



Key Western Center and CRLAF Bills

Keep Families Home – AB 36 (Bloom), AB 1481 (Bonta), AB 1482 (Chiu)

The Keep Families Home package is a package of three Assembly bills designed to address rising rents and price-gouging affecting low-income renters, co-sponsored by WCLP, CRLAF, ACCE, PICO California, Public Advocates, PolicyLink, and Tech Equity Collaborative. AB 36 (Bloom) did not advance this session. AB 1481 (Bonta) did not advance either, but its provisions were incorporated into AB 1482. AB 1482 (Chiu) passed and was signed by the Governor on October 8th. The bill caps rent increases at 5% plus CPI for covered units, as well as requiring just cause eviction once tenants have resided in their units for a year or more.

AB 1279 (Bloom) would facilitate mixed-income and affordable housing development in high-resource communities through local zoning overrides and other land use incentives. The bill is aimed at addressing the housing shortage in a way that also addresses exclusionary zoning practices that exacerbate racial and economic segregation and that provide few opportunities for lower-wage workers to live close to where they work in many areas of the state. The bill has become a two-year bill and will be eligible for further consideration in 2020.

SB 329 (Mitchell) adds housing assistance as a protected source of income under the Fair Employment and Housing Act, meaning landlords would no longer be permitted to discriminate against tenants with housing assistance. The bill passed in the Legislature and was signed by the Governor on October 8th. The bill was co-sponsored by WCLP, CRLAF, Housing California, NHLP, the Los Angeles County Board of Supervisors, and the California Association of Housing Authorities.

SCA 1 (Allen) would place the repeal of Article 34 of the California Constitution on the November, 2020 ballot. Article 34, in place since the early 1950s, requires local voter approval before certain affordable housing projects can be built. The bill has passed in the Senate, and will continue moving through the Assembly next year; constitutional amendments are not subject to the same deadlines as other bills. The bill is sponsored by WCLP, CRLAF, Los Angeles Mayor Eric Garcetti, and a diverse coalition of other organizations.

**State Housing Legislative Update
October 28, 2019**

The first year of the 2019-20 legislative session has concluded, and the deadline for the Governor to sign bills into law was October 13th. In short, this was an incredible year for tenants, and the Governor and legislature stepped up (with lots of encouragement from advocates) in an unprecedented way to advance tenant rights and housing justice. Several of our sponsored bills were signed into law, bringing needed protections from rising rents, arbitrary evictions, and housing discrimination, and others will continue to move forward in the coming year. In addition to working on our own legislation, we also worked with our allies to ensure that bills that would negatively impact our clients did not move forward and that good bills that will assist our low-income clients in gaining access to safe, stable, affordable housing were successful. Our sponsored bills are marked with an asterisk.

For text, analyses, votes, and other information on bills, visit <http://leginfo.legislature.ca.gov>.

Budget

Governor Newsom signed his first state budget into law in late June. The budget included significant funding for affordable housing and homelessness programs, including:

- \$650 million for a new program to assist cities counties, and continuums of care in addressing homelessness.
- \$500 million for the state Low Income Housing Tax Credit, which funds the construction and rehabilitation of affordable rental housing for lower-income households.
- \$500 million for the Mixed-Income Loan Program, which funds the construction of affordable rental 0% housing for households ranging from 30% and 120% of area median income (AMI).
- \$500 million for the Infill Infrastructure Grant Program, which supports the development of projects that include at least 20% affordable rental housing. In practice the vast majority of units funded under the program serve households at 50% AMI.
- \$250 million to assist regions and local governments in doing the planning and zoning necessary to support increased housing development, especially affordable housing.
- \$20 million for eviction defense.

In addition to the funding, the budget included a housing “trailer bill” (these are bills that “trail” the main budget bill and include the statutory language necessary to implement new programs and often include additional policy changes to implement the Governor’s initiatives). The housing trailer bill, which has been passed by both houses of the Legislature but is still awaiting the Governor’s signature, is a whopping 143 pages long and includes a lengthy list of items. Key items of interest to legal services advocates include:

- Restrictions around the expenditure of the \$650 in funding for homelessness programs to ensure that funds are used on evidence-based solutions with a focus on helping individuals experiencing homelessness access permanent affordable housing. Funds can only be spent on specified activities, including capitalized operating reserves to help draw down the cost of higher-income units to be affordable to individuals with extremely low incomes. Funds cannot be spent of policing or similar activities.
- By-right treatment for low barrier emergency shelters in mixed-use zones and in nonresidential zones that allow multifamily uses.
- Changes to housing element enforcement.

Codes/Building Standards

AB 206 (Chiu, D) Lead-based paint abatement

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Provides limited immunity from lawsuits to property owners who voluntarily participate in a lead paint abatement program.

Fair Housing

AB 53 (Jones-Sawyer D) Rental housing applications: criminal records

Status: 2-year bill

Position: No Position

Summary: Requires landlords to make a conditional decision regarding whether to accept a housing applicant before examining the applicant's criminal history. If the conditional decision is changed based on criminal history, requires landlords to inform the applicant and provides a 2-day window for the applicant to provide mitigating evidence.

AB 446 (Choi, R) Discrimination against victims of domestic violence

Status: 2-year bill

Position: Oppose

Summary: Would add "victims of abuse," as defined, as a protected class under FEHA's prohibitions on housing discrimination; includes documentation/threshold requirements for protection not required of other protected classes.

***SB 329 (Mitchell, D) Source-of-income discrimination**

Status: Passed by Legislature; signed by Governor

Position: Sponsor

Summary: Prohibits landlords from discriminating against applicants who will use federal, state, or local housing assistance, including a Housing Choice Voucher, to pay their rent.

***SCA 1 (Allen, D) Article 34**

Status: Passed in Senate, sent to Assembly

Position: Sponsor

Summary: Would place the repeal of Article 34 of the California Constitution, which requires local voter approval for certain affordable housing projects, on the November, 2020 ballot.

Homelessness

AB 139 (Quirk-Silva, D) By-right shelter zones

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Changes parking requirements applicable to emergency shelters in by right zones under Housing Element Law and makes changes to the way cities and counties have to assess the need for shelters in the housing elements.

SB 48 (Wiener, D) Streamlined shelter siting

Status: Dead - held on Suspense

Position: Support

Summary: Would have made changes to Housing Element Law requirements around by-right zones for emergency shelters and created additional streamlined development options for high-quality shelters and other interim housing interventions for people experiencing homelessness. Although the bill is dead, the Budget included language making low-barrier shelters a by right use in certain zones.

SB 282 (Beall, D) Supportive housing for parolees

Status: Dead - held on Suspense

Position: Support

Summary: Shifts an existing state program for mentally-ill parolees from the Department of Corrections to the Department of Housing and Community Development and requires a program evaluation by 2024.

Housing Finance & Programs

ACA 1 (Aguilar-Curry, D) Lower vote threshold for local bonds

Status: Dead – failed on Assembly Floor

Position: Support

Summary: Reduces the vote threshold for local bonds, sales taxes, and parcel taxes from 2/3 to 55% if the proceeds will be used for affordable housing or certain public infrastructure.

AB 10 (Chiu, D) Low-Income Housing Tax Credits

Status: Dead - held on Suspense

Position: Support

Summary: Increases the state Low-Income Housing Tax Credit (LIHTC) by \$500 million and increases the set-aside for farmworker housing tax credit from \$500,000 to \$25 million.

AB 11 (Chiu, D) Community Redevelopment Law of 2019

Status: 2-year bill

Position: No Position

Summary: Allows cities and counties to create affordable housing and infrastructure agencies to fund infrastructure and affordable housing through tax-increment financing.

AB 816 (Quirk-Silva, D) California Flexible Housing Subsidy Pool Program

Status: Dead - held on Suspense

Position: Support

Summary: Establishes the Flexible Housing Subsidy Pool Program, administered by the Department of Housing and Community Development, to provide funding to cities, counties, and continuums of care for a variety of activities related to ending homelessness, including rental assistance, operating subsidies for affordable or permanent supportive housing projects, services to help people access housing and remain stably housed, and systems improvements. Although the bill is dead, much of the content ended up in the budget.

SB 5 (Beall, D) Affordable Housing and Community Development Investment Program

Status: Vetoed by Governor

Position: No Position

Summary: Creates the Affordable Housing and Community Development Investment Program to provide a local funding source for affordable housing and housing-related infrastructure.

Land Use

***AB 1279 (Bloom, D) Housing in high-opportunity areas**

Status: Two-year bill

Position: Sponsor

Summary: Facilitates mixed-income and affordable housing development in high-opportunity communities through local zoning overrides and other land use incentives.

AB 1486 (Ting, D) Surplus Lands Act

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Clarifies and strengthens various provisions of the Surplus Lands Act

AB 1763 (Chiu, D) Density Bonus Law

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Provides for an 80% density bonus and one additional incentive or concession for projects in which at least 80% of the units will be affordable to lower-income households and no more than 20% will be affordable to moderate-income households, and eliminates density controls for affordable projects near major transit stops.

SB 50 (Wiener D) Zoning overrides for housing around transit and in job-rich areas

Status: Two-year bill

Position: No Position/Concerns

Summary: In “jobs-rich” or “transit-rich” areas, as defined, would require local jurisdictions to grant an “Equitable Communities Incentive” to a residential development proponent, including significant increases in density/height and a reduction of parking requirements. The bill contains exceptions for occupied buildings and sensitive communities.

SB 330 (Skinner, D)

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Makes a number of changes to the law to speed the processing of housing project applications, limit downzoning, and limit controls on growth that impede housing production. In cities with high rental rates and low vacancy rates, prohibits the demolition of existing housing unless all units will be replaced and unless all units affordable to or occupied by lower-income households with a unit deed-restricted to be affordable to those households and unless existing residents receive relocation benefits and have an opportunity to live in the new development.

SB 592 (Wiener, D) Housing Accountability Act

Status: Two-year bill

Position: Support

Summary: Protects accessory dwelling units under the Housing Accountability Act (HAA), clarifies that the HAA applies to projects whether the local approval process is ministerial or discretionary, and makes additional technical and clarifying changes.

Landlord-Tenant

***AB 36 (Bloom, D) Rent control**

Status: Two-year bill

Position: Sponsor

Summary: Reforms the Costa-Hawkins Rental Housing Act to allow cities and counties to enact rent control on any rental unit that is more than 20 years old and on single-family homes where the owner owns more than 10 homes within the same jurisdiction.

AB 724 (Wicks, D) Rental property registry

Status: Dead - held on Suspense

Position: Support

Summary: Requires the Department of Housing and Community Development to maintain a detailed online registry of all rental properties containing more than 15 units.

AB 1110 (Friedman, D) Rent Increases: Noticing

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Requires 90 days’ notice if a landlord of a residential dwelling with a month-to-month tenancy increases the rent by more than 10% of the amount of the rent charged to a tenant annually.

AB 1399 (Bloom, D) Ellis Act

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Clarifies that for purposes of setting Ellis Act timelines, there is only one withdrawal date of a property from the rental market, and that units in an Ellis Act property cannot be brought back on to the market in a piecemeal fashion.

***AB 1481 (Bonta, D) Just cause eviction**

Status: Two-year bill

Position: Sponsor

Summary: Requires landlords to specify cause for evicting a tenant and, for no-fault evictions, provide financial relocation assistance to the tenant.

***AB 1482 (Chiu D) Limitation on rent increases**

Status: Passed by Legislature; signed by Governor

Position: Sponsor

Summary: Would prohibit rent increases greater than the regional Consumer Price Index plus 7% or 10%, whichever is lower and would require just cause for evicting a tenant in a unit covered under the rent cap.

AB 1795 (Kamlager-Dove, D) Masking Ellis Act evictions

Status: Two-year bill

Position: Support

Requires attorneys filing eviction actions pursuant to the Ellis Act to designate this on their pleadings and require that the courts permanently mask such eviction actions so that they will not be publicly disclosed to third-party screening companies or others.

SB 18 (Skinner, D) Homeowner Bill of Rights

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Removes the sunset on tenants' rights provisions in California's Homeowner Bill of Rights, which are set to expire this year.

SB 529 (Durazo, D) Tenant association formation and rights

Status: Dead - failed on Senate Floor

Position: Support

Summary: Allows tenants to form a tenant association and prohibits landlords from evicting association members without showing cause. Establishes a process for the association to withhold rent from a landlord until complaints are addressed.

Mobilehomes

AB 173 (Chau, D)

Status: Passed by Legislature; signed by Governor

Position: None

Summary: Extends the sunset on the "Register Your Mobilehome" program for one year, through 2020. The program assists mobilehome owners who would otherwise be unable to transfer title into their names due to delinquent taxes and fees that may have been incurred by prior owners.

***AB 705 (Stone, D) Mobilehome park closures**

Status: Two-year bill

Position: Sponsor

Summary: Strengthens requirements related to proposals to close a mobilehome park and convert it to another use.

***SB 252 (Leyva, D) Mobilehome park sales**

Status: Dead - held on Suspense

Position: Sponsor

Summary: Provides a capital gains tax exclusion for mobilehome park owners who sell their park to an entity that agrees to maintain the park as affordable.

Rural/Farmworker

AB 508 (Chu, D) Drinking water systems

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Modifies the State Water Resources Control Board's authority to order consolidation of drinking water systems.

AB 600 (Chu, D) Disadvantaged Unincorporated Communities

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Would address service deficiencies in Disadvantaged Unincorporated Communities with respect to drinking water and wastewater.

SB 200 (Monning D) Safe and Affordable Drinking Water Fund

Status: Passed by Legislature; signed by Governor

Position: Support

Summary: Establishes the Safe and Affordable Drinking Water Fund to provide a source of funding to secure access to safe drinking water for all Californians while also ensuring long-term sustainability of drinking water systems.