CBOAC 2023 ABM Legislative Report

Brady Guertin
CALBO
Director of Public Affairs
bguertin@calbo.org

*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
• Governor Gavin Newsom (D)
• Assembly: 80 Members
  • 62 Democrats
  • 18 Republicans
• Senate: 40 Members
  o 32 Democrats
  o 8 Republicans
Key Legislative Phases

Jan.–Feb.
Legislature authors and introduces bills
CALBO Reviews Legislation and Takes Bill Positions

Mar.–May
Committee Hearings
CALBO Testifies on bills and provides expertise to staff

20 May
First Appropriations Deadline, Bills tend to die here if they aren’t moving.

June–July
2nd House Committee Hearings
CALBO Testifies on bills, gets amendments, and provides expertise

Aug.–Sep.
Final Appropriations Deadline, Floor votes only.
CALBO sends floor alerts, activates members on pressing legislation
How CALBO Takes Positions on Bills
**My role at CALBO**

<table>
<thead>
<tr>
<th>Represent</th>
<th>CALBO members in Sacramento</th>
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<tbody>
<tr>
<td>Testify</td>
<td>as a lead witness on bills in committee</td>
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<td>Meet</td>
<td>with elected officials and legislative staff</td>
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<td>Analyze</td>
<td>all bills introduced during the legislative session</td>
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<td>Recommend</td>
<td>bill positions to the CALBO Legislative Committee</td>
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<td>Draft</td>
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<td>Update</td>
<td>CALBO Members on Advocacy efforts</td>
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<td>Attend</td>
<td>ICC Chapter Meetings to give Legislative Updates</td>
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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

Is this a mandated (or required) program?

Is this an unfunded mandate (do jurisdictions have to fund the costs to implement the program?)

How much local control is there?

Does it impact smaller jurisdictions?

Does the bill legislate code or push it to the regulatory process?

Is this a public safety measure?

How do our organizational partners fall on specific bills?

What are the unintended consequences of bills for local building departments?

Are there political strategy implications for long-term advocacy goals?
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.
• 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

- 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.
State Laws: Permitting: Streamlining and Automated Permitting Systems
Major Permit Streamlining Legislation

- AB 2234: Post-Entitlement Phase Permit Timelines (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
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.
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.
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.
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
Questions