



CBOAC 2023 ABM Legislative Report

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*Please note this is not legal advice, please consult with your local city attorney if you have further legal questions

Issues of Interest: Agenda



Legislative Process and My
Role



Accessory Dwelling Units
(ADU) and Temporary Housing



Permitting: Streamlining, and
Automated Permitting Systems

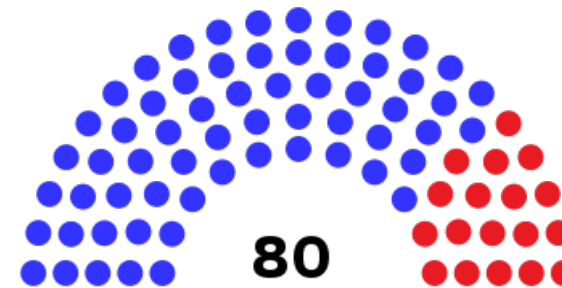


Legislative Process

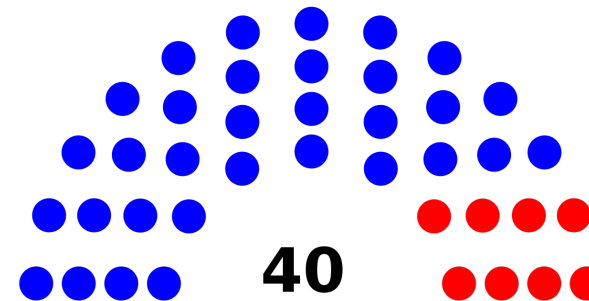
Understanding California's Political Landscape

- Governor Gavin Newsom (D)
- Assembly: 80 Members
 - 62 Democrats
 - 18 Republicans
- Senate: 40 Members
 - 32 Democrats
 - 8 Republicans

California State Assembly



California State Senate



Key Legislative Phases



A close-up photograph of a hand holding a blue pencil, poised to write on a document. The background is softly blurred, showing a person's face in profile, suggesting a professional or academic setting. The lighting is warm and focused on the hand and pencil.

How CALBO Takes Positions on Bills



My role at CALBO

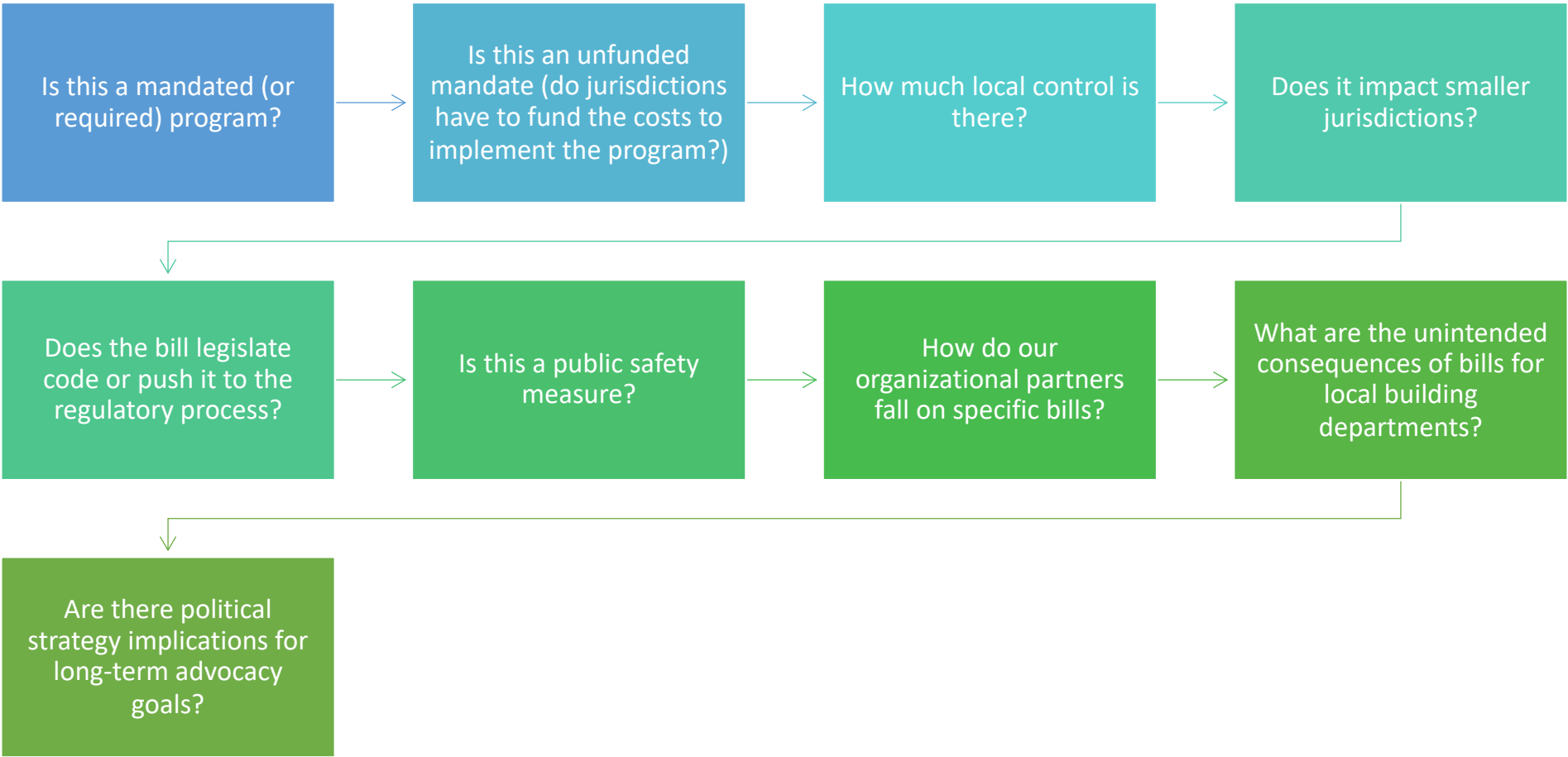
Represent	CALBO members in Sacramento
Testify	as a lead witness on bills in committee
Meet	with elected officials and legislative staff
Analyze	all bills introduced during the legislative session
Recommend	bill positions to the CALBO Legislative Committee
Draft	position letters
Update	CALBO Members on Advocacy efforts
Attend	ICC Chapter Meetings to give Legislative Updates



CALBO's Perspective

- Each local jurisdiction is unique due to its geography, community, and needs.
- Public safety is the highest priority
- Policy must be prudent and feasible
- The regulatory process is much more efficient, transparent, and feasible compared to the legislative process
- Local jurisdictions are best able to enforce and administer codes and standards

How CALBO Decides on Bill Positions





Accessory Dwelling Units (ADU) and Temporary Housing

ADU Legislation in California



- AB 3182 (2020)
- SB 1069 (2016)
- SB 897 (2022)
- AB 1332 (2023)

AB 3182: Ministerial Review and Shot Clocks on Permits

- Deems Approved an ADU or JADU application if a local agency does not act on a completed application within 60 days.
- Requires ministerial approval of a building permit for an ADU or JADU within a residential or mixed-use zone.



SB 1069: Fire Sprinklers in ADUs or JADUs

- Prohibits fire sprinklers in new ADUs if they are not required for the primary residence.
- Allows local agencies to adopt an ordinance providing for the creation of ADUs in single-family and multifamily residential zones.
- Allows local agencies to require new or separate utility connections directly between the ADU and the utility.



SB 897: Occupancy Changes, Fire Sprinklers, and Permit Timelines

- Prohibits local agencies from requiring a Group R Occupancy change for an ADU, unless local enforcement agencies make a written finding based on substantial evidence that it could have a specific, adverse impact on health and safety.
- Prohibits an ADU from triggering a requirement for fire sprinklers in the existing primary dwelling.
- Requires a 60-day shotclock to approve or deny an application for an ADU or JADU after receiving an application.



SB 897: Height Requirements

- 16 feet is allowed for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.
- 18 feet for ADU within ½ mile of a major transit stop or transit corridor.
- 25 feet for an attached primary dwelling but does not require the allowance of an ADU above two stories.





AB 1332: Pre-Approved ADUs

- Requires a local agency by January 1, 2025, to develop a program for the preapproval of ADU plans.
- Allows local agencies to charge the same permitting fees for an approved ADU plan for the same-sized ADU when approving a preapproved ADU.
- Specifies that just because a preapproved ADU plan on the website or database does not endorse the approval of the application.
- Sets a 30-day shotclock on applications that use a preapproved plan or a plan that is identical to a plan used in an application for a detached ADU approved within the current triennial code cycle.

AB 1332: Local Requirements

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- Requires preapproved ADUs to be posted on the agency's website.
 - Requires posting of the contact information for the applicant of a preapproved ADU plan.
 - Must remove a preapproved ADU plan online within 30 days of receiving a request for removal for the applicant.
 - Preapproved ADU plans may include:
 - Plans developed and preapproved by the agency.
 - Plans that have been preapproved by other agencies within the state.



Addressing California's Housing Crisis: Temporary Housing Legislation in California

Temporary Housing Legislation California

- SB 2 (2007): Local Planning Emergency Shelters
- AB 2553 (2020): Shelter Crisis Declarations
- AB 42 (2023): Temporary Sleeping Cabins: Fire sprinkler Requirements





SB 2: Transitional Housing and Emergency Shelters

- This bill allowed local governments to include emergency shelters in their housing elements in the general plan of the local jurisdiction.
- This bill also added that supportive, transitional, and emergency housing cannot be disapproved by a local agency unless there are written findings based on substantial evidence that the project would have a specific adverse impact to public health and safety.



AB 2553: Shelter Crisis Declarations

- This bill allows local jurisdictions to declare a shelter crisis and therefore instead of complying with local building approval procedures may establish reasonable standards that at a minimum meet standards adopted by HCD for emergency housing facilities.
- It specified that homeless shelters are not subject to the Recreational Vehicle Park Occupancy Law.
- It also required that local jurisdictions who declare a shelter crisis must adopt a plan to transition residents from homeless shelter to permanent housing.

AB 42: Prohibiting Fire Sprinklers in Temporary Housing

- This bill prohibits local agencies from enforcing any requirements for fire sprinklers in temporary sleeping cabins until January 1, 2027.
- Temporary Sleeping Cabins Definition: A nonpermanent fixture less than 250 sq feet on a site of 50 units or fewer and does not include plumbing.
- Provides “alternative fire life safety measures” instead.
- Was CALBO’s top priority bill this year to stop.



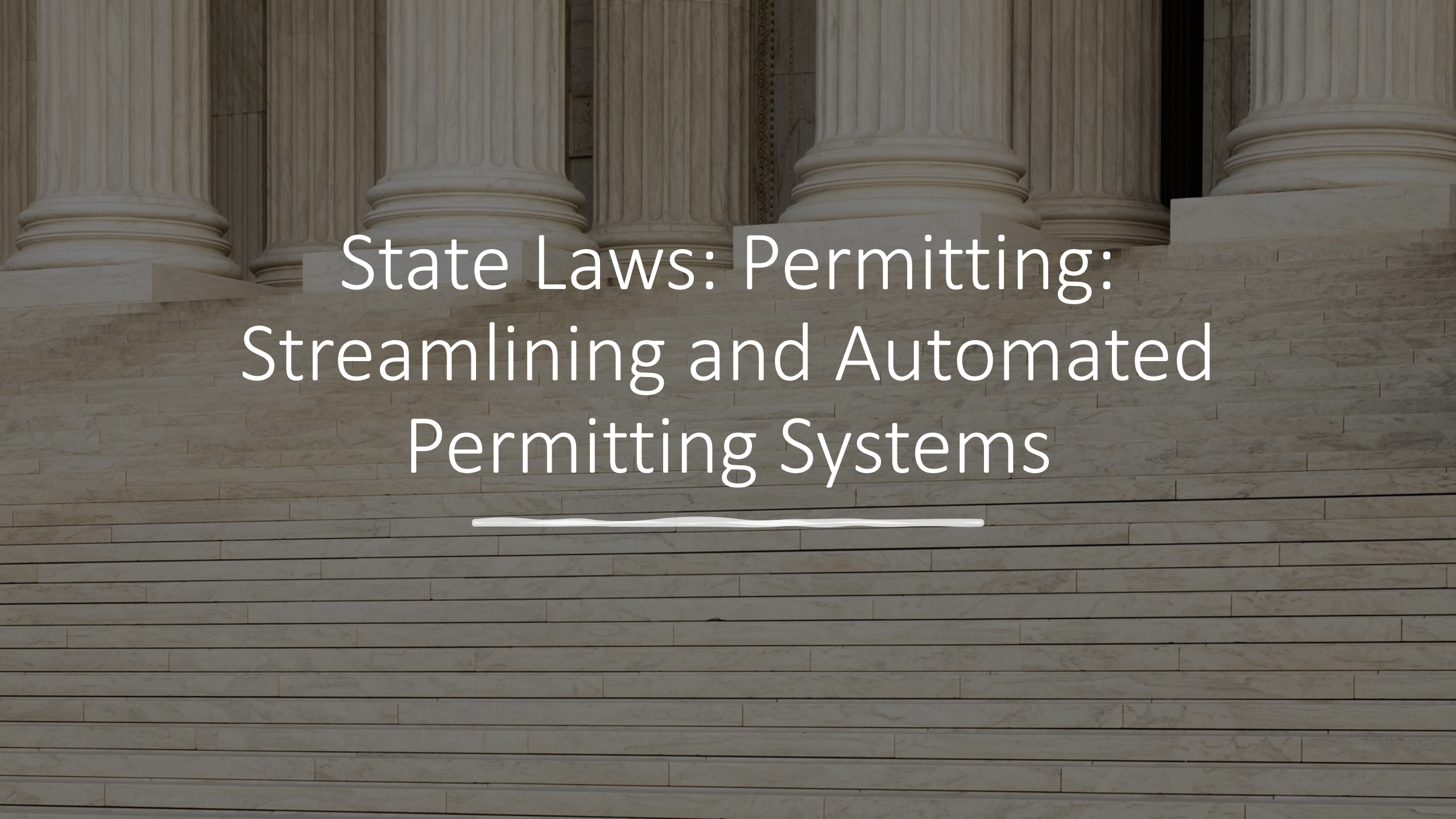
AB 42: Alternative Fire Life Safety Standards

- One smoke alarm and one carbon monoxide alarm
- One fire extinguisher
- Ingress and egress for rapid exit of the structure.
- Emergency evacuation signage and lighting.
- Every egress free from storage and obstructions
- No use of open flames, smoking, or combustibles on site.
- 24-hour active fire watch.
- Separated by the side and rear by at least 6 feet and noncombustible materials.



AB 42: Other Requirements

- Requires fire inspections to occur at regular intervals as determined by the local agency.
- Meet the design and construction requirements under CBC Appendix P or CRC Appendix AZ.
- Allows local agencies to enforce the alternative fire life safety standards just like they would enforce violations of the building code.
- Temporary, as this law expires January 1, 2027.

The background of the slide features a series of classical, fluted columns and a wide set of stone steps leading up to them. The lighting is soft, highlighting the texture of the stone and the architectural details of the columns.

State Laws: Permitting: Streamlining and Automated Permitting Systems

Major Permit Streamlining Legislation

- AB 2234: Post-Entitlement Phase Permit Timelines (2022)
- SB 379: Automated Permitting Systems for Residential Solar Energy Systems (2022)



AB 2234: Online Permit Examples

- By January 1, 2024, all local agencies must post an online example of a completed and approved application for the following types of housing:
 - ADU
 - Duplex
 - Multifamily
 - Mixed Use
 - Townhome



AB 2234: Online Permitting System

Sets specific timelines for online permitting systems to update applicants over the internet about the status of their application.

A local agency in a county with a population of 1.1 million or more or a local agency with a population of 75,000 or greater in any county must comply by January 1, 2024.

A local agency with a population of fewer than 75,000 in a county with a population of less than 1.1 million may extend the time period by up to 5 years if the legislative body of the local agency makes a written finding that adopting a permitting system online by January 1, 2028 would substantially increase permitting fees.



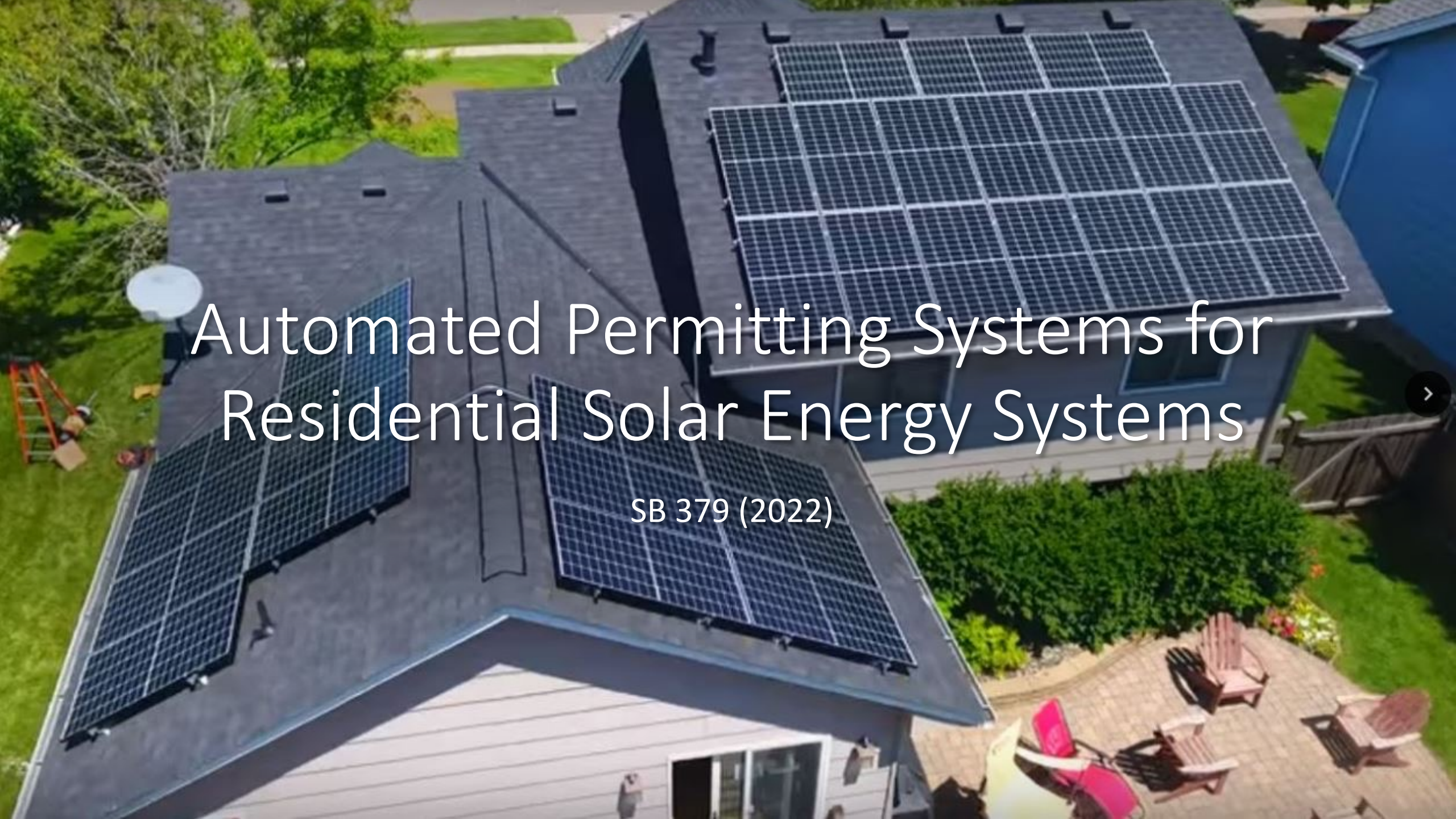
AB 2234: Online Permitting System Exemptions

- Smaller jurisdictions (A county with 1.1 million or less and a jurisdiction with less than 75K) can extend the deadline by up to 5 years if the local agencies make a written finding that complying with the law would cause a significant increase in permitting fees.
- Larger Jurisdictions (A county with 1.1 Million in population and a jurisdiction larger than 75K within that county) can extend the deadline by up to 2 years if a written finding is made showing it would cause a significant increase in permit fees.



AB 2234: Permitting Timelines

- Requires local agencies to complete the review and approval of building permits within 30 Business Days for a development project of 25 units or fewer.
- For 26 units or more, building permits must be reviewed and approved within 60 Business Days.
- If the local agency makes a written finding that the time limits would have a substantial increase on public health and safety, they may delay or stop the time limits.

An aerial photograph of a residential house with a dark grey roof. The roof is covered with several large, rectangular solar panels. The house has light-colored siding and a large window. In the foreground, there is a paved patio area with several wooden chairs and a table. The background shows a green lawn and trees. The text "Automated Permitting Systems for Residential Solar Energy Systems" is overlaid in white, sans-serif font across the middle of the image. Below the main title, the text "SB 379 (2022)" is also overlaid in a smaller white font. A small black circle with a white right-pointing arrow is located in the bottom right corner of the image.

Automated Permitting Systems for Residential Solar Energy Systems

SB 379 (2022)

SB 379: Compliance Timeline and Definition

- Requires local jurisdictions to implement an online, automated permitting platform that verifies code compliance and issues permits in real time for a residential solar energy system less than 38.4 kilowatts.
- A city with a population less than 5,000 and or a county with fewer than 150,000 are exempt.
- A city, county, or city and county with a population of 50K or fewer not exempt above must do this by September 30, 2024
- A city, county, or city and county with a population of 50K or more not exempt must do this by September 30, 2023.



Requirements



SB 379: Exemptions

- A city with a population of 5,000 or fewer.
- A county with a population of 150,000 or fewer.
- Automated permitting is not required if at the time of application, the online automated permitting platform if the system configuration is not eligible for SolarAPP+ at the time the application is submitted.





California Automated Permit Processing Program - CalAPP

SB 379: Funding Opportunities

- \$1.5M is still available for local jurisdictions to apply for to establish a system like SolarAPP+ or adopt the free software locally.
- The 2024 Budget extended the application deadline to May 1, 2024, or until the money is exhausted so apply ASAP.
- Maximum amount by population of your jurisdiction:
 - \$40K for less than 50K
 - \$60K for 50 to 100K
 - \$80K for 100 to 200K
 - \$100K for 250K+



Resources available to you

- CALBO's [Capitol Corner Update](#)
- CALBO's Bill Tracking [List](#)
- [Guide to Changes in State Law](#)
- CALBO Legislative [Presentations](#)
- 3 Free Legislative Update Presentations to CALBO members: Spring, Summer, and Fall

The image features a dense field of 3D question marks. Most are dark grey and recede into the background, creating a sense of depth. In the center, one question mark is highlighted in a bright yellow color, standing out prominently. The word "Questions" is written in a clean, white, sans-serif font, centered horizontally and partially overlapping the yellow question mark.

Questions