

APA California Legislative Update

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Through its legislative advocate, Sande George, APA California influences statewide change by working with state legislators and affiliated interest groups. APA California works with state legislators to introduce smart planning bills. Legislation currently of key interest to APA California members includes preparation of a California State Plan, fiscal reform, CEQA and CESA reform, housing element reform, takings issues and restrictions on local government building requirements. A few “hot” bills that may be of interest to APA California members include:

AB 602 – Evans – Unlimited statutes of limitations for Housing Element challenges

APA CA Position: Oppose

AB 602 was amended at the end of session last year to eliminate the statute of limitations for housing element challenges. Sponsored by the housing advocate organizations, it is designed to deal with the court’s decision in *Urban Habitats v. City of Pleasanton* that existing law provides a 90-day statute of limitations on provisions in 65009 (d). The housing advocates believe that this decision inappropriately limits their ability to challenge housing elements and other housing policies and ordinances that do not otherwise comply with the law or will not comply under the new process in SB 375. Their solutions so far, however, have been to allow an indefinite statute of limitations, which amounts to no statute of limitations at all, or as much as four years to bring action following adoption. APA, however, cannot support provisions that open local government up to large judgments or leave cities and counties hanging for years wondering whether or not they will be sued, particularly since the *Pleasanton* case gave those who brought the case the right to proceed with their claim against the City.

*The author is now planning to move the bill to address the problems created by the *Urban Habitats v. Pleasanton* decision. Assembly Member Feuer and Senator Evans have added on as co-authors of this bill. APA is working closely with the authors and will keep members posted as we move forward.*

SB 959 – Ducheny – Mandated expedited permit review and one agency permit processing

APA CA Position: Neutral as expected to be amended

SB 959 would originally have required specific permit streamlining strategies at both the state and local levels that were beyond city and county staff and fiscal resources. APA California worked with the author’s office to develop amendments that will move our position to neutral if the bill is fine tuned a bit more. As amended, the bill now will require cities and counties with a population of 100,000 or more, only if an applicant requests it, to designate an administrative entity to serve as the applicant’s single point of contact with the local agency with respect to commercial or industrial development projects (residential projects were removed). The administrative entity would also be required to provide the applicant information regarding the status of the applications and permits required by the local agency for the development project, and to coordinate with the Office of Permit Assistance regarding any applications or permits required by the state for the development project. Cities and counties would be specifically authorized to charge a fee to pay for the services requested by the applicant. APA has specific concerns regarding the reporting, and is looking at new amendments just proposed, but we hope to reach agreement on this bill and move our position to neutral.

The bill passed out of the Senate and is now in the Assembly Local Government Committee.

SB 1174 – WOLK – Mandate to mitigate disadvantaged unincorporated communities in the General Plan

APA CA Position: Oppose

SB 1174 would require a city or county to amend its General Plan to address the presence of island, fringe, or legacy unincorporated communities inside or near its boundaries. Most jurisdictions would like to assist these communities to upgrade critical road, sewer and water infrastructure as the bill requires. However, cities and counties at this time do not have the staff or resources to either plan for, or actually replace this infrastructure or the other infrastructure deficiencies included in the bill, including paved roads, storm drainage, sidewalks and street lighting. Without a source of funding to assist communities with the planning and infrastructure funding, this bill is not feasible. APA is continuing to work with the author to find funding sources and to narrow the scope of the requirements in the bill. A similar bill, AB 853 (Arambula), has been narrowed, but discussions continue to ensure that the bill is fully funded and that the provisions are scaled back even more to workable strategies.

SB 1207– KEHOE – Safety Element fire planning strategies

APA CA Position: Support

This bill is very similar to SB 505, which was supported by APA California and vetoed by the Governor last year. SB 1207 would expand the required contents of safety elements that cover state responsibility area land and very high fire hazard severity zones. APA assisted in drafting the bill's provisions and supports the required elements in the Safety Element as strategies that every jurisdiction in high fire areas should be doing.

The bill passed out of the Senate and is now in the Assembly Local Government Committee

SB 1445– DESAULNIER – Planning technical assistance and funding for implementation of AB 32 and SB 375

APA CA Position: Support if amended

This bill would update the duties and membership of the Planning Advisory Assistance Council and provide funding through a \$1 vehicle license fee assessment to assist local and regional governments in implementing AB 32 and SB 375, including assistance in the development of the subregional sustainable communities strategies, local greenhouse gas emission inventories and local climate action plans, GHG emission reduction strategies in general plans, CEQA guidelines and review of greenhouse gas emissions in CEQA analyses, and project-specific consultation work to reduce greenhouse gas emissions from local transportation and land use decisions. APA has asked that the bill specify the portion of the fee that would be allocated to local agencies vs. regional agencies, and to provide a percentage of the administrative fees to OPR to administer the grants and provide technical assistance.

The bill passed out of the Senate and is now in the Assembly.

IMPORTANT LEGISLATIVE DATES

July 2 Last day for policy committees to hear and report bills (summer recess begins at the end of session)

August 13 Last day for fiscal committees to hear and report bills to the Floor

August 31 Last day for any bill to be passed

September 30 Last day for Governor to sign or veto bills passed by the legislature on or before September 1 and in the Governor's possession after September 1