

To: Orange County Sanitation District
From: Townsend Public Affairs, Inc.
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Subject: Legislative and Public Affairs Agenda Report

State Legislative Update

Since the Legislature adjourned on August 31, lawmakers have returned to their respective districts to focus on the upcoming November 3 General Election. Much of the legislative focus in Sacramento was on the Governor as he considered legislation that required a veto or signature by the September 30 deadline. Bills that were signed into law will take effect starting January 1 unless the bill included an urgency clause that would allow the bill to take effect immediately after it was signed. The Governor signed multiple bill packages on a variety of issues, including racial justice, healthcare, employee protections during COVID-19, and sexual assault victims.

In September and into October, Governor Newsom continued his daily press conferences to update the public on the State's efforts to combat COVID-19, including the State's new county tier system that moves counties between varying levels of re-opening phases based on local COVID-19 cases and testing data. The Governor has also been encouraging all Californians to receive their flu shot. During a recent press briefing, Governor Newsom received his annual flu shot to show Californians the importance of maintaining public health and avoiding a "twindemic", or two health pandemics occurring at the same time.

Additionally, in response to the growing number of wildfires throughout the State, the Governor issued several executive orders that call for all new cars and passenger trucks sold in California to be emission free by 2035. The executive orders estimate that this action will result in a 35 percent reduction in greenhouse gas emissions from vehicles. The California Air Resources Board (CARB) will be responsible for developing the State regulations, and the Administration stated that it will work with the private sector to accelerate the deployment of additional electric vehicle charging stations throughout the State.

Below are the upcoming relevant dates for the Legislature:

November 3 – General Election

December 7 – Legislature officially sworn in for the 2021-2022 Regular Session

January 1 – Most statutes passed in 2020 take effect

January 4 – Legislature reconvenes to begin legislative business

Governor's COVID-19 Action Summary

Below is a summary of the major COVID-19 actions taken by the State Administration in September and October:

- **October 9, 2020 – Project Homekey Round 4:** Governor Newsom announced a fourth round of awards for Homekey, totaling \$147 million for 20 projects that will provide an additional 1,109 units of housing. Included in this funding round is \$23 million for projects in Orange County that will result in 132 units of permanent supportive housing.
- **September 28 – Project Homekey Round 3:** Governor Newsom announced the third round of awards for Homekey, California's \$600 million program to purchase and rehabilitate hotels, motels, vacant apartment buildings and other properties and convert them into permanent, long-term housing for people experiencing or at risk of experiencing homelessness. The Governor also announced he has asked the Joint Legislative Budget Committee (JLBC) to approve his request for an additional \$200 million in Coronavirus Relief Funding for Homekey.
- **September 23 – COVID-19 Executive Order:** Governor Newsom signed an executive order to extend authorization for local governments to halt evictions for commercial renters impacted by the COVID-19 pandemic through March 31, 2021, and address a variety of issues in response to the pandemic. Additionally, the order extends provisions allowing certain posting, filing and notice requirements under the California Environmental Quality Act (CEQA) to be fulfilled electronically.
- **September 17 – COVID-19 Legislation:** The Governor signed two bills into law related to COVID-19. AB 685 (Reyes) would require a public or private employer to provide specified notifications to its employees, the Division of Occupational Safety and Health, and the State Department of Public Health, relating to the exposure of its employees to COVID-19 that the employer knew of or should have reasonably have known of. SB 1159 (Hill) codifies the Governor's Executive Order that created a rebuttable presumption that essential employees who contracted COVID-19 were infected on the job, and establishes the scope and terms of a similar presumption for infected employees outside of the Executive Order.
- **September 3 – COVID-19 Executive Order:** Governor Gavin Newsom today signed an executive order extending consumer protections against price gouging through March 4, 2021 as California continues to respond to the COVID-19 pandemic. The protections generally prohibit sellers of any kind from increasing prices on food, consumer goods, medical or emergency supplies, and certain other items by more than 10 percent.

Housing

On September 28, Governor Newsom signed 15 housing related bills aimed at addressing the state's affordability crisis and building on the eviction moratorium legislation that was signed into law on August 31. While the Legislature and Governor were able to come to a compromise on AB 3088 (Chiu, D – San Francisco), the eviction moratorium bill, the Legislature failed to pass several housing bills that would have impacted local communities. Those bills included addressing issues such as CEQA review procedures, short-term rental ordinances, the state density bonus law, and local subdivision maps. Nonetheless, the Governor and housing advocates are touting the 15-bill package as a positive step forward in housing production reforms in the midst of a pandemic.

The more significant bills that were signed includes AB 725 (Wicks, D – Oakland) which would require metropolitan and suburban jurisdictions, through their housing element process, to ensure that more land is zoned for medium-density housing projects. AB 1561 (Garcia, D – Bell Gardens) will require cities and counties to evaluate the impact of government actions on the cost of housing and associated impacts to minority communities. The Governor also signed AB 2345 (Gonzalez, D – San Diego) which would amend the state Density Bonus Law to increase the maximum allowable density and the number of concessions and incentives a developer can seek.

Lastly, the Governor signed SB 1190 (Durazo, D – Los Angeles) which extends existing law authorizing a tenant to terminate a tenancy when the tenant suffered from a crime that caused bodily injury or death, use of a firearm or other deadly weapon, or that included the use of force or threat of force against the victim while expanding these provisions to apply to family members.

Wildfires

The 2020 West Coast wildfire season has proven to be the most destructive on record to date. According to CalFIRE, approximately 3.7 million acres have burned with more than 8,000 incidents of fire this year. 29 individuals have lost their lives and more than 8,000 structures have been damaged or destroyed. CalFIRE has also stated that the length of the fire season is estimated to have increased by 75 days across the Sierras and appears to correspond with an increase in the extent of forest fires across the State.

In September, the Governor declared a State of Emergency in Napa, Sonoma, Shasta, Del Norte, Los Angeles, Mendocino, and Siskiyou counties. The Governor also declared a statewide emergency and secured a Presidential Major Disaster Declaration to bolster the State's response to the fires. State of emergency declarations allow for federal disaster funding to be issued to the State, and the federal government has approved FEMA funds to assist the State.

Governor Newsom also signed multiple bills into law to address the State's wildfire crisis. AB 3074 (Friedman, D – Burbank) enhances the defensible space requirements for structures in high fire hazard areas. Additionally, AB 2421 (Quirk, D – Haywood) would streamline the permitting process for emergency standby generators for macro cell towers. The Governor also signed multiple bills to boost homeowner insurance protections to help safeguard communities in high fire hazard areas. Additional legislation that was signed includes efforts to reform CalOES to work with local communities when updating the State Emergency Plan as well as encouraging CalOES to work closely with FEMA to update local emergency plans.

The State is also hiring an additional 858 firefighters and six California Conservation Corps crews to help support the State's firefighting efforts. The State has also made investments in its firefighting air fleet with new Firehawk S-70 helicopters and C-130 planes to help with fire surge capacity and pre-positioning capabilities to mitigate the impact of wildfires. TPA will continue to provide timely updates regarding the State's efforts to address wildfires and advocate for a collaborative approach that includes the input of local communities and cities.

New Water Year

California's "Water Year" officially ended on September 30. The Water Year is a unit of time that is used by water professionals to compare water supply conditions year to year, taking into account the typical differences in weather between seasons and how California's hydrology works into our water system.

While California's water supply outlook is better than it has been at the end of some Water Years, most major water reservoirs are at below average storage. Furthermore, 2019-2020 was unusually dry given the lack of statewide rainfall, which directly contributes to a longer and more dangerous wildfire season. An additional dry year in 2021 would almost certainly propel California into drought territory and would stress the already inundated water system to allow for more groundwater pumping and draw-down of critical reservoirs. It is unclear if the Legislature will take action this year after just one year of dry conditions, but it is likely that drought and water conditions will be taken into account when considering any wildfire legislation in 2021.

Orange County Sanitation District Legislative Positions

The following table represents the legislative positions that the Orange County Sanitation District adopted in 2020 and the corresponding status of those bills.

Bill	Description	OCSD Position	Status
AB 685 (Quirk)	Require employers to provide certain disclosures related to COVID-19 exposure to employees	Oppose	Signed
AB 1672 (Bloom)	Requires non-flushable products (wipes) to be labeled clearly and conspicuously to communicate that they should not be flushed	Support	Dead
AB 2762 (Muratsuchi)	Prohibits the sale, delivery, or production of cosmetic products that contain intentionally added ingredients including PFAS	Support	Signed
AB 3163 (Salas)	Redefines biomethane for the purposes of anaerobic digestion of organic materials.	Support	Signed
SB 667 (Hueso)	Require CalRecycle to provide additional resources and need assessments to help the State meet its organics goals	Support	Dead
SB 931 (Wieckowski)	Require local agencies to email electronic copies of Board agenda packets to constituents requesting	Oppose	Dead