



TO: Monterey County Legislative Committee

FROM: Ashley S. Walker, Senior Policy Advisor

DATE: August 10, 2020

RE: Legislative Program: State Advocacy Updates

A. Status of the Legislature:

The Legislature took an extended summer recess due to an increase in positive COVID-19 cases in the State Capitol among staff and Members. Both houses returned on July 27, and updated their Committee calendars to ensure they meet the August 31 end of session deadline. The Legislature has been put under an extremely condensed timeline to accomplish any legislative goals this year. The Governor has the ability to call a special session of the Legislature, if it is believed to be necessary. In a recent press conference, the Governor indicated he did not intend to call a special session, but that is a fluid situation. Many Members of the Legislature have expressed they feel there is more to do in the fall to protect the State during the COVID-19 pandemic.

B. Legislative Economic Stimulus Plan:

Legislative working groups in the Senate and Assembly released a proposed \$100 billion Economic Stimulus Plan. The Plan details have not been shared yet, other than a summary of proposed investments which you can find attached. The Legislature will have to pass this proposal by August 31 and it would need to be signed by the Governor. As we head into the last few weeks of the Legislative Session, we would like direction from the Committee on priorities that have been included, or are not included, in this Plan. The County's delegation is likely to engage in negotiations about the Plan details, and we want to be positioned to participate in those discussions.

After an initial review of the Plan, there are proposals the County would likely support, such as:

- Accelerations of SB 1 and CPUC funds.
- Filling the Unemployment Insurance gaps, and providing undocumented residents access to these benefits.
- Funding for wildfire prevention.
- Climate resiliency related funding.
- Protections for renters, homeowners, and landlords.

C. Governor's Executive Orders that Impact Monterey County:

The following actions have been taken by the Governor since the last Legislative Committee meeting. This list was provided by CSAC to all County officials.

- July 31, Governor Gavin Newsom signed an executive order addressing extending the deadline for county assessment appeals boards to issue a decision on pending tax assessment appeals filed on or before March 4.
- July 29, Governor Gavin Newsom announced a series of actions to better serve workers that have experienced job loss during the COVID-19 pandemic, including the formation of an Employment Development Department (EDD) strike team, and a renewed focus on processing unpaid claims.
- July 28, CDPH promulgated regulations expanding data reporting requirements for providers and laboratories. The regulations require providers to continue to collect and report race and ethnicity data and also collect and report a patient's gender identity and sexual orientation, so the state has more information on patients who identify as lesbian, gay, bisexual or transgender (LGBT).
- July 27, Governor Newsom announced actions to slow the spread of COVID19 in the Central Valley.
- July 24, Governor Newsom announced support for workers to isolate and quarantine outside their home, unveiled new actions to increase outreach and education to slow the spread and reduce the risk for COVID-19 at work, at home, and in the community and announced new resources for employers to support a safe, clean environment for workers and customers.
- July 17, Governor Newsom lays out Pandemic Plan for Learning and Safe Schools.
- July 16, Governor Newsom announced \$600 million in Homekey funds now immediately available for local governments to purchase housing for homeless Californians.
- July 14, California Health and Human Services Agency announced new plans for COVID-19 testing.
- July 13, California ordered additional restrictions to slow transmissions of COVID-19.
- July 9, Governor Gavin Newsom announced more firefighting support amid the COVID-19 pandemic. Measures are being taken at Department of Motor Vehicles (DMV) to mitigate COVID-19 spread. DMV build a Virtual Field Office of online services, and re-opened some field offices, while instituting new safety protocols for customers and staff.

D. Monterey County COVID-19 Related Advocacy:

Since our last Legislative Committee meeting, we have actively advocated on the following COVID-19 related issues.

- School Reopening Guidance and Resources:

The County submitted a letter to the Governor and State Superintendent, supporting the needs for additional guidance and resources for Monterey County Office of Education and its' schools. We held a conference call with MCOE after the Governor announced additional guidance and resources for school to identify remaining gaps and needs.

- Board of Barbering and Cosmetology:

The County submitted a letter to the Board of Barbering and Cosmetology urging them to find creative solutions to allow personal services to be performed in an outdoor setting. Shortly after this letter was submitted, Governor Newsom announced the ability to allow these services to be performed outdoors.

- Housing for the Harvest Program:

Assemblymember Rivas' reached out to the County to find out more about how this program may benefit the community and farmworkers, as well as how the County is positioned to utilize funds. We coordinated a conference call between the County and Assemblymember Rivas' staff to discuss this, and other COVID-19 related issues. The County drafted a list of questions related to clarification still needed about the Program, and provided that to Assemblymember Rivas' office.

E. COVID-19 Related Legislation:

The Legislative Committee has directed Nossaman to continue to keep the Committee informed on legislation falling within the issue areas below related to the COVID-19 pandemic. As we move into the final weeks of session, we would like direction from the Legislative Committee if there are any bills or issue areas the County would like to engage in advocacy on.

- **AB 3224 (Rodriguez):** This bill would require the California Department of Public Health to contract with an appropriate and qualified entity to conduct an evaluation of the adequacy of local health department infrastructure, including an assessment of future staffing, workforce, and resource needs. – ***Recommended position: support. Draft letter included in packet.***
- **AB 1436 (Chui):** Tenancy: rental payment default: mortgage forbearance: state of emergency: COVID-19. This bill would prohibit a landlord from applying a security deposit to satisfy a financial obligation that accrued between the date a state of emergency relating to the COVID-19 pandemic was declared and either April 1, 2021, or 90 days after termination of the state of emergency, whichever is earlier, or applying a monthly rental payment for the satisfaction of an obligation other than the prospective month's rent, unless the payment or security is specifically designated by the tenant for the obligation. The bill would provide that a covered tenant who failed to pay rent or any other financial or monetary obligation that accrued during that effective time period shall not be deemed to be in default and would prohibit any action for recovery of unpaid rent or other sum until 12 months after the effective time period. – ***Recommended position: Request direction from Committee. Draft support letter included in packet.***
- Evictions/Tenants Foreclosures:

There have been proposals introduced aimed at providing relief to renters and homeowners who are impacted by the COVID-19 pandemic. CSAC has not weighed in on eviction related bills, as there is not consensus among counties or local governments. Examples include:

 - **SB 1410 (Caballero):** This bill creates a tenant-owner COVID-19 eviction relief agreement, restricts rental property owners from evicting tenants for unpaid rent accrued during the state of emergency, and allows a tax credit to owners that defer rent for tenants in connections with the COVID-19
 - **AB 828 (Ting):** Would prohibit a person from taking any action to foreclose on a residential real property while a state or locally declared state of emergency related to the COVID-19 virus is in effect and until 91 days after the state of emergency has ended, including, but not limited to, causing or conducting the sale of the real property or submitting for recordation a notice of default.

- Benefits/Leave:

There are several proposal to expand benefits and/or leave for individuals impacted by the COVID-19 pandemic. In general, local governments have not been weighing in on these bills. Examples include:

- SB 1383 (Jackson): Would expand the number of companies required to provide 12 weeks of family leave. The bill would expand this requirement to employers who have five or more employees.
- AB 826 (Santiago): Current law establishes and requires the State Department of Social Services to administer the CalFood Program to provide food and funding to food banks whose primary function is to facilitate the distribution of food to low-income households, as specified. This bill would require the department to provide food assistance, as specified, to all persons in this state, regardless of legal status, who have had their income or physical health, or the income or physical health of a member of their household, negatively affected by COVID-19, upon the appropriation of funds by the Legislature for that purpose. The bill would allow a person receiving funds to receive \$300 per month, for 6 months, with a limit of 2 adults receiving funds per household, for a total of \$600 per household per month. The bill would require the department to deliver these food benefits through food vouchers or gift cards to retailers distributed through participating nonprofit organizations.
- AB 2999 (Low): Authorizes employees to take up to 10 days of unpaid bereavement leave for the death of a spouse, child, parent, sibling, grandparent, grandchild or domestic partner.
- AB 3216 (Kalra and Gonzalez): Expands leave and job protections for employees during a state of emergency, including leave under the California Family Rights Act (CFRA), paid sick leave, and rehire rights for workers.

- Workers Compensation:

There are a significant amount of legislative proposals related to expanding workers compensation definitions and benefits related to the COVID-19 pandemic. In general, local government has not significantly weighed in on these proposals. One example that is moving includes:

- SB 1159 (Hill): This bill creates rebuttable presumption that illness or death related to COVID-19 (novel coronavirus) is an occupational injury and therefore eligible for workers' compensation benefits.

F. Wildfire Legislation:

This year's legislative session has not been as active on wildfire legislation as we have seen in the past couple of years. Below are two updates on proposals that are moving forward.

- AB 2167 (Daly): This bill authorizes the Insurance Commissioner and an insurer to establish an insurance market action plan (IMAP). The IMAP commits the insurer to offer new and renewal policies in targeted areas identified in the plan, establishes individual home and community mitigation and verification requirements for eligible homes, and includes a plan to maintain the insurer's solvency and avoid overconcentration of risk exposure. – *Recommended position: None. We presented this bill earlier in the year, and wanted to provide an update that the bill is still moving forward.*
- AB 3164 (Friedman): This bill would require CAL FIRE to develop a wildland-urban interface wildfire risk model. Could be a tool for local governments. There is a good

amount of support for the bill, including RCRC, and no opposition. – *Recommended position: None.*

G. November 2020 Ballot Propositions:

Below is an overview of propositions on the November 2020 ballot that the County may be interested in taking a position on. Should the Committee desire, the Committee can recommend positions to the full Board of Supervisors.

- **Proposition 15: INCREASES FUNDING FOR PUBLIC SCHOOLS, COMMUNITY COLLEGES, AND LOCAL GOVERNMENT SERVICES BY CHANGING TAX ASSESSMENT OF COMMERCIAL AND INDUSTRIAL PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Increases funding for K-12 public schools, community colleges, and local governments by requiring that commercial and industrial real property be taxed based on current market value. Exempts from this change: residential properties; agricultural properties; and owners of commercial and industrial properties with combined value of \$3 million or less. Increased education funding will supplement existing school funding guarantees. Exempts small businesses from personal property tax; for other businesses, exempts \$500,000 worth of personal property.

- **Proposition 16: ACA 5 (Weber).**

Repeals Proposition 209. Proposition 209 was passed in 1996 and prohibited the state from discriminating against or granting preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, and public contracting. In short, the repeal of Proposition 209 would permit the use of race and/or gender as a 'plus' factor in college admissions, public employment, and public contracting. It would not permit the use of quotas or policies that broadly tailored and do not consider the totality of the individual college applicant, job applicant, or contract bidder.

- **Proposition 17: Voting Rights Restoration for Persons on Parole Amendment (2020).**

Would allow people on parole for felony convictions to vote.

- **Proposition 18: ACA 4 (Mullen).**

- Would authorize US Citizens who are 17 years old, and will be at least 18 years old at the time of the next general election, to vote in any primary or special election that occurs before the next general election in which the citizen would be eligible to vote if 18 years old.

- **Proposition 19: Property Tax Transfers, Exemptions, and Revenue for Wildfire Agencies and Counties Amendment (2020).**

Would allow eligible homeowners to transfer their tax assessments anywhere within the state and allow tax assessments to be transferred to a more expensive home with an upward adjustment; increase the number of times that persons over 55 years old or with severe disabilities can transfer their tax assessments from one to three; require that inherited homes that are not used as principal residences, such as second homes or rentals, be reassessed at market value when transferred; and allocate additional revenue or net savings resulting from the ballot measure to wildfire agencies and counties.

- **Proposition 20: RESTRICTS PAROLE FOR NON-VIOLENT OFFENDERS. AUTHORIZES FELONY SENTENCES FOR CERTAIN OFFENSES CURRENTLY TREATED ONLY AS MISDEMEANORS. INITIATIVE STATUTE.**

Imposes restrictions on parole program for non-violent offenders who have completed the full term for their primary offense. Expands list of offenses that disqualify an inmate from this parole program. Changes standards and requirements governing parole decisions under this program. Authorizes felony charges for specified theft crimes currently chargeable only as misdemeanors, including some theft crimes where the value is between \$250 and \$950. Requires persons convicted of specified misdemeanors to submit to collection of DNA samples for state database.

- **Proposition 21: EXPANDS LOCAL GOVERNMENTS' AUTHORITY TO ENACT RENT CONTROL ON RESIDENTIAL PROPERTY. INITIATIVE STATUTE.**

Amends state law to allow local governments to establish rent control on residential properties over 15 years old. Allows rent increases on rent-controlled properties of up to 15 percent over three years from previous tenant's rent above any increase allowed by local ordinance. Exempts individuals who own no more than two homes from new rent-control policies. In accordance with California law, provides that rent-control policies may not violate landlords' right to a fair financial return on their property.

- **Proposition 25: REFERENDUM TO OVERTURN A 2018 LAW THAT REPLACED MONEY BAIL SYSTEM WITH A SYSTEM BASED ON PUBLIC SAFETY RISK.**

If this petition is signed by the required number of registered voters and timely filed, a referendum will be placed on the next statewide ballot requiring a majority of voters to approve a 2018 state law before it can take effect. The 2018 law replaces the money bail system with a system for pretrial release from jail based on a determination of public safety or flight risk, and limits pretrial detention for most misdemeanors.

H. State Bill/Issues Track: See attached.