



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 20-657

Board Meeting Date: 9/15/2020

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael Callagy, County Manager
Connie Juarez-Diroll, Legislative Officer
Subject: 2020 End-of-Session Legislative Update

RECOMMENDATION:

Accept this informational report on the end of the 2020 State legislative session.

BACKGROUND:

Facing a midnight deadline to pass most bills, the California State Legislature concluded the second year of the 2019-20 legislative session in early morning hours of Tuesday, August 31, 2020. Like all sectors in California, the Legislature's year was marked by considerable challenges resulting from the COVID-19 pandemic, including extended recesses when statewide lockdown measures were first imposed and when two Assembly Members were diagnosed with COVID-19 in the summer. Despite the truncated legislative calendar, the Legislature considered and acted on numerous proposals of concern and impact to counties.

DISCUSSION:

The legislative output to this dramatic year includes some key measures to address the COVID-19 pandemic and its impact on housing, health, and labor. The Legislature passed **AB 3088 (Chiu)** to halt the evictions of those impacted by COVID-19, but only until February 2021. This stopgap measure reflects a compromise among tenants' rights organizations, landlords, and the real estate industry, with no group fully satisfied with the bill's provisions. Governor Newsom signed it within hours of its passage. Stakeholders recognize that the looming eviction crisis cannot be thwarted without Federal intervention, and if federal policies do not materialize before February 2021, the legislature may need to attempt another legislative solution.

In terms of health, dual measures-**SB 275 (Pan)** and **AB 2537 (Rodriguez)**- address the need for personal protective equipment by essential workers. At a statewide level, SB 275 would require the stockpiling of personal protective equipment by the Department of Public Health for essential health care and essential workers, and AB 2537 would require organizations that employ workers in the public or private sector that provide direct patient care in a general acute care hospital to stockpile

PPE in an amount equal to three months of normal consumption. Additionally, **AB 2164 (Rivas, Robert)** and **AB 2360 (Maienschein)** both would expand the use of telehealth throughout California, as the coronavirus underlined the urgent need for the practice of medicine to become more socially distant and accessible. All these measures are awaiting a decision from Governor Newsom. Efforts to regulate contact tracing and regulate wet markets (like where the coronavirus is believed to have emerged) failed to make it to the Governor's desk.

A handful of measures took aim at expanding workers' compensation amidst the pandemic. Ultimately, **SB 1159 (Hill)**, which was based off one of Governor Newsom's many executive orders, overcame fierce opposition from a large array of employers and is on its way to the Governor's desk. The measure creates a presumption for workers who contract COVID-19 and lays out a new reporting mechanism for employers. Additionally, **AB 685 (Reyes)** would require employers to provide notice to employees who may have been exposed to COVID-19 and enhances the State's ability to enforce health and safety standards. The Governor's Office is being heavily lobbied to reject both measures, which it is believed could add significant costs to the already struggling business communities.

Outside of COVID-19 response, fierce debates continued over how to address the State's housing affordability crisis. Many big ideas were introduced, but only a few made it to the Governor's desk, such as **AB 69 (Ting)**, which would establish some much-needed financing tools to enable willing homeowners to construct accessory dwelling units (ADUs). A handful of high-profile housing bills failed, including Senate President Pro Tempore Toni Atkin's housing production bill that would have promoted small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot in all residential areas. Senator Atkins has pledged to bring this measure back next year. In addition, no major bills made it through the legislative cycle to address homelessness in a meaningful way as had been anticipated at the beginning of the session.

Various bond measures designed to improve climate and wildfire resiliency also sputtered this session. The only major wildfire measure to make it to the Governor's desk was **SB 182 (Jackson)**, which would impose certain fire hazard planning responsibilities on local governments and require cities and counties to make certain findings on fire standards before permitting development in very high fire hazard severity zones.

In the wake of the murder of George Floyd and the resulting social unrest, the Legislature took aim at various police reform measures. A few minor victories were achieved by legislators looking to bring change to policing systems, such as **AB 1506 (McCarty)** which would require that a state prosecutor investigate any officer-involved shooting that resulted in the death of an unarmed civilian. However, many of the larger reform attempts failed, such as **SB 731 (Bradford)** which would have allowed for police decertification, and **SB 776 (Skinner)** which would have expanded the categories of peace officer personnel records that are subject to disclosure under the Public Records Act.

Lastly, Senator Jerry Hill in his final legislative session, passed **SB 793**, which bans the sale of flavored tobacco in California and is seen as a major public health victory to dissuade the use of tobacco in children. The County advocated in support for this important measure and it was promptly signed by Governor Newsom.

In addition to the important policy bills acted on in the final days of the session, the Legislature also acted on and passed several important budget trailer bills, including Division of Juvenile Justice (DJJ) realignment, criminal justice fees and 1991 and 2011 realignment funding backfill to counties. **SB**

823 (Cmte. On Budget and Fiscal Review) proposes to close DJJ and realign the responsibility of youthful offenders to counties. The bill was opposed by CSAC/UCC/RCRC/CPOC given that final amendments reflected an agreement struck between the Administration and Legislature and that it contained several key elements to the DJJ realignment structure to which the county coalition objected. These include a new funding formula, increased state oversight and the transfer of existing juvenile county grant programs from the Board of State and Community Corrections to a newly created oversight office in the Health and Human Services Agency. **AB 1869 (Cmte. on Budget)** would repeal the authority to collect various criminal justice administrative fees upon conviction or arrest and would appropriate \$65 million annually for five years to counties to backfill associated revenue losses. Finally, **SB 115 (Cmte. on Budget and Fiscal Review)** requires the remainder of the \$750 million provided to counties in the FY 2020-21 state budget to backfill 1991 and 2011 realignment revenue shortfalls be distributed to counties within 15 days of the legislation being chaptered so that counties can continue to preserve the safety net. The bill also defines the existing requirement for compliance with COVID-19 public health orders and maintains a mechanism for the Administration to withhold funding if a county is out of compliance.

This fraught legislative session is seen by many as unsatisfying. California’s biggest priorities, such as increasing affordable housing and curbing the homelessness crisis, were left unaddressed. Partisan tension and cross-house fighting strained important relationships and added an extra impediment to the passage of crucial policy measures. Other initiatives to launch a wealth tax, create new green economic stimulus programs, and expand broadband all failed. These unresolved ideas are likely to resurface in the next legislative cycle.

When it was all over of the 3,031 bills introduced at the beginning of the session (952 in the Senate and 2,079 in the Assembly), the Legislature sent a total of 428 bills to the Governor for action-an astoundingly low 14 percent rate of passage as compared to past sessions. Governor Newsom has until September 30th to either sign or veto these measures. Details on all bills tracked by the County Manager’s Office can be found in the attached 2020 Legislative Activity Report. Our office will provide your Board with a final report on the 2020 State Legislative Session in October after the Governor has acted on all bills.

PERFORMANCE MEASURE:

Measure	FY 2018-19 Anticipated	FY 2019-20 Projected
State/Federal Measures analyzed and acted on	150	200

FISCAL IMPACT:

The fiscal impacts of bills that advanced to Governor Newsom’s desk are unknown at this time.