STATEMENT ON THE SUBJECT:
The City Council will receive an update on the first year of the 2019-2020 regular session of the California Legislature. The update includes a status report for each bill the City has adopted a position on since the beginning of the current state legislative session.

RECOMMENDATION:
Receive & File.

BACKGROUND / ANALYSIS:
On August 19, 2019, the City Council received an interim legislative report that presented an overview and status of the bills supported and opposed by the City of West Hollywood based on the City’s core values, previously adopted policies and the City Council-approved 2019-2020 legislative priorities. The report also highlighted the City’s advocacy efforts and lobbying activities.

This staff report updates the City Council and the community on the final outcome of City of West Hollywood priority bills of the first year of the 2019-2020 legislative session of the California Legislature. The Legislature adjourned for its fall recess on September 13, 2019. Attachment A “Status Report 2019 State Legislation” provides the status of each bill for which the City has taken a position during Year 1 of the 2019-2020 regular session of the California Legislature. The report is current as of October 13, 2019 which was the last day, pursuant to the deadline established by the California Constitution, for the Governor to sign bills into law or veto them.

The Legislature convened Year 1 of the 2019-2020 regular session on December 3, 2018. As of September 13, 2019, the last day of the legislative session for the current year, a total of 3,033 bills (2,081 Assembly Bills and 952 Senate Bills) were introduced.

The legislative affairs team, comprised of City staff and the City’s Sacramento lobbyist, Helyne Mesher & Associates (HM&A), identified and closely monitored about five hundred bills that either proposed new laws, or amended or repealed existing laws covering a broad range of priority areas identified in the City’s legislative priorities such as amending and/or repealing the Ellis and Costa Hawkins Acts, strengthening tenant protections and enacting statewide rent caps under certain conditions. The team also
worked diligently to ensure the protection of local control and that the City’s discretionary powers over land use are not further preempted by State law. In addition, the team continued to provide input and worked with different stakeholders to advance legislation focused on health and social services (mental health, substance use, homelessness, and reproductive rights), seniors, women’s issues, animal rights, and LGBTQ rights.

As of September 13, 2019, the City had adopted positions on 60 bills. Of those 60 bills, the City supported 52, opposed 6, “opposed unless amended” 1 bill, and remained neutral on another one. A summary of the bills is found in Attachment A “Status Report 2019 State Legislation”.

**Of the 52 bills the City supported:**

- 23 were signed into law and chaptered.
- 2 were vetoed. AB 344 (Calderon) New Beginnings California Program and SB 5 (Beall) Affordable Housing and Community Development Investment Program.
- 13 failed passage or were held: AB 31 (Garcia, C) Sales and use taxes: exemption: sanitary napkins: tampons: menstrual sponges and menstrual cups; AB 36 (Bloom) Residential tenancies: rent control; AB 228 (Aguiar-Curry) Food, beverage, and cosmetic adulterants: industrial hemp products; AB 234 (Nazarian) Income taxes: credit: seismic retrofits; AB 286 (Bonta) Taxation: cannabis; AB 1442 (Rivas, L.) Income taxes: credits: Share Our Values Tax Credit; AB 1465 (Bloom) Cannabis: consumption cafe/lounge license; ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval; ACR 108 (Chu) Compassionate California; SB 51 (Hertzberg) Financial institutions: cannabis; SB 67 (McGuire) Cannabis: temporary licenses; SB 248 (Glazer) Taxation: renters’ credit; SB 521 (Portantino) Financial institutions; and SCA 1 (Allen) Public housing projects.
- 14 became 2-year bills. AB 161 (Ting) Solid waste: paper waste: proofs of purchase; AB 366 (Bloom) Animals: blood, blood components, and biologics; AB 388 (Limon) Alzheimer’s disease; AB 1080 (Gonzalez) Solid waste: packaging and products; AB 1230 (Quirk) Veterinary medicine: declawing animals; AB 1481 (Grayson) Tenancy termination: just cause; AB 1659 (Bloom) Local home financing agencies: City of Los Angeles: nonprofit public benefit corporation; and AB 1672 (Bloom) Solid waste: flushable products; SB 54 (Allen) Solid waste: packaging and products; SB 58 (Wiener) Alcoholic beverages: hours of sale; SB 258 (Hertzberg) California Emergency Solutions and Housing Program: grants: homeless shelters: pets and veterinary services; SB 266 (Leyva) Public Employees' Retirement System: disallowed compensation: benefit adjustments; SB 424 (Jackson) Tobacco products: single-use and multiuse components; and SB 732 (Allen) Transactions and use tax: South Coast Air Quality Management District.
Of the 6 bills the City opposed:

- One was signed into law (chaptered). AB 377 (Garcia, E) Microenterprise home kitchen operations
- One was vetoed. AB 1184 (Gloria) Public records: writing transmitted by electronic mail: retention.
- 4 became 2-year bills. AB 56 (Garcia, E) Electricity: procurement by the California Alternative Energy and Advanced Transportation Financing Authority; AB 1112 (Friedman) Shared mobility devices: local regulation; SB 50 (Wiener) Planning and zoning: housing development: streamlined approval: incentives; and SB 266 (Leyva) Public Employees’ Retirement System: disallowed compensation: benefit adjustments.

Opposed-Unless-Amended:

- AB 516 (Chiu) Authority to remove vehicles, which the City took a position of opposed-unless-amended, became a 2 year bill.

Neutral

- SB 330 (Skinner) Housing Crisis Act of 2019. The City changed its position from opposed-unless-amended to neutral after the author amended the bill. SB 330 was signed into law by the Governor and chaptered.

ADVOCACY AND LOBBYING ACTIVITIES

The City’s legislative affairs team provided ongoing consultation to the City’s Sacramento representatives, Assemblyman Richard Bloom and Senator Ben Allen on the potential impact of various bills limiting the City’s ability to manage its own affairs. In addition, the team, in partnership with several staff from the many City divisions and departments worked to advance some important legislative initiatives. The following are just a few examples of such initiatives:

- AB 377 (Garcia, E.) Microenterprise home kitchen operations. The bill, as chaptered, eliminates the City’s decision-making authority as to the regulations of home kitchens in the City and the issuance of permits, zoning, and wastewater systems management. The legislative affairs team provided input to the author and the City’s representatives regarding the City’s concerns and opposition.
- AB 516 by Assemblymember David Chiu, D-San Francisco, which would have amended existing law, making it more difficult for a local jurisdiction to tow and/or sell a car that was towed and impounded due to the vehicle owners’ failure to pay five (5) or more outstanding citations. The legislative affairs team worked with Assemblymember Chiu to amend the bill. Despite the City’s best efforts, the bill remained too problematic for the City to change its “oppose” position.
- AB 1112 by Assemblymember Laura Friedman, D-Glendale, which would have restricted a local jurisdiction’s ability to ban the use of scooters. The bill is now a 2-year bill and the legislative affairs team will monitor its progress and work closely with Assemblymember Friedman and her staff.
• AB 1399 (Bloom) Residential real property: rent control: withdrawal of accommodations. This was a major victory for the City of West Hollywood, whose staff attorney wrote most of the bill’s language. As enacted, AB 1399 clarifies that owners may not pay prior tenants liquidated damages in lieu of offering them the opportunity to re-rent their former unit and that the date on which the accommodations are deemed to have been withdrawn from the rental market is the date on which the final tenancy among all tenants is terminated.

• AB 1482 (Chiu) Tenant Protection Act of 2019: tenancy: rent caps. This bill prohibits landlords from terminating a tenancy without just cause. In addition, the bill sets an upper limit on annual rent increases of 5% plus inflation. The City supported AB 1482, which was signed into law by the Governor.

• SB 50 by Senator Scott Wiener, D-San Francisco could have seriously curtailed the City’s ability to make land use decisions as it relates to housing projects’ size, density and parking requirements. The bill was held in committee and granted reconsideration. The legislative affairs team will closely monitor the progress of this bill and continue to work with Senator Wiener and his staff.

UPCOMING ADVOCACY EFFORTS

In preparation for the final year of the legislative session, during the interim recess, legislators use this time to meet with constituents as part of their process to determine their legislative agenda for 2020. The legislative affairs team, in consultation with the City Council, city staff and members of the community, will be informing legislators about initiatives and the need for legislation to address issues that have been identified as emerging issues for the City:

1. Recycling centers: The siting of recycling centers is regulated by State law. The City of West Hollywood has limited say on where a recycling center should be located. Over the years, residents of the Norma Triangle have contacted members of the City Council and staff to voice concerns about the operation of the recycling center at the Pavilions market and its effect on the adjacent neighborhood. Staff will explore with legislators and state regulators various alternatives to address concerns and to assure local jurisdictions like West Hollywood can have more discretion related to the siting of recycling centers.

2. Homeless and gravely disabled individuals: The enactment of recent legislation (SB 1045 Wiener; Chapter 845, Statutes of 2018 and SB 40, Chapter 467 Statutes of 2019) created a new conservatorship procedure that includes standards for determining a conservatorship for a person who is incapable of caring for the person’s own health and well-being due to a serious mental illness and substance use disorder, as evidenced by eight or more detentions for evaluation and treatment under Section 5150 in the preceding 12 months. SB 1045 authorized this new conservatorship in pilot counties, including Los Angeles County, upon authorization by their respective boards of supervisors, to implement a “housing conservatorship” procedure and set a sunset date of 2024 for the pilot. Even though SB 1045 and SB 40 are now law, the City remains concerned about the practicality of the laws as
written, particularly as it relates to securing a house conservatorship for someone who is seriously mentally ill. The City, which has developed an innovative program to assist individuals experiencing homelessness, will meet with legislators to share highlights of its model program and advocate for legislation that facilitates the provision of treatment options to gravely mentally ill individuals.

3. Planning and zoning: housing development: streamlined approval: incentives. Senator Scott Wiener, D-San Francisco introduced SB 50 at the beginning of the current legislative session. Staff worked collaboratively with the Senator and his staff to convey the City’s concerns and proposed amendments to ensure appropriate local autonomy. On May 16, 2019, the City Council voted to oppose SB 50. The City’s voice, along with numerous others throughout the state was instrumental in stopping SB 50. The bill is now a two year bill and is eligible to be heard in January 2020. During the interim recess, the City will be meeting with Sen. Weiner to discuss its position.

4. Insurance coverage and people living with HIV/AIDS (PLWHIV/AIDS). Currently, insurance companies systematically deny life insurance coverage and restrict access to other insurance products such as supplemental disability insurance to PLWHIV/AIDS. Much has changed since the onset of the HIV epidemic and many PLWHIV/AIDS live normal lives, similar to other individuals living with diabetes or other chronic conditions. Thus, staff is in the process of raising the issue with the California Insurance Commissioner and other stakeholders.

WHAT TO EXPECT IN YEAR 2 OF THE 2019-2020 SESSION:

As the Legislature adjourned for its interim recess, some major issues remained unresolved and are likely to be discussed during year 2 of the 2019-2020 legislative session.

Land Use/Affordable Housing and Infrastructure Projects:

In March 2019, Senator Jim Beall, D-San Jose, introduced SB 5, Affordable Housing and Community Development Investment Program. The bill proposed the creation of the Affordable Housing and Community Development Investment Program. The bill also required the Legislature to adopt a budget bill that would appropriate $200,000,000 per year from July 1, 2021, to June 30, 2026, and $250,000,000 per year from July 1, 2026, to June 30, 2030, in transfers from a county’s ERAF for applicants for plans approved for the predevelopment, development, acquisition, rehabilitation, and preservation of workforce and affordable housing, certain transit-oriented development, and projects promoting strong neighborhoods. Despite broad support from cities, counties, labor, non-profit housing agencies, and business organizations, Governor Newsom vetoed the bill.

As it has been the case in years past, it is very likely that the Legislature will further try and preempt local zoning rules that, in the view of many legislators are hindering the development of housing and have led to the current housing crisis. Senator Wiener’s SB 50 was a clear example of this trend.
Homelessness:
In May 2019, in recognition that the issue of homelessness is too big for cities and counties to tackle by themselves, Governor Newsom announced the formation of a statewide task force on Homelessness and Supportive Housing. Sacramento Mayor Darryl Steinberg and L.A. County Supervisor Mark Ridley-Thomas will co-chair the task force.

Scooters:
The use of scooters on local streets continues to be a point of contention between companies providing the service, local residents, users and local governments. At the core of the issue is who has authority to regulate the time and place of where these devices can be operated. Two bills addressed this issue and both were held as 2-year bills to provide more time for discussion and negotiation:

- **AB 1286 Shared mobility devices: agreements.**
  Assemblymember Al Muratsuchi, D-Torrance, introduced AB 1286 in February 2019 that provided for regulation of these devices while at the same time affording local governments the ability to ban the use of scooters altogether. Concurrently, Assemblymember Laura Friedman, D-Glendale, introduced:

- **AB 1112 Shared mobility devices: local regulation.**
  Assemblymember Laura Friedman, D-Los Angeles introduced AB 1112 in February 2019 that, after several amendments, allowed local governments to regulate the use of scooters within their jurisdictions. AB 1112 also allows local governments to ban the use of scooters only if they were able to make a finding that the use of such devices would have a significant effect on the environment.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:
This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:
- **OSP-12:** Actively Participate in Regional Issues.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- **G-1:** Ensure that the community is active and engaged in the decision-making process.
- **G-2:** Maintain transparency and integrity in West Hollywood’s decision-making process.

EVALUATION PROCESSES:
N/A
ENVIRONMENTAL SUSTAINABILITY AND HEALTH:
N/A

COMMUNITY ENGAGEMENT:
CL&A Division staff has posted updated information on the City’s web site about bills supported or opposed by the City. In addition, the Governmental Affairs Liaison makes presentations to advisory boards about advocacy efforts on different bills impacting the City.

OFFICE OF PRIMARY RESPONSIBILITY:
CITY MANAGER’S DEPARTMENT / COMMUNITY & LEGISLATIVE AFFAIRS DIVISION

FISCAL IMPACT:
None

ATTACHMENT: