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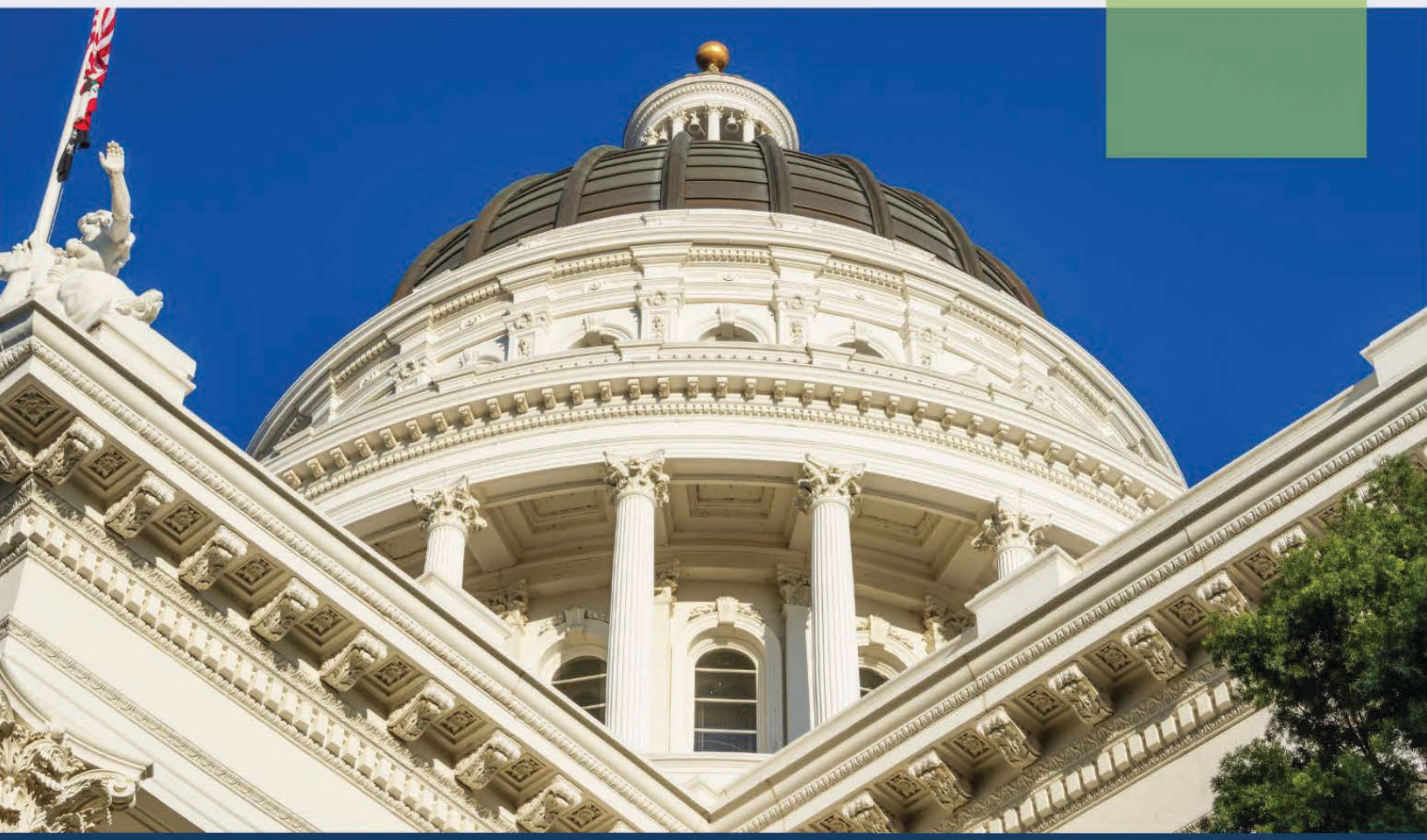

2022

Legislative Update for Water/Wastewater Agencies

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INTRODUCTION

We prepared the following information regarding legislation passed in the California Legislature during the 2022 Legislative Session and which became law. This information is not presented as specific legal advice, but rather, an update to our public agency water/wastewater agency clients.

The following Legislative Update is divided in to six sections:

- General – Brown Act Legislation
- General – Non-Brown Act Legislation
- Water
- Construction
- Finance
- Informational

This year's Legislative Update includes discussion of a number of pieces of legislation which may be of particular interest to our public agency water/wastewater clients.

Based on the adoption of three significant pieces of legislation dealing with the Ralph M. Brown Act ("Brown Act"), we have separated the General section of this 2022 Legislative Update in two sections. The first section deals with the Brown Act legislation and includes specific discussions regarding the three pieces of legislation that will impact all public agencies that are subject to the Brown Act. These pieces of legislation include addressing disruptive behavior at a meeting; obligations to disclose certain public records subject to the Brown Act; and teleconferencing options for public agencies. The legislation will become effective on January 1, 2023.

Also within the "Finance" section of this Legislative Update is a discussion of Assembly Bill No. 2563. This legislation impacts connection fees/capacity charges imposed by local water and wastewater agencies and specifically requires certain actions and proceedings in connection therewith. For water/wastewater which have connection/capacity fees or charges (even if designated with a different name or title) this legislation should warrant their attention.

I. GENERAL
Brown Act Legislation

The Ralph M. Brown Act (commencing with Government Code § 54950) ("Brown Act") governs public meetings and other functions conducted by legislative bodies of public agencies. The Brown Act seeks to ensure that the actions of all public agencies will be taken openly and their deliberations are conducted openly. (Gov. Code § 54950.)

During the 2022 Legislative Session, multiple changes to the Brown Act were enacted as a response to the realities of conducting public meetings during the COVID-19 pandemic. The legislation discussed below becomes effective on January 1, 2023.

Chapter 763 – Senate Bill No. 274 (Wieckowski) — Ralph M. Brown Act: agenda and documents

Existing law, the Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Existing law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person.

This legislation requires a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the legislation requires the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified. By requiring local agencies to comply with these provisions, this legislation imposes a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

An act to amend Section 54954.1 of the Government Code, relating to local government.

Chapter 171 - Senate Bill 1100 (Cortese) – Open meetings: orderly conduct

Currently, the Brown Act authorizes a legislative body to adopt reasonable regulations, such as limiting the total amount of time allocated for public comment on issues and individual times for each speaker. (Gov. Code § 54954.3.) Similarly, if groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of the disruptive individuals, existing law authorizes members of the legislative body conducting the meeting to order the meeting room cleared, with certain limitations, and to continue in session without the public. (Gov. Code § 54957.9.) Most legislative body bylaws governing meeting conduct contain provisions consistent with these rules.

Senate Bill 1100 adds Section 57957.95 to the Government Code, specifically authorizing the removal of individual(s) for disrupting public meetings. SB 1100 requires that prior to removal, the presiding member of a legislative body or designee shall warn a disruptive individual that their behavior is disrupting the meeting and failure to "promptly cease" their disruptive behavior will subject them to removal.

"Disruptive behavior" is defined as engaging in behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," which includes, but is not limited to, "a failure to comply with reasonable and lawful regulations adopted by a legislative body … or any other law," or "engaging in behavior that constitutes use of force or a true threat of force." A "true threat of force" means sufficient evidence of intent or seriousness so that a reasonable observer would perceive the behavior to be an actual threat to use force by the person making the threat.

Notably, the legislation is silent as to how legislative bodies are to remove the disruptive individual. As is currently the case, local agencies will likely need to partner with local law enforcement agencies to seek enforcement of this provision.

An act to add Section 54957.95 to the Government Code, relating to local government.

Chapter 265 - Assembly Bill 2449 (Blanca Rubio) – Open meetings: local agencies: teleconferences

On September 13, 2022, the Governor signed Assembly Bill 2449 (Rubio) ("AB 2449") into law, amending certain portions of the Ralph M. Brown Act ("Brown Act") relating to teleconference participation by members of legislative bodies for and during public meetings. The new law amends existing requirements set forth in Government Code section 54953 to facilitate virtual meetings in the absence of a state of emergency by removing some of the barriers that proved to be burdensome and unrealistic during the COVID-19 pandemic.

Previously, Government Code section 54953 set out various requirements for members of a legislative body participating in public meetings through teleconferencing. It allowed for teleconference meetings under the "traditional rules" and under "AB 361." To quickly review, the traditional teleconference rules include: (1) posting meeting agendas at all teleconference locations; (2) identifying all teleconference locations in the notice and agenda; and (3) making accessible each teleconference location to the public. AB 361 allowed legislative bodies to

conduct their meetings via teleconference without adhering to the requirements listed above; however, AB 361 only applied during a declared state of emergency.

AB 2449 creates an opportunity for less than a majority of the board (up to 2 members of a 5-member board; up to 3 members of a 7-member board) to attend via teleconference under certain conditions when the majority of the board (a quorum) participates from a single physical location open to the public. When a quorum of the legislative body participates in a physical location open to the public, AB 2449 authorizes the remaining board members to participate remotely under two specific circumstances:

(1) **Just cause**: The member notifies the legislative body at the earliest possible opportunity, including at the start of a regular meeting, of their need to participate remotely for "just cause," including a general description of the circumstances relating to their need to appear remotely at the given meeting. A member of the legislative body may not use the provisions of this clause for more than two meetings per calendar year.

"Just cause" is defined as any one of the following circumstances: (1) childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (2) a contagious illness that prevents a member from attending in person; (3) a need related to a physical or mental disability; or (4) travel while on business of the legislative body or another state or local agency.

(2) **Emergency Circumstances**: The member requests the legislative body to allow them to participate in the meeting remotely due to "emergency circumstances," and the legislative body takes action to approve the request. "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person. The legislative body shall request a general description of the circumstances relating to the member's need to appear remotely at the given meeting. This description generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. For the purposes of this clause, the following requirements apply:

(a) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible.

(b) the legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action by majority vote on the emergency circumstances request at the beginning of the meeting.

AB 2449 imposes additional teleconferencing requirements, similar to the requirements imposed under AB 361, when less than a majority attends remotely for "just cause" or "emergency circumstances," as described above. The additional requirements include, but are not limited to:

- The legislative body must provide a way for the public to remotely hear, visually observe, and remotely address the legislative body, either by a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.

- When providing notice of the time and agenda of a meeting, the legislative body must also provide notice of how the public can access the meeting and offer comments. The agenda must identify and include an opportunity for the public to attend and directly address the legislative body through a call-in option, an internet-based service option, and in-person. The legislative body also may not require public comments to be submitted **prior** to the meeting but must provide an opportunity for the public to address the body in real time.

- The legislative body must implement a procedure for receiving and resolving requests for reasonable accommodations for individuals with disabilities, and must give notice of such procedure in each instance notice of the meeting time is given or an agenda is posted.

- Members participating through remote teleconferencing must participate through both audio and visual technology and members must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with the individual.

Please note that these provisions will only be required if a member of a legislative body is participating by teleconferencing due to "just cause" or "emergency circumstances." Legislative bodies may always meet via teleconference by following the "traditional rules," and AB 361's state of emergency authorization remains valid until January 1, 2024.

AB 2449 provides that a member may not participate in meetings solely by teleconference due to "just cause" or "emergency circumstances" for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year. If the legislative body regularly meets less than 10 times a year, a board member may not participate remotely in more than two meetings.

The provisions of AB 2449 will remain in effect until January 1, 2026.

An act to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

Chapter 971 - Assembly Bill 2647 (Levine) – Local government: open meetings

The Brown Act currently requires that agendas and certain other writings that are distributed to all, or a majority of all, of a legislative body be made available to the public upon request without dely. If any relevant writings are distributed to all, or a majority of all, of the members of a legislative body in connection with an agenda item less than 72 hours before a meeting, the writings must "be made available for public inspection … at the time the writing is distributed to all, or a majority of all, of the members of the body" (the "72-Hour Documents"). (Gov. Code § 54957.5.) Existing law further requires all public records be made available for

public inspection at a public office or location that the agency designates. The local agency is required to list the address of the office or location on the agendas for all meetings of the legislative body of that agency.

AB 2647 revises existing law and provides local agencies with another avenue for compliance with disclosure of the 72-Hour Documents. First, regarding writings other than 72-Hour Documents, local agencies will only be required to make agendas (as opposed to agendas and "other writings") available upon request without delay. Requests for "other writings" will be governed pursuant to the California Public Records Act.

Second, AB 2647 adds an alternative means of compliance when providing 72-Hour Documents to the public. The local agency will not be required to make the 72-Hour Documents available for in-person inspection at the time it is distributed to all, or a majority of all, of the legislative body if the local agency satisfies all of the following:

- An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated by the local agency at least 72 hours before the meeting.

- The local agency immediately posts any 72-Hour Document ("public records" that were distributed less than 72 hours prior to a meeting that relate to an open session agenda item) on the local agency's website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

- The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

- The local agency makes physical copies of the 72-Hour Document available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated by the local agency.

Despite the foregoing, a local agency may only use the alternative compliance method for 72-Hour Documents if its next regular business hours commence at least 24 hours before a meeting. For example:

> A regular governing board meeting is set for Wednesday at 5:00 pm and the local agency's business hours end at 4:30 pm. The local agency may only use the alternative compliance method for 72-Hour Documents received and printed before 4:30 pm on Tuesday. If a 72-Hour Document is received after 4:30 pm on Tuesday, the "next regular business hours" would commence less than 24 hours before the Wednesday meeting.

As a practical matter, this alternative method allows an agency to issue 72-Hour Documents to the legislative body after hours and wait until the next business day to make them available for inspection in person, provided the four above conditions are met.

An act to amend Section 54957.5 of the Government Code, relating to local government.

Chapter 673 – Senate Bill No. 28 (Caballero) — Digital Infrastructure and Video Competition Act of 2006: deployment data

Existing law, the Digital Infrastructure and Video Competition Act of 2006, establishes a procedure for the issuance of state franchises for the provision of video service, defined to include cable service and open-video systems, administered by the Public Utilities Commission. The act provides that the holder of a state franchise is not a public utility as a result of providing video service and does not provide the commission with authority to regulate the rates, terms, and conditions of video service except as explicitly set forth in the act. The act requires a franchise holder to annually report to the commission regarding the availability of and subscriptions to broadband and video service, as specified.

This legislation repeals the requirement that franchise holders annually report regarding the availability of and subscriptions to broadband and video service. The legislation instead requires the commission to collect granular data on the actual locations served by franchise holders, adopt customer service requirements for franchise holders, and adjudicate any customer complaints. The legislation prohibits the commission from publicly disclosing any personally identifiable information collected pursuant to these requirements.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

An act to add Section 5895 to, and to repeal Section 5960 of, the Public Utilities Code, relating to communications.

Chapter 97 – Assembly Bill No. 819 (Levine) — California Environmental Quality Act: notices and documents: electronic filing and posting.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead

agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located.

This legislation instead requires the lead agency to mail or email those notices, and to post them on the lead agency's internet website. The legislation also requires notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located. Because this legislation would impose additional duties on a lead agency and a county clerk, this legislation would impose a state-mandated local program.

(2) CEQA requires the lead agency to mail certain notices to persons who have filed a written request for notices.
This legislation would require the lead agency to post those notices on its internet website. Because this legislation would impose additional duties on a lead agency, this legislation would impose a state-mandated local program.

(3) CEQA requires a lead agency to submit to the State Clearinghouse a sufficient number of copies, in either a hard-copy or electronic form, of a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration for projects in which a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the project is of sufficient statewide, regional, or areawide environmental significance.

This legislation would instead require a lead agency to submit to the State Clearinghouse, in an electronic form, the above-described environmental review documents for all projects and would require the lead agency to post those documents on its internet website. Because this legislation would impose additional duties on a lead agency, this legislation would impose a state-mandated local program.

(4) CEQA requires the public review period for a draft environmental impact report to not be less than 30 days and to be at least 45 days if the draft environmental impact report is submitted to the State Clearinghouse. CEQA requires the public review period for a proposed negative declaration or proposed mitigated negative declaration to not be less than 20 days and to be at least 30 days if the proposed negative declaration or proposed mitigated negative declaration is submitted to the State Clearinghouse.

This legislation would instead require the public review period of at least 45 days if the draft environmental impact report is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide environmental significance. The legislation would also instead require the public review period of at least 30 days if the proposed negative declaration or proposed mitigated negative declaration is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project;

or the proposed project is of sufficient statewide, regional, or areawide environmental significance.

(5) CEQA requires a state agency, if it approves or determines to carry out a project that is subject to CEQA, to file a notice of determination with the Office of Planning and Research. CEQA authorizes a state agency, if it determines that a project is not subject to CEQA, to file a notice of exemption with the Office of Planning and Research. CEQA requires a filed notice to be available for public inspection, and a list of these notices to be posted on a weekly basis and for 30 days in the Office of Planning and Research and retained for not less than 12 months.

This legislation would require the notice of determination or the notice of exemption to be filed electronically by the state agency. The legislation would instead require the filed notice to be available for public inspection on the Office of Planning and Research's internet website for not less than 12 months.

(6) CEQA requires a local agency, if it approves or determines to carry out a project that is subject to CEQA, to file a notice of determination with the county clerk of each county in which the project will be located. CEQA authorizes a local agency, if it determines that a project is not subject to CEQA, to file a notice of exemption with the county clerk of each county in which the project will be located.

This legislation would require the notice of determination or notice of exemption to be filed electronically by the local agency if that option is offered by the county clerk. Because this legislation would impose additional duties on a lead agency, this legislation would impose a state-mandated local program.

(7) CEQA requires a public agency that has completed an environmental document to file a notice of completion with the Office of Planning and Research.
This legislation would require the public agency to file the notice using the Office of Planning and Research's online process. To the extent that this legislation would impose additional duties on a public agency, this legislation would impose a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

An act to amend Sections 21080.4, 21082.1, 21091, 21092, 21092.2, 21092.3, 21108, 21152, and 21161 of the Public Resources Code, relating to environmental quality.

Chapter 89 – Senate Bill 938 (Hertzberg) –The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under

existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Existing law authorizes a commission to dissolve an inactive district if specified conditions are satisfied.

This legislation authorizes a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act. The legislation requires the commission to adopt a resolution of intent to initiate a dissolution based on these provisions and to provide a remediation period of at least 12 months, during which the district may take steps to remedy the stated deficiencies. The legislation authorizes the commission, at the conclusion of the remediation period, to find that the district has failed to remedy the deficiencies and adopt a resolution to dissolve the district.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

This legislation reorganizes and consolidates the above-described procedures.

An act to amend Sections 56375, 56824.14, 57002, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 56375.1, 57077.5, and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

Chapter 361 – Senate Bill No. 1020 (Laird): Clean Energy, Jobs, and Affordability Act of 2022

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. The act requires the state board to conduct a series of public workshops to give interested parties an opportunity to comment on the plan and requires a portion of those workshops to be conducted in regions of the state that have the most significant exposure to pollutants. The act specifically includes as regions for these workshops communities with minority populations, communities with low-income populations, or both.

This legislation instead includes as regions for these workshops federal extreme nonattainment areas that have communities with minority populations, communities with low-income populations, or both.

Under existing law, it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045.

This legislation revises that state policy to instead provide that eligible renewable energy resources and zero-carbon resources supply 90% of all retail sales of electricity to California end-use customers by December 31, 2035, 95% of all retail sales of electricity to California end-use customers by December 31, 2040, 100% of all retail sales of electricity to California end-use customers by December 31, 2045, and 100% of electricity procured to serve all state agencies by December 31, 2035, as specified.

Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC to ensure that facilities needed to maintain the reliability of the electrical supply remain available and operational.

Existing law establishes an Independent System Operator (ISO) as a nonprofit public benefit corporation and requires the ISO to ensure efficient use and reliable operation of the electrical transmission grid consistent with achieving planning and operating reserve criteria no less stringent than those established by the Western Electricity Coordinating Council and the North American Electric Reliability Council.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in consultation with the PUC, ISO, transmission owners, users, and consumers, to adopt a strategic plan for the state's electrical transmission grid using existing resources in order to identify and recommend actions required to implement investments needed to ensure reliability, relieve congestion, and meet future growth in load and generation.

This legislation authorizes the PUC and Energy Commission, upon request of the ISO, to disclose to the ISO confidential information relating to power purchase agreements with electric generation and energy storage projects for purposes of transmission planning.

This legislation requires the PUC, Energy Commission, and state board, on or before December 1, 2023, and annually thereafter, to issue a joint reliability progress report that reviews system and local reliability within the context of that state policy described above, with a particular focus on summer reliability, identifies challenges and gaps, if any, to achieving system and local reliability, and identifies the amount and cause of any delays to achieving compliance with all energy and capacity procurement requirements set by the PUC.

This legislation requires the PUC to develop a definition of energy affordability, as specified, and to use energy affordability metrics to guide the development of any protections, incentives,

discounts, or new programs to assist residential customers facing hardships or disconnections due to electricity or gas bills and to assess the impact of proposed rate increases on different types of residential customers.

The California Public Records Act requires a public agency, defined to mean a state or local agency, to make its public records available for public inspection and to make copies available upon request and payment of a fee, unless the public records are exempt from disclosure. The act makes specified records exempt from disclosure and provides that disclosure by a state or local agency of a public record that is otherwise exempt constitutes a waiver of the exemptions.

This legislation specifies that a disclosure made through the sharing of information between the ISO and a state agency does not constitute a waiver of the exemptions.

Existing law prohibits information furnished to the PUC by a public utility, a business that is a subsidiary or affiliate of a public utility, or a corporation that holds a controlling interest in a public utility from being open to public inspection or made public, except as specified.

This legislation authorizes a present officer or employee of the PUC to share information with the ISO pursuant to an agreement to treat the shared information as confidential.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because certain of the above provisions would be part of the act and a violation of a PUC action implementing this legislation's requirements would be a crime, the legislation would impose a state-mandated local program.

An act to amend Section 7921.505 of the Government Code, to amend Section 38561 of the Health and Safety Code, to amend Sections 454.53 and 583 of, and to add Sections 454.59 and 739.13 to, the Public Utilities Code, and to add Division 27.5 (commencing with Section 80400) to the Water Code, relating to public resources.

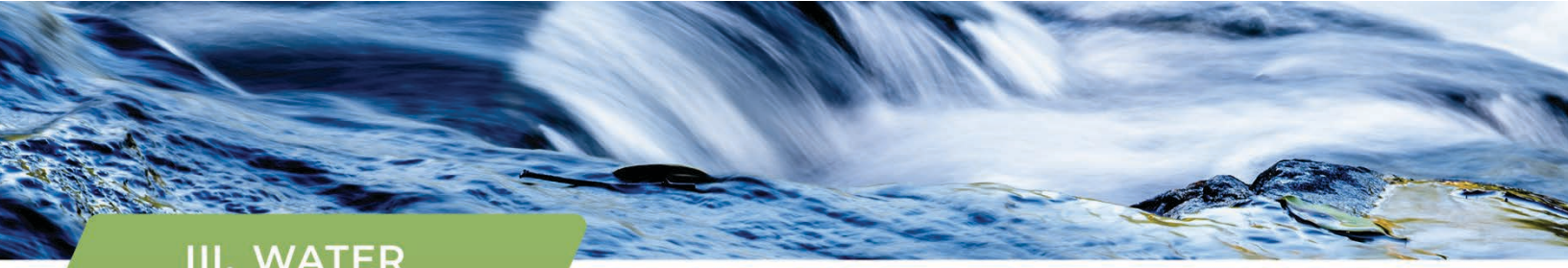
Chapter 23 – Assembly Bill No. 2505 (Gray) — Water theft: irrigation districts

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Existing law requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.

Existing law, the Irrigation District Law, provides for the formation of irrigation districts with prescribed powers.

This legislation authorizes irrigation districts, as defined, to impose fines or penalties for water theft in accordance with both of the above-described provisions, and provides that the above-specified provisions do not cap or limit the fines that an irrigation district may impose in accordance with the Irrigation District Law.

An act to amend Section 53069.45 of the Government Code, relating to local government.



III. WATER

Chapter 679 – Senate Bill No. 1157 (Hertzberg) — Urban water use objectives

Existing law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Existing law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. Existing law requires the board, in coordination with the department, to adopt by regulation variances recommended by the department and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department.

This legislation eliminates the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use. The legislation instead requires that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily. The legislation requires the department, in coordination with the board to conduct necessary studies and investigations to assess and quantify the economic benefit and impacts of the 2030 indoor residential use standard on water, wastewater, and recycled water systems, as specified. The legislation requires the department, in coordination with the board, to summarize the findings of these studies and investigations in a report to the Legislature by October 1, 2028. The legislation prohibits enforcement of specified provisions against an urban retail water supplier solely for failing to meet the indoor residential use standard. The legislation requires, on or before January 1, 2028, the department, in coordination with the board, to submit a report to the Legislature on the progress of urban retail water suppliers towards achieving their urban water use objective.

An act to amend Section 10609.4 of, and to add Section 10609.33 to, the Water Code, relating to water.

Chapter 943: Assembly Bill No. 1164 (Flora) — Dams and reservoirs: exclusions: publicly owned or operated regulating basins

Existing law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Existing law requires the department to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Existing law excludes certain obstructions from being considered a dam, including a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use.

This legislation additionally excludes from being considered a dam a regulating basin, as defined, owned or operated by a public entity that is not across a stream channel, watercourse, or natural drainage if certain criteria are met, including, among other criteria, that the owner or operator of the regulating basin, before the construction of the regulating basin, submit to the department an inundation map, stamped by a licensed civil engineer, identifying the flow and depth of water from the regulating basin in the event of a failure of a barrier constructed to form the regulating basin, and that the owner or operator, immediately upon the identification of a failure or the risk of failure of a barrier or works critical to the safe operation of the regulating basin, notify the county sheriff and local emergency managers of all properties likely to be impacted by a failure. The bill would define "natural drainage" for purposes of these provisions.

An act to amend Section 6004 of the Water Code, relating to water.

Chapter 369 – Senate Bill No. 1205 (Allen) — Water rights: appropriation

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. As a prerequisite to the issuance of a permit to appropriate water, existing law requires certain facts to exist, including that there is unappropriated water available to supply the applicant.

This legislation requires the board to develop and adopt regulations to govern consideration of climate change effects in water availability analyses used in the board's review of applications for water rights permits, including consideration of the effects of climate change, as specified, upon watershed hydrology, as specified. The legislation requires the board to consult with the Department of Water Resources, the Department of Fish and Wildlife, and qualified hydrologists and climate change scientists, among others, in preparing the regulations. The legislation prohibits the board from refusing to accept or delay processing or approval of an application on the grounds that the regulations have not yet been adopted.

An act to add Section 1259.6 to the Water Code, relating to water.

Chapter 682 – Senate Bill No. 1372 (Stern) — Sustainable Groundwater Management Act: groundwater sustainability plans: groundwater rights

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.

This legislation provides that the approval of a groundwater sustainability plan by the department shall not be construed to be a determination by or otherwise an opinion of the department that the allocation of groundwater pumping rights in the plan are consistent with groundwater rights law.

An act to add Section 10738 to the Water Code, relating to groundwater.

Chapter 859 - Assembly Bill No. 1642 (Salas) — California Environmental Quality Act: water system well and domestic well projects: exemption

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health. Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law requires the state board to annually adopt, and update every 3 years, a fund expenditure plan that contains specified information, including, but not limited to, a list of water systems that consistently fail to provide an adequate supply of safe drinking water. Existing law requires the state board to develop a drinking water needs assessment to inform the board's annual fund expenditure plan.

This legislation, until January 1, 2028, exempts from CEQA a well project, as defined, that meets specified conditions, including that the domestic well or the water system to which the well is connected has been designated by the state board as high risk or medium risk in the state board's drinking water needs assessment. The legislation requires a lead agency, before determining that a well project is exempt from CEQA pursuant to these provisions, to contact the state board to

determine whether claiming the exemption will affect the ability of the well project to receive federal financial assistance or federally capitalized financial assistance. The legislation requires a lead agency that determines that a well project is exempt from CEQA pursuant to these provisions to file a notice of exemption with the Office of Planning and Research and the county clerk, as provided. Because the legislation increases the responsibilities of a lead agency related to the applicability of this exemption, this legislation imposes a state-mandated local program.

An act to add and repeal Section 21080.31 of the Public Resources Code, relating to environmental quality.

Chapter 762 – Assembly Bill No. 1817 (Ting) – Project safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS)

Existing law prohibits, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined, and requires a manufacturer to use the least toxic alternative when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in food packaging to comply with this requirement. Existing law similarly prohibits, beginning July 1, 2023, a person from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated PFAS chemicals.

This legislation prohibits, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. The legislation requires a manufacturer of a textile article to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with these provisions and does not contain any regulated PFAS.

An act to add Chapter 13.5 (commencing with Section 108970) to Part 3 of Division 104 of the Health and Safety Code, relating to public health.

IV. CONSTRUCTION

Chapter 243 – Senate Bill No. 991 (Newman) — Public Contracts: progressive design-build: local agencies

Existing law, until January 1, 2025, authorizes local agencies, as defined, to use the design-build procurement process for specified public works with prescribed cost thresholds. Existing law requires specified information submitted by a design-build entity in the design-build procurement process to be certified under penalty of perjury.

Existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Existing law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Existing law, pursuant to the process, after selection of a design-build entity, authorizes the Department of General Services to contract for design and preconstruction services sufficient to establish a guaranteed maximum price, as defined. Existing law authorizes the department, upon agreement on a guaranteed maximum price, to amend the contract in its sole discretion, as specified. Existing law requires specified information to be verified under penalty of perjury.

This legislation, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of $5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. The legislation requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. The legislation requires the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury. By expanding the crime of perjury, the legislation imposes a state-mandated local program.

An act to add and repeal Chapter 4.1 (commencing with Section 22170) of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

V. FINANCE

Chapter 347 – Assembly Bill No. 602 (Grayson) — Development fees: impact fee nexus study

(1) Existing law, the Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. Existing law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions.

This legislation, among other things, requires, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

This legislation requires that a local agency that calculates fees proportionately to the square footage of the proposed units be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development. The legislation declares that its provisions shall not be construed to relieve a local agency from the requirements of the Mitigation Fee Act, the California Constitution, or applicable case law when calculating the amount of a fee.

This legislation also requires a city, county, or special district to post a written fee schedule or a link directly to the written fee schedule on its internet website. The legislation requires a city or county to request the total amount of fees and exactions associated with a project upon the issuance of a certificate of occupancy or the final inspection, whichever occurs last, and to post this information on its internet website, as specified. By requiring a city or county to include certain information in, and follow certain standards with regard to, its impact fee nexus studies and to include certain information on its internet website, the legislation would impose a state-mandated local program.

(2) Existing law requires the Department of Housing and Community Development to develop specifications for the structure, functions, and organization of a housing and community development information system for this state. Existing law requires the system to include statistical, demographic, and community development data that will be of assistance to local public entities in the planning and implementation of housing and community development programs.

This legislation requires the department, on or before January 1, 2024, to create an impact fee nexus study template that may be used by local jurisdictions. The legislation requires that the template include a method of calculating the feasibility of housing being built with a given fee level.

(3) The Mitigation Fee Act requires notice of the time and place of a meeting regarding any fee, that includes a general explanation of the matter to be considered, be mailed at least 14 days before the first meeting to an interested party who files a written request with the city or county for mailed notice of a meeting on a new or increased fee.

This legislation authorizes any member of the public, including an applicant for a development project, to submit evidence that the city, county, or other local agency has failed to comply with the Mitigation Fee Act. The legislation requires the legislative body of the city, county, or other local agency to consider any timely submitted evidence and authorize the legislative body to change or adjust the proposed fee or fee increase, as specified.

An act to amend Sections 65940.1 and 66019 of, and to add Section 66016.5 to, the Government Code, and to add Section 50466.5 to the Health and Safety Code, relating to land use.

Chapter 625 – Assembly Bill No. 1061 (Lee) — Mobile Residency Law: water utility charges

Under existing law if the management of a mobilehome park provides both master-meter and submeter service of utilities to a homeowner, for each billing period the charges for the period are required to be separately stated along with the opening and closing readings for the homeowner. Existing law requires management to post, in a conspicuous place, the specific current residential utility rate as published by the serving utility. Existing law authorizes management of a mobilehome park to also post the internet website address of the specific current residential utility rate schedule, as specified.

This legislation, if the management of a mobilehome park elects to separately bill water utility service to homeowners, limits charges and fees on homeowners in connection with those services to specified types of charges and fees. The specified charges and fees would be for (1) the homeowner's volumetric usage based on the homeowner's proportion of total usage, or, where the water purveyor uses a tiered rate schedule, based on the homeowner's proportion of the tier's usage, or based on a mobilehome space rate; (2) any recurring fixed charge, however that charge is designated, for water service that has been billed to management by the water purveyor, determined on the basis of either the homeowner's proportional share of volumetric use or the

total charge divided by the number of mobilehome spaces; and (3) a billing, administrative, or other fee representing the costs of both management and the billing agent combined, not to exceed $4.75 or 25% of the charge for the homeowner's volumetric usage, whichever is less. The legislation prohibits volumetric usage charges from including water usage by a park's common area facilities or by any other person or entity other than the homeowner. This legislation provides that these provisions do not prevent management from recovering its costs to install, maintain, or improve its internal water delivery system, as may otherwise be allowed in any rental agreement or local regulation. The legislation defines terms for these purposes.

An act to amend Section 798.40 of the Civil Code, relating to mobilehomes.

Chapter 674 – Assembly Bill No. 2142 (Gabriel) — Income taxes: exclusion: turf replacement water conservation program

The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Existing law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified.

This legislation, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provides an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program.

Existing law requires any bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives that the tax expenditure will achieve, detailed performance indicators, and data collection requirements.

This legislation includes additional information required for any bill authorizing a new tax expenditure, and would require the Department of Finance to include an analysis of these expenditures in its annual tax expenditure report provided to the Legislature.

This legislation would take effect immediately as a tax levy.

An act to add and repeal Section 17138.2 and 24308.9 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Chapter 128 – Assembly Bill No. 2536 (Grayson) — Development fees: impact fee nexus studies: connection fees and capacity charges

Development fees: impact fee nexus studies: connection fees and capacity charges.

The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. Existing law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Existing law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge, as specified.

This legislation requires a local agency, prior to levying a new fee or capacity charge or approving an increase in an existing fee or capacity charge, to evaluate the amount of the fee or capacity charge. This legislation requires the evaluation to include evidence to support that the fee or capacity charge does not exceed the estimated reasonable cost of providing service, as specified. This legislation requires all information constituting the evaluation to be made publicly available at least 14 days prior to a specified meeting.

Existing law requires a local agency that conducts an impact fee nexus study to follow specified standards and practices. Existing law defines "local agency" for these purposes.

This legislation recasts these provisions to apply to a city, county, or special district that conducts an impact fee nexus study.

An act to amend Section 66016.5 of, and to add Section 66016.6 to, the Government Code, relating to land use.

VI. INFORMATIONAL

Chapter 590 – Assembly Bill No. 818 (Bloom) — Solid waste: premoistened nonwoven disposable wipes

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

This legislation requires, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase "Do Not Flush" and a related symbol, as specified. The legislation would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The legislation establishes enforcement provisions, including authorizing a civil penalty not to exceed $2,500 per day, up to a maximum of $100,000 per violation, to be imposed on a covered entity who violates those provisions.

The legislation establishes, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required, among other things, to participate in a collection study conducted in collaboration with wastewater agencies for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state. The legislation requires covered entities to annually report to specified legislative committees and the State Water Resources Control Board on their activities under the program and requires the state board to post the reports on its internet website.

An act to add Part 9 (commencing with Section 49650) to Division 30 of, and to repeal Section 49652 of, the Public Resources Code, relating to solid waste.

Chapter 820 – Senate Bill No. 892 (Hurtado) — Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector

Existing law, the California Emergency Services Act, among other things, creates the Office of Emergency Services (Cal OES), which is responsible for the state's emergency and disaster response services, as specified. Existing law requires Cal OES to establish the California Cybersecurity Integration Center (Cal-CSIC) with the primary mission of reducing the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. Existing law requires Cal-CSIC to provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure

information networks, enable cross-sector coordination and sharing of best practices and security measures, and support certain cybersecurity assessments, audits, and accountability programs. Existing law also requires Cal-CSIC to develop a statewide cybersecurity strategy to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers, and to strengthen cyber emergency preparedness and response and expand cybersecurity awareness and public education.

This legislation requires Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness.

An act to add Section 8592.50 to the Government Code, relating to emergency services.

Chapter 713 – Assembly Bill No. 1250 (Calderon) — Water and sewer system corporations: consolidation of service

The Public Utilities Act prohibits, with certain exemptions, any public utility from selling, leasing, assigning, mortgaging, or otherwise disposing of or encumbering specified property necessary or useful in the performance of the public utility's duties to the public without first, for qualified transactions valued above $5,000,000, securing an order from the Public Utilities Commission authorizing it to do so or, for qualified transactions valued at $5,000,000 or less, filing an advice letter and obtaining approval from the commission.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, which include small community water systems, and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Existing law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided.

This legislation, the Consolidation for Safe Drinking Water Act of 2021, authorizes a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water system identified as failing or at risk of failing by the state board. The legislation requires the commission to approve or deny the application within 12 months, except as provided. The legislation establishes the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, to the commission in order to process the applications and cover any associated regulatory costs. The legislation requires a water or sewer system corporation to pay a fee of $10,000 when filing an application pursuant to the above provision and would require the fee to be deposited into the fund.

For a consolidation valued at $5,000,000 or less, the legislation authorizes a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a small community water system or state small water system identified as failing or at risk of failing by the state board. The legislation authorizes the executive director of the commission or the director of the division of the commission having regulatory jurisdiction over the water or sewer system corporation to approve an uncontested advice letter, and requires the commission to approve or deny an advice letter within 180 days, except as provided.

An act to add Chapter 2.7 (commencing with Section 2721) to Part 2 of Division 1 of the Public Utilities Code, relating to public utilities.

Chapter 681 – Senate Bill No. 1254 (Hertzberg) — Drinking water: administrator: managerial and other services

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. Existing law prescribes the processes and procedures pursuant to which the state board may identify a designated water system in need of services, order a designated water system to accept services from an administrator, and work with the administrator of a designated water system to develop adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that administrator services are no longer necessary.

This legislation revises the definition of "designated water system" and limits the liability of an administrator when the state board appoints an administrator to a designated water system, as prescribed.

An act to amend Sections 116681 and 116686 of the Health and Safety Code, relating to drinking water.

Chapter 650 – Assembly Bill No. 2221 (Quirk-Silva) — Accessory dwelling units

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law requires a local ordinance to require an accessory dwelling unit to be either attached to, or located within, the proposed or existing primary dwelling, as specified, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

This legislation specifies that an accessory dwelling unit that is detached from the proposed or existing primary dwelling may include a detached garage.

Existing law requires a permitting agency to act on an application to create an accessory dwelling unit or a junior accessory dwelling unit within specified timeframes.

This legislation requires a permitting agency to approve or deny an application to serve an accessory dwelling unit or a junior accessory dwelling unit within the same timeframes. If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit, the legislation requires a permitting agency to return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within the same timeframes. The legislation defines "permitting agency" for its purposes.

Existing law authorizes a local agency to establish minimum and maximum unit size requirements for attached and detached accessory dwelling units, subject to certain exceptions, including that a local agency is prohibited from establishing limits on lot coverage, floor area ratio, open space, and minimum lot size, that do not permit the construction of at least an 800 square foot accessory dwelling unit, as specified.

This legislation additionally prohibits a local agency from establishing limits on front setbacks, as described above.

This legislation incorporates additional changes to Section 65852.2 of the Government Code proposed by SB 897 to be operative only if this bill and SB 897 are enacted and this bill is enacted last. SB 897 (Wieckowski) was also approved by the Governor on September 28th, 2022.

By imposing additional duties on local governments in the administration of the development of accessory dwelling units, the legislation would impose a state-mandated local program.

An act to repeal and amend Section 65852.2 of the Government Code, relating to land use.

Chapter 675 – Assembly Bill No. 2895 (Arambula) — Water: permits and licenses: temporary changes: water or water rights transfers

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses.

Existing law prescribes the process for a permittee or licensee to petition the board for a temporary change due to a transfer or exchange of water rights, and imposes on the board related

notice, decision, and hearing requirements. Under that process, a petitioner is required to publish notice of a petition in a newspaper, as specified. Existing law requires a petition to contain specified information and requires a petitioner to provide a copy of the petition to the Department of Fish and Wildlife, the board of supervisors of the county or counties in which the petitioner currently stores or uses the water subject to the petition, and the board of supervisors of the county or counties to which the water is proposed to be transferred.

Existing law authorizes a person entitled to the use of water to petition the board for a change to a water right for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation and authorizes the board to approve the petition only if certain requirements are met. Existing law authorizes that petition to be submitted in accordance with specified requirements, including those regulating temporary changes due to a transfer or exchange of water rights.

This legislation revises and recasts the provisions regulating temporary changes due to a transfer or exchange of water rights, including, among other revisions, specifying that those provisions apply to a person who proposes a temporary change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation. The legislation eliminates the requirement that a petitioner publish notice of a petition in a newspaper.

The legislation establishes a new process for petitions for which notice is submitted to the board no later than January 31 for a temporary change due to a transfer or exchange of water rights initiated in the same year, and imposes on the board related notice, decision, and hearing requirements. Under this new process, the board is required, among other things, to post on its internet website and disseminate by email LISTSERV by February 15 of each year a list of all timely and complete notices for which notice is filed.

An act to amend Sections 1015, 1725, and 1726 of, to amend, renumber, and add Section 1727 of, to add Section 1725.5 to, and to repeal Section 1728 of, the Water Code, relating to water.