



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 19-1264

Board Meeting Date: 1/14/2020

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Michael Callagy, County Manager  
Connie Juarez-Diroll, Legislative Officer  
**Subject:** New Laws Impacting Counties in 2020

**RECOMMENDATION:**

Accept this informational report on new laws impacting counties in 2020.

**BACKGROUND:**

Governor Gavin Newsom signed 870 bills into law in 2019. The following is a select list of bills that were signed by the Governor which impact counties and became effective January 1, 2020.

**DISCUSSION:**

**Housing, Land Use and Transportation:**

*Housing and Land Use*

- AB 1100 (Kamlager-Dove) Electric Vehicles: parking requirements (Chapter 819, Statutes of 2019)-requires existing and future parking spaces by electric vehicle charging equipment to be counted towards compliance with local parking minimums.
- AB 1485 (Wicks) Housing development: streamlining (Chapter 663, Statutes of 2019)-makes various changes to SB 35 (Wiener, Chapter 366, Statutes of 2017) to allow for streamlining of housing developments that include a specified percentage of low income and/or moderate-income housing. The measure amends the law to allow additional projects in the San Francisco Bay Area to qualify for streamlined, ministerial approval if the projects meet specified affordability requirements.
- AB 1487 (Chiu) San Francisco Bay Area: housing development financing (Chapter 598, Statutes of 2019)-establishes the Bay Area Housing Finance Authority. The Authority's purpose is to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The governing board of the Metropolitan Transportation Commission (MTC) will serve as the governing board of the Authority. The executive board of the Association of Bay Area Governments (ABAG) also is

granted certain powers with respect to the Authority.

- AB 1763 (Chiu) Planning and Zoning: density bonuses: affordable housing (Chapter 666, Statutes of 2019)-revises Density Bonus Law (DBL) to require a city or county to award a developer additional density (80%), concessions and incentives, and height increases if 100% of the units in the development are restricted to lower income households.
- SB 330 (Skinner) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019)-establishes the Housing Crisis Act of 2019, which places restrictions on certain types of development standards, amends the Housing Accountability Act (HAA), and makes changes to local approval processes and the Permit Streamlining Act.

#### *Accessory Dwelling Units (ADUs)*

- AB 68 (Ting) Land Use: accessory dwelling units (Chapter 655, Statutes of 2019)-significantly amends the statewide standards that apply to locally-adopted ordinances concerning ADUs. Changes include: prohibition of minimum lot size requirements, requiring at least 850 sq. ft. per ADU, and requiring approval within 60 days.
- AB 587 (Friedman) Accessory Dwelling Units: sale or separate conveyance (Chapter 657, Statutes of 2019)-authorizes a local agency to allow, by ordinance, an ADU to be sold or conveyed separately from the primary residence to a qualified low-income home buyer.
- AB 670 (Friedman) Common interest developments: accessory dwelling units (Chapter 178, Statutes of 2019)-makes void and unenforceable any provision of a governing document of a common interest development (CID) that either effectively prohibits or unreasonably restricts the construction or use of an ADU or junior accessory dwelling unit (JADU) on a lot zoned for single-family residential use.
- AB 671 (Friedman) Accessory Dwelling Units: incentives (Chapter 658, Statutes of 2019)-requires a local agency to include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low, or moderate-income households in its housing element.
- AB 881 (Bloom) Accessory Dwelling Units (Chapter 659, Statutes of 2019)-limits the criteria by which local jurisdictions can limit where ADUs are permitted; specifies that ADUs must be ministerially approved if constructed in existing garages; eliminates the potential for local agencies to place owner occupancy requirements on the units for five years.
- SB 13 (Wieckowski) Accessory Dwelling Units (Chapter 653, Statutes of 2019)-prohibits local jurisdictions from imposing any impact fees on ADUs less than 750 feet, and limits the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot. Creates an amnesty program for ADUs built before January 1, 2020, which would grant non-code compliant ADU owners the opportunity to request a delayed enforcement for up to five years.

#### *Surplus Land Reporting Requirements*

- AB 1255 (R. Rivas) Surplus public land: inventory (Chapter 661, Statutes of 2019)-requires each city and county to report to the Department of Housing and Community Development (HCD) an inventory of its surplus lands located in urbanized areas or urban clusters. Requires HCD to provide this information to the State Department of General Services (DGS) for inclusion in a digitized inventory of state surplus land sites.
- AB 1483 (Grayson) Housing data: collection and reporting (Chapter 662, Statutes of 2019)-requires counties and other local jurisdictions to post specified development fee-related information on their websites, and disseminate public information about its zoning ordinances,

development standards, fees, exactions, and affordability requirements. The bill requires HCD to develop and update a 10-year housing data strategy.

- AB 1486 (Ting) Surplus Lands (Chapter 664, Statutes of 2019)-expands Surplus Land Act requirements for local agencies, requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports, and requires HCD to establish a database of surplus lands.
- SB 6 (Beall) Residential development: available land (Chapter 667, Statutes of 2019)-requires HCD to furnish the Department of General Services (DGS) with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. DGS must create a database of state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.

#### *California Environmental Quality Act (CEQA)*

- SB 744 (Caballero) Planning and Zoning: California Environmental Quality Act: permanent supportive housing (Chapter 346, Statutes of 2019)-makes changes to existing streamlined process for supportive housing developments and creates CEQA exemption for developments that qualify for No Place Like Home funding.

#### *Landlord-Tenant*

- AB 1110 (Friedman) Rent increases: noticing (Chapter 595, Statutes of 2019)-measure requires a 90-day notice if a landlord of a residential dwelling with a month-to-month tenancy increases the rent by more than ten percent of the amount of the rent charged to a tenant annually.
- AB 1482 (Chiu) Tenant Protection Act of 2019: tenancy: rent cap (Chapter 597, Statutes of 2019)-measure places an upper limit on annual rent increases for existing tenancies: five percent plus inflation up to a hard cap of 10 percent. This measure also requires that landlords have and state a just cause in order to evict tenants who have occupied the premises for a year and provide relocation assistance for certain no-fault just cause evictions. Both the rent cap and the just cause provisions are subject to exemptions including, among others, housing built in the past 15 years and single family residences unless owned by a real estate trust or a corporation. This measure does not preempt any local rent control or just cause ordinances. This measure sunsets on January 1, 2030.
- SB 329 (Mitchell) Discrimination: housing: source of income (Chapter 600, Statutes of 2019)-measure prohibits landlords from discriminating against tenants who rely upon public assistance and housing subsidies paid directly to landlords, such as Section 8 vouchers, to help them pay the rent by expanding the definition of "source of income" under the Fair Employment and Housing Act (FEHA) to include such public assistance and housing subsidies.

#### **Administration of Justice:**

- AB 392 (Weber) Peace Officers: deadly force (Chapter 170, Statutes of 2019)-redefines the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will

cause death or serious bodily injury to another unless the person is immediately apprehended.

- SB 36 (Hertzberg) Pretrial release: risk assessment tools (Chapter 589, Statutes of 2019)-requires each pretrial agency that uses a pretrial risk assessment tool to validate the tool by January 1, 2021, and on a regular basis thereafter, but no less frequently than once every 3 years, and to make specified information regarding the tool, including validation studies, publicly available.
- SB 230 (Caballero) Law enforcement: use of deadly force: training policies (Chapter 285, Statutes of 2019)-by no later than January 1, 2021, requires law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques, and other alternatives to use use of force, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents.

## **Health and Human Services:**

### *Emergency Medical Services*

- SB 438 (Hertzberg) Emergency medical services: dispatch (Chapter 389, Statutes of 2019)-prohibits, with some exceptions, a public agency from delegating, assigning, or entering into a contract for 911 call processing or emergency notification duties regarding the dispatch of emergency response services, unless the contract or agreement is with another public agency.

### *Health*

- AB 262 (Gloria) Local health officers: communicable diseases (Chapter 798, Statutes of 2019) -in the event of a communicable disease outbreak or imminent threat of an outbreak, this bill requires a local health officer to notify and update governmental entities within the local health department's jurisdiction and provide relevant information to those government entities. The measure also allows for the local health officer to issue orders to the government entities, within the jurisdiction, for actions crucial to minimize transmission of the disease.
- SB 389 (Hertzberg) Mental Health Services Act (Chapter 209, Statutes of 2019)-permits counties to use Mental Health Services Act funding for individuals who are in presentencing or postsentencing diversion programs, on parole, probation, post-release community supervision, or mandatory supervision.

### *Homelessness*

- AB 728 (Santiago) Homeless multidisciplinary personnel teams (Chapter 337, Statutes of 2019)-expands the current authority of county homeless adult and family multidisciplinary personnel teams (MDT) in seven counties to allow for data sharing regarding individuals who are at risk of homelessness and expands who can be included on the MDT.

### *Aging*

- SB 228 (Jackson) Master Plan on Aging (Chapter 742, Statutes of 2019)-requires the Secretary of the California Health and Human Services Agency to coordinate with the Director of the Department of Aging to lead the implementation process for the Master Plan for Aging established by Executive Order N-14-19 and identify policy changes needed to prepare for California's aging population. The Master Plan for Aging Stakeholder Advisory Committee includes representatives from a wide range of systems including local government.

## **Agriculture, Environment & Natural Resources:**

### *Building Standards*

- SB 190 (Dodd) Fire safety: building standards: defensible space (Chapter 404, Statutes of 2019)-updates building standards, requires the development of a list of low-cost retrofits, would help provide important Wildland-Urban Interface safety information to building officials and the general public, and requires the creation of a model defensible space program for local governments. The law provides for the collaborative creation of a model defensible space ordinance that local governments could adopt to help meet the requirements under Government Code 51182 and Public Resources Code 4291.

## **Government Finance & Administration:**

### *Labor relations*

- AB 5 (Gonzalez) Worker status: employees and independent contractors (Chapter 296, Statutes of 2019)-this measure, for purposes of the Labor Code, Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, requires a worker providing labor or services for payment to be classified as an employee rather than an independent contractor, subject to the three-part ABC test established by the Dynamex Operations West Inc. v. Superior Court of Los Angeles (2018) 4 Cal. 5<sup>th</sup> 903. The ABC test requires the hiring entity to demonstrate that the person is free from the control and direction of the hiring entity in connect with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This measure additionally provides for exemptions under the Dynamex decision and subjects those exemptions to the common law test adopted in S.G. Borello & Sons, Inc. v. Department of Industrial Relations (DIR) (1989) 48 Cal.3d 341.

### *Public Records*

- AB 18179 (Committee on Judiciary) Inspection of public records: use of requester's reproduction equipment (Chapter 695, Statutes of 2019)-this measure grants a requestor, who inspects a disclosable record on the premises of an agency, the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in damage to the record, or unauthorized access to a computer system of the agency or secured network.

### *Redistricting*

- AB 849 (Bonta) Elections: city and county redistricting (Chapter 557, Statutes of 2019)-recasts the criteria and procedures counties and cities must follow when redistricting the supervisorial or city council districts. The bill requires the governing body of each county and city to adopt new district boundaries after each federal decennial census and specifies deadlines and redistricting criteria-such as being contiguous and not splitting communities whenever possible -for the adoption of new boundaries. The bill specifies hearing procedures that allow the public to provide input on the placement of boundaries and on proposed boundary maps, as well as requiring the governing body to take specified steps to encourage the residents of the local jurisdiction to participate in the redistricting process.

### *Worker's Compensation*

- SB 542 (Stern) Worker's Compensation (Chapter 390, Statutes of 2019)-this measure provides that in the case of state and local firefighting personnel and peace officers, the term "injury" also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. This measure applies to injuries occurring on or after January 1, 2020. This measure sunsets on January 1, 2025.

### **PERFORMANCE MEASURE:**

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

### **FISCAL IMPACT:**

The fiscal impact is unknown at this time.