



Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

**CITY HALL
455 North Rexford Drive
4th Floor Conference Room A
Beverly Hills, CA 90210**

**Thursday, February 27, 2020
5:30 PM**

AGENDA

A. Oral Communications

1. Public Comment

Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

B. Direction

1. H.R. 4305 - PAWS for Veterans Therapy Act

Comment: This bill requires the Department of Veterans Affairs to implement a pilot program to assess the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder through a method where veterans train service dogs for veterans with disabilities.

2. Senate Resolution 61 (McGuire) – Relative to Gun Violence

Comment: This item seeks direction on SR 61, which would call upon Congress to enact a federal assault weapons ban.

3. Senate Bill 793 (Hill) – Flavored Tobacco Products

Comment: This item seeks direction on SB 793, which would prohibit a retailer from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product.

4. Senate Bill 795 (Beall) – Affordable Housing and Community Development Investment Program

Comment: This item seeks direction on SB 795, which would establish in state government the Affordable Housing and Community Development Investment Program. This bill would allow cities and counties to redirect tax revenue toward building homes for low-income families, housing near transit stopes, and other projects.

5. Assembly Bill 276 (Friedman) – Pupil Safety: Parental Notification: Firearm Safety Laws

Comment: This item seeks direction on AB 276, which would require schools to provide information to parent and/or guardians of pupils at the first semester or quarter of the regular school year regarding California laws relating to the safe storage of firearms.

6. Proposal by Staff for Legislative/Lobby Liaisons to Review and Provide Input on Modifying Regional Housing Needs Assessment (RHNA)

Comment: Staff is proposing tentative language for modifying RHNA to allow a city to build a limited number of affordable housing units outside its jurisdiction and to still receive RHNA credit.

7. State and Federal Legislative Updates

Comment: The City's state and federal lobbyist will provide a verbal update to the Liaisons on state and federal issues.

C. Adjournment



Huma Ahmed, City Clerk

Posted: February 24, 2020

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE LIBRARY AND CITY CLERK'S OFFICE.



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Item B-1



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cynthia Owens, Policy and Management Analyst
DATE: February 27, 2020
SUBJECT: H.R. 4305 - PAWS for Veterans Therapy Act
ATTACHMENTS: 1. Summary Memo – H.R. 4305
2. Bill Text – H.R. 4305

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

H.R. 4305 - PAWS for Veterans Therapy Act ("H.R.4305") involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's federal lobbyist, David Turch & Associates, provided a summary memo for H.R. 4305 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of H.R. 4305, the Liaisons may recommend the following actions:

- 1) Support H.R. 4305;
- 2) Support if amended H.R. 4305;
- 3) Oppose H.R. 4305;
- 4) Oppose unless amended H.R. 4305;
- 5) Remain neutral; or
- 6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on H.R. 4305, then staff will place the item on a future City Council Agenda for concurrence.

Attachment 1

David Turch and Associates

TO: Cindy Owens, Policy and Management Analyst
City of Beverly Hills

FROM: Jamie Jones
Jamie.jones@davidturch.com
202-543-3744

DATE: February 21, 2020

RE: HR 4305 – PAWS for Veterans Therapy Act

This memorandum focuses on H.R. 4305, the Puppies Assisting Wounded Servicemembers (PAWS) for Veterans Therapy Act, sponsored by Representative Steven Stivers, a Republican from Ohio. The bill requires the Department of Veterans Affairs to implement a pilot program to assess the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder through a method where veterans train service dogs for veterans with disabilities. Representative Ted Lieu, along with 323 of his House colleagues, cosponsored the measure. The House passed H.R. 4305 on February 5, 2020 by voice vote. The measure has been referred to the Senate Veterans Affairs Committee.

- H.R. 4305 calls for the Veterans Administration to establish a five-year pilot program to make grants available to appropriate nongovernmental entities for the purpose of assessing the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder symptoms through therapeutic medium of training service dogs for veterans with disabilities.
- Under the bill, veterans participating in the program would be paired with a prospective service dog and work with a qualified service dog training instructor to train the dog as a certified service animal. At the conclusion of the training, if the veteran and the veteran's provider agree that it is in the best interests of the veteran, the veteran will be able to keep their dog, or it would be paired with another veteran in need.
- H.R. 4305 finds that mental health disorders, including major depression and other mood disorders, have been associated with increased risk for suicide.
- According to the analyses of veteran suicide published by the Department of Veterans Affairs in August 2016, an average of 20 veterans died by suicide each day in 2014.
- Since 2001, the proportion of users of the Veterans Health Administration with mental health conditions or substance use disorders has increased from approximately 27 percent in 2001 to more than 40 percent in 2014.
- Several organizations have proven track records of training service dogs for veterans with severe PTSD and dramatically improving those veterans' quality of life, ability to re-enter society, and, most importantly, their chances of survival.

Attachment 2

116TH CONGRESS
2D SESSION

H. R. 4305

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2020

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To direct the Secretary of Veterans Affairs to carry out
a pilot program on dog training therapy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Puppies Assisting
3 Wounded Servicemembers for Veterans Therapy Act” or
4 the “PAWS for Veterans Therapy Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) According to the analyses of veteran suicide
8 published by the Department of Veterans Affairs in
9 August 2016 and titled “Suicide Among Veterans
10 and Other Americans”, and in June 2018, titled
11 “VA National Suicide Date Report”—

12 (A) an average of 20 veterans died by sui-
13 cide each day in 2014;

14 (B) mental health disorders, including
15 major depression and other mood disorders,
16 have been associated with increased risk for sui-
17 cide;

18 (C) since 2001, the proportion of users of
19 the Veterans Health Administration with men-
20 tal health conditions or substance use disorders
21 has increased from approximately 27 percent in
22 2001 to more than 40 percent in 2014; and

23 (D) overall, suicide rates are highest
24 among patients with mental health and sub-
25 stance use disorder diagnoses who are in treat-
26 ment and lower among those who received a

1 mental health diagnosis but were not at risk
2 enough to require enhanced care from a mental
3 health provider.

4 (2) The Department of Veterans Affairs must
5 be more effective in its approach to reducing the
6 burden of veteran suicide connected to mental health
7 disorders, including post-traumatic stress disorder
8 (in this section referred to as “PTSD”), and new,
9 rigorous scientific research provides persuasive
10 weight to the growing anecdotal evidence that serv-
11 ice dogs ameliorate the symptoms associated with
12 PTSD, and in particular, help prevent veteran sui-
13 cide.

14 (3) Several organizations have proven track
15 records of training service dogs for veterans with se-
16 vere PTSD and dramatically improving those vet-
17 erans’ quality of life, ability to re-enter society, and,
18 most importantly, their chances of survival.

19 **SEC. 3. DEPARTMENT OF VETERANS AFFAIRS PILOT PRO-**
20 **GRAM ON DOG TRAINING THERAPY.**

21 (a) IN GENERAL.—Commencing not later than 120
22 days after the date of the enactment of the Act, subject
23 to the availability of appropriations, the Secretary of Vet-
24 erans Affairs shall carry out a pilot program under which
25 the Secretary shall make grants to one or more appro-

1 p r i a t e n o n - g o v e r n m e n t e n t i t i e s f o r t h e p u r p o s e o f a s s e s s -
2 i n g t h e e f f e c t i v e n e s s o f a d d r e s s i n g p o s t - d e p l o y m e n t m e n t a l
3 h e a l t h a n d p o s t - t r a u m a t i c s t r e s s d i s o r d e r (i n t h i s s e c t i o n
4 r e f e r r e d t o a s “ P T S D ”) s y m p t o m s t h r o u g h a t h e r a p e u t i c
5 m e d i u m o f t r a i n i n g s e r v i c e d o g s f o r v e t e r a n s w i t h d i s a b i l -
6 i t i e s .

7 (b) D U R A T I O N O F P I L O T P R O G R A M . — T h e p i l o t p r o -
8 g r a m r e q u i r e d b y s u b s e c t i o n (a) s h a l l b e c a r r i e d o u t d u r -
9 i n g t h e 5 - y e a r p e r i o d b e g i n n i n g o n t h e d a t e o f t h e c o m -
10 m e n c e m e n t o f t h e p i l o t p r o g r a m .

11 (c) C O N D I T I O N S O N R E C E I P T O F G R A N T S . — A s a c o n -
12 d i t i o n o f r e c e i v i n g a g r a n t u n d e r t h i s s e c t i o n , a n o n - g o v -
13 e r n m e n t e n t i t y s h a l l —

14 (1) s u b m i t t o t h e S e c r e t a r y c e r t i f i c a t i o n t h a t
15 t h e e n t i t y i s a n o r g a n i z a t i o n d e s c r i b e d i n s e c t i o n
16 5 0 1 (c) (3) o f t h e I n t e r n a l R e v e n u e C o d e o f 1 9 8 6
17 t h a t —

18 (A) p r o v i d e s s e r v i c e d o g s t o v e t e r a n s w i t h
19 P T S D ; a n d

20 (B) i s a c c r e d i t e d b y , o r a d h e r e s t o s t a n d -
21 a r d s c o m p a r a b l e t o t h o s e o f , a n a c c r e d i t i n g o r -
22 g a n i z a t i o n w i t h d e m o n s t r a t e d e x p e r i e n c e , n a -
23 t i o n a l s c o p e , a n d r e c o g n i z e d l e a d e r s h i p a n d e x -
24 p e r t i s e i n t h e t r a i n i n g o f s e r v i c e d o g s a n d e d u -
25 c a t i o n i n t h e u s e o f s e r v i c e d o g s ;

1 (2) agree to cover all costs in excess of the
2 grant amount;

3 (3) agree to reaccept or replace the service dog
4 the organization provided to the veteran, if nec-
5 essary, as determined by the organization and the
6 veteran;

7 (4) provide a wellness certification from a li-
8 censed veterinarian for any dog participating in the
9 program;

10 (5) employ at least one person with clinical ex-
11 perience related to mental health;

12 (6) ensure that veterans participating in the
13 pilot program receive training from certified service
14 dog training instructors for a period of time deter-
15 mined appropriate by the organization and the Sec-
16 retary, including service skills to address or alleviate
17 symptoms unique to veterans' needs;

18 (7) agree to provide both lectures on service dog
19 training methodologies and practical hands-on train-
20 ing and grooming of service dogs;

21 (8) agree that in hiring service dog training in-
22 structors to carry out training under the pilot pro-
23 gram, the non-government entity will give a pref-
24 erence to veterans who have successfully graduated
25 from PTSD or other residential treatment program

1 and who have received adequate certification in serv-
2 ice dog training;

3 (9) agree not to use shock collars or prong col-
4 lars as training tools and to use positive reinforce-
5 ment training;

6 (10) agree that upon the conclusion of training
7 provided using the grant funds—

8 (A) the veteran who received the training
9 will keep the dog unless the veteran and the
10 veteran's health provider decide it is not in the
11 best interest of the veteran;

12 (B) if the veteran does not opt to own the
13 dog, the entity will be responsible for caring for
14 and appropriately placing the dog;

15 (C) the Department of Veterans Affairs
16 will have no additional responsibility to provide
17 for any benefits under this section; and

18 (D) the Department of Veterans Affairs
19 will have no liability with respect to the dog;

20 (11) provide follow-up support service for the
21 life of the dog, including a contact plan between the
22 veteran and the entity to allow the veteran to reach
23 out for and receive adequate help with the service
24 dog and the organization to communicate with the

1 veteran to ensure the service dog is being properly
2 cared for; and

3 (12) submit to the Secretary an application
4 containing such information, certification, and assur-
5 ances as the Secretary may require.

6 (d) VETERAN ELIGIBILITY.—

7 (1) IN GENERAL.—For the purposes of this sec-
8 tion, an eligible veteran is a veteran who—

9 (A) is enrolled in the patient enrollment
10 system in the Department of Veterans Affairs
11 under section 1705 of title 38, United States
12 Code;

13 (B) has been recommended for the pilot
14 program under this section by a qualified health
15 care provider or clinical team based on the med-
16 ical judgment that the veteran may potentially
17 benefit from participating; and

18 (C) agrees to successfully complete train-
19 ing provided by an eligible organization that re-
20 ceives a grant under this section.

21 (2) RELATIONSHIP TO PARTICIPATION IN
22 OTHER PROGRAM.—Veterans may participate in the
23 pilot program in conjunction with the compensated
24 work therapy program of the Department of Vet-
25 erans Affairs.

1 (3) CONTINUING ELIGIBILITY REQUIREMENT.—

2 To remain eligible to participate in the program, a
3 veteran shall see the health care provider or clinical
4 team of the Department of Veterans Affairs treating
5 the veteran for PTSD at least once every 6 months
6 to determine, based on a clinical evaluation of effi-
7 cacy, whether the veteran continues to benefit from
8 the program.

9 (e) COLLECTION OF DATA.—In carrying out this sec-
10 tion, the Secretary shall—

11 (1) develop metrics and other appropriate
12 means to measure, with respect to veterans partici-
13 pation in the program, the improvement in psycho-
14 social function and therapeutic compliance of such
15 veterans and changes with respect to the dependence
16 on prescription narcotics and psychotropic medica-
17 tion of such veterans;

18 (2) establish processes to document and track
19 the progress of such veterans under the program in
20 terms of the benefits and improvements noted as a
21 result of the program; and

22 (3) in addition, the Secretary shall continue to
23 collect these data over the course of 5 years for each
24 veteran who has continued with the dog he or she
25 has personally trained.

1 (f) GAO BRIEFING AND STUDY.—

2 (1) BRIEFING.—Not later than 1 year after the
3 date of the commencement of the pilot program
4 under subsection (a), the Comptroller General of the
5 United States shall provide to the Committees on
6 Veterans' Affairs of the House of Representatives
7 and the Senate a briefing on the methodology estab-
8 lished for the program.

9 (2) REPORT.—Not later than 270 days after
10 the date on which the program terminates, the
11 Comptroller General shall submit to the committees
12 specified in paragraph (1) a report on the program.
13 Such report shall include an evaluation of the ap-
14 proach and methodology used for the program with
15 respect to—

16 (A) helping veterans with severe PTSD re-
17 turn to civilian life;

18 (B) relevant metrics, including reduction in
19 metrics such as reduction in scores under the
20 PTSD check-list (PCL-5), improvement in psy-
21 chosocial function, and therapeutic compliance;
22 and

23 (C) reducing the dependence of partici-
24 pants on prescription narcotics and psycho-
25 tropic medication.

1 (g) DEFINITION.—For the purposes of this section,
2 the term “service dog training instructor” means an in-
3 structor who provides the direct training of veterans with
4 PTSD and other post-deployment issues in the art and
5 science of service dog training and handling.

Passed the House of Representatives February 5,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.

Item B-2



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy and Management Analyst
DATE: February 27, 2020
SUBJECT: Senate Resolution 61 (McGuire) – Relative to Gun Violence
ATTACHMENTS: 1. Summary Memo – SR 61
2. Bill Text – SR 61

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Resolution 61 (McGuire) – Relative to Gun Violence ("SR 61") involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SR 61 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SR 61, the Liaisons may recommend the following actions:

- 1) Support SR 61;
- 2) Support if amended SR 61;
- 3) Oppose SR 61;
- 4) Oppose unless amended SR 61;
- 5) Remain neutral; or
- 6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SR 61, then staff will place the item on a future City Council Agenda for concurrence.

Attachment 1



1415 L Street
Suite 1000
Sacramento
CA, 95814
916-446-4656

February 19, 2020

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: SR 61 (McGuire) Relative to gun violence.

Introduction and Background

Senate Resolution 61 was introduced by Senator McGuire last year following the mass shootings in the Cities of Gilroy, California; El Paso, Texas; and Dayton, Ohio. The resolution states that numerous factors contribute to the occurrence of mass shootings, including unregulated access to military-style assault weapons and high-capacity magazines, nonstandardized background checks, failing to require private gun sales to go through licensed dealers, needed improvements to our mental health system, and the growth of the white-supremacist terror movement. The resolution goes on to note the criminal use of guns and related gun violence has become a public health matter of epidemic proportions, causing children and families across the country to endure the loss of loved ones to gun violence, get caught in the crossfire of firearm-related domestic violence, and live in fear of being struck by random bullets.

The resolution states a comprehensive federal approach to reducing and preventing gun violence is needed to protect the Second Amendment rights of law-abiding citizens while ensuring our communities are safe from future mass shootings. The resolution then calls on Congress to pass a bill banning assault weapons in order to protect all Americans from senseless gun violence. It also requests enhanced coordination between federal law enforcement agencies and state governments to crack down on white-supremacist organizations.

Status of Legislation

The resolution has been referred to the Senate Public Safety Committee.

Support and Opposition

There is no registered support or opposition to this resolution.

Attachment 2

Introduced by Senators McGuire, Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener

August 20, 2019

Senate Resolution No. 61—Relative to gun violence.

1 WHEREAS, The mass shootings in the Cities of Gilroy,
2 California, El Paso, Texas, and Dayton, Ohio, demonstrate the
3 need for stronger, commonsense gun laws to prevent gun violence
4 and mass shootings in the United States; and

5 WHEREAS, Numerous factors contribute to the occurrence of
6 mass shootings, including unregulated access to military-style
7 assault weapons and high-capacity magazines, nonstandardized
8 background checks, failing to require private gun sales to go
9 through licensed dealers, needed improvements to our mental
10 health system, and the growth of the white-supremacist terror
11 movement, among others; and

12 WHEREAS, Assault weapons designed as weapons of war allow
13 for the rapid fire of potentially large numbers of bullets, and are
14 distinguishable from standard sporting firearms by features such
15 as the ability to accept detachable magazines, pistol grips, and
16 folding or telescoping stocks; and

17 WHEREAS, A nationwide study released by the Federal Bureau
18 of Investigation in June 2018 found that between 2000 and 2013,
19 75 percent of firearms used in an active shooting, known as a “mass
20 shooting,” were legally purchased or already possessed by the
21 active shooter; and

1 WHEREAS, In the first month since California's ammunition
2 background check law took effect, more than 100 people were
3 prevented from purchasing bullets illegally; and

4 WHEREAS, As of August 5, 2019, there have been 255 mass
5 shootings and 33,237 total shooting incidents in the United States,
6 resulting in the deaths of 8,796 people as a result of gun violence;
7 and

8 WHEREAS, The United States has the worst rate of violent gun
9 deaths compared to other Western nations, including Germany
10 and the United Kingdom; and

11 WHEREAS, On August 8, 2019, 214 bipartisan mayors from
12 across America sent a letter to the United States Senate Majority
13 Leader and Minority Leader urging the Senate to take action on
14 bipartisan gun legislation; and

15 WHEREAS, The criminal use of guns and related gun violence
16 has become a public health matter of epidemic proportions, causing
17 children and families across the country to endure the loss of loved
18 ones to gun violence, get caught in the crossfire of firearm-related
19 domestic violence, and live in fear of being struck by random
20 bullets; and

21 WHEREAS, Despite alarming statistics and growing public
22 concern about gun violence, the United States Senate has
23 consistently failed to successfully pass commonsense gun
24 legislation that would have provided American citizens with
25 additional protections from gun violence; and

26 WHEREAS, The health and safety of the American people
27 should be the top priority of any federal administration, state and
28 local lawmakers, and all other local officials; and

29 WHEREAS, There should be enhanced coordination between
30 federal law enforcement agencies and state governments to crack
31 down on the scourge of white-supremacist organizations; now,
32 therefore, be it

33 *Resolved by the Senate of the State of California,* That a federal
34 assault weapons ban be passed by Congress to protect all
35 Americans from senseless gun violence; and be it further

36 *Resolved,* That a comprehensive federal approach by the United
37 States Senate to reducing and preventing gun violence is needed
38 to protect the Second Amendment rights of law-abiding citizens
39 while ensuring that our communities are safe from future mass
40 shootings; and be it further

1 *Resolved*, That the Secretary of the Senate transmit copies of
2 this resolution to the President and Vice President of the United
3 States, to the Majority and Minority leaders of the United States
4 Senate, and to each Senator and Representative from California
5 in the Congress of the United States.

O

Item B-3



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy and Management Analyst
DATE: February 27, 2020
SUBJECT: Senate Bill 793 (Hill) – Flavored Tobacco Products
ATTACHMENTS: 1. Summary Memo – SB 793
2. Bill Text – SB 793

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 793 (Hill) – Flavored Tobacco Products ("SB 793") involves a policy matter that is not specifically addressed within the adopted Legislative Platform language. The City has adopted an ordinance, which in general prohibits the sale of tobacco products in the City with a few exceptions.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 793 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 793, the Liaisons may recommend the following actions:

- 1) Support SB 793;
- 2) Support if amended SB 793;
- 3) Oppose SB 793;
- 4) Oppose unless amended SB 793;
- 5) Remain neutral; or
- 6) Provide other direction to City staff.

Should the Liaisons recommend the City support SB 793, City staff will develop a letter for the Mayor to sign as the City has an ordinance prohibiting tobacco sales in Beverly Hills. Should the Liaisons recommend any other action, then staff will place the item on a future City Council Agenda for concurrence.

Attachment 1



February 19, 2020

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: SB 793 (Hill) Flavored tobacco products.

Introduction and Background

SB 793 was introduced by Senator Jerry Hill and would ban the sale of flavored tobacco products. The bill is co-sponsored by Lieutenant Governor Eleni Kounalakis (Co-Sponsor), American Cancer Society Cancer Action Network (Co-Sponsor), American Heart Association (Co-sponsor), American Lung Association (Co-sponsor), Campaign for Tobacco Free Kids (Co-sponsor), and Common Sense (Co-sponsor). The bill would prohibit retail stores and vending machines in California from selling flavored tobacco products. The legislation covers flavored e-cigarettes, e-hookahs, e-pipes, and other vaping devices as well as all flavored smokable and nonsmokable tobacco products, such as cigars, cigarillos, pipe tobacco, chewing tobacco, snuff, and tobacco edibles. Violators would face a civil penalty of \$250 per violation. SB 793 would not prevent local jurisdictions from enacting stricter prohibitions on the sale of flavored tobacco products.

The author's office cites a study conducted in November 2018 by the U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention which showed that more than 3.6 million middle and high school students were using e-cigarettes. That is an increase of 1.5 million compared to 2017 and almost 13 times higher than the number of youths using e-cigarettes in 2011. The growth from 2017 to 2018 amounts to a 78 percent increase in e-cigarette use by high school students and a 48 percent increase by middle school students.

By 2018, 1 in 5 high school students were using e-cigarettes and 1 in 20 middle school students were doing the same. The year-over-year spike in e-cigarette use corresponds with an increase in the use of tobacco products overall to almost 4.9 million students in 2018, erasing decades of declining youth tobacco use. The rate of teen e-cigarette use has continued to rise in 2019 with most of these youths citing the use of popular fruit and menthol or mint flavors. According to data released by the FDA and CDC, there are now 5.3 million young Americans who vape regularly, an increase of 1.7 million youth compared to 2018.

Status of Legislation

The bill has been referred to the Senate Health Committee.

Support and Opposition

On their fact sheet for the bill the author's office lists the organizations below as supporting the bill. There is currently no formally registered opposition to the bill.

Support

Lieutenant Governor Eleni Kounalakis (Co-Sponsor)
American Cancer Society Cancer Action Network (Co-Sponsor)
American Heart Association (Co-Sponsor)
American Lung Association (Co-Sponsor)
Campaign for Tobacco Free Kids (Co-Sponsor)
Common Sense (Co-Sponsor)
State Superintendent of Public Instruction, Tony Thurmond
African American Tobacco Control Leadership Council
Anti-Vaping Alliance
American Academy of Pediatrics, California Chapter
Americans for Nonsmokers' Rights
Association of California Healthcare Districts
Association of Northern California Oncologists
Breast Cancer Prevention Partners
Breathe California, Sacramento Region
California Academy of Family Physicians
California Academy of Preventive Medicine
California Dental Association
California Optometric Association
California Pan-Ethnic Health Network
California Society of Addictive Medicine
CALPIRG
Change for Justice
City of Palo Alto
City of San Pablo
Community Action Service Advocacy
County Health Executives Association of California
County of Los Angeles
County of San Bernardino
County of San Mateo
County of Santa Clara
Flavors Addict Kids – Livermore
Health Access
Kaiser Permanente
Los Angeles Unified School District
Medical Oncology Association of Southern California
Parents Against Teens Vaping E-Cigarettes (PAVE)
Public Health Advocates

Public Health Institute
San Francisco Bay Area Chapter of the National Association of Pediatric Nurse Practitioners
Santa Cruz County Tobacco Education Coalition
Sierra Club
Siskiyou County Public Health
USC Health, Emotion, and Addiction Laboratory

Attachment 2

**Introduced by Senators Hill, Glazer, McGuire, Pan, and Wiener
(Principal coauthor: Senator Durazo)**

(Principal coauthors: Assembly Members Bauer-Kahan, Berman, Bloom, Gonzalez, McCarty, Muratsuchi, Robert Rivas, and Wood)

(Coauthors: Senators Archuleta, Beall, Lena Gonzalez, Leyva, and Nielsen)

(Coauthors: Assembly Members Boerner Horvath, Bonta, Chiu, Levine, Mullin, O'Donnell, Petrie-Norris, Luz Rivas, Mark Stone, Ting, and Wicks)

January 6, 2020

An act to add Article 5 (commencing with Section 104559.5) to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, relating to tobacco products.

LEGISLATIVE COUNSEL'S DIGEST

SB 793, as introduced, Hill. Flavored tobacco products.

Existing law, the Stop Tobacco Access to Kids Enforcement (STAKE) Act, prohibits a person from selling or otherwise furnishing tobacco products, as defined, to a person under 21 years of age. Existing law also prohibits the use of tobacco products in county offices of education, on charter school or school district property, or near a playground or youth sports event, as specified.

This bill would prohibit a tobacco retailer from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product, as defined. The bill would make a violation of this prohibition an infraction punishable by a fine of \$250 for each violation. The bill would state the intent of the Legislature that these provisions not be construed to preempt or prohibit the adoption and implementation of local ordinances related to the prohibition on the sale of flavored

tobacco products. The bill would state that its provisions are severable. By creating a new crime, 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. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 104559.5)
2 is added to Chapter 1 of Part 3 of Division 103 of the Health and
3 Safety Code, to read:

4
5 Article 5. Tobacco Sale Prohibition
6

7 104559.5. (a) For purposes of this section, the following
8 definitions apply:

9 (1) "Characterizing flavor" means a distinguishable taste or
10 aroma, or both, other than the taste or aroma of tobacco, imparted
11 by a tobacco product or any byproduct produced by the tobacco
12 product. Characterizing flavors include, but are not limited to,
13 tastes or aromas relating to any fruit, chocolate, vanilla, honey,
14 candy, cocoa, dessert, alcoholic beverage, menthol, mint,
15 wintergreen, herb, or spice. A tobacco product shall not be
16 determined to have a characterizing flavor solely because of the
17 use of additives or flavorings or the provision of ingredient
18 information. Rather, it is the presence of a distinguishable taste or
19 aroma, or both, as described in the first sentence of this definition,
20 that constitutes a characterizing flavor.

21 (2) "Constituent" means any ingredient, substance, chemical,
22 or compound, other than tobacco, water, or reconstituted tobacco
23 sheet, that is added by the manufacturer to a tobacco product during
24 the processing, manufacture, or packing of the tobacco product.

25 (3) "Flavored tobacco product" means any tobacco product that
26 contains a constituent that imparts a characterizing flavor.

1 (4) “Labeling” means written, printed, pictorial, or graphic
2 matter upon a tobacco product or any of its packaging.

3 (5) “Packaging” means a pack, box, carton, or container of any
4 kind, or, if no other container, any wrapping, including cellophane,
5 in which a tobacco product is sold or offered for sale to a consumer.

6 (6) “Retail location” means both of the following:

7 (A) A building from which tobacco products are sold at retail.

8 (B) A vending machine.

9 (7) “Sale” or “sold” means a sale as defined in Section 30006
10 of the Revenue and Taxation Code.

11 (8) “Tobacco product” means a tobacco product as defined in
12 paragraph (8) of subdivision (a) of Section 104495, as that
13 provision may be amended from time to time.

14 (9) “Tobacco retailer” means a person who engages in this state
15 in the sale of tobacco products directly to the public from a retail
16 location. “Tobacco retailer” includes a person who operates
17 vending machines from which tobacco products are sold in this
18 state.

19 (b) (1) A tobacco retailer, or any of the tobacco retailer’s agents
20 or employees, shall not sell, offer for sale, or possess with the
21 intent to sell or offer for sale, a flavored tobacco product.

22 (2) There shall be a rebuttable presumption that a tobacco
23 product is a flavored tobacco product if a manufacturer or any of
24 the manufacturer’s agents or employees, in the course of their
25 agency or employment, has made a statement or claim directed to
26 consumers or to the public that the tobacco product has or produces
27 a characterizing flavor, including, but not limited to, text, color,
28 images, or all, on the product’s labeling or packaging that are used
29 to explicitly or implicitly communicate that the tobacco product
30 has a characterizing flavor.

31 (c) A person who violates this section is guilty of an infraction
32 and shall be punished by a fine of two hundred fifty dollars (\$250)
33 for each violation of this section.

34 (d) This section does not preempt or otherwise prohibit the
35 adoption of a local standard that imposes greater restrictions on
36 the access to tobacco products than the restrictions imposed by
37 this section. To the extent that there is an inconsistency between
38 this section and a local standard that imposes greater restrictions
39 on the access to tobacco products, the greater restriction on the
40 access to tobacco products in the local standard shall prevail.

1 SEC. 2. The provisions of this act are severable. If any
2 provision of this act or its application is held invalid, that invalidity
3 shall not affect other provisions or applications that can be given
4 effect without the invalid provision or application.

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

Item B-4



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy and Management Analyst
DATE: February 27, 2020
SUBJECT: Senate Bill 795 (Beall) – Affordable Housing and Community Development Investment Program
ATTACHMENTS: 1. Summary Memo – SB 795
2. Bill Text – SB 795

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 795 (Beall) – Affordable Housing and Community Development Investment Program ("SB 795") is in line with the City's support of Senate Bill 5 in 2019. Additionally, it aligns with the following statement in the City's adopted Legislative Platform:

Support legislation, which authorizes tax incremental financing for affordable housing projects.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 795 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 795, the Liaisons may recommend the following actions:

- 1) Support SB 795;
- 2) Support if amended SB 795;
- 3) Oppose SB 795;
- 4) Oppose unless amended SB 795;
- 5) Remain neutral; or
- 6) Provide other direction to City staff.

Should the Liaisons recommend the City support SB 795, City staff will develop a letter for the Mayor to sign as SB 795 aligns with the City's adopted Legislative Platform. Should the Liaisons recommend any other action, then staff will place the item on a future City Council Agenda for concurrence.

Attachment 1



1415 L Street
Suite 1000
Sacramento
CA, 95814
916-446-4656

February 18, 2020

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: SB 795 (Beall) Affordable Housing and Community Development Investment Program.

Introduction and Background

Senator Beall introduced SB 795 on January 6, 2020. The bill is a reintroduction of the Senator's SB 5 which was vetoed by the Governor last year. The bill would establish the Affordable Housing and Community Development Investment Program (Program), administered by the Affordable Housing and Community Development Investment Committee (Committee), to provide local entities with funding for development projects such as affordable housing, transit-oriented development, infill development, housing-related infrastructure, neighborhood revitalization, and infrastructure to protect communities from sea-level rise. The funding for these projects would be made available to local entities through allocations of Educational Revenue Augmentation Fund (ERAF) property tax revenues. The bill would require the state to backfill school entities for the associated loss of property tax revenue from the General Fund.

SB 795 would allow various local agencies to apply for the Program, either individually or jointly. Eligible applicants including cities, counties, joint powers authorities, enhanced infrastructure financing districts, affordable housing authorities, community revitalization, and investment authorities, and transit village development districts. The bill also authorizes the creation of a new public entity that would be eligible as a project applicant. Specifically, SB 795 authorizes a city, county, or special district to establish an Affordable Housing and Community Development Investment Agency, as specified. An Agency would be authorized to do any of the following in order to carry out a project: apply for Program funding; accept an allocation of property taxes pursuant to the Program; issue bonds; borrow money, receive grants, or accept state, federal, or private assistance for any project; receive an allocation of fund, as specified; and acquire or transfer property.

To apply for funding an eligible entity would submit an application to the Committee, which would include specified information. Upon receipt of an application, the Committee can submit questions regarding the application, approve, modify, or deny an application. The bill would require the Committee to establish a methodology for scoring and prioritizing applications based on the number of housing units created; the share of those units that are dedicated to low- and moderate-income housing; the level of local, state, and federal funds leveraged for the project; and whether the applicant adopts plans to streamline development.

The bill would require that at least 50 percent of the overall Program funding and 50 percent of each plan's funding is used for the construction of affordable housing. At least 80 percent of

this set-aside must be used to provide rental and owner-occupied housing for low-income households with an annual income of up to 80 percent of the area median income, as specified. The remaining funds may be used for the production of moderate-income housing (households with an annual income between 80 percent and 120 percent of the area median income), as specified. Rental and sales prices for housing assisted with this set-aside would be subject to specified caps, and all housing assisted would be subject to the following recorded affordability restrictions: 55 years for rental housing; 45 years for owner-occupied housing; and at least 15 years for self-help housing. SB 795 prohibits funds from subsidizing market-rate units but allows funding for infrastructure of developments that include market-rate units. Each plan must dedicate at least 30 percent of housing units to affordable housing and keep those units affordable for at least 55 years.

SB 795 reserves at least 12 percent of overall Program funding for counties with 200,000 residents or less, and two percent for technical assistance to such counties to make sure they have the technical capacity to apply for the program. If these counties do not spend all of these funds in any year, SB 795 reserves that funding for these counties in subsequent years.

SB 795 allows the Committee to approve \$200 million in plans in the first year, increasing in \$200 million increments each year for five years until reaching \$1 billion after five years. Over the subsequent four years, the annual increase in funding the committee can approve increases by \$250 million each year until it reaches \$2 billion after nine years. The bill allows the Legislature to direct the Committee to suspend the program if the state taps into its Rainy Day account or suspends the Proposition 98 guarantee. These suspensions would not have an impact on previously approved funding pursuant to the Program. The annual amounts dedicated to individual approved projects would be allocated based on the schedule of funding included in the plan that includes the project unless the Committee decides to allocate a different level of funding or change the number of years that the project is to receive funding.

When the Committee approves a plan, it directs the county auditor to transfer an amount of property tax revenue that is equal to the amount approved by the Committee for that applicant from the ERAF to a specified county Fund established by the bill. The county auditor would then allocate the funds to the applicants (or to the city or county that created the entity for distribution to that entity). The bill specifies these transfers can only come from ERAF amounts that were going to be used for K-12 schools, which ensures that the General Fund backfills the lower property tax revenue to schools. The bill gives the Department of Finance the ability to recalculate, or “rebench,” the Proposition 98 guarantee so schools receive the same amount of funding they would have absent this program.

Status of Legislation

The bill has been referred to the Senate Governance and Finance, Housing, and Education Committees.

Support and opposition to this bill is based on support and opposition to SB 5

Support and Opposition

The author argued in support of SB 5 that the state needed to take urgent action to address the shortage of affordable housing units and this bill will provide local entities with an effective financing tool they have not had since the dissolution of redevelopment agencies. SB 5 was supported by labor, local governments, and affordable housing advocates. The bill was opposed by K-12 education administrators and associations.

Support

California Apartment Association
California Labor Federation
California State Association of Electrical Workers
California State Pipe Trades Council
League of California Cities
PICO California
State Building and Construction Trades Council of California
Western States Council of Sheet Metal Workers
Abode Services
Bill Wilson Center
South Bay Cities Council of Governments
Southern California Association of Governments
California Contract Cities Association
California State Council of Laborers
Silicon Valley Leadership Group
Metropolitan Transportation Commission
Non-Profit Housing Association of Northern California
Housing California
Midpeninsula Regional Open Space District
Association of Bay Area Governments
EAH Housing
San Diego Association of Governments
California Association for Local Economic Development
City of West Hollywood
Bay Area Council
South Bay AFL-CIO Labor Council
Working Partnerships USA
American Planning Association, California Chapter
Northern California Carpenters Regional Council
Pinole
Stockton
City of Ventura
Southwest California Legislative Council
Crescent City
City of Camarillo
Cupertino
Eureka
Santa Monica
Cotati
National Electrical Contractors Association, California Chapter
Salinas, City of
Pasadena
Catholic Charities of Santa Clara County
Eden Housing
Sacramento Area Council of Governments
Santa Clara and San Benito Counties Building & Construction Trades Council
City of Cerritos

Covina
Downey
City of Glendale
City of La Mirada
Lakewood
City of Paramount
Rancho Cucamonga
Rosemead
Local Government Commission
San Francisco Housing Action Coalition
Tenderloin Neighborhood Development Corporation
Tuolumne County Chamber of Commerce
Marin County Council of Mayors and Councilmembers
Town of Danville
Fountain Valley
Los Alamitos
California Association of Housing Authorities
Town of Fairfax
BRIDGE Housing Corporation
Town of Corte Madera
MidPen Housing Corporation
United Contractors
MuniServices, LLC
East Bay Housing Organizations (EBHO)
Santa Clara County Cities Association
California Hawaii State Conference of the NAACP
City of Beverly Hills
Cloverdale
City of Encinitas
Moorpark
Pismo Beach
City of Thousand Oaks
Orange Cove
First Community Housing
League of California Cities, Los Angeles County Division
Ventura Council of Governments
SPUR
Town of Colma
Wall and Ceiling Alliance
City of Burbank
California Forward Action Fund
Habitat for Humanity East Bay/Silicon Valley
City of East Palo Alto
City of San Carlos
San Jose Conservation Corps & Charter School
Satellite Affordable Housing Associates
Rainbow Chamber of Commerce Silicon Valley (RCCSV)
Housing Trust of Silicon Valley
Santa Clara Valley Open Space Authority
Core Affordable Housing

Norwalk
Sand City
Northern California Allied Trades
Affordable Housing Network of Santa Clara
County
San Diego
Coalition for Humane Immigrant Rights
Silicon Valley Young Democrats
Construction Employers' Association
California Housing Partnership
Alameda
Santa Cruz
Napa
League of California Cities, San Diego County
Division
San Joaquin Hispanic Chamber of Commerce
Western Wall and Ceiling Contractors
Association
Escondido
Sand Hill Property Company
Associated Builders and Contractors, Northern
California Chapter
TechEquity Collaborative
Stanislaus Council of Governments
California Legislative Conference of Plumbing,
Heating, and Piping Industry
Indivisible San Jose
International Union of Operating Engineers, Cal-
Nevada Conference
Kosmont Companies
Mayor of San Jose Sam Liccardo
Silicon Valley At Home (Sv@Home)
LifeMoves
Lakeport
Roseville
Petaluma Pie Company
Big City Mayors
South Bay YIMBY
California League Conservation Voters
City Manager of the City of Hollister
Councilmember Tony Madrigal, Modesto City
Council, District 2
Newport Realty Advisors

Northern California Sheet Metal Workers' Local
104
ROEM Development Corporation
Tracy Chamber of Commerce
UA Local Union 393
Lafayette
Albany
Arcata
Atascadero
Brentwood
Clovis
Concord
Farmersville
Fort Bragg
Garden Grove
Goleta
Half Moon Bay
Laguna Beach
Laguna Niguel
Mill Valley
Modesto
Mountain View
Novato
Palo Alto
Placentia
Rohnert Park
San Jose
San Rafael
South Pasadena
Stanton
Vallejo

Opposition

Association of California School Administrators
California School Boards Association
California Teachers Association
Howard Jarvis Taxpayers Association
California Association of School Business
Officials
One individual
Small School Districts' Association
Los Angeles Unified School District Board of
Education
California School Employees Association

Attachment 2

Introduced by Senators Beall, McGuire, and Portantino
(Principal coauthor: Senator Roth)
(Principal coauthor: Assembly Member Mullin)
(Coauthors: Senators Bradford, Caballero, Hueso, Stern,
Wieckowski, and Wiener)
(Coauthors: Assembly Members Gloria, Kalra, and Low)

January 6, 2020

An act to add Section 41202.6 to the Education Code, to add Part 4 (commencing with Section 55900) to Division 2 of Title 5 of, and to add Division 6 (commencing with Section 62300) to Title 6 of, the Government Code, and to add Section 97.68.1 to the Revenue and Taxation Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 795, as introduced, Beall. Affordable Housing and Community Development Investment Program.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, subject to certain modifications. Existing law requires an annual reallocation of property tax revenue from local agencies in each county to the Educational Revenue Augmentation Fund (ERAF) in that county for allocation to specified educational entities.

Existing law authorizes certain local agencies to form an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization and investment authority for purposes of, among other things, infrastructure, affordable housing, and economic revitalization.

This bill would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria. The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program. Among other things, the bill would require that an applicant certify that a skilled and trained workforce, as defined, will be used to complete the project if the plan is approved, except as specified. The bill would also require the Department of Housing and Community Development to certify to the committee whether the housing element of the applicant, if applicable, is in substantial compliance with specified law and whether any rezoning of sites required by law have been completed. By requiring the applicant and the department to make these certifications, the bill would expand the scope of the crime of perjury.

The bill would require the Affordable Housing and Community Development Investment Committee to adopt guidelines for plans. Subject to the Legislature enacting a budget bill for the applicable fiscal year that specifies the amount for the committee to allocate pursuant to the program, the bill would require the committee to approve no more than \$200,000,000 per year from July 1, 2022, to June 30, 2027, and \$250,000,000 per year from July 1, 2027, to June 30, 2031, in transfers from a county's ERAF for applicants for plans approved pursuant to this program. The bill would provide that eligible projects include, among other things, the predevelopment, development, acquisition, rehabilitation, and preservation of workforce and affordable housing, certain transit-oriented development, and projects promoting strong neighborhoods.

The bill would require the Affordable Housing and Community Development Investment Committee, upon approval of a plan and subject to specified conditions, to issue an order directing the county

auditor to transfer an amount of ad valorem property tax revenue that is equal to the affordable housing and community development investment amount approved by the committee, except as provided, from the county's ERAF. The bill would require the county auditor to either deposit that amount into the Affordable Housing and Community Development Investment Fund, which this bill would create in the treasury of each county, or, if the applicant is a specified type of authority or special district to transfer to the city or county that created the authority or district an amount of property tax revenue equal to the amount approved by the Affordable Housing and Community Development Investment Committee for that authority or district. The bill would require the city or county that created the district to, upon receipt, transfer those funds to the authority or district in an amount equal to the affordable housing and community development investment amount for that authority or district. The bill would authorize applicants to use approved amounts to incur debt or issue bonds or other financing to support an approved project.

The bill also would require each applicant that has received funding to submit annual reports, as specified, and would require the Affordable Housing and Community Development Investment Committee to provide a report to the Joint Legislative Budget Committee, if it approves funding under the program, that includes certain project information.

Section 8 of Article XVI of the California Constitution sets forth a formula for computing the minimum amount of revenues that the state is required to appropriate for the support of school districts and community college districts for each fiscal year.

This bill would require the Director of Finance to adjust the percentage of General Fund revenues appropriated for school districts and community college districts for these purposes in a manner that ensures that the transfers from a county's ERAF pursuant to the Affordable Housing and Community Development Investment Program have no net fiscal impact upon the total amount of the General Fund revenue and local property tax revenue allocated to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution, as specified.

By imposing new duties on local officials with respect to transferring funds from a county's ERAF, and by expanding the scope of the crime of perjury by requiring the certification of certain information, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In recent years the Legislature has created several new
4 opportunities to use tax increment financing, which include the
5 formation of enhanced infrastructure financing districts, affordable
6 housing authorities, and community revitalization investment
7 authorities. While these new tools can be useful to local agencies,
8 they are widely viewed as lacking sufficient financial capacity
9 compared to what existed under the former tax increment financing
10 tool utilized by community redevelopment agencies.

11 (1) Under redevelopment, all of the growth in property tax (tax
12 increment) within a project area over a base year, net of mandatory
13 pass-through payments, that would otherwise be allocated to cities,
14 counties, special districts, and school districts, was dedicated to
15 redevelopment purposes. Under the new tax increment tools,
16 however, property tax increment from affected taxing agencies
17 other than the initiating city or county can only be dedicated with
18 the approval of the affected local agencies.

19 (2) While potential local partnerships between cities, counties,
20 and special districts involving new economic development tools
21 continue to be explored by the state and local governments, a reality
22 is that the state and local governments often have other policy and
23 budget priorities, and lack incentives to participate.

24 (3) The language in the new tax increment laws currently
25 prohibits school districts from participating, largely reflecting state

1 concerns over potential backfill requirements for school funding
2 under the requirements of Proposition 98 of 1988.

3 (b) The state shares many policy priorities with local
4 governments, including affordable housing and economic
5 development, that can be advanced by creating a new infrastructure
6 financing tool that would focus on the following:

7 (1) Increasing the production of affordable housing available
8 to very low, low-, and moderate-income families.

9 (2) Expanding transit-oriented development at higher densities.

10 (3) Reducing jobs-housing imbalances in areas with high job
11 growth.

12 (4) Increasing the availability of high-quality jobs through the
13 rehabilitation, construction, and maintenance of housing and
14 infrastructure.

15 (5) Improving the quality of life in neighborhoods and
16 disadvantaged communities.

17 (6) Incentivizing growth in urban areas, thereby reducing sprawl
18 and ensuring that open space is preserved throughout the state.

19 (7) Reducing poverty and caseloads of state and county safety
20 net support programs by incentivizing the training and hiring of
21 affected individuals to jobs where they can be self-supporting.

22 (8) Protecting communities dealing with the effects of sea level
23 rise, which is one of the most significant threats of climate change.

24 (c) The Legislature has declared that the policy priorities listed
25 in subdivision (b) are matters of statewide concern. It is therefore
26 appropriate that the state and local governments contribute
27 financially to the realization of these priorities.

28 (d) By allowing local agencies to reduce their contributions to
29 their county's Educational Revenue Augmentation Fund (ERAF)
30 to fund affordable housing projects and related infrastructure, the
31 state can advance its policy priorities while also protecting funding
32 for schools and limiting effects on the state budget. The state's
33 interests can be ensured and protected in the following manner:

34 (1) Requiring approval of the newly created Affordable Housing
35 and Community Development Investment Committee, to ensure
36 that the investment of property taxes otherwise allocated to schools
37 through a county's ERAF are used only for projects that maximize
38 state policy benefits while ensuring that an economic analysis
39 projects increased property tax revenues for schools in the affected
40 territory upon project completion.

1 (2) Offering additional incentives to participating counties and
2 special districts.

3 (3) Establishing an annual cap on the total affordable housing
4 and community development investment amount that may be
5 approved to be allocated by the Affordable Housing and
6 Community Development Investment Committee, as follows:

7 (A) Not to exceed two hundred million dollars (\$200,000,000)
8 annually between July 1, 2022, and June 30, 2027.

9 (B) Not to exceed two hundred fifty million dollars
10 (\$250,000,000) annually between July 1, 2027, and June 30, 2031.

11 (4) Requiring annual reports to the Legislature on the status of
12 all projects funded through this program.

13 (e) It is the intent of the Legislature that schools and community
14 colleges receive no less total funding from General Fund and local
15 property tax revenue as a result of the bill.

16 (f) It is the intent of the Legislature to have the state provide
17 increased funding in an amount that equals reductions in local
18 ERAF funds to the point necessary for schools to meet their
19 minimum funding guarantee pursuant to existing law.

20 (g) It is the intent of the Legislature that local agencies receive
21 the same amount of excess ERAF as they would have if the
22 program established by this bill were not in effect.

23 SEC. 2. Section 41202.6 is added to the Education Code, to
24 read:

25 41202.6. (a) It is the intent of the Legislature to ensure that
26 the program authorized by the Affordable Housing and Community
27 Development Investment Program established by Part 4
28 (commencing with Section 55900) of Division 2 of Title 5 of the
29 Government Code does not affect the amount of funding required
30 to be applied for the support of school districts and community
31 college districts pursuant to Section 8 of Article XVI of the
32 California Constitution.

33 (b) The Director of Finance shall adjust “the percentage of
34 General Fund revenues appropriated for school districts and
35 community college districts” for the purpose of applying paragraph
36 (1) of subdivision (b) of Section 8 of Article XVI of the California
37 Constitution in a manner that ensures that transfers from a county’s
38 Educational Revenue Augmentation Fund authorized by Section
39 97.68.1 of the Revenue and Taxation Code shall have no net fiscal
40 impact upon the total amount of General Fund revenue and local

1 property tax revenue allocated to school districts and community
2 college districts pursuant to Section 8 of Article XVI of the
3 California Constitution. The Director of Finance shall make this
4 adjustment effective with the 2022–23 fiscal year, consistent with
5 the start of the grant program pursuant to paragraph (1) of
6 subdivision (a) of Section 55906 of the Government Code. The
7 Director of Finance shall update the adjustment for subsequent
8 increases or decreases in the amount of transfers authorized by the
9 Affordable Housing and Community Development Investment
10 Program.

11 SEC. 3. Part 4 (commencing with Section 55900) is added to
12 Division 2 of Title 5 of the Government Code, to read:

13
14 PART 4. AFFORDABLE HOUSING AND COMMUNITY
15 DEVELOPMENT INVESTMENT PROGRAM
16

17 55900. This part is known and may be cited as the Affordable
18 Housing and Community Development Investment Program.

19 55901. The Affordable Housing and Community Development
20 Investment Program is hereby established to create a local-state
21 partnership to reduce poverty and advance other state priorities
22 financed, in part, by property tax increment.

23 55902. As used in this part, the following terms have the
24 following meanings:

25 (a) “Affordable housing and community development investment
26 amount” is the amount of property tax revenue allocated pursuant
27 to Section 97.68.1 of the Revenue and Taxation Code.

28 (b) “Applicant” means any entity identified in subdivision (a)
29 of Section 55905 that has submitted a plan to the committee
30 pursuant to that section.

31 (c) “Committee” means the Affordable Housing and Community
32 Development Investment Committee established by Section 55904.

33 (d) “Plan” means an application for one or more projects that
34 is submitted to the committee.

35 (e) “Program” means the Affordable Housing and Community
36 Development Investment Program established by this part.

37 (f) “Project” shall include:

38 (1) A project undertaken by a city, county, city or county, joint
39 powers authority, enhanced infrastructure financing district,
40 affordable housing authority, community revitalization and

1 investment authority, affordable housing and community
2 development investment agency, or a transit village development
3 district.

4 (2) A transit priority project that meets the requirements of
5 subdivision (d) of Section 65470.

6 (g) “Skilled and trained workforce” has the same meaning as
7 set forth in Chapter 2.9 (commencing with Section 2600) of Part
8 1 of Division 2 of the Public Contract Code.

9 (h) “Transit Priority Project Program” has the same meaning
10 as contained in Section 65470.

11 55903. (a) (1) Funding allocated to the program shall be used
12 to support a plan that includes affordable housing. Subject to
13 paragraph (2), eligible uses of this funding include:

14 (A) Predevelopment, development, acquisition, rehabilitation,
15 and preservation of affordable housing, as provided in subdivision
16 (b). For purposes of this section, the term “affordable housing”
17 means housing affordable to households earning under 120 percent
18 of area median income.

19 (B) Transit-oriented development for the purpose of developing
20 or facilitating the development of higher density uses within close
21 proximity to transit stations that will increase public transit
22 ridership and contribute to the reduction of vehicle miles traveled
23 and greenhouse gas emissions. Fiscal incentives shall be offered
24 to offset local community impacts associated with greater densities.

25 (C) Infill development to assist in the new construction and
26 rehabilitation of infrastructure that supports high-density,
27 affordable, and mixed-income housing in locations designated as
28 infill, including, but not limited to, any of the following:

29 (i) Park creation, development, or rehabilitation to encourage
30 infill development.

31 (ii) Water, sewer, or other public infrastructure costs associated
32 with infill development.

33 (iii) Transportation improvements related to infill development
34 projects.

35 (iv) Traffic mitigation.

36 (D) Promoting strong neighborhoods through support of local
37 community planning and engagement efforts to revitalize and
38 restore neighborhoods, including repairing infrastructure and parks,
39 rehabilitating and building housing and public facilities, promoting

1 public-private partnerships, and supporting small businesses and
2 job growth for affected residents.

3 (E) Protecting communities dealing with the effects of climate
4 change, including, but not limited to, sea level rise, wildfires,
5 seismic safety, and flood protection. Eligible projects include the
6 construction, repair, replacement, and maintenance of
7 infrastructure, including natural infrastructure, related to protecting
8 communities from climate change.

9 (F) The acquisition, construction, or rehabilitation of land or
10 property pursuant to eligible uses of funding specified in
11 subparagraphs (A) to (E), inclusive.

12 (2) Eligible uses allocated to an applicant under the program
13 shall be limited to those uses described in subparagraphs (A) to
14 (C), inclusive, of paragraph (1) if the applicant has taken any
15 action, whether by the legislative body of the applicant or the
16 electorate exercising its local initiative or referendum power, that
17 has any of the following effects:

18 (A) Established or implemented any provision that:

19 (i) Limits the number of land use approvals or permits necessary
20 for the approval and construction of housing that will be issued or
21 allocated within all or a portion of the applicant.

22 (ii) Acts as a cap on the number of housing units that can be
23 approved or constructed either annually or for some other time
24 period.

25 (iii) Limits the population of the applicant.

26 (B) Imposes a moratorium or enforces an existing moratorium
27 on housing development, including mixed-use development, within
28 all or a portion of the jurisdiction of the applicant, except pursuant
29 to a zoning ordinance that complies with the requirements of
30 Section 65858.

31 (C) Requires voter approval of any updates to the applicant's
32 housing element to comply with Article 10.6 (commencing with
33 Section 65580) of Chapter 3 of Division 1 of Title 7, or any
34 rezoning of sites or general plan amendment to comply with an
35 updated housing element or Section 65863.

36 (D) Changes the zoning of a parcel or parcels of property to a
37 less intensive use or reduces the intensity of land use within an
38 existing zoning district below what was allowed under the general
39 plan land use designation and zoning ordinances of the applicant
40 in effect on January 1, 2018. For purposes of this subparagraph,

1 “less intensive use” includes, but is not limited to, reductions to
2 height, density, floor area ratio, or new or increased open space
3 or lot size requirements, for property zoned for residential use in
4 the applicant’s general plan or other planning document.

5 (b) At least 50 percent of the funding provided pursuant to the
6 program and at least 50 percent of the funding of each plan shall
7 be allocated according to subparagraph (A) of paragraph (1) of
8 subdivision (a), to be used as follows:

9 (1) At least 80 percent of the funds subject to this subdivision
10 shall be used to provide rental and owner-occupied housing for
11 low-income households with an annual income equal to or less
12 than 80 percent of the area median income, subject to the following:

13 (A) Funds used for rental housing shall have average
14 property-level affordability at or below the maximum level
15 established by the California Tax Credit Allocation Committee to
16 be eligible for low-income housing tax credits at the percentage
17 prescribed in accordance with Section 42(b)(1)(B)(ii) of Title 26
18 of the United States Code, relating to the method of prescribing
19 percentages.

20 (B) Funds used for owner-occupied housing shall not exceed
21 20 percent of the funds used for purposes of this paragraph.

22 (2) No more than 20 percent of the funds subject to this
23 subdivision may be used for the production of moderate-income
24 housing for households with an annual income greater than 80
25 percent, but no more than 120 percent, of the area median income.

26 (3) The rent or sales price of any housing assisted with funds
27 subject to this subdivision shall be in the following amounts:

28 (A) For housing for low-income households with an annual
29 income equal to or less than 80 percent of the area median income,
30 an amount that is at least 10 percent below the prevailing rent or
31 sales price for the region.

32 (B) For housing for moderate-income households with greater
33 than 80 percent, but no more than 120 percent, of the area median
34 income, an amount that is at least 20 percent below the prevailing
35 rent or sales price for the region.

36 (4) (A) Except as otherwise provided in subparagraph (B),
37 housing assisted with funds subject to this subdivision shall be
38 subject to a recorded affordability restriction for the following
39 time periods:

1 (i) For rental housing, at least 55 years, except as otherwise
2 provided.

3 (ii) For owner-occupied housing, at least 45 years.

4 (B) Notwithstanding subparagraph (A), self-help housing
5 assisted with funds subject to this subdivision shall be subject to
6 a recorded affordability restriction for at least 15 years.

7 (c) (1) Except as provided in paragraph (2), any plan approved
8 pursuant to the program shall be subject to a recorded affordability
9 restriction that requires the project or projects to include a
10 minimum of 30 percent of the total number of housing units to be
11 available at an affordable rent or affordable housing cost to, and
12 occupied by, households earning below 120 percent of the area
13 median income for at least 55 years.

14 (2) If the local agency has adopted a local ordinance that requires
15 that greater than 30 percent of the units in a project be dedicated
16 to housing affordable to households making below 120 percent of
17 the area median income, that ordinance shall apply.

18 (d) The affordable housing and community development
19 investment amount shall not be used to subsidize the construction
20 of market rate units. It is the intent of the Legislature to preserve
21 the incentives for affordable housing provided by existing density
22 bonus law.

23 (e) (1) At least 12 percent of the overall funding for the program
24 shall be set aside for counties with populations of less than 200,000.
25 Of this amount, 2 percent shall be set aside to provide technical
26 assistance for counties with populations of less than 200,000, which
27 shall not be considered administrative costs for purposes of a plan.

28 (2) Notwithstanding subdivision (a) of Section 55906, to the
29 extent that all funds set aside in one year for counties with
30 populations of less than 200,000 are not dedicated to plans
31 approved by the committee, the amount of funds not dedicated
32 shall be available to counties with populations of less than 200,000
33 residents in the following year pursuant to this program.

34 (f) (1) Except as provided in paragraph (2), a project approved
35 pursuant to the program shall be considered a public work and
36 subject to the requirements of Chapter 1 (commencing with Section
37 1720) of Part 7 of Division 2 of the Labor Code, regardless of
38 whether an exemption under Section 1720 of the Labor Code
39 applies to the project.

1 (2) Notwithstanding paragraph (1), the approval pursuant to the
2 program of the following privately owned residential projects shall
3 not make the projects public works and subject to the requirements
4 of Chapter 1 (commencing with Section 1720) of Part 7 of Division
5 2 of the Labor Code if the project would not otherwise be
6 considered a public work and subject to those requirements:

7 (A) Construction or rehabilitation of a self-help housing project
8 of 10 or fewer units in which no fewer than 500 hours of
9 construction work associated with the homes are to be performed
10 by the home buyers.

11 (B) A rehabilitation project for which the only financial support
12 provided by the program is financial assistance to the household.

13 55904. (a) The Affordable Housing and Community
14 Development Investment Committee is hereby established and
15 shall be comprised of the following:

16 (1) The Chair of the Strategic Growth Council, or the chair's
17 designee.

18 (2) The Chair of the California Housing Finance Agency, or the
19 chair's designee.

20 (3) The Chair of California Workforce Investment Board, or
21 the chair's designee.

22 (4) The Director of Housing and Community Development, or
23 the director's designee.

24 (5) Two people appointed by the Speaker of the Assembly who
25 have knowledge and experience in finance, housing finance,
26 housing planning or development, or land use and planning.

27 (6) Two people appointed by the Senate Committee on Rules
28 who have knowledge and experience in finance, housing finance,
29 housing planning or development, or land use and planning.

30 (7) One public member appointed by the Joint Legislative
31 Budget Committee who has expertise in education finance.

32 (b) The committee shall review and approve or deny plans
33 received pursuant to Section 55905.

34 (c) The Department of Housing and Community Development
35 shall provide the technical assistance and administrative support
36 necessary for the committee to consider plans.

37 (d) Members of the committee shall serve without compensation,
38 but shall be reimbursed for actual and necessary expenses incurred
39 in connection with the performance of their duties.

1 55905. (a) A plan for the affordable housing and community
2 development investment amount may be submitted by any of the
3 following:

4 (1) A city, county, or city and county.

5 (2) A joint powers authority formed pursuant to Chapter 5
6 (commencing with Section 6500) of Division 7 of Title 1 that is
7 composed of entities that may submit a plan pursuant to this
8 subdivision.

9 (3) An enhanced infrastructure financing district established
10 pursuant to Chapter 2.99 (commencing with Section 53398.50) of
11 Part 1 of Division 2 of Title 5.

12 (4) An affordable housing authority established pursuant to
13 Division 5 (commencing with Section 62250) of Title 6.

14 (5) A community revitalization and investment authority
15 established pursuant to Division 4 (commencing with Section
16 62000) of Title 6.

17 (6) An affordable housing and community development
18 investment agency established pursuant to Division 6 (commencing
19 with Section 62300) of Title 6.

20 (7) A transit village development district established pursuant
21 to Article 8.5 (commencing with Section 65460) of Chapter 3 of
22 Division 1 of Title 7.

23 (b) A plan to participate in the program may be submitted to
24 the committee and shall include all of the following information:

25 (1) A description of the proposed project or projects to be
26 completed by the applicant pursuant to the plan and the funding
27 amount necessary for each year the applicant requests funding
28 pursuant to the program. The applicant may request funding for
29 no more than 30 years for each project included in the plan.

30 (2) Information necessary to demonstrate that each project
31 proposed by the plan complies with all of the statutory requirements
32 of any statutory authorization pursuant to which the project is
33 proposed.

34 (3) Certification that any low- and moderate-income housing
35 or other projects or portions of other projects that receive funding
36 from the program will comply with paragraph (8) of subdivision
37 (a) of Section 65913.4.

38 (4) A strategy for outreach to, and retention of, women, minority,
39 disadvantaged youth, formerly incarcerated, and other
40 underrepresented subgroups in coordination with the California

1 Workforce Investment Board and local boards, to increase their
2 representation and employment opportunities in the building and
3 construction trades.

4 (5) For each project identified in the plan, a requirement that
5 no eviction has been made on any project site within the last 10
6 years, and protections to avoid displacement of individuals affected
7 by the project.

8 (6) A requirement that any project included in the plan would
9 not require the demolition of any of the following types of housing:

10 (A) Housing that is subject to a recorded covenant, ordinance,
11 or law that restricts rents to levels affordable to persons and
12 families of moderate, low, or very low income.

13 (B) Housing that is subject to any form of rent or price control
14 through a public entity's valid exercise of its police power.

15 (C) Housing that has been occupied by tenants within the past
16 10 years.

17 (7) A requirement that the site was not previously used for
18 housing that was occupied by tenants that was demolished within
19 10 years before the applicant submits a plan pursuant to this
20 section.

21 (8) A requirement that the development of the project or projects
22 included in the plan would not require the demolition of a historic
23 structure that was placed on a national, state, or local historic
24 register.

25 (9) A requirement that the project or projects included in the
26 plan would not contain present or former tenant-occupied housing
27 units that will be, or were, subsequently offered for sale to the
28 general public by the subdivider or subsequent owner of the
29 property.

30 (10) An economic and fiscal analysis, paid for by the applicant
31 and prepared by the applicant or an individual or entity approved
32 by the committee that includes the following information as it
33 pertains to the plan:

34 (A) The estimated cost of providing services or facilities for
35 each project included in the plan.

36 (B) The estimated revenue available to provide services or
37 facilities for each project included in the plan.

38 (C) Identification of the taxing entities that are participating in
39 the financing of each project included in the plan through the

1 pledge of an amount equal to the entity’s incremental share of the
2 property tax or other means.

3 (D) Identification of the property tax, sales tax, and other public
4 funding available to invest in each project included in the plan or
5 the services or facilities needed by each project included in the
6 plan, as proposed, including, but not limited to, information from
7 the county auditor describing how the county or counties where
8 the applicant is from has historically distributed its educational
9 revenue augmentation fund revenue to schools and local agencies.

10 (E) Identification of the funding and financing methods that
11 will be used by each project included in the plan, including whether
12 the applicant intends to issue bonds that will be repaid from
13 property tax increment.

14 (F) The affordable housing and community development
15 investment amount requested by the applicant to complete each
16 project included in the plan or the services or facilities needed by
17 each project included in the plan, as proposed, and the proposed
18 date on which the annual allocation of the affordable housing and
19 community development investment amount will terminate.

20 (G) The amount of administrative costs associated with the plan.
21 The plan may set aside not more than 5 percent of the total
22 affordable housing and community development investment
23 amount requested in the plan for administrative costs.

24 (c) (1) Except as provided in paragraph (3), the applicant shall
25 certify that a skilled and trained workforce will be used to complete
26 the project if the plan is approved.

27 (2) If the applicant has certified that a skilled and trained
28 workforce will be used to complete the project or projects and the
29 plan is approved, the following shall apply:

30 (A) The applicant shall require every contractor and
31 subcontractor at every tier performing work on the project to
32 provide the applicant with an enforceable commitment that the
33 contractor or subcontractor will individually use a skilled and
34 trained workforce to complete the project.

35 (B) Every contractor and subcontractor shall individually use
36 a skilled and trained workforce to complete the project.

37 (C) The applicant shall be considered an awarding body for
38 purposes of Section 2602 of the Public Contract Code.

39 (3) This subdivision shall not apply to a housing project that
40 meets any of the following criteria:

- 1 (A) One hundred percent of the housing project’s units,
- 2 exclusive of any legally required manager’s unit or units, are
- 3 affordable to households earning 80 percent or below of the area
- 4 median income.
- 5 (B) The housing project consists of 25 units or less.
- 6 (C) The housing project is located in a county with a population
- 7 of 100,000 or less.
- 8 (d) (1) Within 30 days of receipt of a plan pursuant to this
- 9 section, the committee shall provide the applicant with a written
- 10 statement identifying any questions about the plan.
- 11 (2) If the committee denies approval of the plan, the committee
- 12 shall, not more than 30 days following the date the committee has
- 13 issued a decision, provide the applicant with a written statement
- 14 explaining the reasons why the plan was denied.
- 15 (3) Subject to subdivision (e), the committee shall develop a
- 16 rubric to determine which plan to approve. The rubric shall give
- 17 priority to plans based on, but not limited to, the following factors:
- 18 (A) The number of housing units created.
- 19 (B) The depth of affordability of the new housing units,
- 20 including:
 - 21 (i) The share of housing units to be constructed that are available
 - 22 to individuals with an area median income below 120 percent.
 - 23 (ii) The share of housing units to be constructed that are
 - 24 available to individuals with an area median income below 80
 - 25 percent.
 - 26 (iii) The share of housing units to be constructed that are
 - 27 available to individuals with an area median income below 50
 - 28 percent.
 - 29 (iv) The share of housing units to be constructed that are
 - 30 available to individuals with an area median income below 30
 - 31 percent.
- 32 (C) The level of local, state, and federal funds that will be
- 33 dedicated toward the projects included in the plan, including, but
- 34 not limited to, tax credits, in-kind transfers, personnel costs and
- 35 services, and land.
- 36 (D) Whether the applicant adopts plans that streamline
- 37 development, including the following:
 - 38 (i) Plans adopted through a workforce housing opportunity zone
 - 39 (Article 10.10 (commencing with Section 65620) of Chapter 3 of

1 Division 1 of Title 7) or a housing sustainability district (Chapter
2 11 (commencing with Section 66200) of Division 1 of Title 7).

3 (ii) Plans to streamline development funded by the Building
4 Homes and Jobs Act (Chapter 2.5 (commencing with Section
5 50470) of Part 2 of Division 31 of the Health and Safety Code).

6 (iii) Other local measures adopted to reduce development costs,
7 including, but not limited to, accelerating housing approvals,
8 reducing the average time for issuing a conditional use or other
9 development permit to less than one year, reducing fees imposed
10 in connection with the approval of accessory dwelling units, and
11 increasing density near transit.

12 (e) Notwithstanding any other provision of this part, the
13 committee may approve a plan submitted to it pursuant to this
14 section only if it finds all of the following:

15 (1) The conditions specified in paragraph (1) of subdivision (a)
16 of Section 55906 have been satisfied for the applicable fiscal year.

17 (2) (A) Except as otherwise provided in subparagraph (B), the
18 applicant will provide matching resources, including, but not
19 limited to, financial, in-kind land dedication, or public-private
20 funds, for the state investment in the program.

21 (B) This paragraph shall not apply in the case of an applicant
22 located in a rural area of the state.

23 (3) (A) If applicable, the applicant has a housing element that
24 the Department of Housing and Community Development has
25 determined to be in substantial compliance with Article 10.6
26 (commencing with Section 65580) of Chapter 3 of Division 1 of
27 Title 7, pursuant to Section 65585.

28 (B) An applicant subject to this paragraph shall annually submit
29 its housing element to the Department of Housing and Community
30 Development for review to ensure that its housing element remains
31 in substantial compliance with state law. The Department of
32 Housing and Community Development shall certify to the
33 committee whether the housing element is in substantial
34 compliance and whether any rezoning of sites required by law,
35 including, but not limited to, Sections 65583, 65583.2, and 65863,
36 have been completed.

37 (4) If applicable, the applicant has not been found to have
38 violated the Housing Accountability Act (Section 65589.5) or the
39 Density Bonus Law (Chapter 4.3 (commencing with Section
40 65915) of Division 1 of Title 7) within the following time periods:

1 (A) Until January 1, 2025, the applicant has not been found to
2 have violated the provisions specified in this paragraph on or after
3 January 1, 2020.

4 (B) On and after January 1, 2025, the applicant has not been
5 found to have violated the provisions specified in this paragraph
6 within the five years preceding the date of the submission of the
7 applicant’s plan pursuant to this section.

8 55906. (a) The committee shall adopt annual priorities
9 consistent with the objectives set forth in Section 55903 and shall
10 adhere to the following funding schedule:

11 (1) (A) Commencing January 1, 2022, the committee may only
12 approve a plan for funding pursuant to Section 55905 if the
13 Legislature enacts a budget bill for the applicable fiscal year that
14 specifies the amount available for the committee to allocate
15 pursuant to the program, subject to the limits of this section.

16 (B) Nothing in this paragraph shall affect or have any financial
17 impact upon previously approved funding pursuant to the program.

18 (2) Subject to paragraph (1), for the five-year period
19 commencing July 1, 2022, and ending June 30, 2027, the committee
20 may approve no more than two hundred million dollars
21 (\$200,000,000) in funding in any year for plans approved pursuant
22 to the program.

23 (3) Subject to paragraph (1), for the four-year period
24 commencing July 1, 2027, and ending June 30, 2030, the committee
25 may approve no more than two hundred fifty million dollars
26 (\$250,000,000) in funding in any year for plans approved pursuant
27 to the program.

28 (4) The Legislature, by statute, may direct the committee to
29 suspend consideration of plans submitted pursuant to Section 55903
30 in any fiscal year in which the Legislature passes a bill described
31 in Section 22 of Article XVI of the California Constitution. Nothing
32 in this paragraph shall affect or have any financial impact upon
33 previously approved funding pursuant to this program.

34 (5) The Legislature, by statute, may direct the committee to
35 suspend consideration of plans submitted pursuant to Section 55903
36 in any fiscal year in which the Legislature passes a bill described
37 in Section 8 of Article XVI of the California Constitution. Nothing
38 in this paragraph shall affect or have any financial impact upon
39 previously approved funding pursuant to this program.

1 (b) The annual amounts dedicated to individual approved
2 projects shall be allocated based on the schedule of funding
3 included in the plan that includes the project, unless the committee
4 decides to allocate a different level of funding or change the
5 number of years that the project is to receive funding pursuant to
6 the program in accordance with the plan approved pursuant to
7 subdivision (d).

8 (c) The committee shall adopt guidelines to explain how
9 geographic equity will be maintained in the approval of plans
10 pursuant to this program.

11 (d) (1) The committee shall approve or deny a plan submitted
12 pursuant to Section 55905 upon both of the following:

13 (A) Receipt of the information required to be submitted pursuant
14 to paragraphs (1) through (4) of subdivision (b) of Section 55905.

15 (B) A determination that the affordable housing and community
16 development investment amount requested is consistent with the
17 guidelines adopted pursuant to subdivision (b).

18 (2) The approval shall state the amount of the affordable housing
19 and community development investment amount approved and
20 the date upon which the affordable housing and community
21 development investment amount terminates.

22 (e) The committee may require the applicant to reimburse it for
23 the reasonable cost incurred to review the plan to participate in
24 the program.

25 (f) The committee shall review, and may approve or deny, any
26 changes to a plan submitted by the applicant.

27 55907. (a) Upon approval of a plan pursuant to subdivision
28 (d) of Section 55906, and subject to paragraph (1) of subdivision
29 (a) of Section 55906, the committee shall issue an order directing
30 the county auditor to transfer an amount of ad valorem property
31 tax revenue pursuant to Section 97.68.1 of the Revenue and
32 Taxation Code in an amount equal to the annual affordable housing
33 and community development investment amount approved by the
34 committee.

35 (b) The revenues allocated to an applicant pursuant to Section
36 97.68.1 of the Revenue and Taxation Code may be used for the
37 purposes set forth in Section 55903.

38 (c) The applicant may use the additional revenue received
39 pursuant to Section 97.68.1 of the Revenue and Taxation Code to

1 incur debt or issue bonds or other financing to support the project
2 or projects included in the plan.

3 55908. (a) On or before July 1, 2023, and annually thereafter,
4 each applicant that has received financing pursuant to the program
5 for any fiscal year shall provide a report to the committee that
6 includes all of the following information for the previous fiscal
7 year:

8 (1) The affordable housing and community development
9 investment amount that the county auditor reallocated to the
10 applicant pursuant to Section 97.68.1 of the Revenue and Taxation
11 Code.

12 (2) The purposes for which that reallocated money was used,
13 including the number of housing units constructed and at which
14 income level.

15 (3) The actions taken during the prior fiscal year to implement
16 the project.

17 (4) The total amount of funds expended for planning and general
18 administrative costs.

19 (b) Notwithstanding Section 10231.5, on or before March 1,
20 2022, and annually thereafter, if the committee has approved
21 funding pursuant to the program, the committee shall provide a
22 report to the Joint Legislative Budget Committee that includes all
23 of the following information for the preceding fiscal year:

24 (1) The name, location, and general description, including the
25 number of housing units constructed and at which income level,
26 of each project that received an affordable housing and community
27 development investment amount pursuant to this program.

28 (2) The total amount of money that county auditors reallocated
29 from affordable housing and community development investment
30 funds pursuant to the program in the previous fiscal year.

31 (3) An evaluation of the value of the state's investment through
32 the funding provided by this program as measured by a net revenue
33 increase to the General Fund and progress towards achieving the
34 purposes and intent of the program.

35 (c) The committee shall develop a corrective action plan for
36 noncompliance with the requirement of this part.

37 55909. (a) If, based on annual reports submitted to the
38 committee pursuant to Section 55908, the committee determines
39 that any of the following has occurred, the committee shall direct

1 the applicant to develop a corrective action plan based on
2 recommendations made by the committee:

3 (1) The applicant is not on track to produce the number of
4 housing units included in the plan.

5 (2) The applicant is not on track to spend at least 50 percent of
6 plan funds on affordable housing, as required by subdivision (b)
7 of Section 55903.

8 (3) The applicant is on track to exceed 5 percent of the
9 administrative limit.

10 (4) The applicant is found to have used funding provided by the
11 program for purposes not authorized by the act.

12 (5) The applicant is found to have used funds to subsidize market
13 rate housing.

14 (6) The applicant has violated antidisplacement provisions
15 pursuant to paragraph (6), (7), (8), or (9) of subdivision (a) of
16 Section 55905.

17 (7) The applicant is not on track to complete all of the projects
18 included in the plan according to the timeline included in the plan.

19 (b) The applicant shall have one year from the date that the
20 committee directed the applicant to develop a corrective action
21 plan.

22 (c) The committee shall issue a finding that the applicant is out
23 of compliance with the program if the committee finds either of
24 the following apply:

25 (1) The applicant has not provided an adequate corrective action
26 plan to the committee within one year of the date the committee
27 directed the applicant to develop a corrective action plan.

28 (2) The annual report provided to the committee pursuant to
29 Section 55908 does not demonstrate that the applicant has taken
30 adequate steps to implement the corrective action plan that was
31 provided to the committee within one year of the date the
32 committee directed the applicant to develop a corrective action
33 plan.

34 (d) (1) Except as provided in paragraph (2), if the committee
35 finds that the applicant is out of compliance with the program, the
36 committee shall direct the auditor to stop transferring moneys from
37 the county's ERAF pursuant to the program under Section 97.68.1
38 of the Revenue and Taxation Code, and prohibit the applicant from
39 applying for additional funds for this program for a period of five
40 years.

1 (2) The auditor shall continue to transfer money from the
2 county’s ERAF pursuant to the program under Section 97.68.1 of
3 the Revenue and Taxation Code in an amount that allows for
4 payment of the following obligations:

5 (A) Bonds, notes, interim certificates, debentures, or other
6 obligations issued by the agency.

7 (B) Loans or moneys advanced to the agency, including, but
8 not limited to, loans from federal, state, or local agencies, or a
9 private entity.

10 (C) Contractual obligations that, if breached, could subject the
11 applicant to damages or other liabilities or remedies.

12 (3) If the auditor continues to transfer money from the county’s
13 ERAF pursuant to paragraph (2), the applicant shall continue to
14 provide matching resources pursuant to paragraph (2) of
15 subdivision (e) of Section 55905, but shall be prohibited from
16 entering into any new debts, loans, or obligations related to the
17 plan unless approved by the committee.

18 (4) The committee shall take all actions necessary to abide by
19 the obligations described in paragraph (1).

20 (5) The committee may reduce the scope of the plan approved
21 pursuant to subdivision (e) of Section 55905 to align with available
22 financial resources and the purposes of the Affordable Housing
23 and Community Investment Program, which include the option of
24 using the remaining resources to support the construction of
25 affordable housing in the community of the applicant.

26 (e) If an applicant is found to be out of compliance with the
27 program, the applicant shall be ineligible to apply for other state
28 grant programs for a period of five years.

29 SEC. 4. Division 6 (commencing with Section 62300) is added
30 to Title 6 of the Government Code, to read:

31

32 DIVISION 6. AFFORDABLE HOUSING AND COMMUNITY
33 DEVELOPMENT INVESTMENT AGENCIES

34

35 62300. As used in this division:

36 (a) “Agency” means an affordable housing and community
37 development investment agency created pursuant to this division.

38 (b) “Affordable housing and community development
39 investment amount” means the amount approved by the Affordable
40 Housing and Community Development Investment Committee

1 pursuant to Part 4 (commencing with Section 55900) of Division
2 2 of Title 5 and allocated to an agency pursuant to Section 97.68.1
3 of the Revenue and Taxation Code.

4 (c) “Program” means the Affordable Housing and Community
5 Development Investment Program established pursuant to Part 4
6 (commencing with Section 55900) of Division 2 of Title 5.

7 (d) “Project” has the same meaning as defined in Section 55902.

8 (e) “Plan area” means the area that includes the territory
9 described in any plan submitted by an agency pursuant to
10 subdivision (b) of Section 55905.

11 62302. (a) An affordable housing and community development
12 investment agency created pursuant to this division shall be a
13 public body, corporate and politic, with jurisdiction to carry out
14 one or more projects within a project area. The agency shall have
15 only those powers and duties specifically set forth in Section
16 62304.

17 (b) (1) Subject to paragraphs (2) and (3), an agency may be
18 created in any one of the following ways:

19 (A) A city, county, or city and county may adopt a resolution
20 creating an agency. The composition of the governing board shall
21 be comprised as set forth in subdivision (c).

22 (B) Any of the following entities may create an agency by
23 entering into a joint powers agreement pursuant to Chapter 5
24 (commencing with Section 6500) of Division 7 of Title 1:

25 (i) A city.

26 (ii) A county.

27 (iii) A city and county.

28 (iv) A special district, as that term is defined in subdivision (m)
29 of Section 95 of the Revenue and Taxation Code.

30 (v) Any combination of entities described in clauses (i) to (iv),
31 inclusive.

32 (2) (A) A school entity, as defined in subdivision (f) of Section
33 95 of the Revenue and Taxation Code, shall not participate in an
34 agency created pursuant to this division.

35 (B) A successor agency, as defined in subdivision (j) of Section
36 34171 of the Health and Safety Code, shall not participate in an
37 agency created pursuant to this division, and an agency created
38 pursuant to this division shall not receive any portion of the
39 property tax revenues or other moneys distributed pursuant to
40 Section 34188 of the Health and Safety Code.

1 (3) An agency created by a city or county that created a
2 redevelopment agency that was dissolved pursuant to Part 1.85
3 (commencing with Section 34170) of Division 24 of the Health
4 and Safety Code shall not become effective until the successor
5 agency or designated local authority for the former redevelopment
6 agency has adopted findings of fact stating all of the following:

7 (A) The successor agency has received a finding of completion
8 from the Department of Finance pursuant to Section 34179.7 of
9 the Health and Safety Code.

10 (B) Former redevelopment agency assets that are the subject of
11 litigation against the state, where the city or county or its successor
12 agency or designated local authority are a named plaintiff, have
13 not been or will not be used to benefit any efforts of an agency
14 created under this division unless the litigation has been resolved
15 by entry of a final judgment by any court of competent jurisdiction
16 and any appeals have been exhausted.

17 (C) The successor agency has complied with all orders of the
18 Controller pursuant to Section 34167.5 of the Health and Safety
19 Code.

20 (c) (1) The governing board of an agency created pursuant to
21 subparagraph (A) of paragraph (1) of subdivision (b) shall be
22 appointed by the legislative body of the city, county, or city and
23 county that created the agency and shall include three members
24 of the legislative body of the city, county, or city and county that
25 created the agency and two public members. The appointment of
26 the two public members shall be subject to Section 54974. The
27 two public members shall live or work within the plan area.

28 (2) The governing body of an agency created pursuant to
29 subparagraph (B) of paragraph (1) of subdivision (b) shall be
30 comprised of a majority of members from the legislative bodies
31 of the public agencies that created the agency and a minimum of
32 two public members who live or work within the plan area. The
33 majority of the board shall appoint the public members to the
34 governing body. The appointment of the public members shall be
35 subject to Section 54974.

36 62304. An agency may do all of the following in order to carry
37 out a project:

38 (a) Apply for funding to carry out the project pursuant to the
39 program.

1 (b) Accept an allocation of property tax revenues, in the form
2 of an affordable housing and community development investment
3 amount allocated under the program pursuant to Section 97.68.1
4 of the Revenue and Taxation Code.

5 (c) Issue bonds in accordance with Article 4.5 (commencing
6 with Section 53506) and Article 5 (commencing with Section
7 53510) of Chapter 3 of Part 1 of Division 2 of Title 5.

8 (d) Borrow money, receive grants, or accept financial or other
9 assistance or investment from the state or the federal government
10 or any other public agency or private lending institution for any
11 project within its area of operation. The agency may comply with
12 any conditions of a loan or grant received pursuant to this
13 subdivision.

14 (e) Receive funds allocated to it pursuant to a resolution adopted
15 by a city, county, or special district to transfer these funds from a
16 source described in subdivision (d), (e), or (f) of Section 53398.75,
17 subject to any requirements upon, or imposed by, the city, county,
18 or special district as to the use of these funds.

19 (f) Acquire and transfer real property.

20 SEC. 5. Section 97.68.1 is added to the Revenue and Taxation
21 Code, to read:

22 97.68.1. Notwithstanding any other provision of law, for each
23 fiscal year for which funding for a plan for the county is approved
24 under Part 4 (commencing with Section 55900) of Division 2 of
25 Title 5 of the Government Code, in allocating ad valorem property
26 tax revenue, all of the following shall apply:

27 (a) The county auditor shall transfer an amount, equal to the
28 countywide affordable housing and community development
29 investment amount, from the county's Educational Revenue
30 Augmentation Fund, up to the amount available in the Educational
31 Revenue Augmentation Fund after complying with subdivision
32 (d), and deposit that amount into the Affordable Housing and
33 Community Development Investment Fund established pursuant
34 to subdivision (b).

35 (b) (1) The county auditor shall, except as provided in paragraph
36 (2), deposit the countywide affordable housing and community
37 development investment amount into the Affordable Housing and
38 Community Development Investment Fund, which shall be
39 established in the treasury of each county. Moneys in the
40 Affordable Housing and Community Development Investment

1 Fund shall only be used for plans approved pursuant to Part 4
2 (commencing with Section 55900) of Division 2 of Title 5 of the
3 Government Code, and shall be allocated to the applicant as
4 directed by the committee.

5 (2) In the case of an applicant that is an enhanced infrastructure
6 financing district, affordable housing authority, community
7 revitalization investment authority, affordable housing and
8 community development investment agency, or transit village
9 development district, the auditor shall allocate an amount from the
10 county’s Educational Revenue Augmentation Fund equal to the
11 enhanced infrastructure financing district’s, affordable housing
12 authority’s, community revitalization investment authority’s,
13 affordable housing and community development investment
14 agency’s, or transit village development district’s affordable
15 housing and community development investment amount to the
16 city or county that created the enhanced infrastructure financing
17 district, affordable housing authority, community revitalization
18 investment authority, affordable housing and community
19 development investment agency, or transit village development
20 district. The city or county shall, upon receipt, transfer those funds
21 to that enhanced infrastructure financing district, affordable housing
22 authority, community revitalization investment authority,
23 affordable housing and community development investment
24 agency, or transit village development district, in an amount equal
25 to the affordable housing and community development investment
26 amount for that enhanced infrastructure financing district,
27 affordable housing authority, community revitalization investment
28 authority, affordable housing and community development
29 investment agency, or transit village development district.

30 (3) The county auditor shall allocate one-half of an amount
31 specified in paragraph (1) or (2) on or before January 31 of each
32 fiscal year, and the other one-half on or before May 31 of each
33 fiscal year.

34 (c) For purposes of this section, all of the following shall apply:

35 (1) “Affordable housing and community development
36 investment amount” for a particular city, county, or city and county
37 means the amount approved by the Affordable Housing and
38 Community Development Committee pursuant to Part 4
39 (commencing with Section 55900) of Division 2 of Title 5 of the
40 Government Code.

1 (2) “Countywide affordable housing and community
2 development investment amount” means, for any fiscal year, the
3 total sum of the amounts described in paragraph (1) for a county
4 or a city and county, and each city and county.

5 (d) This section shall not be construed to do any of the
6 following:

7 (1) Reduce any allocations of excess, additional, or remaining
8 funds that would otherwise have been allocated to county
9 superintendents of schools, cities, counties, special districts, and
10 cities and counties pursuant to clause (i) of subparagraph (B) of
11 paragraph (4) of subdivision (d) of Sections 97.2 and 97.3, Section
12 97.70, and Article 4 (commencing with Section 98) had this section
13 not been enacted. The allocations required by this section shall be
14 adjusted to comply with this paragraph.

15 (2) Require an increased ad valorem property tax revenue
16 allocation or increased tax increment allocation to a community
17 redevelopment agency.

18 (3) Alter the manner in which ad valorem property tax revenue
19 growth from fiscal year to fiscal year is otherwise determined or
20 allocated in a county.

21 (4) Reduce ad valorem property tax revenue allocations required
22 under Article 4 (commencing with Section 98).

23 (e) If, for the fiscal year, after complying with subparagraph
24 (B) of paragraph (1) of subdivision (a) of Section 97.70, there is
25 not enough ad valorem property tax revenue that is otherwise
26 required to be allocated to a county Educational Revenue
27 Augmentation Fund for the county auditor to complete the transfer
28 required by subdivision (a), the county auditor shall reduce the
29 total amount of ad valorem property tax revenue that is otherwise
30 required to be allocated to all school districts and community
31 college districts in the county for that fiscal year by an amount
32 equal to the difference between the countywide affordable housing
33 and community development investment amount and the amount
34 of ad valorem property tax revenue that is otherwise required to
35 be allocated to the county Educational Revenue Augmentation
36 Fund for that fiscal year. This reduction for each school district
37 and community college district in the county shall be the percentage
38 share of the total reduction that is equal to the proportion that the
39 total amount of ad valorem property tax revenue that is otherwise
40 required to be allocated to the school district or community college

1 district bears to the total amount of ad valorem property tax revenue
2 that is otherwise required to be allocated to all school districts and
3 community college districts in a county. For purposes of this
4 subdivision, “school districts” and “community college districts”
5 do not include any districts that are excess tax school entities, as
6 defined in Section 95.

7 (f) Any transfer of ad valorem property tax revenues deposited
8 in the county’s Educational Revenue Augmentation Fund as a
9 result of subdivision (a) shall be applied exclusively to reduce the
10 amounts that are allocated from that fund to school districts and
11 county offices of education, and shall not be applied to reduce the
12 amounts of ad valorem property tax revenues that are otherwise
13 required to be allocated from that fund to community college
14 districts.

15 (g) (1) A property tax revenue allocation or transfer made
16 pursuant to subdivision (a) or (b) shall not be considered for
17 purposes of determining under Section 96.1 the amount of property
18 tax revenue allocated to a jurisdiction in the prior fiscal year.

19 (2) The county auditor may deduct its administrative costs
20 related to this section from the affordable housing and community
21 development investment amount before depositing that amount
22 into the county’s Affordable Housing and Community
23 Development Investment Fund pursuant to subdivision (a).

24 SEC. 6. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for certain
26 costs that may be incurred by a local agency or school district
27 because, in that regard, this act creates a new crime or infraction,
28 eliminates a crime or infraction, or changes the penalty for a crime
29 or infraction, within the meaning of Section 17556 of the
30 Government Code, or changes the definition of a crime within the
31 meaning of Section 6 of Article XIII B of the California
32 Constitution.

33 However, if the Commission on State Mandates determines that
34 this act contains other costs mandated by the state, reimbursement
35 to local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

38 SEC. 7. Each provision of this act is a material and integral
39 part of the act, and the provisions of this act are not severable. If

- 1 any provision of this act or its application is held invalid, the entire
- 2 act shall be null and void.

O

Item B-5



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy and Management Analyst
DATE: February 27, 2020
SUBJECT: Assembly Bill 276 (Friedman) – Pupil Safety: Parental Notification: Firearm Safety Laws
ATTACHMENTS: 1. Summary Memo – AB 276
2. Bill Text – AB 276

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Bill 276 (Friedman) – Pupil Safety: Parental Notification: Firearm Safety Laws (“AB 276”) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for AB 276 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of AB 276, the Liaisons may recommend the following actions:

- 1) Support AB 276;
- 2) Support if amended AB 276;
- 3) Oppose AB 276;
- 4) Oppose unless amended AB 276;
- 5) Remain neutral; or
- 6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on AB 276, then staff will place the item on a future City Council Agenda for concurrence.

Attachment 1



February 19, 2020

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: AB 276 (Friedman) Pupil safety: parental notification: firearm safety laws.

Introduction and Background

AB 276 was introduced by Assembly Member Friedman in 2019 and would require schools to inform parents and guardians of California's child access prevention and other laws relating to the safe storage of firearms.

Specifically, this bill would:

- Require school districts, county offices of education, and charter schools to inform parents and guardians, at the beginning of each regular school year, of California's child access prevention laws and laws relating to the safe storage of firearms.
- Require the California Department of Education (CDE) in consultation with the Department of Justice (DOJ), and provide annually to school districts, county offices of education, and charter schools, the appropriate content to use for this notification.
- Provide immunity from civil liability to school districts, county offices of education, and charter schools, from any damages caused by, or relating to, this notification requirement.

Status of Legislation

The bill is in the Senate Rules Committee pending referral to policy committee.

Support and Opposition

The support and opposition for this bill are based on January 6, 2020 amendments. The bill has since been amended. While there is currently no formally registered opposition to the bill, prior versions of the bill were opposed by firearm and hunting advocacy groups including the NRA and the Outdoor Sportsmen's Coalition of California.

Support

Women Against Gun Violence
Americans Against Gun Violence
NeverAgainCA
Cleveland School Remembers-Brady Campaign to Prevent Gun Violence Chapter
Brady United Against Gun Violence

Opposition

None

Attachment 2

AMENDED IN ASSEMBLY JANUARY 15, 2020

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY MARCH 21, 2019

AMENDED IN ASSEMBLY FEBRUARY 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 276

Introduced by Assembly Member Friedman

January 28, 2019

An act to add Section ~~32261.5~~ 48980.5 to the Education Code, relating to pupil safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 276, as amended, Friedman. Pupil safety: parental notification: firearm safety laws.

The Interagency School Safety Demonstration Act of 1985 requires school districts and county offices of education to be responsible for the overall development of all comprehensive school safety plans for their schools operating kindergarten or any of grades 1 to 12, inclusive.

Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of the regular school term, to notify parents or guardians of minor pupils of specified rights and responsibilities of the parent or guardian and of specified school district policies and procedures.

This bill would require a school district, county office of education, ~~and charter school, and private school~~ to inform parents and guardians of pupils at the beginning of the first semester or quarter of the regular school term of California's child access prevention laws and laws

relating to the safe storage of firearms, as specified. By imposing additional duties on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program. *The bill would require the State Department of Education to develop, in consultation with the Department of Justice, and annually provide to school districts, county offices of education, and charter schools the appropriate content to use for the notification. The bill would make a school district, county office of education, and charter school immune from civil liability for any damages relating to the notification.*

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 32261.5 is added to the Education Code,~~
2 ~~to read:~~

3 ~~32261.5. A school district, county office of education, charter~~
4 ~~school, and private school shall inform parents and guardians of~~
5 ~~pupils at the beginning of the first semester or quarter of the regular~~
6 ~~school term, in the manner prescribed by Section 48980 for school~~
7 ~~districts, of California’s child access prevention laws and laws~~
8 ~~relating to the safe storage of firearms, including, but not limited~~
9 ~~to, Division 4 (commencing with Section 25000) of Title 4 of Part~~
10 ~~6 of the Penal Code.~~

11 SECTION 1. Section 48980.5 is added to the Education Code,
12 to read:

13 48980.5. (a) A school district, county office of education, and
14 charter school shall inform parents and guardians of pupils at the
15 beginning of the first semester or quarter of the regular school
16 term, in the manner prescribed by this article for school districts,
17 of California’s child access prevention laws and laws relating to
18 the safe storage of firearms, including, but not limited to, Division

1 4 (commencing with Section 25000) of Title 4 of Part 6 of the Penal
2 Code.

3 (b) The department shall develop, in consultation with the
4 Department of Justice, and annually provide in a concise manner
5 to school districts, county offices of education, and charter schools
6 the appropriate content to use for the notification required
7 pursuant to subdivision (a).

8 (c) A school district, county office of education, and charter
9 school is immune from civil liability for any damages allegedly
10 caused by, arising out of, or relating to the notification required
11 pursuant to subdivision (a).

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

Item B-6



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Policy and Management Analyst

DATE: February 27, 2020

SUBJECT: Proposal by Staff for Legislative/Lobby Liaisons to Review and Provide Input on Modifying Regional Housing Needs Assessment (RHNA)

ATTACHMENTS: N/A

INTRODUCTION

Staff has spoken to a state elected official about modifying the Regional Housing Needs Assessment (RHNA) credit such that a jurisdiction may build some of their assigned RHNA units in another jurisdiction's area. This item reviews some general guidelines for making a proposal to state elected officials.

DISCUSSION

The City has purchased land outside of the city limits for obtaining access to water wells. In addition to supporting a water well, the land is large enough that a portion of it could be repurposed for affordable housing. Unfortunately, as the land is outside of Beverly Hills' city limit, the City would not receive the RHNA credit as current law states the city where the land resides receives the RHNA credit.

City staff has had some conversations with state elected officials regarding repurposing the land for affordable housing and receiving RHNA credit for it. In order for this to occur, state law would need to be modified. Staff has drafted the following guidelines based on the conversations with state elected officials and what the City may consider acceptable:

1. The proposed legislation would be limited to land purchased by a local jurisdiction in another local jurisdiction's area that was bought with the intent to use the property for some other purpose such as access to ground water wells. The affordable housing element must be a secondary use of the property.
2. Purchase of land must not displace existing residents if the property is a hotel, motel, or multi-family
3. Land must be within 2 ½ miles of the local jurisdiction's boundary
4. The local jurisdiction who owns the land must enter into an agreement with the jurisdiction where the property resides regarding the allocation of the regional housing needs assessment number.
 - a. RHNA can be split based on the percentage of funding contributed by each jurisdiction involved in funding the project.
5. Local jurisdiction is limited to building no more than _____ percent and still receive credit for the regional housing needs assessment number per RHNA cycle. Any housing unit built over that number shall be credited to the jurisdiction where the property resides.
6. The local jurisdiction has 5 years to commence construction once the two impacted jurisdictions adopt a formal agreement by vote of their respective legislative bodies

regarding development of these units. An extension of the timeframe for commencing the construction project may be mutually extended by a majority vote of each jurisdictions governing body.

For item number 5, staff is fully aware that there will be no support in Sacramento or the surrounding jurisdiction for 100 percent of the City's RHNA to be built outside the city limits. Staff is requesting the Legislative/Lobby Liaisons to carefully consider the percentage and what would be reasonable over an eight-year period that may also be acceptable to other jurisdictions and the state legislature.

For perspective, the senior housing built in conjunction with Whole Food consists of 40 studio and 110 one-bedroom affordable units available to seniors 62 years of age or older who receive no more than 50 percent of the Area Median Income (AMI).

Finally, staff believes a percent of RHNA is more equitable than an actual number as some cities will have smaller RHNA numbers than Beverly Hills and others will be required to build more housing than Beverly Hills.

FISCAL IMPACT

It is unknown at this time what the fiscal impact of this item would be as it would be dependent on legislation passing and the type of development the City would build.

RECOMMENDATION

City staff desires to obtain the opinion of the Legislative/Lobby Liaisons on these proposed guidelines. Furthermore, staff understands from state elected officials that 100 percent of the City's RHNA number cannot be built outside the city limits; therefore, staff is requesting the Liaisons to consider what the limiting amount should be.

After a consensus is reached, staff will begin discussing these options with legislatures in Sacramento as well as other surrounding cities to develop support for the concept. If needed, staff will also bring this to a future City Council meeting for concurrence by the City Council.

Item B-7



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy & Management Analyst
DATE: February 27, 2020
SUBJECT: State and Federal Legislative Updates
ATTACHMENTS: None

A verbal update on federal legislative issues will be given by Jamie Jones of David Turch & Associates.

A verbal update on state legislative issues will be given by Andrew Antwih with Shaw/Yoder/Antwih, Inc.