

Date of Hearing: June 29, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

SB 1000 (Leyva) – As Amended June 20, 2016

SENATE VOTE: 24-15

SUBJECT: Land use: general plans: environmental justice.

SUMMARY: Requires cities and counties to address environmental justice in their general plans. Specifically, **this bill:**

- 1) Requires a city or county to include in the general plan an environmental justice element (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.
- 2) Requires the EJ element, or related EJ goals, policies, and objectives integrated in other elements, to 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 decisionmaking process; and,
 - c) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.
- 3) 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 on or after January 1, 2018.
- 4) Allows a city or county that has adopted an EJ element, or EJ goals, policies, and objectives in other elements, in its general plan or related documents, that substantially complies to use that information to comply with the requirements of the bill.
- 5) Defines the following terms:
 - a) “Disadvantaged communities” to mean an area identified by the California Environmental Protection Agency, as specified, or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.
 - b) “Public facilities” to include public improvements, public services, and community amenities, as defined.

- 6) Specifies that no reimbursement is required because a local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, as specified.

EXISTING LAW requires every city and county to adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise and safety.

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **Bill Summary.** This bill requires cities and counties to address environmental justice in their general plans, either by including an EJ element, or by including related EJ goals, policies, and objectives that are integrated in other elements, if that city or county has a disadvantaged community, which the bill defines. A city or county would need to review or adopt the EJ element or the EJ goals, policies and objectives in other elements, upon the adoption or next revision of two or more elements on or after January 1, 2018. Additionally, a city or county that has adopted an EJ element or EJ goals, policies, and objectives in other elements that substantially complies with the bill can use that information to comply with these requirements.

This bill is sponsored by the California Environmental Justice Alliance and the Center for Community Action and Environmental Justice

- 2) **Author's Statement.** According to the author, "SB 1000 would ensure that communities in California take into account the environmental and pollution impacts on local residents living in areas that may be disproportionately exposed to toxins or other contaminants that can hurt them or their families. Residents in poorer communities oftentimes suffer from higher rates of asthma, cancer, and birth defects, so we must do all we can to eliminate environmental factors that may be contributing to those serious health problems."

"Many forward thinking local governments have already begun to address environmental justice issues in their communities and SB 1000 will further these efforts across the state. Environmental justice is not just a catch phrase – it is a very real and vital part of helping to plan and develop healthy communities throughout California."

The sponsors note that "There are two cities in California that have adopted an EJ Element in their General Plan – National City in San Diego County and Jurupa Valley in Riverside County. Since adopting an EJ element in their General Plan, the Inland Empire Chapter of the American Planning Association recognized Jurupa Valley with a "Best Practices Award." Jurupa Valley also received state recognition when it received the "Advancing Diversity and Social Change in Honor of Paul Davidoff" Award, and is now being considered for a national award."

- 3) **Arguments in Support.** Supporters note that this bill would help cities and counties address issues, such as pollution exposure, while promoting better food access, physical activity, improved air quality and healthier communities.

- 4) **Arguments in Opposition.** Opponents note that “all new development must be consistent with the general plan. Yet the federal and state constitutions prohibit requiring new projects to pay for deficiencies that pre-date the proposed new project in the community. New projects cannot comply with both the proposed new general plan element and the federal and state constitutions, though that is what the bill will require.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Environmental Justice Alliance [SPONSOR]
Center for Community Action and Environmental Justice [SPONSOR]
Advancement Project
American Lung Association in California
American Planning Association, California Chapter
Asian Pacific Environmental Network
Breast Cancer Fund
California Alliance for Retired Americans
California Coastal Protection Network
California Bicycle Coalition
California Black Health Network
California League of Conservation Voters
California Pan-Ethnic Health Network
California State Association of Counties
Center on Race, Poverty, and the Environment
Central Coast Alliance United for a Sustainable Economy
Chino Valley Democratic Club
Coalition for a Safe Environment
Coalition for Clean Air
Comite Civico del Valle
Community Action to Fight Asthma
Communities for a New California
Concerned Community Members Parents of Redwood Elementary School Students
Environmental Health Coalition
Environmental Working Group
Fresno Barrios Unidos
Friends Committee on Legislation of California
Greenlining Institute
Honorable David Alvarez, Councilmember, City of San Diego
Inland Congregations United for a Change
Leadership Counsel for Justice and Accountability
Natural Resources Defense Council
National Association of Social Workers, California Chapter
Pacoima Beautiful
Physicians for Social Responsibility Los Angeles
PODER!
Regional Asthma Management and Prevention
Safe Routes to School National Partnership
Sierra Club California

Support (continued)

Southern California College Access Network
Strategic Concepts in Organizing and Policy Education
Trust for Public Land
Women's Foundation of California

Opposition

American Council of Engineering Companies
California Apartment Association
California Association of Realtors
California Building Industry Association
California Business Properties Association
CalChamber
Cities of Camarillo, Roseville, San Jacinto, Thousand Oaks, San Marcos
League of Cities

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