

## 2005 Housing Legislation Report

2005 is being described as the most unproductive year in anyone's memory. The Governor's decision to call a special election poisoned the environment for the legislative session. Overall, fewer bills were sent to the Governor than in any year since the Legislature shifted from part-time to full-time in 1967. Schwarzenegger signed far fewer bills this year than any year since 1971, and in just two years he has vetoed more (563) than Jerry Brown did in his entire eight years in office. The Governor vetoed 232 bills this year, the second highest percentage on record.

Bill summaries are arranged in order of the following subject areas:

Landlord-Tenant	Page 1
Fair Housing	Page 4
Codes	Page 5
Housing Finance	Page 6
Land Use	Page 11
Redevelopment	Page 15
Farmworker/Rural	Page 19

### **Landlord-Tenant:**

#### **Signed:**

**AB 664 (Jones)** Unlawful detainer.

**Status:** Chaptered by the Secretary of State, Chapter Number 610.

Existing law requires the court clerk to mail notice to each defendant in an eviction action, including the name and telephone number of an office funded by the Legal Services Corporation. This bill permits the notice to include contact information for legal services agencies that receives funding from the State Bar. The bill was suggested by a judge in Los Angeles who wanted to refer defendants to Bet Tzedek Legal Services, which does not receive LSC funds.

**AB 1459 (Canciamilla)** Small claims.

**Status:** Chaptered by the Secretary of State, Chapter Number 618.

Increases the small claims jurisdiction limit to \$7,500.

**SB 229 (Figueroa)** Transcripts.

**Status:** Chaptered by the Secretary of State, Chapter Number 658.

Extends the sunset date for the Court Reporter Board's Transcript Reimbursement Fund (TRF) by five years, to July 1, 2011. The TRF funds shorthand reporting services for low-income litigants in civil cases.

**Not Enacted:**

**AB 399 (Montañez).** Multifamily recycling.

**Status:** Vetoed.

Would require a landlord to notify tenants about methods tenants may use to recycle. Would also require solid waste handling services to provide those services in accordance with the local agency's recycling plan, if requested by the owner. Landlords opposed the original version of the bill, which would have mandated recycling.

**AB 438 (Parra)** Sex offenders.

**Status:** Failed in Assembly Judiciary Committee; reconsideration granted. 2-year bill.

Existing law prohibits making a housing decision (e.g., whether to rent or not) based on the Megan's Law website. Sponsored by the California Apartment Association, this bill would have allowed landlords to refuse to rent to, or to evict, registered offenders on the Megan's Law website, but imposed no duty to do so. It also would have allowed landlords to notify tenants that a registered offender resides on the property, but imposed no obligation to do so. The bill was opposed by the ACLU and others. Housing advocates expressed concerns that the website itself is inaccurate, many offenders do not register at all, that blanket immunity was inappropriate, and that the bill was likely to further concentrate offenders in lower income neighborhoods that are already the most vulnerable.

**AB 769 (Jerome Horton)** Slumlord school.

**Status:** Vetoed.

Would authorize a judge to order a landlord to complete 15 hours of courses approved by the Department of Real Estate or the local enforcement agency, if he or she fails to comply with an order to repair or abate code violations. Sponsored by the California Apartment Association, the bill included provisions requiring a tenant attorney to notify clients that an eviction action, unless successful, would be reported by tenant reporting agencies, and that an answer is made under penalty of perjury. These provisions were removed after objections by housing advocates.

**AB 781 (Leno)** Ellis Act.

**Status:** In Assembly Housing Committee. 2-year bill.

The existing Ellis Act allows a landlord to evict all of his or her tenants and take the property off the rental market. The Act is being used in San Francisco to evade the local condo conversion ordinance. AB 781 would act

as a brake by requiring a 5-year notice before a senior or disabled tenant could be evicted under the Ellis Act. Due to opposition from landlord groups, the bill was made into a 2-year bill. In the fall, other approaches to this problem will be explored.

**AB 791 (Lieber)** Tenancy: general provisions: mobilehomes.

**Status:** On Assembly Floor for concurrence. 2-year bill.

Would specifically apply certain provisions of landlord-tenant law to mobilehome parks, including prohibitions against retaliation, harassment, and waivers that are contrary to public policy.

**AB 1335 (Vargas)** Business improvement and residential areas.

**Status:** In Senate Local Government Committee. 2-year bill.

Existing law authorizes cities to create multifamily improvement districts. Due to concerns about the impact of gentrification on low income families as well as the likelihood that assessments on multifamily residential properties would be passed on to renters, the law requires a 2/3 vote before districts may form and levy assessments. This bill would expand a different law (The Parking and Business Improvement Area Law) into multifamily residential areas, but with only a majority vote requirement and with expanded purposes for which assessments may be expended.

**AB 1495 (Canciamilla)** Process servers.

**Status:** Completely amended; no longer a housing bill.

Existing law requires a process server in an eviction case who serves a pre-judgment right of possession claim notice (so that any unnamed tenants are bound by the eviction case) to be registered and post a bond. This bill would have allowed employees of attorneys (e.g., landlord attorneys) to serve those notices without posting a bond. Housing advocates opposed the bill, citing the expanded potential for improper service of process.

**AB 1528 (Jones)** Notices.

**Status:** In Senate Judiciary Committee. 2-year bill.

This bill was intended to override the Court of Appeals decision in *Action Apartment Association v. City of Santa Monica*. That decision held that the judicially created litigation privilege preempts a cause of action for harassing and bad faith eviction notices. The decision posits that notices terminating tenancy are pre-litigation communications authorized by law and therefore immune from liability under the litigation privilege. The holding of the decision could result in the elimination of all statutory remedies for wrongful eviction contained in local law. The state Supreme Court has accepted the case for review, so the bill was not moved further.

**SB 51 (Kuehl)** 60-day notice of no-fault eviction.

**Status:** Failed in Assembly 36-32; reconsideration granted. 2-year bill.

Would extend the “sunset” date to 2009 current law that requires a 60-day notice to terminate the tenancy of a tenant who has resided in the unit for a least one year. It would also provide for a 30-day notice for a one-year period after a new resident moves into a unit. The bill is fiercely opposed by the landlord groups.

**SB 540 (Kehoe)** Tenancy: signs and flags.

**Status:** In Senate Judiciary Committee. 2-year bill.

Would clarify that tenants may display non-commercial signs or banners in or on their units.

**SB 735 (Torlakson)** Trespass.

**Status:** Vetoed.

Would cross-reference existing Civil Code Section 1942.6 to the Penal Code, to alert law enforcement that tenant organizers or attorneys on a property at the request of a tenant are not trespassers. The original version of the bill contained provisions improving notice to tenants when a property is sold, but they had to be removed after landlord objections.

**SB 769 (Simitian)** Energy-efficient refrigerators.

**Status:** Held in Assembly Appropriations. 2-year bill.

Would expand existing refrigerator replacement programs by replacing a minimum of 20,000 energy inefficient refrigerators in low-income residential rental units each year over the next 5 years.

**SB 983 (Lowenthal)** Tentative maps: notice.

**Status:** In Assembly Local Government Committee. 2-year bill.

Existing law requires an owner converting apartments to condominiums to notify tenants and potential tenants of the conversion. If the notice is not given, the owner must pay each tenant his or her actual moving expenses and the first month's rent in an amount not to exceed \$500 for each expense. This bill would increase this maximum expense amount to \$1,100 for each expense, matching the overall inflation rate since the current caps were enacted.

## **Fair Housing:**

### **Signed:**

**AB 394 (Niello)** Illegal covenants.

**Status:** Chaptered by Secretary of State - Chapter No. 297, Statutes of 2005.

Would revise and simplify the procedure to re-record property covenants that contain an illegal restriction (e.g., a restriction based on race or religion).

**AB 1400 (Laird)** Unruh Civil Rights Act.

**Status:** Chaptered by the Secretary of State, Chapter Number 420.

Would specifically incorporate in the Unruh Civil Rights Act prohibitions based on marital status and sexual orientation (already recognized in case law).

**Not Enacted:**

**AB 408 (Tran)** Housing: financial discrimination.

**Status:** In Assembly Banking Committee. 2-year bill.

Existing law requires the Secretary of Business, Transportation and Housing to monitor and investigate the lending patterns and practices of financial institutions for compliance with the prohibition against discrimination. Existing law also requires the secretary to adopt regulations applicable to all persons who are in the business of originating residential mortgage loans in this state and who are not depository institutions. This bill would repeal these provisions. The author stated that monitoring and enforcement were not cost-effective, because very few institutions (less than 50) are regulated only by the state and not the federal government.

**AB 590 (Walters)** Housing discrimination: senior housing.

**Status:** Dropped by author; technically a 2-year bill.

Would have specified that discrimination provisions do not apply to zoning ordinances or conditional use permits allowing the establishment of seniors only mobilehome parks. The bill was sponsored by the City of Oceanside.

**AB 1574 (Jones)** Sacramento housing discrimination ordinance.

**Status:** Failed in Senate Judiciary Committee; reconsideration granted. 2-year bill.

Would allow the City and County of Sacramento to enact ordinances that duplicate the state Fair Employment and Housing Act, in order to be eligible for federal funding for enforcement activities. Landlord groups oppose, contending that the bill will open the door to authorizing localities to enact their own fair housing laws, which will be inconsistent.

**SB 756 (Romero)** Discrimination: restrictive covenants.

**Status:** In Senate Judiciary Committee. 2-year bill.

Similar to AB 394. Would revise the procedure to re-record property covenants that contain an illegal restriction (e.g., a restriction based on race or religion).

**Codes:**

**Signed:**

**AB 304 (Hancock)** Building standards: reconstruction.

**Status:** Chaptered by the Secretary of State, Chapter Number 525.

Would allow local governments to identify “soft story” buildings (a building with a ground floor containing parking or open floor space) constructed before 1978 as potentially hazardous in the event of an earthquake and

establish local standards for the seismic retrofit of these buildings, so long as the standards are substantially equivalent with a nationally recognized model code relating to the retrofit of existing buildings. The locally adopted standards shall remain in effect until such time as the California Building Standards Commission adopts statewide retrofit standards, after which time the Commission's standards shall apply, unless the local agency amends the statewide standards pursuant to existing law, which allows a local jurisdiction to amend the statewide standards to account for local climatic, geological, or topographical conditions.

**AB 1078 (Keene)** Meth lab clean-up.

**Status:** Chaptered by the Secretary of State, Chapter Number 570.

Would establish a temporary standard for occupancy after meth lab contamination. Would direct the Department of Toxic Substances Control to adopt a permanent standard.

**Not Enacted:**

**AB 1297 (Evans)** Building rehab code.

**Status:** Completely amended; no longer a housing bill.

Earlier version of the bill would have established the Building Rehabilitation Advisory Council to advise the California Building Standards on the possible development of a California building rehabilitation guideline.

**SB 566 (Bowen)** Meth lab clean-up.

**Status:** Held in Senate Appropriations due to cost. 2-year bill.

Similar to AB 1078. Would require the Department of Toxic Substances Control to adopt standards for occupancy after meth lab contamination.

**Housing Finance:**

**Signed:**

**State Budget for Fiscal Year 2005-06 (SB 77, as supplemented by SB 80)**

**Status:** Signed by the Governor with line-item vetoes, Chapters 38 and 39, Statutes of 2005.

Major housing provisions: Retains funding for homeless shelter operating grants (EHAP, Emergency Housing and Assistance Program), at the \$4 million level of the previous year. The Governor had proposed cutting the program to \$3.1 million. The Governor vetoed a plan to divert \$1 million in federal transportation planning funds for use by regional Councils of Governments to produce fair share housing numbers. Instead, funding will come from other local sources, as earlier this year the Commission on State Mandates determined that the state was not obligated to pay for generating the numbers. The locals do have the authority to assess fees to pay for the work.

**AB 1461 (Salinas)** Community Development Block Grants.

**Status:** Chaptered by the Secretary of State, Chapter Number 197, Statutes of 2005.

Would delete the statutory caps on funding awarded through the state CDBG program and allow the state Department of Housing and Community Development to determine the maximum annual grant for each program category.

**AB 824 (Chu)** Transitional housing.

**Status:** Chaptered by the Secretary of State, Chapter Number 636.

Would raise the age limit for receipt of transitional housing placement program services by an emancipated former foster youth from 21 years to 24 years.

**AB 1512 (Garcia)** California Housing Finance Agency.

**Status:** Chaptered by Secretary of State. Chapter No. 338.

Would create a construction loan program in CalHFA to finance the acquisition, development and construction of affordable housing within infill, redevelopment and other urban areas. The program would be funded by \$76 million in unused mortgage insurance program funds, required by Prop. 46 to revert for use for affordable homeownership housing.

**AB 1754 (Housing and Community Development )** CalHFA.

**Status:** Chaptered by Secretary of State. Chapter No. 348.

Would clarify the circumstances under which individuals may serve on CalHFA's Board of Directors without having a conflict of interest. Existing law requires some directors to have experience in the housing field, making it difficult to find directors who were not in some way deemed to have a potential conflict.

**SB 436 (Migden)** Foster care: transitional housing.

**Status:** Chaptered by the Secretary of State, Chapter Number 629.

Would require a county that provides transitional housing placement services to include in its annual Independent Living Program report a description of currently available transitional housing resources in relation to the number of emancipating pregnant or parenting foster youth in the county, and a plan for meeting any unmet transitional housing needs of the emancipating pregnant or parenting foster youth.

**SB 950 (Torlakson)** Preservation of at-risk housing.

**Status:** Chaptered by the Secretary of State, Chapter Number 501.

Would strengthen existing housing preservation laws. It would expand the definition of "at risk" for purposes of applying for low income housing tax credits to include buildings for which a prepayment, termination, or expiration of rental restrictions has occurred, will occur, or is eligible to occur within five years before or after the date of application. It would also clarify that the tenant protections when mortgage revenue bonds are pre-paid (i.e., that affordability continues for 30 years after the bonds are issued, with some exceptions) apply to bonds issued by housing authorities and redevelopment agencies, as well as those issued directly by the city or county.

**Not Enacted:**

**AB 62 (Strickland)** Property taxation: homeowners' property exemption.

**Status:** Held in Assembly Rev and Tax committee. 2-year bill.

Would exempt from property tax 25% of the value of a home in the year purchased, declining to the current \$7,000 exemption after 5 years. Opponents argued that the bill was not targeted to first-time homebuyers but applied to all purchases.

**AB 63 (Strickland) Elderly and Disabled Home Improvement Loan Program.**

**Status:** In Assembly Housing Committee. 2-year bill.

Would establish within the Department of Housing and Community Development the Elderly and Disabled Persons' Revolving Home Improvement Loan Program. The program would provide grants to local public agencies or nonprofit corporations, or to provide no-interest home improvement loans to qualified low- and moderate-income elderly and disabled individuals to assist them with daily activities and allow them to remain safely in their own homes. However, the bill contains no appropriation; funding would have to be appropriated separately.

**AB 185 (Plescia)** Homeowner's property tax exemption: senior citizens.

**Status:** Held in Assembly Appropriations Committee. 2-year bill.

Would increase the homeowners' tax exemption to \$15,000 for all seniors, regardless of income. If enacted, the state constitution would require a comparable increase in the renters' tax credit.

**AB 350 (Matthews)** Jobs-housing opportunity zones.

**Status:** In Senate Local Government Committee. 2-year bill.

Would authorize counties and cities to create infrastructure financing districts in the 5-county interregional partnership area: Alameda, Contra Costa, Santa Clara, San Joaquin, and Stanislaus.

**AB 469 (Yee)** Medi-Cal: supportive housing.

**Status:** In Assembly Health. 2-year bill.

Would require the state Department of Health Services to request approval of a federal Medicaid waiver to provide for Medi-Cal reimbursement for covered services when provided to beneficiaries residing in supportive housing administered by a city, county, city and county, or other local governmental entity. Sponsored by the City and County of San Francisco, in an attempt to get Medicaid funding for eligible services to clients in supportive housing.

**AB 722 (Emmerson)** Property tax welfare exemption.

**Status:** Held in Assembly Appropriations Committee. 2-year bill.

Would expand the definition of “course of construction,” for purposes of qualifying for the property tax welfare exemption, to include the time period from filing an application for a building permit. The bill would be granted retroactively to the date of permit application, after the commencement of construction activity.

**AB 725 (Canciamilla)** Grant review.

**Status:** Held in Assembly Appropriations Committee. 2-year bill.

Would require state grant recipients to provide specified information and enter into a standard agreement with the state.

**AB 906 (Houston)** Tax credit.

**Status:** Held in Assembly Revenue and Tax Committee. 2-year bill.

Would authorize a 15% tax credit for construction or rehab of properties on brownfields sites, mixed use developments, and high density developments near transit. The bill contains no income targeting. Sponsored by the American Planning Association.

**AB 912 (Ridley-Thomas)** Smart Infill Development Act.

**Status:** Held in Assembly Revenue and Tax Committee. 2-year bill.

Would exempt income charged by financial institutions on loans granted for purposes of redeveloping brownfields in blighted areas.

**AB 925 (Ridley-Thomas)** Insurance: community investments.

**Status:** In Assembly Insurance Committee. 2-year bill.

Would require California insurers to have community development investments in certain amounts.

**AB 1192 (Villines)** Prevailing wages.

**Status:** Failed passage in Assembly Labor; reconsideration granted. 2-year bill.

Would additionally exempt from prevailing wage requirements the construction, expansion, or rehabilitation of affordable housing units for low- and moderate-income persons performed by nonprofit organizations.

**AB 1383 (Pavley)** Solar energy low-income housing loan program.

**Status:** Vetoed.

Would create a revolving loan program, administered by the California Energy Commission, for use by affordable housing developers to finance up to 75% of the cost of photovoltaic systems. The program would be funded out of existing funds set aside for photovoltaic subsidies. The Governor’s veto message stated that there were zero balances in the accounts that would be used by the program.

**AB 1617 (Liu)** Surplus residential property.

**Status:** Failed in Senate Transportation and Housing Committee. Reconsideration granted.

Would require surplus residential properties in the Pasadena area along the now-abandoned Route 710 freeway extension to be offered to residents under certain conditions, then the nonprofit developers, then to the city. Bill failed due to unwarranted concerns that the proposed freeway route could be changed back and thus require condemnation of these houses again.

**SB 1 (Murray)** Million solar roofs initiative.

**Status:** On Assembly Floor. 2-year bill.

Would establish the Million Solar Roofs Initiative (MSRI), the goal of which is to place one million solar energy systems on new or existing residential and commercial buildings by 2018.

Would require cost of this program to be recovered from all investor owned utilities ratepayers, except for low-income ratepayers participating in the California Alternate Rates for Energy program. Estimates on costs range from \$2 billion and \$7 billion. Would require builders to offer solar systems as an option to new homebuyers.

**SB 26 (Hollingsworth)** Personal income taxes.

**Status:** In Senate Revenue and Tax. 2-year bill.

Would reduce all marginal income tax rates and repeal Proposition 63, which provides for mental health funding, including housing.

**SB 553 (Dutton)** Homeownership saving accounts.

**Status:** In Senate Revenue and Tax.

Would allow a deduction of up to \$10,000 each year to an individual homeownership development account and exempt interest earned, for use to purchase a first home.

**SB 565 (Migden)** Tax credits.

**Status:** Completely amended; no longer a housing bill.

Would have authorized the California Tax Credit Allocation Committee to set aside up to 5% of the available state low income housing tax credits for small developments as determined by the committee; the current set aside is 2%. Housing advocates expressed concerns that use of credits by smaller developments are not as efficient and therefore the current set aside is appropriate.

**SB 900 (Denham)** Surplus state property: disposition.

**Status:** Held in Senate Appropriations. 2-year bill.

Would revise procedures for the sale of surplus state property. Housing advocates were able to include an amendment to restore sales to local agencies for affordable housing at below market rate.

**SB 940 (Torlakson)** Prevailing wage.

**Status:** Vetoed.

Existing law requires the Director of Industrial Relations to determine prevailing wage rates and to provide these wage rates to an awarding body that requests them. The bill would require the department to post prevailing wage rates for residential projects on its website. The Governor's veto cited the cost of the bill.

**SB 1024 (Perata)** Public works bonds.

**Status:** On Senate Floor. 2-year bill.

Would submit to the voters a \$7.7 billion general obligation bond issue for infrastructure projects. \$425 million would be set aside for grants for neighborhood street and road improvements to local governments that meet an as yet unspecified housing needs compliance standard.

**Land Use:**

**Signed:**

**AB 14 (Harman)** Condominium conversions.

**Status:** Chaptered by Secretary of State - Chapter No. 281.

Would prohibit an assessor from assigning parcel numbers or preparing a separate assessment or separate valuation to divide any existing residential structure into a subdivision until a subdivision final map or parcel map has been recorded as required by law. Designed to prevent a situation as occurred in Huntington Beach where owners illegally converted rental housing to condominiums without complying with the local ordinance.

**AB 1233 (Jones)** Housing element: regional housing need.

**Status:** Chaptered by the Secretary of State, Chapter Number 614.

Would require a city or county to rezone, within one year of the start of a new housing element planning period, sufficient land to make up for any shortage of adequate sites from the previous planning period.

**SB 253 (Torlakson)** Housing omnibus bill.

**Status:** Chaptered by the Secretary of State, Chapter Number 595.

Would make a number of technical, non-controversial changes and corrections to housing statutes.

**SB 326 (Dunn)** Land use: housing elements.

**Status:** Chaptered by the Secretary of State, Chapter Number 598.

Would expand existing law re by right approval of multifamily housing to provide that any attached housing development (e.g., duplexes and triplexes) is a permitted use not subject to a conditional use permit in a residential zone if various criteria are met. Also clarifies that the law applies to charter cities.

**SB 435 (Hollingsworth)** Density bonuses.

**Status:** Chaptered by the Secretary of State, Chapter Number 496.

Would clarify that the percentage of affordability, for purposes of determining the applicable density bonus, is calculated by dividing the number of affordable units by the total number of units before any density bonus is applied. It would also: provide that the density bonus for senior developments applies to senior mobilehome parks as well; alter the density bonus for moderate-income units by expanding it to all common interest developments, as opposed to just condominium or planned developments, and also by requiring that the units be for sale as opposed to rented by the developer; clarify that a project applicant can only receive one density bonus and require the applicant to choose which density bonus he/she is seeking when the project meets the affordability thresholds for more than one income category; clarify that upon resale of a moderate-income unit, the local government shall recapture both the initial subsidy and a proportionate share of appreciation, unless it conflicts with another funding source or law; clarify that a local government must grant incentives and concessions only to applicants for a traditional density bonus, not to applicants for a land donation density bonus. Sponsored by the CRLA Foundation.

**SB 575 (Torlakson)** Housing development projects.

**Status:** Chaptered by the Secretary of State, Chapter Number 601.

Would tighten up the “not needed” exemption by requiring that a local government base its finding on having met the regional housing need in the income category that corresponds to the project. It would also address the issue of non-existent or insufficient properly zoned sites for affordable housing by prohibiting the “zoning inconsistency” defense if the community has failed to identify in its housing element adequate sites for affordable housing. Also provides that the zoning inconsistency defense cannot be used if the housing development is proposed for a site zoned residential or for a site zoned commercial if residential development is a permitted use on the commercial site. The bill would also state that inconsistency with zoning does not constitute a “specific adverse impact to public health or safety”. The bill would also incorporate fines, an expedited process for hearing anti-NIMBY cases, and an appeals bond requirement to the enforcement provisions of the Anti-NIMBY Law. SB 575 originally gave courts the option of awarding actual damages to successful developer plaintiffs. The bill now authorizes the assessment of fines on local governments that are found to have acted in bad faith. Sponsored by CRLA Foundation.

**SB 1087 (Florez)** Housing elements: services.

**Status:** Chaptered by the Secretary of State, Chapter Number 727.

Would require water and sewer providers to reserve water and sewer capacity for lower-income housing.

**Not Enacted:**

**AB 549 (Salinas)** Affordable housing.

**Status:** In Assembly Housing Committee. 2-year bill.

Would allow localities to self-certify their housing elements, based on actual production.

**AB 712 (Canciamilla)** Land use: density.

**Status:** Vetoed.

Would redefine the base residential densities from which local governments may not downzone without upzoning other properties or making specific findings. Would also extend the sunset on the requirement that a court award attorney fees and costs to a successful plaintiff, except under extraordinary circumstances.

**AB 890 (Cogdill)** Housing.

**Status:** 2-year bill.

This is the Administration's 20-year land use supply bill. It was not moved; the Administration has not resolved internal conflicts.

**AB 986 (Torricon)** Transit oriented development.

**Status:** In Assembly Local Government Committee. 2-year bill.

Would require the joint policy committee to prepare a plan identifying regional priority transit oriented development zones for the San Francisco Bay Area region. The report would be reviewed and approved by the Metropolitan Transportation Commission and the executive board of the Association of Bay Area Governments and submitted to the Legislature by January 1, 2007. This bill contains other related provisions and other existing laws.

**AB 1227 (Torricon)** Housing: discrimination.

**Status:** Vetoed.

Would enact a mandatory attorney's fees provisions in Gov Code 65008, prohibiting discrimination against residential housing developments or emergency shelters. The bill also extends anti-discrimination protections to continuing care retirement facilities.

**AB 1259 (Daucher)** Property tax revenue allocation.

**Status:** In Assembly Local Government Committee. 2-year bill.

Would increase the share of county property tax revenue to any locality that exceeds 80% of its regional housing need.

**AB 1367 (Evans)** Regional housing need.

**Status:** In Assembly Local Government Committee. 2-year bill.

Would prohibit any state, local, or regional agency from enacting regulations applicable to a city or county's fair share of the regional housing need that are contrary to local land use initiatives.

**AB 1387 (Jones)** CEQA: residential infill projects.

**Status:** In Assembly Natural Resources Committee. 2-year bill.

Would authorize local governments to approve residential projects in infill sites in urbanized areas without having

to mitigate for traffic impacts.

**AB 1450 (Evans)** Density bonus.

**Status:** In Assembly Local Government Committee. 2-year bill.

Would require units targeted for moderate income households to be affordable at a rent that does not exceed 30% of 120% of the median income. When a unit targeted for moderate income households is sold, the bill would require the local government to either require restrictions and conditions on the resale to ensure the continued affordability to and occupancy by households of moderate income for at least 30 years. Sponsored by the Sonoma County Housing Advocacy Group.

**SB 223 (Torlakson)** Infill housing.

**Status:** Held in Assembly Appropriations Committee. 2-year bill.

Would establish the Job-Center Housing Planning Program to be administered by the Department of Housing and Community Development for the purpose of providing loans to localities to adopt specific plans that provide for additional infill housing opportunities.

**SB 365 (Ducheny)** Charter cities.

**Status:** Amended completely; not longer a housing bill.

Would have specifically make applicable to charter cities two Planning and Zoning Law provisions: Multifamily residential housing projects are permitted uses not subject to conditional use permits on any parcels zoned for multifamily housing if specified requirements are satisfied; and that each entity that provides water services be granted priority for water resources or services to proposed housing developments that help the regional housing need for lower income households.

**SB 832 (Perata)** CEQA: infill development.

**Status:** On Assembly Floor. 2-year bill.

Would revise the CEQA infill exemption by allowing the acreage limit to increase to 10 acres and number of residential units contained in a project to between 200 and 300 units, if the site is located in a city with a population of more than 200,000 persons.

**SB 948 (Murray)** CEQA: environmental impact reports: short form.

**Status:** In Senate Environmental Quality Committee. 2-year bill.

Would require a short form environmental impact report for a project if the lead agency has determined that the project meets specified criteria, including that the project consists of a residential development combined with one or more qualified urban uses.

**Redevelopment:**

**Signed:**

**AB 983 (Laird)** Income limits.

**Status:** Chaptered by the Secretary of State, Chapter Number 225.

Extends the sunset on special relaxed income standards for homebuyers in Santa Cruz county redevelopment agency areas; expands the standards to the Monterey and Contra Costa county agencies.

**AB 691 (Hancock)** Transit village plans.

**Status:** Chaptered by Secretary of State - Chapter No. 309.

Would allow a city or county to declare that a portion of a specific plan or redevelopment plan adopted before January 1, 2006 is a transit village plan, if the plan meets the current requirements of a transit village plans.

**AB 1390 (Jones)** Redevelopment enforcement.

**Status:** Chaptered by the Secretary of State, Chapter Number 409.

Would provide a 10-year statute of limitation to bring a lawsuit to remedy violations of this critical source of housing funds; would require repayment with interest when inadequate deposits or unlawful expenditures are proved.

**SB 527 (Alquist)** Senior housing set aside.

**Status:** Chaptered by Secretary of State, Chapter Number 262.

Would adjust the calculation for determining redevelopment agency spending on low-income senior housing. The bill would require redevelopment agencies to expend their housing funds on housing for seniors according to the proportion that low-income seniors are represented in the overall low-income population in the community, as opposed to the community as a whole.

**Not Enacted:**

**AB 517 (Hancock)** Berkeley redevelopment.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would authorize the Redevelopment Agency of the City of Berkeley to retain its ability, for an additional 10 years to incur indebtedness exclusively for the purposes of increasing, improving, and preserving the city's supply of low- and moderate-income housing.

**AB 590 (Walters)** Eminent domain.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would declare that "public use," the standard for condemning property, does not include taking or damaging private property for private use, including economic development.

**AB 921 (Daucher)** Extension.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would authorize a redevelopment agency to amend a plan to extend the time limit on the plan's effectiveness for an additional 25 years without making a new finding of blight. During the extension, the amount of taxes allocated to an agency would be 50% of the amount otherwise be allocated to the agency. The bill would require the agency to use a minimum of 60% of the amount allocated to an agency during this 25 year extension to increase, improve, and preserve market-priced and affordable housing. Housing advocates opposed, as current law requires an increased set aside for low income housing during an extension, whereas this bill has no income targeting.

**AB 939 (Mullin)** San Mateo redevelopment.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would allow redevelopment agencies in San Mateo County to pool funds to develop housing along Highway 101 and BART. Housing advocates express concerns that targeting was not adequate, and that few units would be produced due to the high cost of land.

**AB 1162 (Mullin)** Eminent domain.

**Status:** In Senate. 2-year bill.

Would establish a moratorium on the taking of owner-occupied property if the property will be transferred to a private person or entity. It would also require a study of the problem.

**AB 1167 (Chu)** Redevelopment: El Monte.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would authorize the El Monte Community Redevelopment Agency to amend its plan to carry out transit-oriented redevelopment and extend the plan for 10 years. Housing advocates were opposed, as the deeper and more substantial targeting for affordable housing required by current law for project extensions were not included in the bill.

**AB 1330 (Karnette)** Redevelopment: Los Angeles Harbor District.

**Status:** Failed in Assembly Local Government Committee. Reconsideration granted; 2-year bill.

Would authorize a Los Angeles Harbor redevelopment area and specify special conditions that would characterize blight there. If moved, the bill could be problematic, as the harbor agency has declared that residential uses are incompatible with the harbor, making it likely that the bill would be amended to relieve the plan area of its housing obligations.

**AB 1352 (Bogh)** Redevelopment: transfer of funds.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would authorize a redevelopment agency to transfer its housing funds to any agency anywhere within the housing region in which the agency is located. Housing advocates opposed, as the bill contained no protections contained in other transfer bills. Also, the bill appeared to allow the donor agency to count the developed units against its regional housing need requirements, i.e., "double counting" possibilities.

**AB 1433 (Emmerson) Bonds.**

**Status:** In Senate Environmental Quality Committee. 2-year bill.

Original version of the bill would have nullified the validation and reverse validation statutes, which allow challenge to a public entity bond issue. Housing advocates objected; the validation statutes are the primary means of challenging illegal activities. The bill was amended to remove the harmful provisions.

**AB 1472 (Coto) Redevelopment area extensions.**

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would exempt an undetermined number of agencies extending the life of their project areas from the current law requirement that they deposit 30% of their tax increment revenue in their low and moderate income housing funds.

**AB 1491 (Calderon) City of Industry.**

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Under existing law, the City of Industry is exempt from requirements of housing element law and redevelopment housing requirements. Instead, state law requires that funds that otherwise would have been deposited in the city's low and moderate income housing fund be transferred to the Los Angeles County Housing Authority, to develop housing. This bill would allow the City of Industry to redirect the funds to any city in the count. Housing advocates objected, as no rationale was presented for this, the Housing Authority has done an excellent job in developing housing with deep targeting and for special needs populations.

**AB 1522 (Ridley-Thomas) Neighborhood councils.**

**Status:** Never assigned to a committee. 2-year bill.

Would permit the Los Angeles Community Redevelopment Agency to create a partnership with the Neighborhood Councils that would allow greater input by the Councils in redevelopment activities. Housing advocates expressed concerns, as studies have shown that the councils tend to be controlled by NIMBYs.

**AB 1606 (Salinas) Redevelopment: low-income housing.**

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Intent is to use redevelopment housing funds for unaccompanied farmworker housing. Original version sought to accomplish this by allowing each person in a unit to qualify separately as low income, but the unintended consequence would have been that many families above low income would then qualify for units.

**ACA 15 (Mullin) Eminent domain.**

**Status:** In Assembly Government Organization Committee. 2-year bill.

Would prohibit redevelopment agencies from using eminent domain unless they first find the property contains conditions of both physical and economic blight.

**ACA 22 (La Malfa) Eminent domain.**

**Status:** In Assembly. 2-year bill.

Would prohibit eminent domain from taking or damaging private property for private use.

**SB 53 (Kehoe)** Eminent domain.

**Status:** In Assembly Local Government Committee. 2-year bill.

Would require redevelopment agencies to specify how, when, and where eminent domain will be used. Plan changes would be subject to a referendum.

**SB 521 (Torlakson)** Local planning: transit village plans.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would expand the ability of localities to use tax increment financing for transit village areas without the traditional blight finding, but with other new requirements. The bill limits use of this device to 25 areas in the state.

**SB 588 (Runner)** Surplus housing funds.

**Status:** In Senate Transportation and Housing Committee. 2-year bill.

Would allow “surplus” redevelopment housing funds to be used for purposes other than housing. Housing advocates opposed.

**SB 1026 (Kehoe)** Eminent domain.

**Status:** Completely amended; no longer a housing bill.

Would have required a moratorium on the taking of owner-occupied property if the property will be transferred to a private person or entity. It would also require a study of the problem.

**SCA 12 (Torlakson)** Eminent domain.

**Status:** In Senate Judiciary Committee . 2-year bill.

Would declare that “public use” does not include taking owner-occupied private property for private use.

**SCA 15 (McClintock)** Eminent domain.

**Status:** Failed in Senate Judiciary; reconsideration granted. 2-year bill. Author has indicated he may try to place an initiative directly on the ballot with the same provisions.

Would prohibit eminent domain from taking or damaging private property for private use.

**Farmworker/Rural:**

**Signed:**

**AB 139 (Budget Committee)**

**Status:** Chaptered by the Secretary of State, Chapter Number 74.

A budget “trailer bill”, to enact changes in statutes to implement the state budget. The Legislature previously authorized the Department of Housing (HCD) to use up to \$5,500,000 of the Prop. 46 funds to rehab migrant centers operated through the Office of Migrant Services. AB 139 would increase that amount allocated to the HCD to \$15,000,000. The bill would set aside \$8.2 million for a new program of innovative farmworker housing, including manufactured housing, other pre-fab construction, and motel conversion. It also reinstates language inadvertently repealed last year that prohibits the Department of Housing’s (HCD’s) Office of Migrant Services (OMS) from increasing rents to a level exceeding 30% of the residents’ annualized household income at the 25 OMS centers throughout the state.

**Not Enacted:**

**AB 237 (Arambula)** Farmworker housing.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.<

Would authorize the state Department of Housing to forgive a Farmworker Housing Grant Program loan if it determines forgiveness is necessary to the financing or continued viability of housing pursuant to this program. The bill would also authorize the department to waive the matching requirement for migrant housing funded by specified bond funds if the department finds that the waiver is necessary to ensure the housing can be financed.

**AB 292 (Maze)** Employee housing: agricultural workers.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would allow a county to limit application of the law allowing placement of housing for up to 12 farmworkers by right on agricultural land to parcels larger than 2 acres.

**AB 389 (Arambula)** Farm labor housing.

**Status:** Never assigned to a committee. 2-year bill.

Would state the intent of the Legislature to enact legislation to increase the control of a county over farm labor housing development in areas of the county zoned for agriculture.

**AB 1372 (Nunez)** Farmworker housing.

**Status:** In Assembly Housing and Community Development Committee. 2-year bill.

Would allow growers to house farmworkers in existing hotels, motels, or other units for up to 45 days. Sponsored by Western Growers.

