



**Housing, Land Use and Transportation Policy  
Committee**  
**CSAC Legislative Conference**  
**Thursday, April 25, 2019 — 9:00 a.m. – 10:30 a.m.**  
**Regency EF, Hyatt Regency, Sacramento**  
**Sacramento County, California**

**Supervisor Oscar Villegas, Yolo County, Chair**  
**Supervisor Denise Carter, Colusa County, Vice Chair**

- 9:00 a.m.      I. **Welcome and Introductions**  
*Supervisor Oscar Villegas, Chair*  
*Supervisor Denise Carter, Vice-Chair*
- 9:05 a.m.      II. **Introduction to Governor’s Tribal Negotiations Advisor**  
*Anna Naimark, Tribal Negotiations Advisor, Governor’s Office*
- 9:20 a.m.      III. **Governor Newsom’s Housing Budget Proposals**  
*Mark Tollefson, Deputy Cabinet Secretary, Governor’s Office*  
Attachment One: CSAC Summary of Housing Planning Trailer Bill
- 9:40 a.m.      IV. **Housing Affordability & Impact Fees – ACTION ITEM**  
Presentation on Statewide Community Infrastructure Program  
*James Hamill, Managing Director, California Statewide  
Communities Development Authority*  
  
Consideration of Policy Principles on Housing Impact Fees  
*Chris Lee, CSAC Legislative Representative*  
Attachment Two: Housing Impact Fee Policy Principles Memo
- 10:10 a.m.      V. **Consider Tenant Protection Legislation – ACTION ITEM**  
*Chris Lee, CSAC Legislative Representative*  
Attachment Three: Tenant Protection Legislation Memo
- 10:30 a.m.      VI. **Information Only – Priority Legislation**  
Attachment Four: Bills with Active and Pending Positions
- 10:30 a.m.      VII. **Closing Comments and Adjournment**  
*Supervisor Oscar Villegas, Chair*  
*Supervisor Denise Carter, Vice Chair*

## LIST OF ATTACHMENTS

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Attachment One .....CSAC Summary of Housing Planning  
Trailer Bill

Attachment Two .....Housing Impact Fee Policy Principles  
Memo

Attachment Three.....Tenant Protection Legislation Memo

Attachment Four.....Bills with Active and Pending Positions

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**Attachment One**  
CSAC Summary of Housing Planning Trailer Bill



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## Summary of Draft Housing Planning & Production Grants Trailer Bill

- **Short-Term Goals for Housing Production:**
  - Housing production goals for calendar years 2020 and 2021
  - Based on three year’s annualized average of current Regional Housing Needs Allocation at regional level – no jurisdiction receives lower than current
- **Regional Planning Grants:**
  - \$125 million allocated to regions to assist jurisdictions in meeting short- and long-term housing goals, as well as, encourage planning at the regional level, and intra-regional collaboration
  - Regions include “big 4” MPOs/COGs (SCAG, ABAG, SACOG, SANDAG), and multi-COG combinations of counties:
    - Association of Bay Area Governments: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma
    - Sacramento Area Council of Governments: El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba
    - San Diego Association of Governments: San Diego
    - Southern California Association of Governments: Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura
    - Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, and Tuolumne\*
    - Butte, Colusa, Glenn, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, and Tehama\*
    - Del Norte, Humboldt, Lake, Mendocino, Siskiyou, Trinity\*
    - Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare
    - Monterey, San Benito, San Luis Obispo, Santa Barbara, and Santa Cruz\*

*\*These counties may request to receive allocation directly*
  - Regions or counties submit an action plan to the Department of Housing and Community Development by December 2020
    - Identify specific strategies that jurisdictions within the region have implemented or plan to implement to meet their short-term and long-term housing goals
    - Include framework to evaluate progress towards these goals
- **Local Planning Grants:**
  - \$125 million for housing-related planning activities allocated directly to jurisdictions that demonstrate a commitment to participate in the development of their regional action plan

- Eligible uses include, but are not limited to:
  - Improvements to permitting processes and planning tools
  - Establishing regional housing trust funds
  - Developing policies to link transportation funds to housing outcomes
  - Performing infrastructure planning for facilities necessary to support new housing and residents
  - Performing feasibility studies to determine the most efficient locations to site housing
  - Creation or improvement of accessory dwelling unit ordinances
  - Rezoning and encouraging development by updating planning documents and zoning ordinances, such as general plans, community plans, specific plans, sustainable communities' strategies, and local coastal programs
  - Completing environmental clearance to eliminate the need for project-specific review
- Maximum grant amounts
  - \$750,000 to localities with populations over 200,000
  - \$275,000 to localities with populations between 60,000 and 200,000
  - \$150,000 to small localities with populations under 60,000
- **Production and Process Improvement Reward Program**
  - \$500 million for allocation to regions or counties that have demonstrated progress towards increased housing production
  - Allocation based on proportionate share of the annual housing targets
  - Each region or county determines an award methodology
  - Award funds may be used for general purposes
- **Long-Term Housing Planning Reform**
  - By 2023 Housing and Community Development Department and the Office of Planning and Research will engage stakeholders and propose an improved Regional Housing Needs Allocation process and methodology
    - Methodology should promote and streamline housing development
  - By 2023 the California State Transportation Agency and the Office of Planning and Research will engage stakeholders and recommend policies to link state funding with statutorily-required housing goals
    - By July 1, 2023, SB 1 local road maintenance and rehabilitation account funding to cities and counties may be withheld from any jurisdiction that does not have a compliant housing element and has not zoned or entitled for its annual housing goals, pursuant to its most-recent Regional Housing Needs Allocation

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**Attachment Two**  
Housing Impact Fee Policy Principles Memo



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April 10, 2019

**To:** Housing, Land Use and Transportation Policy Committee

**From:** Chris Lee, Legislative Representative  
Marina Espinoza, Legislative Analyst

**Re:** **Consider Policy Principles for Housing Development Impact Fee Legislation – ACTION ITEM**

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**Recommendation.** CSAC staff recommends that the Housing, Land Use and Transportation Committee recommend to the Executive Committee the attached policy principles for housing development impact fee legislation under consideration in the 2019-20 legislative session.

**Background.** The Governor and the Legislature continue to focus closely on housing production and affordability crisis. Hundreds of new housing bills have been introduced and the Governor has proposed new funding for planning and housing incentives as part of his January budget proposal.

As part of its implementation of the 2017 legislative housing package, the Department of Housing and Community Development has contracted with the Turner Center for Housing Innovation at the University of California, Berkeley to complete a study to evaluate the reasonableness of local fees charged to new developments by June 30, 2019. Pursuant to AB 879 (Grayson, 2017), the study will “include findings and recommendations regarding potential amendments to the Mitigation Fee Act to substantially reduce fees for residential development.”

In the meantime, the Legislature is considering a significant number of bills related to development impact fees. Topics include reporting and transparency, as well as fee caps, waivers, and “freezes.” A brief summary of each of the main bills is included below:

*Reporting Requirements*

**AB 831 (Grayson):** Current law requires the California Department of Housing and Community Development to complete a study evaluating local fees charged to new developments by June 2019. This bill would require the department to complete a study determining the total average residential fee burden per housing unit in each region of the state by June 2020. This bill would also require the department to report to the Legislature on local governments’ progress in adopting the department’s recommendations to reduce fees for residential development by January 2024.

**AB 1483 (Grayson):** This bill would require increased reporting of housing data from local jurisdictions, including information on zoning and planning standards, fees imposed under the Mitigation Fee Act, special taxes, and assessments applicable to housing development projects in each jurisdiction.

#### *Freezing or Capping Impact Fees*

**AB 1484 (Grayson):** This bill would require local agencies to publish fees for housing development projects on their internet website and freeze “impact and development fees that are applicable to housing developments” for two-years after a development application is deemed complete.

**SB 4 (McGuire):** The bill will be amended to state the Legislature’s intent to address the effect of unreasonable fees imposed on small housing developments, based on the fee study the California Department of Housing and Community Development is expected to submit to the Legislature by June 2019.

**SB 13 (Wieckowski):** This bill would prohibit a local agency, special district, or water corporation from imposing any impact fee on an accessory dwelling unit if it exceeds certain requirements depending on the size of the unit.

**AB 1706 (Quirk):** This bill would, until January 2035, provide incentives to housing developers in the San Francisco Bay area region if they dedicate at least 20% of a development’s housing units to households at or under 150% of the area median income. This bill would cap fees imposed under the Mitigation Fee Act at \$20,000 per unit.

**SB 330 (Skinner):** This bill would, until January 2030, prohibit affected local governments from charging a development fee or exaction, including water or sewer connection fees, in an amount greater than what would have applied to the project on January 1, 2018, unless it is indexed to inflation, or if it is charged in lieu of an inclusionary housing requirement. This bill would also prohibit local governments from charging any development fees or exactions to deed-restricted units affordable to low-income households.

#### *Impact Fee Incentives*

**AB 847 (Grayson):** This bill would require the California Department of Housing and Community Development to establish a grant program for cities and counties to offset up to 100% of any transportation-related impact fees on housing developments that meet certain criteria.

**AB 264 (Melendez):** This bill would establish a tax credit for development impact fees and connection fees applied to newly-constructed single-family and multifamily homes.



## *Miscellaneous*

**AB 579 (Daly):** This bill is likely would expand the definition of a “fee” under the Mitigation Fee Act to include fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements, or fees collected pursuant to agreements with redevelopment agencies.

**AB 1386 (Chen):** This bill removes local governments’ authority to require payment of fees or charges for a residential development in limited circumstances prior to the date of final inspection or issuance of the certificate of occupancy.

**Policy Considerations.** Research by the Legislative Analyst’s Office has shown that constitutional limitations on local taxation and requirements for voter approval of various taxes has likely shifted some of the burden for developing infrastructure and community facilities necessary to support new development from taxpayers at large and onto individual development projects. Accordingly, development impact fees in California appear to be higher than in other states.

California has large numbers of special districts and school districts, all which overlap with cities and counties and have various statutory authorities to impose impact fees on new development, makes it more complex to provide transparency on applicable fees for housing projects and provide developers with certainty. Research by the Turner Center has pointed to wide variations

**Action Requested.** CSAC staff recommends that the Housing, Land Use and Transportation Committee recommend to the Executive Committee the attached policy principles for housing development impact fee legislation under consideration in the 2019-20 legislative session.

### **Staff Contacts.**

Chris Lee, (916) 327-7500 Ext. 521 or [clee@counties.org](mailto:clee@counties.org).

### **Attachments.**

- 2a. LAO Comments on Proposition 13 and Housing Impact Fees
- 2b. Turner Center Brief on Housing Impact Fees
- 2c. CSAC Draft Policy Principles on Housing Development Impact Fees

# Did Proposition 13 Increase Fees on Developers?

Legislative Analyst's Office: "Common Claims About Proposition 13"

<https://lao.ca.gov/publications/report/3497>

September 19, 2016

*Local governments appear to be increasingly using impact fees to pay for the costs associated with new development.*

**Impact Fees Are an Alternative to Property Taxes.** Prior to Proposition 13, local governments could increase property taxes to pay for the costs associated with new development. After Proposition 13—which capped local governments' property tax revenues—local governments had to use other sources of revenue to pay for the costs associated with development. Three options for raising additional revenue for new development include parcel taxes, impact fees, and Mello–Roos assessments (discussed in the next section). Typically, parcel taxes are set at a fixed amount per parcel and are paid by property owners. Impact fees are paid by the builders of new construction.

**Impact Fees Do Not Require Voter Approval.** Propositions 13 and 218 require local governments to obtain voter approval to levy parcel taxes and Mello–Roos assessments. Gaining voter approval can be challenging, especially for parcel taxes. Parcel taxes require the approval of two–thirds of voters. Of the roughly 200 parcel taxes put to city voters for approval between 2000 and 2014, only about half were approved. In comparison, local governments can adopt impact fees through ordinances or resolutions. To levy these fees, local governments must explain the connection between the development project and the fees imposed. The fee amount is based on the cost of paying for the services or improvements related to the development project. Impact fees typically are easier for cities to impose because they do not require voter approval.

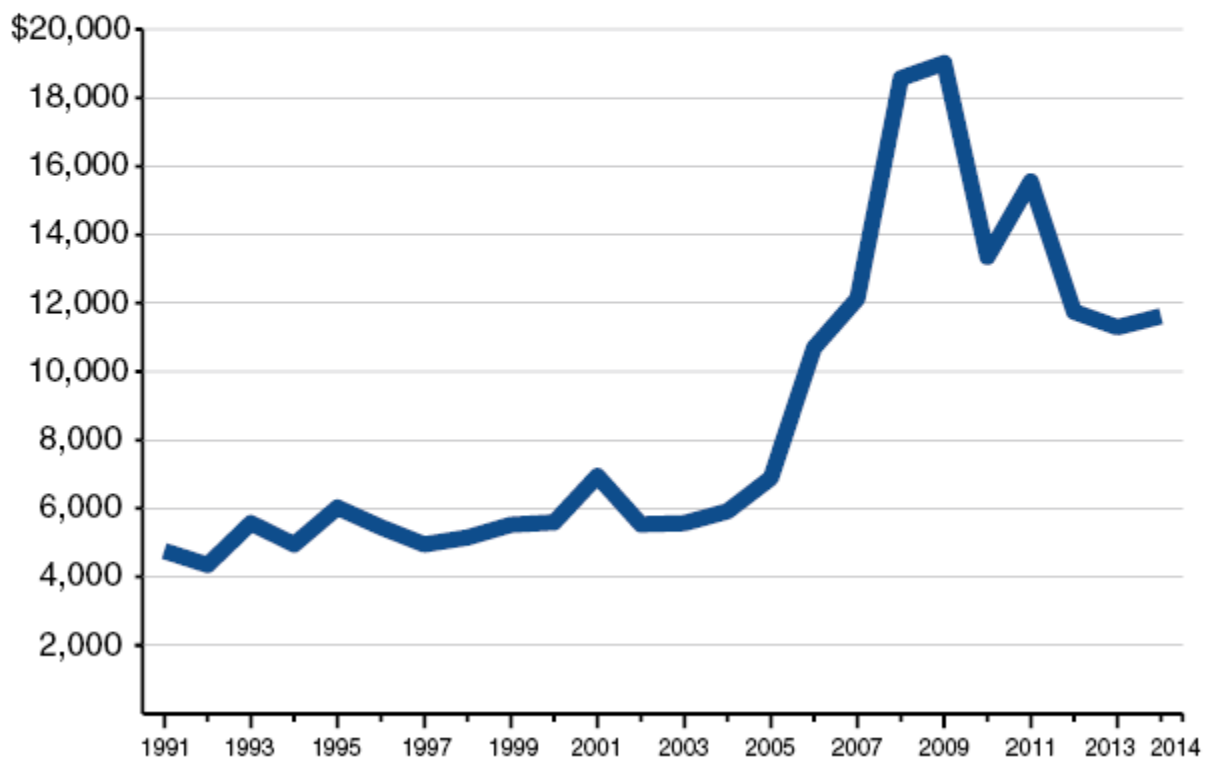
**California's Impact Fees Higher Than Many States.** Over half of states have impact fees, which pay for the costs associated with new development like new infrastructure. A recent survey of over half of these states (including most of the western states) found California to have the highest average impact fees for construction of a single–family home. Moreover, according to this study, California's fees were almost three times as high as the average across all the states in the survey.

**Impact Fees Increased in Recent Years.** Figure 22 shows the statewide median impact fees per residential building permit issued by cities. Since 1991, this amount has increased almost 150 percent. Much of this increase was associated with the housing boom that preceded the last recession, though these fees remained high after the recession as well. Fees likely increased most during the housing boom because cities needed revenue to pay for the costs associated with the significant increase in new development.

**Figure 22**

### **Impact Fees Increased Notably in Recent Years**

*Median Revenue Per Residential Building Permit Across Cities (2014-15 Dollars)*

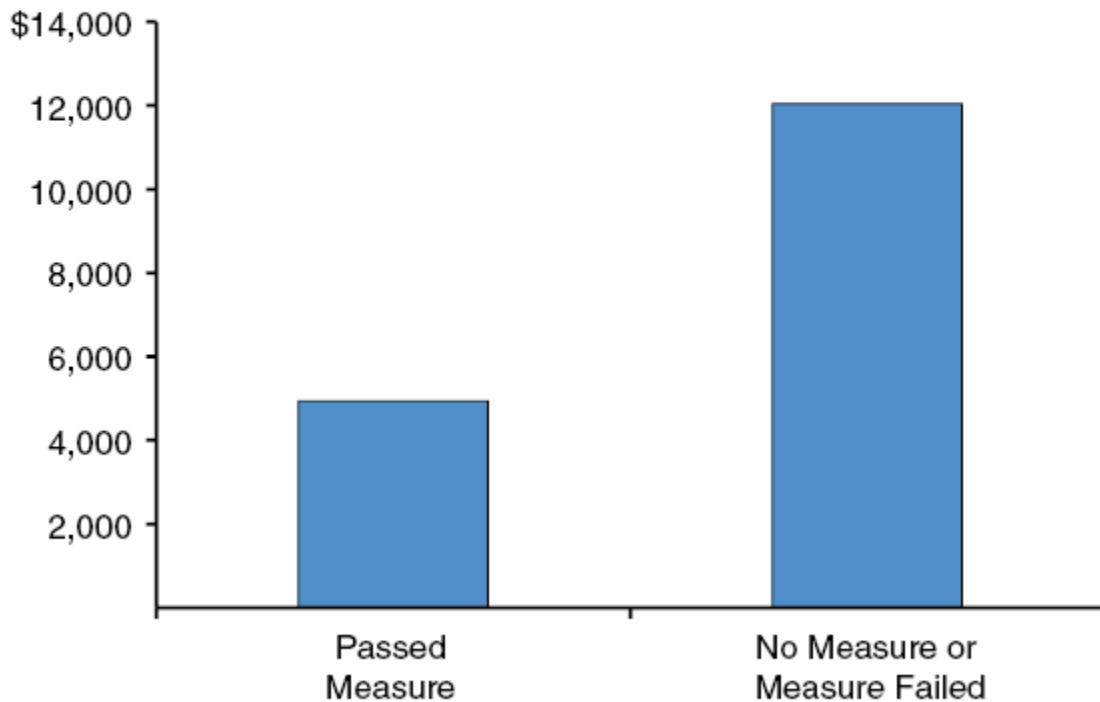


**Impact Fees Are Higher in Cities Without Parcel Taxes.** Figure 23 shows the median impact fee per residential building permit for cities in 2014. As seen in the figure, the median impact fees were roughly \$5,000 per permit in cities that passed a parcel tax between 2000 and 2014. In comparison, those cities that did not propose a parcel tax or failed to pass a parcel tax had median impact fees of over \$12,000. Looking at the difference in the fees, cities that could not pass a parcel tax likely relied on higher impact fees to pay for the costs associated with new development.

**Figure 23**

### **Fees Lower in Cities That Passed Parcel Taxes**

*Cities' Median Impact Fees Per Residential Building Permit, 2014*



# IT ALL ADDS UP: THE COST OF HOUSING DEVELOPMENT FEES IN SEVEN CALIFORNIA CITIES

POSTED ON MARCH 12, 2018 BY SARAH MAWHORTER AND DAVID GARCIA  
[HTTPS://BIT.LY/2TEJVL9](https://bit.ly/2TEJVL9)

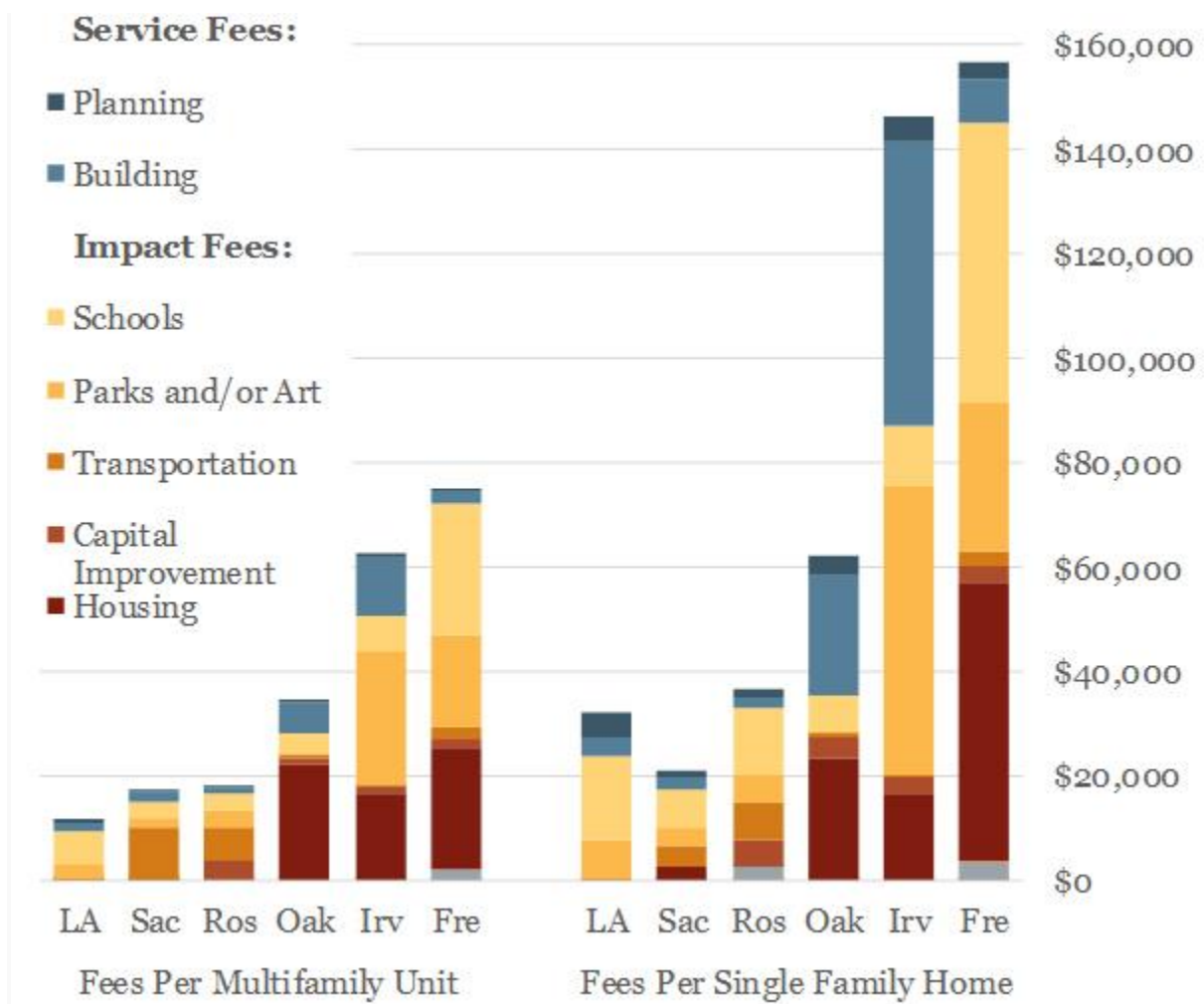
In the summer of 2017, the Turner Center embarked on a seemingly straightforward task: determine the amount and type of fees levied on new residential development in seven California cities. What was initially thought to be a clear assignment turned into an odyssey of combing through difficult-to-obtain fee schedules, cobbling together piecemeal information across city departments, and repeatedly interviewing various city planning officials.

The onerous and lengthy process our research team faced tells the story of the development fee process in California. While fees act as an important tool to mitigate the effects of new construction, the development and administration of these fees is often opaque and lacking oversight, greatly contributing to the complexity and cost of building new housing. These are the conclusions drawn by the Turner Center's latest report in our *Cost of Building Housing* Research Series: [It All Adds Up: The Cost of Housing Development Fees in Seven California Cities](#).

What do total development fees in certain California cities really amount to? How do cities determine their fees, and how are they implemented? How much of this information is available publicly? And what can be done to improve the implementation and structure of fees across the state? Our new report explores these questions through a comprehensive case study analysis of development fees in Berkeley, Oakland, Fremont, Los Angeles, Irvine, Sacramento and Roseville. From this research, we have revealed several problems with the way that development fees are currently implemented in California cities:

- Development fees are extremely difficult to estimate.
- Development fees are usually set without oversight or coordination between city departments, and the type and size of fees levied vary widely from city to city.
- Individual fees add up and substantially increase the cost of building housing.
- Projects are often subject to additional exactions not codified in any fee.

**Sum of City Service and Impact Fees per Unit by Type Estimated for Prototypical Multifamily and Single Family Projects**



These findings have significant implications for the cost and delivery of new housing in California. For example, our research found that total fees can amount to anywhere from 6 percent to 18 percent of the median price of a new home depending on location. Moreover, without standardized systems to estimate development fees, builders must rely on informal relationships with planners and building officials to obtain accurate estimates—a system that is neither reliable nor fair—and the unpredictability of these fees can delay or block projects altogether.

Moreover, the broad authority afforded to cities to levy fees results in wide variation of type and amount of fees between cities. For example, our research found that while one city requires new development to pay a park impact fee of \$350 per single family home, another city requires a park impact fee of \$55,000 per single family home.

What should be done to improve the way development fees are determined and implemented in California? In our report we make several policy recommendations for state and local policy that could greatly increase the transparency and efficiency of the structure and implementation of development fees, some of which have already been introduced in the state legislature. As part of a broader set of actions to increase supply and housing affordability, these recommendations could have meaningful impact on California's severe supply shortage and urgent affordability challenges.



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## Draft Policy Principles for Housing Impact Fee Legislation

- **Support Transparency.** Local agencies should continue to adopt housing development impact fees in a transparent, publicly-accountable manner consistent with existing law. Moreover, fee schedules should be readily available to development proponents. Counties should not, however, be required to serve as a clearinghouse for all other applicable development impact fees, including those imposed by other local districts.
- **Support Reasonable Certainty for Development Proponents.** Proponents of housing development projects should have a reasonable level of certainty that impact fees will not drastically change over the course of a project's approval process. The goal of certainty for developers must be balanced against reasonable changes in total fee charges due to changes in the scope of a project, the time elapsed between project approval and actual construction, and environmental analysis of the impacts of a project.
- **Oppose Arbitrary Caps or Fee Waivers.** Each local community has differing infrastructure and public facility needs due to geography, existing infrastructure, and community priorities. While the state has an interest in ensuring that housing is affordable for households at all income levels, it should not impose arbitrary limitations or waivers on impact fees without backfilling local costs to provide necessary infrastructure and facilities.
- **Oppose Unreasonably Burdensome Reporting Requirements.** Existing law already requires local transparency and reporting on impact fee programs. Any new reporting or disclosure requirements must be narrowly tailored and funding must be provided for implementation.
- **Support Reasonable Metrics for Calculation of Fees.** Local governments should be encouraged to review fee programs to ensure that they are calibrated to promote affordability by design. Where appropriate, fees should be designed so that they do not create impediments to smaller units that are often more affordable.
- **Support Options for Fee Deferral.** Local governments should be encouraged to provide opportunities for developers to defer housing development impact fees, ensuring that local agencies receive funding needed to address impacts while reducing construction financing costs for housing developers.

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**Attachment Three**  
Tenant Protection Legislation Memo





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April 10, 2019

**To:** Housing, Land Use and Transportation Policy Committee

**From:** Chris Lee, Legislative Representative  
Marina Espinoza, Legislative Analyst

**Re: Consider Potential CSAC Positions on Tenant Protection Legislative Package – ACTION ITEM**

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**Recommendation.** CSAC staff is soliciting feedback and direction from the Housing, Land Use and Transportation Policy Committee on a package of tenant protection bills currently under consideration in the Legislature.

**Background.** The Chair of the Assembly Housing and Community Development Committee, Assembly Member David Chiu, has requested CSAC's support for a package of bills aimed at protecting tenants. The bills include:

- **AB 36 (Bloom):** Residential tenancies: rent control
- **AB 1481 (Bonta):** Tenancy termination: just cause
- **AB 1482 (Chiu):** Tenancy: rent caps

According to the Legislative Analyst's Office, housing prices in California continue to far exceed prices in the rest of the country. The average price of a home in the state is two-and-a-half times the average national price and rents are fifty percent higher than the rest of the country. The crisis is especially acute for renters and low-income households. According to the California Budget & Policy Center, over half of the state's renters pay 30 percent or more of their income toward housing, while more than 25 percent of renters pay at least half of their income toward rent.

The majority of low-income households in California do not live in subsidized affordable unities or receive housing vouchers. 2016 data from the National Low Income Housing Coalition show that California's 2.2 million extremely low-income and very low income renter households compete for only 664,000 subsidized affordable rental units available statewide. According to the Legislative Analyst's Office, as of 2016, 400,000 low-income renter households in California received Housing Choice Vouchers, whereby the federal government makes payments to landlords on their behalf. Roughly 700,000 households were on waiting lists for housing vouchers at that time.

**Policy Considerations.** While CSAC has again made housing affordability and addressing the homelessness crisis top priorities for 2019, the Association has little in the way of existing policy that is directly related to tenant protections.

CSAC's Human Services Platform expresses county support for "efforts to address housing supports and housing assistance efforts at the state and local levels," which require "long-term planning, creative funding, and accurate data on homelessness are essential to addressing housing security and homelessness issues."

CSAC's 2019 priorities also include direction to "identify and solicit new opportunities to assist counties in combatting homelessness, including incentivizing all types of affordable housing – whether it is transitional shelters, permanent supportive housing, sober living environments, and the full spectrum of housing in between."

- **“Local Rent Stabilization Ordinances.” AB 36 (Bloom)** would not impose statewide rent control, but would instead remove limitations in the Costa-Hawkins Act that preclude cities and counties from adopting local rent control ordinances. Specifically, AB 36 would allow local rent stabilization ordinances to apply to multifamily rental units that are more than 10 years old. Current law prohibits such ordinances from applying to buildings built after February 1, 1995 and freezes the date of any earlier local new construction exemption from rent control. AB 36 would also allow local ordinances to apply to rentals of single family homes or condominiums, unless the owner of the rental unit is a natural person who owns two or fewer residential units within the same jurisdiction.
- **“Statewide Just-Cause Eviction.” AB 1481 (Bonta)** would apply statewide and would prevent a landlord from terminating a tenancy without a demonstration of cause, which must be stated in the written notice to terminate tenancy. Local agencies currently have the ability to impose “just cause evictions” ordinances within their jurisdictions. Specifically, AB 1481 would require a demonstration of either “at-fault just cause,” including, but not limited to failure to pay rent, nuisance, waste, or illegal conduct; or “no-fault just cause,” including, but not limited to, intent to demolish or remodel, unsafe habitation, withdrawal of the unit from the rental market, and, with some exceptions, owner move-in. The bill includes exemptions for government-owned and subsidized units; dormitories; owner-occupied properties, including accessory dwelling units where the owner occupies the other unit; and hotels.
- **“Anti-Rent Gouging.” AB 1482 (Chiu)** would apply statewide. While local agencies have limited ability to impose rent control ordinances on multifamily units built before 1995 and mobile homes, cities and counties do not have the authority to impose caps on rent increases for residential rental properties to which AB 1482 would apply. It is the author’s intent to impose a cap on annual rent increases at a level “sufficiently above the Consumer Price Index” (CPI), although the bill has yet to be amended to specify exactly where this threshold would be set. This restriction would not apply to units subject to existing local rent control protections, deed-restricted affordable housing, or dormitories.

California's existing anti-price gouging law, Penal Code Section 396, prohibits rent gouging, but only when a disaster has been declared. According to the Attorney General's Office, "the statute generally prohibits landlords from increasing the price of rental housing by more than 10% of the previously charged or advertised price. For rental housing that was not rented or advertised for rent prior to a declaration of emergency, the price cannot exceed 160% of the fair market value of the rental housing as established by the U.S. Department of Housing and Urban Development."

**Action Requested.** The Policy Committee may, among other options, recommend positions on any or all of the bills to the CSAC Executive Committee, direct staff to come return to the committee with additional information on any or all of the bills, convene a working group to discuss the legislation in greater detail, or take no action.

**Staff Contacts.**

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**Attachments.**

- 3a. AB 36 Text
- 3b. AB 36 Fact Sheet
- 3c. AB 1481 Text
- 3d. AB 1481 Fact Sheet
- 3e. AB 1482 Text
- 3f. AB 1482 Fact Sheet

AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 36**

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**Introduced by Assembly Member Bloom  
(Coauthors: Assembly Members Bonta and Chiu)**

December 3, 2018

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An act to amend Section 1954.52 of the Civil Code, relating to residential rental housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 36, as amended, Bloom. ~~Affordable housing; rental prices. Residential tenancies; rent control.~~

*Existing law, the Costa-Hawkins Rental Housing Act, prescribes statewide limits on the application of local rent control with regard to certain properties. That act, among other things, authorizes an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or unit that has been issued a certificate of occupancy after February 1, 1995, has already been exempt from a residential rent control ordinance as of February 1, 1995, pursuant to a local exemption for newly constructed units, or is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision and meets specified requirements, subject to certain exceptions.*

*This bill would modify those provisions to authorize an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or unit that has been issued its first certificate of occupancy within 10 years of the date upon which the owner seeks to establish the initial or subsequent rental rate, or for a dwelling or unit that is alienable separate from the title to any other dwelling unit or is*

*a subdivided interest in a subdivision and the owner is a natural person who owns 2 or more residential units within the same jurisdiction as the dwelling or unit for which the owner seeks to establish the initial or subsequent rental rate, subject to certain exceptions.*

~~Existing law declares that the Legislature has provided specified reforms and incentives to facilitate and expedite the construction of affordable housing, and provides a list of statutes to that effect.~~

~~This bill would state the findings and declarations of the Legislature that, among other things, affordable housing has reached a crisis stage that threatens the quality of life of millions of Californians as well as the state economic outlook. This bill also would express the Legislature’s intent to enact legislation in order to stabilize rental prices and increase the availability of affordable rental housing.~~

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

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

- 1     SECTION 1. Section 1954.52 of the Civil Code is amended to
- 2     read:
- 3     1954.52. (a) Notwithstanding any other provision of law, an
- 4     owner of residential real property may establish the initial and all
- 5     subsequent rental rates for a dwelling or a unit ~~about which any~~
- 6     ~~of the following is true:~~ *if either of the following apply:*
- 7     (1) It has ~~been issued its first residential certificate of~~
- 8     ~~occupancy issued after February 1, 1995:~~ *within 10 years of the*
- 9     ~~date upon which the owner seeks to establish the initial or~~
- 10    ~~subsequent rental rate.~~
- 11    ~~(2) It has already been exempt from the residential rent control~~
- 12    ~~ordinance of a public entity on or before February 1, 1995, pursuant~~
- 13    ~~to a local exemption for newly constructed units.~~
- 14    ~~(3)~~
- 15    (2) (A) It is alienable separate from the title to any other
- 16    dwelling unit or is a subdivided interest in a subdivision, as
- 17    specified in subdivision (b), (d), or (f) of Section 11004.5 of the
- 18    Business and Professions ~~Code:~~ *Code, and the owner is a natural*
- 19    ~~person who owns two or fewer residential units within the same~~
- 20    ~~jurisdiction as the dwelling or unit for which the owner seeks to~~
- 21    ~~establish the initial or subsequent rental rate.~~
- 22    (B) This paragraph does not apply to either of the following:

1 (i) A dwelling or unit where the preceding tenancy has been  
2 terminated by the owner by notice pursuant to Section 1946.1 or  
3 has been terminated upon a change in the terms of the tenancy  
4 noticed pursuant to Section 827.

5 (ii) A condominium dwelling or unit that has not been sold  
6 separately by the subdivider to a bona fide purchaser for value.  
7 The initial rent amount of the unit for purposes of this chapter shall  
8 be the lawful rent in effect on May 7, 2001, unless the rent amount  
9 is governed by a different provision of this chapter. However, if  
10 a condominium dwelling or unit meets the criteria of paragraph  
11 (1) ~~or (2)~~ of subdivision (a), or if all the dwellings or units except  
12 one have been sold separately by the subdivider to bona fide  
13 purchasers for value, and the subdivider has occupied that  
14 remaining unsold condominium dwelling or unit as ~~his or her~~ *the*  
15 *subdivider's* principal residence for at least one year after the  
16 subdivision occurred, then subparagraph (A) ~~of paragraph (3)~~ shall  
17 apply to that unsold condominium dwelling or unit.

18 (C) ~~Where~~ *If* a dwelling or unit in which the initial or subsequent  
19 rental rates are controlled by an ordinance or charter provision in  
20 effect on January 1, 1995, the following shall apply:

21 (i) An owner of real property as described in this paragraph may  
22 establish the initial and all subsequent rental rates for all existing  
23 and new tenancies in effect on or after January 1, 1999, if the  
24 tenancy in effect on or after January 1, 1999, was created between  
25 January 1, 1996, and December 31, 1998.

26 (ii) Commencing on January 1, 1999, an owner of real property  
27 as described in this paragraph may establish the initial and all  
28 subsequent rental rates for all new tenancies if the previous tenancy  
29 was in effect on December 31, 1995.

30 (iii) The initial rental rate for a dwelling or unit as described in  
31 this paragraph in which the initial rental rate is controlled by an  
32 ordinance or charter provision in effect on January 1, 1995, may  
33 not, until January 1, 1999, exceed the amount calculated pursuant  
34 to subdivision (c) of Section 1954.53. An owner of residential real  
35 property as described in this paragraph may, until January 1, 1999,  
36 establish the initial rental rate for a dwelling or unit ~~only where~~ *if*  
37 the tenant has voluntarily vacated, abandoned, or been evicted  
38 pursuant to paragraph (2) of Section 1161 of the Code of Civil  
39 Procedure.

1 (b) Subdivision (a) does not apply ~~where~~ *if* the owner has  
2 otherwise agreed by contract with a public entity in consideration  
3 for a direct financial contribution or any other forms of assistance  
4 specified in Chapter 4.3 (commencing with Section 65915) of  
5 Division 1 of Title 7 of the Government Code.

6 (c) Nothing in this section shall be construed to affect the  
7 authority of a public entity that may otherwise exist to regulate or  
8 monitor the basis for eviction.

9 (d) This section does not apply to any dwelling or unit that  
10 contains serious health, safety, fire, or building code violations,  
11 excluding those caused by disasters for which a citation has been  
12 issued by the appropriate governmental agency and which has  
13 remained unabated for six months or longer preceding the vacancy.

14 ~~SECTION 1. The Legislature finds and declares all of the~~  
15 ~~following:~~

16 ~~(a) California is home to some of the most expensive places to~~  
17 ~~live in the United States with six of the nation's 11 most expensive~~  
18 ~~large metropolitan rental markets according to a 2018 report by~~  
19 ~~the Public Policy Institute of California.~~

20 ~~(b) According to a report by the Department of Housing and~~  
21 ~~Community Development, approximately 82 percent of renter~~  
22 ~~households are considered "burdened" because they spend 30~~  
23 ~~percent to 50 percent of their annual income on rent, with some~~  
24 ~~spending more than 50 percent.~~

25 ~~(c) In the last two decades, rents in California have increased~~  
26 ~~an astounding 60 percent.~~

27 ~~(d) Nearly 40 percent of persons 18 to 34 years of age live with~~  
28 ~~their parents.~~

29 ~~(e) Housing affordability is a leading cause of the dramatic~~  
30 ~~increase in homelessness in California which now has~~  
31 ~~approximately 134,000 people living on the streets constituting~~  
32 ~~25 percent of the nation's homeless.~~

33 ~~(f) Affordable housing has reached a crisis stage that threatens~~  
34 ~~not only the quality of life for millions of Californians every day~~  
35 ~~but also the state economic outlook.~~

36 ~~(g) It is therefore the intent of the Legislature to enact legislation~~  
37 ~~that will stabilize rental prices and increase the availability of~~  
38 ~~affordable rental units.~~

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# AB 36 (Bloom, Chiu, Bonta) Costa Hawkins Reform Keeping Families Home

(version 3.12.19)

## PROBLEM

The current housing crisis is dire, and it's hitting poor and working class families the hardest. Some 17 million Californians - nearly half of all Californians - rent.

- Over half of CA renters spend more than 30% of their income on rent and nearly 1/3 of renters spend more than 50%
- 160,000 families in eviction court annually

Unpredictable rent increases are driving many families out of their homes. Zillow's report *Rising Rents Mean Larger Homeless Population* concludes that if rent climbed an average of 5% in Los Angeles, 2,000 more people would fall into homelessness. In 2018, the average rent increase in the LA area was 4.9%.

The out-of-date and extreme limits established by Costa Hawkins are constraining the ability of local communities to adopt even modest expansions of their rent stabilization laws.

Costa Hawkins prevents local jurisdictions from applying any form of rent regulation to Single Family Rentals (SFR's). Nearly 8 million tenants live in Single Family Rentals. Many SFR's are owned by large institutional investors. SFR tenants should not be excluded from the rental protections provided to other tenants living in the same community.

Costa Hawkins prevents local jurisdictions from applying any form of rent regulation to units built after 1995. Cities that had existing rent stabilization ordinances in place at the time Costa Hawkins passed were stuck with whatever date was in their local ordinance at the time. For example, Los Angeles is unable to cover any property built after October 1978 and for San Francisco it is properties built after June 1979. It is time to make needed updates.

Not being able to temper rising housing costs has real world consequences for all of us. Higher rents mean fewer Californians can participate in their local economy. More of us drive longer distances between the housing we can afford and our jobs, which make us and the environment sicker. Our residents forgo health care or other investments in their families' wellbeing like education. Reasonable reforms to Costa Hawkins will provide widespread economic and social benefits throughout the state.

## SUMMARY

This bill provides reasonable updates to the Costa-Hawkins Rental Housing Act and will allow local jurisdictions to better stabilize rental prices and reduce displacement and homelessness by providing communities with additional tools to address the state's housing crisis by giving them more flexibility to tailor local rent stabilization policies to local conditions. The bill offers modest reforms that will enable local jurisdictions to protect more renters from displacement and treats landlords fairly.

AB 36 would allow local jurisdictions to apply rent stabilization measures to:

- Rental units that are more than 10 years old; &
- Single-family rentals and condominiums, with an exemption for small landlords.

## EXISTING LAW

In 1995, the Costa-Hawkins Act was enacted which established rules governing rent control at the local level. Specifically, Costa Hawkins:

- Prohibits cities and counties with buildings built after February 1, 1995 from subjecting those buildings to rent control and freezes the date of any earlier local new construction exemption from rent control.
- Exempted from rent control single-family homes and condominiums where the tenancy began on or after January 1, 1996.
- Allows apartment owners to set a new rent when a tenant voluntarily vacates the unit, or is evicted for cause (e.g., nonpayment of rent).

## SPONSORS

- Alliance of Californians for Community Empowerment (ACCE)
- PICO CA
- Public Advocates
- Western Center on Law and Poverty



AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1481**

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**Introduced by Assembly Member Bonta**

February 22, 2019

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An act to ~~amend Section 1946.1 of~~ *add Section 1946.2 to the Civil Code, relating to ~~tenancy: housing.~~*

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as amended, Bonta. ~~Tenancy.~~ *Tenancy termination: just cause.*

Existing law specifies that a hiring of residential real property, for a term not specified by the parties, is deemed to be renewed at the end of the term implied by law unless one of the parties gives written notice to the other of that party's intention to ~~terminate the same.~~ *terminate.* Existing law requires an owner of a residential dwelling to give notice at least 60 days prior to the proposed date of termination, or at least 30 days prior to the proposed date of termination if any tenant or resident has resided in the dwelling for less than one year, as specified. *Existing law requires any notice given by an owner to be given in a prescribed manner, to contain certain information, and to be formatted, as specified.*

~~This bill would make nonsubstantive changes to those provisions.~~

*This bill would, with certain exceptions, prohibit a lessor of residential property for a term not specified by the parties, from terminating the lease without just cause stated in the written notice to terminate.*

*This bill would require, for curable violations, that the lessor give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination, unless the notice to terminate states*

*just cause that is related to specific illegal conduct that creates the potential for harm to other tenants.*

*This bill would require, unless the owner intends to occupy the residential property, that the lessor assist the lessee, regardless of income, to relocate by providing a direct payment to the lessee.*

*This bill would require a lessor of residential property to provide notice to a lessee of the lessee’s rights under these provisions at the beginning of the tenancy by providing an addendum to the lease to be signed by the lessee when the lease agreement is signed.*

*This bill would not prevent local rules or ordinances that provide a higher level of tenant protection*

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

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

- 1     SECTION 1. Section 1946.2 is added to the Civil Code, to read:
- 2     1946.2. (a) Notwithstanding any other law, no lessor of
- 3     residential property for a term not specified by the parties, which
- 4     the tenant has occupied with or without a written lease agreement,
- 5     shall terminate the lease without just cause which shall be stated
- 6     in the written notice to terminate tenancy set forth in Section
- 7     1946.1.
- 8     (b) For purposes of this section, “just cause” includes either
- 9     of the following:
- 10    (1) At-fault just cause, which includes, but is not limited to, any
- 11    of the following:
- 12    (A) Failure to pay rent.
- 13    (B) Substantial breach of a material term of the rental
- 14    agreement, including, but not limited to, violation of a provision
- 15    of the lease after being issued a written notice to stop the violation.
- 16    (C) Nuisance, including, but not limited to, disturbing other
- 17    tenants or neighbors after being issued a written notice to stop the
- 18    disturbance.
- 19    (D) Waste.
- 20    (E) Refusal, by the tenant to sign a new lease that is identical
- 21    to the previous lease, after the previous lease expired.
- 22    (F) Illegal conduct, including, but not limited to, using the
- 23    residential property for criminal activity. However, a charge or

1 conviction for a crime that is unrelated to the tenancy is not at-fault  
2 just cause for termination of the hiring.

3 (2) No-fault just cause, including, but not limited to, any of the  
4 following:

5 (A) (i) Owner intent to occupy the residential property.

6 (ii) Clause (i) shall apply only if the tenant agrees, in writing,  
7 to the termination, or if a provision of the lease agreement allows  
8 the owner to terminate the lease if the owner unilaterally decides  
9 to occupy the residential property.

10 (iii) Clause (i) shall not apply if the tenant is 60 years of age  
11 or older, disabled, or catastrophically ill.

12 (B) Withdrawal of the residential property from the rental  
13 market.

14 (C) Unsafe habitation.

15 (D) Intent to demolish or to substantially remodel.

16 (c) Before a lessor of residential property issues a lessee a notice  
17 to terminate tenancy for just cause that is a curable lease violation,  
18 the lessor shall first give notice of the violation to the lessee with  
19 an opportunity to cure the violation. If the notice to terminate  
20 tenancy states just cause related to specific illegal conduct that  
21 creates the potential for harm to occur to other tenants, no notice  
22 of the violation or opportunity to cure the violation is required  
23 before the notice to terminate tenancy is issued.

24 (d) Except as provided in subparagraph (A) of paragraph (2)  
25 of subdivision (b), if a lessor of residential property issues a notice  
26 to terminate tenancy for no-fault just cause, the lessor shall assist  
27 the lessee, regardless of the lessee's income, to relocate by  
28 providing a direct payment to the lessee. The amount of this  
29 payment shall be determined based upon the number of bedrooms  
30 contained on the residential property. If a lessor issues a notice  
31 to terminate tenancy for no-fault just cause, the lessor shall notify  
32 the lessee of the lessee's right to relocation assistance pursuant  
33 to this section.

34 (e) This section shall not apply to the following types of  
35 residential properties or residential circumstances:

36 (1) Government-owned and government-subsidized housing  
37 units or housing with existing government regulatory assessments  
38 that govern rent increases in subsidized rental units.

39 (2) Transient and tourist hotel occupancy as defined in  
40 subdivision (b) of Section 1940.

1 (3) *Housing accommodations in a nonprofit hospital, religious*  
2 *facility, or extended care facility.*

3 (4) *Dormitories owned and operated by an institution of higher*  
4 *education or a kindergarten through grade 12 school.*

5 (5) *Housing accommodations in which the tenant shares*  
6 *bathroom or kitchen facilities with the owner who maintains their*  
7 *principal residence at the residential property.*

8 (6) *Single owner-occupied residences, including a residence in*  
9 *which the owner-occupant rents or leases two units or bedrooms,*  
10 *including, but not limited to, an accessory dwelling unit or a junior*  
11 *accessory dwelling unit.*

12 (f) *A lessor of residential property shall provide notice to a*  
13 *lessee of the lessee’s rights under this section at the beginning of*  
14 *the tenancy by providing an addendum to the lease which shall be*  
15 *signed by the lessee when the lease agreement is signed.*

16 (g) *This section does not prevent the enforcement of an existing*  
17 *local rule or ordinance, or the adoption of a local rule or*  
18 *ordinance, that requires just cause for termination of a residential*  
19 *tenancy that, when reviewed by the governing body of the city, city*  
20 *and county, county, or other municipality, is determined to provide*  
21 *a higher level of tenant protections than this section.*

22 SECTION 1. ~~Section 1946.1 of the Civil Code is amended to~~  
23 ~~read:~~

24 ~~1946.1. (a) Notwithstanding Section 1946, a hiring of~~  
25 ~~residential real property for a term not specified by the parties, is~~  
26 ~~deemed to be renewed as stated in Section 1945, at the end of the~~  
27 ~~term implied by law unless one of the parties gives written notice~~  
28 ~~to the other of their intention to terminate the tenancy, as provided~~  
29 ~~in this section.~~

30 ~~(b) An owner of a residential dwelling giving notice pursuant~~  
31 ~~to this section shall give notice at least 60 days prior to the~~  
32 ~~proposed date of termination. A tenant giving notice pursuant to~~  
33 ~~this section shall give notice for a period at least as long as the~~  
34 ~~term of the periodic tenancy prior to the proposed date of~~  
35 ~~termination.~~

36 ~~(c) Notwithstanding subdivision (b), an owner of a residential~~  
37 ~~dwelling giving notice pursuant to this section shall give notice at~~  
38 ~~least 30 days prior to the proposed date of termination if any tenant~~  
39 ~~or resident has resided in the dwelling for less than one year.~~

1 ~~(d) Notwithstanding subdivision (b), an owner of a residential~~  
2 ~~dwelling giving notice pursuant to this section shall give notice at~~  
3 ~~least 30 days prior to the proposed date of termination if all of the~~  
4 ~~following apply:~~

5 ~~(1) The dwelling or unit is alienable separate from the title to~~  
6 ~~any other dwelling unit.~~

7 ~~(2) The owner has contracted to sell the dwelling or unit to a~~  
8 ~~bona fide purchaser for value, and has established an escrow with~~  
9 ~~a title insurer or an underwritten title company, as defined in~~  
10 ~~Sections 12340.4 and 12340.5 of the Insurance Code, respectively,~~  
11 ~~a licensed escrow agent, as defined in Sections 17004 and 17200~~  
12 ~~of the Financial Code, or a licensed real estate broker, as defined~~  
13 ~~in Section 10131 of the Business and Professions Code.~~

14 ~~(3) The purchaser is a natural person or persons.~~

15 ~~(4) The notice is given no more than 120 days after the escrow~~  
16 ~~has been established.~~

17 ~~(5) Notice was not previously given to the tenant pursuant to~~  
18 ~~this section.~~

19 ~~(6) The purchaser in good faith intends to reside in the property~~  
20 ~~for at least one full year after the termination of the tenancy.~~

21 ~~(e) After an owner has given notice of their intention to~~  
22 ~~terminate the tenancy pursuant to this section, a tenant may also~~  
23 ~~give notice of their intention to terminate the tenancy pursuant to~~  
24 ~~this section, provided that the tenant's notice is for a period at least~~  
25 ~~as long as the term of the periodic tenancy and the proposed date~~  
26 ~~of termination occurs before the owner's proposed date of~~  
27 ~~termination.~~

28 ~~(f) The notices required by this section shall be given in the~~  
29 ~~manner prescribed in Section 1162 of the Code of Civil Procedure~~  
30 ~~or by sending a copy by certified or registered mail.~~

31 ~~(g) This section may not be construed to affect the authority of~~  
32 ~~a public entity that otherwise exists to regulate or monitor the basis~~  
33 ~~for eviction.~~

34 ~~(h) Any notice given by an owner pursuant to this section shall~~  
35 ~~contain, in substantially the same form, the following:~~

36  
37 ~~“State law permits former tenants to reclaim abandoned personal~~  
38 ~~property left at the former address of the tenant, subject to certain~~  
39 ~~conditions. You may or may not be able to reclaim property without~~  
40 ~~incurring additional costs, depending on the cost of storing the~~

1 property and the length of time before it is reclaimed. In general,  
2 these costs will be lower the sooner you contact your former  
3 landlord after being notified that property belonging to you was  
4 left behind after you moved out.”  
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## AB 1481 (Bonta) – Just Cause for Eviction

### Summary

AB 1481 aims to prevent discriminatory, arbitrary, or retaliatory evictions. Under AB 1481, a property owner must provide a tenant cause for serving them an eviction notice, pursuant to the rules established under “Just Cause” termination.

### Background

Existing law requires that an owner of a residential unit give at least 60 days’ notice prior to termination of tenancy. If the tenant has resided in the property for less than one year, an owner of a residential unit must provide a 30-day notice prior to tenancy termination.

### Need for the Bill

An eviction happens when a landlord orders the removal of tenants from a property. Evictions are landlord-initiated legally operative enforcement procedures that remove tenants from a property.

According to 2017 Census data, 45 percent of California households were renters. Of that 45 percent, 54 percent are considered rent burdened, meaning that rent costs are more than 30 percent of total monthly income. Even more alarming is that many of these renters are considered “severely” cost burdened with at least 50 percent of monthly income allocated to rent alone. These figures are important to note as U.S. household incomes have not kept pace with the rising costs of housing, particularly in California’s coastal urban centers. Only one in four families that qualify for affordable housing programs receive any kind of assistance. Under those conditions, it has become harder for low-income families to keep up with rent and utility

costs, and a growing number are living one emergency away from eviction.

California currently has an estimated 17 million tenants across the state, and this figure is only expected to keep rising. As California continues to endure this housing crisis, AB 1481 is a critical component necessary to keep California residents housed. The history, culture, and character of our communities suffer when residents live with no security, forcing them to move from home to home.

### Proposal

AB 1481 will help protect California tenants living with housing uncertainty. Just Cause eviction policies protect marginalized communities, such as the elderly, low-income residents, people of color, and people with disabilities, providing them with greater housing stability.

Specifically, this bill would prevent a landlord from terminating a tenancy without a demonstration of cause, as enumerated by the specific eviction requirements in AB 1481, including, but not limited to, the following provisions:

- Failure to pay rent, substantial breach of material term of rental agreement, and illegal conduct (For-Cause).
- Owner intent to occupy residential property, unsafe habitation, and withdrawal of property from rental market (No-Fault Cause).
- Just Cause tenant protections would vest immediately for new and existing tenants.
- If a tenant is evicted for No-Fault Cause, then AB 1481 requires that an owner



## AB 1481 (Bonta) – Just Cause for Eviction

provide financial assistance for expenses associated with relocation.

This bill does not supersede or preempt any other state or local law requiring the showing cause for the term of tenancy but it does call for a review process when state and local laws are in conflict.

### **Support**

Western Center on Law and Poverty  
Alliance of Californians for Community Empowerment (ACCE)

### **Contact**

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AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1482**

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**Introduced by Assembly Member Chiu**  
*(Coauthors: Assembly Members Bloom, Bonta, McCarty, Ting, and Wicks)*

February 22, 2019

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An act to ~~amend Section 820 of~~ *add 1947.12* to the Civil Code, relating to ~~property~~: *tenancy*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, Chiu. ~~Property: owner's rights. Tenancy: rent caps.~~

*Existing law governs the hiring of residential dwelling units and requires a landlord to provide specified notice to tenants prior to an increase in rent. Existing law, the Costa-Hawkins Rental Housing Act, prescribes statewide limits on the application of local rent control with regard to certain properties. That act, among other things, authorizes an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or unit that meets specified criteria and subject to certain limitations.*

*This bill would prohibit an owner of residential real property from increasing the rental rate for that property in an amount that is greater than an unspecified percent more than the rental rate in effect for the immediately preceding year, subject to specified conditions. The bill would exempt from these provisions deed-restricted affordable housing, dormitories, and housing subject to a local ordinance that imposes a more restrictive rent increase cap than these provisions. The bill would prohibit a landlord from terminating a tenancy for the purposes of*

avoiding these provisions and would create a rebuttable presumption that the termination of a tenancy is for the purposes of avoiding these provisions in the absence of a written statement showing cause for the termination. The bill would require the Department of Housing and Community Development to submit a report, on or before January 1, 2033, to the Legislature regarding the effectiveness of these provisions. The bill provides that these provisions apply to all rent increases occurring on or after March 15, 2019.

~~Existing law specifies the rights and obligations of property owners in the state, and provides that a tenant for years or a tenant at will has no other rights to the property than the rights given by the agreement or instrument by which tenancy is acquired, unless otherwise specified.~~

~~This bill would make nonsubstantive changes to the provision specifying the rights of a tenant for years or a tenant at will.~~

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

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

- 1     SECTION 1. Section 1947.12 is added to the Civil Code, to
- 2     read:
- 3     1947.12. (a) An owner of residential real property in the state
- 4     shall not increase the rental rate for that property in an amount
- 5     that is greater than \_\_\_\_ percent more than the rental rate in effect
- 6     for the immediately preceding rental term. The \_\_\_\_ percent
- 7     maximum increase shall only include the following:
- 8     (1) Up to \_\_\_\_ percent to reflect increases in the rental market.
- 9     (2) The percentage change in the cost of living.
- 10    (b) (1) Subdivision (a) shall apply to partial changes in tenancy
- 11    of a residential rental property where one or more of the tenants
- 12    remains an occupant in lawful possession of the property.
- 13    (2) Subdivision (a) shall not apply to new tenancies where no
- 14    tenants from the prior lease remain an occupant in lawful
- 15    possession of the property.
- 16    (c) This section shall not apply to the following residential rental
- 17    properties:
- 18    (1) Deed-restricted affordable housing for persons and families
- 19    of very low, low, or moderate income, as defined in Section 50093
- 20    of the Health and Safety Code.

1 (2) *Dormitories constructed and maintained in connection with*  
2 *any higher education institution within the state for use and*  
3 *occupancy by students in attendance at the institution.*

4 (3) *Housing subject to a local ordinance that imposes a*  
5 *maximum rental rate increase that is more restrictive than that*  
6 *provided in subdivision (a).*

7 (d) *An owner shall provide notice of any increase in the rental*  
8 *rate, pursuant to subdivision (a), to each tenant in accordance*  
9 *with Section 827.*

10 (e) *A landlord shall not terminate a tenancy for the purposes*  
11 *of increasing the rent in an amount greater than that authorized*  
12 *by this section. There is a rebuttable presumption that, in the*  
13 *absence of a written statement from the landlord to the tenant*  
14 *showing cause for the termination of a tenancy, the termination*  
15 *is for the purposes of avoiding this section.*

16 (f) (1) *On or before January 1, 2033, the department shall*  
17 *report to the Legislature regarding the effectiveness of this*  
18 *program. The report shall include, but not be limited to, the impact*  
19 *of the rental rate cap pursuant to subdivision (a) on the housing*  
20 *market within the state.*

21 (2) *The report required by paragraph (1) shall be submitted in*  
22 *compliance with Section 9795 of the Government Code.*

23 (g) *For the purposes of this section, the following definitions*  
24 *shall apply:*

25 (1) *“Department” means the Department of Housing and*  
26 *Community Development.*

27 (2) *“Owner” means any person, acting as principal or through*  
28 *an agent, having the right to offer residential real property for*  
29 *rent, and includes a predecessor in interest to the owner.*

30 (3) *“Percentage change in the cost of living” means the*  
31 *percentage change from April 1 of the prior year to April 1 of the*  
32 *current year in the California Consumer Price Index for All Urban*  
33 *Consumers for all items, as determined by the Department of*  
34 *Industrial Relations.*

35 (4) *“Residential real property” means any dwelling or unit that*  
36 *is intended for human habitation.*

37 (5) *“Tenancy” means the lawful occupation of property and*  
38 *includes a lease or sublease.*

1     *(h) This section shall apply to all rent increases occurring on*  
2     *or after March 15, 2019. This section shall become operative*  
3     *January 1, 2020.*

4     ~~SECTION 1. Section 820 of the Civil Code is amended to read:~~  
5     ~~820. A tenant for years or at will has no other rights to the~~  
6     ~~property than the rights that are given by the agreement or~~  
7     ~~instrument by which tenancy is acquired, or by the last section.~~

# ASSEMBLY BILL 1482 (CHIU)

## ANTI-RENT GOUGING

### SUMMARY

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AB 1482 would protect nearly 15 million Californians from large unforeseen rent increases without diminishing property owners' ability to make a fair return on their investment.

### THE PROBLEM

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California is in a housing crisis. Most of California's 17 million renters do not have safe, secure, and affordable housing. Over half of renters and a striking majority of low-income renters are rent-burdened, meaning they pay over 30% of their income towards rent. This leaves less money for families to spend on other necessities like food, healthcare, transportation, and education. Less than 20% of renters live in rent-controlled units, leaving the vast majority of renters with no certainty about the size of their next rent increase.

This uncertainty creates tremendous psychological and economic burden. Having no way of knowing when or how much their next rent increase will be, renters cannot plan for their own housing stability. This increased stress can lead to negative mental and physical health outcomes for family members of all ages.

For some families, large rent increases can even lead to homelessness. Research by Zillow from 2018, based on non-public data on rents, found that some areas with a high percentage of rent-burdened households experienced a rapid increase in homelessness, and areas where high rents are combined with high poverty experienced triple the homelessness rate of the average community.

### THE SOLUTION

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AB 1482 will protect nearly five million rental households in California by creating price stability and certainty, enabling renters and families to be better able to plan for their future by removing the risk of large and unexpected rent increases.

AB 1482 will achieve this by capping annual rent increases at a level sufficiently above the Consumer Price Index (CPI). This restriction would not apply to units subject to existing rent control protections, deed-restricted affordable housing, or dormitories.

At the same time, the rent cap will be set at an amount that still enables a return for a property owner comparable to other business investments.

Renters shouldn't have to choose between paying rent and keeping a roof over their heads or feeding their families. AB 1482 takes the choice off the table and makes it easier for renters to stay in their neighborhoods.

### SUPPORT

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Alliance of Californians for Community Empowerment (ACCE) (Sponsor)

California Rural Legal Assistance Foundation (Sponsor)

PICO California (Sponsor)

Public Advocates (Sponsor)

Western Center on Law and Poverty (Sponsor)

### FOR MORE INFORMATION

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Assembly Housing and Community Development Committee

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**Attachment Four**  
Bills with Active and Pending Positions

## **CSAC Housing, Land Use & Transportation Bills Active & Pending Positions as of 4/10/19**

- [AB 10](#)**     **(Chiu D) Income taxes: credits low-income housing: farmworker housing.**  
**Introduced:** 12/3/2018  
**Status:** 3/28/2019-Measure version as revised on March 27 corrected.  
**Location:** 12/3/2018-A. REV. & TAX  
**Calendar:** 4/29/2019 2:30 p.m. - State Capitol, Room 126 ASSEMBLY REVENUE AND TAXATION, BURKE, Chair  
**Summary:** Would, under the law governing the taxation of insurers, the Personal Income Tax Law, and the Corporation Tax Law, for calendar years beginning in 2020, increase the aggregate housing credit dollar amount that may be allocated among low-income housing projects by an additional \$500,000,000, as specified, and would allocate to farmworker housing projects \$25,000,000 per year of that amount. The bill, under those laws, would modify the definition of applicable percentage relating to qualified low-income buildings to depend on whether the building is a new or existing building and federally subsidized, or a building that is, among other things, at least 15 years old, serving households of very low income or extremely low income, and will complete substantial rehabilitation, as specified.
- | <b>Organization</b> | <b>CSAC Position</b> |
|---------------------|----------------------|
| Chris Lee           | Support              |
- [AB 68](#)**     **(Ting D) Land use: accessory dwelling units.**  
**Introduced:** 12/3/2018  
**Last Amend:** 4/3/2019  
**Status:** 4/11/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (April 10). Re-referred to Com. on APPR.  
**Location:** 4/10/2019-A. APPR.  
**Summary:** The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage. This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.
- | <b>Organization</b> | <b>CSAC Position</b> |
|---------------------|----------------------|
| Chris Lee           | Concerns             |
- [AB 69](#)**     **(Ting D) Land use: accessory dwelling units.**  
**Introduced:** 12/3/2018  
**Last Amend:** 4/4/2019  
**Status:** 4/8/2019-Re-referred to Com. on APPR.  
**Location:** 4/3/2019-A. APPR.  
**Summary:** Current law requires the Department of Housing and Community Development to propose building standards to the California Building Standards Commission, and to adopt, amend, or repeal rules and regulations governing, among other things, apartment houses and dwellings, as specified. This bill would require the department to propose small home building standards governing accessory dwelling units smaller than 800 square feet, junior accessory dwelling units, and detached dwelling units smaller than 800 square feet, as specified, and to submit the small home building standards to the California Building Standards Commission for adoption on or before January 1, 2021.
- | <b>Organization</b> | <b>CSAC Position</b> |
|---------------------|----------------------|
| Chris Lee           | Support              |
- [AB 148](#)**     **(Quirk-Silva D) Regional transportation plans: sustainable communities strategies.**  
**Introduced:** 12/14/2018  
**Status:** 1/24/2019-Referred to Coms. on TRANS. and NAT. RES.  
**Location:** 1/24/2019-A. TRANS.  
**Summary:** Current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Current law requires the regional transportation plan to include, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. This bill would require each sustainable communities strategy to identify areas within the region sufficient to house an 8-year projection of the emergency shelter needs for the region, as specified.
- | <b>Organization</b> | <b>CSAC Position</b> |
|---------------------|----------------------|
| Chris Lee           | Pending              |
- [AB 252](#)**     **(Daly D) Department of Transportation: environmental review process: federal program.**  
**Introduced:** 1/23/2019

**Status:** 3/20/2019-In committee: Set, first hearing. Referred to suspense file.

**Location:** 3/12/2019-A. APPR.

**Summary:** Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Support

**AB 421** **(Waldron R) Transportation finance: De Luz Community Services District.**

**Introduced:** 2/7/2019

**Status:** 2/25/2019-Referred to Com. on TRANS.

**Location:** 2/25/2019-A. TRANS.

**Summary:** With respect to the portion of revenues that is derived from increases in the motor vehicle fuel excise tax beginning in 2010, current law requires, after certain allocations are made, the Controller to allocate the remaining amount of this portion of revenues 44% to the state transportation improvement program, 12% to the State Highway Operation and Protection Program, and 44% to cities and counties for local street and road purposes. This bill would require the Controller to allocate a portion of these revenues available for counties to the De Luz Community Services District for local street and road purposes as though the De Luz Community Services District were a county. The bill would thereby make an appropriation.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**AB 456** **(Chiu D) Public contracts: claim resolution.**

**Introduced:** 2/11/2019

**Status:** 4/11/2019-Read second time. Ordered to Consent Calendar.

**Location:** 4/11/2019-A. CONSENT CALENDAR

**Summary:** Current law prescribes various requirements regarding the formation, content, and enforcement of state and local public contracts. Current law establishes, until January 1, 2020, for contracts entered into on or after January 1, 2017, a claim resolution process applicable to any claim by a contractor in connection with a public works project against a public entity, as defined. Current law defines a claim for these purposes as a separate demand by the contractor for one or more of the following: a time extension for relief from damages or penalties for delay, payment of money or damages arising from work done pursuant to the contract for a public work, or payment of an amount disputed by the public entity, as specified. This bill would remove the January 1, 2020, repeal date on these provisions, thereby making this claim resolution process operative indefinitely.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**AB 671** **(Friedman D) Accessory dwelling units: incentives.**

**Introduced:** 2/15/2019

**Last Amend:** 3/26/2019

**Status:** 4/10/2019-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 8. Noes 0.) (April 10). Re-referred to Com. on L. GOV.

**Location:** 4/10/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** Would require a local agency to include a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent for very low, low-, and moderate-income households in its housing element. The bill would require the Department of Housing and Community Development to develop a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of accessory dwelling units with affordable rent, as specified.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**AB 847** **(Grayson D) Housing: transportation-related impact fees grant program.**

**Introduced:** 2/20/2019

**Last Amend:** 3/27/2019

**Status:** 4/1/2019-From committee: Be re-referred to Com. on H. & C.D. Re-referred. (Ayes 10. Noes 0.) (April 1). Re-referred to Com. on H. & C.D.



**Location:** 4/1/2019-A. H. & C.D.

**Calendar:** 4/24/2019 9:15 a.m. - State Capitol, Room 126 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, CHIU, Chair

**Summary:** Would require the Department of Housing and Community Development , upon appropriation by the Legislature, to establish a competitive grant program to award grants to cities and counties to offset up to 100% of any transportation-related impact fees exacted upon a qualifying housing development project, as defined, by the local jurisdiction.

**Organization CSAC Position**  
Chris Lee Pending

**AB 881 (Bloom D) Accessory dwelling units.**

**Introduced:** 2/20/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 10). Re-referred to Com. on APPR. From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.

**Location:** 4/10/2019-A. APPR.

**Summary:** The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires the ordinance to designate areas where accessory dwelling units may be permitted and authorizes the designated areas to be based on criteria that includes, but is not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. This bill would instead require a local agency to designate these areas based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

**Organization CSAC Position**  
Chris Lee Pending

**AB 1250 (Gloria D) Subdivisions: local ordinances.**

**Introduced:** 2/21/2019

**Status:** 3/11/2019-Referred to Com. on L. GOV.

**Location:** 3/11/2019-A. L. GOV.

**Calendar:** 5/1/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** Under the Subdivision Map Act, when a local ordinance requires improvements for a subdivision consisting of 4 or fewer lots, the regulations are required to be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements of the parcels being created. This bill would instead make those provisions applicable to a local ordinance that requires improvements for a subdivision consisting of 10 or fewer lots.

**Organization CSAC Position**  
Chris Lee Pending

**AB 1255 (Rivas, Robert D) Surplus public land: database.**

**Introduced:** 2/21/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 10). Re-referred to Com. on APPR. From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.

**Location:** 4/10/2019-A. APPR.

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the housing element to contain an inventory of land suitable for residential development, as defined, and requires that inventory to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels. This bill would also require the housing element to contain an inventory of land owned by the city or county that is in excess of its foreseeable needs.

**Organization CSAC Position**  
Chris Lee Pending

**AB 1279 (Bloom D) Planning and zoning: housing development: high-resource areas.**

**Introduced:** 2/21/2019

**Status:** 4/10/2019-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 6. Noes 1.) (April 10). Re-referred to Com. on L. GOV.

**Location:** 4/10/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-

CURRY, Chair

**Summary:** Would require the department to designate areas in this state as high-resource areas, as provided, by January 1, 2021, and every 5 years thereafter. The bill would authorize a city or county to appeal the designation of an area within its jurisdiction as a high-resource area during that 5-year period. In any area designated as a high-resource area, the bill would require that a housing development project be a use by right, upon the request of a developer, in any high-resource area designated pursuant be a use by right in certain parts of the high-resource area if those projects meet specified requirements, including specified affordability requirements. For certain development projects where the initial sales price or initial rent exceeds the affordable housing cost or affordable rent to households with incomes equal to or less than 100% of the area median income, the bill would require the applicant agree to pay a fee equal to 10% of the difference between the actual initial sales price or initial rent and the sales price or rent that would be affordable, as provided. The bill would require the city or county to deposit the fee into a separate fund reserved for the construction or preservation of housing with an affordable housing cost or affordable rent to households with a household income less than 50% of the area median income. This bill contains other related provisions and other existing laws.

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[AB 1411](#) (Reyes D) Integrated action plan for sustainable freight.**

**Introduced:** 2/22/2019

**Status:** 3/14/2019-Referred to Com. on TRANS.

**Location:** 3/14/2019-A. TRANS.

**Summary:** Would establish as a state goal the deployment of 200,000 zero-emission medium- and heavy-duty vehicles and off-road vehicles and equipment, and the corresponding infrastructure to support them, by 2030. The bill would require the Public Utilities Commission, the state board, the Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development to develop and update by January 1, 2021, and at least every 5 years thereafter, an integrated action plan for sustainable freight that identifies strategies relating to that state goal.

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[AB 1483](#) (Grayson D) Housing data: collection and reporting.**

**Introduced:** 2/22/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-Read second time and amended.

**Location:** 4/11/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[AB 1484](#) (Grayson D) Mitigation Fee Act: housing developments.**

**Introduced:** 2/22/2019

**Last Amend:** 4/10/2019

**Status:** 4/11/2019-Re-referred to Com. on L. GOV.

**Location:** 4/3/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would require each city, county, or city and county to post on its internet website the type and amount of each fee imposed on a housing development project, as defined.

**Organization**      **CSAC Position**  
Chris Lee              Concerns

**[AB 1485](#) (Wicks D) Housing development: streamlining.**

**Introduced:** 2/22/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-Read second time and amended.

**Location:** 4/11/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** The Planning and Zoning Law requires that a development be subject to a requirement mandating a minimum percentage of below market rate housing based on one of 3 specified conditions. Current law requires, among those conditions, a development to dedicate a minimum of 10% of the total number of units to housing affordable to households making below 80% of the area median income, if the project contains more than 10 units of housing and the locality did not timely submit its latest production report to the Department of Housing and Community Development, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. This bill would modify that condition to authorize a development to instead dedicate 20% of the total number of units to housing affordable to households making below 120% of the area median income with the average income of the units at or below 100% of the area median income, except as provided.

**Organization CSAC Position**

Chris Lee Pending

**AB 1486 (Ting D) Local agencies: surplus land.**

**Introduced:** 2/22/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-Read second time and amended.

**Location:** 4/11/2019-A. H. & C.D.

**Calendar:** 4/24/2019 9:15 a.m. - State Capitol, Room 126 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, CHIU, Chair

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

**Organization CSAC Position**

Chris Lee Oppose\_Unless\_Amended

**AB 1561 (Garcia, Cristina D) Residential development: discrimination.**

**Introduced:** 2/22/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-From committee chair, with author's amendments: Amend, and re-refer to Com. on H. & C.D. Read second time and amended.

**Location:** 3/14/2019-A. H. & C.D.

**Summary:** Would require a city, county, and a city and county, including a charter city, charter county, and charter city and county, prior to taking any action or enacting any ordinance that increases the costs of creating a residential development or part thereof, to consider whether the action or ordinance has a discriminatory impact based on race or ethnicity. By imposing new duties on local government agencies, the bill would create a state-mandated local program.

**Organization CSAC Position**

Chris Lee Pending

**AB 1568 (McCarty D) Housing law compliance: prohibition on applying for state grants.**

**Introduced:** 2/22/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-From committee chair, with author's amendments: Amend, and re-refer to Com. on H. & C.D. Read second time and amended.

**Location:** 3/14/2019-A. H. & C.D.

**Calendar:** 4/24/2019 9:15 a.m. - State Capitol, Room 126 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, CHIU, Chair

**Summary:** The Housing Element Law, prescribes requirements for the preparation of the housing element, including a requirement that a planning agency submit a draft of the element or draft amendment to the element to the Department of Housing and Community Development prior to the adoption of the element or amendment to the element. Current law requires the department to review

the draft and report its written findings, as specified. Current law also requires the department, in its written findings, to determine whether the draft substantially complies with the Housing Element Law. This bill would authorize the city or county to submit evidence that the city or county is no longer in violation of state law to the department and to request the department to issue a finding that the city or county is no longer in violation of state law.

**Organization**      **CSAC Position**  
Chris Lee              Oppose

**[AB 1763](#) (Chiu D) Planning and zoning: density bonuses: affordable housing.**

**Introduced:** 2/22/2019

**Last Amend:** 3/28/2019

**Status:** 4/10/2019-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 8. Noes 0.) (April 10). Re-referred to Com. on L. GOV.

**Location:** 4/10/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** Would require a density bonus to be provided to a developer who agrees to construct a housing development in which 100% of the total units, exclusive of managers' units, are for lower income households, as defined. The bill would also require that a housing development that meets this criteria receive 4 incentives or concessions under the Density Bonus Law.

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[AB 1775](#) (Reyes D) Local planning: environmental justice goals: notification: Department of Justice.**

**Introduced:** 2/22/2019

**Last Amend:** 4/9/2019

**Status:** 4/10/2019-Re-referred to Com. on L. GOV.

**Location:** 3/18/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** The Planning and Zoning Law requires a general plan to include certain mandatory elements, including an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan. This bill would require a city, county, or city and county to notify the Department of Justice at least 60 days before the adoption or review of the environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements.

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[AB 1783](#) (Rivas, Robert D) H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development.**

**Introduced:** 2/22/2019

**Last Amend:** 4/4/2019

**Status:** 4/8/2019-Re-referred to Com. on L. GOV.

**Location:** 4/3/2019-A. L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** The California Community Services Block Grant Program requires the Department of Community Services and Development to administer the federal Community Services Block Grant funds to provide financial assistance for activities designed to have a measurable and potentially major impact on causes of poverty in a community or areas of a community where poverty is a particularly acute problem. Current law authorizes this funding to assist programs that, among other things, meet the needs of migrant and seasonal farmworkers and their families, such as improved housing and sanitation, including the provision and maintenance of emergency and temporary housing and sanitation facilities. This bill would prohibit the provision of state funding, as defined, for the purposes of planning, developing, or operating any housing used to comply with the federal law requirement to furnish housing to H-2A workers and would require an employer, as defined, or other recipient of state funding who utilizes state funding for these purposes to reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[SB 4](#) (McGuire D) Housing.**

**Introduced:** 12/3/2018

**Last Amend:** 4/10/2019

**Status:** 4/10/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

**Location:** 4/2/2019-S. GOV. & F.

**Calendar:**

4/24/2019 9 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE SPECIAL ORDER, MCGUIRE, Chair

4/24/2019 9 a.m. - Room 113 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

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

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**SB 9**

**(Beall D) Income taxes: low-income housing credits: allocation: sale of credits.**

**Introduced:** 12/3/2018

**Last Amend:** 4/3/2019

**Status:** 4/11/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 10). Re-referred to Com. on APPR.

**Location:** 4/10/2019-S. APPR.

**Summary:** Current law, beginning on or after January 1, 2009, and before January 1, 2020, requires, in the case of a project that receive a preliminary reservation of a state low-income housing tax credit, that the credit be allocated to the partners of a partnership owning the project in accordance with the partnership agreement, as provided. Existing law, beginning on or after January 1, 2016, and before January 1, 2020, authorizes a taxpayer that is allowed a low-income housing tax credit to elect to sell all or a portion of that credit to one or more unrelated parties for each taxable year in which the credit is allowed, as described. This bill would delete the January 1, 2020, date with respect to both of these provisions, thereby requiring the allocation of credits among partners in accordance with the partnership agreement and authorizing the sale of a credit, as described above, indefinitely.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Support

**SB 13**

**(Wieckowski D) Accessory dwelling units.**

**Introduced:** 12/3/2018

**Last Amend:** 4/4/2019

**Status:** 4/10/2019-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Appropriations]

**Location:** 4/10/2019-S. APPR.

**Summary:** Current law requires accessory dwelling units to comply with specified standards, including that the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling or detached if located within the same lot, and that it does not exceed a specified amount of total area of floor space. This bill would, instead, authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling use.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**SB 48**

**(Wiener D) Interim housing intervention developments.**

**Introduced:** 12/3/2018

**Last Amend:** 3/25/2019

**Status:** 4/11/2019-From committee: Do pass and re-refer to Com. on EQ. (Ayes 6. Noes 0.) (April 10). Re-referred to Com. on EQ.

**Location:** 4/10/2019-S. E.Q.

**Calendar:** 4/24/2019 9 a.m. - Room 113 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

**Summary:** Would revise the requirements of the housing element, as specified, in connection with the identification of zones where emergency shelters are allowed as a permitted use with a conditional use or other discretionary permit. The bill would generally require that emergency shelters be in areas that allow residential use, including mixed-use areas, but would permit designation in industrial zones if a local government can demonstrate that the zone is connected to specified amenities and services. The bill would remove the authorization granted to local government to require off-street parking, as specified, in connection with standards applied to emergency shelters.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**SB 50****(Wiener D) Planning and zoning: housing development: incentives.****Introduced:** 12/3/2018**Last Amend:** 3/11/2019**Status:** 4/4/2019-Set for hearing April 24.**Location:** 4/2/2019-S. GOV. & F.**Calendar:** 4/24/2019 9 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE SPECIAL ORDER, MCGUIRE, Chair**Summary:** Would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**SB 128****(Beall D) Enhanced infrastructure financing districts: bonds: issuance.****Introduced:** 1/10/2019**Last Amend:** 3/21/2019**Status:** 3/28/2019-Read third time. Passed. (Ayes 24. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.**Location:** 3/28/2019-A. DESK**Summary:** Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. Current law requires a public financing authority to adopt an infrastructure financing plan and hold a public hearing on the plan, as specified. Current law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. Current law requires the proposal submitted to the voters by the public financing authority and the resolution for the issuance of bonds following approval by the voters to include specified information regarding the bond issuance. This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Pending

**SB 137****(Dodd D) Federal transportation funds: state exchange programs.****Introduced:** 1/15/2019**Status:** 4/5/2019-Set for hearing April 22.**Location:** 3/26/2019-S. APPR.**Calendar:** 4/22/2019 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair**Summary:** Current federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Current law establishes the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system, and funds that program from fuel taxes and an annual transportation improvement fee imposed on vehicles. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated to the department.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Sponsor

**SB 211****(Beall D) State highways: leases.****Introduced:** 2/4/2019**Last Amend:** 3/19/2019**Status:** 4/10/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (April 9). Re-referred to Com. on APPR.**Location:** 4/10/2019-S. APPR.**Calendar:** 4/22/2019 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair**Summary:** Would authorize the Department of Transportation to lease on a right of first refusal basis any airspace under a freeway, or real property acquired for highway purposes, that is not excess property, to the city or county in which the airspace or real property is located, or to a political subdivision of the city or county, for purposes of an emergency shelter or feeding program for a lease

amount, for up to 10 parcels in the city or county, or political subdivision of the city or county, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified.

**Organization**      **CSAC Position**  
Chris Lee              Support

**[SB 330](#)      **(Skinner D) Housing Crisis Act of 2019.****

**Introduced:** 2/19/2019

**Last Amend:** 4/4/2019

**Status:** 4/11/2019-From committee: Do pass and re-refer to Com. on HOUSING. (Ayes 6. Noes 0.) (April 10). Re-referred to Com. on HOUSING.

**Location:** 4/10/2019-S. HOUSING

**Calendar:** 4/22/2019 3 p.m. or upon adjournment of Session - Room 112 SENATE HOUSING, WIENER, Chair

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

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[SB 384](#)      **(Morrell R) Housing.****

**Introduced:** 2/20/2019

**Last Amend:** 3/25/2019

**Status:** 4/10/2019-April 10 set for first hearing. Failed passage in committee. (Ayes 2. Noes 5.) Reconsideration granted.

**Location:** 3/26/2019-S. E.Q.

**Summary:** CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for housing development projects with 50 or more residential units

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[SB 450](#)      **(Umberg D) California Environmental Quality Act exemption: supportive and transitional housing: motel conversion.****

**Introduced:** 2/21/2019

**Last Amend:** 4/11/2019

**Status:** 4/11/2019-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 10). Read second time and amended. Re-referred to Com. on APPR.

**Location:** 4/10/2019-S. APPR.

**Summary:** Would, until January 1, 2025, exempt from CEQA, projects related to the conversion of a structure with a certificate of occupancy as a motel, hotel, apartment hotel, transient occupancy residential structure, or hostel to supportive housing or transitional housing, as defined, that meet certain requirements. Because the lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

**Organization**      **CSAC Position**  
Chris Lee              Pending

**[SCA 1](#)      **(Allen D) Public housing projects.****

**Introduced:** 12/3/2018

**Status:** 3/20/2019-Referred to Coms. on HOUSING, E. & C.A., and APPR.

**Location:** 3/20/2019-S. HOUSING

**Summary:** The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as

specified. This measure would repeal these provisions.

<b>Organization</b>	<b>CSAC Position</b>
Chris Lee	Support

**Total Measures: 35**

**Total Tracking Forms: 35**