
MEMORANDUM

To: City of Beaumont
From: Townsend Public Affairs
Date: September 11, 2020
Subject: Monthly Report for the City of Beaumont — August/September 2020

State Legislative Update

The Legislature has officially adjourned for the 2020 legislative session, but the final day of session did not end without disfunction and controversy. The controversy began when Senator Brian Jones (R-Escondido) tested positive for COVID-19 on August 26, shortly after he attended a Republican caucus meeting and was on the Senate floor wearing a mask. The Senate Pro Tem, after hearing the news that a Senator had contracted the virus, suspended Senate business and conducted a thorough cleaning of the Senate chambers. Senators that had been in close contact with Senator Jones, which included all but one Republican Senator, were required to self-quarantine and vote remotely for the remainder of session.

Republican Senators were opposed to the remote voting requirements, and when Senate Majority Leader Bob Hertzberg (D-Los Angeles) made a motion to limit debate on bills to two speakers per side, Senate Republicans protested and the Senate recessed to agree on a debate process for the remaining bills. Senator Hertzberg then rescinded his motion to limit debate on bills and the Senate proceeded to consider bills under standard debate rules. Due to the various delays and constant conflict between Senators, several important measures were not heard in the Senate before the deadline.

On the Assembly side, most of the controversy came when Assemblymember Buffy Wicks (D-Oakland) brought her newborn baby on the Assembly floor to express her support for housing legislation. According to Assemblymember Wicks' office, she was told by Assembly leadership that maternity leave was not an eligible reason for proxy voting. This happened the same day that the Legislature passed SB 1383 (Jackson, D-Santa Barbara), a bill that prohibits employers with five or more employees from refusing to grant an employee's request to take up to 12 weeks of unpaid leave for family care and medical leave.

As a reminder, bills that did not include an urgency clause were required to pass both houses by midnight. As a result, both chambers failed to pass all the bills on their agendas, including some housing and police reform measures. For the measures that failed to pass the Legislature, it is very possible that they will be re-introduced when the new legislative session is convened in January. For those bills that were approved by the Legislature and sent to the Governor for his

consideration, the Governor will have until midnight on September 30th to sign or veto those bills. While unlikely, several Republican lawmakers wrote a letter to the Governor requesting that he call a special session to address several legislative issues that were not considered this year due to the reduced calendar.

Below are the upcoming relevant dates for the Governor and Legislature:

September 1 – Legislature recessed for 2020 legislative session

September 30 – Last day for the Governor to sign or veto legislation

November 3 – General Election

Governor's COVID-19 Action Summary

- **August 28 – COVID-19 Testing:** Governor Newsom signed an executive order to help the state build out its laboratory capabilities. The order would expedite efforts by the Department of General Services and the Department of Public Health to establish and operate up to three sites for use as laboratories to increase the state's testing capacity.
- **August 28 – COVID-19 Blueprint:** Governor Newsom unveiled the "Blueprint for a Safer Economy", a statewide plan for living with COVID-19. The plan imposes risk-based criteria on tightening and loosening COVID-19 allowable activities and expands the length of time between changes to assess how any movement affects the trajectory of the disease. The plan includes a phased-down approach to the county monitoring system and replacing it with a new four-tiered system that all counties will fall under.

Housing and Eviction Legislation

The most significant legislation that passed in the final days of session was AB 3088 (Chiu, D-San Francisco). This is the compromise measure negotiated between the Governor, Senate and Assembly leaders, and numerous stakeholders to stave off a wave of evictions and foreclosures due to the financial impacts from COVID-19. Reaching an agreement and passing the legislation was the top priority of the Administration, as the state-level eviction moratorium that has been in place for several months was set to expire on September 1. AB 3088 was approved by both the Senate and Assembly, and then was then signed into law by Governor Newsom late on August 31.

The bill will allow renters experiencing COVID-19-related financial distress some relief, including removing a requirement for tenants to immediately repay rent they missed between March and August, although landlords will be able to initiate litigation to recover past due rent beginning March 2021. Tenants must pay at least 25 percent of their rent from September 1st through January 31st to be protected from eviction. Landlords will be able to initiate litigation in civil court to recover unpaid rent. Beginning on February 1, 2021, the protections will expire, and tenants will have to start paying rent in full. For high-income renters seeking assistance, they will need to, under the penalty of perjury, submit a form declaring financial distress. Landlords can still evict tenants who create disturbances or refuse to provide rent but have the finances to make the payments.

While the Legislature passed this major legislation, there were several major housing bills that were not considered in time to meet the August 31 midnight deadline. SB 995 (Atkins, D-San Diego) would have extended the expedited CEQA administrative and judicial review procedures for environmental leadership development projects. The measure would have also expanded

current project eligibility to include smaller housing projects. SB 1049 (Glazer, D-Orlinda) would have enhanced fines for violations of local short-term rental ordinances.

SB 1085 (Skinner, D-Oakland) would have made various changes to the State Density Bonus Law, including providing additional benefits to housing developments that include moderate-income rental housing units. SB 1120 (Atkins) would have required approval of housing developments with duplexes and subdivision maps that meet certain conditions. It would have also increased the length of time that cities and counties can extend the validity of existing subdivision maps. Lastly, SB 1299 (Portantino, D-Glendale) would have created a program to provide grants to local governments for production of workforce housing on idle commercial shopping center properties.

None of these bills made it to the Governor's desk, but it is likely that these measures will return in 2021.

Public Safety Legislation

Since the death of George Floyd in Minneapolis, the California Legislature has been focused on passing police reform legislation. However, due to intra-house disagreements and politics during the final day of session, lawmakers were unable to advance some of the measures on the final day's agenda. One of the major bills that did not advance this year was AB 66 (Gonzalez, D-San Diego) which would have limited police use of projectiles and chemical agents to disperse lawful assemblies, enforce curfews, or non-compliance with law enforcement directives. The bill was not considered on the Senate floor in time to pass before midnight.

AB 664 (Cooper, D-Elk Grove) also did not advance this year. The bill would have created a rebuttable presumption for police officers that have been diagnosed with a communicable disease after January 1, 2020 and would have sunset after three years. However, the bill was not considered on the Senate floor in time and will not move forward this year. Similarly, SB 731 (Bradford, D-Inglewood) sought to increase police officer accountability by creating a process to decertify officers who engage in serious cases of misconduct. The bill was not considered on the Assembly floor but will likely be re-introduced next session.

Lastly, SB 776 (Skinner, D-Oakland) would have expanded the types of police personnel records that would be subject to public disclosure. The bill passed the Assembly by a vote of 48-13 but was not able to be considered by the Senate before midnight.

Despite lawmakers failing to pass all the bills on their agendas, they were able to pass some police reform bills and send them to the Governor's desk. AB 1196 (Gipson, D-Compton) prohibits law enforcement agencies from authorizing carotid restraint holds and choke holds. AB 1506 (McCarty, D-Sacramento) will require the state to investigate police shootings of unarmed civilians and allow local governments to request an investigation into other deaths. AB 1299 (Salas, D-Bakersfield) will require law enforcement agencies to notify the Commission on Police Officers Standards and Training (POST) when an officer separates from employment, making it more difficult for police departments to hire officers with marks on their records. These bills passed the Legislature and have been sent to the Governor's desk for his consideration.

Climate Resiliency Bond

Although wildfires are a natural part of California's climate and landscape, the 2020 wildfire season has started aggressively. Dozens of wildfires were starting seemingly overnight as

northern California experienced a lightning storm that contributed to the already busy fire season. Despite this, the Legislature adjourned on August 31 without taking significant action to address the State's wildfire crisis.

In the last week of session, Assemblymember Bloom (D-Santa Monica) introduced AB 1659, which would have generated \$2.5 billion in additional revenue through the extension of surcharges on the customer bills of PG&E, Southern California Edison, and San Diego Gas and Electric from 2035 to 2045. Despite an initial aggressive push from certain facets of the Legislature, the bill failed to generate significant support from Legislative leadership or the Governor's office.

TPA expects this issue to continue into next year and remain on the Legislature's and the Governor's priority list.

Federal Legislative Update

Federal Eviction Moratorium

Under direction from the Trump Administration, the CDC announced that it will impose an eviction moratorium for all renters unable to pay rent because of the coronavirus pandemic. Evictions for reasons other than failure to pay rent will be allowed to proceed. The policy will take effect immediately and last through December 31, 2020.

The CDC plans to temporarily halt evictions of renters earning no more than \$99,000 a year to prevent the virus from spreading. Individuals who received a coronavirus stimulus check earlier this year also qualify for the protection, as do couples who jointly file their taxes and expect to earn less than \$198,000. To obtain the relief, renters must assert they are incapable of paying their rent or are likely to become homeless if evicted from their property.

Those seeking eviction relief will still be required to pay as much in rent as they can afford. The Administration is acting unilaterally after failing to reach a deal with lawmakers over another round of stimulus relief funding, aimed in part at keeping renters in their homes. The move is an unprecedented use of executive authority and may face legal challenges from landlords who have seen rental income decline significantly during the crisis. Administration officials believe they have the authority to enact the policy, due to a federal law that allows the CDC to order emergency measures when it determines that state and local governments haven't taken sufficient steps to prevent the spread of a communicable disease.

Executive Orders

Amidst a Congressional stalemate, President Trump took steps to try to mitigate coronavirus' economic impact. The President, though limited in the legislative actions he can take, signed a series of directives in an attempt to fill in gaps left by the lack of a negotiated aid package. Specifically, President Trump signed four directives that aim to accomplish the following:

- **Student Loan Relief:** President Trump signed a Presidential Memorandum that directs the Department of Education to extend the student loan relief granted in the CARES Act until the end of the year.

- **Evictions:** The President signed an Executive Order directing the Department of Health and Human Services (HHS) and Center for Disease Control (CDC) to consider whether any measures temporarily halting residential evictions of any tenants for failure to pay rent are reasonably necessary.
- **Payroll Tax Holiday:** The President signed a Presidential Memorandum deferring payroll tax for Americans earning under \$104,000 from September 1 through December 31. The deferral would be optional for companies to implement, but the expectation is that taxes must be paid at the end of the year unless Congress passes permanent legislation. This would potentially provide an additional \$600 to employees and would equate to a \$300 billion tax cut. Democrats criticized the payroll tax deferral as having serious implications for the future of Social Security and Medicare. President Trump has indicated that if he is re-elected in November, he may extend the deferral and terminate the tax for some workers altogether.
- **Unemployment Benefits:** President Trump signed a memorandum that included a re-direction of \$44 million in Federal Emergency Management Agency (FEMA) money for a new “low-wage assistance” program, which reduces the \$600 per week in federal unemployment to \$300 with a \$100 state match.

Appropriations

The current fiscal year will end on September 30, 2020. While the House has marked up and passed the majority of its fiscal year 2021 appropriations bills, the Senate has yet to introduce any of its appropriations bills. There is broad recognition on both sides of the aisle that the funding bills will not be fully finalized before the new fiscal year begins on October 1, 2020. Given this reality, House and Senate lawmakers are now beginning to plan for the high probability of a Continuing Resolution (CR), which will extend current funding levels past the month of September.

Congressional staff is working to prepare draft legislative text and engage in conversations with federal government agencies to prevent any lapse in federal funding. The Trump Administration is also preparing for the reality and is said to be formulating a list of its CR priorities that will soon be sent to Congress for its consideration. Any priorities included in the CR must ultimately be negotiated between the House and Senate and approved by the President.

U.S. Census

The Census Bureau recently announced that it plans to end its decennial count of the U.S. population on September 30. The decision highlights a new timeline with an end date that is one month earlier than previously anticipated, raising some Congressional lawmakers’ concerns about the accuracy of the survey which serves as the basis for Congressional and State legislative district boundaries and government funding.

The agency has indicated that 63 percent of 121 million U.S. households have responded to the census via phone, mail and online to date. The Bureau also plans to hire additional data collectors to maximize responses by the end of next month. The Democrat-led House previously passed legislation to allow the agency to continue the census count, but the Republican-led Senate has not followed suit. Congress could extend the census count in an upcoming coronavirus economic aid package, but it is unclear if that effort is gaining traction in negotiations.