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# California Legislature

## SENATE COMMITTEE ON

## TRANSPORTATION AND HOUSING

JIM BEALL  
CHAIRMAN



CHIEF CONSULTANT  
RANDY CHINN

PRINCIPAL CONSULTANTS  
MANNY LEON  
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COMMITTEE ASSISTANTS  
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STATE CAPITOL, ROOM 2209  
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Tuesday, June 20, 2017  
1:30 p.m. — John L. Burton Hearing Room (4203)  
(PROPOSED CONSENT ITEMS INDICATED WITH \*)

### AGENDA

- |     |         |             |   |
|-----|---------|-------------|---|
| 1.  | AB 333* | Quirk       | State Highway Route 185: relinquishment: County of Alameda.   |
| 2.  | AB 363* | Quirk-Silva | Driver's licenses: veteran designation.   |
| 3.  | AB 381  | Calderon    | Vehicle registration: Voluntary Deaf or Hard of Hearing Notification Program: establishment.          |
| 4.  | AB 467  | Mullin      | Local transportation authorities: transactions and use taxes.   |
| 5.  | AB 468  | Santiago    | Transit districts: prohibition orders.  |
| 6.  | AB 494* | Bloom       | Land use: accessory dwelling units.   |
| 7.  | AB 678  | Bocanegra   | Housing Accountability Act.   |
| 8.  | AB 696  | Caballero   | Department of Transportation: Prunedale Bypass: County of Monterey: disposition of excess properties. |
| 9.  | AB 863* | Cervantes   | Affordable Housing and Sustainable Communities Program.   |
| 10. | AB 932  | Ting        | Shelter crisis: homeless shelters and permanent supportive housing.                                   |
| 11. | AB 1086 | Daly        | Housing: regional housing needs.  |

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### AGENDA Page #2

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12.	AB 1172*	Acosta	State highways: relinquishment.
13.	AB 1393	Friedman	Reckless driving: speed contests: vehicle impoundment.
14.	AB 1523*	Obernolte	San Bernardino County Transportation Authority: design-build.
15.	AB 1625	Rubio	Inoperable parking meters.
16.	AJR 4	Cervantes	Home Ownership.

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**  
**Senator Jim Beall, Chair**  
**2017 - 2018 Regular**

<b>Bill No:</b>	AB 333	<b>Hearing Date:</b>	6/20/2017
<b>Author:</b>	Quirk		
<b>Version:</b>	2/7/2017		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Manny Leon		

**SUBJECT:** State Highway Route 185: relinquishment: County of Alameda

**DIGEST:** This bill authorizes the California Transportation Commission (CTC) to relinquish segments of State Route (SR) 185 in Alameda County.

**ANALYSIS:**

*Existing law:*

- 1) Defines a "state highway" as any roadway that is acquired, laid out, constructed, improved, or maintained as a state highway pursuant to constitutional or legislative authorization.
- 2) Statutorily identifies state highway system routes.
- 3) Specifies that it is the intent of the Legislature that the prescribed routes of the state highway system connect communities and regions of the state and that they serve the state's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.
- 4) Authorizes the CTC to relinquish all or a portion of SR 185 within the city limits of the City of Hayward upon terms and conditions the CTC finds to be in the best interest of the state and if Caltrans and the City of Hayward agree to the terms of the relinquishment.

**This bill:**

- 1) Authorizes CTC, upon a determination that it is the best interest of the state to do so and upon an agreement between the California Department of Transportation (Caltrans) and Alameda County, to relinquish all or a portion of SR 185 that lies within the unincorporated area of the county.

**COMMENTS:**

- 1) *Purpose.* According to the author, "This bill is necessary to ensure the regular upkeep of a vital thoroughfare in Alameda County and Hayward City. By relinquishing control of this section of State Route 185 needed safety improvements, such as bicycle and pedestrian facilities, pavement rehabilitation, pedestrian scale lighting, utility undergrounding, landscaping, and streetscape improvements will be made. The county is committed to the maintenance of this route. However, without official relinquishment my constituent's concerns will continue to go unaddressed"
- 2) *Relinquishments.* Each session, numerous bills authorizing CTC to relinquish segments of the state highway to local jurisdictions are passed by the Legislature and signed by the Governor. Relinquishment transactions are generally preceded by a negotiation of terms and conditions between the local jurisdiction and Caltrans. Once an agreement has been established, the Legislature authorizes CTC to relinquish the segment and CTC then approves the relinquishment and verifies its approval via resolution. The final step is for the Legislature to delete these segments from current law.

This bill is consistent with Caltrans' policies that encourage the relinquishment of state highways that do not serve regional or statewide transportation needs. Recipient agencies often seek relinquishment of state highways so that they can have greater control over the facility, which often serves as a local street.

- 3) *SR-85.* SR 185 is a 10.5-mile long primary arterial that runs through the cities of Hayward, San Leandro, and the eastern portion of Oakland. It includes sections of Mission Boulevard in Hayward, East 14th Street in San Leandro, and International Boulevard in Oakland. Portions of SR 185 were relinquished to the City of Hayward in 2010.

The County of Alameda is sponsoring this bill to expedite a corridor improvement project that will include bicycle and pedestrian facilities, pavement rehabilitation, pedestrian scale lighting, utility undergrounding, landscaping, and streetscapes.

**Assembly votes:**

**Floor:** 77-0  
**Approps:** 17-0  
**Trans:** 14-0

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday,  
June 14, 2017.)

**SUPPORT:**

Alameda County Board of Supervisors (Sponsor)

**OPPOSITION:**

None received.

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**

**Senator Jim Beall, Chair**

**2017 - 2018 Regular**

<b>Bill No:</b>	AB 363	<b>Hearing Date:</b>	6/20/2017
<b>Author:</b>	Quirk-Silva		
<b>Version:</b>	2/8/2017		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Erin Riches		

**SUBJECT:** Driver's licenses: veteran designation.

**DIGEST:** This bill waives the \$5 fee on a driver's license or identification (ID) card with a "VETERAN" designation.

**ANALYSIS:**

*Existing law:*

- 1) Authorizes the state Department of Motor Vehicles (DMV) to issue a driver's license to a qualified applicant and authorizes DMV to charge a fee of \$30.
- 2) Authorizes DMV to issue an ID card to an eligible applicant and authorizes DMV to charge a fee of \$26, except:
  - a) DMV must issue a "Senior Citizen" ID card free of charge to an individual 62 years or older who applies for it.
  - b) DMV must charge a reduced fee of \$8 for an ID card for an individual with a current income level meeting the eligibility requirements for certain public assistance programs.
  - c) DMV must issue a free original or replacement ID card to an individual who can verify his or her status as homeless.
  - d) DMV must issue a free original or replacement driver's license or ID card to an individual who was exonerated and released from prison within the previous six months.
- 3) Authorizes an applicant to request the word "VETERAN" to be printed on the face of his or her driver's license or ID card. Requires DMV to issue a veteran driver's license or ID card upon verification of his or her veteran status.

- 4) Requires DMV to charge a one-time fee of \$5 for a veteran driver's license or ID card. Authorizes DMV to increase this fee by regulation to up to \$15 to cover the cost of issuing the licenses and ID cards.

This bill:

- 1) Prohibits DMV from charging the \$5 fee for a veteran driver's license or ID card to an applicant as follows:
  - a) An individual who has been determined to have a current income level that meets the eligibility requirements for certain public assistance programs. The eligibility determination shall be made by a governmental or non-profit entity.
  - b) An individual who can verify his or her status as homeless. The eligibility determination may be made by a homeless services provider, as specified. An individual may not be charged a fee for the eligibility verification.
- 2) Provides that the eligibility determination shall be subject to regulations adopted by DMV.

#### COMMENTS:

- 1) *Purpose.* The author states this simple, yet important fee waiver will make it easier for veterans to access all the available resources, benefits, and services they have earned. The no-cost designation could also be helpful to medical providers and law enforcement entities, many of whom often deal directly with our homeless veterans who may be suffering from medical trauma, such as Post Traumatic Stress Disorder, as a result of their service.
- 2) *Homeless veterans.* According to the US Department of Housing and Urban Development, California had the largest number of veterans experiencing homelessness in 2016, at 9,612 individuals. Homeless veterans in California represent nearly a quarter (24%) of the national homeless veteran population. California also has the third highest rate of unsheltered veterans at 58.3% (5,600 individuals).
- 3) *Veteran driver's licenses and ID cards.* DMV began issuing driver's licenses and ID cards with the veteran designation in November 2015, and had issued over 40,000 as of March 2017. According to the California Association of

County Veteran Service Officers, nearly 9,000 additional California veterans are now receiving federal veterans' benefits that they were unaware they were eligible for, due to the veteran designation program. These benefits total more than \$11 million in monthly payments to California veterans, with an additional \$6 million in retroactive payments to these same veterans. This roughly translates into an average of \$275 in benefits per veteran per month, far surpassing the one-time \$5 fee charged for the designation.

- 4) *Legislative history.* AB 935 (Frazier, Chapter 644 of 2014) established the requirement for DMV to issue a veteran driver's license or ID card to a qualified applicant. AB 935 authorized DMV to charge a \$5 one-time fee and allowed DMV to increase the fee up to \$15 to cover administrative costs. Three prior legislative attempts to establish a veteran driver's license and ID card – AB 1637 (Frazier) of 2014, AB 531 (Frazier) of 2013, and AB 1725 (Lowenthal) of 2012 – were virtually identical to AB 935. The major difference was that the prior three bills required, rather than authorized, the fee. Assemblyman Frazier is a coauthor on this bill.
- 5) *Tie to existing DMV program?* Under DMV's Reduced-Fee ID Card Program, individuals who qualify for public assistance programs such as CalWORKs, SNAP/CalFresh, and the California Food Assistance Program, are also eligible for an ID card for a reduced fee of \$8. Moving forward, the author may wish to consider tying eligibility for the fee waiver in this bill, to the eligibility requirements in the Reduced-Fee ID Card Program, to simplify DMV implementation efforts.

#### **RELATED LEGISLATION:**

**AB 790 (Stone, 2017)** — provides for a reduced fee of \$8 for a replacement ID card issued to an eligible inmate upon release from a state or federal correctional facility or a county jail facility, or an eligible patient treated in a California Department of State Hospitals (DSH) facility. *This bill is pending hearing in the Senate Appropriations Committee.*

**AB 672 (Jones-Sawyer, Chapter 403, Statutes of 2015)** — requires the DMV to issue a free driver's license or ID card to an individual who was wrongfully convicted and has been released from state prison or county jail within the past six months.



**AB 935 (Frazier, Chapter 644, Statutes of 2014)** — requires DMV to offer a driver’s license or identification card that includes the word “VETERAN” on its face.

**AB 1733 (Quirk-Silva, Chapter 764, Statutes of 2014)** — among other provisions, requires the DMV to issue, without a fee, an original or replacement ID card to any individual who can verify his or her status as homeless.

**AB 2308 (Stone, Chapter 607, Statutes of 2014)** — requires CDCR to ensure that all inmates released from state prisons have valid ID cards.

**Assembly Votes:**

**Floor: 77-0**  
**Approps: 17-0**  
**Vets Affairs 9-0**  
**Trans: 13-0**

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**POSITIONS: (Communicated to the committee before noon on Wednesday, June 14, 2017.)**

**SUPPORT:**

League of United Latin American Citizens  
Orange County Veterans Memorial Park Foundation  
Saddleback American Legion

**OPPOSITION:**

None received.

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**  
**Senator Jim Beall, Chair**  
**2017 - 2018 Regular**

<b>Bill No:</b>	AB 381	<b>Hearing Date:</b>	6/20/2017
<b>Author:</b>	Calderon		
<b>Version:</b>	2/9/2017		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Erin Riches		

**SUBJECT:** Vehicle registration: Voluntary Deaf or Hard of Hearing Notification Program: establishment.

**DIGEST:** This bill enables an individual to have a notification of his or her deaf or hard of hearing status placed on his or her driving record.

**ANALYSIS:**

*Existing law:*

- 1) Authorizes the state Department of Motor Vehicles (DMV) to issue driver's licenses to qualified individuals. To apply for an original driver's license, an individual over 18 must complete an application and pay the fee, provide appropriate documentation, pass a vision test, and pass knowledge and driving tests.
- 2) Authorizes DMV to refuse to issue or renew a driver's license to an individual who is incapable of safely operating a motor vehicle for reasons relating to physical or mental conditions. Investigation and re-examination of a driver's status are based on a number of specified physical requirements or limitations, sensory functions, mental requirements, physical or mental conditions, aggravating factors such as alcohol or drug use, treatment factors such as medication side effects, and driver understanding and awareness.
- 3) Authorizes DMV to issue disabled parking placards and disabled license plates to qualified individuals. Defines "disabled" as an individual with specified limitations of the lower extremities or hands, who is visually impaired as specified, or who suffers from lung or cardiovascular disease as specified.
- 4) Prohibits an individual from driving, moving, or leaving a vehicle upon a highway or in an off-street public parking facility unless he or she has registered the vehicle with DMV and has paid the appropriate fees. Requires an

individual applying for an original or renewal of vehicle registration to provide name, address, vehicle description, vehicle identification number, and any other information reasonably required by DMV to determine whether the vehicle is lawfully entitled to registration.

This bill:

- 1) Establishes a Voluntary Deaf or Hard of Hearing Notification Program (program) within DMV, which shall:
  - a) Allow an individual, at the time of the original or renewal of registration of a vehicle, to indicate that a driver of that vehicle may be deaf or hard of hearing.
  - b) Place a notification in the vehicle registration record indicating this information.
  - c) Provide a peace officer access to this information when accessing other information about the vehicle.
- 2) Prohibits the DMV from indicating, in any manner, the information provided pursuant to the program on a driver's license, certificate of ownership, registration card, or license plate.

#### COMMENTS:

- 1) *Purpose.* The author states that this bill will provide law enforcement with helpful information that will contribute to a more successful interaction with deaf motorists. The deaf and hard of hearing community deserves the peace of mind that comes with knowing that law enforcement will have advance notice of their hearing ability, and thus will not be relying on verbal commands. A misunderstanding during a routine traffic stop can escalate when the driver is unable to heed verbal commands. The more information officers have before approaching a vehicle, the better they can protect and serve as intended. This bill strikes a careful balance between providing helpful motorist information and protecting the privacy and security of program participants, by explicitly prohibiting DMV from indicating a driver's deaf or hard of hearing designation on their driver's license, certificate of ownership, registration card, or license plate.
- 2) *Background.* The author cites several cases in which a deaf or hard of hearing driver has been shot at by law enforcement during a traffic stop because the driver's lack of response to verbal commands was perceived as resistance. For example, in a March 2006 Modesto case, officers pulled over a deaf man and

shot at him with rubber bullets when he did not respond to their orders, in both English and Spanish, to get out of the car and put his hands up. In an August 2016 case in North Carolina, a deaf man was shot to death by officers after leading them on a 100 mile per hour chase, then jumping out of the car and fleeing despite their commands to stop. The author notes that several states have enacted laws seeking to improve interactions between the deaf and law enforcement communities. For example, Louisiana offers a deaf or hard of hearing flag on a vehicle record, New Jersey offers a deaf or hard of hearing driver's license, Ohio offers a deaf or hard of hearing identification card, and several states offer a special license plate.

- 3) *What share of the population is deaf?* According to the National Health Interview Survey, approximately 15% of American adults (37.5 million) aged 18 and over report some trouble hearing. One in eight people in the US (13%, or 30 million) aged 12 years or older has hearing loss in both ears, based on standard hearing examinations.
- 4) *ADA requirements for law enforcement dealings with deaf drivers.* The Americans with Disabilities Act (ADA) requires police officers to ensure effective communication with individuals who are deaf or hard of hearing. The US Department of Justice guidelines note that some individuals who are deaf do not use sign language and may use a different communication aid or rely on lip reading. In communicating with an individual who lip reads, an officer should face the individual directly and should ensure that communication takes place in a well-lighted area. Some deaf or hard of hearing individuals use auxiliary aids and devices such as written notes, telecommunications devices for the deaf, telephone handset amplifiers, assistive listening systems, and videotext displays. The ADA requires that the expressed choice of the individual with the disability should be given primary consideration in determining which communication aid to provide, but ultimately the decision is made by the police department.
- 5) *DMV requirements for deaf drivers.* Although an individual must pass a vision test in order to obtain a California driver's license, a hearing test is not required. DMV is authorized to require a deaf driver to install additional side mirrors to help compensate. A deaf individual, however, is not considered under existing law to be "disabled;" for example, a deaf person is not eligible for a disabled parking placard or license plate.
- 6) *Creating a false sense of security?* The author states that this bill will provide assurance to the deaf community that law enforcement will not use verbal commands in interactions with them. Specifically, this bill would create a

notification in the vehicle's record that would be provided when the officer accesses the vehicle's registration – commonly known as running the vehicle's plates. However, a law enforcement officer does not necessarily run a vehicle's plates on every single traffic stop. Thus, this bill could potentially create a difficult situation where a deaf driver assumes an officer knows he or she is deaf, but the officer is in fact unaware and uses verbal commands.

- 7) *Opposition.* The California New Car Dealers Association (CNCDA) has taken an “oppose unless amended” position on this bill. CNCDA notes that original registration of a vehicle almost always occurs at the dealer and that this bill establishes an unworkable point-of-sale designation that involves vehicles rather than drivers. This bill needlessly involves dealers in acquiring, verifying, and maintaining this driver's personal information that is not directly relevant to the purchase or lease. CNCDA states that to avoid creating new liability allegations for dealers, a request for a deaf or hard of hearing designation should be done directly through DMV. CNCDA asks that this bill be amended to apply only to renewal of registration or after the time of original registration. The author states that he is working with CNCDA to address their concerns but does not plan to amend this bill in this committee.
- 8) *“Deaf or hard of hearing” not defined.* This bill allows an individual to voluntarily indicate that a driver of the vehicle being registered may be deaf or hard of hearing. “Deaf or hard of hearing,” however, is not defined in this bill. Moving forward, the author may wish to consider amending this bill to establish eligibility criteria for this program, particularly if dealers will be expected to help administer this program.

#### **RELATED LEGISLATION:**

**AB 1413 (Holden, 2017)** — would have required an application for an original or renewal vehicle registration to include an option for a deaf or hard of hearing individual to include a decal depicting the International Symbol of Access for Hearing Loss on the registration card for his or her vehicle. It also would have required the decal to appear on the registration card issued by DMV if the individual opted to include it.

*This bill was held on suspense in the Assembly Appropriations Committee.*

**Assembly Votes:**

**Floor: 76-0**  
**Approps: 17-0**  
**Trans: 14-0**

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**POSITIONS: (Communicated to the committee before noon on Wednesday,  
June 14, 2017.)**

**SUPPORT:**

California Association of Code Enforcement Officers  
California College and University Police Chiefs Association  
California Narcotic Officers Association  
Deaf & Hard of Hearing Service Center, Inc.  
Disability Rights California  
Los Angeles County Professional Peace Officers Association

**OPPOSITION:**

California New Car Dealers Association

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**  
**Senator Jim Beall, Chair**  
**2017 - 2018 Regular**

<b>Bill No:</b>	AB 467	<b>Hearing Date:</b>	6/20/2017
<b>Author:</b>	Mullin		
<b>Version:</b>	5/16/2017		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Manny Leon		

**SUBJECT:** Local transportation authorities: transactions and use taxes.

**DIGEST:** This bill makes changes to certain requirements to voter information guides relative to regional sales tax measures for transportation projects, as specified.

**ANALYSIS:**

*Existing law:*

- 1) Establishes the Local Transportation Authority and Improvement Act which provides for the formation, administration, duties, and taxing powers for an authority. Authorizes a county board of supervisors to create a transportation authority.
- 2) Authorizes a transportation authority to impose a retail transaction and use tax ordinance applicable in the incorporated and unincorporated territory of a county in accordance with existing law which governs transactions and use taxes.
- 3) Requires the transportation authority to adopt the tax ordinance by a two-thirds vote, to request the county to call a special election, and to adopt an expenditure plan, as specified.
- 4) Requires an expenditure plan to be prepared for the expenditure of the transactions and use tax revenues, and federal, state, and local funds expected to be available for transportation improvements for the period during which the tax is imposed. Prohibits an expenditure plan from being adopted until it has received the approval of the board of supervisors and of specified city councils.
- 5) Requires the sample ballot to be mailed to the voters to include the full proposition as set forth in the ordinance calling the election, and the voter information handbook to include the entire adopted expenditure plan.

- 6) Requires county elections officials to mail a county voter information guide to each voter in the jurisdiction, as specified. Requires the county voter information guide to contain, among other things, a copy of the official ballot (sample ballot), a notice of the polling place, a complete copy of each local measure, and an analysis of each measure.
- 7) Requires the transportation authority, if the measure is approved, to reimburse the county for the cost of conducting the special election.

This bill:

- 1) Authorizes a county elections official, upon the request of a transportation authority that posts the entire adopted county transportation expenditure plan on its Internet Web site, to comply with existing requirements by printing a notification in the sample ballot immediately below the full proposition and in the voter information guide, as specified.
- 2) Requires the notification to be printed in no less than 10-point bold type and to specify that the expenditure plan can be accessed online, as specified.
- 3) Requires the county elections official, if the county elections official exercises the authority granted by this bill, to provide a printed copy of the entire adopted transportation expenditure plan by mail to each person requesting a copy.

#### COMMENTS:

- 1) *Purpose.* According to the author, “AB 467 is a cost-saving measure that allows transportation authorities to preserve resources that would have otherwise been spent on printing costs if they select to make expenditure plans available online. It makes more resources available for transportation programs when voters approve a local transportation tax, since they would not have to allocate funds from the tax for printing costs. This bill also prevents further losses to counties seeking transportation funding when their proposal is not approved by voters, as they must absorb these printing costs.

This alternative, optional approach provides voters with access to tax expenditures through a common practice for retrieving information without leaving behind more traditional means for distribution of election materials.”



- 2) *TUT*. Transaction and use taxes (TUTs) are taxes that are applied to the retail sales of tangible personal property, such as when clothing or other goods are purchased in a store, as well as to the use or storage of such property when sales tax is not paid. If these taxes are to be used for unrestricted, general purposes, they must be approved by the voters by a majority vote. Special taxes, which are restricted for a specified use, such as transportation projects, must be approved by a two-thirds vote. Under current law, cities, counties, and specified special districts and transportation authorities may not impose transactions and use taxes that, when combined with other taxes, exceed a total of 2%.
- 3) *Local measures*. Local transportation authorities that elect to levy a countywide TUT are subject to specific requirements and two-thirds voter approval. For example, the transportation authority must adopt a county transportation expenditure plan which describes the expenditure of tax revenues. Prior to placing the TUT measure on the ballot, the transportation authority, county board of supervisors, and specified city councils must adopt the expenditure plan. County elections officials are required to mail the sample ballot to voters, which must include the full proposition, and the voter information handbook, which must include the entire adopted expenditure plan. Currently, twenty-four counties have passed at least one sales tax measure by their regional transportation agency. For 2016, out of the fourteen counties that placed a sales tax measure on the ballot, six counties passed a measure.
- 4) *Cost savings*. Supporters of this bill note that providing an online option that allows voters to review an expenditure plan will save both the county (if rejected) and regional transportation agencies (if approved) significant costs. For example, in 2016, for measures that failed, printing costs for Contra Costa County Measure X totaled \$1.1 million and for Sacramento County Measure B totaled \$150,000. For measures that passed, printing costs for Santa Clara County Measure B totaled \$1.6 million and for Merced County Measure V totaled \$40,610. This bill provides a potential cost savings mechanism for counties and regional transportation agencies that elect to electronically post their expenditure plan tied to a campaign for local sales tax measure.
- 5) *Double referral*. This bill has been double referred to the Senate Elections and Constitutional Amendments Committee.

**Assembly votes:**

**Floor: 52-23**

**Elections: 6-1**

**Local Gov: 9-0**

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**POSITIONS: (Communicated to the committee before noon on Wednesday,  
June 14, 2017.)**

**SUPPORT:**

California Association of Clerks and Election Officials  
California State Association of Counties  
Urban Counties of California

**OPPOSITION:**

None received.

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**  
**Senator Jim Beall, Chair**  
**2017 - 2018 Regular**

<b>Bill No:</b>	AB 468	<b>Hearing Date:</b>	6/20/2017
<b>Author:</b>	Santiago		
<b>Version:</b>	3/23/2017		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Manny Leon		

**SUBJECT:** Transit districts: prohibition orders.

**DIGEST:** This bill adds the Los Angeles County Metropolitan Transportation Authority (METRO) to the transit districts authorized to issue prohibition orders to passengers committing certain transit-related violations.

**ANALYSIS:**

*Existing law:*

- 1) Establishes the County Transportation Commissions Act, which provides for the creation of county transportation commissions in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura, with various powers and duties relative to transportation planning and funding, as specified.
- 2) Establishes METRO, which is the successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission.
- 3) Provides METRO with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles.
- 4) Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of the prohibition order does not exceed the following specified time limits:
  - a) 30 days for a first order, 90 days for a second order within one year, and 180 days for a third order within one year related to infractions; or,
  - b) 30 days if issued pursuant to an arrest for a misdemeanor or felony offense. Upon conviction for the offense, the order may be extended to a total of 180

days for a misdemeanor and one year for a felony.

- 5) Specifies prohibition processes, notification procedures, and hearing and appeal procedures.
- 6) Authorizes Sacramento Regional Transit District (RT), the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District (BART, until January 1, 2018), to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for an infraction committed in or on a vehicle, bus stop, or light rail station of the transit district for any of the following acts:
  - a) Interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or alighting of passengers;
  - b) Committing any act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property;
  - c) Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior;
  - d) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle;
  - e) Urinating or defecating in a transit facility or vehicle, except in a lavatory;
  - f) Willfully blocking the free movement of another person in a transit facility or vehicle; or,
  - g) Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.
- 7) Authorizes a prohibition order to be issued to a person arrested or convicted for any misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district, for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.
- 8) Authorizes a prohibition order to be issued to a person convicted of loitering with the intent to commit specified drug offenses or loitering with intent to commit prostitution.

- 9) Requires the transit district to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and as recommended by the advisory committee.

This bill authorizes METRO to issue prohibition orders under the same authority as several other transit districts for certain transit-related violations, as specified.

#### COMMENTS:

- 1) *Purpose.* According to the author, “AB 468 will provide the Los Angeles County Metropolitan Authority with the ability to continue to lower the incidences of bus operator assault and ensuring costs by allow them to join the ranks of the Sacramento Regional Transit District and Fresno Area Express in their ability to issue prohibition orders on unruly passengers.”
- 2) *METRO.* METRO is a multimodal transportation agency providing a variety of transportation-related services and functions for Los Angeles County. These services/functions include transportation planning, transit services (both bus and light rail), capital construction projects, and administering several local sales tax measures. Metro operates the third largest transit system in the United States with over 10,000 employees and 1 million bus boardings per day. Metro’s service area spans 1,433 square miles with a bus fleet of 2,248 buses traveling along 170 routes.

In 2016, METRO reported a total number of 120 cases of assault on operators. The potential risk of assaults on bus operators and passengers is significant. According to METRO, the average cost associated with driver assault is \$49,071 in workers compensation costs. This cost includes legal expenses, temporary and permanent disability payments, and medical costs. Similar to other transit districts, the ability for METRO to issue prohibition orders may serve as an effective deterrent in reducing future driver and passenger assaults.

- 3) *Other transit agencies.* As mentioned, three other transit agencies throughout the state are authorized to issue prohibition orders to riders when certain violations occur. These transit agencies include Sacramento Regional Transit, Fresno Area Express, the Bay Area Rapid Transit District (BART, until January 1, 2018). In the current legislative session, due to the effectiveness of prohibition orders, BART is pursuing legislation that will remove the 2018 sunset to allow the agency to issue prohibition orders ongoing. In BART’s most recent report to the Legislature, the agency notes, for 2015, BART issued 255 prohibition orders. Five of the alleged violators contested the order. The

report reflects a reduction in the issuance of prohibition orders in the areas of robbery, batteries/threats involving patrons and threats/batteries involving employees (including officers). Violent crimes committed on the district property declined from 158 in 2014, to 123 in 2015. At the same time, overall ridership increased.

Thus, as prohibition orders appear to serve as an effective public safety tool for transit agencies throughout the state, providing METRO similar authority is reasonable when considering the size and scope of the transit services METRO provides.

**RELATED LEGISLATION:**

**AB 730 (Quirk, 2017)** — would repeal the sunset for BART to issue prohibition orders to any person cited for committing one or more of certain prohibited acts in specified transit facilities.

**Assembly votes:**

**Floor: 77-0**

**Trans: 14-0**

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: No    Local: No

**POSITIONS: (Communicated to the committee before noon on Wednesday, June 14, 2017.)**

**SUPPORT:**

METRO

American Federation of State, County, and Municipal Employees (AFSCME)

**OPPOSITION:**

American Civil Liberties Union

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**  
**Senator Jim Beall, Chair**  
**2017 - 2018 Regular**

<b>Bill No:</b>	AB 494	<b>Hearing Date:</b>	6/20/2017
<b>Author:</b>	Bloom		
<b>Version:</b>	3/28/2017 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Alison Hughes		

**SUBJECT:** Land use: accessory dwelling units.

**DIGEST:** This bill makes several changes to accessory dwelling unit (ADU) law.

**ANALYSIS:**

*Existing law:*

- 1) Permits a locality, by ordinance, to provide for the creation of accessory dwelling units in single-family and multifamily residential zones.
- 2) Requires that, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, and the locality requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the ADU.
- 3) Prohibits localities from considering ADUs as a new residential use for the purposes of calculating local agency connection fees.
- 4) Requires a locality to submit a copy of the ordinance to the Department of Housing and Community Development (HCD) within 60 days after adoption.

This bill:

- 1) Clarifies that parking shall not exceed one parking space per unit or per bedroom, whichever is less.
- 2) Clarifies that no setback shall be required for an existing garage that is converted to a portion of an ADU, in addition to an ADU.
- 3) Clarifies that parking requirements for a garage shall also apply to a converted ADU.

- 4) Defines “tandem parking” as a situation in which two or more cars are parked on a driveway or in any other location on a lot, lined up one behind another.
- 5) Clarifies that an ADU may be rented separate from the primary residence, but is not intended for sale separate from the primary residence.
- 6) States that a local agency shall ministerially approve an application for a building permit to create an ADU including, but not limited to a studio, pool house, or other similar structure. A city may require owner occupancy for either the primary or the ADU created through this process.

**COMMENTS:**

- 1) *Purpose.* According to the author, there is a need for additional clarifying language to better reflect the intent of AB 2299 (Bloom, Chapter 735, Statutes of 2016). This bill makes several changes to ADU law, including owner occupancy, parking, and setback requirements. The changes in this bill will address questions that have arisen from cities a year into the enactment of AB 2299 so that cities are able to comply with the law.
- 2) *Changes to existing ADU law.* This bill clarifies that an ADU may be rented separate from the primary residence and clarifies parking requirements. This bill also states that ministerial approval of an application for a building permit to create an ADU shall include a studio, pool house, or other structure. This bill also more clearly defines tandem parking.
- 3) *Double Referral.* This bill is doubled referred to the Senate Governance and Finance committee.

**RELATED LEGISLATION:**

**AB 229 (Wieckowski, 2017)** — Makes several changes to ADU law. *This bill is pending in the Assembly Housing and Community Development Committee.*

**SB 1069 (Wieckowski, Chapter 720, Statutes of 2016)** — Made a number of changes to the ADU review process and standards.

**AB 2299 (Bloom, Chapter 735, Statutes of 2016)** — Made a number of changes to the ADU review process and standards.



**AB 2406 (Thurmond, Chapter 755, Statutes of 2016)** — Allowed a local agency to create an ordinance for junior ADUs in single-family residential zones.

**Assembly Votes**

**Floor: 78-0**

**Appr: 16-0**

**L.Gov: 8-0**

**H&CD: 7-0**

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: Yes

**POSITIONS:** (Communicated to the committee before noon on Wednesday, Wednesday, June 14, 2017.)

**SUPPORT:**

California Association of Realtors  
City of Santa Monica

**OPPOSITION:**

None received.

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**  
**Senator Jim Beall, Chair**  
**2017 - 2018 Regular**

<b>Bill No:</b>	AB 678	<b>Hearing Date:</b>	6/20/17
<b>Author:</b>	Bocanegra		
<b>Version:</b>	6/12/2017 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Alison Hughes		

**SUBJECT:** Housing Accountability Act

**DIGEST:** This bill makes a number of changes to the Housing Accountability Act (HAA).

**ANALYSIS:**

*Existing law*, under the Housing Accountability Act (HAA):

- 1) Requires cities and counties, under existing planning and zoning law, to prepare and adopt a general plan, including a housing element, to guide the future growth of a community. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing.
- 2) Requires the local jurisdiction, to the extent that it does not have adequate sites within its existing inventory of residentially zoned land, to adopt a program to rezone land at appropriate densities to accommodate the community's housing need for all income groups.
- 3) Prohibits a local agency from disapproving a housing project containing units affordable to very low-, low- or moderate income renters, or conditioning the approval in a manner that renders the housing project infeasible, unless it makes one of the following findings, based upon substantial evidence in the record:
  - a) The jurisdiction has adopted an updated housing element in substantial compliance with the law, and the jurisdiction met its share of the regional housing need for that income category.

- b) The project will have a specific, adverse impact on the public health or safety and there is no feasible method to mitigate or avoid the impact without rendering the housing development unaffordable to very low-, low- or moderate income renters.
  - c) The denial or imposition of conditions is required to comply with state or federal law.
  - d) The project is located on agricultural or resource preservation land that does not have adequate water or wastewater facilities.
  - e) The jurisdiction has identified sufficient and adequate sites to accommodate its share of the regional housing need and the project is inconsistent with both the general plan land use designation and the zoning ordinance.
- 4) Provides that if a locality denies approval or imposes restrictions, design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete, that have a substantial adverse effect on the viability or affordability of housing development for a very low-, low- or moderate-income households, and the denial of that development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the locality to show that its decision is consistent with its findings disapproving the development.
- 5) "Disapprove the housing development project" includes any instance in which the local jurisdiction does either of the following:
- a) Votes on a proposed housing development project application and the application is disapproved.
  - b) Fails to comply with time periods for approving or disapproving of projects under existing law.
- 6) Defines "housing development project" as any of the following:
- a) Residential units only.
  - b) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of the buildings that are two or more stories.
  - c) Transitional or supportive housing.

shall award reasonable attorney's fees and costs to the plaintiff or petitioner, except in extraordinary circumstances in which the court finds that awarding fees would not further the purposes of the HAA.

- 6) Permits a court, upon a determination that the locality has failed to comply with the order or judgment compelling compliance with the HAA within 60 days, to impose fines on a local agency that has violated the HAA and do deposit any fine into a housing trust fund. The fine shall be a minimum of \$10,000 per unit. In determining the amount of the fine, the court shall consider the localities progress in attaining its target allocation of the regional housing need and any prior violations of the HAA.
- 7) Permits the court, if it determines that the order or judgment has not been carried out within 60 days, to issue further orders to ensure that the purposes of this section are fulfilled, including but not limited to an order to vacate the decision of the locality, in which case the application for the project, along with any standard conditions determined by the court to be generally imposed by the locality on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the locality.
- 8) Permits a housing organization to be entitled to reasonable attorney's fees and costs if it is the prevailing party. Also, permits the court to award punitive damages if the court finds that the locality acted in bad faith when it either disapproved or conditionally approved the housing development in violation of the HAA or failed to carry out the courts order or judgment within 60 days. "Bad faith" includes, but is not limited to failure to publish an analysis of the HAA related to the project, as noted in (10) below.
- 9) Requires that a petition to enforce the HAA shall be filed and served no later than 90 days from the later of:
  - a) The withdrawal of the application by the applicant or the effective date of a decision of the local agency, or
  - b) The expiration of the time periods specified in the Permit Streamlining Act.
- 10) Requires every locality to publish an analysis of the requirements of the HAA as part of its review of each application for a housing development project.

**COMMENTS:**

- 1) *Purpose.* According to the author, “California is in the midst of an unprecedented housing crisis caused by a severe lack of new housing construction at all levels of affordability. Passed in 1982, the Housing Accountability Act (HAA) has served for more 30 years as a tool to ensure that municipalities do not unfairly hinder the development of new housing projects, and to ensure new housing construction during crises like the one California faces today. Under the HAA, local governments must follow certain legal mandates before denying a housing development application that complies with their general plan and zoning rules. Unfortunately, the current enforcement mechanisms of the HAA are inadequate to achieve compliance in many cases. One of the most significant barriers to the construction of new housing is unjustified local resistance from NIMBY (Not in My Backyard) groups. In a recent report, the Legislative Analyst’s Office confirmed that new housing construction faces community opposition, “because it often is perceived as bringing negative changes to a community’s quality or character.” Using these types of unreasonable arguments, “no growth advocates” and NIMBYs have significantly curtailed housing construction, which significantly worsens the jobs-housing imbalance in our communities, in contravention to state law. This imbalance causes hardship for many people, especially low-income families in need of housing close to their jobs. Building more infill housing and reducing lengthy commute times are also necessary for California to achieve its ambitious 2030 greenhouse gas reduction target, as enumerated in SB 32.”
- 2) *HAA Background.* The purpose of the HAA is to limit the ability of local agencies to reject or make infeasible housing developments without a thorough analysis of the economic, social, and environmental effects of the action. A person, who would be eligible to apply for residency in the development or emergency shelter, or a housing organization, may bring an action to enforce the HAA. Many provisions of the HAA are limited to lower-income housing developments.
- 3) *Higher standard of proof.* This bill would increase the burden on local jurisdictions from “substantial evidence” to “preponderance of the evidence” when making findings as to the disapproval of a housing development project. The “substantial evidence” standard is lower than the “preponderance of the evidence” standard, in which the evidence provided has to convince the decision maker that it is “more likely than not.” The preponderance of the evidence standard is the one employed in most civil legal cases and is sometimes expressed in statistical terms as 50% plus one.

- 4) *Fines, fees, and punitive damages.* Under existing law, a court may compel compliance with the HAA, including an order that the locality approve the housing development or emergency shelter. Additionally, a court may impose fines upon a local agency for acting in bad faith. This bill would grant a locality 60 days to comply with an order or judgment imposed by the court, and upon a failure to comply, would impose a fine of no less than \$10,000 per unit. The court may also take further action at that point to ensure the purposes of the HAA are filled, including approving the housing development project. This bill also permits a housing organization to be entitled to reasonable attorney's fees and costs if it is the prevailing party and permits a court to award punitive damages if the court finds that the locality acted in bad faith.
- 5) *Seeing double.* This bill is similar to SB 167 (Skinner), which was heard in this committee earlier this year. That bill is currently pending referral in the Assembly.
- 6) *Opposition.* Writing in opposition, the American Planning Association – California Chapter, California State Association of Counties, Rural County Representatives of California, and Urban Counties of California write that they would like to see the following changes: (1) The bill requires local decisions to be supported by sufficient findings supported by a preponderance of the evidence. Sufficient should be deleted since the court should only be considering whether the agency's decision is supported by a preponderance of the evidence, not reaching its own conclusion about whether the findings are sufficient; (2) This bill requires the court to consider the local agency's process in attaining its target allocation of the RHNA in determining the amount of fine to impose, in addition to the \$10,000 fine. The RHNA is a planning tool and was not designed to be used as a production goal or target. Fines should only be assessed based on existing law and requirements and should not be based on the progress in attaining the RHNA since that is not a current requirement; and (3) the bill should provide more clarity as to what should be included in the new requirement for a locality to publish an analysis of the HAA for a housing development project.
- 11) *Double-referral.* This bill was double-referred to the Senate Judiciary Committee.

**RELATED LEGISLATION:**

**SB 167 (Skinner, 2017)** — would make several changes to the HAA. *This bill is pending referral in the Assembly.*

**AB 1515 (Daly, 2017)** — states that a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity. *This bill is pending in the Senate Transportation and Housing Committee.*

**Assembly Votes:**

**Floor: 68-6**

**L.Gov: 7-1**

**H&CD: 5-2**

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: No    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, June 14, 2017.)

**SUPPORT:**

Abundant Housing LA  
California Apartment Association  
California Association of Realtors  
California Building Industry Association  
California Business Properties Association  
California Chamber of Commerce  
California Council for Affordable Housing  
California Renters Legal Advocacy and Education Fund  
East Bay Forward  
Nonprofit Housing Association of Northern California  
San Francisco Housing Action Coalition  
The Arc and United Cerebral Palsy California  
YIMBY Action

**OPPOSITION:**

American Planning Association – California Chapter  
California State Association of Counties  
Rural County Representatives of California  
Urban Counties of California

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**

**Senator Jim Beall, Chair**

**2017 - 2018 Regular**

<b>Bill No:</b>	AB 696	<b>Hearing Date:</b>	6/20/17
<b>Author:</b>	Caballero		
<b>Version:</b>	2/15/2017		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Manny Leon		

**SUBJECT:** Department of Transportation: Prunedale Bypass: County of Monterey: disposition of excess properties

**DIGEST:** This bill directs proceeds from the sale of surplus property originally purchased for the Prunedale Bypass to various other highway projects in the State Highway 101 corridor in Monterey County, as specified.

**ANALYSIS:**

*Existing law:*

- 1) Allows the State Department of Transportation (Caltrans) to acquire any real property that it considers necessary for state highway purposes.
- 2) Allows Caltrans, whenever it determines that any real property acquired by the state for highway purposes is no longer necessary for those purposes, to sell or exchange it in the manner and upon terms, standards, and conditions established by the California Transportation Commission (CTC).
- 3) Requires Caltrans, to the greatest extent possible, to offer to sell or exchange excess real property within one year from the date that it determines the property is excess.
- 4) Generally requires state and local agencies, prior to disposing of excess lands, first to offer property for sale or lease to local public agencies, housing authorities, or redevelopment agencies within whose jurisdiction the property is located. Requires Caltrans to give priority first to entities agreeing to use the land for low- or moderate-income housing then to entities for open-space purposes, school facilities construction, enterprise zone purposes, and infill opportunities, in that order.



- 5) Directs the proceeds from the sale of excess property to be deposited first to the State Highway Account (SHA) and then transferred to the Transportation Debt Service Fund to pay debt service on general obligation transportation bonds.

This bill directs proceeds from the sale of surplus property originally purchased for the Prunedale Bypass to the SHA for highway projects in the State Highway 101 corridor in Monterey County, and exempts these proceeds from the north/south split and county share formulas.

#### COMMENTS:

- 1) *Purpose.* According to the author, “the intent of this bill is to dedicate the revenues from the Prunedale Bypass right-of-way to serve their original purpose, which was to make transportation safety and congestion relief improvements in Monterey County. If this measure is signed into law, it will provide important funding for transportation improvements to projects in the US 101 state highway corridor in Monterey County.”
- 2) *Priority shift.* Initially planned in the 1950s, the Prunedale Bypass Project was intended to re-route State Highway 101 around the community of Prunedale to alleviate congestions caused by local and transient traffic. In preparation for the project and in an effort to preserve right-of-way related to the project, Caltrans purchased over 140 parcels of land totaling 353 acres. However, the Prunedale Bypass has since been abandoned and is no longer in the area’s long-range plans.

Over the past several years, transportation agencies in this region have moved forward with incremental improvements to address growing congestion and safety concerns. The Prunedale Improvement Project is the most ambitious of these incremental improvements. The purpose of the project is to improve safety along State Highway 101 and intersecting local roadways, improve traffic flow along the corridor, and improve accessibility to area homes, businesses, and services. The Prunedale Improvement Project represents only a portion of the broader improvements envisioned in the Prunedale Bypass project. This bill aims to utilize revenue from any excess property sold from the original Prunedale Bypass project to transportation improvement projects along the same corridor. Total revenue that could be generated from property sales could total anywhere from \$5 million to \$12 million.

- 3) *Prior allocations.* In prior years, the Legislature has taken action to retain funds in certain corridors from the sale of property from another transportation projects within the same region. Specifically, SB 791 (Corbett, Chapter 705,

Statutes of 2008) authorized the use of revenues from the sale of excess properties for projects in a local alternative-transportation improvement program that replaced the long-planned Hayward Bypass on State Route (SR) 238 and improvements to SR 84. More recently, SB 416 (Liu, Chapter 468, Statutes of 2013) directed the revenue from the sale of surplus properties in the SR 710 corridor in Los Angeles County to local transportation improvements.

It is important to note that AB 696 provides Caltrans the opportunity to fully vet the potential use of unused properties and to hold on to properties that it may use in the near future. AB 696 merely directs the proceeds from any of the Prunedale Bypass properties Caltrans does in fact sell to improvement projects within the State Highway 101 corridor.

**RELATED LEGISLATION:**

**AB 2730 (Alejo, 2016)** — identical to this bill, would have directed proceeds from the sale of surplus property originally purchased for the Prunedale Bypass to various other highway projects in the State Highway 101 corridor in Monterey County, as specified. This bill was vetoed by the Governor.

**SB 416 (Liu, Chapter 468, Statutes of 2013)** — among other things, directed the proceeds from the sale of properties in the SR 710 corridor to the SR 710 Rehabilitation Account for the purpose of making required repairs to homes being purchased by income-qualified residents in the corridor.

**SB 791 (Corbett, Chapter 705, Statutes of 2008)** — among other provisions, authorized proceeds from the sale of surplus property to be used to develop the local alternative transportation improvements in the SR 84 and SR 238 corridors.

**Assembly votes:**

**Floor: 64-12**

**Approps: 12-5**

**Trans: 10-2**

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

**POSITIONS: (Communicated to the committee before noon on Wednesday, June 14, 2017.)**

**SUPPORT:**

Transportation Agency of Monterey County (sponsor)  
Association of Monterey Bay Area Governments  
City of Carmel-by-the-Sea  
City of Del Rey Oaks  
City of Gonzales  
City of King City  
City of Marina  
City of Monterey  
City of Pacific Grove  
City of Salinas  
City of Sand City  
City of Seaside  
City of Soledad  
County of Monterey  
Farm Bureau  
Fort Ord Reuse Authority  
Grower-Shipper Association  
Monterey Bay Aquarium  
Monterey Bay Central Labor Council  
Monterey County Hospitality Association  
Monterey Peninsula Chamber of Commerce  
Monterey-Salinas Transit District  
Salinas Valley Chamber of Commerce

**OPPOSITION:**

None received.

**-- END --**

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**

**Senator Jim Beall, Chair**

**2017 - 2018 Regular**

**Bill No:** AB 863  
**Author:** Cervantes  
**Version:** 2/16/2017  
**Urgency:** No  
**Consultant:** Randy Chinn

**Hearing Date:** 6/20/2017

**Fiscal:** Yes

**SUBJECT:** Affordable Housing and Sustainable Communities Program.

**DIGEST:** This bill revises the provisions of the Affordable Housing and Sustainable Communities Program (AHSC) by requiring the Strategic Growth Council (SGC) to seek methods for the inclusion of local entrepreneurs and workforce training and certification of workers hired to work on the projects.

**ANALYSIS:**

*Existing law:*

- 1) Establishes the SGC which is made up of the California Business Consumer Services and Housing Agency, California Health and Human Services, California Environmental Protection Agency, California State Transportation Agency, the California Department of Food and Agriculture, the California Natural Resources Agency, and the director of the Governor's Office of Planning and Research.
- 2) Directs the SGC to develop guidelines and selection criteria for the implementation of the AHSC program, which is funded by the cap and trade program. The AHSC program is designed to reduce greenhouse gas emissions by supporting projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support related and coordinated public policy objectives including the following:
  - a) Reducing air pollution;
  - b) Improving conditions in disadvantaged communities;
  - c) Supporting or improving public health or other co-benefits;
  - d) Improving connectivity and accessibility to jobs, housing, and services;

Senate Transportation and Housing Committee and the Assembly Housing and Community Development Committee within 30 days of receiving the draft ordinance.

- d) During the shelter crisis, provisions of any state or local building, housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters and permanent supportive housing, provided the city or city and county have adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety.
  - e) Landlord tenant laws that provide a cause of action for habitability or tenant ability shall be suspended for homeless shelters, provided the city or city and county have adopted health and safety standards for homeless shelters. Homeless shelters do not have to be consistent with local land use plans, including general plans, during the shelter crisis.
  - e) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act, the Mobilehome Parks Act, or the Mobilehome Residency Law.
  - f) Homeless shelters that comply with applicable requirements of the Americans with Disabilities Act are exempt from actions under that law for the duration of the shelter crisis.
- 2) Requires on or before July 1, 2019, the city and county shall develop a plan to address the shelter crisis, including but not limited to the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city and county shall make the plan publicly available.
- 3) Requires on or before January 1, 2019 and annually thereafter until January 1, 2027, if the city or city and county has declared a shelter crisis, the city or city and county shall report all of the following to the Senate Transportation and Housing Committee and the Assembly Housing and Community Development Committee:
- a) The total number of residents in homeless shelters within the city or city and county.
  - b) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city or city and county.
  - c) The average time required for a resident to receive permanent supportive housing.
  - d) The projected number of permanent supportive housing units.
  - e) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing.
  - f) The number of new homeless shelters and permanent supportive housing units built pursuant to this section.