CITIES ASSOCIATION OF SANTA CLARA COUNTY

2024 Legislative Action Committee

Bills for Discussion and Consideration

Included are bill summaries, letters of support/opposition, and fact sheets as available for the following bills:

SB 1164 (Newman)
AB 2814 (Low)
AB 1820 (Shiavo)
AB 1886 (Alvarez)
SB 21 (Umberg)
AB 1779 (Irwin)
SB 1095 (Becker)
SB 1130 (Bradford)
AB 1999 (Irwin)
AB 1772 (Ramos)
AB 2619 (Connolly)
AB 817 (Pacheco)
AB 1794 (McCarty)

SB 1164 (Newman): **Revenue and Taxation**

Permits property owners to claim an exemption from property tax reassessment for ADU construction until 15 years have passed or when the property changes hands.

Summary:

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, “full cash value” is defined as the assessor’s valuation of real property as shown on the 1975–76 tax bill under “full cash value” or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred.This bill would exclude from classification as “newly constructed” and “new construction” the construction of an accessory dwelling unit, as defined, until 15 years have passed since construction on the accessory dwelling unit was completed or there is a subsequent change in ownership of the accessory dwelling unit. The bill would require the property owner to, prior to or within 30 days of completion of the project, notify the assessor that the property owner intends to claim the exclusion for an accessory dwelling unit and submit an affidavit stating that the owner shall make a good faith effort to ensure the unit will be used as residential housing for the duration the owner receives the exclusion. The bill would require the State Board of Equalization to prescribe the manner and form for claiming the exclusion and would require all additional documents necessary to support the exclusion to be filed by the property owner with the assessor not later than 6 months after the completion of the project. Because this bill would require an affidavit by a property owner and a higher level of service from county assessors, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

March 27, 2024

The Honorable Steven Glazer
Chair, Senate Revenue and Taxation Committee
1021 O Street, Ste. 7520
Sacramento, CA 95814

RE: **SB 1164 (Newman) Property taxation: new construction exclusion: dwelling units**
Notice of OPPOSE *(02/14/2024)*

Dear Chair Glazer,

The League of California Cities (Cal Cities) along with the California State Association of Counties (CSAC), and the California Special Districts Association (CSDA) must respectfully **oppose** SB 1164 (Newman), which would negatively impact local government property tax revenue by exempting newly constructed accessory dwelling units (ADUs) from property tax assessment, if certain conditions are met, for fifteen years from the date of completion or until the property changes owners, whichever comes first.

Since 2018, there have been year over year increases in the number of newly permitted and constructed ADUs throughout the state. According to data from the UC Berkeley Center for Innovation, from 2018 to 2022, roughly 10,276 ADUs were built, while 28,547 units were permitted during that same period. It is clear there is a demand for ADUs that California cannot keep pace with.

This bill assumes property taxes are an impediment that disincentivize homeowners from building ADUs. However, the data show significant increases in the number of permits and constructed units in previous years, signaling that property tax adjustments have not exclusively halted or discouraged construction on new ADUs. Separate from property tax, the disproportionate share of accessory dwelling units that have been permitted, but not yet built, represents a supply and demand concern that is wholly divorced from property tax considerations.

Recent legislative efforts aimed at increasing the statewide housing stock, like SB 9 (Atkins, 2021), helped spur the construction of ADUs by allowing for by-right approval of an ADU in a single-family residential zone. However, increasing the housing stock triggers demand for service delivery that local governments are responsible for providing. By creating a property tax assessment exemption on newly constructed ADUs, SB 1164 will deprive local governments of the revenues needed to provide and expand services that are of communitywide benefit. Property taxes generate a critical revenue source local governments depend on to provide services, including public safety, education, parks, libraries, public health, and fire protection.

While Cal Cities, CSAC, and CSDA support the intent to increase the production of housing across the state, local governments can ill-afford any additional erosion of local tax revenues in the short- or long-term. The negative fiscal impacts of this measure would be exclusively borne by local governments. We applaud the intent of the measure but have ongoing concerns with proposals that erode the local government tax base.

For these reasons, Cal Cities, CSAC, and CSDA respectfully **oppose** SB 1164. If you have any questions, do not hesitate to contact me at btriffo@calcities.org.

Ben Triffo
Legislative Affairs Lobbyist, Cal Cities

Eric Lawyer
Legislative Advocate, CSAC

Marcus Detwiler
Legislative Representative, CSDA

cc: The Honorable Josh Newman
Members, Senate Revenue and Taxation Committee
Colin Grinnell, Senate Revenue and Taxation Committee

AB 2814 (Low): Crimes: unlawful entry: intent to commit package theft

Makes it a crime to enter the vicinity of a home with the intent to commit theft of any packages shipped through the mail or delivered by public or private carrier.

Summary: Under existing law, a person who enters a house, room, apartment, or other specified structure, with intent to commit larceny or any felony, is guilty of burglary in the first or 2nd degree, as specified. Burglary in the first degree is punishable by imprisonment in the state prison for 2, 4, or 6 years, and burglary in the 2nd degree is punishable as a misdemeanor by imprisonment in a county jail not exceeding one year, or as a felony by imprisonment in a county jail for 16 months, or 2 or 3 years. This bill would prohibit a person from entering the curtilage of a home, as defined, with the intent to commit theft of a package shipped through the mail or delivered by a public or private carrier. The bill would make a violation of that prohibition punishable as either a misdemeanor or a felony, as specified. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

April 4, 2024

The Honorable Kevin McCarty
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

The Honorable Aisha Wahab
Chair, Senate Public Safety Committee
1020 N Street, Room 545
Sacramento, CA 95814

RE: Retail Theft Enforcement and Increased Penalties Legislation

Dear Assemblymember McCarty and Senator Wahab:

One of the League of California Cities' (Cal Cities) top advocacy priorities is to address crime and retail theft, organized retail theft and shoplifting. Our organization is pleased that the Assembly Public Safety Committee will be hearing a slate of bills to address the growing problem of retail theft in our state. As such, Cal Cities would like to identify a few bills that we believe would help to address the issue of providing critically needed tools of enforcement to combat retail theft.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. Rising theft is impacting every corner of California, and city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

There are reforms needed to ensure that both apprehension rates of offenders improve and that those apprehended for more serious theft offenses meet meaningful consequences. Specifically, there are a several bills that would address these necessary reforms through increasing the certainty and severity of apprehension for retail theft offenses.

Therefore, we support the following bills:

AB 1960 (Soria) Sentencing Enhancements: Property Loss.
(As Introduced on 1/29/2024)

AB 1990 (Carrillo) Criminal Procedure: Arrests: Shoplifting.
(As Amended on 3/18/2024)

AB 2438 (Petrie-Norris) Property Crimes: Enhancements.
(As Introduced on 2/13/2024)

AB 2814 (Low) Crimes: Unlawful Entry: Intent to Commit Package Theft
(As Introduced on 2/15/2024)

AB 3209 (Berman) Crimes: Theft: Retail Theft Restraining Orders
(As Amended on 4/1/2024)

SB 1242 (Min) Crimes: Fires
(As Amended on 3/19/2024)

These bills propose several methods of increasing enforcement tools on the front end of our criminal justice system and increasing the penalties on the back end. These methods range from increasing ongoing funding of local and statewide enforcement programs, improving law enforcements' powers and arrest authority, creating new offenses, and adding sentencing enhancements for felonious offenses of retail theft.

While these individual bills are important to continuing to make progress on retail theft, these bills are only one part of a comprehensive solution that needs to include prevention, enforcement, and supervision. Cal Cities is part of a larger coalition of business, labor, law enforcement and local governments trying to address the increase in retail theft that is impacting so many Californians. Addressing enforcement tools and increased penalties are some of the methods that can help solve this growing problem, however additional changes are needed in order to make our communities safer.

For these reasons, Cal Cities **supports the bills listed above.** If you have any questions, do not hesitate to contact me at jvoorhis@calcities.org.

Sincerely,

Jolena Voorhis
Legislative Affairs, Lobbyist

cc: The Honorable Marc Berman
The Honorable Wendy Carrillo
The Honorable Evan Low
The Honorable Dave Min
The Honorable Cottie Petrie-Norris
The Honorable Esmeralda Soria
Members, Assembly Public Safety Committee

Members, Senate Public Safety Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Gary Olson, Consultant, Republican Caucus
Mary Kennedy, Chief Counsel, Senate Public Safety
Eric Csizmar, Consultant, Senate Republican Caucus

AB 1820 (Shiavo): Housing development projects: applications: fees and exactions

This bill requires local governments, upon determination that a housing project development application is complete, to produce the development proponent with an itemized list and total sum amount of all fees and exactions that will apply to the project within 10 days of the determination of completeness transmitted to the applicant.

Summary:

Existing law requires a city or county to deem an applicant for a housing development project to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. Existing law requires a housing development project be subject only to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted. This bill would authorize a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate, as defined, and would require the local agency to provide the estimate within 20 business days of the submission of the preliminary application. For development fees imposed by an agency other than a city or county, the bill would require the development proponent to request the preliminary fee and exaction estimate from the agency that imposes the fee. This bill contains other related provisions and other existing laws.

April 4, 2024

The Honorable Chris Ward
Chair, Assembly Committee on Housing and Community Development
1020 N Street, Room 124
Sacramento, CA 95814

RE: AB 1820 (Schiavo) Housing Development Projects: Applications: Fees and Exactions
(As Amended 4/1/24)
Notice of Oppose Unless Amended

Dear Assemblymember Schiavo,

The League of California Cities (Cal Cities), California State Association of Counties (CSAC), Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC) regretfully must take a position of oppose AB 1820 (Schiavo) unless it is amended to address our concerns. AB 1820 as currently drafted, would require all local agencies to provide within 20 days of a request by a developer, an itemized list and the total sum of all fees and exactions for a proposed development project during the preliminary application process.

Our organizations support the intent of the legislature to improve the transparency, predictability, and governance of impact fees, while preserving the ability to fund public facilities and other infrastructure in a manner flexible enough to meet the needs of California's varied and diverse communities, regardless of whether they are small or large, or rural or urban. Our organizations have participated in several stakeholder meetings to find areas of common agreement for improvements to California's laws related to development impact fees.

Since 2022, cities, counties, and special districts have been required to post fee schedules on their websites via Government Code Section 65940.1. In addition, fee schedules are a public record and are easily available upon request. The fee schedule lists the standard generally applicable fees for a specific project type that are common across all similar projects in a jurisdiction, however, it does not account for project-specific fees or CEQA mitigation measures which cannot be estimated during a preliminary application process. Project-specific fees vary on a project-by-project basis and cannot be determined before the project is fully designed and approved. Additionally, if the intent of AB 1820 is to provide an estimate of all fees associated with a specific development project, 20 days is not nearly enough time for local governments to estimate and provide the necessary materials to the project applicant. Finally, our organizations are concerned that local governments would be unable to charge fees after the preliminary application process, which is concerning as fees may differ from the preliminary estimate as construction begins to address necessary local infrastructure upgrades due to a new development project proposal.

Given the concerns listed above our organizations must respectfully oppose unless amended AB 1820. To help address our concerns, the author's office should specify that this measure would only apply to standardized general fees known at the time of the preliminary application and not apply to project-specific fees. Additionally, the author's office should consider extending the 20-day deadline to 45

business days instead. Finally, local governments need protections that the estimated fees and exactions are nonbinding and should be granted the authority to cover the cost of services provided by the local government for a new development project. Without these fees, local jurisdictions will be unable to provide the needed services.

We appreciate the author's interest in bringing this measure forward and remain concerned about the bill's costs to local governments. For these reasons, our organizations respectfully oppose unless amended AB 1820. If you have any questions, do not hesitate to contact Brady Guertin at Cal Cities, Chris Lee at UCC, Mark Neuburger at CSAC, or Tracy Rhine at RCRC.

Sincerely,

Brady Guertin
Legislative Affairs, Lobbyist
League of California Cities

Christopher Lee
Legislative Advocate, UCC

Mark Neuburger
Legislative Advocate
California State Association of Counties

Tracy Rhine
Senior Policy Advocate
Rural County Representatives of California

cc: The Honorable Pilar Schiavo
Members, Asm Housing and Community Development
Dori Ganetsos, Senior Consultant, Asm Committee on Housing and Community Development
William Weber, Policy Consultant, Assembly Republican Caucus

ASSEMBLYWOMAN
PILAR SCHIAVO

AB 1820 – Developer Fee Transparency

Summary

AB 1820 is a "good government" measure that seeks to provide developers financial certainty and predictability when estimating the cost of local development impact fees on proposed housing projects. This measure requires local jurisdictions to timely provide an itemized list and estimated total sum amount of all fees and exactions that will apply to a residential development that has submitted a preliminary application.

Background

State law gives local jurisdictions broad authority to levy impact fees on builders. Unfortunately, those fees are often not easily identified prior to issuance of a permit and construction. Many jurisdictions practice a "pay-as-you-go" methodology as the project goes through the many phases of permitting and construction.

A 2018 study conducted by the Terner Center for Housing Innovation at the University of California, Berkeley, found that fees and exactions can amount to up to 18 percent of the median home price, that these fees and exactions are extremely difficult to estimate, and that fees and exactions continue to rise in California while decreasing nationally. Further, escalating fee and exaction costs make it more difficult for builders to deliver new housing for sale or rent at affordable prices.

The study found significant implications for the cost and delivery of new housing in California. Specifically, without standardized tools to estimate development fees, builders cannot accurately predict total project costs during the critical predevelopment phase.

Affordable housing projects can be subject to exorbitant fees that raise the cost of the building, reducing the already narrow margins that affordable housing developers work with and the unpredictability of these fees can delay or derail projects altogether.

AB 1483 (Grayson) aimed to remedy this uncertainty to some degree by requiring local agencies to post on their websites all fees imposed on a housing development projects. This measure was an attempt to prevent a "needle-in-a-haystack" approach in searching for the appropriate costs affiliated with the project. Unfortunately, a survey conducted by SPUR in 2021 found that "many jurisdictions have yet to come into compliance with AB 1483, as their websites often have incomplete or unreliable information regarding development fees and requirements."

Current Law

(GOV § 65940.1) Details the requirements of cities, counties, or special districts to list on their websites their current schedule of fees, exactions, and affordability requirements imposed by the city, county, or special district, including any dependent special districts, as defined.

This Bill

AB 1820 will:

1) Allow developers to request a good-faith estimate of fee and exaction statement estimate from their local jurisdiction.
2) Require a local entity to provide a fee estimate within 10 business days of the submission of a preliminary project application.

Support

- San Francisco Bay Area Planning and Urban Research Association (SPUR) (Sponsor)
- California Building Industry Association (CBIA) (Sponsor)
- California YIMBY (Co-Sponsor)

For More Information

Ravi Kahlon, Legislative Aide
Office of Assemblywoman Schiavo
Ravi.Kahlon@asm.ca.gov or (916) 319-2040

AB 1886 (Alvarez): Housing Element Law: substantial compliance: Housing Accountability Act

Clarifies that the builder's remedy is applicable to cities and counties that have not received official certification of housing element compliance from HCD. Additionally creates a rebuttable presumption of the validity of HCD's findings as to whether an adopted element or amendment complies with housing law.

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law, commonly referred to as the Housing Element Law, prescribes requirements for a city's or county's preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. If the department finds that a draft housing element or amendment does not substantially comply with the Housing Element Law, existing law requires the legislative body of the city or county to either (A) change the draft element or amendment to substantially comply with the Housing Element Law or (B) adopt the draft housing element or amendment without changes and make specified findings as to why the draft element or amendment substantially complies with the Housing Element Law despite the findings of the department. Existing law requires a planning agency to promptly submit an adopted housing element or amendment to the department and requires the department to review the adopted housing element or amendment and report its findings to the planning agency within 60 days. This bill would require a planning agency that makes the above-described findings as to why a draft housing element or amendment substantially complies with the Housing Element Law despite the findings of the department to submit those findings to the department. The bill would require the department to review those finding in its review of an adopted housing element or amendment. The bill would create a rebuttable presumption of validity for the department's findings as to whether the adopted element or amendment substantially complies with the Housing Element Law. Because the bill would require planning agencies to submit specified findings to the department with an adopted housing element or amendment, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

April 4, 2024

The Honorable Chris Ward
Chair, Assembly Housing and Community Development Committee
1020 N St, Room 124
Sacramento, CA 95814

RE: **AB 1886 (Alvarez) Housing Element Law: Substantial Compliance**
Notice of Opposition *(As of April 1, 2024)*

Dear Chair Ward,

The League of California Cities (Cal Cities) regretfully must oppose **AB 1886 (Alvarez)**, because it turns its back to a fundamental provision of housing element law: A city may disagree with HCD; explain why its housing element is in substantial compliance with the law; and then adopt that housing element which is thereafter considered "in substantial compliance with housing element law."

For decades, cities have worked with HCD to draft housing plans that accommodate their fair share of housing at all income levels. These extensive and complex plans can take years to develop, include public involvement and engagement, and environmental review. Cities go to great lengths to ensure that their housing element substantially complies with the law, even if HCD disagrees. Current law acknowledges this fact by allowing cities to "self-certify" their housing element or take the issue to court and have a judge make the final determination of substantial compliance.

AB 1886 encourages "builder's remedy" projects by eliminating self-certification for the purpose of what it means to have a housing element "in substantial compliance with the law." The "builder's remedy" allows a developer to choose any site other than a site that is identified for very low-, low-, or moderate-income housing, and construct a project that is inconsistent with both the city's general plan and zoning. AB 1886 facilitates such projects for those cities that have a good faith disagreement based in substantial evidence.

Cal Cities believes that AB 1886 is counterproductive. What is really needed is for HCD to partner with cities to provide meaningful direction that helps them finalize their housing elements and put those plans to work so that much needed housing construction can occur. For these reasons, Cal Cities respectfully **opposes** AB 1886. If you have any questions, do not hesitate to contact me at bguertin@calcities.org.

Sincerely,

Brady Guertin

Brady Guertin
Legislative Affairs, Lobbyist

CC: The Honorable David A. Alvarez
Members, Assembly Committee on Housing and Community Development
Lisa Engel, Chief Consultant, Assembly Committee on Housing and Community Development
William Weber, Assembly Republican Caucus

SB 21 (Umberg): Controlled Substances

This measure would require a person who is convicted of crimes related to controlled substances to receive a written advisory of the danger of manufacturing or distribution of controlled substances and that, if a person dies because of that action, the distributor can be charged with voluntary manslaughter or murder.

Summary: Existing law makes it a crime to possess for sale or purchase for purpose of sale, transport, or sell, various controlled substances, including, among others, fentanyl. This bill would require a person who is convicted of, or who pleads guilty or no contest to, the above-described crimes as they relate to fentanyl to receive a written advisory of the danger of distribution of controlled substances and that, if a person dies as a result of that action, the distributor can be charged with homicide or murder. The bill would require that the fact the advisory was given be on the record and recorded on the abstract of the conviction. This bill would authorize a defendant who is charged with the above-described crimes to undergo a treatment program in lieu of a grant of probation or a jail or prison sentence if certain conditions are met. The bill would require the treatment program to be developed by a drug addiction expert and would authorize a defendant to participate in a substance abuse and mental health evaluation. The bill would make any statement or information from the evaluation inadmissible in any action or proceeding. The bill would require the drug treatment program to be approved by the court and could include mental health treatment and job training. The bill would require the court to dismiss the charges upon successful completion of the treatment program.

LEAGUE OF CALIFORNIA CITIES

April 8, 2024

The Honorable Tom Umberg
Member, California State Senate
1021 O Street, Room 6530
Sacramento, CA 95814

RE: **SB 21 (Umberg) Controlled Substances.**
Notice of SUPPORT *(as Amended on January 17, 2024)*

Dear Senator Umberg,

The League of California Cities (Cal Cities) is pleased to **support** your measure **SB 21 (Umberg)**. This measure would require a person who is convicted of fentanyl-related drug offenses to receive a written advisory of the danger of manufacturing or distribution of controlled substances and that, if a person dies because of that action, the manufacturer or distributor can be charged with voluntary manslaughter or murder.

A recent study by the Center for Disease Control (CDC) names fentanyl the deadliest drug in the United States. Fentanyl is often disguised as other synthetic opioids or drugs, then sold on the street to users who are unaware that fentanyl is a key ingredient. Users who unknowingly ingest these substances believing they are taking a less powerful drug are much more susceptible to overdose or even death. When abused, fentanyl affects the brain and nervous system and is 50 times stronger than heroin and 100 times stronger than morphine.

With respect to deaths resulting from driving under the influence (DUI), the California Supreme Court held in People v. Watson (1981), 30 Cal.3d 290, 298, in affirming a second-degree murder conviction, that "when the conduct in question can be characterized as a wanton disregard for life, and the facts demonstrate a subjective awareness of the risk created, malice may be implied." To codify this notion, California Vehicle Code §23593 was implemented in 2004 to require that courts read an admonishment to anyone convicted of reckless driving or DUI to inform them of the state's ability and intent to charge a repeated future offense with manslaughter or murder.

Existing law makes it unlawful to sell, traffic, or transport specified opiates and opiate derivatives including fentanyl. SB 21 authorizes a defendant who is charged with those offenses the ability to undergo a treatment program in lieu of a jail or prison sentence if certain conditions are met. This seeks to maximize the access to rehabilitative and treatment programs for Californians.

For these reasons, Cal Cities **supports** SB 21 (Umberg). If you have any questions, do not hesitate to contact me at jvoorhis@calcities.org.

LEAGUE OF CALIFORNIA CITIES

Sincerely,

Jolena Voorhis
Legislative Affairs, Lobbyist

Cc: Members, Public Safety Committee

AB 1779 (Irwin): Crime: Jurisdiction

Removes the requirement that theft crimes be jurisdictionally limited to prosecutorial actions brought by the Attorney General. Requires that all district attorneys in counties with jurisdiction over the crimes agree to the venue. Without agreement, the crime would be returned to the original jurisdiction.

Summary:

Existing law defines types of theft, including petty theft, grand theft, and shoplifting. Existing law also defines the crimes of robbery and burglary. Existing law sets forth specific rules relating to the jurisdiction for the prosecution of theft by fraud, organized retail theft, and receiving stolen property, including that the jurisdiction for prosecution includes the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding or abetting in the commission of a theft offense or other qualifying offense. Existing law jurisdictionally limits prosecution of each of the above to criminal actions brought by the Attorney General. This bill would no longer limit the jurisdictional rules for the above crimes to criminal actions brought by the Attorney General. If a case is brought by someone other than the Attorney General, the bill would require the prosecution to present written evidence in the jurisdiction of the proposed trial that all district attorneys in counties with jurisdiction over the offenses agree to the venue. The bill would require charged offenses from jurisdictions where there is not a written agreement from the district attorney to be returned to that jurisdiction.

April 4, 2024

The Honorable Kevin McCarty
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

The Honorable Aisha Wahab
Chair, Senate Public Safety Committee
1020 N Street, Room 545
Sacramento, CA 95814

RE: Retail Theft Aggregation and Multi-Jurisdictional Legislation

Dear Assemblymember McCarty and Senator Wahab,

One of the League of California Cities' (Cal Cities) top advocacy priorities is to address crime and retail theft, organized retail theft and shoplifting. Our organization is pleased that both houses of the Legislature have made this issue a priority in 2024. As such, Cal Cities would like to identify a few bills that we believe would help to address the issue of aggregating multiple retail theft offenses across a multi-jurisdictional area.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. To address rising theft, city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

It has become common for offenders to try to avoid higher charges, such as grand theft, by stealing small amounts of items they know are under $950 across several retail businesses. Current law provides that multiple thefts can be aggregated to one charge if these incidents can be proven to be "one intention, one general impulse, and one plan." Unfortunately, this law is limited in scope and Cal Cities strongly believes it needs strengthening.

Improved aggregation laws for multiple incidents of theft will not be helpful without active prosecution of cases across several jurisdictions. Expanding coordination and abilities of District Attorneys to work together to prosecute theft offenses that occur in several counties will ensure offenders are held accountable.

Therefore, we support the following bills:

AB 1779 (Irwin) Theft: Jurisdiction.
(As Amended on 3/11/2024)

AB 1794 (McCarty) Crimes: Larceny
(As Amended on 4/1/2024)

These bills propose several methods of ensuring and clarifying the process of multi-jurisdictional prosecution as well as aggregation of multiple theft incidents with several victims.

While these individual bills are important in order to continue to make progress on retail theft, these bills are only one part of a comprehensive solution that needs to include prevention, enforcement, and supervision. Cal Cities is part of a larger coalition of business, labor, law enforcement and local governments trying to address the increase in retail theft that is impacting so many Californians. Addressing aggregation of multiple theft offenses and cross-county prosecution of offenses are some of the methods that can help solve this growing problem, however additional changes are needed in order to make our communities safer.

For these reasons, Cal Cities **supports the bills listed above.** If you have any questions, do not hesitate to contact me at jvoorhis@calcities.org.

Sincerely,

Jolena Voorhis
Legislative Affairs, Lobbyist

cc: The Honorable Jacqui Irwin
The Honorable Kevin McCarty
Members, Assembly Public Safety Committee
Members, Senate Public Safety Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Gary Olson, Consultant, Republican Caucus
Mary Kennedy, Chief Counsel, Senate Public Safety
Eric Csizmar, Consultant, Senate Republican Caucus

SB 1095 (Becker) Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances

Prohibits mobile home parks and homeowner associations from instituting barriers to electric appliances

Summary: Existing law, the Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure.This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome. This bill contains other related provisions and other existing laws.

SB 1130 (Bradford) Electricity: Family Electric Rate Assistance: reports

Would require the Public Utilities Commission, by June 1, 2025, and each year thereafter, to review each electrical corporation's report to ensure it has sufficiently enrolled eligible households in the FERA program commensurate with the proportion of households the commission determines to be eligible within the electrical corporation's service territory.

Summary: Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations. Existing law requires the commission to continue a program of assistance to residential customers of the state's 3 largest electrical corporations consisting of households of 3 or more persons with total household annual gross income levels between 200% and 250% of the federal poverty guideline level, which is referred to as the Family Electric Rate Assistance or FERA program.This bill would expand eligibility for the FERA program by eliminating the requirement that a household consist of 3 or more persons. The bill would require the commission, by March 1, 2025, and each year thereafter, to require the state's 3 largest electrical corporations to report on their efforts to enroll customers in the FERA program. This bill would require the commission, by June 1, 2025, and each year thereafter, to review each electrical corporation's report to ensure it has sufficiently enrolled eligible households in the FERA program commensurate with the proportion of households the commission determines to be eligible within the electrical corporation's service territory. If the commission, in its review of a report, determines an electrical corporation has not sufficiently enrolled eligible households in the FERA program, the bill would require the commission to require the electrical corporation to develop a strategy and plan to sufficiently enroll eligible households within 3 years of the adoption of the strategy and plan. This bill contains other related provisions and other existing laws.

AB 1999 (Irwin) Electricity: Income Graduated Fixed Charges

Summary:

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to adopt new, or expand existing, fixed charges, as defined, for the purpose of collecting a reasonable portion of the fixed costs of providing electrical service to residential customers. Under existing law, the commission may authorize fixed charges for any rate schedule applicable to a residential customer account. Existing law requires the commission, no later than July 1, 2024, to authorize a fixed charge for default residential rates. Existing law requires these fixed charges to be established on an income-graduated basis, with no fewer than 3 income thresholds, so that low-income ratepayers in each baseline territory would realize a lower average monthly bill without making any changes in usage. This bill would repeal the provisions described in the preceding paragraph. The bill would instead permit the commission to authorize fixed charges that, as of January 1, 2015, do not exceed $5 per residential customer account per month for low-income customers enrolled in the California Alternate Rates for Energy (CARE) program and that do not exceed $10 per residential customer account per month for customers not enrolled in the CARE program. The bill would authorize these maximum allowable fixed charges to be adjusted by no more than the annual percentage increase in the Consumer Price Index for the prior calendar year, beginning January 1, 2016. This bill contains other related provisions and other existing laws.

AB 1772 (Ramos): Theft

Related to theft crimes, the bill states that if the value of property taken exceeds $950 over the course of distinct but related acts, the thefts may properly be aggregated to charge a defendant with grand theft.

Summary: Existing law makes theft a crime, and distinguishes between grand theft and petty theft. Existing law makes the theft of money, labor, or property petty theft punishable as a misdemeanor, whenever the value of the property taken does not exceed $950. Under existing law, if the value of the property taken exceeds $950, the theft is grand theft, punishable as a misdemeanor or a felony. Existing law makes a first conviction for petty theft involving merchandise taken from a merchant's premises punishable by a mandatory fine and as a misdemeanor. This bill would require the Department of Justice to determine the number of misdemeanor convictions for a crime of theft for which the property was taken from a retail establishment during the Governor's declared state of emergency related to the COVID-19 pandemic, and to report that information to the Legislature on or before January 1, 2026.

April 5, 2024

The Honorable Kevin McCarty
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, CA 95814

RE: **AB 1772 (Ramos) Theft.**
Notice of SUPPORT *(As Amended on April 3, 2024)*

Dear Assemblymember McCarty,

The League of California Cities (Cal Cities) is pleased to **support** AB 1772 (Ramos), which would require the Department of Justice to conduct a study to determine the number of misdemeanor convictions for a theft offense when property was taken from a retail business during the COVID-19 state of emergency.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. Rising theft is impacting every corner of California, and city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

This bill would require the Department of Justice on January 1, 2026 to report to the Legislature the number of misdemeanor convictions for retail theft during the Governor's declared state of emergency during the COVID-19 pandemic. This would allow the Legislature to identify the rate of convictions misdemeanor retail theft offenses during a time related to a surge of theft rates.

While AB 1772 (Ramos) is important to continuing to make progress on retail theft, this bill is only one part of a comprehensive solution that needs to include prevention, enforcement, and supervision. Cal Cities is part of a larger coalition of business, labor, law enforcement and local governments trying to address the increase in retail theft that is impacting so many Californians. Identifying the rate of theft in comparison to the rate of conviction is just one of the methods that can help solve this growing problem and make our communities safer.

For these reasons, Cal Cities **supports** AB 1772 (Ramos). If you have any questions, do not hesitate to contact me at jvoorhis@calcities.org.

Sincerely,

Jolena Voorhis
Legislative Affairs, Lobbyist

cc: The Honorable James Ramos
Members, Assembly Public Safety Committee
Liah Burnley, Counsel, Assembly Public Safety Committe
Gary Olson, Consultant, Assembly Republican Caucus

AB 2619 (Connolly): Net Energy Metering

Summary: Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations. Existing law requires every electric utility, defined to include electrical corporations, local publicly owned electric utilities, and electrical cooperatives, to develop a standard contract or tariff for net energy metering, as defined, for generation by a renewable electrical generation facility, as defined, and to make this contract or tariff available to eligible customer-generators, as defined, upon request on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer generators exceeds 5% of the electric utility's aggregate customer peak demand. Existing law requires the commission to have developed a 2nd standard contract or tariff for each large electrical corporation, as defined, to provide net energy metering to additional eligible customer-generators in the electrical corporation's service territory and imposes no limitation on the number of new eligible customer-generators entitled to receive service pursuant to this 2nd standard contract or tariff. Existing law requires the commission, in developing the 2nd standard contract or tariff, to ensure that customer-sited renewable distributed generation continues to grow sustainably and to include specific alternatives designed for growth among residential customers in disadvantaged communities. Existing law authorizes the commission to revise the 2nd standard contract or tariff as appropriate. Pursuant to that authorization, the commission has instituted rulemakings and issued decisions relating to the 2nd standard contract or tariff. This bill would require all eligible customer-generators of large electrical corporations receiving service under the 2nd standard contract or tariff to be subject to a specified version of the tariff developed by the commission in a specified rulemaking. The bill would require the commission to develop a new standard contract or tariff providing for net energy metering for eligible customer-generators of large electrical corporations, and would require every other electric utility to revise its standard contract or tariff providing for net energy metering. The bill would require every electric utility to make the standard contract or tariff available to all new eligible customer-generators beginning on January 1, 2027. By adding new duties on local publicly owned electric utilities, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 817 (Pacheco) Open meetings: teleconferencing: subsidiary body.

This measure would remove barriers to entry for appointed and elected office by allowing nondecision-making legislative bodies to participate in two-way virtual teleconferencing without posting their location.

Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Existing law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to specific means by which the public may remotely hear and visually observe the meeting. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. This bill contains other related provisions and other existing laws.

FLOOR ALERT

On behalf of the California Association of Recreation and Park Districts (CARPD), League of California Cities (CalCities), Urban Counties of California (UCC), Rural County Representative of California (RCRC), California State Association of Counties (CSAC), and California Association of Public Authorities for IHSS (CAPA-IHSS), we are pleased to sponsor this important legislation and ask for your AYE vote to remove barriers to entry into civic leadership.

We and the above organizations write to express our strong support for AB 817.

- This measure would remove barriers to entry for appointed and elected office by allowing non-decision-making legislative bodies that do not have the ability to take final action to participate in two-way virtual teleconferencing without posting location.

- Local governments across the state have faced an ongoing challenge to recruit and retain members of the public on advisory bodies, boards, and commissions.

- Challenges associated with recruitment have been attributed to participation time commitments, time and location of meetings, physical limitation, conflicts with childcare, and work obligations.

- The COVID-19 global pandemic drove both hyper-awareness and concerns about the spread of infectious diseases, as well as removed barriers to local civic participation by allowing this same remote participation. This enabled individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements to engage locally, providing access to leadership opportunities and providing communities with greater diversified input on critical community proposals.

- Existing law (Stats. 1991, Ch. 669) declares "a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees." Under the Local Appointments List, also known as Maddy's Act, this information must be publicly noticed and published. **However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's declared goals of equal access and equal opportunity.**

- Diversification in civic participation at all levels requires careful consideration of different protected characteristics as well as socio-economic status.

- The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with disability, single parents and/or caretakers, economically marginalized groups, and those who live in rural areas and face prohibitive driving distances. Participation in local advisory bodies and appointed boards and commissions often serves as a pipeline to local elected office and opportunities for state and federal leadership positions.

- **AB 817 would help address these issues by providing a narrow exemption under the Ralph M. Brown Act for non-decision-making legislative bodies that do not take final action on any legislation, regulations, contracts, licenses, permits, or other entitlements, so that equity in opportunity to serve locally and representative diversity in leadership can be achieved.**

AB 817 IS WORKING WITH THE LOCAL GOVERNMENT COMMITTEE AND LEGISLATIVE COUNSEL TO ALIGN ITS PROVISIONS WITH ALL OF THE TELECONFERENCING PROVISIONS THAT APPLY TO ADVISORY BODIES AS PASSED IN SB 544 (LAIRD) LAST YEAR, INCLUDING PROVIDING A PHYSICAL LOCATION FOR THE PUBLIC TO HEAR, SEE, AND PARTICIPATE FROM.

WE ASK FOR YOUR "AYE" VOTE ON AB 817 TO REMOVE BARRIERS TO ENTRY INTO CIVIC PARITICPATION AT THE LOCAL LEVEL AND INCREASE REPRESENTATION ON IMPORTANT ADVISORY ONLY BOARDS AND COMMITTEES.

AB 1794 (McCarty): Public Safety: Larceny

Summary: Existing law, the Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of money, labor, or property petty theft punishable as a misdemeanor, whenever the value of the property taken does not exceed $950. Under existing law, if the value of the property taken exceeds $950, the theft is grand theft, punishable as a misdemeanor or a felony. Proposition 47 requires shoplifting, defined as entering a commercial establishment with the intent to commit larceny if the value of the property taken does not exceed $950, to be punished as a misdemeanor. Under existing law, if the value of all property taken over the course of distinct but related acts motivated by one intention, general impulse, and plan exceeds $950, those values may be aggregated into a single charge of grand theft. This bill would clarify that those values may be aggregated even though the thefts occurred in different places or from different victims. The bill would also, declarative of existing law, provide that circumstantial evidence may be used to prove that multiple thefts were motivated by one intention, general impulse, and plan. The bill would, until January 1, 2030, also authorize counties to operate a program to allow retailers to submit details of alleged shoplifting directly to the county district attorney through an online portal on the district attorney's internet website. The bill would require counties that participate in the program to conduct an evaluation and collect specified information, and to report that information to the Department of Justice, as specified. This bill contains other existing laws.

April 4, 2024

The Honorable Kevin McCarty
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

The Honorable Aisha Wahab
Chair, Senate Public Safety Committee
1020 N Street, Room 545
Sacramento, CA 95814

RE: Retail Theft Aggregation and Multi-Jurisdictional Legislation

Dear Assemblymember McCarty and Senator Wahab,

One of the League of California Cities' (Cal Cities) top advocacy priorities is to address crime and retail theft, organized retail theft and shoplifting. Our organization is pleased that both houses of the Legislature have made this issue a priority in 2024. As such, Cal Cities would like to identify a few bills that we believe would help to address the issue of aggregating multiple retail theft offenses across a multi-jurisdictional area.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. To address rising theft, city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

It has become common for offenders to try to avoid higher charges, such as grand theft, by stealing small amounts of items they know are under $950 across several retail businesses. Current law provides that multiple thefts can be aggregated to one charge if these incidents can be proven to be "one intention, one general impulse, and one plan." Unfortunately, this law is limited in scope and Cal Cities strongly believes it needs strengthening.

Improved aggregation laws for multiple incidents of theft will not be helpful without active prosecution of cases across several jurisdictions. Expanding coordination and abilities of District Attorneys to work together to prosecute theft offenses that occur in several counties will ensure offenders are held accountable.

Therefore, we support the following bills:

AB 1779 (Irwin) Theft: Jurisdiction.
(As Amended on 3/11/2024)

AB 1794 (McCarty) Crimes: Larceny
(As Amended on 4/1/2024)

These bills propose several methods of ensuring and clarifying the process of multi-jurisdictional prosecution as well as aggregation of multiple theft incidents with several victims.

While these individual bills are important in order to continue to make progress on retail theft, these bills are only one part of a comprehensive solution that needs to include prevention, enforcement, and supervision. Cal Cities is part of a larger coalition of business, labor, law enforcement and local governments trying to address the increase in retail theft that is impacting so many Californians. Addressing aggregation of multiple theft offenses and cross-county prosecution of offenses are some of the methods that can help solve this growing problem, however additional changes are needed in order to make our communities safer.

For these reasons, Cal Cities **supports the bills listed above.** If you have any questions, do not hesitate to contact me at jvoorhis@calcities.org.

Sincerely,

Jolena Voorhis
Legislative Affairs, Lobbyist

cc: The Honorable Jacqui Irwin
The Honorable Kevin McCarty
Members, Assembly Public Safety Committee
Members, Senate Public Safety Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Gary Olson, Consultant, Republican Caucus
Mary Kennedy, Chief Counsel, Senate Public Safety
Eric Csizmar, Consultant, Senate Republican Caucus