
MEMORANDUM

To: City of Beaumont
From: Townsend Public Affairs
Date: August 28, 2020
Subject: Monthly Report for the City of Beaumont — August 2020

State Legislative Update

The Legislature is into their final few days of the 2020 legislative session. On Thursday, August 27, Republican Senators were asked to leave the Capitol after one of their colleagues tested positive for coronavirus and potentially exposed others at a caucus meeting earlier in the week. Ten of the Senate's 11 Republican lawmakers will be allowed to debate and vote from home for the remainder of the session and will not be allowed to return to the Capitol for 14 days.

The last day of session is August 31 when members will return to their districts in preparation of the November election. Following adjournment on August 31, Governor Newsom will have 30 days to sign or veto legislation. TPA will provide a written update on the below issues and pieces of legislation following the final action taken on August 31.

Governor's COVID-19 Action Summary

- **New Partnership on Testing:** In anticipation for the stress on California's testing system this coming flu season, and to increase quantity, quality, and turnaround of overall testing, the State is partnering with the private sector to develop a new laboratory to provide the full scope of the supply chain for testing. In addition to the expanded testing capacity through this new partnership, the state anticipates the following benefits:
 - Increasing testing capacity by up to 150,000 tests per day
 - Lower guaranteed turn-around time for test results to 24-48 hours
 - Reduce testing costs for everyone (Up to \$200 currently, down to roughly \$30/test)
 - Improve testing reliability
 - Protect essential workers and at-risk groups
 - Provide insurance against a dual pandemic with the upcoming fly season
 - Break supply chain logjams

- **COVID-19 Precautions during Wildfire Season:** As wildfires continue to cause large scale evacuations across the State, the Newsom Administration has implemented procedures, and is reinforcing precautions, in order to minimize the impact of the

coronavirus on those forced to evacuate. The State has implemented health screenings and assessments before entry into a shelter and has placed an emphasis is being placed on getting a majority of evacuees into non-congregate sheltering. The State has secured space in 31 hotels, which are currently sheltering 1,480 people.

Tenant Evictions – AB 1436 (Chiu)

One of the key unresolved issues in the last few days of the legislative sessions remains legislation to address the pending end of the tenant eviction moratorium on September 1. AB 1436 (Chiu) would block the eviction of renters who miss rent payments during the COVID-19 emergency period, which would end 90-days after the state of emergency is lifted, or April 1, 2021, whichever occurs first. Under the bill, landlords would be allowed mortgage forbearance.

Unemployment Benefits

The Trump Administration has been working with California and reached an agreement over the weekend that will allow Californians to draw an additional \$300 in weekly unemployment benefits, through a new FEMA program, the Lost Wages Assistance Program. Under this agreement, a worker with the maximum state payment of \$450 a week could receive \$750 a week. A worker receiving the average state unemployment benefit of \$287, as of June, could receive a weekly payment of \$587. To be eligible for the additional benefit, unemployed California workers must provide a certification that they are out of work, or have suffered reduced hours, due to disruptions that the coronavirus caused. Additionally, jobless workers must be eligible to receive at least \$100 in weekly unemployment benefits. The California Employment Development Department (EDD) has indicated it will likely be a few weeks before it can modify its computer systems and distribute additional funds.

Climate Resiliency Bond

On August 25, Assemblymember Bloom gut and amended AB 1659 to include language for a Wildfire Climate Resiliency Bond focused on providing funding for fire related programs. AB 1659 will extend the existing small fixed charge on utility rates to generate at least \$2.5 billion in new revenue for climate and wildfire related jobs and investments. To jumpstart the expenditures necessary to address the current crisis, the bill borrows \$500 million from the surplus money investment fund.

This legislation establishes two separate expenditure plans for funds, both developed and overseen by the CPUC and the Natural Resources Agency. The first plan (Plan A) is the short-term expenditure plan for workforce and immediate fire needs. This would require a \$500 million allocation of funds developed within 30 days of the effective date of the bill. Plan A designates \$50 million for workforce training and development and \$450 million to address fire-related emergency actions. The second plan (Plan B) is for the longer-term allocations and would be developed within 6 months. Both plans are focused on reducing fire risks on the ground and protecting communities through defensible space, home hardening, public safety (including more EMTs), as well as public education and outreach on increasing fire resiliency

Housing Legislation

In the last few weeks, action has been taken on several housing bills in Sacramento. Several bills were held in Committee. Below is an update on the bills that are still moving forward in the last few days of session.

- *SB 1120 (Atkins): Subdivisions: tentative maps*
 - This bill requires ministerial approval of housing developments with two units (duplexes) and subdivision maps that meet certain conditions and increases the length of time that cities and counties can extend the validity of existing subdivision maps.
- *SB 1138 (Wiener): Housing element: emergency shelters: rezoning of sites*
 - This bill makes changes to housing element law with regards to where shelters may be zoned, as specified. This bill also requires localities that fail to adopt a legally compliant housing element within 120 days of the statutory deadline, to complete a rezone program within one year instead of the current three-year requirement.
- *SB 1299 (Portantino): Housing development: incentives: rezoning of idle retail sites*
 - This bill requires the California Housing and Community Development Department (HCD) to administer a program to provide grants to local governments that rezone idle sites used for a big box commercial shopping center to instead allow the development of workforce housing, as defined.
- *AB 725 (Wicks): General plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions.*
 - Amends Housing Element law to require certain jurisdictions to zone for multi-family moderate and above-moderate income housing.
- *AB 2345 (Gonzalez): Planning and zoning: density bonuses: annual report: affordable housing*
 - Revises Density Bonus Law to increase the maximum allowable density and the number of concessions and incentives a developer can seek.

Public Safety

Since the death of George Floyd, the Legislature has been focused on several bills that would address police reform, use of force, and public safety across the State. The Legislature will spend the final few days debating a variety of public safety bills, including bills that will ban the use of tear gas and rubber bullets, change immunity protections for peace officers, and increase the transparency of use-of-force cases.

- *AB 66 (Gonzalez) Police/Use of Force*
 - The purpose of this legislation is to limit the use of kinetic energy projectiles and chemical agents to disperse lawful assemblies, enforce curfews, in response to verbal threats, or to enforce mere non-compliance with law enforcement directives.
- *AB 1196 (Gipson) Peace officers: use of force. (Urgency)*
 - The purpose of this legislation is to prohibit law enforcement agencies from authorizing 1) carotid restraint holds; 2) choke holds, and 3) techniques or transport methods that involve a substantial risk of positional asphyxia.

- *AB 2655 (Gipson) Invasion of privacy: first responders.*
 - The purpose of this legislation is to create a misdemeanor for any first responder who photographs a deceased purpose other than for an official purpose or for a genuine public interest.
- *AB 1506 (McCarty) Police use of force*
 - The purpose of this legislation is to allow law enforcement agencies and district attorneys to request a new division of the Attorney General's office to investigate, report on, and potentially prosecute a criminal case when there is an officer involved shooting that results in a death of a member of the public.
- *AB 2342 (McCarty) Parole*
 - The purpose of this bill is to create a program through which parolees can earn "reintegration credits" to reduce the length of their parole term.
- *AB 1775 (Jones Sawyer) 911 emergency system: harassment*
 - The purpose of this bill is to make several changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class.
- *AB 2542 (Kalra) Criminal procedure: discrimination*
 - The purpose of this bill is to prohibit the state from seeking or upholding a conviction or sentence that is discriminatory based on race, ethnicity, or national origin as specified.

Federal Legislative Update

Over the past month, Congressional lawmakers were on recess – although the House briefly returned mid-month to hold a special vote on the "Delivering For America Act (H.R. 8015), which would provide \$25 billion in aid for the United States Postal Service. COVID-19 relief funding remained the primary point of focus, as many provisions from the previously passed CARES Act, including federal supplements for unemployment insurance, expired on July 31. While negotiations have largely remained at a stalemate, subtle signs are emerging that negotiations may be resuming as opposing sides are floating various legislative packages. The House is scheduled to return from recess on September 14, and the Senate will return on September 8.

Earlier this month, Democratic Presidential nominee former Vice-President Joe Biden selected Senator Kamala Harris (D-CA) as his running mate for Vice-President. Vice-President Biden narrowed his selection from a list of potential candidates that included former national security adviser Susan Rice, Michigan Governor Gretchen Whitmer, Congresswoman Karen Bass (D-CA), and Senators Elizabeth Warren (D-MA) and Tammy Duckworth (D-IL). Should Vice President Biden and Senator Harris win the Presidency, California's major economic and business sectors will have a direct line to assistance from the White House for the first time since former President Ronald Reagan held office. Governor Gavin Newsom will be tasked with selecting Senator Harris' successor should Democrats re-take the White House.

Coronavirus Aid Packages

The Senate released details of the “Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act,” which is being touted as a “skinny” COVID-19 relief bill. The legislation has not been formally introduced since the Senate is not currently in session, but the proposal is viewed as a sign of Republican’s willingness to return to the negotiation table.

The Senate’s proposal includes liability protections for businesses and health care providers, a second round of Paycheck Protection Program loans, and an extension of federal unemployment benefits at a reduced level of \$300 per week.

Additionally, the legislation also includes \$105 billion in funding for schools, with funding distributed to elementary and secondary schools, higher education institutions, and to each state to address education-related priorities.

However, the Senate’s proposal does not include federal assistance for state and local governments. House Speaker Nancy Pelosi (D-CA) has expressed her willingness to possibly negotiate a smaller COVID-19 spending package, focusing on issues of compromise in the interim and deferring action on more contentious legislative priorities until later this year or next year.

Wireless Infrastructure Lawsuit

In August, the U.S. Court of Appeals for the Ninth Circuit mostly upheld a Federal Communications Commission (FCC) order that limits local governments’ authority to regulate the installation of 5G cell towers in their communities.

In a 2-1 decision, the panel of judges ruled that the order is largely “in accord with the congressional directives” and “not otherwise contrary to law.” The order in question originates from a 2018 decision by FCC to cap fees for wireless carriers to deploy “small cells” essential to the adoption of next generation 5G networks. The 2018 FCC order limited local governments’ ability to regulate telecommunications providers and prevented owners and operators of utility poles from discriminatorily denying or delaying 5G and broadband service provider’s access to poles.

However, the appeals court struck down the provision dealing with local governments’ authority on aesthetic regulations, thereby opening the opportunities for local governments to cite aesthetics as a reason for rejecting a permit application.

Paid Leave Rule

This month, a federal judge overturned parts of the U.S. Department of Labor's rule that limited eligibility for paid coronavirus leave, saying that the department exceeded its authority. The rule previously excluded workers for whom no work is available and adopting an overly broad definition of a statutory exclusion for "health care providers." The judge also scaled back provisions of the rule limiting eligibility for intermittent leave and requiring workers to document their reasons for taking leave.

Public Charge Rule

In August, a federal court reversed last month’s order that blocked the nationwide implementation of the controversial “public charge” rule. The decision allows the Trump Administration to continue the policy in every state except New York, Connecticut, and Vermont.

The U.S. Court of Appeals reversed a previous ruling from a federal judge in New York, who indicated the "public charge" test hindered nationwide efforts to contain COVID-19 because it discouraged immigrants from requesting public assistance and medical treatment during the pandemic. USCIS, the agency responsible for implementing the public charge rule, is currently reviewing the most recent court order to determine the administrative viability of policy reimplementation where appropriate. This decision will likely continue to be challenged in court moving forward.

CERTS Act

Senator Susan Collins (R-ME) and Senator Jack Reed (D-RI) introduced the "Coronavirus Economic Relief for Transportation Services (CERTS) Act" (S. 4150), a bill to deliver \$10 billion in emergency economic relief funding, in the form of grants to motor coach operators, school bus companies, vessel operators, and countless other transportation service providers. Ultimately, the bill is predicated on companies retaining their employees and bringing back employees as business improves. The grant funds can be used to fund payroll, maintain equipment and facilities, and protect employees and customers from coronavirus. The bill is bipartisan in nature and has 27 cosponsors. Both California Senators are making a push for it to be included in the next coronavirus aid package.