

Oct. 16, 2017  
Issue #75

## Governor's Final Actions Include Veto of Telecom Bill

*Governor Signs 21 of League's 24 Requested Signatures; Vetoes 2 of 10 Requests*

Gov. Jerry Brown finished his work on Sunday night signing and vetoing legislation sent to him by the Legislature in 2017. In addition to the transportation infrastructure funding package that was approved in April, the outcome of the Governor's final actions was mostly positive for cities, with the Governor agreeing with the League's position 68 percent of the time.

Major positives for the League this year were his signature on housing bills including affordable housing funding in SB 2 (Atkins) and SB 3 (Beall), streamlined planning in League-sponsored SB 540 (Roth) and an incentive-based option in AB 73 (Chiu), and restoring inclusionary zoning options with AB 1505 (Bloom). The League also appreciates his signature on SB 5 (de León), the park and water bond.

While over 300 cities opposed SB 649 (Hueso), the telecom bill, the Governor's decision was uncertain until midnight on Sunday, Oct. 15. City officials were relieved to discover the Governor vetoed the measure stating: *"I believe that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill."* The League thanks the Governor for recognizing the value of local authority in this important policy area. We also thank the many legislators who abstained or voted against the bill.

Disappointments included the Governor's veto of AB 1408 (Calderon), which sought to improve public safety through better management of ex-offenders subject to post-release community supervision. The Governor additionally signed AB 1069 (Low), which rolls back local authority to properly regulate taxis, and SB 182 (Bradford), limiting local licensing authority for drivers of transportation network companies. Several measures that revise the existing land use planning process in ways that add to its complexity were also signed.

The following is a list of bills sent to the Governor at the end of the legislative session upon which the League requested a signature or veto. Ultimately, the Governor signed 21 of the League's 24 requested signatures and vetoed two of the 10 requests. Given that many of the bills on the Governor's desk relate to housing/land use planning, for ease of tracking they have been identified with an asterisk (\*). Higher priority bills for the League were marked **HOT**.

For more information on legislative language, the League's position or the Governor's veto letters please enter the bill number in the League's [bill search](#). The League thanks city officials for all of their contributions to legislative advocacy during the 2017 session.

### Request for Signature

#### **HOT SIGN AB 22 (Bonta) Storing and Recording Electronic Media**

*Governor's Action: Signed*

Allows local governments to use cloud-based storage for archival documentation purposes.

#### **\*AB 45 (Thurmond) School Employee Housing Assistance Grants**

*Governor's Action: Vetoed*

Would have established a program to assist in the creation of affordable rental housing for school employees, including teachers.

**\*AB 56 (Holden) Infrastructure Bank: Housing**

*Governor's Action: Signed*

Provides local governments and developers additional infrastructure financing options by clarifying the types of housing-related projects available for funding through the California Infrastructure and Economic Development Bank (I-Bank).

**HOT SIGN \*AB 73 (Chiu) Planning and Zoning: Housing Sustainability Districts**

*Governor's Action: Signed*

Allows a city or county to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the district's ordinance.

**\*AB 74 (Chiu) Housing: Homelessness**

*Governor's Action: Signed*

Creates the Housing for a Healthy California Program to provide rental assistance to individuals who are homeless and receive services from the Whole Person Care pilot program, Health Homes, or another locally controlled funding source. A county or a city collaborating with a county may apply for a grant administered by the California Department of Housing and Community Development.

**AB 525 (Aguiar-Curry) Board of Equalization: Extension of Offer in Compromise Program**

*Governor's Action: Signed*

Extends until Jan. 1, 2023 the Board of Equalization's Offer in Compromise Program, which helps resolve outstanding unpaid tax disputes.

**AB 765 (Low) Local Initiative Measures**

*Governor's Action: Signed*

Requires that the election for a county, municipal, or district initiative measure that qualifies for the ballot be the next statewide or regular election unless the governing body of the county, city, or district calls a special election.

**AB 1120 (Cooper) Controlled Substances: Butane**

*Governor's Action: Vetoed*

Would have directed the Department of Justice (DOJ) to develop and maintain an electronic database to track the amount of butane purchased by individual customers and allows the DOJ to impose of a civil penalty of \$2,500 if businesses sell over 600 milliliters of non-odorized butane to a customer in any 30-day period.

**AB 1158 (Chu) Carpet Recycling**

*Governor's Action: Signed*

Establishes a recycling rate of 24 percent for postconsumer carpet by 2020, incentivizes recyclable carpet, improves transparency for better program evaluation and creates an advisory committee of stakeholders to make program recommendations.

**AB 1219 (Eggman) Food Donations: Liability Protection**

*Governor's Action: Signed*

Creates the California Good Samaritan Food Donation Act that would expand liability protection provisions to persons and gleaners who donate food.

**HOT SIGN AB 1408 (Calderon) Crimes: Supervised Release**

*Governor's Action: Vetoed*

Would have provided a range of important reforms associated with managing the population of ex-offenders who are subject to post-release community supervision, to enhance public safety in communities.

**AB 1444 (Baker) Livermore Amador Valley Transit Authority: Demonstration Project**

*Governor's Action: Signed*

Authorizes the Livermore Amador Valley Transit Authority to conduct a demonstration project in the City of Dublin to test the full range of autonomous vehicle technology, including vehicles without a steering wheel, gas/brake pedal or driver.

**AB 1452 (Muratsuchi) Parking: Exclusive Electric Charging and Parking on Public Streets**

*Governor's Action: Signed*

Clarifies local governments' authority to designate spaces on a public street for charging and parking of electric vehicles.

**\*AB 1598 (Mullin) Affordable Housing Authorities**

*Governor's Action: Signed*

Authorizes a city/county to create an affordable housing authority coterminous with its boundaries with various powers and dedicate a portion of its property tax, sales tax and other revenues to develop affordable housing.

**HOT SIGN \*AB 1505 (Bloom) Inclusionary Zoning: Rental Housing**

*Governor's Action: Signed*

Clarifies and strengthens local authority to enact inclusionary rental housing programs in accordance with their police power in an effort to address the shortage of affordable housing.

**HOT SIGN \*SB 2 (Atkins) Building Homes and Jobs Act**

*Governor's Action: Signed*

Creates an ongoing source of affordable housing funding which will provide hundreds of millions of dollars per year for local planning, affordable housing, supportive housing, emergency shelters, transitional housing and other housing needs via a \$75 recordation fee on specified real estate documents. Seventy percent of available funding is directed to local governments.

**HOT SIGN \*SB 3 (Beall) Veterans and Affordable Housing Bond of 2018**

*Governor's Action: Signed*

Authorizes a \$4 billion general obligation bond for placement on the November 2018 statewide ballot to fund affordable housing programs, infill infrastructure projects and the veteran's home ownership program.

**HOT SIGN \*SB 5 (de León) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018**

*Governor's Action: Signed*

Authorizes a \$4 billion bond for placement on the June 2018 ballot with major funding for parks, climate and environmental programs, and water. It includes \$200 million in per-capita grants for park rehabilitation and improvement grants for local governments, \$725 million for safe neighborhood parks and additional funding available to local governments through a variety of competitive grant programs.

**SB 17 (Hernandez) Health Care Prescription Drug Costs**

*Governor's Action: Signed*

Adds a layer of transparency and accountability for prescription drug manufactures in an effort to reduce overall healthcare premiums for employers.

**SB 231 (Hertzberg) Storm Water Project Funding**

*Governor's Action: Signed*

Adds "storm water" to the definition of "sewer" in the Proposition 218 Omnibus Implementation Act in an effort to clarify the process for funding storm water projects is the same as funding other water and sewer projects.

**SB 242 (Skinner) PACE Programs: Standards for Third-Party Administrators**

*Governor's Action: Signed*

Requires all Property Assessed Clean Energy (PACE) programs administered by third parties to meet additional operating standards including a recorded telephone confirmation for homeowners in the homeowner's preferred language, a three-day right to cancel, contractor standards, marketing standards and reporting requirements.

**SB 384 (Wiener) Sex Offenders**

*Governor's Action: Signed*

Establishes a three-tiered system of supervision for all sex offenders based on the seriousness of the offense, the individual risk of recidivism and the individual's criminal history. Creates a

process for lower-tier offenders to petition a court for release from the registry and requires public disclosure of an offender's recidivism risk factors.

**HOT SIGN \*SB 540 (Roth) Workforce Housing Opportunity Zones**

*Governor's Action: Signed*

Streamlines the housing approval process by authorizing local governments to identify Workforce Housing Opportunity Zones, which would incentivize the development of workforce and affordable housing in areas close to jobs, transit, and conform to California's greenhouse gas reduction laws.

**SB 541 (Allen) School Facility Water Capture Practices**

*Governor's Action: Signed*

Encourages the State Water Resources Control Board to partner with local municipalities to address storm water pollution by calling on the board and the Division of the State Architect to recommend best design practices for water capture for public schools.

**Requested Veto**

**\*AB 72 (Santiago) Powers of the Department of Housing and Community Development**

*Governor's Action: Signed*

Provides the Department of Housing and Community Development with broad authority to review any action by a city or county that it determines is inconsistent with an adopted housing element.

**AB 570 (Gonzalez-Fletcher) Workers' Compensation: Permanent Disability Apportionment**

*Governor's Action: Vetoed*

Prohibits apportionment in cases of physical injury based on pregnancy, childbirth, or other medical conditions related to pregnancy or childbirth.

**\*AB 879 (Grayson) Planning and Zoning: Housing Element**

*Governor's Action: Signed*

Requires the Department of Housing and Community Development to undertake a study and make recommendations to substantially reduce developer fees via potential amendments to the Mitigation Fee Act, the law that outlines the constitutional baseline local governments use to establish fees on new development that reflects actual costs for services and infrastructure.

**AB 1069 (Low) Local Taxi Regulations**

*Governor's Action: Signed*

Restricts, on and after Jan. 1, 2019, the local licensing of taxicabs to jurisdictions where the primary business address of the company or driver is located and to the jurisdiction within a single county where the largest share of trips originate for the company or driver.

**\*AB 1397 (Low) Housing Elements: Land Inventory**

*Governor's Action: Signed*

Revises the inventory of land suitable for residential development identified in a city or county's housing element to include vacant sites and sites that have "realistic and demonstrated potential" for redevelopment to meet a portion of the locality's housing need for a designated income level.

**AB 1414 (Friedman) Solar Energy Systems: Permit Fee Caps**

*Governor's Action: Signed*

Caps permit fees for residential rooftop photovoltaic and thermal installations at \$450 and commercial at \$1,000, with adjustments for size.

**HOT VETO \*SB 35 (Wiener) Housing Production and Approvals**

*Governor's Action: Signed*

Requires multi-family developments consistent with existing local planning requirements that meet specific conditions to be approved in a "ministerial" fashion, meaning lacking project level environmental review and public input, within jurisdictions where housing is not developed for all income levels at sufficient volume to match state-generated regional housing need allocations.

**SB 182 (Bradford) Transportation Network Company Drivers: Business Licenses**

*Governor's Action: Signed*

This measure limits local taxation authority by prohibiting local agencies from requiring drivers for transportation network companies (TNCs) to obtain a business license to operate unless the driver is domiciled in the jurisdiction and has operated for more than 30 days in the preceding fiscal year.

**SB 285 (Atkins) Union Organizing**

*Governor's Action: Signed*

This measure prohibits a public employer from deterring or discouraging employees to join an employee organization. However, this measure does not define what “detering or discouraging” means, which may lead to serial litigation and first amendment issues.

**HOT VETO SB 649 (Hueso) Wireless Telecommunications Facilities**

*Governor's Action: Vetoed*

Would have eliminated local control over the leasing of publicly owned infrastructure, environmental and design review, public input, and the ability of local agencies to ensure broad deployment of new technology to underserved areas associated with the installation of “small cell” wireless equipment on taxpayer-funded property.