AGENDA
ITEM 7.B.

MANAGEMENT SERVICES DEPARTMENT

MEMORANDUM

DATE: May 21, 2019

TO: The Honorable City Council

FROM: Bryan Cook, City Manager
Via: Brian Haworth, Assistant to the City Manager
By: Tinny Chan, Management Analyst

SUBJECT: LEGISLATIVE UPDATE

RECOMMENDATION:

The City Council is requested to receive and file this report.

BACKGROUND:

In order to keep Council informed of proposed legislation that may affect City operations, staff regularly monitors and reviews legislative advocacy efforts. Particular attention is paid to those measures being reviewed by our partner organizations: the League of California Cities (LOC) and California Contract Cities Association (CCC).

ANALYSIS:

The following provides summaries on pertinent bills that are in the state legislative process (as of May 7, 2019). Should Council wish for more information, or to formally oppose or support a bill, they can do so by requesting the item for further deliberation at a subsequent meeting.

HOUSING

Accessory Dwelling Units | AB 68
Eliminates a jurisdiction's authority to impose minimum lot size requirements for the construction of accessory dwelling units (ADUs). The bill also requires jurisdictions to approve or deny an application (for an ADU) within 60 days.

Applicability: Conflicts with Municipal Code's (TCMC) lot size requirement 6,000 sq. ft.

Note: *Per state law, City reviews ADU proposals within 120 days.*
Position: *LOC: Oppose.*
Bill status: *Placed on suspense file in Assembly Appropriations Committee.*

Accessory Dwelling Units | AB 881
Prohibits local jurisdictions from requiring a property owner to live in the main house or in the ADU.

Applicability: *Conflicts with TCMC requirements for owner occupancy.*
Note: *Legislation would incentivize ADUs as a commercial enterprise.*
Position: *LOC: Oppose unless amended.*
Bill status: *On Assembly floor, scheduled for a third reading.*

Accessory Dwelling Units | SB 13
Amends statewide standards concerning ADUs by placing an arbitrary cap on impact fees, prohibiting replacement parking and eliminating owner occupancy requirements.

Applicability: *Conflicts with TCMC's provisions for ADUs.*
Position: *LOC: Oppose unless amended.*
Bill status: *Placed on suspense file in Assembly Appropriations Committee.*

Planning & Zoning | SB 330
Acts as a companion bill to SB 50. The measure declares a statewide housing crisis and for a ten-year period, prohibits a city from downzoning, imposing parking requirements, increasing impact fees and establishing a maximum number of conditional use permits.

Applicability: *Alters provisions of the General Plan Update and TCMC.*
Note: *Bill would also limit design standards.*
Position: *LOC: Oppose*
Bill status: *In Senate Appropriations Committee.*

Zoning | SB 50
Limits single-family only zoning and increases density while limiting or removing parking requirements. The bill also allows developers to construct fourplex apartments without conditional use permits, and subdivide existing structures into a maximum of four residential dwelling units.

Applicability: *Undermines TCMC and zoning land use provisions.*
Note: *Legislation would significantly alter Temple City neighborhoods.*
Position: *LOC: Oppose unless amended; CCC: Watch.*
Bill status: *In Senate Appropriations Committee.*

ECONOMIC DEVELOPMENT

Infrastructure Funding I ACA 1
Lowers the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing and public infrastructure projects.

Applicability: *Provides a financing option to address infrastructure challenges.*
Position: *LOC and CCC: Support.*
Bill Status: *Placed in suspense file in Assembly Appropriations Committee.*

Investment Incentives I SB 5
Authorizes local governments to establish an affordable housing and community development investment agency, as well as to issue bonds and apply for funding under the Affordable Housing and Community Development Investment Program.

Applicability: *Augments post-redevelopment authorities of AB 11 (see below).*
Position: *LOC and CCC: Support.*
Bill Status: *Placed in suspense file in Assembly Appropriations Committee.*

Redevelopment Agencies I AB 11
Allows cities and counties to use tax increment financing to fund affordable housing and infrastructure projects. The bill takes on a similar approach to the tax increment financing structure used by former redevelopment agencies.

Note: *30% of funding must be set aside for affordable housing initiatives.*
Position: *LOC: Support in concept; CCC: Support.*
Bill Status: *In Assembly Appropriations Committee.*

GENERAL ADMINISTRATION

Email Retention I AB 1184
Requires public agencies to retain emails for at least two years before automatically deleting them. State law already requires cities to retain public records for two years; however, the law is unclear regarding email retention.

Applicability: *City currently retains emails for 90 days.*
Note: *New legislation may require the purchase of a new city server.*
Position: *LOC: Oppose.*
Status: *Placed on suspense file in Assembly Appropriations Committee.*

PUBLIC SAFETY

Drones I AB 1190
Prohibits agencies from banning the operation of drones but allows the enactment of ordinances that relate to the use of drones—so long as the ordinances are not specifically written to eliminate drone activity.

Note: *TCMC does not contain drone ordinances.*
Position: *LOC: Pending support.*
Bill Status: *On Assembly floor, scheduled for a third reading.*

Emergency Preparedness I AB 291
Requires the Office of Emergency Services to establish a $500 million ongoing Local Emergency Preparedness and Hazard Mitigation Fund to help local governments meet emergency preparedness goals.

Note: *City's funding allocation is unknown.*
Position: *LOC: Pending support.*
Bill Status: *Placed on suspense file in Assembly Appropriations Committee.*

Emergency Services I SB 46
Provides agencies with increased access to residents' contact information by obtaining third-party data from local utility and other service providers. Information would then be used to enroll unsubscribed residents into emergency warning systems.

Applicability: *City currently uses the Everbridge Notification System.*
Position: *LOC: Support.*
Bill Status: *In Senate Appropriations Committee.*

PUBLIC WORKS

Seismic Safety Tax Credit | AB 234
Provides for up to a 30% tax credit for locally certified seismic retrofitting projects completed between 2020 and 2025.

Applicability: *A number of Temple City properties may qualify for the credit.*
Position: *LOC: Support.*
Bill status: *In Senate Appropriations Committee.*

TRANSPORTATION

Motorized Scooters | AB 1112
Eliminates the ability for cities to fully regulate corporations that offer shared motorized scooter services.

Applicability: *Bill would eliminate the City's authority in its own right-of-way.*
Note: *TCMC does not contain provisions for shared motorized scooters.*
Position: *LOC: Oppose.*
Status: *On Assembly floor, scheduled for a third reading.*

Shared Mobility Devices | AB 1286
Requires shared mobility service providers (e.g. Bird, Lime) to obtain a permit or agreement with the jurisdiction it seeks to operate in. The bill also requires service providers to maintain a specific amount of liability insurance and comply with all local operation, parking, maintenance and safety rules.

Applicability: *City can regulate these devices beyond minimum standards.*
Note: *TCMC does not contain provisions for shared devices.*
Position: *LOC: Pending support.*
Status: *On Assembly floor, scheduled for a third reading.*

Additionally, the following items are worth nothing. Further discussion of their potential fiscal impact will be provided at the Council's upcoming budget study sessions.

RECENTLY PASSED BILLS

Sales Tax I AB 147
Follows a 2018 U.S. Supreme Court decision (South Dakota vs. Mayfair) that now allows states to require out-of-state and online retailers to collect and remit taxes when selling property to the state's residents.

Note: *Legislation effective immediately.*
City Impact: *Modest but positive fiscal gain.*

Vote-by-Mail Ballots I AB 216
Requires the elections official to include prepaid postage on the return identification envelope of a vote-by-mail ballot.

Note: *City has over 8,000 vote-by-mail voters.*
City Impact: *Modest to significant fiscal effect; to be implemented in 2020.*

PROPOSED STATE BUDGET

The May Revise to the Governor's proposed 2019-20 State Budget still includes discussion about how SB 1 transportation funding (gas tax) could be withheld from cities that do not build enough housing. The LOC will continue to work with the Governor's office to find a solution to the housing affordability and supply crisis without withholding transportation funding.

Note: *Provisions for SB 1 takeaways remain unclear.*
City Impact: *SB 1 funding allocation is roughly $600,000 a year.*

CITY STRATEGIC GOAL:

Actions contained in this report align with the City's strategic goals of economic development, sustainable infrastructure and good governance.

FISCAL IMPACT:

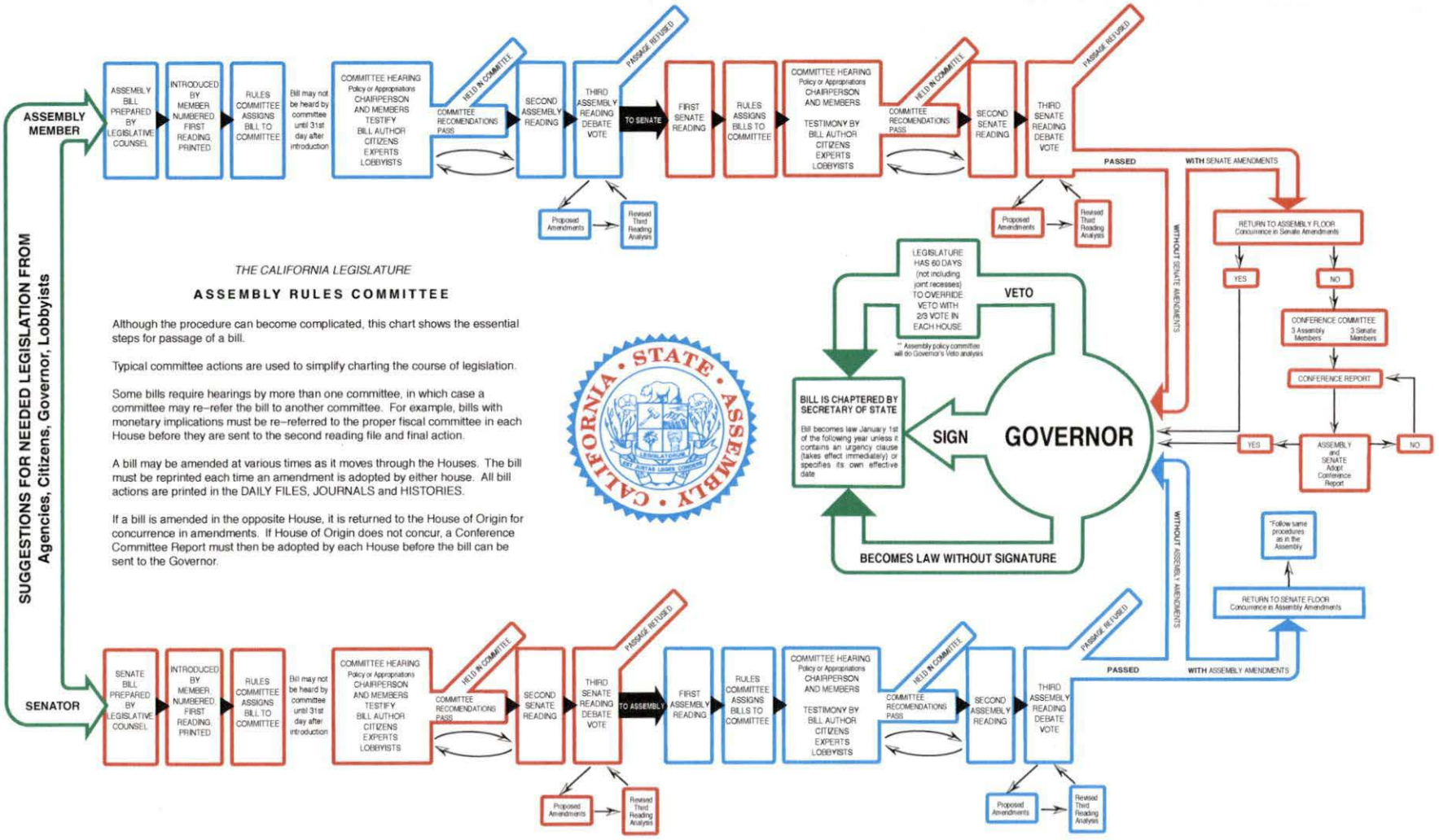
None.

ATTACHMENT:

A. The Life Cycle of Legislation

THE LIFE CYCLE OF LEGISLATION

From Idea into Law



THE CALIFORNIA LEGISLATURE

ASSEMBLY RULES COMMITTEE

Although the procedure can become complicated, this chart shows the essential steps for passage of a bill.

Typical committee actions are used to simplify charting the course of legislation.

Some bills require hearings by more than one committee, in which case a committee may re-refer the bill to another committee. For example, bills with monetary implications must be re-referred to the proper fiscal committee in each House before they are sent to the second reading file and final action.

A bill may be amended at various times as it moves through the Houses. The bill must be reprinted each time an amendment is adopted by either house. All bill actions are printed in the DAILY FILES, JOURNALS and HISTORIES.

If a bill is amended in the opposite House, it is returned to the House of Origin for concurrence in amendments. If House of Origin does not concur, a Conference Committee Report must then be adopted by each House before the bill can be sent to the Governor.

ATTACHMENT A