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To: Commissioners, Berkeley Rent Stabilization Board  
DéSeana Williams, Executive Director  
Matthew Brown, General Counsel

From: Brian Augusta

Date: April 27, 2023

**Re: State Legislative Report for the May 2, 2023 Rent Board LIRA Committee Meeting**

This week the legislature reached one of the first major deadlines of the legislative year, the deadline for all bills that have any fiscal impact to clear all policy committees to which they have been referred. Many did, some with significant amendments. Those that failed to clear committee are now two-year bills and can be revisited in January of next year.

The memo that follows is an updated summary of each of the bills presented to the Board at its last meeting, with two adjustments. First, any bills that the board has already taken a position on are not described here. In addition, those bills that are now two-year bills are listed as such at the end of the memo.

## **Selected Bills of Interest**

### **Landlord-Tenant**

#### **AB 894 (Friedman) - Shared Parking**

*Awaiting hearing in Asm. Appropriations*

This bill would require local governments to allow shared parking and all shared parking to count towards meeting any required parking minimums for a development project. The bill additionally requires jurisdictions and landowners to study the feasibility of using shared parking when a development uses state funds or prior to a parking lot being developed with public funds.

#### **AB 1317 (Wendy Carrillo) - Unbundling Parking Charges from Rent**

*Pending on the Assembly Floor*

This bill would require that for housing with more than 15 units constructed after January 1, 2025, landlords must charge tenants for parking separately from the rent or, where that is not possible, to annually itemize the cost of rent and parking separately.

**SB 267 (Eggman) - Use of Credit History for Tenants with Rental Subsidy**

*On the Sen. Appropriations suspense file*

For any tenancy where there is a governmental rent subsidy, this bill would require that if the landlord assesses the tenant's credit history as part of the application process the landlord must allow the tenant the option of providing alternative evidence of "financial responsibility and ability to pay." If the tenant elects the alternative method, the landlord must use that evidence in lieu of the tenant's credit history.

**SB 395 (Wahab) - Statewide eviction and rent increase database**

*Hearing set for Sen. Appropriations on Monday, May 1, 10 a.m.*

Beginning January 1, 2025 would require any notice of termination or rent increase to be filed with HCD within 10 days of being served on the tenant, and require HCD to establish a database to make the information publicly available, while anonymizing any information that could identify an individual tenant.

**SB 352 (Padilla) - Minimum Wage to Afford Housing**

*Hearing in Sen. Appropriations not scheduled yet*

Requires the California Workforce Development Board, in conjunction with HCD and the state Secretary of Labor, to recommend to the Legislature each year the minimum wage for a full-time worker to afford housing in each county.

## **Fair Housing**

**AB 920 (Bryan) - Housing Status as a Protected Class**

*On the Asm. Appropriations suspense file*

This bill would add housing status as a protected class under the state Fair Employment & Housing Act (FEHA).

**SB 16 (Smallwood-Cuevas) - Local Enforcement of FEHA**

*On the Sen. Appropriations suspense file*

This bill would allow cities and counties to enforce the state Fair Employment and Housing Act.

## **Housing Development Approvals**

**AB 1218 (Lowenthal) - Replacement Housing/Relocation Assistance Requirements**

*Awaiting hearing in Asm. Appropriations*

This bill would make changes to the existing framework requiring the replacement of certain housing units and relocation assistance for certain displaced occupants as a condition of approval of development projects.

**SB 4 (Wiener) - Affordable Housing By Right on Faith and University Land**

*Awaiting hearing in Sen. Appropriations*

This would make 100% affordable housing (for lower-income households) a use by right on land owned by faith institutions and private colleges and universities.

**SB 423 (Wiener) - SB 35 Sunset Removal**

*Awaiting hearing in Sen. Appropriations*

This bill would remove the sunset on SB 35, increase labor standards for affordable housing projects and reduce them for market-rate projects, and allow SB 35 streamlining for all projects with at least 10% lower-income units if a jurisdiction does not have a compliant housing element.

## **Housing Finance**

**AB 309 (Lee) - Social Housing**

*Awaiting hearing in Asm. Appropriations*

This bill would define social housing and state the intent of the Legislature to pass subsequent legislation to "address the shortage of affordable homes by developing housing for people at all income levels."

**AB 1657 (Wicks) - Affordable Housing Bond**

*Awaiting hearing in Asm. Appropriations*

Puts a bond of an unspecified amount on the November 2024 ballot to fund various affordable housing programs.

**SB 469 (Allen) - Article 34 Exemptions**

*Hearing set for May 1 in Senate Appropriations*

Exempts all HCD funding programs and Low-Income Housing Tax Credit (LIHTC) projects from triggering Article 34.

**SB 555 (Wahab) - Social Housing**

*Awaiting hearing in Sen. Appropriations*

This bill would define social housing in state law, set statewide social housing goals, establish a Social Housing Fund, and require HCD to prepare a social housing plan.

**Two-Year Bills**

These bills are no longer moving this year. They have an opportunity to move forward in January of next year.

**AB 485 (Davies) - Tenant Credit Report**

This bill would require a landlord to provide a prospective tenant with a copy of their credit report within 24 hours after receipt, if requested by the prospective tenant.

**AB 500 (Davies) - Electronic rent increase notice.**

Allows landlords to notify tenants of rent increases electronically.

**SB 460 (Wahab) - Fair Chance Housing**

This bill would prohibit a landlord from inquiring about a prospective tenant's criminal history, except as provided by criminal law, or use of the state's sex offender registry.

**AB 1035 (Muratsuchi) - Limits on Rent Increases in Mobilehome Parks**

Under this bill that would apply statewide, mobilehome park space rent increases would be limited to 5% per year. Also, vacancy control would be put in place, unless a new mobilehome is placed on the space.

**SB 863 (Allen) - Tenant Protection Act**

This bill would give tenants protected under the Tenant Protection Act at least 7 days to cure a lease violation prior to being served a 3-day notice to quit.

**AB 1532 (Haney) - By Right Approval for Office to Housing Conversions**

Requires by right approval for office to housing conversions anywhere, regardless of zoning, as long as the project includes 10% of units for low- or moderate-income households.