

Date of Hearing: April 18, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 2238 (Aguiar-Curry) – As Amended April 3, 2018

SUBJECT: Local agency formation: regional housing need allocation: fire hazards: local health emergencies: hazardous and medical waste.

SUMMARY: Makes a number of minor changes to local agency formation commission (LAFCO) law, regional housing needs allocation (RHNA) law, subdivision map act law, and the law that governs public health emergencies. Specifically, **this bill:**

- 1) Requires LAFCOs, in the list of factors they must consider when reviewing a proposal, to additionally consider the following information, if it is determined that such information is relevant to the area that is the subject of the proposal:
 - a) Information contained in a local hazard mitigation plan;
 - b) Information contained in a safety element of a general plan; and,
 - c) Any maps that identify land as a very high fire hazard severity zone (Zone), pursuant to existing law, or maps that identify land determined to be in a state responsibility area (SRA), pursuant to existing law.
- 2) Allows local health emergencies to be declared every 30 days, instead of every 14 days.
- 3) Requires a legislative body of a county to transmit a copy of the findings to the State Board of Forestry and Fire Protection, upon approval of a tentative map, or a parcel map for which a tentative map was not required, for an area located in an SRA or a Zone.
- 4) Adds the loss of units to the list of data that each Council of Governments (COG), or delegate subregion, must look at in order to develop the methodology that allocates regional housing need.
- 5) Requires the COG to additionally include the loss of units during a Governor-declared emergency that have not been rebuilt or replaced at the time of the data request, to the list of information required under existing law that is then used to make the COG's data assumptions prior to the computation of the regional housing need. Requires this information to be part of the data assumptions that the COG would give to the Department of Housing and Community Development during the consultation that happens at least 26 months before the revision.
- 6) States that no reimbursement is required by this act, pursuant to Section 6 of Article XIII B of the California Constitution, because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

EXISTING LAW:

- 1) Authorizes, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Act) of 2000, a LAFCO in each county to control the boundaries and changes of organization of cities, county service areas, and most special districts. Specifies, in the Act the factors that a LAFCO is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, the proposal's consistency with city or county general and specific plans.
- 2) Requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and certain land outside its boundaries, that includes, among other specified mandatory elements, a housing element.
- 3) Requires the Department to determine the existing and projected need for housing for each region, as provided, and requires the appropriate COG, or for cities and counties without a COG, the Department to adopt a final regional housing need plan allocating a share of the regional housing need to each city, county, or city and county.
- 4) Requires the Department to meet and consult with the COG regarding the assumptions and methodology to be used by the Department to determine the region's housing needs and requires the COG to provide data assumptions, including specified information regarding housing availability within the region.
- 5) Requires, pursuant to the Subdivision Map Act, the legislative body of a county to make three specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in an SRA or a Zone, except as specified.
- 6) Authorizes a local health officer to declare a local health emergency in the jurisdiction or any area thereof affected by the threat to the public health, whenever a release, spill, escape, or entry of waste occurs, as specified. Requires the board of supervisors or city council, as applicable, to ratify the local health emergency, and requires the board of supervisors or city council to review the need for continuing the local health emergency at least every 14 days and to terminate the emergency at the earliest possible date that conditions warrant.

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

COMMENTS:

- 1) **Bill Summary.** This bill, the "Local Government Disaster Omnibus" bill, enacts a number of minor, non-controversial changes to laws affecting local agencies. This bill is sponsored by the author.
- 2) **Author's Statement.** According to the author, "Instead of introducing a bill for each of these proposals, we chose to introduce one bill with multiple proposals in the hope of creating an expedient legislative solution. These proposals came to light after last fall's devastating fires in my district. At that point, it became clear that there was a need to update several of the statutes that affect local agencies and how we prepare for disasters, mitigate disasters, and account for disasters after the fact."

- 3) **Arguments in Support.** Napa County argues that this bill makes two important changes for counties working to rebuild after a disaster while trying to meet statutory obligations.
- 4) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Napa County

Opposition

None on file

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