



## **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:*

1. SB 21 (Umberg)
2. AB 1779 (Irwin)
3. AB 1794 (McCarty)
4. SB 1095 (Becker) *only summary*
5. AB 1772 (Ramos)
6. AB 3209 (Berman and Rivas)
7. AB 817 (Pacheco)
8. SB 1130 (Bradford) *only summary*
9. SB 1037 (Weiner)

**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. Existing law requires the court, when granting probation after conviction of any controlled substance offense, as specified, to order as a condition of probation that the defendant secure education or treatment from a local community agency and requires the court or probation department to refer defendants to controlled substance education or treatment programs that adhere to specified standards. Existing law permits a defendant to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty and authorizes a court to set aside a verdict of guilty, if the defendant has met certain requirements.

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 require a defendant who is charged with the above-described crimes to be ordered to complete a substance education or treatment program, as described above, and would state that a defendant who successfully completes an education or treatment program is eligible for the relief described above.

This bill would declare that it is to take effect immediately as an urgency statute.



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](mailto:jvoorhis@calcities.org).



Sincerely,

A handwritten signature in blue ink, appearing to read "Jolena Voorhis", is positioned above the typed name.

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. Permits the consolidation of specified theft charges, as well as all associated offenses, occurring in different counties into a single trial if the district attorneys in all involved jurisdictions agree.

**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 and multiple offenses are committed by the same defendant in multiple jurisdictions, the bill would allow a criminal action to be brought in any of those jurisdictions subject to a hearing on consolidation of the offenses, as specified. The bill would require the prosecution to present written evidence at the hearing 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](mailto:jvoorhis@calcities.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jolena Voorhis", is written over a faint, light blue circular stamp.

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

**AB 1794 (McCarty): Public Safety: Larceny**

This bill would clarify that the values established under Prop 47 may be aggregated even though the thefts occurred in different places or from different victims. The bill would also provide that circumstantial evidence may be used to prove that multiple thefts were motivated by one intention, general impulse, and plan.

**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 also authorize counties to operate a program to allow retailers to submit details of alleged shoplifting *organized retail theft, or grand theft* 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 *Assembly and Senate Public Safety Committees and the Board of State and Community Corrections*, as specified. This bill contains other existing laws.





April 16, 2024

The Honorable Buffy Wicks  
Chair, Assembly Committee on Appropriations  
1021 O Street, Room 8220  
Sacramento, CA 95814

**RE: AB 1794 (McCarty) Crimes: Larceny.**  
**Notice of SUPPORT** (As Amended on April 11, 2024)

Dear Assemblymember Wicks,

The League of California Cities (Cal Cities) is pleased to **support** AB 1794 (McCarty) which would clarify that the monetary value of items stolen in multiple thefts from different victims in different places can be aggregated into a single felony charge of grand 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. 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. Unfortunately, laws concerning aggregation of theft are limited in scope and Cal Cities strongly believes they need strengthening.

This bill would allow for a consistent approach to aggregating multiple acts of theft across multiple different retail establishments. In addition, this measure would provide for a felony charge of grand theft to be utilized against repeat retail theft offenders who target multiple businesses in our communities. Another provision in the bill would codify the "Cal-Fast Pass Program" which would allow counties to operate a program in which retailers can submit details of alleged shoplifting, organized retail theft, or grand theft directly to the count district attorney through an online portal. This would serve to address the issue of under-reporting by retailers and the issue of retailers facing backlash from repeated calls for assistance with these offenses.

While this bill is important in order to continue 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. 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** AB 1794 (McCarty). If you have any questions, do not hesitate to contact me at [jvoorhis@calcities.org](mailto:jvoorhis@calcities.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jolena Voorhis", is written over a faint, light blue background.

Jolena Voorhis  
Legislative Affairs, Lobbyist

cc: The Honorable Kevin McCarty  
Members, Assembly Appropriations Committee  
Annika Carlson, Consultant, Assembly Appropriations Committee  
Joe Shinstock, Consultant, Assembly 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.

## **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 19, 2024

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Room 8220  
Sacramento, CA 95814

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

Dear Assemblymember Wicks,

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](mailto:jvoorhis@calcities.org).



Sincerely,

A handwritten signature in blue ink, appearing to read "Jolena Voorhis".

Jolena Voorhis  
Legislative Affairs, Lobbyist

cc: The Honorable James Ramos  
Members, Assembly Appropriations Committee  
Annika Carlson, Principal Consultant, Assembly Public Safety Committee  
Joe Shinstock, Consultant, Assembly Republican Caucus

**AB 3209 (Berman and Rivas): Crimes: Theft: retail theft restraining orders**

**Summary:**

Current law prohibits the theft of merchandise from a retail establishment. Existing law authorizes a court, upon sentencing a person for specified offenses, including stalking and elder abuse, to issue a criminal protective order prohibiting the person from contacting any victim of their offense. This bill would authorize a court, when sentencing a person for an offense involving theft from a retail establishment, vandalism of a retail establishment, or battery of an employee of a retail establishment, to issue a criminal protective order prohibiting a person from entering the retail establishment, including any parking lots and including other franchise or chain locations of the retail establishment, as specified. The bill would also authorize a prosecuting attorney, city attorney, county counsel, or attorney representing a retail establishment to file a petition for the issuance of a criminal protective order of this type against a person who has been arrested 2 or more times for any of the offenses at the same retail establishment, as specified. The bill would make a violation of these orders punishable as a misdemeanor.



April 12, 2024

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Room 8220  
Sacramento, California 95814

**RE: Retail Theft Enforcement and Increased Penalties Legislation**

Dear Assemblymember Wicks:

One of the League of California Cities' (Cal Cities) top advocacy priorities is to address crime and retail theft, organized retail theft and shoplifting.

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 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](#)  
[\(As Amended on 4/1/2024\)](#)

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](mailto:jvoorhis@calcities.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jolena Voorhis", is written over a faint, light blue circular stamp.

Jolena Voorhis  
Legislative Affairs, Lobbyist

cc: The Honorable Marc Berman  
The Honorable Evan Low  
The Honorable Esmeralda Soria  
Members, Assembly Appropriations Committee  
Annika Carlson, Principal Consultant, Assembly Appropriations Committee  
Joe Shinstock, Consultant, Assembly Republican Caucus

**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 PARTICIPATION AT THE LOCAL LEVEL AND INCREASE REPRESENTATION ON IMPORTANT ADVISORY ONLY BOARDS AND COMMITTEES.**

## **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.

**SB 1037 (Wiener): Planning and zoning: housing element: enforcement.**

**Summary:**

Existing law, 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. The Planning and Zoning Law requires the Department of Housing and Community Development (HCD) to determine whether the housing element is in substantial compliance with specified provisions of that law. The Planning and Zoning Law requires HCD to notify a city, county, or city and county, and authorizes HCD to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if the local government has taken action in violation of specified provisions of law. The Planning and Zoning Law also requires, among other things, that an application for a housing development be subject to a specified streamlined, ministerial approval process if the development satisfies certain objective planning standards.

This bill, in any action brought by the Attorney General, on behalf of HCD or in an independent capacity, to enforce the adoption of housing element revisions, as specified, or to enforce any state law that requires a city, county, or local agency to ministerially approve any land use decision or permitting application for a housing development project, as specified, would subject the city, county, or local agency to specified remedies, including a civil penalty of, at minimum, \$10,000 per month, and not exceeding \$50,000 per month, for each violation, as specified. The bill would require that the penalties set forth in its provisions only apply when local land use decisions or actions are arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair. The bill would require these civil penalties, as specified, to be deposited into the Building Homes and Jobs Trust Fund for the sole purpose of supporting the development of affordable housing located in the affected jurisdiction, except as provided, and would require that expenditure of any penalty moneys deposited into the fund under these provisions be subject to appropriation by the Legislature. In the event a city, county, or local agency fails to pay civil penalties imposed by the court, the bill would authorize the court to require the Controller to intercept any available state and local funds and direct those funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay, as specified.

The bill would make a related statement of legislative findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.



April 10, 2024

The Honorable Scott Wiener  
Member, California State Senate  
1021 O St, Room 8620  
Sacramento, CA 95814

**RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement**  
**Notice of OPPOSE (03/19/24)**

Dear Senator Wiener,

The League of California Cities (Cal Cities) regrettably must **oppose** your measure **SB 1037**, which would allow the Attorney General to take legal action against a city and seek fines up to \$50K a month for failure to adopt a compliant housing element or if the city does not follow state laws that require ministerial approval of certain housing projects.

Under existing law cities can be subject to significant fines and penalties for violating certain housing laws. However, before fines are imposed, a city has the ability to correct the action. Additionally, enhanced fines are not imposed unless the city fails to follow a court's order or acts in bad faith.

Unfortunately, as currently drafted, SB 1037 does not provide an opportunity for cities to correct an honest mistake or address a genuine difference in interpreting the law. Even those jurisdictions acting in good faith could be subject to significant fines and be required to pay the Attorney General for all costs investigating and prosecuting the action, including expert witness fees and attorney's fees.

Instead of creating new fines and penalties, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance to help them finalize their housing elements and put those plans to work so much-needed housing construction can occur.

For the reasons listed above, Cal Cities respectfully **opposes** SB 1037. If you have any questions, do not hesitate to contact me at [bguertin@calcities.org](mailto:bguertin@calcities.org).

Sincerely,

A handwritten signature in blue ink that reads "Brady Guertin".

Brady Guertin  
Legislative Affairs, Lobbyist