

County of Santa Clara

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DATE: July 22, 2019

TO: Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: Danielle Christian, Legislative Manager

SUBJECT: Off Agenda Report – Update on Pending Housing-Related State Legislation

This off agenda report is under advisement from the May 21, 2019 Board of Supervisors' meeting (Item 21) in response to a Board request for a report from the Office of Intergovernmental Relations related to pending housing-related state legislation. Item 21 was a report from the Office of Supportive Housing (OSH) relating to displacement mitigation assistance, options to strengthen existing partnerships with emergency agency network providers and possible comments to the Committee to House the Bay Area (CASA).

CASA was convened in 2017 by the Metropolitan Transportation Committee (MTC) and the Association of Bay Area Governments (ABAG) to propose solutions to the Bay Area's housing affordability crisis. In late 2018, CASA proposed ten policy recommendations (or elements), collectively referred to as the CASA Compact. State legislation that addresses the CASA Compact's elements has been introduced and is moving through the legislative process. As requested by the Board, a matrix of the bills is provided in this report. The matrix includes the bills' sponsor(s), brief description of each, and their status in the process. It also provides the stated position, if any, of the County, MTC, ABAG, the California State Association of Counties (CSAC), and the Cities Association of Santa Clara County (CASCC) on each.

Please feel free to contact me at Danielle.Christian@ceo.sccgov.org or 408/299-5183 if you have any questions about this information.

Attachment

cc: Miguel Márquez, Chief Operating Officer
James Williams, County Counsel
Tiffany Parks, Assistant Clerk of the Board of Supervisors
Steve Preminger, Director, Office of Strategic and Intergovernmental Affairs

CASA Compact-Related Legislation
Information Current as of July 15, 2019

Bill/Author	Sponsor(s)	Bill Description	Positions
<p>SB 13 (Wieckowski)</p> <p>Amended: July 1, 2019</p> <p>Status: Assembly Second Reading</p>	<p>Senator Wieckowski</p>	<p>Makes a number of changes to the law governing ADUs. Expands the area in which an ADU can be built, prohibits requirement that off-street parking be replaced if a garage, carport or covered parking structure is demolished in conjunction with an ADU or converted into an ADU. Reduces application approval timeframe for an ADU to 60 days. Provides that local ordinances cannot establish a maximum ADU size less than 850 square feet for an ADU with one or less bedrooms, or up to 1,000 square feet if the ADU provides more than one bedroom. Eliminates impact fees for ADUs of less than 750 square feet. ADUs 750 square feet or larger would be charged twenty-five percent of impact fees for new single-family dwellings.</p>	<p>MTC: Support if Amended ABAG: Support if Amended CSAC: Oppose Unless Amended CASCC: Watch</p>
<p>SB 18 (Skinner)</p> <p>Amended: May 21, 2019</p> <p>Status: Passed and ordered to engrossing and enrolling.</p>	<p>Senator Skinner</p>	<p>Deletes the December 31, 2019 sunset on provisions that provide protections for tenants in possession of property at the time that the property is sold in foreclosure.</p>	<p>MTC: No position on bill, but support budget augmentation for rental assistance, mediation, and legal assistance ABAG: Support</p>

<p>SB 50 (Wiener)</p> <p>Amended: June 4, 2019</p> <p>Status: Senate Appropriations Committee Two-year bill</p>	<p>Senator Wiener</p>	<p>Requires local governments to grant an “equitable communities incentive” (ECI) to developers that construct residential developments in “jobs-rich” or “transit-rich” areas. The incentives may include certain exceptions to requirements for zoning, density, parking, and height restrictions. Projects that receive an ECI are required to contain specified percentages of affordable housing units in the development, depending on the size of the project and at the choice of the developer. A comparable affordability contribution toward affordable housing offsite can be made instead of including affordable housing within the development.</p>	<p>MTC: No Position ABAG: No Position CSAC: Oppose Unless Amended CASCC: Oppose</p>
<p>SB 330 (Skinner)</p> <p>Amended: July 1, 2019</p> <p>Status: Assembly Appropriations Committee</p>	<p>Senator Skinner</p>	<p>Until January 2025, restricts a local jurisdiction or ballot measure from downzoning or imposing building moratoria on land where housing is an allowable use. Requires timely processing of housing permits for units allowed under existing zoning rules and design standards. Prohibits a city or county from conducting more than five hearings on an application for a housing development project. Prohibits minimum parking requirements of more than 0.5 spaces per unit if the proposed housing development is within one-quarter mile of a rail stop that is a major transit stop and the affected city has a population of 100,000 or greater or is located in a county with a population of greater than 700,000. Provides for resettlement benefits and opportunity for rehousing to prevent</p>	<p>MTC: Seek Amendments ABAG: Seek Amendments CSAC: Oppose Unless Amended CASCC: Oppose</p>

		displacement of Section 8, rent controlled, or low-income tenants.	
<p>AB 68 (Ting)</p> <p>Amended: July 5, 2019</p> <p>Status: Senate Appropriations Committee August 12th hearing</p>	California YIMBY	<p>Requires a local agency to ministerially approve or deny a permit for the creation of an accessory dwelling unit (ADU) or a junior accessory dwelling unit (JADU) within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot.</p> <p>Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create the following: (1) one ADU and one JADU per lot with a proposed or existing single-family dwelling if certain requirements are met; (2) a detached, new construction single-story ADU that meets certain requirements and would authorize a local agency to impose specified conditions relating to floor area and height on that unit; (3) multiple ADUs within the portions of an existing multifamily dwelling structure provided those units meet certain requirements; or (4) not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to certain height and rear yard and side setback requirements.</p> <p>Provides that a local ADU ordinance cannot impose lot coverage standards, require minimum lot size or certain setbacks, and</p>	<p>MTC: Support ABAG: Support CSAC: Concerns CASCC: Oppose</p>

		<p>cannot require off-street parking to be replaced when existing parking like a garage, carport, or covered parking structure is demolished for the construction or conversion of an ADU.</p> <p>Authorizes the State Department of Housing and Community Development (HCD) to request local governments comply and amend their local ADU ordinances.</p>	
<p>AB 69 (Ting)</p> <p>Amended: June 20, 2019</p> <p>Status: Senate Appropriations Committee Suspense File</p>	<p>Assemblymember Ting</p>	<p>Requires HCD to propose small home building standards to the California Building Standards Commission, governing ADUs and homes smaller than 800 square feet that include allowances for small kitchens and bathrooms with small appliances.</p>	<p>MTC: Support and Seek Amendments ABAG: Support and Seek Amendments CSAC: Support</p>
<p>AB 1481 (Grayson and Bonta)</p> <p>Amended: May 20, 2019</p> <p>Status: Ordered to inactive file at the request of Assemblymember Grayson</p>	<p>ACCE Action PICO California PolicyLink Public Advocates Western Center on Law and Poverty</p>	<p>Prohibits a landlord from terminating a residential tenancy without just cause, regardless of whether the tenancy is subject to a written lease agreement, if the tenancy has lasted at least six months.</p> <p>Defines “just cause” as either at-fault just cause or no-fault just cause. Defines at-fault just cause as including a) failure to pay rent; b) substantial breach of a material term of the rental agreement; c) nuisance; d) waste; e) refusal by the tenant to sign a new lease that is identical to the previous lease, after the lease expired; and f) illegal conduct.</p> <p>Defines no-fault just cause as a) owner intent to occupy the property, if (i) the tenant agrees in writing to the termination or (ii) a</p>	<p>MTC: Support ABAG: Support CSAC: Watch</p>

		<p>lease provision provides for termination based on the owner's unilateral decision to so occupy; b) withdrawal of the property from the rental market; c) unsafe habitation, and d) intent to demolish or to substantially remodel.</p> <p>Allows tenants to correct violations prior to being given eviction notice.</p> <p>Requires a property owner to provide relocation assistance for no-fault just cause evictions.</p> <p>The bill's provisions are repealed as of January 1, 2030.</p>	
<p>AB 1482 (Chiu)</p> <p>Amended: July 11, 2019</p> <p>Status: Senate Appropriations Committee</p>	<p>Alliance for Californians for Community Empowerment California Rural Legal Assistance Foundation PICO California Public Advocates Western Center on Law and Poverty</p>	<p>Prohibits an owner of a residential real property from terminating the lease of a tenant that has occupied the property for at least 12 months without just cause. For certain just cause terminations that are curable, the bill requires that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. For no-fault just cause terminations, the owner would be required to assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant.</p> <p>Prohibits an owner from increasing the rental rate for property more than once annually. Prohibits increasing the rental rate in an amount that is greater than 7% plus the percentage change in the cost of living, or 10%, whichever is lower, more than the lowest rental rate charged for the</p>	<p>MTC: Support ABAG: Support CSAC: Watch</p>

		immediately preceding 12 months. The bill exempts deed-restricted, dorms, and housing subject to local ordinances that impose more restrictive provisions on rent increases. The bill's provisions sunset on January 1, 2023.	
AB 1483 (Grayson) Amended June 24, 2019 Status: Senate Appropriations Committee	California Building Industry Association	Adds a number of requirements to the annual progress reports that cities and counties are required to submit to HCD. Requires HCD or another state entity to establish a statewide parcel geographic database; requires cities and counties to post specified housing-related information on their websites; and requires HCD to develop a strategy and standards for state housing data.	MTC: Support and Seek Amendments ABAG: Support and Seek Amendments CSAC: Pending CASCC: Watch
AB 1484 (Grayson) Amended: April 10, 2019 Status: Senate Appropriations Committee	California Association of Realtors California Building Industry Association California Housing Consortium	Requires cities and counties to post information about all fees imposed on a housing development project on their websites.	CSAC: Concerns CASCC: Oppose Unless Amended
AB 1485 (Wicks) Amended: July 3, 2019 Status: Senate Appropriations Committee	Bay Area Council	Requires ministerial approval of housing developments that limit 20% of the units to up to 120% of area median income (AMI) or less. Requires, for units dedicated to households between 80% and 120% AMI, the rents charged to be 20% below the fair market rent for the county. Provides that a development proponent may use a unit of affordable housing to satisfy the affordability requirements provided by the bill's	MTC: Support ABAG: Support CSAC: Pending CASCC: Neutral

		provisions and any other state or local affordability requirement.	
AB 1486 (Ting) Amended: June 27, 2019 Status: Senate Appropriations Committee August 12 th hearing	East Bay Housing Organizations Non-Profit Housing Association of Northern California San Diego Housing Federation	Expands requirements for local agencies in how they deal with surplus property pursuant to the local Surplus Lands Act and modifies requirements for state surplus land. County opposes bill due to inclusion of redevelopment successor agencies and negative impacts on redevelopment dissolution process.	County: Oppose Unless Amended MTC: Support if Amended ABAG: Support if Amended CSAC: Oppose Unless Amended CASCC: Neutral
AB 1487 (Chiu) Amended: July 11, 2019 Status: Senate Appropriations Committee	Non-Profit Housing Association of Northern California Enterprise Community Partners, Inc.	The bill, the San Francisco Bay Regional Housing Finance Act, would establish the Bay Area Housing Finance Authority (BAHFA) and would state the BAHFA's purpose is to raise, administer, and allocate funding and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The BAHFA will have jurisdiction throughout the San Francisco Bay area, including the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma and the City and County of San Francisco. BAHFA's governing board will be the same as governing board of the Metropolitan Transportation Commission (MTC) but is a separate legal entity from MTC.	MTC: Seek Amendments ABAG: Seek Amendments CSAC: Watch CASCC: Oppose

