



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: May 7, 2024

Subject

2024 Legislative Update

Recommended Action

Receive an overview of pending legislation and direct staff to prepare and send letters taking positions on the following:

- 1) Bay Area Affordable Housing Measure (BAHFA) – Affordable Housing
- 2) AB 1779 (Irwin) – Public Safety
- 3) SB 1143 (Allen) – Environmental – Waste Management

Reasons for Recommendation

Background

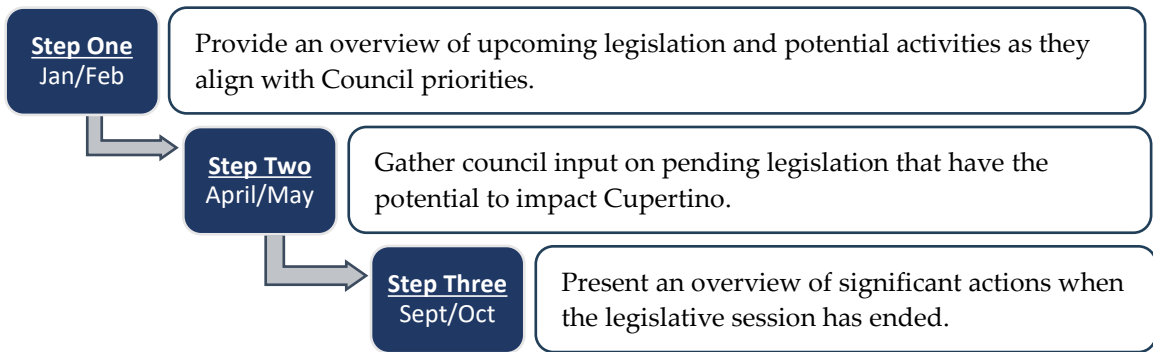
At the January 17 City Council meeting, Council received an informational memo¹ outlining the 2024 Legislative Process and the following priorities that were proposed based on Council-adopted goals focusing on the most critical City needs:

The City will support legislation that:

1. Helps Cupertino build a fiscally sustainable and resilient community.
2. Furthers the health and wellbeing of Cupertino community members and enhances public engagement and transparency.
3. Promotes Cupertino's infrastructure needs.

The Legislative Process includes a three-step approach that is strategically timed to coincide with key milestones in the legislative cycle:

¹ <https://cupertino.legistar.com/LegislationDetail.aspx?ID=6464059&GUID=9AB54CFC-E992-4298-93FC-21D167AC15AC&Options=&Search=>



The January informational memorandum focused on Step One of the process. Staff has continued to coordinate with the City’s Lobbyist to monitor and research pending legislation. This report focuses on Step Two in the legislative process and provides Council an opportunity to consider legislation prior to important committee deadlines². The City Manager’s Office and the City Attorney’s Office have reviewed and identified bills of interest for Cupertino for Council consideration.

2024 Legislative Update and Trends

This year, the Legislature introduced 2,295 new bills, which includes 1,593 in the Assembly and 702 in the Senate. The Legislature has emphasized public safety bills to reduce crime and theft to residents and businesses. In addition, climate and housing initiatives that aim to improve the quality of life for all California residents remain a top priority for the Legislature this year. The City’s Lobbyist prepared an overview of the 2024 Legislative Session with additional information, which can be found in Attachment A.

Bills of Interest

Each year, staff consolidates a list of bills identified by the City’s Lobbyist and groups such as Cal Cities, SCC legislative coordinators, MTC, ABAG, Valley Water, Mid Pen Housing, and others. The full list can be found in Attachment B and includes a summary of the legislation and staff recommendations for each. Staff has further narrowed down the list by following the 2024 Legislative Priorities established in January and as outlined above, aligning with the Council-adopted goals of Public Engagement and Transparency, Transportation, Housing, Sustainability & Fiscal Strategy, and Quality of Life.

The League of California Cities represents a strong lobbying voice. Staff recommends continuing to rely on their representation for much of the legislation that develops. Where legislation has specific interest or impacts in Cupertino, the City may want to establish a position. The approach in assessing legislation has been to take a limited number of positions to maximize the impact when a position is taken.

² <https://www.senate.ca.gov/system/files/2024-04/final-agreed-2024-legislative-calendar.pdf>

Staff recommends that the City Council consider supporting the following bills which are aligned with the 2024 Strategic Legislative Priorities and encompass the City's three major focus areas: Affordable Housing, Public Safety, and Environmental Programs.

1) Affordable Housing

Staff recommendation – Support

Bay Area Affordable Housing Measure (BAHFA)³

- Summary: This regional bond measure aims to generate \$10-\$20 billion to build approximately 72,000 new affordable homes. 80% of the bond revenue will go directly to the nine bay area counties and four cities-San Jose, Oakland, Santa Rosa, and Napa. The remaining 20% of the bond revenue will be invested in affordable developments throughout the region, while also generating new housing resources to support affordable housing development long after the bonds are fully spent.
- Potential Impact: If approved, Cupertino could potentially receive funding through Santa Clara County. The County's allocation is estimated⁴ as follows:
 - \$1.2B if the bond is \$10B
 - \$2.4B if the bond is \$20B

The Bay Area Housing Finance Authority (BAHFA) will determine the final value of the bond (\$10 billion or \$20 billion) on May 22.

- Support: The Bay Area Housing Finance Authority (BAHFA) is proposing this measure. BAHFA is governed by the BAHFA board, composed of the same members as the Metropolitan Transportation Commission and the Association of Bay Area Governments' Executive Board. This measure is regionally supported.
- Oppose: None as of May 1, 2024

2) Public Safety – Retail Theft

Staff Recommendation - Support

AB 1779 (Irwin)⁵

- Summary: Current law defines types of theft, including petty theft, grand theft, and shoplifting. Current law also defines the crimes of robbery and jurisdictionally limits prosecution of each type of theft to criminal actions brought by the Attorney General. This bill would remove the jurisdictional limitations and expand the coordination and abilities of District Attorneys to work together to prosecute theft offenses that occur in several counties throughout several counties.

³ <https://mtc.ca.gov/about-mtc/authorities/bay-area-housing-finance-authority/bay-area-affordable-housing-bond>

⁴ <https://mtcdrive.app.box.com/s/xufy2s22g57cqney761ukvt35jfdddog>

⁵ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2943

- Potential Impact: In Cupertino, retail stores like Target have been victims of retail theft crimes. This bill aims to hold offenders accountable through a streamlined regional effort.
- Support: California Correctional Supervisors Organization, INC., California District Attorneys Association, California State Sheriffs' Association, Chief Probation Officers' of California (CPOC), City of Santa Clarita, League of California Cities, Peace Officers Research Association of California (PORAC), San Diego County District Attorney's Office, Valley Industry and Commerce Association (VICA), Ventura County Office of The District Attorney
- Oppose: Communities United for Restorative Youth Justice (CURYJ), Ella Baker Center for Human Rights, Initiate Justice, Initiate Justice Action, LA Defensa

3) Environmental – Waste Management
SB 1143 (Allen)⁶

Staff Recommendation - Support

- Summary: This bill would establish an extended producer responsibility (EPR) program for Household Hazardous Waste (HHW) to set up a system where producers of the HHW products would be responsible for paying for proper disposal. SB 1143 would establish an EPR program for California's HHW collection and management system, just like for single-use plastics.
- Potential Impact: Under the bill, cities would be reimbursed for the costs of running and bolstering HHW programs. The City currently has funding to participate in the County's HHW program for the next 3-4 years. This bill could bring in direct funds to offset the future costs for the City to continue participating in this program.
- Support: National Stewardship Action Council (sponsor), 5 Gyres Institute, 7th Generation Advisors, Ban Single Use Plastic, California Association of Environmental Health Administrators, California Environmental Voters, California Rural Legal Assistance Foundation, California Teamsters Public Affairs Council, California Waste Recovery System, Californians Against Waste, Californians for Pesticide Reform, Center for Biological Diversity, Center for Farmworker Families, Center on Race, Poverty & the Environment, Central California Environmental Justice Network, City of Santa Barbara, Clean Water Action, Cleanearth4kids.org, Climate Reality Project, California Coalition, County of Los Angeles Board of Supervisors, Environmental Working Group, Friends of The Earth, Greenwaste Recovery, Heal the Bay, League of California Cities, Marin Sanitary Service, Napa Recycling and Waste

⁶ https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=202320240SB1143

Services, Pesticide Action Network, Physicians for Social Responsibility - Los Angeles, Product Stewardship Institute, Republic Services - Western Region, Resource Recovery Coalition of California, Rethinkwaste, Rural County Representatives of California, Sea Hugger, Sierra Club California, Story of Stuff Project, Town of Truckee, Turtle Island Restoration Foundation, Universal Service Recycling, Inc., Valley Improvement Projects, Worthington Industries, Zero Waste Marin Joint Powers Authority, Zero Waste Sonoma, Zero Waste USA

Oppose: American Chemistry Council, American Cleaning Institute, Cal CIMA, California Chamber of Commerce, California Manufacturers & Technology Association, Can Manufacturers Institute, Household and Commercial Products Association, Industrial Environmental Association, National Aerosol Association, Industry for A Sound Environment, Western Aerosol Information Bureau, Western Plant Health Association

Other Priority Legislation

In addition to the bills outlined above, the City took a position on Initiative No. 21-0042A, sponsored by California Business Roundtable (CBRT), titled “Taxpayer Protection and Government Accountability Act”, opposing the legislation in December 2021 and again in March 2023.

Looking ahead

Throughout the legislative cycle, Staff will maintain a focused list of legislative activities that are pertinent to Cupertino, which can be viewed at cupertino.org/legislation. This list is updated monthly. Councilmembers may request that staff consider other bills of interest throughout the legislative session on an as-needed basis. Staff will research the additional bills and determine the relevancy and level of impact on the City.

As part of the next and final step (Step 3) in the 2024 Legislative Process, Staff will present an overview of significant actions when the legislative session has ended, highlighting relevant bills signed into law by the Governor.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act

Not Applicable.

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Tina Kapoor, Deputy City Manager

Reviewed by: Matt Morley, Assistant City Manager

Chris Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Legislative Update

B – 2024 State Measures and Bills of Interest