

LEGAL ALERTS | JAN 10, 2018

2018 California Public Agency Laws – Part II

Housing and Land Use, Environment, Public Property/Public Works and Economic Development



The California Legislature was busy in 2017, which means plenty of laws passed in Sacramento that will impact public agencies. In this three-part series, Best Best & Krieger LLP gives a

comprehensive summary of the new laws that have specific importance to your work. We hope that you will contact us for further information or with any questions about these bills. All laws went into effect Jan. 1, unless otherwise noted.

Housing/Land Use

A BB&K Legal Alert, published Oct. 16, summarized Gov. Jerry Brown’s Affordable Housing Package. [Click here to read more.](#)

Additional housing/land use laws that went into effect in 2018 are below.

AB 352 — State Housing Law: efficiency units. The State Housing Law authorizes a city, county, or city and county to permit the construction and occupancy of efficiency units that have a minimum area of 150 square feet, if they meet certain specified criteria. This new law prohibits a city, county, or city and county from limiting the number of efficiency units in certain locations near public transit or university campuses, as specified. Health & Safety Code Section 17958.1, relating to building standards.

AB 546 — Land Use. Local Ordinances. Energy Systems. This measure requires cities (including charter cities) and counties to accept electronic submissions of permit applications for advanced energy storage installations, and to make documentation for such permitting available on their websites. Cities and counties with 200,000 or more residents must comply by Sept. 30, 2018, and cities and counties with less than 200,000 residents must comply by Jan. 31, 2019. Section 65850.8 of the Government Code, relating to local government.

People



Jeffrey S. Ballinger

PARTNER

(619) 525-1343

Related Practices

[ARC: Advanced Records Center](#)

[California Public Records Act](#)

[Comprehensive Code Enforcement](#)

[Economic Development, Real Estate & Affordable Housing](#)

[Energy](#)

[Environmental Law & Natural Resources](#)

[Land Use, Planning & Zoning](#)

[Public Contracts & Construction](#)

[Public Safety](#)

[Water](#)

Related Industries

[Education](#)

Municipal

Special Districts

Our Perspective

Public Infrastructure

AB 1086 — Housing: regional housing needs. This measure makes numerous changes to the process to determine the population projections for the Regional Housing Needs Assessment allocation. Sections 65584, 65584.01 and 65584.05 of the Government Code, relating to housing.

AB 1137 — The Pet Friendly Housing Act of 2017. This bill amends existing law that prohibits a public agency that owns and operates rental housing accommodations from preventing an elderly person or person requiring supportive services from keeping up to two pets in the rental housing. This bill requires the Department of Housing and Community Development to mandate that each housing development that is financed on or after Jan. 1, 2018, pursuant to the Zenovich-Moscone-Chacon Housing and Home Finance Act, to authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident's dwelling unit. Section 50466 to the Health and Safety Code, relating to housing.

SB 732 — General plan: agricultural land. This measure authorizes a city and county to develop an agricultural land component of the city or county's open-space element, or a separate agricultural land element. This measure requires a city or county to comply with specified requirements when preparing that component or element, including identifying and mapping, where applicable, using specified data, agricultural lands that are within the city's or county's jurisdiction; establishing a comprehensive set of goals, policies and objectives to support the long-term protection of agricultural land; identifying and designating priority land for conservation; and identifying and establishing a set of feasible implementation measures designed to promote those goals, policies and objectives. Section 669.5 of the Evidence Code, sections 51283, 65560 and 65570, sections 65565 and 65565.1 of the Government Code, section 5950.1 of the Harbors and Navigation Code, sections 612, 10281.5 and 10282 of the Public Resources Code, and section 79033.6 of the Water Code, relating to land use.

Environment

AB 262 — Buy Clean California Act. This new law requires that, by Jan. 1, 2019, the Department of General Services establish, and publish in the State Contracting Manual, a maximum acceptable global warming potential for each category of eligible materials. The bill requires that, by January 2022, and every three years thereafter, the Department review the maximum acceptable global warming potential for each category of eligible materials established and adjust that number downward for any eligible material to reflect industry improvements as needed. Article 5 of chapter 3 of part 1 of division 2, and article 5 to chapter 3 of part 1 of division 2 of the Public Contract Code, relating to public contracts.

AB 367 — Water supply building permits. Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine or a retail water facility. Under existing law, this prohibition on the issuance of a building permit does not apply to a residence that will be rebuilt because of a natural disaster. This new law exempts from the prohibition a building permit for a residence that will be rebuilt because of a fire. Section 106.4 of the Water Code, relating to water.

Public Property/Public Works

AB 199 — Public works: private residential projects. Existing law exempts private residential projects built on private property from certain requirements for projects that are defined as “public works,” including, among other requirements, the payment of prevailing wages, unless the project is built pursuant to an agreement with a state agency, redevelopment agency, or local public housing authority. Existing law makes a willful violation by any officer, agent or representative of the State, or of any political subdivision of the State, of specific laws relating to the payment of prevailing wages and the hours worked on public works projects a misdemeanor. This bill makes the above-referenced exemption for private residential projects additionally inapplicable to a project built pursuant to an agreement with a successor agency to a redevelopment agency. Section 1720 of the Labor Code, relating to public works.

AB 390 — Pedestrian crossing signals. Under existing law, a pedestrian facing a “WALK” or approved “Walking Person” symbol may proceed across the roadway in the direction of the signal. Existing law makes a violation of this provision a crime. This new law authorizes a pedestrian facing a flashing “DON’T WALK” or “WAIT” or approved “Upraised Hand” symbol with a “countdown” signal to proceed so long as he or she completes the crossing before the display of the steady “DON’T WALK” or “WAIT” or approved “Upraised Hand” symbol. Section 21456 of the Vehicle Code, relating to pedestrians.

AB 1069 — Local Government: taxicab transportation services. This bill, beginning Jan. 1, 2019, requires every city or county in which a taxicab company is substantially located to adopt an ordinance or resolution in regard to taxicab transportation service operated within the jurisdiction. The law specifies that a taxicab company or taxicab driver may be substantially located in more than one jurisdiction. By doing so, this bill attempts to limit the number of localities in which a taxicab company will be required to obtain an operating permit. This bill requires taxicab companies and taxicab drivers to collect trip

data to determine in what jurisdictions each company and driver are substantially located. Section 53075.5, 53075.51, 53075.52 and 53075.53 to the Government Code, and section 1808.1 of the Vehicle Code, relating to local government.

AB 1127 — Baby diaper changing stations in public buildings. This bill requires new construction or renovation of a public building that is owned by a state or a local agency, or a portion of a building that is owned by a state or local agency, and includes at least one restroom that is open to the public, to provide at least one safe, sanitary, convenient and publicly accessible baby diaper changing station. The bill requires each station to be maintained, repaired and replaced as necessary to ensure safety and ease of use, and to be cleaned with the same frequency as the restroom in which it is located. Sections 15805 and 50535 to the Government Code, and section 118506 to the Health and Safety Code, relating to public accommodations.

AB 1222 — Vehicles: electronic wireless communication devices. For the purpose of prohibiting the use of certain devices while driving, in part to acknowledge the use of such devices by public works and public utilities personnel, this new law excludes the terms “specialized mobile radio device” and “two-way messaging device” from the definition of the term “electronic wireless communications device.” Section 23123.5 of the Vehicle Code, relating to vehicles.

AB 1625 — Inoperable parking meters. This measure prohibits local governments from ticketing cars parked at broken meters, but allows local governments to impose four-hour time limits at metered spaces for which tickets can still be issued even if a meter is broken and a car is parked longer than the allowed time frame. The bill also defines broken meters as meters that cannot physically accept payment. Section 22508.5 of the Vehicle Code, relating to parking meters.

SB 672 — Traffic-actuated signals: motorcycles and bicycles. On Jan. 1 existing law expired that includes among traffic control devices, a traffic-actuated signal that displays one or more of its indications in response to the presence of traffic by mechanical, visual, electrical or other means, and requires, upon the first placement of a traffic-actuated signal or replacement of the loop detector of a traffic-actuated signal, that the signal be installed and maintained, to the extent feasible and in conformance with professional engineering practices, so as to detect lawful bicycle or motorcycle traffic on the roadway. This bill extends the requirement indefinitely. Section 21450.5 of the Vehicle Code, relating to traffic-actuated signals.

Economic Development

AB 755 –Local agencies: capital investment incentive program. Until Jan. 1, 2018, existing law authorized a county, city and county, or city to establish a capital investment incentive program, pursuant to which the county, city and county, or city is authorized to pay a capital investment incentive amount to the proponent of a qualified manufacturing facility for up to 15 consecutive years. Extends that authorization to Jan. 1, 2019. Government Code Section 52198.5, relating to economic development.

Previously in BB&K’s New California Public Agency Laws Series:

- Tuesday: [Elections, Public Records Act, Revenue and Conflicts of Interest](#)

Coming Next:

- Thursday: [Cannabis, LAFCO Law and a Round Up of Other New Laws Impacting Public Agencies](#)

If you have any questions about these new laws or how they may impact your agency, please contact the authors of this Legal Alert listed to the right in the firm’s [Municipal Law](#) practice group, or your [BB&K attorney](#).

Please feel free to share this Legal Alert or subscribe by [clicking here](#). Follow us on Facebook [@BestBestKrieger](#) and on Twitter [@BBKlaw](#).

Disclaimer: BB&K Legal Alerts are not intended as legal advice. Additional facts or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information in this communiqué.