



# San Gabriel Valley Council of Governments

## AGENDA AND NOTICE OF THE MEETING OF THE HOMELESSNESS COMMITTEE

Wednesday, December 4, 2019 -- 8:30 AM

West Covina Council Chambers Meeting Room  
1444 W Garvey Ave S, West Covina, CA 91790

**Chair**  
**Becky Shevlin**  
City of Monrovia

**Vice-Chair**  
**Margaret Clark**  
City of Rosemead

**MEMBERS**  
Baldwin Park  
Claremont  
Duarte  
Glendora  
Irwindale  
Monrovia  
Pomona  
Rosemead  
LA County Supervisorial  
District #1

**EX OFFICIO**  
J. Lyons  
W. Huang

Thank you for participating in today's meeting. The Homelessness Committee encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Homelessness Committee are held on the first Wednesday of each month at 8:30 AM at the West Covina Council Chambers Meeting Room (1444 W. Garvey Avenue S., West Covina, CA 91790).* The Meeting agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvkog.org](http://www.sgvkog.org). Copies are available via email upon request ([sgv@sgvkog.org](mailto:sgv@sgvkog.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at all Committee meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Committee may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**PRELIMINARY BUSINESS**

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to the next regular meeting (*It is anticipated that the Committee may take action on these matters*)

**CONSENT CALENDAR** (*It is anticipated the Committee may take action on the following matters*)

5. Homeless Committee Meeting Minutes – 11/4/2019 (Page 1)  
*Recommended Action: Approve.*

**PRESENTATIONS** (*It is anticipated the Committee may take action on the following matters*)

6. County of Orange Homeless Litigation – David DeBerry, SGVCOG General Counsel (Page 5)  
*Recommended Action: For information only.*

**ACTION ITEMS** (*It is anticipated the Committee may take action on the following matters*)

7. 2020 Legislative Priorities (Page 10)  
*Recommended Action: Discuss and provide direction to staff.*

**STAFF REPORTS** (*It is anticipated the Committee may take action on the following matters*)

8. 2019 Legislative Update (Page 12)  
*Recommended Action: For information only.*
9. RHTF Update  
*Recommended Action: For information only.*
10. State and County Funds Update  
*Recommended Action: For information only.*

**LIAISON REPORTS** (*It is anticipated the Committee may take action on the following matters*)

11. Los Angeles Homeless Services Authority (LAHSA)  
*Recommended Action: For information only.*
12. Homeless Initiative  
*Recommended Action: For information only.*
13. Union Station  
*Recommended Action: For information only.*
14. San Gabriel Valley Consortium on Homelessness  
*Recommended Action: For information only.*
15. State and Federal Legislative Caucus  
*Recommended Action: For information only.*

**CHAIR'S REPORT** (*It is anticipated the Committee may take action on the following matters*)

**ADJOURN**



**SGVCOG Homelessness Committee Approved Minutes**

Date: November 6, 2019

Time: 8:30 AM

Location: West Covina Council Chambers Meeting Room; 1444 W. Garvey Avenue  
South, West Covina, California 91790

**PRELIMINARY BUSINESS**

1. Call to Order  
The meeting was called to order at 8:30 AM
2. Roll Call

**Homeless Committee Members Present**

J. Leano, Claremont  
K. Davis, Glendora  
M. Ortiz, Irwindale  
F. Briones, LA County District 1  
B. Shevlin, Monrovia  
B. DeFrank, Pomona  
M. Clark, Rosemead  
J. Lyons, SGV Consortium on Homelessness  
W. Huang, Pasadena

**Homeless Committee Members Absent**

Baldwin Park  
Duarte  
West Covina

**SGVCOG Staff**

M. Creter  
C. Sims

3. Public Comment: There was no public comment.
4. Changes to Agenda Order: There were no changes to the agenda order.

**CONSENT CALENDAR**

3. Homelessness Meeting Minutes  
**There was a motion to approve consent calendar item 5 (M/S: M. Clark/B. Shevlin)**

**[Motion Passed]**

<b>AYES:</b>	Claremont, Irwindale, Monrovia, Pomona, Rosemead
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Baldwin Park, Duarte, Glendora, West Covina, LA County Supervisorial District #1

**PRESENTATIONS**

6. Monrovia’s Housing Displacement Response Plan  
T. Cherry, Community Services Director for the City of Monrovia, provided an overview of Monrovia’s Housing Displacement Response Plan. The HDRP as developed with the recognition that it is more cost effective to keep people in their homes than it is to re-house families following displacement. Through the program, current Monrovia residents in

danger of being displaced are eligible to apply for interim and temporary funding – what the City calls a “hand-up.” Residents can only access those funds after completing a thorough review process. Committee members asked questions on whether the City had received any money from the County of Los Angeles, discussed the availability of funding for homeless prevention, and cities’ adoption of eviction moratorium emergency ordinances.

7. S. 923 Fighting Homelessness Through Services and Housing Act  
 Becca Channell, Field Representative from the Office of United States Senator Diane Feinstein, presented on S. 923 – the Fighting Homelessness Through Services and Housing Act. This bill would authorize \$750 million in grants annually for the next five years for local governments to combat homelessness, with a focus on providing services that address mental health; substance use disorders; disabling or other chronic health conditions; educational and job training/employment outcomes; and life skills classes. Cities, counties, regional collaboratives, and tribal governments would be eligible for grants. The Bill had been referred to Committee and was waiting to be heard. Committee members asked whether the funding would have to go through an existing continuum of care and also encouraged the Federal Government to provide additional funding for project-based vouchers.

**ACTION ITEMS**

8. State Homeless Funding and Measure H Innovation Funds Programming Recommendations  
 Staff presented on the draft programming recommendations for the State Homeless Funding and Measure H Funds. There was discussion about the need to encourage integration and cooperation amongst cities and agencies and to minimize competition. There was also concern that putting money into the proposed programs would; result in projects not being funded by the County.

**There was a motion to recommend the Governing Board take the following actions:**

1. **Approve the recommended use of State Homeless Funds and Measure H Innovation Funds across the following programming categories, for submittal to the State and the County:**

<b>Category</b>	<b>State Funds</b>	<b>Innovation Funds</b>	<b>TOTAL</b>
Regional Housing Trust (Capital)	\$1,000,000	\$350,000	<b>\$1,350,000</b>
Regional Housing Trust (Operations)	-	\$200,000	<b>\$200,000</b>
Cities’ Homeless Plans (Implementation)	\$3,300,000	-	<b>\$3,300,000</b>
Cities’ Homeless Plans (Development)	\$50,000	-	<b>\$50,000</b>

Landlord Education/Outreach and Incentive Program	\$400,000	-	<b>\$400,000</b>
Other Regional Work	\$400,000	-	<b>\$400,000</b>
Homelessness prevention and diversion programs	\$50,000	\$400,000	<b>\$450,000</b>
Pilot Programs	\$35,000	\$265,000	<b>\$300,000</b>
Master Leasing	\$100,000	\$250,000	<b>\$350,000</b>
Administration	\$290,000	\$76,876	<b>\$361,876</b>
<b>TOTAL</b>	<b>\$5,625,000</b>	<b>\$1,541,876</b>	<b>\$7,166,876</b>

2. Pending approval from oversight agencies (State and County), authorize SGVCOG staff to directly administer \$2,333,438 in funding to implement the following programs at a regional level:
  - Regional Housing Trust (\$1,550,000)
  - Cities’ homeless plans sub-regional activities (\$200,000)
  - Other regional work (including collaboration, advocacy, nonprofit capacity building, regional data projects and targeted messaging campaigns, technical assistance) (\$400,000)
3. Pending approval from oversight agencies (State and County), authorize staff to coordinate with the cities to develop a strategy (e.g. competitive or formula) to allocate \$4,833,438 in funding to cities for the following programs:
  - Cities’ homeless plans (implementation) (\$3,100,000)
  - Cities’ homeless plans (development) (\$50,000)
  - Landlord education/outreach and rental support (\$400,000)
  - Homeless prevention and diversion (\$450,000)
  - Pilot programs (\$300,000)
  - Master leasing (\$350,000)
4. Authorize staff to allocate up to \$366,867 (5%) to be used for administrative costs to be split between the administrative lead and contracting agencies; and
5. Authorize staff to undertake any associated procurements necessary to implement the programs described above.

(M/S: K. Davis/J. Leano)

[Motion Passed]

<b>AYES:</b>	Claremont, Glendora, Irwindale, Monrovia, Pomona, Rosemead, LA County Supervisorial District #1
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Baldwin Park, Duarte, West Covina

### **STAFF REPORTS**

**9. RHTF Update**

Staff provided a brief update on the Regional Housing Trust Fund. Staff presented that the next negotiation would be focused on Operations and Staffing and would be held following the Homelessness Committee meeting.

### **LIAISON REPORTS**

**10. Los Angeles Homeless Services Authority (LAHSA)**

There was no report.

**11. Homeless Initiative**

Homeless Initiative staff reported that they would be holding listening sessions on their funding recommendations. Staff also provided an update on their upcoming policy summit for local governments. Finally, staff reported on their problem solving funding and centralized diversion fund, which can be used for community-based organizations to help support people.

**12. Union Station**

There was no report.

**13. San Gabriel Valley Consortium on Homelessness**

There was no report.

**14. State and Federal Legislative Caucus**

There was no verbal report, but there was a written report on Representative Napolitano's proposed Bridge to End Homelessness Act.

### **CHAIR'S REPORT**

There was no Chair's Report.

### **ADJOURN**

The meeting was adjourned at 9:56 AM

# REPORT

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DATE: December 4, 2019

TO: SGVCOG Homelessness Committee

FROM: Marisa Creter, Executive Director

RE: Report on Homeless Litigation in Orange County

## **RECOMMENDED ACTION**

For information and discussion.

## **BACKGROUND**

In Orange County, attorneys representing homeless persons and homeless advocacy groups brought two lawsuits against the County and a number of cities. The litigation comes at the heels of *Martin v. City of Boise* in which the 9<sup>th</sup> Circuit Federal Court of Appeals held that the City of Boise was precluded from enforcing its anti-camping ordinance against homeless individuals, finding among other things, that enforcement violated the Eighth Amendment to the Federal Constitution's provision against cruel and unusual punishment.

One lawsuit was against the County and cities located in the geographically northern portion of Orange County (the "North County Litigation") and the second was against the County and cities located in the geographically southern portion of Orange County (the "South County Litigation"). In the North County litigation, the County, the cities and even some North Orange County cities that had not been named as defendants, settled with the plaintiffs. The cities in the South County Litigation brought a motion to dismiss the South County Litigation on a number of grounds, which have largely been successful.

Settlement of the North County Litigation will require the County and North County Cities to provide a specified number of beds for the homeless by a date certain and to follow a process for attempting to place a homeless person before enforcing anti-camping and anti-loitering ordinances against homeless individuals. In some cases, cities bought their way into the settlement by contributing money toward the construction of homeless shelters in neighboring jurisdictions.

The cities in the South County Litigation brought a motion to dismiss contending, among other things, that suing all the cities and County in one action was improper because each had different ordinances, different homeless populations and different programs for addressing homeless. The federal court agreed and dismissed all the suits against the cities, although the court gave the plaintiffs a second opportunity to amend their complaint against the City of San Clemente.

More detail is provided in the attached report from SGVCOG General Counsel David DeBerry. His firm has been involved in the North County litigation.

Prepared by: CS  
Caitlin Sims  
Principal Management Analyst

Approved by: Marisa Creter  
Marisa Creter  
Executive Director

**ATTACHMENTS**  
Attachment A – Report Memorandum

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COSTA MESA, CA 92626-7670  
(714) 558-7000

MEMORANDUM

TO: SGVCOG Homeless Committee

FROM: David DeBerry, General Counsel

DATE: December 4, 2019

RE: Status of Orange County Homeless Litigation

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Homeless advocates and homeless persons filed two lawsuits in Orange County, which ultimately led to the involvement of most cities in Orange County. This litigation was triggered by the Federal Ninth Circuit Court of Appeal’s (Ninth Circuit) 2018 decision in *Martin v. City of Boise*. Brief summaries of that case and the two Orange County cases are set forth below.

**1. *Martin v. City of Boise***

In 2018, the Ninth Circuit held that City of Boise anti-camping and loitering ordinances could not be enforced against homeless persons if alternative shelter was not available to them, holding among other things, that enforcement violated the Eighth Amendment’s prohibition on cruel and unusual punishment.<sup>1</sup> Specifically the Court held, “just as the state may not criminalize the state of being homeless in public places, the state may not criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets. The Court clarified that its “holding is a narrow one” and “we in no way dictate to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets...at any time and at any place.”

The *Boise* decision has created a split among the federal circuits on this issue and the meaning of the Eighth Amendment itself. One broad question raised by the case is whether the Eighth Amendment precludes the government from criminalize conduct that a person cannot presumably avoid.

The City of Boise, with amicus support from numerous cities and organizations, including the International Municipal Lawyers Association, seeks to have the decision reviewed by the U.S. Supreme Court.

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<sup>1</sup> The Eighth Amendment provides: “Excessive bail shall be not required, nor excessive fines imposed, nor cruel and unusual punishment be inflicted.

**2. *Orange County Catholic Workers, et al. v. Orange County et al* (North County Litigation)**

Following on the heels of *Boise*, homeless advocacy groups and homeless individuals sued the County of Orange and approximately 12 north Orange County cities in federal court. The essence of the lawsuit was the same as in *Boise*, i.e. enforcement of anti-camping and loitering ordinances against persons who were homeless violated the Eighth Amendment. Other state and federal constitutional violations were alleged, as well as violations of the federal Fair Housing Act and Americans with Disabilities Act.

Cajoled by a highly active Judge Carter, the parties entered into settlement agreements with the plaintiffs which also included some cities that had not been named as defendants. The essence of the settlements is that the County and the Cities are permitted to enforce their anti-camping ordinances if a specified number of beds are made available to the homeless. Some defendants agreed to construct their own homeless shelters, while others settled by agreeing to contribute money toward construction of a homeless shelter in a neighboring jurisdiction.

One aspect of the settlement requires a specific process to be followed before enforcement of an anti-camping ordinance against a homeless person. The process includes the County Health Care Agency providing an assessment for placement and an offer being made to place the individual in a shelter. If the homeless person declines the placement, one warning must be given and an opportunity for the person to relocate before issuing a citation or arresting the individual. Under the settlement the County and the Cities also agreed to make reasonable accommodations for persons with disabilities. The settlement agreements also outline a process for resolving disputes between the defendants and homeless individuals/advocates. If the dispute can't be resolved it is kicked to a hearing before Judge Carter.

The County and the Cities agreed to pay plaintiffs' attorneys fees and to fund monitoring fees incurred by plaintiffs' legal counsel in an amount not to exceed \$100,000 annually.

**3. *Housing is a Human Right Orange County v. County of Orange, et al.* (South County Litigation)**

Homeless advocacy groups and three homeless persons sued the County and cities in south Orange County, i.e., Aliso Viejo, San Juan Capistrano and San Clemente in federal court. The plaintiffs later joined the County of Orange, Dana Point, and Irvine in the litigation. Several other cities, which were not named as defendants, entered into joint defense agreements and are assisting in funding the defense. The complaint largely mirrors that complaint filed in *Catholic Workers*, but the response to the complaint taken by the south Orange County Cities was dramatically different than their neighboring cities to the north.

Initially, this case was assigned to Judge Carter, who had the *Catholic Workers* case. The defendants filed a motion to have the case assigned to another judge on the basis that Judge Carter's actions in the *Catholic Workers*' case evidence he would be biased. The defendants motion was granted and the case assigned to Judge Percy Anderson in Los Angeles.

The defendant cities filed motions to dismiss the case. One contention in the motions was that joining all the defendants in one action was improper because the defendants acted independently, had different ordinances, different populations of homeless, different programs for addressing the situation and other circumstances that required individualized determinations that could not be addressed in a single what's good for one, is good all, action. The court found that the cities, other than San Clemente, had been improperly jointed in the action and dismissed them from the litigation. The Court also declined to accept jurisdiction to decide certain claims made by plaintiffs under State law, holding that those claims must be filed in State court.

This left San Clemente and the County<sup>2</sup> in the action. After the plaintiffs filed their action, San Clemente adopted several ordinances addressing homelessness, culminating in the City designating a ½ acre site for the homeless to camp, but enforcing its anti-camping ordinance in other areas of the city. Because plaintiffs' complaint failed to address whether San Clemente's entire regulatory scheme suffered from the same alleged deficiencies as the regulatory scheme challenged in the first complaint, the Court found that the facts of the complaint were insufficiently plead. The Court granted the motion to dismiss, but gave plaintiffs the opportunity to amend their complaint against San Clemente. The plaintiffs have since filed an amended complaint and San Clemente has filed a second motion to dismiss. A decision is anticipated in early November.

#### **4. Questions/Responses for Municipalities**

The *Boise* decision left open many questions for municipalities, including:

- What does it mean for shelter to be available, i.e., where does it need to be and what kind of accommodations are required?
- Can it be outdoors?
- Does it need to comply with the Americans With Disabilities Act?
- Is enforcement permissible if a homeless person was evicted from a shelter for rules violations?
- Does a city have to make shelter available no matter how many homeless persons come into its jurisdiction?
- What liabilities will cities face if they provide homeless shelters?
- Should homelessness be a defense to prosecution, rather than rendering an anti-camping ordinance unconstitutional on its face?
- To what degree may cities enforce anti-camping ordinances in certain areas?
- Lessons learned
- Available options

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<sup>2</sup> The County had filed an answer to the complaint, which procedurally precluded the County from filing a motion to dismiss.

# REPORT

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DATE: December 4, 2019

TO: SGVCOG Homelessness Committee

FROM: Marisa Creter, Executive Director

RE: **2020 LEGISLATIVE PRIORITIES**

## **RECOMMENDED ACTION**

Discuss and provide direction to staff.

## **BACKGROUND**

The SGVCOG Governing Board annually adopts a comprehensive legislative platform consistent with the Strategic Plan and in furtherance of the interests of the region and our member agencies. The platform helps guide and inform the legislative, policy, and programmatic actions and positions taken by the SGVCOG over the course of the calendar year. This Report reviews the accomplishments in the area of homelessness in 2019 and presents proposed objectives for 2020.

## **Accomplishments**

### **State:**

- Senator Susan Rubio introduced SGVCOG-sponsored legislation that would allow the formation of a San Gabriel Valley Regional Housing Trust Fund (SB 751). SB 751 was signed by Governor Newsom in October 2019.
- Senator Susan Rubio successfully advocated for a \$5,625,000 earmark in the State FY 2019-2020 Budget to the San Gabriel Valley Council of Governments. This funding can be used to support the start-up of the San Gabriel Valley Regional Housing Trust Fund and to support the Region's efforts to fight homelessness.

### **Local:**

- Advocated with the County Board of Supervisors for additional Measure H resources for the San Gabriel Valley to fight homelessness. In September 2019, the Board of Supervisors directed the County Chief Executive Officer-Homeless Initiative (CEO-HI) to develop a "Innovation Fund for Local Cities Combatting Homelessness," authorizing the use of \$6 million in carry-over funds from FY2018-19 to Councils of Governments to support activities that align with the County's Homeless Initiative Action Plan and are consistent with the County's Priority Areas 1 and 2. The SGVCOG will receive an allocation of approximately \$1.5 million based on the 2019 point-in-time homeless count. The Innovation Fund framework was approved by the Board of Supervisors in November 2019.

## **2020 HOMELESSNESS LEGISLATIVE PRIORITIES**

Based on these accomplishments and developments, staff recommends adoption of the following legislative priorities for calendar year 2020:

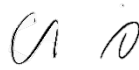
### **State:**

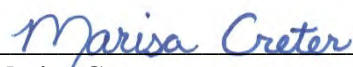
- Support legislation that promotes solutions to homelessness for those facing mental health and/or substance abuse challenges.
- Support funding for programs that provide additional resources for homeless persons facing mental health and/or substance abuse challenges.
- Support funding for the San Gabriel Valley Regional Housing Trust Fund and other entities that will create affordable housing for the region.
- Provides funding for the creation of housing units – especially very low, low, and moderate income – while respecting cities’ local control of land use decisions.
- Support legislation and funding for programs that encourage workforce development activities for homeless persons.
- Support funding for homeless prevention programs, including innovative local programs instituted by local cities.
- Support legislation and funding for projects and programs that address quality of life issues, including public safety and water quality for all residents, including homeless persons.

### **Local:**

- Promote the allocation of Measure H resources towards cities’ projects and programs – as well as regional projects and programs – that work to solve the homelessness crisis in the San Gabriel Valley.
- Support funding for prevention programs, including innovative local programs instituted by local cities.
- Promote collaboration between the County of Los Angeles and the San Gabriel Valley cities in implementing projects, policies, and programs that work to solve the homelessness crisis in the San Gabriel Valley.

Staff recommends the adoption of these legislative priorities intended to advance the SGVCOG’s homelessness goals and initiatives. These priorities will be presented to the Governing Board for their consideration at their January 2020 meeting.

Prepared by:   
Caitlin Sims  
Principal Management Analyst

Approved by:   
Marisa Creter  
Executive Director

# REPORT

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DATE: December 4, 2019

TO: SGVCOG Homelessness Committee

FROM: Marisa Creter, Executive Director

RE: **2019 LEGISLATIVE UPDATE**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND**

During the 2019 Legislative session, several housing-related bills were signed into law. Below is an overview of some of these bills:

### **Tenant Protection**

- **AB 1482 (Chiu):** Would prohibit an owner from terminating a tenancy without just cause when a tenant has lived there for at least 12 months, or 24 months with changes in roommates. For no-fault just-cause evictions, the owner would be required to provide a direct payment of one month's rent to the tenant or waive in writing the payment of rent for the final month of tenancy. The Bill would also prohibit landlords from, over a 12-month period, raising the rent more than the cost of living plus 5% (or 10%, whichever is lower) of the lowest gross rental rate charged in the immediately preceding 12 months. This applies to all rental increases occurring on or after March 15, 2019. The provisions of this Bill expire after 10 years.
- **SB 329 (Mitchell):** Would prohibit housing discrimination based on the source of verifiable income paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies, as specified. This Bill specifically bans landlord discrimination against housing voucher holders.

### **Density Bonuses**

- **AB 1763 (Chiu):** Requires a city or county to award a developer density incentives if 100% of the units in a development are restricted to lower-income households (up to 20% of which may be moderate income). The bill would generally require that the housing development receive a density bonus of 80%. Any housing development within a half-mile of a major transit stop would be exempt from any maximum density controls. The Bill would also prohibit a city and/or county from imposing minimum parking requirements – when requested by a developer – for a development that consists solely of rental units with affordable housing for lower income families, special needs housing developments, and supportive housing developments.

### Accessory Dwelling Units (ADUs)

A trio of bills – AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski) – would make the following changes related to accessory dwelling units:

- Requires ministerial approval for up to 2 ADUs on a lot with a single-family dwelling, multiple ADUs within an existing multi-family structure, and up to 2 detached ADUs on a lot with a multi-family dwelling;
- Requires that ADUs be permitted ministerially within 60 days and, if not approved within 60 days, require that they be automatically approved;
- Prohibits a local agency from establishing a minimum square footage requirement that would prohibit an efficiency unit and prohibits establishing a maximum square footage requirement of less than 850 square feet, or 1000 if the ADU is more than one bedroom;
- Prohibits a local agency from establishing square footage requirements for an ADU based on the primary dwelling size, lot coverage limits, setback requirements, floor area ratio, open space, or lot size that doesn't permit an 800 square foot ADU that is at least 16 feet in height with a 4-foot side and rear-yard setbacks;
- Prohibits requiring a setback for an existing ADU (or ADU constructed in the same location and to the same dimensions as an existing structure) and requires a setback of no more than 4 feet for a new ADU (if not same location);
- Prohibits requiring replacing parking when an ADU replaces a garage, carport, or covered parking structure;
- Prohibits requiring parking when within half-mile of public transit;
- Prohibits a local agency from imposing an owner-occupant requirement for 5 years;
- Prohibit a local agency from imposing an impact fee on any ADU less than 750 square feet and would reduce the allowable impact fees for ADUs larger than 750 square feet;
- Allows an ADU owner that receives a notice of violation to request enforcement of the violation to be delayed 5 years if correcting the violation is not necessary to protect health and safety;
- Increases the State Department of Housing and Community's Development to report jurisdictions whose ordinances are not in compliance with State Law;

AB 670 (Friedman) also bans Homeowner Associations from banning ADUs.

### Other Bills

- **AB 1483 (Grayson):** Requires a local agency to maintain on its website a current schedule of fees, exactions, and affordability requirements, as well as their impact fee nexus studies, cost of service studies, or equivalent.
- **SB 330 (Skinner):**
  - Bans housing construction moratoriums and density reductions;
  - Bans imposition or enforcement of new, non-objective design review standards;
  - Allows demolition of affordable and rent-controlled housing only if the demolished units are replaced;
  - Requires relocation assistance to tenants forced to move from affordable rental units and allows them to stay in their homes until six months before construction begins.
  - Blocks local governments from requiring more than 5 hearings for applications that are deemed complete or from changing the rules on pending developments once a permit applicant has submitted preliminary development plans.

SB 50 (Wiener) – which would eliminate parking requirements and density limits for projects near major transit stops – is a two-year bill that would have to pass out of the Senate before January 31, 2020, in order to remain active.

*CS*

Prepared by: \_\_\_\_\_

Caitlin Sims  
Principal Management Analyst

Approved by: *Marisa Creter* \_\_\_\_\_

Marisa Creter  
Executive Director