

**NON-PROFIT HOUSING ASSOCIATION (NPH)
State Legislative Priorities 2009 -- Summary and Status
UPDATED October 30, 2009**

Yellow Highlighting indicates a bill we supported was signed by the Governor.

Key to Position (pos) Support = send NPH letters, talk to legislators
Oppose = send NPH letters, talk to legislators
Watch = monitor status, watch for amendments)
Author = work with author to address NPH concerns
Research = NPH staff research needed

Categories (cat): Land Use, Financing, Tenant/Landlord, Redevlopment, Veteran's
Homeless Misc

Pos cat number-author-topic

Status

| | | |
|---|-----|--|
| S | T/L | AB 331 (Hall) foreclosure disclosure <i>Passed Assembly, in Senate Judiciary Comm, hearing cancelled</i> |
| S | LU | AB 338 (Ma) – Transit villages <i>Passed Assembly and Senate, vetoed by the Governor</i> |
| W | M | AB 433 (Ammiano) – Building standards, ventilation <i>Amended 4/13, Passed 2 policy comm., now pending in Approp. Committee</i> |
| S | LU | AB 494 (Caballero) – Densities, farmworker housing <i>Passed Assembly and Senate, signed by Governor</i> |
| S | V | AB 498 (Hayashi) – Affordable housing, veterans <i>Referred to Veteran's Affairs Comm; two-year bill</i> |
| O | LU | AB 558 (Portantino) –housing element, foster youth <i>Passed Assm. Local Govt. Comm, 4/29 hearing in HCD Comm cancelled</i> |
| S | F | AB 570 (Arambula) – Local Housing Trusts <i>Passed Assembly and Senate, signed by the Governor</i> |
| W | T/L | AB 603 (formerly Price, now Skinner) – Tenancy, foreclosure <i>Pending on Assembly Floor, inactive file</i> |
| W | V | AB 702 (Salas) -- Housing, veterans, <i>Passed Assembly, in Senate Transportaton & Housing, hearing cancelled</i> |

- S LU AB 720 (Caballero) – rehabilitation, RHNA
Passed Assembly and Senate, signed by the Governor
- S M AB 767 (Ammiano) – extend programs Homeless Youth & BEGIN
Passed Senate and Assembly, signed by the Governor
- O F AB 841 (Fuentes) – LIHTC
Amended 4-13 to work w/in TCAC, hearing 4-29 cancelled in Assm HCD Comm
- S M AB 920 (Huffman) – Solar
Passed Assembly and Senate, signed by the Governor
- S F AB 1065 (Gilmore) – farmworker housing tax credit
Referred HCD and R&T Comm, hearing cancelled
- O LU AB 1084 (Adams) –mitigation fee act, definitions
Passed Assembly and Senate, signed by the Governor
- S M AB 1135 (Skinner) – Vehicle miles traveled statistics
Passed 2 policy comm., now pending in Appropriations Committee
- W T/L AB 1171 (Ammiano) – landlord definition
Referred to HCD Comm, author decided to make it a two-year bill
- S H AB 1177 (Fong) – create Council on Homelessness
Passed Assembly, in Senate Appropriations
- W H AB 1199 (Ammiano) – Health Care Master Plans
Amended 4-13 to require each county to create Health Care Master Plan
- W V AB 1344 (Fletcher): use of funds for military housing
Referred to Assm Rev & Tax, hearing cancelled at the request of the author
- W,R R AB 1422 (Bass) – redevelopment, housing
Substantially amended to address health issue
- W V AB 1459 (Davis) – affordable housing, veterans
Passed Assembly and Senate and signed by the Governor
- W F AB 1522 (Perez) – HCD, 1C priority, at-risk youth
Amended, not housing
- S F ACA 9 (Huffman) – local bonds, ballot measure
Held in Assembly Appropriations on “suspense file”
- S F SB 16 (Lowenthal) – refundable state tax credit
Passed Assm Rev & Tax Comm, held in Appropriations Committee

- W R SB 93 (Kehoe) – Redevelopment
Passed Senate and Assembly, signed by the Governor
- W T/L SB 120 (Lowenthal) – foreclosures, landlord/tenant
Substantially amended to address utility service
- W T/L SB 290 (Leno) – landlord/tenant
Passed Senate and Assembly, signed by the Governor
- W LU SB 326 (Strickland) –housing element
Passed Senate, pending in Assembly Local Government Comm..
- S M SB 425 (Simitian) parking costs
Passed Senate T&H Comm, pending in Sen. Appropriations
- S F SB 450 (Lowenthal) – Federal Housing Trust fund
Amended to address Air Quality issue in SCAQMD region
- W LU SB 476 (Correa) – CEQA
Passed Senate Floor, referred to Assembly Natural Resources Comm.
- O/W F SB 477 (Florez) – RDAs and tax credits
Substantially amended to address employment issue
- W F SB 500 (Steinberg) – State Housing Trust fund
Introduced, pending referral by Senate Rules Committee
- W F SB 501 (Correa) – CDLAC
Passed Senate, on Assembly “Inactive file”
- S LU SB 518 (Lowenthal) parking requirements
Amended to be permissive, defeated on Senate Floor
- W LU SB 575 (Steinberg) – clean up SB 375 of 2008
Passed Senate and Assembly, signed by the Governor
- S M SB 812 (Ashburn) – developmental services, housing
Passed Sen. T&H Comm, held in Appropriations Committee
- W F SB 823 (Rev & Tax Comm) – misc. housing
Passed Senate and Assembly, signed by the Governor

Two bills amended late in the session and supported by NPH:

SB 406 (DeSaulnier): authorizing a fee for regional planning -- vetoed

AB 602 (Evans-Lowenthal): period to challenge housing elements—in Senate Rules Comm

DESCRIPTION & POSITIONS
2009 CALIFORNIA HOUSING LEGISLATION

Bill text for can be viewed at: www.leginfo.ca.gov

Land Use

AB 338 (Ma): Expands from ¼ mile to ½ mile the area that can be part of an infrastructure financing district. Applies RDA law principle requiring 20% of any tax increment revenue to be used for homes affordable to low- and moderate income.

Position: NPH supports because it will increase local funding sources for affordable housing

Others: Housing California (HCA) supports, BART sponsor

AB 494 (Caballero): Exempts farmworker housing from local rules governing minimum parcel size and densities, within specified guidelines.

Position: NPH supports because it will increase possibilities for building farmworker housing, and eliminate unreasonable land use requirements

Others: California Rural Legal Assistance (CRLA) sponsor

AB 558 (Portantino): Amends housing element law to enable up to 10% credit for RHNA for communities that provide city based incentives to households that provide programs for foster youth, including placement of foster youth in existing family-based households. (Same as AB 2322 from 2008.)

Position: NPH opposes this bill because it is likely to reduce the supply of affordable housing. The bill would modify the Housing Element requirement for localities to plan how they will produce needed affordable housing by improperly giving credit for practices that have no effect on the supply of affordable housing.

Others: Opposed by CRLA and Western Center on Law & Poverty (WCLP)

AB 720 (Caballero): As introduced, this bill revises Housing Element law to authorize localities that use funding from their Low and Moderate Income Housing Fund within a redevelopment project area for purposes of substantially rehabilitating a unit to count the unit towards meeting its share of the regional housing need for affordable housing, as defined, for low, very low, or extremely low income households.

Position: As amended April 20, bill affirms existing law and adds weatherization to existing rehab provisions NPH will consider the bill, as amended.

AB 1084 (Adams): Modifies the Mitigation Fee Act including broadening the definition of “fee” and “public facility.”

Position: NPH opposed this bill as introduced because of concern it will undermine localities’ inclusionary zoning ordinances, a long standing policy priority of NPH. As amended, the bill is improved, but still raises questions about potential impact on inclusionary ordinances. Staff is working to resolve outstanding questions.

Others: California Building Industry Assn (CBIA) sponsor

SB 16 (Lowenthal): Enables state low income housing tax credit investors to receive cash refunds instead of tax credit. Urgency bill (2/3 vote and effective immediately)

Position: NPH supports because it will strengthen the tax credit program during this period of economic crisis which has discouraged new tax credit investors.

Others: HCA supports

SB 326 (Strickland): As introduced, suspended localities requirement to prepare certain portions of the Housing Element until an unspecified date after the 2010 census (assessing housing needs and inventory of resources).

Position: NPH opposed the bill as introduced because it would create unjustified delays in the planning process that is essential for the future production of affordable housing. As amended the bill deletes reference to census and merely adds requirement for Housing elements to keep track of foreclosures. On 5/20/09 NPH Board changed position to “Watch.”

SB 476 (Correa): Sponsored by the CA Business Properties Assn., as introduced, limits consideration of comments after the close of the public review period. Since a person is prohibited from bringing an action on alleged grounds of noncompliance with CEQA unless the alleged grounds were presented during the public comment period or prior to the close of the public hearing, as amended 4-30, this bill clarifies that the closure point is when the public hearing is prior to the notice of determination (NOD) being filed, rather than the NOD being issued.

Position: Watch

SB 477 (Florez): Enables Redevelopment agencies (RDA) to purchase Low Income Housing Tax Credits.

Position: NPH opposes the bill as currently drafted because RDA funds are very important for affordable housing development and should not be diverted to other investments. However, staff will watch for amendments because we are advised this bill may be amended and used for other purposes.

SB 518 (Lowenthal): As amended, establishes a menu of parking policy reforms with a score for each reform and requires local governments to adopt 20 points worth of reforms by January 2012 including eliminating minimum parking requirements.

Amended at request of NPH to exempt parking for affordable housing developments from prohibition on state subsidizing parking.

Position: NPH supports because unreasonable parking requirements impose unjustified high costs on new affordable housing that can render a project unfeasible. Author accepted NPH amendment to make sure that state financing can still be used to help pay for construction of a reasonable amount of limited parking at affordable housing projects.

Others: HCA supports

SB 575 (Steinberg): Relates to housing elements, Clean-up SB 375 of 2008, includes a provision addressing SANDAG deadline and is expected to be amended to include additional provisions.

Position: Watch

Others: HCA watch

Financing

AB 570 (Arambula): Reduces the local trust fund matching grant minimum from \$1 million to \$500,000 for counties with less than 425,000 people.

Position: NPH supports this bill because it can help increase the production of affordable housing, particularly in rural areas.

Others: HCA supports.

AB 841 (Fuentes): As Introduced, authorized allocation of a portion of the tax credits go directly to the City of Los Angeles. As amended conforms to TCAC guidelines

Position: NPH initially opposed this bill because it would establish in law special funding priorities in a vital state funding program for affordable housing that already has clear regulations governing disbursement of funds and an adequate public process for revising those regulations if merited by circumstances. Amended version now under review.

Others: City of Los Angeles (sponsor)

AB 1065 (Gilmore): Increase maximum dollar amount of tax credit allocation for farmworker housing from \$500,000 to \$1,000,000 in each calendar year.

Position: NPH supports this bill because it increases the effectiveness of the farmworker housing program and can help increase the production of affordable housing.

Others: HCA supports

AB 1522 (Perez): As introduced required HCD to give priority-funding consideration with Prop. 1C funds for developers who work with organizations that provide training for at-risk youth. As amended, pertains to school zone speed limits.

Position: NPH opposed this bill because it would establish in law special funding priorities in a vital state funding program for affordable housing that already has clear regulations governing disbursement of funds and an adequate public process for revising those regulations if merited by circumstances. The amendments remove all language related to housing.

ACA 9 (Huffman): Lowers the threshold for local special tax and property tax increases from 2/3 to 55% if the funds will be used for affordable housing or transportation, sewer, water, park and public safety infrastructure.

Position: NPH supports because it increases the funding mechanisms available to local governments to use to meet local needs which can include increasing the production of affordable housing.

Others: HCA supports.

SB 450 (Lowenthal): Designates HCD as the administering agency for funds received through the Federal Housing Trust fund, with up to 10% spent through CalHome and the rest through MHP.

Position: NPH supports because we have long supported efforts to create the Federal Housing Trust fund and this bill creates the appropriate state mechanisms to maximize its effectiveness for increasing the supply of affordable housing.

Others: HCA Supports

SB 500 (Steinberg): Spot bill for State Housing Trust Fund (permanent source)

Position: Watch

Others: HCA watch.

SB 501 (Correa): As amended 4-20-09, bill confirms existing CDLAC authority.

Position: Watch

Others: HCA watch, sponsored by Independent Cities Lease Finance Authority

SB 823 (Rev & Tax Comm) – noncontroversial changes to tax code including amending process by which localities can sell land at below market prices to nonprofits

Position: Watch

Tenant/Landlord

AB 331 (Hall): Requires property owners to provide written disclosure to a prospective tenant if a notice of default has been filed against the residential property.

Position: Support.

AB 603 (Price): This bill is sponsored by ACORN to protect tenants in foreclosed properties that are sold to investors and not owner-occupied. It has been amended to remove opposition.

Position: Watch.

AB 1171 (Ammiano): Strengthen rent control by redefining the phrase "to go out of business" as to discontinue in the business or occupation of being a landlord.

Position: Watch

SB 120 (Lowenthal): Establishes tenant protections in foreclosures, regarding security deposits, notices, and utility service.

Position: Watch

Others: Western Center on Law and Poverty (WCLP) sponsor

SB 290 (Leno): Removes sunset date to indefinitely require property owners to give 60 days notice prior to termination; 30 days notice if tenant residence less than 1 year.

Position: Watch

Others: WCLP sponsor

Redevelopment

AB 1422 (Bass): Allows use of RDA funds to assist developers to acquire foreclosed homes; protects low- and moderate income housing funds

Position: Watch

Others: HCA watch

SB 93 (Kehoe): This bill authorizes a redevelopment agency to pay for public works contiguous to a project area; addresses issues raised in San Diego's Grantville RDA

Position: Watch

Veterans

AB 498 (Hayashi): Broadens the authority of the Department of Veteran's Affairs to fund multi-family affordable housing for veterans in addition to single family.

Position: NPH supports because this bill will increase the supply of affordable housing.

Others: HCA support.

AB 702 (Salas): As amended directs HCD to create an assistance program for homeless veterans. Amendments removed appropriation that would have restored \$4 million in Emergency Housing Assistance Program

Position: Watch

AB 1344 (Fletcher): Expands uses of funds for military housing to include related facilities and upgrades.

Position: Watch

AB 1459 (Davis): Modifies MHP guidelines for a supportive housing development to allow a development to restrict occupancy to veterans if the property is owned or leased by a city or county.

Position: Watch

Others: HCA watch.

Homeless

AB 767 (Ammiano & Bass): This bill provides a three-year extension for the Homeless Youth Program and the Building Equity and Growth in Neighborhoods (BEGIN) program authorized by the Proposition 1C: Housing and Emergency Shelter Trust Fund Bond.

Position: Support because homeless assistance is a long standing policy priority.

Others: Supported by Corporation for Supportive Housing

AB 1177 (Fong): This bill would create the Interagency Council on Homelessness to reduce the duplication of efforts and develop a more integrated system.

Position: NPH supports this bill because it is intended to increase the provision of housing and services for homeless people.

Others: Sponsored by the Corporation for Supportive Housing; HCA supports

AB 1199 (Ammiano): As amended 4/13/09 requires each county to create a Health Care Master Plan

Position: Watch

Miscellaneous

AB 433 (Ammiano) –Asks the CA Building Standards Commission to consider creation of new standards for ventilation systems for new buildings within 500 feet of freeways and roadways.

Position: Watch; amendments 4-13-09 eliminate concerns

AB 920 (Huffman) – This bill enables electric utility customers who generate surplus energy through small solar and wind systems to be compensated by the electric utilities for the excess energy they provide to the utility system. This law would create a new incentive for customers, including potential affordable housing developers to invest in new solar and wind technology because they could count on eventual reimbursement from future energy revenues.

Position: NPH supports this bill because we have members who would like to retrofit existing affordable housing developments with solar installations, but need financial assistance to do so.

Others: The bill is supported by environmental, consumer and labor organizations as well as the CA Association of Realtors. It is opposed by PG&E and an association of utilities.

AB 1135 (Skinner) – Enables gathering data about vehicle miles traveled with all vehicle registrations.

Position: NPH supports this bill because it will provide data needed to support the development of affordable homes near transit and jobs as part of state efforts to reduce greenhouse gases.

SB 425 (Simitian) – Provides enforcement of existing laws pertaining to employer deductions and tax credits for employee parking benefits.

Position: NPH supports because parking policy is integral to NPH's broad policy support for smart growth practices.

SB 812 (Ashburn) – States the intent to seek federal funding for multi-purpose communities for people with developmental disabilities.

Position: NPH supports this bill because we share its goals of developing more supportive housing integrated with traditional communities.

Others: HCA supports