



CITY *of* CALABASAS

ITEM 5
EXHIBIT 2

HOUSING FINANCING AND PROCESSING IMPROVEMENT BILLS
LEGISLATIVE COUNCIL DIGESTS
AB 59, AB 68, ACA 1, SB 5, SB 11 & SB 15

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AB-59 Mitigation Fee Act: fees: notice and timelines. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 59

Introduced by Assembly Member Gabriel

December 07, 2020

An act to amend Sections 66013, 66014, 66016, 66019, and 66020 of, and to repeal Section 66022 of, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 59, as introduced, Gabriel. Mitigation Fee Act: fees: notice and timelines.

The Mitigation Fee Act authorizes a local agency to establish, increase, or impose a variety of fees, dedications, reservations, or other exactions for services, and in connection with the approval of a development project, as defined. Existing law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, capacity charges, zoning variances or changes, use permits, and building inspections or permits, among others, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Existing law requires fees or service charges that create revenues in excess of actual cost to be used to reduce the fee or service charge. Existing law requires a local agency, before levying or increasing a fee or service charge, to hold at least one open and public meeting and requires that notice of the time and place of the meeting be mailed at least 14 days prior to the meeting to any interested party who files a written request with the local agency for mailed notice of the meeting on new or increased fees or service charges. Existing law additionally requires the local agency to make available to the public, at least 10 days prior to the meeting, the data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, as specified. Existing law also authorizes the local agency to provide notice via electronic notification to those who specifically request it, and authorizes the legislative body of a local agency to establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

Existing law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The act imposes the same requirements on a local agency for a new or increased fee for public facilities. Existing law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Existing law also provides that, if an ordinance, resolution, or motion provides

for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase.

This bill would increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the meeting to at least 45 days before the meeting. The bill would require the local agency to make that information available to the public at least 30 days before the meeting. The bill would require a local agency to additionally make available to the public all of the data demonstrating the requisite relationship between the amount of a fee for public facilities and the need for the public facilities. The bill would require the data to also be made available to the public on the local agency's internet website. The bill would authorize interested parties to file an electronic request to receive the notice of the meeting time and place, and would require the local agency to mail or electronically send the notice as requested by the party. The bill would prohibit the legislative body of a local agency from establishing a reasonable annual charge for sending electronic notices. The bill would prohibit a local agency, when defending a protest or action filed for a fee or service charge, or for fees for specified public facilities, from using as evidence, or relying on in any way, data not made available to the public pursuant to these provisions. The bill would require revenues in excess of actual cost to be used to reimburse the payor of the fee or service charge.

This bill would also delete the provisions requiring a judicial action or proceeding to attack, review, set aside, void, or annul an ordinance within 120 days of the effective date of the ordinance or increase, as applicable. The bill would instead require a judicial action or proceeding to be conducted in accordance with other procedures that, among other things, require a protest to be filed within 90 days after the imposition of the fees and an action to attack, review, set aside, void, or annul the imposition of the fees to be filed within 180 days after delivery of a specified notice by the local agency.

By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes



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AB-68 Affordable housing: California State Auditor's Report. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 68**Introduced by Assembly Member Salas****December 07, 2020**

An act relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as introduced, Salas. Affordable housing: California State Auditor's Report.

Existing law establishes various programs intended to promote the development of affordable housing, including the Multifamily Housing Program, under which the Department of Housing and Community Development provides financial assistance in the form of deferred payment loans to pay for the eligible costs of certain housing development activities. Existing law requires the California State Auditor to conduct any audit of a state or local agency or any other publicly created entity that is requested by the Joint Legislative Audit Committee, as provided.

This bill would state the intent of the Legislature to enact legislation that would implement recommendations made in the California State Auditor's Report 2020-108, issued on November 17, 2020, relating to affordable housing.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no



ACA-1 Local government financing: affordable housing and public infrastructure: voter approval. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

**ASSEMBLY
AMENDMENT**

CONSTITUTIONAL

NO. 1

**Introduced by Assembly Members Aguiar-Curry, Lorena Gonzalez, and Chiu
(Principal coauthor: Senator Wiener)
(Coauthors: Assembly Members Berman, Burke, Kalra, Levine, Quirk, Robert Rivas,
Blanca Rubio, Stone, Ting, Weber, and Wicks)**

December 07, 2020

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as introduced, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly require the approval of 55% of the voters of the city, county, city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

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CORRECTED DECEMBER 09, 2020

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL**NO. 5****Introduced by Senators Atkins, Caballero, McGuire, Rubio, Skinner, and Wiener****December 07, 2020**

An act relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Atkins. Housing: bond act.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time homebuyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

This bill would state the intent of the Legislature to enact legislation that would authorize the issuance of bonds and would require the proceeds from the sale of those bonds to be used to finance housing-related programs that serve the homeless and extremely low income and very low income Californians.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no



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SB-11 Residential property insurance: ratemaking strategies. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

SENATE BILL

NO. 11

Introduced by Senator Rubio

December 07, 2020

An act to add and repeal Chapter 12 (commencing with Section 10109) of Part 1 of Division 2 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 11, as introduced, Rubio. Residential property insurance: ratemaking strategies.

The Insurance Rate Reduction and Reform Act of 1988, an initiative measure enacted by Proposition 103, as approved by the voters at the November 8, 1988, statewide general election, prohibits specified insurance rates from being approved or remaining in effect that are excessive, inadequate, unfairly discriminatory, or otherwise in violation of the act. The act requires an insurer that wishes to change a rate to file a complete rate application with the Insurance Commissioner, as specified.

This bill would require the commissioner to convene a stakeholder group of expert parties to identify ways to measure and incorporate various fire damage mitigation strategies into the homeowners' insurance ratemaking process and to report the group's findings to the Legislature no later than December 31, 2023.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no



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SB-15 Housing development: incentives: rezoning of idle retail sites. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 15**Introduced by Senator Portantino****December 07, 2020**

An act to add Chapter 2.9 (commencing with Section 50495) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 15, as introduced, Portantino. Housing development: incentives: rezoning of idle retail sites.

Existing law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households.

This bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of workforce housing. The bill would define various terms for these purposes. In order to be eligible for a grant, the bill would require a local government, among other things, to apply to the department for an allocation of grant funds and provide documentation that it has met specified requirements, including certain labor-related requirements. The bill would make the allocation of these grants subject to appropriation by the Legislature in the annual Budget Act or other statute.

The bill would require the department to issue a Notice of Funding Availability for each calendar year in which funds are made available for these purposes. The bill would require that the amount of grant awarded to each eligible local government be equal to 7 times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application over the 7 years immediately preceding the date of the local government's application, subject to certain modifications, and that the local government receive this amount in one lump-sum following the date of the local government's application. The bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would authorize the department to review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards for this program and exempt those guidelines from the rulemaking provisions of the Administrative Procedure Act.