



CITY *of* CALABASAS

ITEM 5

EXHIBIT 5

LAS VIRGENES MALIBU COG AGENDA REPORT

PREVIEW OF 2021 HOUSING LEGISLATION

JANUARY 19, 2021

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Governing Board Agenda Report

DATE: January 19, 2021
TO: Governing Board and Alternates
FROM: Terry Dipple, Executive Director
SUBJECT: Preview of 2021 Housing Legislation

OVERVIEW

The purpose of this memorandum is to provide information to the Governing Board regarding Housing Bills introduced as of January 12, 2021. Some of the measure are reintroductions of bills that failed in 2020. The list was provided by Jeff Kiernan, Cal Cities.

RECOMMENDATION

That the Governing Board discuss the proposed housing bills and refer the list to the member cities for positions to support or oppose and report back to the COG.

AB 15 (Chiu)

COVID-19 relief: tenancy: Tenant Stabilization Act of 2021.

Introduced: 12/7/2020

Summary: Would extend the definition of "COVID-19 rental debt" as unpaid rent or any other unpaid financial obligation of a tenant that came due between March 1, 2020, and December 31, 2021. The bill would also extend the repeal date of the act to January 1, 2026. The bill would make other conforming changes to align with these extended dates. By extending the repeal date of the act, the bill would expand the crime of perjury and create a state-mandated local program.

AB 16 (Chiu)

Tenancies: Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021.

Introduced: 12/7/2020

Summary: Would state the intent of the Legislature to enact the Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021 to address the long-term financial impacts of the COVID-19 pandemic on renters, small landlords, and affordable housing providers, ensure ongoing housing stability for tenants at risk of eviction, and

stabilize rental properties at risk of foreclosure. This bill would include legislative findings and declarations in support of the intended legislation.

AB 59 (Gabriel)

Mitigation Fee Act: fees: notice and timelines.

Introduced: 12/7/2020

Summary: Current 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 Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current 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. Current 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.

AB 68 (Salas)

Affordable housing: California State Auditor's Report.

Introduced: 12/7/2020

Summary: 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.

AB 115 (Bloom)

Planning and zoning: commercial zoning: housing development.

Introduced: 12/18/2020

Summary: Would, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any local agency's zoning code or maps for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria.

AB 215 (Chiu)

Housing element.

Introduced: 1/11/2021

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 Department of Housing and Community Development (HCD) to determine whether the housing element is in substantial compliance with specified provisions of that law. This measure declares the State of California is suffering from extremely high home prices, rents, and levels of homelessness. This is, in part, due to the lack of proper planning at the local level for the appropriate amount of housing. It is the intent of the Legislature to ensure proper planning occurs at the local level by requiring the Department of Housing and Community Development to review the plans and programs of any city or county where the amount of housing produced falls below an unspecified percentage of their regional housing needs allocation, and to recommend amendments to local housing elements as necessary.

ACA 1 (Aguilar-Curry)

Local government financing: affordable housing and public infrastructure: voter approval.

Introduced: 12/7/2020

Summary: 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.

SB 3 (Caballero)

Tenancy: COVID-19

Introduced: 12/7/2020

Summary: The COVID-19 Tenant Relief Act of 2020 establishes certain procedural requirements and limitations on evictions for nonpayment of rent due to COVID-19 rental debt, as defined. Existing law defines COVID-19 rental debt as unpaid rent or any other unpaid financial obligation of a tenant that came due during the covered time period, defined as the period between March 1, 2020, and January 31, 2021. The act also

requires a notice that demands payment of rent that came due during the transition time period, defined as the period between September 30, 2020, and January 31, 2021, to comply with additional specified requirements. This bill would extend the covered time period and transition time period for purposes of the act to March 31, 2021.

SB 5 (Atkins)

Housing: bond act.

Introduced: 12/7/2020

Summary: 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.

SB 9 (Atkins) This is a reintroduction of last year's SB 1120 related to ministerial lot splits & duplexes

Housing development: approvals.

Introduced: 12/7/2020

Summary: Would require a proposed housing development containing 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

SB 10 (Wiener) This is a reintroduction of last year's SB 902 that *permits* cities to zone any parcel for up to 10 units of residential housing without triggering CEQA. Note this is an opt-in measure, not a mandate.

Planning and zoning: housing development: density.

Introduced: 12/7/2020

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-

rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of the California Environmental Quality Act. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel rezoned pursuant to these provisions from being approved ministerially or by right.

SB 11 (Rubio)

Residential property insurance: ratemaking strategies.

Introduced: 12/7/2020

Summary: 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.

SB 12 (McGuire)

Local government: planning and zoning: wildfires.

Introduced: 12/7/2020

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

SB 15 (Portantino) Similar to last year's SB 1299 which allows rezoning of idle retail sites and provides grant funds from HCD as an incentive to shift away from revenue generating retail sites.

Housing development: incentives: rezoning of idle retail sites

Introduced: 12/7/ 2020

Summary: Current 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.

SB 55 (Stern)

Very high fire hazard severity zone: state responsibility area: development prohibition.

Introduced: 12/7/2020

Summary: Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

SB 64 (Leyva)

Mobilehome parks: emergency relief: coronavirus (COVID-19).

Introduced: 12/7/2020

Summary: The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks. Under existing law, the management of a mobilehome park may not terminate or refuse to renew a tenancy, except pursuant to certain procedures, and upon giving written notice to the homeowner of not less than 60 days. This bill would prohibit the management from terminating or attempting to terminate the tenancy of a homeowner or resident who is impacted by the coronavirus (COVID-19) pandemic, as specified, on the grounds of failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or failure to pay rent, utility charges, or reasonable incidental service charges during a declared state of emergency or local emergency related to the coronavirus (COVID-19) pandemic, and during a 120-day time period after the state of emergency or local emergency is terminated, unless necessary to protect the public health or safety.

SCA 2 (Allen)

Public housing projects.

Introduced: 12/7/2020

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.