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To: Commissioners, Berkeley Rent Stabilization Board

From: Brian Augusta & Michael Moynagh

Re: State Legislative Report for April 2021

The Legislature is in full swing this month, with policy committees hearing dozens of housing bills over the next few weeks. In addition to the measures listed below, one other looming issue remains on the legislature's docket: Extending eviction protections and rental assistance provided for in SB 91. That measure—including evictions protections first enacted in AB 3088 (Chiu) last year—will expire on June 30, 2021. With additional funding authorized recently from Washington, the legislature must take action to expend those resources to help tenants and landlords with rental debt relief. Tenants groups are also pushing for extension of eviction protections and additional debt relief. Like SB 91, it is anticipated that any such policies will be enacted as part of the legislature's June budget action.

Selected Bills of Interest

Rent Stabilization

AB 854 (Lee) Ellis Act.

Status: Hearing set for April 15 in Asm. Housing and Community Development

Description: Requires a owner seeking to withdraw a building from the rental market to own the property for at least 5 years before doing so; prohibits an owner who has withdrawn a property under the Act from using the Act to withdraw a property the owner acquired in the 10-year period following the withdrawal.

Landlord-Tenant

AB 838 (Friedman) Code Enforcement Inspections

Status: Hearing set for April 15 in Asm. Housing and Community Development

Requires code enforcement officers to inspect when a tenant makes a complaint and document on code violations.

AB 1188 (Wicks) Rental registry.

Status: Hearing set for April 15 in Asm. Housing and Community Development

Description: Requires cities to create and maintain a rental registry by 2021 covering all landlords who own or operate five or more units.

AB 1199 (Gipson) Large-scale landlord excise tax.

Status: Not yet scheduled for hearing in Asm. Revenue and Taxation and Asm. Housing and Community Development

Description: Imposes an 25% excise tax on landlords who rent 10 or more single family homes or 25 or more multifamily properties with 5 or more units, to be used to fund a variety of activities to benefit low-income renters.

AB 1241 (Jones-Sawyer) Rental housing applications: criminal records.

Status: Not yet scheduled for hearing in Asm. Housing and Community Development

Description: Establishes procedures for landlords to follow regarding tenant applicant criminal background checks.

AB 1487 (Gabriel) Eviction defense funding.

Status: Passed Assembly Judiciary April 6; on Assembly Floor

Description: Upon appropriation, creates a grant program at the State Bar Legal Services Trust Fund Commission for legal services organizations for eviction defense and prevention.

SB 3 (Caballero) AB 3088 extension through March 2021.

Status: Hearing set for April 27 in Sen. Judiciary

Description: Extends the provisions of AB 3088 through March 2021.

Mobilehome Park Landlord-Tenant

AB 978 (Quirk-Silva) Mobilehome parks: rent caps.

Status: Not yet scheduled for hearing in Asm. Housing and Community Development

Description: Extends AB 1492's limitations on rent increases to mobilehomes.

SB 64 (Leyva) Mobilehome eviction protections.

Status: Placed on Sen. Appropriations suspense file for later action

Description: Provides evictions protections for COVID-impacted residents in mobilehome parks during the pandemic; would take effect immediately and therefore requires a 2/3rds vote.

Fair Housing

AB 1304 (Santiago) AFFH.

Status: Hearing set for April 15 in Asm. Housing and Community Development

Description: Makes changes to AB 686 related to the AFFH analysis in Housing Element law.

SB 649 (Cortese) Local governments: affordable housing: local tenant preference.

Status: Hearing set for April 15 in Sen. Housing

Description: Allows local governments to have a policy giving preference to lower-income households at risk of displacement in tax-credit funded affordable housing.

SCA 2 (Allen) Article 34 repeal.

Status: Awaiting referral to a committee

Description: Would place the repeal of Article 34 on a future ballot.

Senate Housing Package

SB 5 (Atkins) \$6.5B housing bond.

Status: Not yet scheduled for hearing in Sen. Housing

Description: Places a \$6.5B housing bond on the November 2022 ballot; requires projects to use a "skilled" workforce.

SB 6 (Caballero) Housing on commercial sites.

Status: Hearing set for April 29 in Sen. Housing

Description: Authorizes housing on commercial sites that include affordable units and comply with a skilled and trained workforce requirement.

SB 7 (Atkins) CEQA streamlining for infill.

Status: Passed Senate; Not yet referred to committee in Assembly

Description: Allows infill housing projects with 15% affordable units to qualify for the AB 900 expedited CEQA process.

SB 8 (Skinner) SB 330 cleanup.

Status: Hearing set for April 29 in Sen. Housing

Description: Clean-up bill for SB 330. Changes include clarifying that the law applies to both ministerial and discretionary projects.

SB 9 (Atkins) Lot split ministerial approval.

Status: Hearing set for April 15 in Sen. Housing

Description: Makes duplexes and lots splits on ministerial, similar to SB 1120 from 2020.

SB 10 (Wiener) By-right infill approval.

Status: Not yet scheduled for hearing in Sen. Governance & Finance

Description: Allows local governments to rezone a parcel by right in infill or jobs-rich areas.

Other Housing

AB 115 (Bloom) Housing in commercial zones.

Status: Not yet scheduled for hearing in Asm. Housing and Community Development

Description: Re-run of AB 3107 from last year making housing with 20% lower-income units an allowable use in commercial zones. Similar to SB 6 in the Senate Housing Package.

AB 1095 (Cooley) AHSC tenure equality.

Status: Not yet scheduled for hearing in Asm. Housing and Community Development

Description: Requires the Strategic Growth Council to treat rental and ownership housing equally in the AHSC program.

AB 1277 (Blanca Rubio) CEQA: student housing.

Status: Not yet scheduled for hearing in Asm. Natural Resources

Description: Creates an expedited judicial review process for CEQA for student housing projects.

AB 1434 (Friedman) Indoor residential water use.

Status: Hearing set for April 22 in Asm. Water, Parks and Wildlife

Description: Reduces standards for indoor residential water use to 40 gallons per capita daily by 2030.

ACA 7 (Muratsuchi) Preemption of state land use laws by charter cities.

Status: Awaiting referral to a committee

Description: Specifies that a city charter provision, or an ordinance or regulation adopted pursuant to a city charter, that regulates zoning or land use is deemed to address a municipal affair and prevails over a conflicting state statute; also provides that those regulations would prevail over conflicting general laws, with specified exceptions.

SB 706 (Bates) Property taxation: change in ownership.

Status: Not yet scheduled for hearing in Sen. Governance and Finance

Description: Triggers reassessment under Prop 13 if 90% or more of the direct or indirect ownership interests in a legal entity are sold or transferred in a single transaction.