours.

## ***F. Energy and Utilities***

### **AB 33 (Ting) Energy Conservation Assistance Act of 1979. Energy Storage Systems and Electric Vehicle Charging Infrastructure. Native American Tribes. Chapter 226, Statutes of 2021**

This measure expands, to local governments, the eligibility to fund projects under the California Energy Commission's Energy Conservation Assistance Account to include installation of energy storage systems, such as backup batteries, and electric vehicle infrastructure.

### **AB 322 (Salas) Energy. Electric Program Investment Charge Program. Biomass. Chapter 229, Statutes of 2021**

This measure requires the California Energy Commission (CEC) to consider, in the investment planning process for the Electric Program Investment Charge (EPIC), funding for eligible biomass conversion to energy projects. This measure also requires the CEC to consider recommendations from CARB and CAL FIRE, and to coordinate with the Natural Resources Agency, the Department of Resources Recycling and Recovery (CalRecycle), and the Department of Food and Agriculture about the need for biomass conversion. Additionally, this measure requires the CEC to consider opportunities to reduce short-lived climate pollutant emissions, generate carbon negative emissions, reduce wildfire impacts, and increase energy reliability.

### **AB 758 (Nazarian) Marks-Roos Local Bond Pooling Act of 1985. Electric Utilities. Rate Reduction Bonds. Chapter 233, Statutes of 2021**

This measure expands the authority of joint powers authorities to issue rate reduction bonds for local publicly owned electric utilities.

### **AB 843 (Aguiar-Curry) California Renewables Portfolio Standard Program. Renewable Feed-In Tariff. Bioenergy Market Adjusting Tariff Program. Community Choice Aggregators. Chapter 234, Statutes of 2021**

This measure allows Community Choice Aggregators to access the CPUC's Bioenergy Market Adjusting Tariff program.

### **AB 1124 (Friedman) Solar Energy Systems. Chapter 235, Statutes of 2021**

This measure revises several definitions related to solar energy. Specifically, this measure:

- Clarifies that "solar energy systems" must be designed to serve one utility retail customer on the same property, more than one utility retail customer on the same property, one utility retail customer on the same, adjacent, or contiguous properties, or more than one utility retail customer on the same, adjacent or contiguous properties, and not be designed for procurement of electricity by an electric utility;

- Defines “commercial permit fee” to mean the sum of all charges levied by a city, county, city and county, or charter city in connection with an application for a commercial solar energy system, including, but not limited to, a solar energy system that is installed on the property of multifamily housing that has more than two family dwellings; and
- Revises the definition of “residential permit fee” to mean the sum of all charges levied by a city, county, city and county, or charter city in connection with the application for a solar energy system that is installed on the property of a single- or two-family dwelling.

**[SB 267](#) (Hertzberg) Property Taxation. Active Solar Energy Systems. Partnership Flip Transactions.**

**Chapter 424, Statutes of 2021**

This measure extends the property tax reassessment exemption for active solar energy systems financed via a partnership flip arrangement. Specifically, this measure clarifies that neither an initial transfer of a capital and profits interest in the legal entity, nor any subsequent change in the allocation of the capital and profits of the legal entity among its members, constitutes a transfer of control of a legal entity that owns an active solar energy system in a partnership flip transaction.

**[SB 437](#) (Wieckowski) Local Publicly Owned Electric Utilities. Integrated Resource Planning. Transportation Electrification.**

**Chapter 138, Statutes of 2021**

This measure requires local publicly owned electric utilities, in updating their integrated resource plans, to include details of the utility's electrical service rate design that support transportation electrification, and existing or planned incentives to support transportation electrification.

**[SB 479](#) (Laird) Local Government Renewable Energy Self-Generation Program.**

**Chapter 141, Statutes of 2021**

This measure expands the local government renewable energy self-generation program definition of benefiting account to include accounts meeting specified requirements located within the geographical boundaries of a California Native American tribe.

**[SB 756](#) (Hueso) Home Weatherization Services for Low-Income Customers.**

**Chapter 248, Statutes of 2021**

This measure, from Janu. 1, 2022, to June 30, 2022, defines “low-income customers” for the purposes of the Energy Savings Assistance Program as customers with annual household incomes that are no greater than 200% of the federal poverty guideline levels. On and after July 1, 2022, this measure defines “low-income customers” for those purposes as persons and families whose household income is at or below 250% of the federal poverty level and prohibits the commission from increasing the authorized budgets for the program based on that expansion of income eligibility.

**[SB 757](#) (Limón) Solar Energy System Improvements. Consumer Protection.  
Chapter 249, Statutes of 2021**

This measure defines the term “home improvement” to include the construction, erection, installation, replacement, or improvement of driveways, swimming pools, including spas and hot tubs, terraces, patios, awnings, storm windows, solar energy systems, landscaping, fences, porches, garages, fallout shelters, basements, and other improvements of the structures or land which is adjacent to a dwelling house. Additionally, this measure includes solar energy systems as an example of types of home improvements in, and adds the installation of those improvements to, that definition.

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

**\*[AB 332](#) (Cmte. on Environmental Safety and Toxic Materials) Hazardous Waste. Treated Wood Waste. Management Standards.**

**Chapter 147, Statutes of 2021 (Urgency)**

This measure facilitates the safe and proper handling and disposal of treated wood waste by codifying existing Alternative Management Standards. This measure sunsets on July 1, 2028.

**[AB 480](#) (Carrillo) Hazardous Materials.**

**Chapter 743, Statutes of 2021**

This measure authorizes a Certified Unified Program Agency (CUPA), in the event of a hazardous waste spill or release, that the CUPA reasonably determines poses an imminent and substantial endangerment to public health, to take actions to protect the health and safety of the public.

**[AB 652](#) (Friedman) Product Safety. Juvenile Products. Chemicals. Perfluoroalkyl and Polyfluoroalkyl Substances.**

**Chapter 500, Statutes of 2021**

This measure, on and after July 1, 2023, prohibits a person, including a manufacturer, from selling or distributing in commerce in this state any new, not previously owned, juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). This measure requires manufacturers to use the least toxic alternative when replacing PFAS chemicals in a juvenile product.

**[AB 1024](#) (Santiago) Hazardous Substances. Cleanups. Milestones and Contracting.**

**Chapter 474, Statutes of 2021**

This measure requires the Department of Toxic Substances Control to post on its website the easily accessible information of each contaminated site cleanup project. Additionally, this measure requires that moneys recovered by the State from responsible parties relating to the Exide Technology (Exide) cleanup site be used to repay the General Fund, the Lead Acid Battery Cleanup Fund, and any other funds sources for costs incurred during the cleanup of contaminated sites near Exide.

**[AB 1200](#) (Ting) Plant-Based Food Packaging. Cookware. Hazardous Chemicals. Chapter 503, Statutes of 2021**

This measure prohibits the sale of paper-based food packaging containing PFAS, requires the disclosure of chemicals of concern for human health and the environment in cookware, and prohibits cookware companies from making misleading marketing claims.

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

**[AB 246](#) (Quirk) Contractors. Disciplinary Actions. Chapter 46, Statutes of 2021**

This measure adds illegal dumping to the list of violations that constitute a cause for disciplinary action against a contractor by the Contractors' State License Board.

**[AB 504](#) (McCarty) Solid Waste. Commercial and Organic Waste. Recycling Bins. Chapter 56, Statutes of 2021**

This measure clarifies the requirements for recycling bins and organic bins in restaurants that are buffet style or self-service and in entertainment park food facilities.

**[AB 707](#) (Quirk) Mercury Thermostat Collection Act of 2021. Chapter 703, Statutes of 2021**

This measure repeals the Mercury Thermostat Collection Act of 2008 and recasts the program, as part of the state's hazardous waste control laws, as the Mercury Thermostat Collection Act of 2021. This measure also requires each manufacturer of mercury-added thermostats, or group of manufacturers, on or before March 1, 2022, to contract with or retain a qualified third party to develop and implement a convenient, cost-effective, and efficient program for the collection, transportation, recycling, and disposal of out-of-service mercury-added thermostats.

**[AB 818](#) (Bloom) Solid Waste. Premoistened Nonwoven Disposable Wipes. Chapter 590, Statutes of 2021**

This measure establishes standardized labeling for single-use wet wipes to provide clear and consistent consumer information about what products are not safe to flush down the toilet.

**[AB 881](#) (Gonzalez) Recycling. Plastic Waste. Export. Chapter 501, Statutes of 2021**

This measure makes the export out of the country of a mixture of plastic wastes count as "disposal" and not "diversion" under the California Integrated Waste Management Act of 1989, unless the mixture includes only certain plastics destined for separate recycling, in which case that export constitutes diversion through recycling. Until Jan. 1, 2024, "export" means exporting out of the country and does include export to Canada or Mexico.



**[AB 962 \(Kamlager\) California Beverage Container Recycling and Litter Reduction Act. Reusable Beverage Containers.](#)****Chapter 502, Statutes of 2021**

This measure authorizes CalRecycle to allow returnable bottles to flow through the state's California Beverage Container Recycling and Litter Reduction Act (Bottle Bill) program and provide bottle washers the same processing payment that is currently paid to certified recyclers, and the same Quality Glass Incentive Payment that is currently paid to certified recycling processors.

**[AB 1201 \(Ting\) Solid Waste. Products. Labeling. Compostability and Biodegradability.](#)****Chapter 504, Statutes of 2021**

This measure ensures that only products capable of being composted in real-world compost facilities are labeled "compostable." Specifically, this measure prohibits a person from selling or offering for sale a product that is labeled with the term "compostable" or "home compostable" unless the product satisfies specified criteria established by CalRecycle.

**[AB 1276 \(Carrillo\) Single-use Foodware Accessories and Standard Condiments.](#)****Chapter 505, Statutes of 2021**

This measure requires food and beverage accessories, such as single-use condiments and plastic silverware, be available only upon request. This includes food facilities who use third parties for their take-out food order and delivery. This measure also requires, on or before June 1, 2022, local governments to authorize an enforcement agency to enforce this measure's requirements.

**[\\*AB 1311 \(Wood\) Recycling. Beverage Containers.](#)****Chapter 506, Statutes of 2021**

This measure expands the beverage container redemption opportunities under the Bottle Bill that includes, but are not limited to, appointment-based bottle drop-offs and electronic deposit payments. *(Cal Cities has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**[SB 170 \(Skinner\) Budget Act of 2021.](#)****Chapter 240, Statutes of 2021 (Urgency)**

This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

- \$50 million for urban greening and urban forestry projects;
- \$10 million for regional climate assistance, and \$115 million for the Transformative Climate Communities program through the Strategic Growth Council;
- \$25 million to the Governor's Office of Planning and Research through the Integrated Climate Adaptation and Resiliency Program for climate resiliency planning and implementation grants;
- \$100 million to CAL FIRE, including for priority urban forestry projects;

- \$25 million in fiscal year 2022-23, and \$75 million in fiscal year 2023-24, to OPR for projects that mitigate the impacts of extreme heat or the urban heat island effect;
- \$40 million in various grants to further the creation of a circular economy by funding recycling and organic waste infrastructure projects; and
- \$130 million from the GGRF for waste reduction and management; including \$60 million for local jurisdictions to implement the CalRecycle SB 1383 (Lara, Statutes of 2016) organic waste diversion regulations, and \$70 million for organic waste infrastructure.

*(Cal Cities has prepared a comprehensive summary of this measure in Appendix B of this document.)*

**\*[SB 343](#) (Allen) Environmental Advertising. Recycling Symbol. Recyclability. Products and Packaging.**

**Chapter 507, Statutes of 2021**

This measure provides additional clarity and regulatory standards on which products can use the recycling “chasing arrows” symbol on their packaging. These standards include, but are not limited to, requiring a plastic product to be recyclable by 60% of local jurisdictions to be allowed to use the “chasing arrows” symbol.

**\*[SB 619](#) (Laird) Organic Waste. Reduction Regulations. Local Jurisdiction Compliance.**

**Chapter 508, Statutes of 2021**

This measure gives local governments an optional pathway to comply with SB 1383 (Lara, Chapter 395, Statutes of 2016) CalRecycle organic waste regulations. If the compliance pathway, approved by CalRecycle is kept, then cities are shielded from penalties being imposed or accruing for the 2022 calendar year. *(Cal Cities has prepared a comprehensive summary of this measure in Appendix A of this document.)*

## ***I. Water***

**[AB 100](#) (Holden) Drinking Water. Endpoint Devices. Lead Content.**

**Chapter 692, Statutes of 2021**

This measure, commencing Jan. 1, 2023, prohibits a person from manufacturing and offering for sale in the state, an endpoint device that does not meet a certain lead leaching standard. Additionally, this measure, commencing July 1, 2023, prohibits a person from introducing into commerce or offering for sale in the state an endpoint device that does not meet that lead leaching standard. This measure also requires the consumer-facing product packaging or product labeling of an endpoint device to bear specified lettering if the endpoint device meets that lead leaching standard and the above-described definition of “lead free.”

**[AB 304 \(Quirk\) Contaminated Sites. Waste Releases of Surface of Groundwater Contamination. Local Oversight. Remedial Actions.](#)****Chapter 698, Statutes of 2021**

This measure strengthens oversight of contaminated site cleanups overseen by local health officers and includes provisions to increase transparency and public access to contaminated site information.

**[AB 1058 \(C. Garcia\) Large Water Corporations. Bill Payment Options.](#)****Chapter 269, Statutes of 2021**

This measure authorizes a water corporation, with more than 10,000 service connections, to recover in rates the transaction costs relating to all payment options, including credit cards, debit cards, and prepaid cards. This measure also prohibits such a water corporation from recovering such transaction costs from customers participating in a water rate relief program for low-income ratepayers authorized by the CPUC.

**[AB 1066 \(Bloom\) Priority Inland Water-Contact Recreation Sites. Water Quality Monitoring.](#)****Chapter 711, Statutes of 2021**

This measure requires the California Water Quality Monitoring Council (Council) to propose to the State Water Resources Control Board (SWRCB) for consideration a definition of a priority water-contact recreation site. Additionally, this measure requires the Council to, on or before July 1, 2022, direct a new or existing working group to study water recreation hazards at priority water-contact recreation sites. This measure also directs the Council to make recommendations and requirements for the establishment of a priority water-contact recreation site monitoring program for inland waters.

**[AB 1250 \(Calderon\) Water and Sewer System Corporations. Consolidation of Service.](#)****Chapter 713, Statutes of 2021**

This measure creates the Consolidation for Safe Drinking Water Act of 2021, which establishes timeframes by when the CPUC is required to take action on a request for a water system consolidation for a small water system that is failing or at risk of failing, specifically 12 months for an application, and 180 days for an advice letter.

**[AB 1428 \(Quirk\) Safe Drinking Water Act. Applicability.](#)****Chapter 64, Statutes of 2021**

This measure removes the ability of agricultural water districts to self-certify that the water they provide achieves an equivalent level of public health protection as the protection provided by applicable drinking water regulations.

**[SB 273 \(Hertzberg\) Water Quality. Municipal Wastewater Agencies.](#)****Chapter 241, Statutes of 2021**

This measure authorizes a municipal wastewater agency to acquire, construct, expand, operate, maintain, and provide facilities to manage stormwater and dry weather runoff.

**\*[SB 323](#) (Caballero) Local Government. Water of Sewer Service. Legal Actions. Chapter 216, Statutes of 2021**

This measure authorizes a local agency, or interested person, to bring a validation action in a superior court to determine the validity of a fee or charge for water and sewer service, and that such a party bring a validation action within 120 days after the fee or charge becomes effective. This measure only applies to a fee or charge for water or sewer service that has been adopted, modified, or amended after Jan. 1, 2022.

**[SB 403](#) (Gonzalez) Drinking Water. Consolidation. Chapter 242, Statutes of 2021**

This measure authorizes the SWRCB to order the consolidation of at-risk domestic wells and at-risk water systems. Both at-risk domestic wells and at-risk water systems are defined, in part, as serving disadvantaged communities.

**[SB 552](#) (Hertzberg) Drought Planning. Small Water Suppliers. Nontransient Noncommunity Water Systems. Chapter 245, Statutes of 2021**

This measure requires the SWRCB, the Department of Water Resources, counties, and small water suppliers to implement various recommendations from the County Drought Advisory Group to increase the drought resiliency of small water suppliers and rural communities.

**[SB 708](#) (Melendez) Water Shortage Emergencies. Declarations. Deenergization Events. Chapter 68, Statutes of 2021**

This measure adds planned power outages to reduce the risk of wildfires caused by utility equipment to the list of situations wherein a public water supply distributor can declare a water shortage emergency condition without a public hearing.

**[SB 776](#) (Gonzalez) Safe Drinking Water and Water Quality. Chapter 187, Statutes of 2021**

This measure makes several changes to the statute that guides the implementation of the Safe and Affordable Drinking Water Fund, including, but not limited to, consolidating the SWRCB's authority to enforce the terms, conditions, and requirements of its financial assistance programs.

## ***J. Wildfires***

**[AB 9](#) (Wood) Fire Safety and Prevention. Wildfires. Fire Adapted Communities. Office of the State Fire Marshal. Community Wildfire Preparedness and Mitigation. Chapter 225, Statutes of 2021**

This measure establishes within the Department of Conservation (DOC) the Regional Forest and Fire Capacity Program to support regional leadership to build local and regional capacity to implement strategies and projects that create fire adapted communities and landscapes. This measure also requires the DOC, upon an

appropriation by the Legislature, to provide block grants to regional entities to develop regional strategies that develop governance structures, identify wildfire risks, foster collaboration, and prioritize and implement projects within the region to achieve the goals of the Program. This measure also delegates authority over this Program to the Office of the State Fire Marshal and creates within the Office a Deputy Director of Community Wildfire Preparedness and Mitigation who is responsible for fire preparedness and mitigation missions of CAL FIRE.

**AB 431 (Patterson) Forestry. Timber Harvesting Plans. Defensible Space. Exemptions.**

**Chapter 230, Statutes of 2021**

This measure extends the sunset date for the exemption from the requirement to complete a timber harvest plan for maintaining defensible space between 150 feet and 300 feet from a habitable structure from Jan. 1, 2022, to Jan. 1, 2026.

**AB 642 (Friedman) Wildfires.**

**Chapter 375, Statutes of 2021**

This measure is an omnibus fire prevention measure that makes various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at CAL FIRE, and requires a proposal for creating a prescribed fire training center in California. This measure also requires CAL FIRE to identify moderate and high fire hazard severity zones taking into consideration certain wildfire risk factors including winds. Local agencies are required to make information regarding these zones available for public comment, in addition to public review, within 30 days.

**SB 63 (Stern) Fire Prevention. Vegetation Management. Public Education. Grants. Defensible Space. Fire Hazard Severity Zones.**

**Chapter 382, Statutes of 2021**

This measure makes multiple changes to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply, and expanding eligible activities for CAL FIRE's local assistance grant program in and near fire-threatened communities for fire prevention to include home hardening education.

**SB 155 (Cmte. on Budget and Fiscal Review) Public Resources Trailer Bill. Chapter 258, Statutes of 2021 (Urgency)**

This measure makes the following investments in climate resiliency and disaster preparedness:

- \$200 million continuously appropriated to CAL FIRE for healthy forest and fire prevention programs, and for prescribed burns and other fuel reduction projects;
- \$350 million to the State Coastal Conservancy for mitigating the impacts and effects of sea level rise, including low-interest loans to local jurisdictions to purchase properties vulnerable to sea level rise;
- \$25 million to the OPR through the Integrated Climate Adaptation Program for establishing a grant program to mitigate the impacts of extreme heat or the heat island effect; and

- \$25 million to the Strategic Growth Council for the establishment of a community resilience centers grant program.

**[SB 456](#) (Laird) Fire Prevention. Wildfire and Forest Resilience. Action Plan.**

**Reports.**

**Chapter 387, Statutes of 2021**

This measure requires the Forest Management Task Force, housed within CAL FIRE, to develop a comprehensive implementation strategy to achieve the goals and key actions identified in the task force's "[Wildfire and Forest Resilience Action Plan](#)". This measure requires specified annual reporting by the task force related to the progress achieving the goals and key actions in the plan.

**[SB 533](#) (Stern) Electrical Corporations. Wildfire Mitigation Plans. Deenergization Events.**

**Chapter 244, Statutes of 2021**

This measure requires that an electrical corporation's wildfire mitigation plan identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken by the electrical corporation to reduce the need for future deenergization of those circuits.

# **GOVERNANCE, TRANSPARENCY, AND LABOR RELATIONS**

## IV. Governance, Transparency, and Labor Relations

### *A. Political Reform Act of 1974*

#### **[AB 319](#) (Valladares) Political Reform Act of 1974. Contributions. Foreign Governments of Principals.**

##### **Chapter 313, Statutes of 2021**

This measure prohibits contributions, expenditures, and independent expenditures by foreign governments and foreign principals in connection with state and local candidate elections.

#### **[AB 1367](#) (Low) Political Reform Act of 1974. Committee Accounts and Campaign Funds.**

##### **Chapter 315, Statutes of 2021**

This measure makes a person who uses campaign funds in a manner that violates the Political Reform Act of 1974 and results in an egregious personal benefit liable in an administrative or civil action brought by the commission for an amount of up to two times the amount of the unlawful expenditure. The measure defines “egregious personal benefit” to mean a direct personal benefit with a total value of \$10,000 or more to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

#### **[AB 1590](#) (Cmte. on Elections) Political Reform Act of 1974.**

##### **Chapter 317, Statutes of 2021**

This measure makes a non-substantive change to the Political Reform Act of 1974 by revising its definition of “proponent of a state ballot measure” to refer to the correct section in the Elections Code. This measure also clarifies that a committee that is required to pay a \$50 annual fee to the Secretary of State, and that fails to timely pay that fee, is subject to an administrative penalty of \$150. Transfers from the Fair Political Practices Commission to the Secretary of State (SOS) the responsibility for enforcing that requirement and for collecting the penalty.

#### **[SB 686](#) (Glazer) Campaign Disclosure. Limited Liability Companies.**

##### **Chapter 321, Statutes of 2021**

This measure requires a limited liability company (LLC) that is engaged in campaign activity to provide additional information regarding the members and capital contributors to the LLC. An LLC that qualifies as a committee or a sponsor of a committee under the Political Reform Act of 1974 must file a statement of members with the SOS. This measure also requires the statement of members to include certain information about the limited liability company, including a list of all persons who have a membership interest in the limited liability company of at least 10% who made a cumulative capital contribution of at least \$10,000 to the limited liability company after it qualified as a committee or sponsor of a committee, or within the 12 months before it qualified.



## ***B. Elections***

### **\*[AB 37](#) (Berman) Elections. Vote by Mail Ballots.**

#### **Chapter 312, Statutes of 2021**

This measure requires county elections officials to mail a ballot to every registered voter for all elections proclaimed or conducted prior to Jan. 1, 2022. This measure extends the requirements to mail a ballot to every registered voter to all elections and apply them to all local election officials. This measure also requires any county that does not conduct an all-mailed ballot election to provide at least two vote-by-mail ballot drop-off locations within the jurisdiction where the election is held, or at least one vote-by-mail ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more vote by mail ballot drop-off locations. In a jurisdiction with fewer than 30,000 registered voters, this measure requires at least one vote-by-mail ballot drop-off location and requires the elections official to make a reasonable effort to provide a ballot drop-off location in the jurisdiction where the election is held.

### **[AB 502](#) (Davies) Common Interest Developments. Election Requirements.**

#### **Chapter 517, Statutes of 2021**

This measure removes the requirement that a homeowner association (HOA) must have 6,000 or more units in order to use an election by acclamation procedure which allows HOAs to bypass a full election for board of directors if the number of nominees is not more than the number of vacancies to be filled. This measure instead authorizes the association to consider qualified candidates elected by acclamation if certain conditions are met including:

- The association has held a regular election for the directors in the last three years;
- The association provided individual notice of the election and procedures for nominating candidates at least 90 days before the deadline for submitting nominations, and a reminder notice between seven and 30 days before the deadline for submitting nominations; and
- The association board votes to consider the qualified candidates elected by acclamation at a meeting held in accordance with specified requirements.

### **[AB 796](#) (Berman) Voter Registration. California New Motor Voter Program.**

#### **Chapter 314, Statutes of 2021**

This measure requires a driver's license or identification card application, renewal, or change of address notification, to include a voter registration application and requires the Department of Motor Vehicles (DMV) to transmit the application to the Secretary of State (SOS). The DMV must monitor the timeliness of its transmittals to the SOS, and to provide the SOS information regarding delays and irregularities in its ability to do so. The DMV and the SOS each must designate an employee to undertake responsibilities to ensure compliance with the California New Motor Voter Program and the National Voter Registration Act. The SOS must also convene a task force to provide advice and perform other duties with respect to implementing the California New Motor Voter Program. The task force language in this measure sunsets on Jan. 1, 2025.

**AB 1495 (L. Rivas) Vacancy Elections.****Chapter 316, Statutes of 2021**

This measure requires the Governor, when a vacancy occurs in California's representation in the U.S. Senate, to schedule an election for the U.S. Senate seat to be held at the next regularly scheduled statewide primary election that is at least 148 days away, with a general election for the seat being held at the ensuing statewide general election. This measure repeals a provision of law that permits a person who is appointed to fill a vacancy in the U.S. Senate to hold office for the remainder of the unexpired term if the vacancy occurs during a term that will expire on Jan. 3 following the next general election. This measure also requires that Los Angeles County place the regular election and special election for the office on the ballot before all other offices and measures, with the regular election for the office appearing first, for a statewide election if the election includes a special election to fill a vacancy in the Legislature or Congress.

**AB 1591 (Cmte. on Elections) Elections Omnibus Bill.****Chapter 100, Statutes of 2021**

This measure makes various minor, technical, and corresponding changes to the Elections Code, including:

- Revises ballot instructions with respect to candidates for Justice of the California Supreme Court or the California Court of Appeal such that voters are no longer instructed to mark a voting target to the right of the name of the candidate;
- Permits a voter who wishes to opt out of receiving election materials by mail to confirm their identity by telephone or in person, and allows the elections official to process that request upon confirmation of the voter's date of birth, residence address, and California driver's license number, California identification number, or a partial social security number;
- Revises the notice required to be posted at voting locations that use electronic poll books to state that only a member of the precinct board may operate the device, and that it is a misdemeanor to tamper with, manipulate, or otherwise operate or interact with the device with the intent to falsify or prevent others from ascertaining specified information about a voter;
- Specifies that if an electronic poll book is used, a copy of the electronic data file may be preserved in lieu of preserving a paper copy of the rosters or combined rosters and voter lists, if applicable; and
- Deletes provisions of law that require an elections official, for specified elections, to preserve, among other items, a copy of the roster used as the voting record or, if an electronic poll book is used, a copy of the electronic data file, for a period of 22 months, and instead requires the records to be preserved for five years pursuant to a separate provision of existing law.

**SB 29 (Umberg) Elections. Vote by Mail Ballots.****Chapter 3, Statutes of 2021 (Urgency)**

This measure extends the requirement of county elections officials to mail a ballot to every registered voter for the Nov. 3, 2020, statewide general election to all elections proclaimed or conducted prior to Jan. 1, 2022. County elections officials must continue

to use the vote-by-mail ballot tracking system developed by the Secretary of State (SOS), or a system that meets or exceeds the level of service provided by the SOS's system, for any election proclaimed or conducted prior to Jan. 1, 2022.

### **SB 35 (Umberg) Elections.**

#### **Chapter 318, Statutes of 2021**

This measure makes changes to the distance within which electioneering and other political activities near a voting site are prohibited. This measure also extends an existing deadline for a candidate for Governor to submit tax returns to the Secretary of State to have the candidate's name printed on the direct primary ballot, from 98 days before the direct primary election to 88 days before the direct primary election.

### **SB 503 (Becker) Voting. Ballots and Signature Verification.**

#### **Chapter 319, Statutes of 2021**

This measure adds additional parameters for county elections officials when comparing a voter's signature on materials related to vote by mail ballots with the signature in the voter's registration record. Specifically, this measure:

- Applies a presumption that the signature on an identification envelope, signature verification statement, unsigned ballot statement, or provisional ballot envelope, is the voter's signature;
- Specifies that an exact signature is not required for an elections official to determine that the signature is valid and the fact that signatures share similar characteristics is sufficient to determine the signature is valid;
- Permits a ballot to be rejected only if two officials determine beyond a reasonable doubt that a voter's signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record;
- Prohibits an elections official from reviewing or considering a voter's party preference, race, or ethnicity, when comparing signatures; and
- Requires the elections official to send, on or before the next business day after discovering that a voter's signature does not compare or is missing, except as specified, notice to the voter of the opportunity to verify or provide a signature and a postage-paid return envelope for the voter to return a signature verification statement or unsigned ballot statement.

### **\*SB 590 (Allen) 2022 Statewide Primary Election. Terms of Office.**

#### **Chapter 107, Statutes of 2021**

This measure extends any term of office set to expire in March or April 2022, where the next scheduled regular election for that office has been consolidated with the 2022 statewide primary election, until the certification of election results from the 2022 statewide primary election. This measure sunsets on Jan. 1, 2023.

### **SB 594 (Glazer) Elections. Redistricting.**

#### **Chapter 320, Statutes of 2021 (Urgency)**

This measure makes various changes to state law governing candidate filing for the 2022 statewide primary election, redistricting in special districts following the 2020 census, and districting and redistricting for local governments.

Specifically, this measure:

- Adds changes to the candidate filing process and administrative procedures for the 2022 statewide primary election to account for a later state redistricting deadline;
- Changes the redistricting deadlines for some special districts and added a Jan. 1, 2023 sunset date to these provisions;
- Deletes provisions in the bill relating to local redistricting that were technical or clarifying in nature; and
- Makes technical and conforming changes.

This measure sunsets on Jan. 1, 2023.

### ***C. Workers' Compensation/Healthcare***

#### **\*[AB 237](#) (Gray) Public Employment. Unfair Practices. Health Protection. Chapter 740, Statutes of 2021**

This measure prohibits California public employers from discontinuing employer contributions for health care coverage for employees who, during the duration of a strike, fall below the minimum hours worked to qualify for employee health care coverage.

#### **\*[AB 654](#) (Reyes) COVID-19. Exposure. Notification. Chapter 522, Statutes of 2021 (Urgency)**

This measure clarifies provisions enacted in 2020 relating to workplace COVID-19 exposure notifications, which

- Adds renewable natural gas to the list of utilities that the Division of Occupational Safety and Health (Cal/OSHA) are not allowed to interrupt; and
- Requires employers, when giving notice to the local public health agency of a COVID-19 outbreak, to give that notice within 48 hours or one business day, whichever is later.

This measure also adds the delivery of renewable natural gas to the list of utilities that the division's prohibitions are not allowed to materially interrupt. This measure sunsets Jan. 1, 2023.

#### **[AB 845](#) (Rodriguez) Disability Retirement. COVID-19. Presumption. Chapter 122, Statutes of 2021**

This measure creates a rebuttable presumption that a COVID-19-related disability is employment-related for purposes of determining a disability retirement for public retirement system members. This measure sunsets on Jan. 1, 2023.

#### **[AB 1033](#) (Bauer-Kahan) California Family Rights Act. Parent-in-Law. Small Employer Family Leave Mediation. Pilot Program. Chapter 327, Statutes of 2021**

This measure modifies procedural aspects of the Department of Fair Employment and

Housing's (DFEH's) pilot program under the California Family Rights Act (CFRA) to require an employee alleging a violation of job-protected leave to contact the dispute resolution division of DFEH prior to filing a civil action. This measure also clarifies that employers covered under the CFRA must grant eligible employees up to 12 weeks of job-protected time off from work annually for the purpose of providing care to a parent-in-law with a serious medical condition. The pilot program sunsets on Jan. 1, 2024.

**[SB 95 \(Skinner\) Employment. COVID-19. Supplemental Paid Sick Leave.](#)  
**Chapter 13, Statutes of 2021 (Urgency)****

This measure makes various changes to implement COVID-19 supplemental paid sick leave. Specifically, this measure:

- Provides for COVID-19 supplemental paid sick leave for covered employees who are unable to work or telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- Entitles a covered employee to 80 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave; and
- Provides a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours.

This measure specifies that COVID-19 supplemental paid sick leave shall remain in effect through Sept. 30, 2021.

**[SB 255 \(Portantino\) Health Care Coverage. Employer Associations.](#)  
**Chapter 725, Statutes of 2021****

This measure authorizes an association of employers to offer a large group health care service plan contract or large group health insurance policy consistent with the Employee Retirement Income Security Act of 1974 if certain requirements are met. Requirements include that the association is headquartered in this state, is a multiple employer welfare arrangement (MEWA); and was established as a MEWA prior to March 23, 2010, and has continuously existed since that date.

**[SB 280 \(Limón\) Health Insurance. Large Group Health Insurance.](#)  
**Chapter 636, Statutes of 2021****

This measure requires a large group health insurance policy issued, amended, or renewed on or after July 1, 2022, to cover medically necessary basic health care services. This measure also authorizes the Insurance Commissioner to adopt regulations to implement these provisions. These provisions must apply to an individual, group, or blanket disability insurance policy if a specified condition is met.

**[SB 718 \(Bates\) Health Care Coverage. Small Employer Groups.](#)**

This measure, until Jan. 1, 2026, permits an association of employers to offer a large group health plan contract or health insurance policy to small group employer members in the biomedical industry if the association is headquartered in California, was established before March 23, 2010, and in continued existence as a bona fide association that may act as an employer.

***D. Employee Relations*****[AB 73 \(R. Rivas\) Health Emergencies. Employment Safety. Agricultural Workers. Wildfire Smoke.](#)****Chapter 322, Statutes of 2021 (Urgency)**

This measure directs Cal/OSHA to review and update the content of wildfire smoke training in existing regulations and requires training provided by employers to be in a language and manner readily understandable by employees.

**[AB 1003 \(Gonzalez\) Wage Theft. Grand Theft.](#)****Chapter 325, Statutes of 2021**

This measure creates a new offense for the intentional theft of wages by an employer, punishable as either a felony or a misdemeanor. This measure authorizes wages, gratuities, benefits, or other compensation that are the subject of a prosecution under these provisions to be recovered as restitution in accordance with existing provisions of law.

**[SB 206 \(McGuire\) Firefighters Procedural Bill of Rights Act. Department of Forestry and Fire Protection. Temporary Appointments.](#)****Chapter 722, Statutes of 2021**

This measure applies the Firefighters Procedural Bill of Rights to seasonal temporary appointment firefighters.

**[\\*SB 270 \(Durazo\) Public Employment. Labor Relations. Employee Information.](#)****Chapter 330, Statutes of 2021**

This measure authorizes public employee unions to file a special unfair labor practices charge before the Public Employment Relations Board against public employers that fail to comply with existing law requiring disclosure of employee information to public employee unions. This measure limits the number of times a public employer can exercise their right to cure in a 12-month period.

**[SB 331 \(Leyva\) Settlement and Nondisparagement Agreements.](#)****Chapter 638, Statutes of 2021**

This measure prohibits the use of non-disclosure agreements to settle employment and housing-related legal claims involving unlawful harassment, discrimination, or related retaliation of any kind, with limited exceptions when requested by the complainant. This measure also prohibits the inclusion, in an employment severance agreement, of terms that prohibit the separated employee from discussing unlawful conduct at their former

workplace, unless the separated employee agrees to those terms under specified conditions designed to safeguard the separated employee's rights.

**[SB 572 \(Hertzberg\) Labor Commissioner. Enforcement. Lien on Real Property.](#)  
Chapter 335, Statutes of 2021**

This measure authorizes the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due to the commissioner under any final citation, findings, or decision.

**[SB 606 \(Gonzalez\) Workplace Safety. Violations of Statutes. Enterprise-Wide Violations. Egregious Violations.](#)  
Chapter 336, Statutes of 2021**

This measure authorizes Cal/OSHA to issue a citation for an egregious violation of an occupational safety or health standard, order, special order, or regulation, for each willful violation determined by Cal/OSHA, and count each employee affected by the violation as a separate violation for the purposes of the issuance of fines and penalties. This measure also establishes a rebuttable presumption that an employer's written policy that violates certain health and safety regulations exists at all an employer's worksites and adds a definition of "egregious violation" that carries specified additional penalties.

**[SB 634 \(Cmte. on Labor, Public Employment and Retirement\) Public Employees' Retirement.](#)  
Chapter 186, Statutes of 2021**

This measure makes technical amendments to clean up and clarify portions of the Education and Government Codes regulating the California State Teachers' Retirement System (CalSTRS), the California Public Employees' Retirement System (CalPERS), and the County Employees Retirement Law of 1937 (37 Act or CERL) retirement systems.

**[SB 639 \(Durazo\) Minimum Wages. Persons With Disabilities.](#)  
Chapter 339, Statutes of 2021**

This measure requires the development of a plan to phase out the use of the subminimum wage certificate program which authorizes employers to pay less than minimum wage for employees with physical or mental disabilities, by Jan. 1, 2025. This measure also requires the plan be posted online and reported to the Legislature by Jan. 1, 2024. No new licenses for the subminimum wage certificate program shall be issued beginning Jan. 1, 2022, and existing license holders must meet benchmarks provided for in the phaseout plan in order to be relicensed.

**[SB 646 \(Hertzberg\) Labor Code Private Attorneys General Act of 2004. Janitorial Employees.](#)  
Chapter 337, Statutes of 2021**

This measure allows janitorial employees who are covered by a collective bargaining agreement that meets certain conditions to be exempt from filing a lawsuit against their

employer under the Private Attorneys General Act of 2004. The exemption sunsets on July 1, 2028.

**[SB 657 \(Ochoa Bogh\) Employment. Electronic Documents.](#)**

**Chapter 109, Statutes of 2021**

This measure provides that, in any instance in which an employer is required to physically post information, an employer may also distribute that information to employees by email with the document or documents attached. This measure also specifies that this does not alter the employer's obligation to physically display the required posting.

**[SB 727 \(Leyva\) Labor-Related Liabilities. Direct Contractor.](#)**

**Chapter 338, Statutes of 2021**

This measure extends, for contracts entered into on or after Janu. 1, 2022, the direct contractor's liability to penalties, liquidated damages, and interest owed by the subcontractor on account of the performance of the labor.

## ***E. Government Operations***

**[AB 378 \(Bauer-Kahan\) Public Officials.](#)**

**Chapter 50, Statutes of 2021**

This measure replaces gendered terms for non-gendered terms for California code sections involving statewide elected officers in the Fair Political Practices Act, and the California Coastal Act.

**[AB 751 \(Irwin\) Vital Records. Certified Copies. Electronic Requests.](#)**

**Chapter 623, Statutes of 2021**

This measure deletes the Jan. 1, 2022, sunset date authorizing an official to accept an electronic request for a certified copy of a birth, death, or marriage certificate. This measure also prohibits personal information and documents provided to the State Registrar, local registrar, or county recorder for the purpose of identity verification to acquire vital records from being used, shared, distributed, or accessed by any other state or municipal agency or third party for any other purpose.

**[AB 1480 \(Rodriguez\) Employers. Prohibited Disclosure of Information. Arrest of Detention.](#)**

**Chapter 158, Statutes of 2021**

This measure allows a criminal justice agency to inquire, seek, and utilize information about certain non-sworn employees concerning an arrest or detention that did not result in a conviction, information concerning a referral or participation in a diversion program, and information that has been judicially dismissed or ordered sealed, and similarly authorizes the disclosure of such records.



**[SB 336](#) (Ochoa Bogh) Public Health. COVID-19.****Chapter 487, Statutes of 2021 (Urgency)**

This measure requires, when the State Department of Public Health issues a statewide order or mandatory guidance, or when a local health officer issues an order, related to preventing the spread of COVID-19 or protecting public health against a threat of COVID-19, that they publish on their website the order or guidance and the date that the order or guidance takes effect. The measure also requires the department or local health officer to create an opportunity for local communities, businesses, nonprofit organizations, individuals, and others to sign up for an email distribution list relative to changes to the order or guidance.

**[SB 447](#) (Laird) Civil Actions. Decedent's Cause of Action.****Chapter 448, Statutes of 2021**

This measure authorizes damages for a decedent's pain, suffering, or disfigurement to be recovered in an action brought by the decedent's personal representative or successor in interest if the action or proceeding was granted a specified preference before Jan. 1, 2022, or was filed on or after Jan. 1, 2022, and before Jan. 1, 2026.

**[SB 461](#) (Cortese) Unfair Competition Law. Enforcement.****Chapter 140, Statutes of 2021**

This measure authorizes the county counsel of any county in which a city has a population in excess of 750,000 people to bring actions under the Unfair Competition Law.

**[SB 501](#) (Wieckowski) Claims Against Public Entities.****Chapter 218, Statutes of 2021**

This measure extends the conditions under which certain injured parties who are minors or who are physically or mentally incapacitated are entitled to have their applications to file untimely claims against public entities granted. This measure additionally requires a board to grant an application for leave to present a claim if the person who sustained the alleged injury, damage, or loss was a minor or was physically or mentally incapacitated during any of the six months after the accrual of the cause of action, if the application is presented within six months of the person turning 18 years of age, or of the person no longer being physically or mentally incapacitated or a year after the claim accrues, whichever occurs first.

**[SB 807](#) (Wieckowski) Enforcement of Civil Rights. Department of Fair Employment and Housing.****Chapter 278, Statutes of 2021**

This measure tolls the deadline for the Department of Fair Employment and Housing (DFEH) to file a civil action pursuant to the California Fair Employment and Housing Act (FEHA) while a mandatory or voluntary dispute resolution is pending. The FEHA establishes DFEH within the Business, Consumer Services, and Housing Agency under the direction of the Director of DFEH. The FEHA makes certain discriminatory employment and housing practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the DFEH. The

FEHA requires the DFEH to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA, and requires the DFEH to endeavor to eliminate the unlawful practice by conference, conciliation, and persuasion. If conference, conciliation, mediation, or persuasion fails and the DFEH has required all parties to participate in a mandatory dispute resolution, as specified, the FEHA authorizes the director to bring a civil action in the name of the DFEH on behalf of the person claiming to be aggrieved within a specified amount of time.

## ***F. Privacy and Data Protection***

### **[AB 335](#) (Boerner Horvath) California Consumer Privacy Act of 2018. Vessel Information.**

#### **Chapter 700, Statutes of 2021**

This measure clarifies that a consumer's right to opt-out of the sale or sharing of their personal information, provided by the California Consumer Privacy Act of 2018 and the California Privacy Rights Act, respectively, does not apply to vessel or ownership information shared between a vessel manufacturer and dealer for the purpose of or in anticipation of a vessel repair covered by a warranty or recall conducted pursuant to federal law.

### **[AB 694](#) (Cmte. on Privacy and Consumer Protection) Privacy and Consumer Protection. Omnibus Bill.**

#### **Chapter 525, Statutes of 2021**

This measure extends the authority of the board of supervisors of a county to charge an annual registration fee to recover the costs of the county sealer of weights and measures, until Jan. 1, 2027, and makes other technical changes to the Consumer Privacy Rights Act.

### **[AB 825](#) (Levine) Personal Information. Data Breaches. Genetic Data.**

#### **Chapter 527, Statutes of 2021**

This measure adds “genetic information” to the definition of personal information for purposes of the laws requiring certain businesses to implement and maintain reasonable security procedures and practices to protect personal information they own, license, or maintain. This measure requires businesses and agencies that maintain personal information to disclose a breach of genetic information.

### **[AB 1391](#) (Chau) Unlawfully Obtained Data.**

#### **Chapter 594, Statutes of 2021**

This measure makes it unlawful for a person to sell data, or sell access to data, that the person has obtained or accessed pursuant to the commission of a crime. It also makes it unlawful for a person, who is not an authorized person to purchase or use data from a source that the person knows or reasonably should know has obtained or accessed that data through the commission of a crime.

## ***G. California Public Records Act***

### **AB 473 (Chau) California Public Records Act.**

#### **Chapter 614, Statutes of 2021**

This measure recodifies and reorganizes provisions of the California Public Records Act (CPRA) in the CPRA Recodification Act of 2021 without making any substantive changes to the act and makes related findings.

### **AB 474 (Chau) California Public Records Act. Conforming Revisions.**

#### **Chapter 615, Statutes of 2021**

This measure enacts various conforming and technical changes related to AB 473, which recodifies and reorganizes the CPRA. The measure also specifies that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before Jan. 1, 2022, and that affects a provision of this bill shall prevail over this act.

## ***H. Public Employee Retirement System***

### **AB 761 (Chen) County Employees' Retirement. Personnel. Orange County.**

#### **Chapter 26, Statutes of 2021**

This measure authorizes the Orange County Employees Retirement System Board of Retirement to appoint an expanded number of personnel who are exempt from the Orange County civil service.

### **AB 890 (Cervantes) Public Employee Retirement Systems. Investment Management. Reports.**

#### **Chapter 472, Statutes of 2021**

This measure requires, until Jan. 1, 2028, requires the Board of Administration of CalPERS and the CalSTRS Board to provide reports to the Legislature, commencing March 1, 2023, and annually thereafter, on the status of achieving objectives and initiatives, to be defined by the boards, regarding participation of emerging managers or diverse managers responsible for asset management within each retirement system's portfolio of investments.

### **\*SB 278 (Leyva) Public Employees' Retirement System. Disallowed Compensation. Benefit Adjustments.**

#### **Chapter 331, Statutes of 2021**

This measure requires public agencies, when CalPERS determines that compensation agreed to under a collective bargaining agreement is non-pensionable, to pay penalties in a lump sum and pay CalPERS the full cost of any overpayment of paid benefits made to the affected retired member, survivor, or beneficiary resulting from the disallowed compensation. The penalty is 20% of the difference between the monthly allowance with the disallowed compensation and without. Ninety percent of the penalty goes to the retiree and 10% goes directly to CalPERS.

**[SB 294 \(Leyva\) Public Retirement. Leave of Absence. Service Credit.](#)****Chapter 539, Statutes of 2021**

This measure requires CalSTRS and CalPERS to credit their school members who are certificated or classified school employees of a K-12 or California community college district (including a county office of education) with a retirement service credit for the member's service as an elected public employee union officer. This measure requires the appropriate union to reimburse the school employer. This also eliminates the 12-year cap and provides service credit retroactively, similar to treatment of such service for other public employees.

**[SB 411 \(Cortese\) Public Employees' Retirement System. Employment Without Reinstatement.](#)****Chapter 136, Statutes of 2021**

This measure grants discretionary authority to CalPERS to reinstate a retiree to active membership if they work more than the 960 hours per fiscal year limit, under current law, in CalPERS-covered positions. This measure also limits the circumstances in which retired members and employers are obligated to pay employee and employer contributions, which would have otherwise been paid, plus interest, to apply only to specified reinstatements.

### ***I. Public Meetings***

**\*[AB 361 \(R. Rivas\) Open Meetings. State and Local Agencies. Teleconferences.](#)****Chapter 165, Statutes of 2021 (Urgency)**

This measure allows, until Jan. 1, 2024, local agencies to use teleconferencing without complying with specified Ralph M. Brown Act restrictions in certain state emergencies, and provides similar authorizations, until Jan. 31, 2022, for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.

**[AB 1291 \(Frazier\) State Bodies. Open Meetings.](#)****Chapter 63, Statutes of 2021**

This measure requires a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology.

**[SB 274 \(Wieckowski\) Local Government Meetings. Agenda and Documents.](#)****Chapter 763, Statutes of 2021**

This measure requires a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee must send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda

packet.

# **HOUSING, COMMUNITY, AND ECONOMC DEVELOPMENT**

## V. Housing, Community, and Economic Development

### *A. Accessory Dwelling Units*

#### **[AB 345](#) (Quirk-Silva) Accessory Dwelling Units. Separate Conveyance. Chapter 343, Statutes of 2021**

This measure requires each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer.

### *B. Economic Development*

#### **[AB 1297](#) (Holden) California Infrastructure and Economic Development Bank. Public and Economic Development Facilities. Housing. Chapter 356, Statutes of 2021**

This measure expands the financing authority of the California Infrastructure and Economic Development Bank (IBank) to include housing projects, when that housing is necessary for the operation of the financed project. The new authority applies to economic development facilities and public development facilities financed through any of the IBank's financing programs or authorities.

#### **[AB 1574](#) (Cmte. on Jobs, Economic Development, and the Economy) Public Contracts. Small Business Liaisons and Advocates and Disabled Veteran Business Enterprises. Preferences. Chapter 756, Statutes of 2021**

This measure makes various changes to California's certified small and microbusiness, Disabled Veteran Business Enterprise, and Target Area Contract Preference Act (TACPA) programs, including enhancing the promotion of procurement programs, authorizing specified public entities to bring a civil action for a violation involving a knowingly fraudulent representation, and expanding and clarifying the TACPA.

#### **[SB 7](#) (Atkins) Environmental Quality. Jobs and Economic Improvement Through Environmental Leadership Act of 2021. Chapter 19, Statutes of 2021 (Urgency)**

This measure re-establishes the expedited California Environmental Quality Act (CEQA) administrative and judicial review procedures in the Jobs and Economic Improvement Through Environmental Leadership Act (Leadership Act) for "environmental leadership development projects" for four years. Projects certified by the Governor under the former Leadership Act before Jan. 1, 2020 and approved by a lead agency on or before Jan. 1, 2022, may be governed by the requirements of the former Leadership Act.

### ***C. Affordable Housing***

#### **AB 491 (Ward) Housing. Affordable and Market Rate Units.**

##### **Chapter 345, Statutes of 2021**

This measure requires that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. This measure also prohibits a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor.

#### **AB 571 (Mayes) Planning and Zoning. Density Bonuses. Affordable Housing.**

##### **Chapter 346, Statutes of 2021**

This measure prohibits a city or county from imposing affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, on a housing development's affordable units under Density Bonus Law.

#### **AB 634 (Carrillo) Density Bonus Law. Affordability Restrictions.**

##### **Chapter 348, Statutes of 2021**

This measure provides that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower-income, very low-income, or extremely low-income households and that will be financed without low-income housing tax credits.

#### **AB 721 (Bloom) Covenants and Restrictions. Affordable Housing.**

##### **Chapter 349, Statutes of 2021**

This measure makes any recorded covenants, conditions, restrictions, or limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families who may reside on the property, unenforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided, unless a specified exception applies.

#### **AB 1043 (Bryan) Housing Programs. Rental Housing Developments. Affordable Rent.**

##### **Chapter 354, Statutes of 2021**

This measure adds "acutely low-income households" to the list of income categories for purposes of defining affordable rents. This measure defines affordable rent for "acutely low-income households" as the product of 30 times 15% area median income (AMI) adjusted for family size appropriate for the unit and defines "acutely low-income



households” as persons and families whose incomes do not exceed 15% AMI, adjusted for family size and revised annually.

**[AB 1095](#) (Cooley) Affordable Rental and Owner-Occupied Housing. Equity in State and Local Programs.**

**Chapter 355, Statutes of 2021**

This measure:

- Clarifies that projects eligible for Affordable Housing Sustainable Communities funding include owner-occupied housing, in addition to rental housing;
- Requires the Strategic Growth Council (SGC) to adopt guidelines or selection criteria that include both affordable housing rental units and owner-occupied affordable housing units; and
- Provides that for notices of funding availability released after July 1, 2022, SGC may include guidelines or criteria for the award of funds to projects that provide home ownership opportunities for low-income individuals.

**\*[SB 290](#) (Skinner) Density Bonus Law. Qualifications for Incentives of Concessions. Student Housing for Lower-Income Students. Moderate-Income Persons and Families. Local Government Constraints.**

**Chapter 340, Statutes of 2021**

This measure requires a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. This measure also requires a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower-income students.

**[SB 591](#) (Becker) Senior Citizens. Intergenerational Housing Developments.**

**Chapter 364, Statutes of 2021**

This measure authorizes the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition-age youth. This measure requires that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. This measure requires at least 80% of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen, as specified, and up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition-age youth, as specified. This measure also requires the development to be affordable to lower-income households.

**[SB 728](#) (Hertzberg) Density Bonus Law. Purchase of Density Bonus Units by Nonprofit Housing Organizations.**

**Chapter 365, Statutes of 2021**

This measure amends the current statute to require the developer and the city or county to ensure that (1) a for-sale unit that qualified the developer for the award of the density bonus is initially occupied by a person or family of the required income, offered at an affordable housing cost, as defined, and includes an equity sharing agreement, or (2) a qualified nonprofit housing organization that is receiving the welfare exemption

purchases (described below) the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property. Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income, lower-, or very low-income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low-, low-, or moderate-income.

### ***D. Homelessness***

#### **AB 27 (L. Rivas) Homeless Children and Youths and Unaccompanied Youths. Reporting.**

##### **Chapter 394, Statutes of 2021 (Urgency)**

This measure requires a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths enrolled at the school.

#### **\*AB 362 (Quirk-Silva) Homeless Shelters. Safety Regulations.**

##### **Chapter 395, Statutes of 2021**

This measure requires a city or county that receives a complaint from an occupant of a homeless shelter, as defined, or an agent of an occupant, alleging that a homeless shelter is substandard to inspect the homeless shelter. This measure requires a city or county that determines that a homeless shelter is substandard to issue a notice to correct the violation to the owner or operator of the homeless shelter within 10 business days of the inspection or issue the notice to correct the violation immediately if the violation constitutes an imminent threat to the health and safety of the occupants of the homeless shelter. Additionally, this measure authorizes a city or county to issue an emergency order directing the owner or operator to take immediate action to rectify violations if the city determines that the violations are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the homeless shelter unfit for human habitation.

#### **AB 546 (Maienschein) Dependent Children. Documents. Housing.**

##### **Chapter 519, Statutes of 2021**

This measure expands the list of information, documents, and services that a county welfare department, at the last review hearing prior to a youth's 18th birthday and at every regularly scheduled hearing thereafter, as well as prior to the termination of dependency jurisdiction, must report to the court its progress in providing to the youth to include whether referrals to transitional housing have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or

assistance the county welfare department has provided that are intended to secure housing; the duration of the housing, if known to the county welfare department; and, if applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the youth from becoming homeless if jurisdiction is terminated.

**\*[AB 464](#) (Mullin) Enhanced Infrastructure Financing Districts. Allowable Facilities and Projects.**

**Chapter 25, Statutes of 2021**

This measure includes, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business occupant of such structures if facilities in which nonprofit community organizations provide health, youth, homeless, and social services. Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use.

**[AB 816](#) (Chiu) Homelessness. Housing Trust Fund. Housing Projects.**

**Chapter 396, Statutes of 2021**

This measure requires the Department of Housing and Community Development (HCD) to allocate National Housing Trust Fund monies to projects serving individuals experiencing homelessness, to the extent that a sufficient number of projects exist.

**\*[AB 977](#) (Gabriel) Homelessness Program Data Reporting. Homeless Management Information System.**

**Chapter 397, Statutes of 2021**

This measure requires grantees or entities that receive funding from a state homeless program or programs to report certain data to the Homeless Coordinating and Financing Council (HCFC) on the populations they serve.

**[AB 1220](#) (L. Rivas) Homelessness. California Interagency Council on Homelessness.**

**Chapter 398, Statutes of 2021**

This measure renames the HCFC as the Interagency Council on Homelessness, reconstitutes its membership, and requires it to consult with a specified advisory group of stakeholders.

**[SB 400](#) (Jones) Homeless Children and Youths. Local Educational Agencies. Collaboration, Training, and Reporting.**

**Chapter 400, Statutes of 2021**

This measure requires a liaison for homeless children and youths of a local educational agency, as defined to include a school district, county office of education, charter school, or special education local plan area, to ensure the identification by school

personnel of those children and youths through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth.

### ***E. Land Use/Planning***

#### **AB 68 (Quirk-Silva) Department of Housing and Community Development. California Statewide Housing Plan. Annual Reports. Chapter 341, Statutes of 2021**

This measure revises and recasts provisions related to the California Statewide Housing Plan. This measure, starting with any update or revision to the plan on or after Jan. 1, 2023, requires the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. HCD must publish and make the plan available to the public on HCD's website.

#### **\*AB 215 (Chiu) Planning and Zoning Law. Housing Element. Violations. Chapter 342, Statutes of 2021**

This measure adds a new step in the housing element certification process that require 40 additional days; creates a new three-year statute of limitations for any action brought pursuant to the AB 72 enforcement process; and allows HCD to appoint or contract with other counsel to represent the department when the Attorney General declines to represent HCD in an AB 72 enforcement action.

#### **AB 787 (Gabriel) Planning and Zoning. Housing Element. Converted Affordable Housing Units.**

##### **Chapter 350, Statutes of 2021**

This measure authorizes city or county to include in its annual report to HCD, for up to 25% of a jurisdiction's moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit.

#### **AB 803 (Boerner Horvath) Starter Home Revitalization Act of 2021.**

##### **Chapter 154, Statutes of 2021**

This measure authorizes a development proponent to submit an application for the construction of a small home lot development, as defined, that meets specified criteria. The measure requires a small home lot development to be located on a parcel that is no larger than five acres, is substantially surrounded by qualified urban uses, and is zoned for multifamily residential use.

#### **AB 1029 (Mullin) Housing Elements. Prohousing Local Policies.**

##### **Chapter 353, Statutes of 2021 (Urgency)**

This measure adds the preservation of affordable housing units as a pro-housing local policy that HCD can consider in developing a pro-housing designation.

**[\\*AB 1174](#) (Grayson) Planning and Zoning. Housing. Development Application Modifications, Approvals, and Subsequent Permits.  
Chapter 160, Statutes of 2021 (Urgency)**

This measure makes changes to the ministerial process created by SB 35 (Wiener, Chapter 366, Statutes of 2017). These changes include the following:

- "Development activity" includes permitted demolition and grading, rather than only vertical construction;
- The extension of the project approval that must be granted when a developer requests a project modification only applies to the first requested modification;
- In determining whether a project modification would allow local agencies to apply new objective development standards, these calculations must not include underground space;
- For specified large projects that submitted applications before 2019, the definition of "affordable rent" for 70% of the affordable units must use the definition of "affordable rent" used by the California Tax Credit Allocation Committee, rather than the one specified in the Health and Safety Code; and
- Amends the findings and declarations to clarify that it is the provision of affordable housing that is a matter of statewide concern and is not a municipal affair, rather than that the contents of this bill are unto themselves a matter of statewide concern.

**[AB 1180](#) (Mathis) Local Governments. Surplus Land. Tribes.  
Chapter 62, Statutes of 2021**

This measure adds to the definition of "exempt surplus land," land transferred by a local agency to a federally recognized California Indian tribe.

**[AB 1304](#) (Santiago) Affirmatively Further Fair Housing. Housing Element. Inventory of Land.  
Chapter 357, Statutes of 2021**

This measure clarifies that a public agency has a mandatory duty to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. Specifically, this measure expands the ways in which local agencies must affirmatively further fair housing in their housing elements.

**[AB 1398](#) (Bloom) Planning and Zoning. Housing Element. Rezoning of Sites. Prohousing Local Policies.  
Chapter 358, Statutes of 2021**

This measure requires a local government that fails to adopt a housing element that HCD has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element.

**\*[SB 8](#) (Skinner) Housing Crisis Act of 2019.****Chapter 161, Statutes of 2021**

This measure makes numerous changes to the Housing Crisis Act of 2019. The most notable changes are: extends the sunset on the Act by five years, to Jan. 1, 2030, and provides that until Jan. 1, 2034, the Act's provisions apply to a housing development project that submits a preliminary application before Jan. 1, 2030; extends by one year, up to three and a half years, the period during which a local government may not impose new rules or standards on an affordable housing project, as defined; and clarifies that appeals and public meetings related to density bonus law are counted for the purposes of the five hearing limit in the Act and includes technical changes to the limitation on a local government's ability to reduce the intensity of land use in its jurisdiction.

**\*[SB 9](#) (Atkins) Housing Development. Approvals.****Chapter 162, Statutes of 2021**

This measure, among other things, requires a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district. This measure also requires local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately.

**\*[SB 10](#) (Wiener) Planning and Zoning. Housing Development. Density.****Chapter 163, Statutes of 2021**

This measure, notwithstanding any local restrictions on adopting zoning ordinances, authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The measure specifies that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of CEQA. This measure also prohibits an ordinance adopted under these provisions from superseding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes. This measure sunsets on Jan. 1, 2029.

**[SB 51 \(Durazo\) Surplus Residential Property.](#)****Chapter 130, Statutes of 2021 (Urgency)**

This measure provides that the surplus land disposal procedures, as they existed on Dec. 31, 2019, apply if a local agency, as of Sept. 30, 2019, has issued a competitive request for proposals that seeks development proposals for the property that includes a residential component of at least 100 residential units and 25% of the total units developed comply with specified affordability criteria, provided that a disposition and development agreement, as defined, is entered into not later than Dec. 31, 2024. If the property is not disposed of pursuant to a qualifying disposition and development agreement before March 31, 2026, or if no disposition and development agreement is entered into before Dec. 31, 2024, the measure requires that future negotiations for and disposition of the property comply with the surplus land disposal procedures then in effect.

**[SB 319 \(Melendez\) Land Use. Development Fees. Audit.](#)****Chapter 385, Statutes of 2021**

This measure adds an additional requirement for audits requested by a person to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency. This measure requires these audits to include each consecutive year the local agency did not comply with the disclosure requirement. Current law authorizes a person to request an audit to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency. If a local agency does not comply with the above-described disclosure requirement for three consecutive years, existing law prohibits the local agency from requiring that person to make a specified deposit and requires the local agency to pay the cost of the audit.

**[\\*SB 478 \(Wiener\) Planning and Zoning Law. Housing Development Projects.](#)****Chapter 363, Statutes of 2021**

This measure prohibits a local agency from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of three to seven units, or less than 1.25 on a housing development project that consists of eight to ten units.

**[SB 574 \(Laird\) Agricultural Preserves. Williamson Act.](#)****Chapter 644, Statutes of 2021**

This measure revises and recasts the provisions of the California Land Conservation Act of 1965 to no longer require the assessor to provide notice to the Department of Conservation and to require the board of supervisors or city council to provide notice to the Department if the certificate of tentative cancellation is withdrawn, as specified. Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction and requires the assessor to send the fair market

value to the Department at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the Department related to the cancellation of the contract as well as in other specified instances.

**[SB 712](#) (Hueso) Local Government. California Tribes. Federal Fee-to-Trust Applications to Regain Ancestral Lands.**

**Chapter 291, Statutes of 2021**

This measure encourages state and local governments, as defined, to work cooperatively with tribes in their fee-to-trust applications for purposes of regaining ancestral lands, and to support tribes in their nongaming fee-to-trust applications. This measure also prohibits local governments from adopting or enforcing a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application by a federally recognized tribe based on the merits of the application.

**\*[SB 791](#) (Cortese) California Surplus Land Unit.**

**Chapter 366, Statutes of 2021**

This measure, upon appropriation by the Legislature, establishes the California Surplus Land Unit within HCD with the primary purpose of facilitating the development and construction of residential housing on local surplus land. This measure authorizes the unit to, among other things, facilitate agreements between housing developers and local agencies that seek to dispose of surplus land; provide advice, technical assistance, and consultative and technical service to local agencies with surplus land and developers that seek to develop housing on the surplus land; and collaborate with specified state agencies to assist housing developers and local agencies with obtaining grants, loans, tax credits, credit enhancements, and other types of financing that facilitate the construction of housing on surplus land.

**[SB 828](#) (Cmte. on Governmental Organization) Surplus State Real Property. Disposal.**

**Chapter 189, Statutes of 2021**

This measure authorizes the Director of the Department of General Services (DGS) to dispose of specified state properties pursuant to these provisions, subject to conditions relating to the approval of the disposal to the extent the property is subject to outstanding bonds. Current law authorizes the Director of DGS to dispose of surplus state real property where that property is not needed by another state agency and the Legislature has authorized disposal of the property. Current law also specifies the manner in which the DGS is to dispose of surplus state real property.



## ***F. Landlord–Tenant***

### **[AB 832](#) (Chiu) COVID-19 Relief. Tenancy. Federal Rental Assistance. Chapter 27, Statutes of 2021(Urgency)**

This measure extends the tenant, landlord, and homeowner protections provided by [SB 91](#) (Chapter 2, Statutes of 2021, see Budget Trailer Bills section) until Sept. 30, 2021, including the current requirement that tenants pay 25% per month by Sept. 30, 2021, when the moratorium ends. It also extends the dates around statewide uniformity and preemption rules until March 31, 2022 and codifies debt-masking protections in COVID-19 cases. Additionally, this measure made changes to the Emergency Rental Assistance Program and court procedures for evictions.

### **\*[AB 838](#) (Friedman) State Housing Law. Enforcement Response To Complaints. Chapter 351, Statutes of 2021**

This measure, beginning July 1, 2022, requires a city or county that receives a complaint of a substandard building or a lead hazard violation from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. This measure requires the city or county to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

## ***G. Mobilehomes***

### **[AB 861](#) (Bennett) Mobilehome Parks. Rental Restrictions. Management. Chapter 706, Statutes of 2021**

This measure requires mobilehome park management to comply with any park rule or regulation which prohibits mobilehome owners from renting or subleasing unless management is renting or subleasing to an employee. This measure exempts tenancies established prior to Jan. 1, 2022, as long as a tenant listed on the rental agreement continues to occupy the mobilehome.

### **[AB 978](#) (Quirk-Silva) Mobilehome Parks. Rent Caps. Chapter 125, Statutes of 2021**

This measure prohibits a mobilehome park located in two incorporated cities from raising rents more than 3%, plus the percentage change in the cost of living, and applies just cause eviction and anti-rent gouging protections to tenants in mobilehome units. In doing so, this measure extends the Tenant Protection Act of 2019 to an owner or operator of a mobilehome park and an owner of a mobilehome or their agent.

## ***H. Budget Trailer Bills***

### **SB 129 (Skinner) Budget Act of 2021.**

#### **Chapter 69, Statutes of 2021**

This measure contains major revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

#### Housing and Homelessness

##### *Housing*

- \$50 million for the Serna Jr. Farmworker Housing Grant Program at the Department of Housing and Community Development;
- \$10 million for a grant program for local governments to incentivize the conversion of idle commercial properties to affordable housing;
- \$50 million in one-time General Fund resources to expand the Golden State Acquisition Fund (GSAF), which, combined with matching funds, GSAF makes up to five-year loans to developers for acquisition or preservation of affordable housing; and
- \$100 million to the California Housing Finance Agency (CalHFA), to expand CalHFA's homebuyer assistance program and begins the process of developing the California Dream for All First Time Homebuyer Program to be used for homebuyer assistance.

##### *Homelessness*

- \$250 million in General Fund for Homekey within the Multifamily Housing Program, bringing the total investment to \$1.45 billion;
- \$4 million for a homeless data system at the Business, Consumer Services, and Housing Agency;
- \$285 million General Fund for the Department of Social Services for the CalWORKs homeless program;
- \$50 million to address encampments for persons experiencing homelessness;
- \$300 million General Fund one-time for the Home Safe Program over two years to help combat senior homelessness; and
- \$380 million one-time for the CalWORKs Housing Support Program over two years to house families in the program, and help them avoid eviction.

### **AB 140 (Cmte. on Budget) Housing.**

#### **Chapter 111, Statutes of 2021**

This measure includes the following provisions and funding for housing and homelessness:

- \$2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program;
- \$50 million for Encampment Resolution Grants, which will help local governments resolve critical encampments and transitioning individuals into permanent housing;

- \$2.7 million in onetime funding for Caltrans Encampment Coordinators to mitigate safety risks at encampments on state property and to coordinate with local partners to connect these individuals to services and housing;
- \$250 million for the Infill Infrastructure Grant Program and extends the lifetime of the program to Jan. 1, 2026; and
- A statutory exemption for the California Environmental Quality Act for activities funded by the second round of funding for Homekey.

**AB 175 (Cmte. on Budget) Housing. Mortgages and Deeds of Trust. Use of State Property. Surplus Land Disposal. Financing Programs.  
Chapter 255, Statutes of 2021**

This measure makes a variety of technical, clarifying changes to recent legislation to address housing and homelessness included in the 2021 Budget Act. Specifically, this measure makes the following changes notable for local governments:

- Clarifies foreclosure procedures and requirements for bidders, foreclosed-on owners, and foreclosure trustees;
- Authorizes the City of Sacramento to enter into a contract with the Cal Expo Board of Directors to provide emergency homelessness shelters; and
- Provides that surplus land disposal procedures existing on Dec. 31, 2019, apply to the Metro North Hollywood Joint Development Project under specific conditions until Dec. 31, 2024.

**SB 91 (Cmte. on Budget and Fiscal Review) COVID-19 Relief. Tenancy. Federal Rental Assistance.**

**Chapter 2, Statutes of 2021**

This measure extends the statewide moratorium on evictions for nonpayment of rent due to COVID-19 financial hardship to June 30, 2021 and establishes the State's Emergency Rental Assistance Program. The U.S. Treasury Department allocated \$2.6 billion to California for the program, with \$1.5 billion of federal rental relief funds to go toward implementation of a statewide rental assistance program, and \$1.1 billion to go to California's largest cities and counties according to federal law. More information is available on the [Cal Cities website](#).

**SB 151 (Cmte. on Budget and Fiscal Review) Economic Development.**

**Chapter 74, Statutes of 2021**

This measure includes a suite of investments in economic development and economic relief related to the COVID-19 pandemic. Most notable investments for local governments in this measure include:

- Establishes the California Competes Grant Program to incentivize businesses to make significant investments in California, with specified requirements;
- Updates to the Innovation Hubs Program to focus on inclusivity, startup companies, and commercialization of technology;
- Establishes the California Dream Fund to provide small grants to new businesses via the California Small Business Technical Assistance Expansion Program;
- Establishes the California Venues Grant Program to provide grants to venues that host live events;

- Establishes the California Nonprofit Performing Arts Grant Program to support performing arts workforce development; and
- Establishes the California Microbusiness COVID-19 Relief Grant Program to fund regional programs that support microbusinesses.

### **[SB 162](#) (Cmte. on Budget and Fiscal Review) Community Economic Resilience Fund Program.**

#### **Chapter 259, Statutes of 2021**

This measure appropriates \$600 million to establish the Community Economic Resilience Fund Program, which is intended to build an equitable and sustainable economic recovery from the impacts of COVID-19 on California's industries, workers, and communities, and to provide for the durability of that recovery by fostering long-term economic resilience in the overall transition to a carbon-neutral economy. Specifically, this measure will, among other things:

- Award planning grants on a competitive basis to establish and support at least one High Road Transition Collaborative per region in areas that have had disproportionate impacts due to COVID-19; and
- Develop one or more regional and subregional economic recovery and transition plans addressing essential elements of a high road strategy, including economic diversification, industry planning, workforce development, and the identification and integration of current or supplemental safety net programs.

## ***I. Regional***

### **[AB 687](#) (Seyarto) Joint Powers Authorities. Riverside County Housing Finance Trust.**

#### **Chapter 120, Statutes of 2021**

This measure authorizes the creation of the Western Riverside County Housing Finance Trust, a joint powers authority, for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low-, very low-, and low-income within the County of Riverside.

### **[SB 330](#) (Durazo) Los Angeles Community College District Affordable Housing Pilot Program.**

#### **Chapter 572, Statutes of 2021**

This measure requires the governing board of the Los Angeles Community College District to develop and implement a pilot program to provide affordable housing to students or employees of the Los Angeles Community College District, and to provide a report to the Legislature, no later than Jan. 1, 2032, with findings and recommendations on the success of the program. This measure also requires priority be given to low-income students experiencing homelessness for the affordable units of affordable housing for students or employees.

**[SB 381](#) (Portantino) Surplus Residential Property. Priorities, Procedures, Price, and Fund. City of South Pasadena.****Chapter 362, Statutes of 2021 (Urgency)**

This measure, with respect to surplus residential property that is located within the City of South Pasadena, requires that if the surplus residential property is not sold to a former owner or present occupant, as described above, the property be offered at fair market value to present tenants who have occupied the property for five years or more and who are in good standing with all rent obligations current and paid in full, with first right of occupancy to the present occupants.

***J. Workforce Development*****[SB 779](#) (Becker) California Workforce Innovation Opportunity Act. Earn and Learn Programs.****Chapter 223, Statutes of 2021**

This measure amends the list of “earn and learn” programs by specifying that an “earn and learn” program includes transitional jobs in the federal Workforce Innovation and Opportunity Act, and subsidized employment with an employer of record, which may include, but not be limited to, an employment social enterprise, as defined, or a worker cooperative, as defined, particularly for individuals with barriers to employment. Current law requires, as part of the California Workforce Innovation and Opportunity Act, opportunities for “earn and learn” job training that meet the industry’s workforce demands and that are in high-wage, high-demand jobs. Under existing law, “earn and learn” programs include, but are not limited to, transitional and subsidized employment particularly for individuals with barriers to employment.

***K. Miscellaneous*****[AB 306](#) (O'Donnell) School Districts and Community College Districts. Employee Housing.****Chapter 49, Statutes of 2021**

This measure excludes any building or facility that serves or is intended to serve as residential housing for school district and community college district teachers and employees and their families from the requirements of the Field Act. The Field Act requires DGS to supervise the design and construction of any school building, including both school district and community college district buildings, or, if the estimated cost exceeds \$100,000.

**[AB 592](#) (Friedman) Foster Youth. Transitional Housing.****Chapter 702, Statutes of 2021**

This measure requires a transitional housing unit with a host family to include supervised transitional housing services provided by the licensed transitional housing placement provider. With respect to a transitional housing placement program serving non-minor dependents, this measure additionally authorizes certain entities, including a

resource family approved by a foster family agency or a county, a licensed foster family home, a certified family home, an approved relative caregiver, or a nonrelative extended family member of a participant to operate as a host family.

**\*[AB 602](#) (Grayson) Development Fees. Impact Fee Nexus Study.  
Chapter 347, Statutes of 2021**

This measure, among other things, requires, on and after Jan. 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

**[AB 948](#) (Holden) Bureau of Real Estate Appraisers. Disclosures. Demographic Information. Reporting. Continuing Education.  
Chapter 352, Statutes of 2021**

This measure makes various reforms to safeguard against discrimination during the appraisal process; requires the collection of information in order to provide data in regard to demographics and other relevant evidence to analyze the appraiser's practices. Specifically, this measure requires the Bureau of Real Estate Appraisers within the Department of Consumer Affairs to place on an existing complaint form a check box asking if the complainant believes that the opinion of the value of the real estate is below market value. This measure also requires the Bureau to collect demographic information, voluntarily provided, regarding sellers, those seeking to refinance, buyers, or an authorized representative in real estate transactions making a complaint.

**[AB 1466](#) (McCarty) Real Property. Discriminatory Restrictions.  
Chapter 359, Statutes of 2021**

This measure requires a title company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed to a person who holds an ownership interest of record in property to identify whether any of the documents contain unlawfully restrictive covenants and, if found, record a specified modification document with the county recorder.

**[AB 1584](#) (Cmte. on Housing and Community Development) Housing Omnibus.  
Chapter 360, Statutes of 2021**

This measure makes several technical and clarifying changes to code sections pertaining to housing and community development.

**\*[SB 780](#) (Cortese) Local Finance. Public Investment Authorities.****Chapter 391, Statutes of 2021**

This measure makes significant changes to the EIFD and Community Revitalization Infrastructure Authorities (CRIA) laws. Notably, this measure:

- Allows legislative bodies of participating tax entities to appoint one of its members to be an alternate member;
- Clarifies that a directly elected mayor of a charter city may serve on the governing board of a CRIA or EIFD;
- Authorizes an EIFD map to identify project areas; and
- Commences the 45-year time limit for financing improvements after \$100,000 in annual tax increment accumulates amongst other changes.

**[SB 807](#) (Wieckowski) Enforcement of Civil Rights. Department of Fair Employment and Housing.****Chapter 278, Statutes of 2021**

This measure tolls the deadline for the Department of Fair Employment and Housing (DFEH) to file a civil action pursuant to the California Fair Employment and Housing Act (FEHA) while a mandatory or voluntary dispute resolution is pending. The FEHA establishes DFEH within the Business, Consumer Services, and Housing Agency under the direction of the Director of DFEH. The FEHA makes certain discriminatory employment and housing practices unlawful and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the DFEH. The FEHA requires the DFEH to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA and requires the DFEH to endeavor to eliminate the unlawful practice by conference, conciliation, and persuasion. If conference, conciliation, mediation, or persuasion fails and the DFEH has required all parties to participate in a mandatory dispute resolution, as specified, the FEHA authorizes the director to bring a civil action in the name of the DFEH on behalf of the person claiming to be aggrieved within a specified amount of time.

# **PUBLIC SAFETY**



## VI. Public Safety

### A. Cannabis

#### **[AB 1138](#) (Rubio) Unlawful Cannabis Activity. Civil Enforcement.**

##### **Chapter 530, Statutes of 2021**

This measure imposes a civil penalty on persons aiding and abetting unlicensed commercial cannabis activity of up to three times the license fee for each violation but no more than \$30,000 for each violation. Additionally, this measure prohibits filing an action for civil penalties brought against a person under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) three years after the first date of discovery of the violation.

#### **[AB 1222](#) (Chen) Cannabis Packaging. Beverages.**

##### **Chapter 532, Statutes of 2021**

This measure authorizes cannabis beverages to be packaged in glass containers that are clear or any color.

#### **[AB 1305](#) (Lackey) The Medicinal and Adult-Use Cannabis Regulation and Safety Act. Exemptions.**

##### **Chapter 157, Statutes of 2021**

This measure exempts from MAUCRSA activity performed pursuant to the United States Drug Enforcement Administration (DEA) registration if the person engaging in the activity provides the licensing authority valid documentation of their registration with DEA and the location where the activity will be performed before engaging in the activity.

#### **[SB 311](#) (Hueso) Compassionate Access to Medical Cannabis Act or Ryan’s Law.**

##### **Chapter 384, Statutes of 2021**

This measure, the Compassionate Access to Medical Cannabis Act (“Ryan’s Law”), requires specified types of health care facilities to allow a terminally ill patient’s use of medicinal cannabis within a health care facility. Additionally, this measure requires a patient to provide the health care facility with a copy of their medical marijuana card or written documentation that the use of medicinal cannabis is recommended by a physician. This measure also requires a health care facility to reasonably restrict how a patient stores and uses medicinal cannabis to ensure the safety of other patients, guests, and employees and ensure compliance with other state laws.

#### **[SB 544](#) (Laird) Cannabis Testing.**

##### **Chapter 547, Statutes of 2021**

This measure implements provisions of the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) by requiring the Department of Cannabis Control, on or before Jan. 1, 2023, to establish one or more standardized cannabinoids test methods to be used by all testing laboratories.

## ***B. Courts***

### **AB 127 (Kamlager) Arrest Warrants. Declaration of Probable Cause.**

#### **Chapter 20, Statutes of 2021**

This measure requires a magistrate, before issuing an arrest warrant, to examine the declaration of probable cause made by a peace officer or an employee of a public prosecutor's office when the subject of the arrest warrant is a peace officer.

### **AB 262 (Patterson) Human Trafficking. Vacatur Relief for Victims.**

#### **Chapter 193, Statutes of 2021**

This measure provides additional legal rights when a victim of human trafficking petitions the court to vacate a conviction for a non-violent crime committed when the petitioner was a victim of human trafficking. This measure allows a person when petitioning to vacate a non-violent conviction because the petitioner was a victim of human trafficking and the conviction was a direct result of being a victim of human trafficking, to appear at the court hearings by counsel and removes the time limitations to bring the petition.

### **AB 625 (Arambula) State Public Defender. Indigent Defense. Study.**

#### **Chapter 583, Statutes of 2021**

This measure requires the State Public Defender to manage a study to analyze and determine appropriate workloads for public defenders and indigent defense attorneys and submit their findings to the Legislature.

### **AB 670 (Calderon) Child Abuse or Neglect. Minor and Nonminor Dependent Parents.**

#### **Chapter 585, Statutes of 2021**

This measure requires, when a report alleging abuse or neglect of the child of a dependent of the juvenile court is made, the agency that received the report to:

- Notify the attorney representing the dependent within 36 hours;
- Prohibits the court from declining to offer reunification services in certain instances where a minor or nonminor dependent (NMD) parent is involved; and
- Requires a social worker or probation officer to use a strengths-based approach to support a minor or NMD parent in providing a safe and permanent home for their child.

### **AB 700 (Cunningham) Criminal Procedure. Arraignment and Trial.**

#### **Chapter 196, Statutes of 2021**

This measure allows a defendant in custody to appear by counsel in criminal proceedings, with or without a written waiver, if the court makes specified findings on the record by clear and convincing evidence.

### **AB 716 (Bennett) Court Access.**

#### **Chapter 526, Statutes of 2021**

This measure requires the court to provide, at a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is

physically closed, except when the law authorizes or requires the proceedings to be closed.

**[AB 829](#) (Levine) Foster Children. Immigration Counsel and Guardianship.  
Chapter 528, Statutes of 2021**

This measure requires a county to make its best efforts to provide an undocumented minor or NMD in foster care under the jurisdiction of the juvenile court with access to immigration legal services.

**[AB 898](#) (Lee) Criminal Records. Automatic Conviction Record Relief.  
Chapter 202, Statutes of 2021**

This measure provides that if probation is transferred to another county, and a prosecutor or probation department in either county is seeking to file a petition to prohibit the Department of Justice (DOJ) from granting automatic conviction record relief, the petition must be filed in the county of current jurisdiction and expands notice provisions regarding conviction record relief to include probation transfer cases.

**[AB 1143](#) (Berman) Civil Procedure. Restraining Orders.  
Chapter 156, Statutes of 2021**

This measure provides that if the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service and that there is reason to believe that the respondent is evading service or cannot be located, the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe how proof of service shall be made.

**[AB 1228](#) (Lee) Supervised Persons. Release.  
Chapter 533, Statutes of 2021**

This measure specifies that persons released from custody prior to a probation violation hearing shall be released on their own recognizance unless the court finds, by clear and convincing evidence, that the particular circumstances of the case require the imposition of conditions of release in order to provide reasonable protection of the public and reasonable assurance of the person's future appearance in court.

**[AB 1243](#) (Rubio) Protective Orders. Elder and Dependent Adults.  
Chapter 273, Statutes of 2021**

This measure allows an interested party to seek a protective order for isolation of an elder or dependent adult under the Elder Abuse and Dependent Adult Civil Protection Act and for the court to make a finding that specific debt was incurred as the result of financial abuse of the elder or dependent adult, effective Jan. 1, 2023.

**[AB 1259](#) (Chiu) Criminal Procedure. Motion to Vacate.  
Chapter 420, Statutes of 2021**

This measure provides that a person who is no longer in criminal custody may file a motion to vacate a conviction or sentence if the conviction or sentence is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand,

defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.

**[AB 1281 \(Rubio\) Criminal Procedure. Protective Orders.](#)  
Chapter 209, Statutes of 2021**

This measure specifies that expungement of a criminal conviction does not release the defendant from specified, unexpired criminal protective orders issued by the court in the underlying case.

**[AB 1347 \(Jones-Sawyer\) Bail. Premiums.](#)  
Chapter 444, Statutes of 2021**

This measure, on and after Jan. 1, 2022, prohibits an insurer, bail agent, or other bail licensee from entering into a contract, agreement, or undertaking of bail that requires the payment of more than one premium for the duration of the agreement, and requires the duration of the agreement to be until bail is exonerated. This measure also makes these prohibitions apply to an insurer or insurance licensee with regard to immigration bonds on and after July 1, 2022.

**[AB 1452 \(Ting\) Pilot Program. Increased Fee for Low-Income Jurors. Criminal Trials.](#)**

**Chapter 717, Statutes of 2021**

This measure authorizes the Superior Court of San Francisco, in conjunction with the City and County of San Francisco and their justice partners, to conduct a pilot program to analyze and determine whether paying certain low-income trial jurors \$100 per day for each day they are required to report for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community.

**[AB 1540 \(Ting\) Criminal Procedure. Resentencing.](#)  
Chapter 719, Statutes of 2021**

This measure requires the court to state its reasons for a resentencing decision on the record and require the court to provide notice to the defendant, set a status conference within 30 days of the receipt of the request, and appoint counsel for the defendant. This measure also authorizes the court to grant a resentencing without a hearing if the parties are in agreement.

**[SB 24 \(Caballero\) Domestic Violence. Protective Orders. Information Pertaining to a Child.](#)**

**Chapter 129, Statutes of 2021**

This measure authorizes a court to include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties, commencing Jan. 1, 2023. This measure requires an essential care provider to develop protocols relating to compliance with that order on or before February 1, 2023 and requires a discretionary services organization to develop those protocols within 30 days of receipt of the first order.

**[SB 317 \(Stern\) Competence to Stand Trial.](#)****Chapter 599, Statutes of 2021**

This measure authorizes good conduct credits for a person found incompetent to stand trial, who is receiving treatment in a treatment facility, and makes modifications to existing procedures related to a finding of mental incompetence for misdemeanor defendants to provide for community-based treatment rather than confinement in a treatment facility.

**[SB 248 \(Bates\) Sexually Violent Predators. Open Court Proceedings.](#)****Chapter 383, Statutes of 2021**

This measure requires the Department of Corrections and Rehabilitation (CDCR) to refer a person directly to the Department of State Hospitals (DSH) for an evaluation as to whether the person still meets the criteria as a sexually violent predator (SVP) if the person is in CDCR for an offense committed while the person was previously serving an indeterminate term in DSH as an SVP.

**[SB 354 \(Skinner\) Public Social Services.](#)****Chapter 687, Statutes of 2021**

This measure authorizes the court to order placement of a child with a relative, regardless of the status of any criminal exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child.

**[SB 446 \(Glazer\) Factual Innocence.](#)****Chapter 490, Statutes of 2021**

This measure changes existing procedures related to wrongful conviction compensation claims and shifts the burden on the state to prove that the claimant is not entitled to compensation in specified cases.

**[SB 483 \(Allen\) Sentencing. Resentencing to Remove Sentencing Enhancements.](#)****Chapter 728, Statutes of 2021**

This measure applies retroactively to the repeal of sentence enhancements for prior prison or county jail felony terms and prior convictions of specified crimes related to controlled substances.

### ***C. Crime & Punishment***

**[AB 124 \(Kamlager\) Criminal Procedure.](#)****Chapter 695, Statutes of 2021**

This measure requires courts to consider whether specified trauma to a defendant and other factors contributed to the commission of an offense when making sentencing and resentencing determinations and expands the affirmative defense of coercion for human trafficking victims and extends it and vacatur relief to victims of intimate partner violence and sexual violence.

**[AB 287](#) (Quirk) Civil Actions. Statute of Limitations.****Chapter 264, Statutes of 2021**

This measure creates a three-year statute of limitations on civil actions for violations arising from a person engaging in unlicensed cannabis activities, extending the current one-year statute of limitations.

**[AB 331](#) (Jones-Sawyer) Organized Theft.****Chapter 113, Statutes of 2021 (Urgency)**

This measure re-establishes the crime of organized retail theft until Jan. 1, 2026. This measure also empowers the existence of a task force established by the California Highway Patrol to analyze organized retail theft and vehicle burglary and assist local law enforcement in counties identified as having elevated property crime.

**[AB 333](#) (Kamlager) Participation in a Criminal Street Gang. Enhanced Sentence.****Chapter 699, Statutes of 2021**

This measure redefines the terms "pattern of criminal gang activity" and "criminal street gang" for the purposes of the gang offense, enhancement, and alternate penalty and requires bifurcation of gang-related prosecutions from prosecutions that are not gang-related.

**[AB 430](#) (Grayson) Debt Collection. Identity Theft.****Chapter 265, Statutes of 2021**

This measure allows the use of a Federal Trade Commission identity theft report, in lieu of a police report when a victim of identity theft seeks civil protections pursuant to the Rosenthal Fair Debt Collection Practices Act, the Identity Theft Law, and the Penal Code.

**[AB 453](#) (Garcia, Cristina) Sexual Battery. Nonconsensual Condom Removal.****Chapter 613, Statutes of 2021**

This measure expands what actions constitute a sexual battery, under the Civil Code, to include an act that causes contact between a penis, from which a condom has been removed, and the intimate part of another who did not verbally consent to the condom being removed.

**[AB 518](#) (Wicks) Criminal Law. Violations Punishable in Multiple Ways.****Chapter 441, Statutes of 2021**

This measure allows a criminal act that is punishable in different ways by different provisions of law to be punished under any of those provisions, rather than requiring the provision that provides for the longest potential term of imprisonment.

**[AB 556](#) (Maienschein) Misuse of Sperm, Ova, of Embryos. Damages.****Chapter 170, Statutes of 2021**

This measure establishes a private cause of action for damages against a person who misuses sperm, ova, or embryos and provides for damages for a prevailing plaintiff, including actual or statutory damages.

**[AB 600 \(Arambula\) Hate Crimes. Immigration Status.](#)****Chapter 295, Statutes of 2021**

This measure clarifies that "immigration status" is included in the scope of a "hate crime" based on "nationality," and provides that this is declaratory of existing law.

**[AB 636 \(Maienschein\) Financial Abuse of Elder of Dependent Adults.](#)****Chapter 621, Statutes of 2021**

This measure authorizes information relevant to an incident of elder or dependent adult abuse to be given to a federal law enforcement agency for the sole purpose of investigating a financial crime committed against the elder or dependent adult. This measure also authorizes the information to be given to a local code enforcement agency for the sole purpose of investigating an unlicensed care facility where the health and safety of an elder or dependent adult resident are at risk.

**[AB 750 \(Jones-Sawyer\) Crimes. Perjury.](#)****Chapter 267, Statutes of 2021**

This measure clarifies the crime of a peace officer making a false report against another person, when the officer knows the statement is false and is presenting the statement to be true.

**[AB 764 \(Cervantes\) Contempt of Court. Victim Intimidation.](#)****Chapter 704, Statutes of 2021**

This measure increases the maximum punishment for the misdemeanor offense of contempt of court that applies when a person who has previously been convicted of stalking, willfully contacts a victim by social media, electronic communication, or electronic communication device, from six months in jail to one year in jail.

**[AB 913 \(Smith\) Collateral Recovery.](#)****Chapter 416, Statutes of 2021**

This measure clarifies and updates definitions used in the Collateral Recovery Act to conform to current practices and align with other provisions of law.

**[AB 1171 \(Garcia, Cristina\) Rape of a Spouse.](#)****Chapter 626, Statutes of 2021**

This measure repeals the existing stand-alone provision of law relating to spousal rape and expands the definition of rape to include the rape of a spouse, making a state prison sentence mandatory in most circumstances, and requiring the convicted spouse to register as a sex offender.

**[AB 1247 \(Chau\) Criminal Procedure. Limitations of Actions.](#)****Chapter 206, Statutes of 2021**

This measure allows the statute of limitations for the prosecution of a felony offense for unlawful access of computer services to be tolled three years within the discovery of the commission of the offense, but no more than six years from the commission of the offense.

**[AB 1318 \(Stone\) Deferred Entry of Judgment Pilot Program.](#)****Chapter 210, Statutes of 2021**

This measure extends the operative date of the exiting Transition Age Youth pilot program to Jan. 1, 2024, and establishes a Dec. 31, 2022, deadline by which a report on the program must be delivered to the Senate and Assembly Public Safety Committees.

**[SB 71 \(McGuire\) Infractions. Community Service. Education Programs.](#)****Chapter 598, Statutes of 2021**

This measure allows a court to permit a person to participate in an educational program as part of their community service to pay off the fine imposed for an infraction.

**[SB 73 \(Wiener\) Probation. Eligibility. Crimes Relating to Controlled Substances.](#)****Chapter 537, Statutes of 2021**

This measure permits a court to grant probation for specified drug offenses, which are currently either ineligible or presumptively ineligible for probation.

**[SB 81 \(Skinner\) Sentencing. Dismissal of Enhancements.](#)****Chapter 721, Statutes of 2021**

This measure authorizes a court, either on its own motion or upon the application of the prosecuting attorney, to dismiss an action in the furtherance of justice.

**[SB 427 \(Eggman\) Water Theft. Enhanced Penalties.](#)****Chapter 137, Statutes of 2021**

This measure allows water agencies and districts to adopt an ordinance with enhanced penalties for water theft.

**[SB 567 \(Bradford\) Criminal Procedure. Sentencing.](#)****Chapter 731, Statutes of 2021**

This measure requires that the facts underlying any aggravating circumstances relied upon by the court to impose a sentence exceeding the middle term either for a criminal offense or for an enhancement be submitted to the trier of facts and found to be true or be admitted by the defendant.

**[SB 775 \(Becker\) Felony Murder. Resentencing.](#)****Chapter 551, Statutes of 2021**

This measure clarifies that persons who were convicted of attempted murder or manslaughter under a theory of felony murder are permitted the same relief as those persons convicted of murder under the same theories. This measure permits for the appointment of counsel in petitions for resentencing under these provisions and authorizes a person convicted of murder, attempted murder, or manslaughter whose conviction is not final to challenge the validity of that conviction upon direct appeal.



## ***D. Emergency Management***

### **AB 934 (Cooley) Public Buildings. Shelter in Place. Guidelines.**

#### **Chapter 174, Statutes of 2021**

This measure, no later than March 1, 2022, requires the Department of General Services to prepare and submit to the Joint Rules Committee a report summarizing current building safety guidelines of the Federal Emergency Management Agency or similar building safety guidelines relating to the integration of shelter-in-place facilities in public buildings.

### **SB 816 (Cmte. on Governmental Organization) Master Mutual Aid Agreement. Tribes.**

#### **Chapter 292, Statutes of 2021**

This measure amends the California Emergency Services Act to confirm the state's authority to contract with California tribes for the purposes of providing mutual aid.

## ***E. Firearms***

### **AB 1057 (Petrie-Norris) Firearms.**

#### **Chapter 682, Statutes of 2021**

This measure, on and after July 1, 2022, defines a firearm, for the purpose of Gun Violence Restraining Order (GVRO) and domestic violence restraining order provisions, to include a frame or receiver of the weapon or a firearm precursor part.

### **AB 1191 (McCarty) Firearms. Tracing.**

#### **Chapter 683, Statutes of 2021**

This measure requires the DOJ to analyze information reported by law enforcement agencies regarding the history of a recovered firearm that is illegally possessed, has been used in a crime, or is suspected of having been used in a crime. Additionally, this measure requires DOJ to submit a report to the Legislature summarizing the analysis.

### **SB 264 (Min) Firearms. The OC Fair and Event Center.**

#### **Chapter 684, Statutes of 2021**

This measure prohibits an officer, employee, operator, lessee, or licensee of the 32nd District Agricultural Association from contracting, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on the property or in the buildings that comprise the OC Fair and Event Center. Additionally, this measure exempts from its provisions a gun buyback event held by a law enforcement agency, the sale of a firearm by a public administrator, public guardian, or public conservator within the course of their duties, a sale that occurs pursuant to a contract that was entered into before Jan. 1, 2022, and the purchase of ammunition on state property by a law enforcement agency in the course of its regular duties.

**[SB 320](#) (Eggman) Domestic Violence Protective Orders. Possession of a Firearm. Chapter 685, Statutes of 2021**

This measure codifies existing Rules of Court related to the relinquishment of a firearm by a person subject to a civil domestic violence restraining order and requires the courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order.

**[SB 538](#) (Rubio) Domestic Violence and Gun Violence Restraining Orders. Chapter 686, Statutes of 2021**

This measure requires, by July 1, 2023, a court or court facility that receives petitions for domestic violence restraining orders or GVROs to permit those petitions to be filed electronically. Additionally, this measure authorizes parties and witnesses to appear remotely at a hearing on a petition for a GVRO or domestic violence restraining order. This measure also requires the superior court of each county to develop and to post on its website local rules and instructions for electronic filing and remote appearances.

## ***F. Fire/Emergency Medical Services***

**\*[AB 389](#) (Grayson) Ambulance Services.**

**Chapter 460, Statutes of 2021**

This measure specifies that a county is authorized to contract for emergency ambulance services with a fire agency that will provide those services, in whole or in part, through a written subcontract with a private ambulance service.

**[AB 450](#) (Gonzalez) Paramedic Disciplinary Review Board.**

**Chapter 463, Statutes of 2021**

This measure creates the Paramedic Disciplinary Review Board to act on appeals regarding the Emergency Medical Services Authority's denial of licensure and decision to impose licensure action on and after Jan. 1, 2023.

**[AB 798](#) (Ramos) Vehicles. Fire Department. Federally Recognized Tribes.**

**Chapter 282, Statutes of 2021**

This measure exempts ambulances owned or operated by a fire department of a federally recognized tribe or operators of those ambulances from the requirement to have a license and prohibits the California Highway Patrol from inspecting those ambulances.

**[AB 1104](#) (Grayson) Air Ambulance Services.**

**Chapter 476, Statutes of 2021 (Urgency)**

This measure extends the July 1, 2021, sunset date by an additional 18 months of the Emergency Medical Air Transportation Act and its \$4 penalty assessment collected from every conviction for a violation of the Vehicle Code or local ordinance adopted pursuant to the Vehicle Code, other than a parking offense, to be used for purposes of the Emergency Medical Air Transportation and Children's Coverage Fund.

**SB 206 (McGuire) Firefighters Procedural Bill of Rights Act. Department of Forestry and Fire Protection. Temporary Appointments.**

This measure applies the Firefighters Procedural Bill of Rights to seasonal temporary appointment firefighters.

**SB 332 (Dodd) Civil Liability. Prescribed Burning Operations. Gross Negligence. Chapter 600, Statutes of 2021**

This measure provides that a burn boss and a private landowner upon whose property a burn boss carries out a prescribed burn are immune from liability for damages or injuries to persons or property as the result of a prescribed burn, unless the burn was conducted in a grossly negligent manner.

### ***G. Juvenile Justice***

**AB 624 (Bauer-Kahan) Juveniles. Transfer to Court of Criminal Jurisdiction. Appeals.**

**Chapter 195, Statutes of 2021**

This measure requires an order transferring a minor from the juvenile court to a court of criminal jurisdiction to be subject to immediate appellate review if a notice of appeal is filed within 30 days of the order transferring the minor. Additionally, this measure requires the superior court to issue a stay of the criminal court proceedings until a final determination of the appeal if requested by the minor.

**AB 640 (Cooley) Extended Foster Care. Eligibility Redetermination.**

**Chapter 622, Statutes of 2021**

This measure authorizes a county child welfare, probation, or tribal placing agency, to petition the juvenile court on behalf of certain NMD's to terminate dependency or transition jurisdiction over the youth to establish the NMD's eligibility for federal financial participation under the Families with Dependent Children-Foster Care program. Additionally, this measure requires a county child welfare, probation, or tribal placing agency to ensure an NMD does not experience a break in services or supports before, during, or after the filing or granting of the petition.

**SB 383 (Cortese) Juveniles. Informal Supervision. Deferred Entry of Judgment.**

**Chapter 603, Statutes of 2021**

This measure increases access to diversion programs for youth that commit non-violent felonies with the intention to shift the focus of the juvenile justice system from incarceration to rehabilitation. This measure also removes procedural barriers restricting diversion services for youth who commit a crime in a county that is not their county of residence.

## ***H. Law Enforcement***

### **AB 26 (Holden) Peace Officers. Use of Force.**

#### **Chapter 403, Statutes of 2021**

This measure requires law enforcement policies to include a requirement for officers to immediately report potential excessive force.

### **\*AB 48 (Gonzalez) Law Enforcement. Use of Force.**

#### **Chapter 404, Statutes of 2021**

This measure prohibits the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control. This measure further prohibits their use solely due to a violation of an imposed curfew, verbal threat, or non-compliance with a law enforcement directive.

### **AB 57 (Gabriel) Law Enforcement. Hate Crimes.**

#### **Chapter 691, Statutes of 2021**

This measure requires a basic peace officer course curriculum to include instruction on the topic of hate crimes and incorporates a specified hate crimes video developed by the Commission on Peace Officer Standards and Training (POST).

### **\*AB 89 (Jones-Sawyer) Peace Officers. Minimum Qualifications.**

#### **Chapter 405, Statutes of 2021**

This measure increases the minimum qualifying age for law enforcement officers from 18 to 21 and requires the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with POST and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023.

### **AB 481 (Chiu) Law Enforcement and State Agencies. Military Equipment. Funding, Acquisition, and Use.**

#### **Chapter 406, Statutes of 2021**

This measure requires a law enforcement agency to obtain approval of the applicable governing body, by the adoption of a military equipment use policy by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

### **AB 483 (Jones-Sawyer) Peace Officers. California Science Center and Exposition Park.**

#### **Chapter 411, Statutes of 2021**

This measure grants peace officer status to security officers appointed by the Exposition Park Manager and clarifies the training requirements for those peace officers.

**[AB 490](#) (Gipson) Law Enforcement Agency Policies. Arrests. Positional Asphyxia. Chapter 407, Statutes of 2021**

This measure prohibits a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia.

**[AB 958](#) (Gipson) Peace Officers. Law Enforcement Gangs. Chapter 408, Statutes of 2021**

This measure defines a law enforcement gang as a group of law enforcement officers within an agency that engages in a pattern of specified unlawful or unethical on-duty behavior and requires law enforcement agencies to have a policy prohibiting these gangs and making participation in such grounds for termination.

**[AB 1455](#) (Wicks) Sexual Assault by Law Enforcement Officers. Actions Against Public Entities. Statute of Limitations. Chapter 595, Statutes of 2021**

This measure amends the statute of limitations for seeking damages arising out of a sexual assault committed by a law enforcement officer, eliminates the claim presentation requirements for such claims, and revives such claims that would otherwise be barred by the existing statute of limitations.

**[AB 1475](#) (Low) Law Enforcement. Social Media. Chapter 126, Statutes of 2021**

This measure prohibits a police department or sheriff's office from sharing, on social media, booking photos of an individual arrested on suspicion of committing a non-violent crime.

**[AB 1480](#) (Rodriguez) Employers. Prohibited Disclosure of Information. Arrest of Detention. Chapter 158, Statutes of 2021**

This measure allows a criminal justice agency to inquire, seek, and utilize information about certain non-sworn employees concerning an arrest or detention that did not result in a conviction, information concerning a referral or participation in a diversion program, and information that has been judicially dismissed or ordered sealed, and similarly authorizes the disclosure of such records.

**[\\*SB 2](#) (Bradford) Peace Officers. Certification. Civil Rights. Chapter 409, Statutes of 2021**

This measure grants new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct," allows for the filing of wrongful death suits under the Tom Bane Civil Rights Act and eliminates certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.

**\*[SB 16](#) (Skinner) Peace Officers. Release of Records.****Chapter 402, Statutes of 2021**

This measure expands the categories of police personnel records that are subject to disclosure under the California Public Records Act to include a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force.

**\*[SB 586](#) (Bradford) Peace Officers. Certification.****Chapter 429, Statutes of 2021**

This measure corrects a technical drafting error by Legislative Counsel to SB 2 (Bradford) Chapter 409, Statutes of 2021, stating that whether a particular factual or legal determination in a prior appeal proceeding has preclusive effect in POST proceedings would be governed by the existing law of collateral estoppel.

**[SB 715](#) (Portantino) Criminal Law.****Chapter 250, Statutes of 2021**

This measure authorizes the Attorney General to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if there is a reasonable dispute as to whether the civilian was armed.

## ***I. Mental Health***

**[AB 1443](#) (McCarty) Mental Health. Involuntary Treatment.****Chapter 399, Statutes of 2021**

This measure requires a county behavioral health director who denies or revokes an individual's designation for involuntary treatment to provide written notification to the person who made the request for designation of the individual, and the individual who is the subject of the request for designation, describing the reasons for denial or revocation.

**[SB 578](#) (Jones) Lanterman-Petris-Short Act. Hearings.****Chapter 389, Statutes of 2021**

This measure requires a hearing held under the Lanterman-Petris-Short Act to be presumptively closed to the public if that hearing involves the disclosure of confidential information.

## ***J. Miscellaneous***

**\*[AB 358](#) (Flora) Electrified Security Fences. Permitted Use.****Chapter 148, Statutes of 2021**

This measure authorizes property owners to install and operate electrified security fences on their property, whether combined with an alarm system or not, provided the fences meet specified conditions and are not prohibited by a local ordinance.

**[AB 381](#) (Davies) Licensed Facilities. Duties.****Chapter 437, Statutes of 2021**

This measure requires alcohol and other drug residential treatment facilities licensed by the Department of Health Care Services to maintain at least two unexpired doses of naloxone hydrochloride on the premises and have at least one staff member who knows the specific location of the naloxone hydrochloride and is trained to administer it.

**[SB 98](#) (McGuire) Public Peace. Media Access.****Chapter 759, Statutes of 2021**

This measure clarifies that reporters may access areas shut off by police for a command post, police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity.

**[SB 296](#) (Limón) Code Enforcement Officers. Safety Standards.****Chapter 637, Statutes of 2021**

This measure requires each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction.

***K. Pandemic Relief*****\*[AB 61](#) (Gabriel) Business Pandemic Relief.****Chapter 651, Statutes of 2021(Urgency)**

This measure extends COVID-19 regulatory relief for temporary catering authorized by the Department of Alcohol Beverage Control (ABC). This relief includes the COVID-19 temporary catering authorization, which allows for expanded alcoholic beverage sales and outdoor dining in nontraditional spaces due to indoor dining restrictions.

Specifically, this measure allows for the continuation of this authorization for one year after the end of the state of emergency declared in response to COVID-19 or until Jan. 1, 2024, whichever comes first.

**\*[SB 314](#) (Wiener) Alcoholic Beverages.****Chapter 656, Statutes of 2021(Urgency)**

This measure extends COVID-19 regulatory relief for temporary catering permits authorized by the ABC. This relief includes the COVID-19 temporary catering permit, which authorizes expanded alcoholic beverage sales and outdoor dining in nontraditional spaces due to indoor dining restrictions. Specifically, this measure allows for the continuation of these temporary permits for one year after the end of the state of emergency or until Jan. 1, 2024, and authorizes licensed manufacturers to share a common licensed area with multiple licensed retailers, alleviating burdensome administrative costs.

**\*[SB 389](#) (Dodd) Alcoholic Beverages. Retail On-Sale License. Off-Sale Privileges. Chapter 657, Statutes of 2021**

This measure, until Dec. 31, 2026, authorizes the holder of an on-sale license for a bona fide public eating place that has off-sale privileges, or a licensed beer manufacturer, licensed wine manufacturer, or licensed craft distiller that operates a bona fide public eating place at its premises of production, to exercise additional off-sale rights and privileges. Additionally, this measure authorizes a licensee to sell the alcoholic beverages, except beer, for off-sale consumption for which their license permits on-sale consumption when the beverages are not in manufacturer-prepackaged containers.

### ***L. Rehabilitation***

**[AB 292](#) (Stone) Corrections. Rehabilitative Programming. Chapter 579, Statutes of 2021**

This measure requires CDCR to conduct rehabilitative programming in a manner that minimizes program wait times and offers a variety of program opportunities to inmates regardless of security level or sentence length. Additionally, this measure requires CDCR to prioritize individuals who have been transferred between facilities to resume rehabilitative programming if the transfer was for non-adverse reasons.

**[AB 644](#) (Waldron) California Mat Re-Entry Incentive Program. Chapter 59, Statutes of 2021**

This measure modifies the California Medication-Assisted Treatment Re-Entry Incentive Program. Instead of requiring individuals in the program to participate in an institutional substance abuse program, this measure requires the person to have been enrolled in, or successfully participated in, a post-release substance abuse program to receive a reduction to their period of parole.

**[SB 416](#) (Hueso) Corrections. Educational Programs. Chapter 766, Statutes of 2021**

This measure modifies the requirements for the Secretary of CDCR regarding literacy, education, and college programs in state prisons. Specifically, this measure requires CDCR to:

- Make college programs available for the benefit of inmates with a general education development certificate or equivalent or a high school diploma and requires those college programs to only be provided by the California Community Colleges, the California State University, the University of California, or other regionally accredited, nonprofit colleges or universities;
- Prioritize various college programs, including face-to-face instruction, comprehensive in-person support, and coordination with nonprofit postsecondary programs serving formerly incarcerated students;
- Require education providers to be responsible for determining and developing their curricula and degree pathways, determining certificate pathways, providing



instructional staff, and determining what services will be offered to ensure incarcerated students can successfully complete the course of study; and

- Recognize inmates enrolled in a full-time college program as participating in full-time work or training assignments.

### ***M. State Services***

#### **AB 673 (Salas) Domestic Violence.**

##### **Chapter 680, Statutes of 2021**

This measure requires that the portion of any grant funding awarded by the Comprehensive Statewide Domestic Violence Program in the California Office of Emergency Services (Cal OES) funded by the state be distributed to the recipient in a single disbursement at the beginning of the grant period.

#### **AB 689 (Petrie-Norris) Comprehensive Statewide Domestic Violence Program.**

##### **Chapter 152, Statutes of 2021**

This measure requires the Comprehensive Statewide Domestic Violence Program in Cal OES to provide financial and technical assistance to local domestic violence centers in implementing 24-hour crisis communication systems that, in addition to telephone services, may also include other communication methods such as text messaging, computer chat, or any other approved technology.

#### **AB 1126 (Bloom) Commission on the State of Hate.**

##### **Chapter 712, Statutes of 2021**

This measure establishes the Commission on the State of Hate to include nine members, appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. The goals of the Commission on the State of Hate include:

- Providing resources to various state agencies and the public to inform them on the state of hate; and
- Advising the Legislature, the Governor, and state agencies on policy recommendations to promote intersocial education designed to foster mutual respect and understanding among California's diverse population.

#### **AB 1593 (Gonzalez) State Claims. California Victim Compensation Board.**

##### **Government Claims Program.**

##### **Chapter 127, Statutes of 2021 (Urgency)**

This measure appropriates \$5,675,880 from the General Fund to the Executive Officer of the California Victim Compensation Board for payment of the claims of specified individuals.

#### **SB 215 (Leyva) DNA Evidence.**

##### **Chapter 634, Statutes of 2021**

This measure requires the DOJ to establish, on or before July 1, 2022, a process that allows a survivor of sexual assault to track and receive updates privately, securely, and

electronically on the status, location, and information regarding their sexual assault evidence kit in the DOJ's database.

**[SB 631](#) (Portantino) State Claims. California Victim Compensation Board.  
Chapter 185, Statutes of 2021 (Urgency)**

This measure appropriates \$1,165,920 from the General Fund to the Executive Officer of the California Victim Compensation Board for payment of the claim for a specified individual.

# **REVENUE AND TAXATION**

## VII. Revenue and Taxation

### *A. Sales and Use Tax*

**\*[AB 150](#) (Cmte. on Budget) Sales and Use Tax Law. Personal Income Tax Law. Corporation Tax Law. Budget Act of 2021.**

**Chapter 82, Statutes of 2021 (Urgency)**

This measure makes several statutory changes to the Revenue and Taxation code, necessary to implement the 2021 Budget Act. This measure makes the following changes notable for local governments:

- Extends the sunset date for the State Historic Tax Credit to Jan. 1, 2027;
- Permanently exempts sales and sales use tax for diapers and menstrual products;
- Expands a tax credit for small businesses that hire new employees;
- Establishes a tax credit for employers who hire homeless individuals between Jan. 1, 2022 and Jan. 1, 2027;
- Extends the sunset date for tax credits for individuals that donate fresh fruits and vegetables to a food bank; and
- Increases the amount of credits allocated in the California Competes Tax Credit program.

**[AB 296](#) (Gipson) Sales and Use Taxes. Exclusion. Pawnbrokers. Transfer of Vested Property.**

**Chapter 164, Statutes of 2021 (Urgency)**

This measure extends the sunset on the sales and use tax exemption for customers who repurchase their property from a pawnbroker until Jan. 1, 2027.

### *B. Property Tax*

**[AB 1203](#) (Burke) Property Taxation. Assessment Appeals Board. Qualifications. County of Los Angeles.**

**Chapter 418, Statutes of 2021**

This measure expands the type of professional experience a person may have to be eligible for nomination for membership on an assessment appeals board in the County of Los Angeles to include professional experience in a real estate field, including, but not limited to, business accounting and taxation, land use and urban planning, real estate development or investment analysis, and real estate banking or financing. This measure also permits the Los Angeles County Board of Supervisors by ordinance to reduce the period for a person to have been employed in an assessor's office from three years to one year that disqualifies a person from serving on an assessment appeals board.

**[AB 1583](#) (Cmte. on Revenue and Taxation) Property Taxation. Equalized Assessment Roll. Aircrafts.**

**Chapter 67, Statutes of 2021**

This measure specifies that for purposes of calculating the annual tax increment, including for purposes of apportioning property tax revenues, commencing with the 2022-23 fiscal year, the equalized assessment roll shall exclude non-certificated aircraft assessed values.

**[SB 219](#) (McGuire) Property Taxation. Delinquent Penalties and Costs. Cancellation. Public Health Orders.**

**Chapter 131, Statutes of 2021 (Urgency)**

This measure allows county tax collectors to cancel property tax delinquency penalties when failure to make payment(s) is due to a hardship caused by a shelter-in-place order.

**[SB 267](#) (Hertzberg) Property Taxation. Active Solar Energy Systems. Partnership Flip Transactions.**

**Chapter 424, Statutes of 2021 (Urgency)**

This measure extends the property tax reassessment exemption for active solar energy systems financed via a partnership flip arrangement. Specifically, this measure clarifies that neither an initial transfer of a capital and profits interest in the legal entity, nor any subsequent change in the allocation of the capital and profits of the legal entity among its members, constitutes a transfer of control of a legal entity that owns an active solar energy system in a partnership flip transaction.

**[SB 303](#) (Borgeas) Property Taxation. Transfer of Base Year Value. Disaster Relief. Chapter 540, Statutes of 2021 (Urgency).**

This measure extends by two years the five-year time period for a taxpayer affected by a disaster to transfer their base year value to a replacement property if the property was substantially damaged or destroyed on or after March 4, 2020, but on or before the COVID-19 emergency termination date or March 4, 2022, whichever occurs sooner. This measure makes these provisions applicable to the determination of base year values for the 2015-16 fiscal year and fiscal years thereafter.

**[SB 539](#) (Hertzberg) Property Taxation. Taxable Value Transfers. Chapter 427, Statutes of 2021 (Urgency)**

This measure enacts new sections of property tax law to implement Proposition 19 of 2020. This measure specifically provides statutory detail for taxpayers to claim base year transfers allowed under Proposition 19 and implements new limitations on parent-child and grandparent-child change in ownership exclusions.

**[SB 667](#) (Roth) Property Taxation. Disabled Veterans' Exemption. Filing of Claims. Chapter 430, Statutes of 2021**

This measure authorizes the executor, administrator, or personal legal representative of a claimant's estate or the trustee of the deceased claimant's trust assets to file a claim for a disabled veterans' property tax exemption with a county assessor.

### ***C. Investments and Development Finance***

**[AB 336](#) (Villapudua) Enhanced Infrastructure Financing Districts. Public Financing Authority. Members. Joint Powers Authorities. Chapter 22, Statutes of 2021**

This measure allows any member of a taxing entity's legislative body serving on an Enhanced Infrastructure Financing District (EIFD) board to concurrently serve as a board member of a joint powers authority where the taxing entity is a member.

**[AB 447](#) (Grayson) California Debt Limit Allocation Committee. Income Taxes. Low-Income Housing Tax Credits. Chapter 344, Statutes of 2021**

This measure makes several significant changes to the state low-income housing tax credit program administered by the California Tax Credit Allocation Committee including updates to the list of federal programs that allow a property to be considered "at risk of conversion" and clarifications that improve tenant access to low-income housing.

**[AB 869](#) (Bloom) State Funds. Investments. Chapter 60, Statutes of 2021**

This measure authorizes the State Treasurer to invest up to 1% of Pooled Money Investment Account funds in sovereign debt instruments.

**[AB 1177](#) (Santiago) California Public Banking Option Act. Chapter 451, Statutes of 2021**

This measure establishes the CalAccount Blue Ribbon Commission to conduct a market analysis to determine the feasibility of the CalAccount Program for expanding consumer access to banking services.

**[\\*SB 734](#) (Hueso) Redevelopment Agencies. Passthrough Agreements. Modification. Chapter 221, Statutes of 2021**

This measure authorizes a successor agency and one or more taxing agencies to enter into an agreement to modify the interest owed by a former redevelopment agency under a passthrough agreement that was entered into before Jan. 1, 1994, or owed under any successive amendment of that passthrough agreement, and which is owed as interest on passthrough payments agreed to be deferred by the taxing entity under the passthrough agreement including that the interest rate on a passthrough agreement modified under these provisions be 0%.

**[\\*SB 780](#) (Cortese) Local Finance. Public Investment Authorities. Chapter 391, Statutes of 2021**

This measure makes significant changes to the EIFD and Community Revitalization Infrastructure Authorities (CRIA) laws. Notably, this measure:

- Allows legislative bodies of participating tax entities to appoint one of its members to be an alternate member;

- Clarifies that a directly elected mayor of a charter city may serve on the governing board of a CRIA or EIFD;
- Authorizes an EIFD map to identify project areas; and
- Commences the 45-year time limit for financing improvements after \$100,000 in annual tax increment accumulates amongst other changes.

**SB 810 (Cmte. on Governance and Finance) Validations.**

**Chapter 36, Statutes of 2021 (Urgency)**

This measure enacts the First Validating Act of 2021, which retroactively insulates state and local bonds against harmless typographical, grammatical, and procedural errors.

**SB 811 (Cmte. on Governance and Finance) Validations.**

**Chapter 37, Statutes of 2021 (Urgency)**

This measure enacts the Second Validating Act of 2021, which prospectively insulates state and local bonds against harmless typographical, grammatical, and procedural errors.

**SB 812 (Cmte. on Governance and Finance) Validations.**

**Chapter 38, Statutes of 2021**

This measure enacts the Third Validating Act of 2021, which prospectively insulates state and local bonds against harmless typographical, grammatical, and procedural errors.

***D. Fees, Fines, and Miscellaneous***

**\*AB 286 (Gonzalez) Food Delivery. Purchase Prices and Tips.**

**Chapter 513, Statutes of 2021**

This measure prohibits a food delivery platform from charging a customer any purchase price for food or beverage that is higher than the price posted on the food delivery platform's website by the food facility at the time of the order. This measure also makes it unlawful for a food delivery platform to retain any portion of amounts designated as a tip or gratuity and requires platforms to pay any tip or gratuity for a delivery order, in its entirety, to the person delivering the food or beverage, and to pay any tip or gratuity for a pickup order, in its entirety, to the food facility.

**AB 1402 (Levine) Marketplace Facilitator. Fee Collection.**

**Chapter 421, Statutes of 2021**

This measure would extend the requirements of marketplace facilitators designated as such under the Marketplace Facilitator Act to register, collect, and remit special fees collected on purchases of new tires, electronic devices, lead-acid batteries, lumber, and engineered wood.

**\*[SB 60](#) (Glazer) Residential Short-Term Rental Ordinances. Health of Safety Infractions. Maximum Fines.**

**Chapter 307, Statutes of 2021 (Urgency)**

This measure raises the maximum fines for violation of a city or county ordinance relating to a residential short-term rental, that is an infraction and poses a threat to health or safety, to \$1,500 for a first violation, \$3,000 for a second violation of the same ordinance within one year, and \$5,000 for each additional violation of the same ordinance within one year of the first violation.

**[SB 813](#) (Cmte. on Governance and Finance) Local Government Omnibus Act of 2021.**

**Chapter 224, Statutes of 2021**

This measure is the annual local government omnibus act which makes minor, noncontroversial statutory changes to state laws that affect local agencies.

**[SB 824](#) (Cmte. on Governance and Finance) California Department of Tax and Fee Administration.**

**Chapter 432, Statutes of 2021**

This measure makes several noncontroversial statutory changes to clarify tax administration for the California Department of Tax and Fee Administration. Notably, this measure clarifies that “food products” exempt from sales and use tax do not include “cannabis” or “cannabis products,” and states that this change is declaratory of existing law that states cannabis products are subject to sales and use tax under the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

**[SB 825](#) (Cmte. on Governance and Finance) Tax and Fee Administration. Local Government Finance.**

**Chapter 433, Statutes of 2021**

This measure extends the welfare exemption for property used solely for the preservation of natural resources or open space to Jan. 1, 2027, and extends the intercountry pipeline valuation methodology five years until Jan. 1, 2027. This measure also clarifies that a taxpayer must demonstrate to the tax collector that delinquency is due to the tax collector's failure to mail or electronically transmit the tax bill to the correct address provided on the tax roll or electronic address for a taxpayer to cancel a delinquency.



**TRANSPORTATION,  
COMMUNICATIONS, AND PUBLIC  
WORKS**

## VIII. Transportation, Communications, and Public Works

### *A. Electric Vehicles, Emissions, and Vehicle Technology*

#### **[AB 794](#) (Carrillo) Air Pollution. Purchase of New Drayage and Short-Haul Trucks. Incentive Programs. Eligibility. Labor Standards.**

##### **Chapter 748, Statutes of 2021**

This measure establishes specified labor standards that a fleet purchaser is required to meet in order to be eligible to receive incentives for new drayage and short-haul trucks under the incentive programs beginning with the 2022-23 fiscal year.

#### **\*[AB 970](#) (McCarty) Planning and Zoning. Electric Vehicle Charging Stations. Permit Application. Approval.**

##### **Chapter 710, Statutes of 2021**

This measure requires a local authority to reduce the number of required parking spaces for any existing uses by the amount necessary to accommodate electric vehicle (EV) charging stations and deem an EV charging application complete and approved in an expedited, streamlined permitting process.

#### **[AB 992](#) (Cooley) California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.**

##### **Chapter 624, Statutes of 2021**

This measure specifies that peer-to-peer truck sharing platform demonstrations are eligible for funding under the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, which is administered by the California Air Resources Board (CARB), to fund development, demonstration, precommercial pilot, and early commercial deployment of zero and near-zero-emission truck, bus, and off-road vehicle and equipment technologies.

#### **[SB 68](#) (Becker) Building Electrification and Electric Vehicle Charging.**

##### **Chapter 720, Statutes of 2021**

This measure requires the California Energy Commission (CEC) to gather or develop and publish on its website, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to the electrification of buildings and installation of electric vehicle charging equipment.

#### **[SB 214](#) (Bates) Neighborhood Electric Vehicles. County of Orange. Ranch Plan Planned Community.**

##### **Chapter 101, Statutes of 2021**

This measure repeals the existing Jan. 1, 2022, sunset date, thereby indefinitely extending the Orange County's authority to establish a neighborhood electric vehicle (NEV) transportation plan for the Ranch Plan Planned Community that include specified elements, including provisions relating to parking, charging, NEV only lanes, and shared use with conventional vehicle lanes.

**[SB 372 \(Leyva\) Medium- and Heavy-Duty Fleet Purchasing Assistance Program. Zero-Emission Vehicles.](#)****Chapter 639, Statutes of 2021**

This measure establishes the Medium and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program, administered by CARB, to make financing tools and nonfinancial supports available to operators of medium and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The program funds projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, including the Clean Vehicle Rebate Project, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

**[SB 500 \(Min\) Autonomous Vehicles. Zero Emissions.](#)****Chapter 277, Statutes of 2021**

This measure, commencing Jan. 1, 2030, and to the extent authorized by federal law, prohibits the operation of certain new autonomous vehicles that are not zero-emission vehicles. The measure also prohibits the Department of Motor Vehicles (DMV) from commencing rulemaking for the adoption of regulations implementing this provision until Jan. 1, 2027. The CARB, as a part of the Air Quality Improvement Program, promotes the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles, and the Charge Ahead California Initiative, which establishes various goals, including the goal of placing in service at least 1,000,000 zero-emission and near-zero-emission vehicles by Jan. 1, 2023.

**[SB 570 \(Wieckowski\) Vehicles. Equipment.](#)****Chapter 428, Statutes of 2021**

This measure exempts autonomous vehicles that are not capable of operation with a human driver or occupant in the vehicle from certain standards and requirements for the equipment of motor vehicles and provides specified alternative standards for those vehicles, provided that those exemptions or alternative standards are consistent with applicable federal laws or regulations.

**[SB 589 \(Hueso\) Air Pollution. Alternative Vehicles and Vehicle Infrastructure.](#)****Chapter 732, Statutes of 2021**

This measure requires the State Energy Resources Conservation and Development Commission to identify workforce development and training resources needed to meet the electric vehicle charging infrastructure goals of putting at least five million zero-emission vehicles in service by 2030 and reducing greenhouse gas emissions to 40% below 1990 levels by 2030.

**[SB 643 \(Archuleta\) Fuel Cell Electric Vehicle Fueling Infrastructure and Fuel Production. Statewide Assessment.](#)****Chapter 646, Statutes of 2021**

This measure requires, until Jan. 1, 2030, the CEC, in consultation with the CARB and the California Public Utilities Commission (CPUC), to prepare a statewide assessment of the fuel cell electric vehicle fueling infrastructure and fuel production needed to

support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet specified goals and requirements relating to vehicular air pollution. In addition, this measure requires a statewide assessment to consider all necessary fuel production and distribution infrastructure to meet those goals and requirements and to examine existing and future fuel production and distribution infrastructure needs throughout the state, including in low-income communities.

**[SB 671 \(Gonzalez\) Transportation. Clean Freight Corridor Efficiency Assessment. Chapter 679, Statutes of 2021](#)**

This measure establishes the Clean Freight Corridor Efficiency Assessment to be developed by the California Transportation Commission (CTC), in coordination with other state agencies. In developing the assessment, this measure requires the CTC to identify freight corridors, or segments of corridors, throughout the state to be priority candidates for the deployment of zero-emission medium and heavy-duty vehicles. The measure further requires:

- The CTC to submit a report containing the assessment's findings and recommendations to certain committees of the Legislature by Dec. 1, 2023;
- The assessment's findings and recommendations be incorporated into the development of the California Transportation Plan; and
- The state freight plan includes a description of needed infrastructure, projects, and operations for the deployment of zero-emission medium and heavy-duty vehicles and the development of freight corridors identified in the assessment.

***B. Public Works and Contracting***

**[AB 1499 \(Daly\) Transportation. Design-Build. Highways. Chapter 212, Statutes of 2021](#)**

This measure extends the operation of regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system or adjacent to the state highway system until Jan. 1, 2034. This was previously scheduled to expire on Jan. 1, 2024, or one year from the date that the Department of Transportation posts on its website that the provisions described related to construction inspection services for these projects have been held by a court to be invalid.

**[SB 79 \(Nielsen\) County Road Commissioner. Counties of Colusa and Glenn. Chapter 33, Statutes of 2021 \(Urgency\)](#)**

This measure authorizes the Boards of Supervisors of the counties of Colusa and Glenn to transfer the duties of the county road commissioner (previously appointed by the board of supervisors) to the county director of the department of public works.

### ***C. Telecommunications***

**AB 14 (Aguiar-Curry) Communications. California Advanced Services Fund Deaf and Disabled Telecommunications Program. Surcharges. Chapter 658, Statutes of 2021 (Urgency)**

This measure authorizes the CPUC to continue collecting the California Advanced Services Fund (CASF) surcharge for an additional ten years through Dec. 31, 2032.

**AB 41 (Wood) Broadband Infrastructure Deployment. Chapter 659, Statutes of 2021**

This measure requires Caltrans to collaborate with companies and organizations working on broadband deployment on department-led highway construction projects that include the installation of conduits capable of supporting optic communication cables.

**AB 74 (Gonzalez) Communications. Universal Service. Lifeline Program. Chapter 410, Statutes of 2021**

The measure requires the CPUC, in consultation with lifeline service providers, the Federal Communications Commission (FCC), and the Universal Service Administrative Company, before Jan. 1, 2023, to adopt updated rules for the Universal Lifeline Telephone Service program (lifeline program) with the goal of achieving recertification rates at least equivalent to those rates achieved for the federal lifeline program.

Additionally, this measure further requires:

- CPUC, before March 1, 2022, to adopt updated rules for the lifeline program establishing a modified recertification process that minimizes barriers to lifeline subscriber recertification and reduces the burden and cost of recertification on the lifeline program; and
- CPUC to annually publicly report on its website the participation and recertification rates of eligible lifeline subscribers.

**AB 537 (Quirk) Communications. Wireless Telecommunications and Broadband Facilities.**

**Chapter 467, Statutes of 2021**

This measure requires that the city, county, or city and county notify the applicant of the incompleteness of an application within the time periods established by applicable FCC rules. This measure also requires that the time period for a city or county to approve or disapprove a collocation or siting application commence when the applicant makes the first required submission or takes the first required step.

**AB 665 (E. Garcia) Care Facilities. Internet Access. Chapter 469, Statutes of 2021**

This measure requires residential facilities serving adults, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly with existing internet service to provide at least one internet access device that can support real-time interactive applications, is equipped with videoconferencing technology, and dedicated for client or resident use.

**[AB 242 \(Holden\) Public Utilities.](#)****Chapter 228, Statutes of 2021**

This measure consolidates reporting requirements for entities that are required to disclose their electricity sources and associated intensity of greenhouse gas emissions. The measure requires that the disclosure be posted to the retail supplier's website by Oct. 1 of each year and available in written promotional materials by the end of the first complete billing cycle for the fourth quarter of the year.

**[AB 955 \(Quirk\) Highways. Encroachment Permits. Broadband Facilities.](#)****Chapter 670, Statutes of 2021**

This measure establishes additional procedures for Caltrans review of an application for an encroachment permit for a broadband facility. Under this measure, these procedures require Caltrans, among other things, to notify an applicant in writing whether the application is complete within 30 days of receiving the application, to take certain actions if it deems an application incomplete, and to approve or deny an application that requires supplemental information within 30 days after receiving that information. If Caltrans notifies the applicant that the application is incomplete within that 30-day time period, this measure deems Caltrans' failure to notify to constitute a finding that the permit application is complete.

**[SB 4 \(Gonzalez\) Communications. California Advanced Services Fund.](#)****Chapter 671. Statutes of 2021 (Urgency)**

This measure authorizes the CPUC to increase the annual CASF surcharge collection cap from \$66 million to \$150 million and expands eligibility to apply for those funds to include local authorities. Also, this measure requires the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

**[SB 28 \(Caballero\) Digital Infrastructure and Video Competition Act of 2006.](#)****Deployment Data.****Chapter 673, Statutes of 2021**

This measure requires the CPUC to collect granular data on the actual locations served by franchise holders, adopt customer service requirements for franchise holders, and adjudicate any customer complaints.

**[SB 156 \(Cmte. on Budget and Fiscal Review\) Communications. Broadband.](#)****Chapter 112, Statutes of 2021 (Urgency)**

This measure provides the statutory framework to implement the investments in public broadband infrastructure appropriated in [AB 164](#) (Chapter 84, Statutes of 2021), as follows:

- \$2 billion for last-mile broadband infrastructure, which will increase connectivity and affordability for underserved and unserved rural and urban communities;
- \$3.25 billion for a statewide, open-access, middle-mile network, to make it easier for internet providers to provide faster, cheaper service throughout the state; and

- \$750 million to establish a new loan loss reserve account to provide collateral to local governments issuing bonds for municipal broadband deployment.

The measure also reforms the CASF program to ensure the funds are spent quickly and efficiently and includes accountability and oversight provisions, including a nine-member council with broad representation.

**\*[SB 341](#) (McGuire) Telecommunications Service. Outages.**

**Chapter 425, Statutes of 2021**

This measure requires the Governor's Office of Emergency Services (Cal OES), in coordination with the California Public Utilities Commission (CPUC), to adopt regulations for public outage maps maintained by telecommunications providers on their websites. Additionally, this measure requires the CPUC and Cal OES to develop and implement backup electricity rules to require telecommunications providers to maintain backup electricity sufficient to maintain service for at least 72 hours.

**[SB 378](#) (Gonzalez) Local Government. Broadband Infrastructure Development Project Permit Processing. Microtrenching Permit Processing Ordinance.**

**Chapter 677, Statutes of 2021**

This measure requires a local agency to allow microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber. This measure requires:

- To the extent necessary, a local agency with jurisdiction to approve excavations to adopt or amend existing policies, ordinances, codes, or construction rules to allow for microtrenching;
- That these provisions do not supersede, nullify, or otherwise alter the requirements to comply with specified safety standards; and
- Authorizes a local agency to impose a fee for its reasonable costs on an application for a permit to install fiber.

**[SB 394](#) (Hueso) Telecommunications. Moore Universal Telephone Service Act.**

**Chapter 765, Statutes of 2021**

This measure revises the definition of "household" to include multiple lifeline telephone service subscribers to maintain the same address if they are not members of the same household for lifeline telephone service subscribers who are provided with one lifeline subscription at the subscriber's principal place of residence.

***D. Transportation – Funding, Planning, Streamlining, and State Agencies***

**[AB 3](#) (Fong) Exhibition of Speed on A Highway. Punishment.**

**Chapter 611, Statutes of 2021**

This measure prohibits a person from engaging in a motor vehicle exhibition of speed on a highway or aiding or abetting in a motor vehicle exhibition of speed on any highway. Upon conviction, current law punishes a person by imprisonment in a county jail for not more than 90 days, by a fine of not more than \$500, or by both that fine and

imprisonment. This measure, commencing July 1, 2025, additionally authorizes the court to order the privilege to operate a motor vehicle suspended for 90 days to six months and restrict the person's operation of a motor vehicle for the purposes of their employment. This measure requires the court to consider a person's hardships when deciding to either suspend or restrict a driver's license.

**\*[AB 43](#) (Friedman) Traffic Safety.**

**Chapter 690, Statutes of 2021**

This measure authorizes local authorities on June 30, 2024, or when the Judicial Council has developed an online tool for traffic adjudication, whichever is sooner, flexibility in setting speed limits lower (in five mph increments) than what is determined by the engineering traffic survey methodology otherwise specified in state law (known as "the 85th percentile rule"), on roads designated as high-injury streets and in business activity districts and authorizes:

- Local jurisdictions to maintain current speed limits outside of those targeted areas, if they find that it is not safe to raise those speed limits on roads for which the latest engineering and traffic survey normally calls for an increase in speeds; and
- Extends the period that a speed limit justified by a traffic and engineering survey conducted more the seven years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer to 14 years.

**[AB 149](#) (Cmte. on Budget and Fiscal Review) Transportation. Omnibus Bill.**

**Chapter 81, Statutes of 2021**

This measure includes the following provisions and funding within the overall 2021-22 budget package necessary to implement actions related to transportation:

Extension of Statutory Relief for Transit Agencies

Extends several types of temporary statutory relief for transit agencies impacted by the COVID-19 pandemic included in the 2020 Budget Act. These provisions include:

- Continues the hold harmless provision for calculation and allocation of State Transit Assistance (STA) Program, STA-State of Good Repair, and Low Carbon Transit Operations Program allocations (Local Revenue Basis Only) provided in the 2020 Budget Act through the 2022-23 budget years. Directed the State Controller to "freeze" for the 2020-21 through 2022-23 budget years the local revenue allocation factors used most recently before the pandemic;
- Allocates transit agencies' funds under these three programs using those same allocation factors, as opposed to updating the factors each year;
- Extends the temporary suspension of the financial penalties associated with the Transportation Development Act's requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares through 2022-2023; and
- Continues the temporary suspensions of the financial penalties associated with the STA Program's operating cost per revenue vehicle hour requirements through 2022-23.



### Clean California

Establishes the Clean California Local Grant Program of 2021 to allocate grants to local and regional public agencies, transit agencies, and tribal governments for purposes of beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces;

- Limits grant awards to \$5 million per grant;
- Prohibits grants that fund projects that displace people experiencing homelessness;
- Requires a funding distribution that takes into account the population that each project is intended to benefit relative to the total population that all projects awarded grants pursuant to the program will benefit and the needs of underserved communities;
- Establishes the Clean California State Beautification Program of 2021 to provide funding to beautify and clean up state highways;
- Allows Caltrans to use job order contracting for the Clean California Beautification Program of 2021; and
- Provides that Caltrans is delegated the authority necessary to carry out the purchase of vehicles, equipment, or other products as needed to implement Caltrans supplemental Fleet Acquisition Plan Fiscal Year 2021-22 for the acquisition of 269 medium-and heavy-duty vehicles and equipment to support litter abatement under the Clean California Beautification Program of 2021.

### Local Streets and Roads

Makes the following changes related to the local streets and roads maintenance of efforts for cities and counties, as follows:

- Provides that cities and counties are not required to comply with the annual minimum expenditure requirements in 2019-20;
- Requires the State Controller to adjust the annual minimum expenditure requirements in the 2020-21 and 2021-22 fiscal years in proportion to any decrease in taxable sales within the applicable city or county between specified fiscal years; and
- Authorizes a city or county to petition the State Controller to use transient occupancy tax revenues in lieu of taxable sales, for purposes of making these adjustments.

### **AB 232 (Gallagher) Off-Highway Vehicles. Reciprocity.** **Chapter 739, Statutes of 2021**

This measure recognizes out-of-state permits, identification plates, or devices issued by another state, for off-highway motor vehicles not registered by the DMV.

### **AB 302 (Ward) San Diego Metropolitan Transit Development Board. Regulation of For-hire Vehicle and Passenger Jitney Services.** **Chapter 89, Statutes of 2021**

This measure replaces the term “transportation services” with the term “for-hire vehicle services” and defines that term to mean vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation in the

San Diego Metropolitan Transit Development Board's jurisdiction in the city and unincorporated areas of the County of San Diego.

**[AB 398 \(Fong\) Department of Motor Vehicles. Records.](#)  
Chapter 90, Statutes of 2021**

This measure eliminates the authority for the DMV to sell vehicle registration and driver's license information and instead provides that the charge for providing the inspection of the information shall not exceed the actual cost to the DMV.

**[AB 471 \(Low\) Bureau of Automotive Repair. Administration. Citations. Safety Inspections.](#)**

**Chapter 372, Statutes of 2021**

This measure extends the sunset of a review to be conducted by the Legislature of the Bureau of Automotive Repair operating under the Department of Consumer Affairs from Jan. 1, 2023, to Jan. 1, 2024. This measure also, on or after July 1, 2023, authorizes the Director of Consumer Affairs to review the administration of the system for the issuance of citations for violations of the system a process for an informal review of and recommendation on citations.

**[AB 726 \(E. Garcia\) Capital Investment Incentive Program. Qualified Manufacturing Facility. Ad Valorem Property Tax Revenue Allocation Payments.](#)**

**Chapter 121, Statutes of 2021**

This measure adds a business engaged in the manufacturing of fuels, electrical parts, or components used in the field of clean transportation or the production of alternative fuel vehicles or EVs to the list of businesses that may operate a qualified manufacturing facility. Qualified manufacturing facilities are paid by local authorities a capital investment incentive amount to the proponent of a qualified manufacturing facility for up to 15 years.

**\*[AB 773 \(Nazarian\) Street Closures and Designations.](#)**

**Chapter 587, Statutes of 2021**

This measure allows a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. This measure also requires the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

**[AB 784 \(Quirk\) Alameda-Contra Costa Transit District.](#)**

**Chapter 200, Statutes of 2021**

This measure repeals the authority to form a transit district and recognizes the Alameda-Contra Costa Transit District as the district formed pursuant to this authority. The Transit District Law authorizes any city together with unincorporated territory, or two

or more cities, with or without unincorporated territory, in either the Counties of Alameda or Contra Costa or both, to organize and incorporate as a transit district divided into five wards with specified powers and duties relative to providing public transit service.

**[AB 811](#) (L. Rivas) Los Angeles County Metropolitan Transportation Authority. Contracting.**

**Chapter 414, Statutes of 2021**

This measure authorizes the Los Angeles County Metropolitan Transportation Authority to award contracts with private entities that combine into a single contract all or some of the planning, design, permitting, development, joint development, construction, construction management, acquisition, leasing, installation, and warranty of some or all components of transit systems and certain facilities that include operation and maintenance elements by a two-thirds vote of the members of the authority, that awarding the contract will achieve for the authority a more competitive solicitation process with respect to quality, timeliness, price, and other private sector efficiencies relevant to the integration of design, project work, and components.

**[AB 901](#) (Calderon) Rental Passenger Vehicle Transactions.**

**Chapter 415, Statutes of 2021**

This measure sets the damage waiver rate limitation that may be established by a vehicle rental company to be included with required disclosures, mandatory and prohibited contract provisions contained in a vehicle rental agreement for specified categories of vehicle to \$25, and commencing Jan. 1, 2023, authorizes the rate cap to be adjusted according to the Consumer Price Index for All Urban Consumers.

**[AB 917](#) (Bloom) Vehicles. Video Imaging of Parking Violations.**

**Chapter 709, Statutes of 2021**

This measure extends the authorization to any public transit operator in the state until Jan. 1, 2027, and to the City and County of San Francisco indefinitely, if the examiner or issuing agency of a violation allows for the reduction or waiver of parking penalties for indigent individuals. Current law requires a designated employee, who is qualified by the city and county of San Francisco, or a contracted law enforcement agency for the Alameda-Contra Costa Transit District, who is qualified by the city and county or the district to issue parking citations, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. Current law makes these video image records confidential and provides that these records are available only to public agencies to enforce parking violations.

**[AB 1157](#) (Lee) Controller. Transportation Funds. Distribution and Reporting Requirements.**

**Chapter 205, Statutes of 2021**

This measure requires local transportation agencies to report to the State Controller by June 15 of each year the public transportation operators within its jurisdiction that are eligible to claim specified local transportation funds within seven months after the end of each fiscal year.

**[AB 1337](#) (Lee) Transportation. San Francisco Bay Area Rapid Transit District. Policing Responsibilities.**

**Chapter 534, Statutes of 2021**

This measure specifies that a person who enters or remains upon any property, facilities, or vehicles upon which the Bay Area Rapid District owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement without permission, or whose entry, presence, or conduct upon that property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor. Under current law, a person who enters or remains upon any land, facilities, or vehicles owned, leased, or possessed by specified transit entities that are used to provide public transportation by rail or passenger bus, or are directly related to that use, without permission, or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor.

**[SB 69](#) (McGuire) North Coast Railroad Authority. Great Redwood Trail Agency. Rail Rights-of-Way. Sonoma-Marín Area Rail Transit District.**

**Chapter 423, Statutes of 2021**

This measure renames the North Coast Railroad Authority (NCRA) to the Great Redwood Trail Agency on March 1, 2022. This measure removes the ex officio member of the Golden Gate Bridge, Highway, and Transportation District from the board and authorizes the Governor to appoint a nonvoting director from the State Transportation Agency and a nonvoting director from the Natural Resources Agency. Under current law, the NCRA is governed by a board of directors composed of appointees from the counties of Humboldt, Marin, Mendocino, and Sonoma, a city representative selected by the cities served by the authority's rail line, and a nonvoting, ex officio member of the Golden Gate Bridge, Highway, and Transportation District. Current law requires the authority to plan for the transfer of all its assets and liabilities and for its dissolution.

**[SB 287](#) (Grove) Vehicles. Trailers.**

**Chapter 610, Statutes of 2021**

This measure permits a class C driver's license holder to operate a vehicle when towing a trailer between 10,000- and 15,000-pounds gross vehicle weight rating or gross vehicle weight, if the towing is not for compensation or commercial purposes, the trailer is used exclusively for recreational purposes and for the transportation of property or human habitation, a specified coupling is used, and the person has passed a specialized written examination. The measure also includes within a class C driver's license the operation of a vehicle when towing a fifth-wheel travel trailer between 10,000- and 15,000-pounds gross vehicle weight rating or gross vehicle weight when the towing is not for compensation and the license holder passes a specialized written examination.

**[SB 297](#) (Durazo) Subsurface Installations. Penalties.**

**Chapter 726, Statutes of 2021**

This measure enacts the Wade Kilpatrick Gas Safety and Workforce Adequacy Act of

2021. This measure prescribes a civil penalty of up to \$100,000 to be imposed on an operator or excavator who knowingly and willfully violates provisions relating to excavations and subsurface installations and damages a gas or hazardous liquid pipeline subsurface installation in a way that results in the escape of any flammable, toxic, or corrosive gas or liquid.

**SB 333 (Eggman) San Joaquin Regional Transit District. Procurement.**  
**Chapter 217, Statutes of 2021**

This measure increases the competitive bidding threshold to \$75,000 and specifies that the contract be in the district's discretion either to the lowest responsible bidder or to a responsible bidder that submits a proposal that provides the best value. The Local Agency Public Construction Act governs contracting by the San Joaquin Regional Transit District for the purchase of supplies, equipment, and materials. Additionally, this measure requires the district, when such an expenditure exceeds \$50,000, to make that purchase by contract let to the lowest responsible bidder. This measure requires the district to publish notice requesting bids at least once in a newspaper of general circulation.

**SB 339 (Wiener) Vehicles. Road Usage Charge Pilot Program.**  
**Chapter 308, Statutes of 2021**

This measure extends the operation of the Road Usage Charge (RUC) Technical Advisory Committee, under the direction of the Chair of the CTC, to study RUC alternatives to the gas tax, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program to guide the development and evaluation of the potential for mileage-based revenue collection as an alternative to the gas tax system until Jan. 1, 2027. The operation of these provisions was scheduled to expire on Jan. 1, 2023.

**SB 366 (Umberg) Automobile Dismantling. Task Force.**  
**Chapter 601, Statutes of 2021**

This measure creates a violation of this provision punishable by specified fines for the first, second, third, and subsequent violations, ranging from \$250 to \$1,000. This measure declares a building or place used for the purpose of automobile dismantling in violation of those requirements for operation to be a public nuisance and authorizes a public body to seek certain remedies. Current law makes it unlawful for any person to act as an automobile dismantler without having an established place of business, meeting specified requirements, and having a current, valid license or temporary permit issued by the DMV. A violation of this provision is a misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

**SB 548 (Eggman) Tri-Valley-San Joaquin Valley Regional Rail Authority. Transit Connectivity.**  
**Chapter 220, Statutes of 2021**

This measure requires Tri-Valley-San Joaquin Valley Regional Rail Authority to be considered a rail transit district, thereby exempting the authority from specified

provisions related to regulation by counties and cities regarding building, zoning, and related matters. Current law establishes the Authority for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley, as defined, region of California. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to enter into cooperative or joint development agreements with local governments or private entities necessary to achieve transit connectivity.

**[SB 629](#) (Roth) Identification Cards.  
Chapter 645, Statutes of 2021**

This measure deletes the requirements that the usable photo on file be no more than ten years old and that the person has no outstanding fees due for a prior identification card, requires a new photo to be taken if the photo on file is deemed unusable, and requires the inmate to provide, and the DMV to verify their California residency for purposes of obtaining an identification card. Current law requires the Department of Corrections and Rehabilitation and the DMV to ensure that any eligible inmate released from state prison has a valid identification card. Current law defines "eligible inmate," in part, as a person who has previously held a California driver's license or identification card, who has a usable photo on file with the DMV that is not more than ten years old, and who meets certain requirements, including that they have provided, and the DMV has verified, specified information, such as the inmate's true full name.

**[SB 640](#) (Becker) Transportation Financing. Jointly Funded Projects.  
Chapter 108, Statutes of 2021**

This measure authorizes cities and counties to propose projects to be jointly funded by the cities and counties' apportionments of increases in fuel taxes and vehicle fees, for the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated: 50% for allocation to Caltrans for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the State Controller pursuant to a specified formula.

**[SB 814](#) (Cmte. on Transportation) Transportation. Omnibus Bill.  
Chapter 311, Statutes of 2021**

This measure expands the definition of a pedicab to include electric bicycles and expands the definition of a bicycle to include electric bicycles. By expanding these definitions, this measure expands an existing crime, thereby imposing a state-mandated local program.

# **APPENDIX A – ADDITIONAL RESOURCES**

## 2021 Budget Act Bills and Trailer Bills

On June 28, 2021, Governor Newsom signed [AB 128](#) (Chapter 21, Statutes of 2021), which represented a preliminary budget agreement between the Legislature and the Administration. On July 12, 2021, Governor Newsom signed [SB 129](#) (Chapter 69, Statutes of 2021), which made significant amendments to [AB 128](#) and represents the 2021 Budget Act agreement between the Legislature and the Administration. As such, [AB 128](#) is omitted from this publication for clarity.

Consistent with prior fiscal years, several “Budget Bill Junior” statutory amendments followed to make technical changes or clarifications to the 2021 Budget Act. Budget Bill Junior measures related to the 2021 Budget Act notable for local governments include [AB 161](#) (Chapter 43, Statutes of 2021), [AB 164](#) (Chapter 84, Statutes of 2021), and [SB 170](#) (Chapter 240, Statutes of 2021).

By providing for appropriations related to the state budget within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, Budget Bills and Trailer Bills take effect immediately upon approval by the Governor.



## Key Organic Waste Legislation and Funding

### **Organic Waste – Implementing SB 1383 Regulations**

In November 2020, the California Department of Resources Recycling and Recovery (CalRecycle) finalized sweeping organic waste regulations to implement statewide organic waste diversion goals set forth in [SB 1383 \(Lara, Chapter 395, Statutes of 2016\)](#). These regulations took several years to develop and require local governments to implement many of the requirements outlined in the regulations by Jan. 1, 2022.

Anticipating the potential costs to cities to implement the regulations, Cal Cities conducted [a survey](#) in November 2020 asking member cities if they anticipate their solid waste and recycling rates increasing, and if so, why? The results of the survey showed seven out of ten cities surveyed anticipate a solid waste and recycling rate increase between one to 20% in the next three years. One of the main cost drivers identified in the survey was the cost of implementing the regulations. As the survey data indicates, the burden of paying for the costs associated with implementing the regulations will fall to our residents and our businesses, given that the regulations do not have a source of state funding identified.

The results of this survey, combined with feedback from city officials during numerous roundtables, led Cal Cities to develop a legislative proposal to help local governments comply with the regulations. Cal Cities took the lead in establishing a coalition of local government associations and worked with Senator Laird on crafting a bill. This proposal was introduced as [SB 619](#) (Laird, Chapter 508, Statutes of 2021). Over the course of the legislative session, Cal Cities worked closely with this coalition and Senator Laird to develop and refine the language, work with external stakeholders, and coordinate legislative testimony in support of the bill. [SB 619](#) became the policy vehicle through which local governments sought to gain additional time and flexibility to implement the regulations.

In a parallel track, Cal Cities and this same local government coalition, also developed and pushed for a [\\$225 million budget ask](#) for state dollars to help local governments implement the regulations. Cal Cities' budget ask gained traction in the State Senate, championed by Senators Allen, Laird, and Wieckowski, where \$200 million was proposed to fund SB 1383 implementation in the Senate's climate resiliency proposal.

Ultimately, Cal Cities was successful in our advocacy for both policy change and state funding. While Cal Cities' original bill idea was sidelined, a compromise bill with CalRecycle was amended into the final version of [SB 619](#). [SB 619](#) was then passed by the Legislature and signed into law by Governor Newsom. Cal Cities' organic waste budget ask was included in the final budget bill, [SB 170 \(Skinner, Chapter 240, Statutes of 2021\)](#), but was pared down to \$60 million from the Senate's \$200 million proposal. Both the policy change and the state funding mark significant improvements that will help cities better implement the regulations and lower costs for their residents. A detailed list of key bills, including [SB 619](#), related to organic waste has been prepared below.

### **Key Organic Waste Legislation**

#### **AB 322 (Salas) Energy. Electric Program Investment Charge Program. Biomass. Chapter 229, Statutes of 2021**

This measure requires the California Energy Commission (CEC) to consider, in the investment planning process for the Electric Program Investment Charge (EPIC), funding for eligible biomass conversion to energy projects. This measure also requires the CEC to consider recommendations from CARB and CAL FIRE, and to coordinate with the Natural Resources Agency, CalRecycle, and the Department of Food and Agriculture about the need for biomass conversion. Additionally, this measure requires the CEC to consider opportunities to reduce short-lived climate pollutant emissions, generate carbon negative emissions, reduce wildfire impacts, and increase energy reliability.

#### **AB 843 (Aguiar-Curry) California Renewables Portfolio Standard Program. Renewable Feed-In Tariff. Bioenergy Market Adjusting Tariff Program. Community Choice Aggregators. Chapter 234, Statutes of 2021**

This measure allows Community Choice Aggregators to access the CPUC's Bioenergy Market Adjusting Tariff program.

#### **AB 1201 (Ting) Solid Waste. Products. Labeling. Compostability and Biodegradability. Chapter 504, Statutes of 2021**

This measure ensures that only products capable of being composted in real-world compost facilities are labeled "compostable." Specifically, this measure prohibits a person from selling or offering for sale a product that is labeled with the term "compostable" or "home compostable" unless the product satisfies specified criteria established by CalRecycle.

#### **SB 619 (Laird) Organic Waste. Reduction Regulations. Local Jurisdiction Compliance. Chapter 508, Statutes of 2021**

This measure gives local governments an optional pathway to compliance with SB 1383 (Lara, Statutes of 2016) CalRecycle organic waste regulations. If the compliance pathway approved by CalRecycle is kept, then cities are shielded from penalties being imposed or accruing for the 2022 calendar year.

Specifically, this measure:

- Authorizes a local jurisdiction facing continuous violations of the Regulations to submit a notice of intent to comply (NOI) to CalRecycle. If approved by CalRecycle, the jurisdiction is eligible for administrative civil penalty relief for the 2022 calendar year and a corrective action plan;
- Requires, for violations of the regulations that are disclosed in an approved NOI, CalRecycle to waive administrative civil penalties for noncompliance during the 2022 calendar year, and prohibits administrative civil penalties from accruing

during the 2022 calendar year, if the local jurisdiction implements certain actions to remedy the violations;

- For violations that may take more than 180 days to correct, authorizes CalRecycle to instead address the violations disclosed in the NOI through a corrective action plan;
- Authorizes CalRecycle to revoke its approval of the NOI and impose administrative civil penalties for violations occurring during the 2022 calendar year retroactive to the date of violation if a local jurisdiction fails to adhere to the proposed actions;
- Permits, for violations that commence during 2022 and continue into 2023, administrative civil penalties to begin accruing as of Jan. 1, 2023; however, requires those penalties be waived upon compliance with a corrective action plan;
- Requires the NOI be filed with CalRecycle no later than March 1, 2022, and requires CalRecycle to respond to the local jurisdiction within 45 business days of receiving a NOI with approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval; and
- Authorizes CalRecycle to adopt emergency regulations to implement and enforce these provisions.

### **State Budget Funding**

#### **SB 170 (Skinner) Budget Act of 2021.**

##### **Chapter 240, Statutes of 2021**

This measure makes numerous appropriations. Such appropriations include, but are not limited to, the following items related to organic waste:

- Circular Economy Package appropriates \$75 million in 2021-22, including:
  - \$3 million to CalRecycle for food waste prevention and rescue programs;
  - \$5 million to CalRecycle for community composting;
  - \$10 million to CalRecycle for co-digestion at wastewater treatment plants; and
  - \$20 million to CalRecycle for organics infrastructure grants.
- Cap and Trade Discretionary Spending Plan appropriates \$850 million Greenhouse Gas Reduction Fund, including:
  - \$130 million to CalRecycle for waste diversion/recycling infrastructure:
    - \$70 million for organics infrastructure grants; and
    - \$60 million for grants to local jurisdictions to assist in the implementation of SB 1383 (Lara, Statutes of 2016).

For more information on additional appropriations in [SB 170](#) (Skinner), please see the budget section.

For more information related to recycling legislation and funding, please see Appendix A, Key Recycling Legislation and Funding.

## Key Recycling Legislation and Funding

### **Recycling – Shifting How California Recycles**

Over the past three years, there have been several major legislative attempts to overhaul how California recycles — but none have succeeded. For example, during the 2019-20 legislative session, Senator Ben Allen and Assembly Member Lorena Gonzalez championed [SB 54](#) and [AB 1080](#), which unsuccessfully sought to require single-use plastic producers to achieve a 75% reduction of waste generated from single-use packaging and priority single-use plastic products in the California market by 2030. While these bills did not advance, they brought the issue of reforming how California recycles to the forefront of the Legislature’s mind.

This year, both Senator Allen and Assembly Member Gonzalez continued to work on recycling issues but took smaller swings at reforming the recycling system by introducing [SB 343](#) and [AB 881](#). Both bills, which were passed by the Legislature and signed by Governor Newsom. Summaries of these bills are included in this document.

In February of 2021, Cal Cities, along with other local government associations, sent [a letter](#) to the Legislature asking for urgent action to address needed changes to the Beverage Container Recycling Program to address the lack of convenient redemption opportunities in many parts of the state. This letter was a product of numerous Cal Cities solid waste and recycling roundtables and conversations with local governments up and down the state. In response to this letter, Assembly Member Wood introduced [AB 1311](#) to make some of the tweaks requested. This measure was ultimately passed by the Legislature and signed by Governor Newsom. A summary of [AB 1311](#) is included in this document.

In addition to this bill, there were several other bills, including [SB 38 \(Wieckowski\)](#), [AB 1454 \(Bloom\)](#), and [SB 451 \(Dodd\)](#), which unsuccessfully sought to overhaul the existing recycling system in California — in part due to the many issues related to the mass closure of redemption centers and declining recycling rates.

It is anticipated that the Legislature will continue the push to overhaul the recycling system in California in the next legislative session. A detailed list of key bills related to recycling is included in this document.

### **Key Solid Waste and Recycling Legislation**

#### **AB 881 (Gonzalez) Recycling. Plastic Waste. Export.** **Chapter 501, Statutes of 2021**

This measure makes the export out of the country of a mixture of plastic wastes count as "disposal" and not "diversion" under the California Integrated Waste Management Act of 1989, unless the mixture includes only certain plastics destined for separate recycling, in which case that export constitutes diversion through recycling. Until Jan. 1, 2024, "export" means exporting out of the country and does include export to Canada or Mexico.

**[AB 962 \(Kamlager\) California Beverage Container Recycling and Litter Reduction Act. Reusable Beverage Containers.](#)**

**Chapter 502, Statutes of 2021**

This measure authorizes CalRecycle to allow returnable bottles to flow through the state's Beverage Container Recycling and Litter Reduction Act (Bottle Bill) program and provide bottle washers the same processing payment that is currently paid to certified recyclers, and the same Quality Glass Incentive Payment that is currently paid to certified recycling processors.

**[AB 1276 \(Carrillo\) Single-Use Foodware Accessories and Standard Condiments.](#)**  
**Chapter 505, Statutes of 2021**

This measure requires food and beverage accessories, such as single-use condiments and plastic silverware, be available only upon request. This includes food facilities that use third parties for their take-out food order and delivery. This measure also requires, on or before June 1, 2022, local governments to authorize an enforcement agency to enforce this measure's requirements.

**[AB 1311 \(Wood\) Recycling. Beverage Containers.](#)**

**Chapter 506, Statutes of 2021**

This measure expands the beverage container redemption opportunities under the Bottle Bill program that include, but are not limited to, appointment-based bottle drop-offs and electronic deposit payments.

Specifically, this measure:

- Requires bag drop recycling centers to pay the refund value for beverage containers within a reasonable period of time, not to exceed three business days;
- Specifies that the refund value can be paid electronically;
  - Defines "bag drop recycling center" as a recycling location operated by a recycling center at which consumers can drop off bagged empty beverage containers for redemption.
- Authorizes CalRecycle to require a certified recycling center to operate up to 50% of its hours of operation other than during 9 a.m. to 5 p.m.;
- Authorizes CalRecycle to certify a recycling center operating less than 30 hours per week if the recycling center posts a sign indicating the location of the nearest recycling center that is open at least 30 hours per week, accepts all material types, and if either of the following apply:
  - The recycling center is in a rural region; or
  - The needs of the community and the goals of the Bottle Bill will be best served by certification of the recycling center.
- Requires CalRecycle, before July 1, 2022, to develop and implement a process for certified recycling centers to apply for authorization to operate on an "alternative schedule," which could include reduced hours of operation. Requires the process to include, at a minimum:
  - The form and content of the application and the manner in which the application is required to be submitted;

- The criteria used by CalRecycle to authorize a certified recycling center to operate on an alternative schedule, including providing flexibility for certified recycling centers that are owned or operated by small or family-owned businesses and centers that are experiencing operational challenges due to natural disasters or states of emergency;
- A minimum number of hours per week, per month, or per year that a recycling center may be open to ensure that the ability of consumers to conveniently return all types of beverage containers is not significantly decreased; and
- Other requirements determined by CalRecycle to ensure convenient consumer redemption opportunities for all beverage types.
- Specifies that, until July 1, 2023, a certified recycling center is open for business if it receives written confirmation from CalRecycle to operate pursuant to an appointment system, the recycling center ensures that an employee is present during all appointments and available to accept containers and pay the California Redemption Value (CRV); and
- Exempts dealers delivering empty beverage containers redeemed from consumers to a certified recycling center or processor from the daily load limits established by CalRecycle for containers.

**SB 343 (Allen) Environmental Advertising. Recycling Symbol. Recyclability. Products and Packaging.**

**Chapter 507, Statutes of 2021**

This measure provides additional clarity and regulatory standards on which products can use the recycling “chasing arrows” symbol on their packaging. These standards include, but are not limited to, requiring a plastic product to be recyclable by 60% of local jurisdictions to be allowed to use the “chasing arrows” symbol.

**State Funding**

**SB 170 (Skinner) Budget Act of 2021.**

**Chapter 240, Statutes of 2021 (Urgency)**

This measure makes numerous appropriations. Such appropriations include, but are not limited to, the following items related to recycling:

- Circular Economy Package appropriates \$75 million in 2021-22, including:
  - \$2 million to CalRecycle for Circular Economy development;
  - \$25 million to CalRecycle for the Recycling Market Development Zone Loan Program; and
  - \$10 million to CalRecycle for the Quality Incentive Payment Program for plastic thermoforms.

For more information on additional appropriations in SB 170, please see the budget section.

For more information related to organic waste legislation and funding, please see Appendix A, Key Organic Waste Legislation and Funding

## Key Broadband Legislation

### **Background:**

While the digital divide is not a new challenge, the COVID-19 pandemic highlighted that a lack of broadband access persists for many communities. As nearly every household, business, and agency swiftly adapted to a new virtual environment, disparities around access to fast, reliable, and affordable broadband service became even more apparent. In addition to increased individual reliance on the internet to meet daily obligations such as school, work, and access to healthcare, local governments have taken to online platforms to ensure that transparency and accessibility continues to be maintained.

In June 2020, the Transportation, Communications, and Public Works Policy Committee voted, and the Cal Cities Board approved a new broadband policy supporting broadband deployment in unserved and underserved areas. Additionally, Cal Cities 2021 Action Agenda included securing state and federal resources to close the digital divide while protecting and modernizing critical infrastructure in California's communities. The new policy, coupled with this its prominence in this year's Action Agenda, played a key role in guiding Cal Cities staff as the Legislature considered broadband issues this last year.

### **Historical Role of the California Public Utilities Commission in Broadband Deployment**

Under current law, the California Public Utilities Commission (CPUC) has regulatory authority over public utilities, including telephone corporations. Current law requires CPUC to develop, implement, and administer the California Advanced Services Fund (CASF) to encourage the deployment of high-quality advanced communications services to all Californians to promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies.

The CASF consists of several subaccounts, each with funding allocated for a specific purpose (i.e., infrastructure, consortia support, public housing, and adoption). In 2017, the program was reauthorized under [AB 1665](#) (Eduardo Garcia, et al.), Chapter 851, Statutes of 2017. That measure authorized the CPUC to collect a surcharge from Jan. 1, 2018, through Dec. 31, 2022, to fund the program at a rate of up to \$66 million per year. The statutory goal of the program is to provide broadband access to no less than 98% of California households in each "consortium" (regional umbrella organizations made up of public, private, and community-based organizations that coordinate efforts to promote deployment, access, and adoption of broadband technology). As of 2021, the state has not met the CASF program goal; however, demand for CASF grants thoroughly exceeds available funds as thousands of Californian households across the state continue to lack service to even basic internet service.

Additionally, the CPUC is required to direct interconnected Voice over Internet Protocol providers, that service enabling two-way voice communications requiring broadband, to collect surcharges on California intrastate revenues and deposit those funds in the

accounts for the state’s telecommunications universal service programs, including the CASF.

To address the digital divide, the Legislature proposed a package of broadband reforms, including the measures listed below, that would affirmatively embrace the small local government/non-profit model of broadband by creating a state-backed bond financing program that would enable long-term, low-interest loans to finance fiber; increased eligibility to grant programs; and increased oversight and accountability by the CPUC for the deployment of broadband throughout California communities.

**Cal Cities Supported Measures:**

**[AB 14](#) (Aguiar-Curry) Communications. California Advanced Services Fund. Deaf and Disabled Telecommunications Program. Surcharges. Chapter 658, Statutes of 2021 (Urgency)**

This measure extends the CASF program to encourage deployment of broadband service to unserved Californians and revises the surcharge collection methodology for interconnected VoIP service and the Deaf and Disabled Telecommunications Program (DDTP).

CPUC collects surcharges to fund and administer five telecommunications public purpose programs, including CASF and DDTP. Due to unreliable methodologies used to estimate surcharge amounts owed to the CPUC by providers of telephone service, the CPUC has under collected surcharges, leading to structural revenue problems for all the public purpose programs. The changes contained in this measure revise the surcharge collection mechanism for DDTP and all public purpose programs so that the CPUC may implement a more stable funding mechanism.

**[SB 4](#) (Gonzalez) Communications. California Advanced Services Fund. Chapter 671, Statutes of 2021 (Urgency)**

This measure eliminates the \$330 cumulative cap on CASF funds and raises the annual revenue cap from \$66 million to \$150 million. Prior to Dec. 2020 adjustments to the CASF surcharge rate, CASF was on track to only collect \$187 million out of the \$330 million total funding authorized under existing law. Even with surcharge rate increases, CASF may never collect its total authorized revenue if the revenues disproportionately rely on surcharges paid by traditional telephone users.

On March 4, 2021, CPUC opened a rulemaking (R. 21-03-002) to update the surcharge mechanism for the state’s Universal Service Fund programs. Neither this measure or [AB 14](#) require CPUC to set a specific surcharge amount or increase surcharges. Instead, both measures eliminate restrictions in existing law that limit CPUC’s ability to modify the surcharge mechanism through its existing proceeding. To the extent that CPUC takes action in its ongoing proceeding that results in the collection of more CASF revenues from reducing cost-shifts to wireline telephone ratepayers, this measure and [AB 14](#) could provide a long-term source of broadband deployment funding for multi-year broadband projects that may not meet the deadlines for federal stimulus funding and expand local governments’ eligibility to apply for available CASF grants.



Cal Cities supported both [AB 14](#) and [SB 4](#) from the start of the legislative session. The authors, Assembly Member Cecilia Aguiar-Curry and Senator Lena Gonzalez partnered as principal co-authors to both measures after a comprehensive broadband package failed to pass in the 2020 legislative session. The CASF reforms included in AB 14 and SB 4 provide stability and reliability to the fund and permit more eligible participants to serve a more significant role in closing the digital divide.

**[SB 28 \(Caballero\) Digital Infrastructure and Video Competition Act of 2006.](#)**

**Deployment Data.**

**Chapter 673, Statutes of 2021**

This measure requires the CPUC to collect granular data on the actual locations served by the holder of a state franchise.

In 2006, the Legislature passed the Digital Infrastructure and Video Competition Act (DIVCA), which established a state cable franchise process at the CPUC. Prior to the passage of DIVCA, local governments licensed cable franchises. A cable provider seeking to offer video service in every part of California needed to obtain over 400 franchise agreements before the creation of a state franchise process. Few areas had more than one cable provider, and the primary service competing against cable, satellite television service, was not required to obtain franchise agreements. DIVCA was intended to grow cable service in the state and increase competition between cable providers by lowering barriers associated with local franchising.

In addition to providing video service, many DIVCA franchisees are also internet service providers and frequently provide video and internet services through some of the same infrastructure. Over 96% of Californians with broadband receive their internet service from a DIVCA franchisee. Since the enactment of DIVCA, the video service market has changed dramatically due to the rise of web-based streaming video subscriptions and the growth of wireless personal communications devices. As of 2018, the Motion Picture Association of America reported that total online streaming platform subscriptions surpassed total cable subscriptions.

While existing law requires cable providers to provide information about the number of households to which it provides internet service, existing law only requires this information on a census tract level and allows cable providers to submit an estimate of this figure if the company does not maintain the data. A census tract's size depends on the density of the population. As a result, rural counties generally have fewer census tracts than those contained in more urban counties. Given the potentially large geographic area that a census tract may contain, data at this level is unlikely to provide enough detail to identify whether a franchise is discriminating against a specific community. The enhanced data collection required by this measure may provide information that could enable the CPUC to better identify communities that lack service.

**[SB 156](#) (Cmte. on Budget and Fiscal Review) Communications. Broadband. Chapter 112, Statutes of 2021**

This measure implements the first year of a three-year \$6 billion investment in broadband.

Most of the funding (\$3.25 billion) is budgeted to build a statewide, publicly owned, open-access broadband middle-mile network overseen by the California Department of Technology and a third-party administrator. The middle-mile will not directly serve households, but rather is the essential backbone infrastructure needed to enable direct, or "last-mile," connections to households or businesses by internet service providers. Therefore, the \$3.25 billion middle-mile funding will serve a different purpose than CASF and this measure, which connects households through last-mile connections. This year's budget also allocated \$750 million for a Loan-Loss Reserve fund. This funding is to assist local governments and non-profits in financing broadband service projects across the state. Like the CASF, the Loan-Loss Reserve fund will be administered by the CPUC.

For last-mile connections, this year's budget allocated \$2 billion to a new CASF subaccount, the Federal Funding Account. The Federal Funding Account is funded through federal monies received from the American Rescue Plan Act (ARPA). The Federal Funding Account will be used to fund last-mile projects to connect unserved and underserved households to broadband service by applicable federal deadlines. Although the Federal Funding Account and its monies fall within the CASF program, that subaccount is separate from the existing CASF Infrastructure grant account. The CASF Infrastructure grant account also funds last-mile infrastructure projects for unserved households but currently has more funding requests than available funds.

In summary, this year's budget allocated \$6 billion to broadband projects broadly; however, only \$2 billion of that funding is allocated to CASF, and it all must be spent by 2026 or returned to the federal government. The surcharges collected under this measure could be used to fund the other CASF subaccounts that were not funded with the \$2 billion appropriation under [SB 156](#), such as the adoption and public housing subaccounts. The surcharge could also go towards funding the 37 outstanding CASF Infrastructure grant applications that have been pending since May 2020 but were never acted on, in part, because of a lack of available funding.

Cal Cities supported this measure as part of a large and diverse coalition. This measure included over \$3 billion more than Cal Cities had originally requested in the budget for broadband deployment. [SB 156](#) faced intense opposition from the telecommunications industry, which sought to divert funding away from the middle mile.

**Cal Cities Opposed Measure:**

**[SB 556](#) (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures. Attachments.**

In 2018, the Federal Communications Commission (FCC) voted to limit the authority and standards that states and local governments can require for the installation and/or

deployment of small cell wireless facilities. However, the FCC regulations explicitly protect the ability of local governments to ensure that such installations meet appearance and design standards, maintain traffic safety, protect historical resources' integrity, and safeguard citizens' quality of life. Additionally, local governments can continue to charge fees that are a reasonable approximation of the local government's actual and direct costs, including costs to maintain a structure within the right-of-way, process an application or permit, and review a siting application.

While Cal Cities was a party to litigation seeking the U.S. Supreme Court's review and overturning of the 9th Circuit District Court of Appeals challenging the FCC declaratory ruling that abrogated protections for local governments in prior FCC regulations, the U.S. Supreme Court upheld the decision.

Specifically, [SB 556](#) would have:

- Gone beyond the FCC's adopted regulations on wireless services deployment, which cities and counties across the nation are actively implementing;
- Required local governments to make space available to telecommunications providers for wireless infrastructure without recognizing local authority to manage the public right-of-way preserved in the federal law; and
- Created ambiguity in the fees local governments can charge for access to their infrastructure.

Cal Cities worked diligently with the author's office to secure amendments to [SB 556](#) that ensured conformity with the existing FCC regulations. However, despite these amendments, Cal Cities continued to oppose the measure as [SB 556](#) did not include any requirements that telecommunications providers service unserved and underserved communities across the state.

After the Legislature passed [SB 556](#), Cal Cities urged the Governor to veto [SB 556](#), which was successful.

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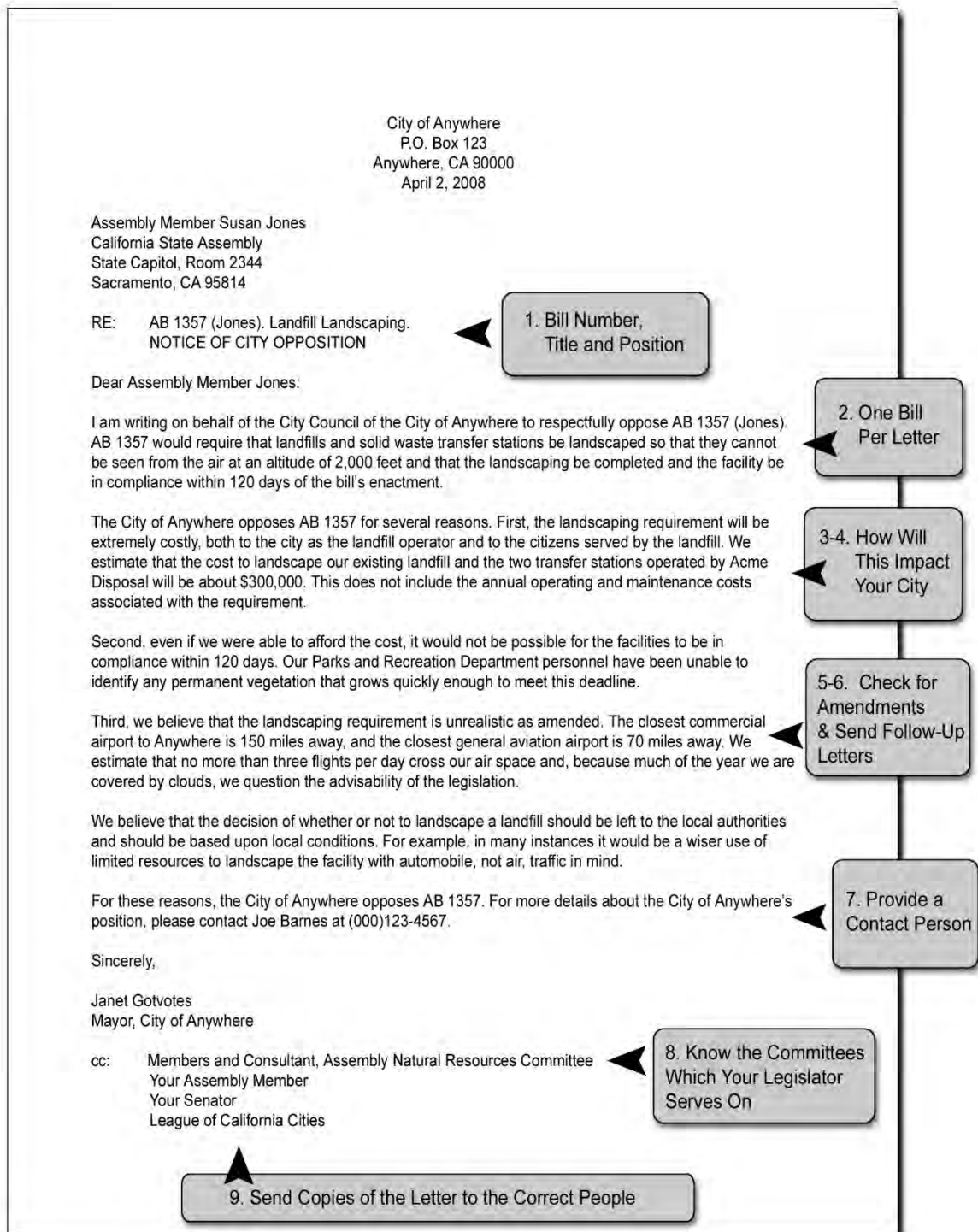
## 10 Tips for Cities Lobbying the California Legislature

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. Visit the Cal Cities regional division [webpage](#) to locate contact information for your regional public affairs manager.
2. Use Cal Cities as a resource. Visit the Cal Cities advocacy [page](#) to access Cal Cities priority bills, city sample support and opposition letters, legislative contacts, and use our online bill search feature to track bills' progress.
3. Read and subscribe to the *Cal Cities Advocate*, Cal Cities' [online newsletter](#), to stay current on important legislation and stories.
4. Develop relationships with your Senate and Assembly representatives as well as their Capitol and district office staff. Make sure to look up [who your local state elected official](#) is.
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 by attending Cal Cities educational conferences, policy committee meetings, and regional division events.
7. Build networks and collaborate with other stakeholders, such as non-profits, businesses, or your county, in your community on key legislative issues.
8. Organize an internal process within your city for developing and proposing changes to both state and federal 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 Cal Cities action alerts.
10. Write letters on legislation featured in the *Cal Cities Advocate*. City sample support and opposition letters can be found using the Cal Cities [bill search](#) feature and entering 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. Cal Cities 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 Cal Cities [bill search](#) page 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 the Cal Cities bill search webpage to track the bill’s location. In addition, the *Cal Cities Advocate* 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.** Email a copy of the letter to your local state senator, assembly member, your Cal Cities regional public affairs manager, and [Cal Cities](#).
- 10. Submit your Letter to the California Legislature Position Letter Portal.** The portal automatically sends letters to the author’s office and the committee(s) of jurisdiction. Please visit the [legislative portal](#) to create an account and upload the letter.





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