

Date of Hearing: January 15, 2020

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1775 (Reyes) – As Amended April 9, 2019

SUBJECT: Local planning: environmental justice goals: notification: Department of Justice.

SUMMARY: Requires a city or county to notify the Department of Justice (DOJ) before that city or county adopts or reviews their environmental justice (EJ) element, or related EJ goals, policies, and objectives in other elements. Specifically, **this bill:**

- 1) Requires a city or county to notify the DOJ at least 60 days before the adoption or review of the EJ element, or related EJ goals, policies, and objectives in other elements, for any city or county that has a disadvantaged community, pursuant to existing law.
- 2) Requires a city or county to adopt or review the EJ element or EJ goals concurrently upon the adoption or next revision of two or more elements, instead of on or after January 1, 2018.
- 3) Makes other minor, technical corrections.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill requires a city or county to notify the DOJ before that city or county adopts or reviews their EJ element or EJ goals, policies, and objectives in other elements in the general plan. This bill is sponsored by the author.

According to the author, "Early last year, California Attorney General Xavier Becerra announced the establishment of the Bureau of Environmental Justice within the Environmental Section at the California DOJ. The Bureau's mission is to protect people and communities that endure a disproportionate share of environmental pollution and public health hazard. This new department has recently begun taking an active role in providing feedback regarding the enforcement of land use laws pertaining to Environmental Justice Communities, specifically when it comes to adhering to general plan obligations under current law. AB 1775 provides the Attorney General with information regarding when local governments are adhering to new EJ oriented requirements, ensuring local compliance as well as protecting vulnerable communities throughout the state."

- 2) **Background.** SB 1000 (Leyva), Chapter 587, Statutes of 2016, requires a city or county to include in the general plan an EJ element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of that city or county, if the city or county has a disadvantaged community. The EJ element, or related EJ goals, policies, and objectives integrated in other elements, must do all of the following:
 - a) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction

of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity;

- b) Identify objectives and policies to promote civil engagement in the public decision-making process; and,
- c) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

SB 1000 requires a city or county to adopt or review the EJ element, or the EJ goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

In documents provided by the author, the DOJ has issued written feedback to several jurisdictions, including the cities of Modesto and Fontana, and the County of Riverside, on the efforts of those jurisdictions to comply with SB 1000. In these letters, the DOJ gives feedback to the local agency on how best to comply with the law, including how to engage the public in a meaningful way, including public workshops, public noticing requirements, making documents more readily available on the agency's website, translating information about the general plan amendments into different languages, and providing public responses to the comments and concerns raised by community members throughout the public input process. In some instances, the DOJ concludes that the agency is not meeting the requirements of SB 1000 in their proposed general plan updates and has recommended action on how to do so.

- 3) **Arguments in Support.** Supporters argue that this bill promotes greater transparency, accountability and fairness by requiring local governments to communicate with the DOJ's Bureau of Environmental Justice as they work to integrate EJ issues into land use planning.
- 4) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

California Environmental Justice Alliance

Opposition

None on file

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