AB-107 State government. (2019-2020)

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Assembly Bill No. 107

CHAPTER 264

An act to amend Sections 8256, 12788, 12895, and 13979.2 of, to add Section 19815.7 to, to add the heading of Article 1 (commencing with Section 8400) to, and to add Article 2 (commencing with Section 8410) to, Chapter 5.6 of Division 1 of Title 2 of, and to add and repeal Article 3 (commencing with Section 12350) of Chapter 4 of Part 2 of Division 3 of Title 2 of, the Government Code, to amend Sections 17008.5, 17021, 17021.8, 17030.10, 50205, 50218.5, 50470, 50517.10, and 50715 of, and to add Section 17044 to, the Health and Safety Code, to amend Section 14556 of the Public Resources Code, to amend Section 99312.1 of the Public Utilities Code, to amend Section 1604 of, and to add Sections 1616, 1752.4, and 19551.2 to, the Revenue and Taxation Code, to add and repeal Section 337 of the Unemployment Insurance Code, to amend Section 8256 of the Welfare and Institutions Code, and to amend Section 27 of Chapter 15 of the Statutes of 2020, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 107, Committee on Budget. State government.

(1) Existing law establishes the state civil service system in accordance with Article VII of the California Constitution and contains exemptions for certain categories of workers, including officers or employees appointed or employed by commissions.

Existing law establishes within state government the Commission on Asian and Pacific Islander American Affairs, comprised of 13 members, as specified. Existing law requires the commission to, among other duties, advise the Governor, the Legislature, and state entities on issues relating to the social and economic development and the rights and interests of Asian Pacific Islander American communities.

This bill would authorize the commission to appoint an executive director who would be exempt from civil service.

(2) Under existing law, by executive order, CaliforniaVolunteers is established in the office of the Governor and is charged with overseeing programs and initiatives for service and volunteerism. Existing law authorizes CaliforniaVolunteers to form a nonprofit public benefit corporation or other entity exempt from income taxation, as provided, to raise revenues and receive grants or other financial support from private or public sources, for purposes of undertaking or funding any lawful activity authorized to be undertaken by CaliforniaVolunteers. Existing federal law, the National Community Service Trust Act, also requires the state to create a commission to carry out specified duties relating to national service programs to be eligible for grants or allotments under certain programs, or to receive distributions of approved national service positions.

This bill would continue into existence the Board of Commissioners under CaliforniaVolunteers for purposes of meeting the requirements of the federal act and the act's implementing rules and regulations, as provided. The bill would require the Governor to appoint voting representatives, who serve at the pleasure of the Governor and serve in renewable 3-year terms, to the commission as specified, and would also specify other ex officio, nonvoting members of the commission. The bill would provide that no more than 50% of the commission, plus one member, shall be from the same political party, and would require appointments to be made in compliance with the federal act. The bill would also provide that members of the commission shall serve without compensation, but may be reimbursed for travel expenses and receive a per diem as appropriate.

(3) The California Constitution establishes the office of the Treasurer, whose duties under existing law include acting as an elected representative of the state for the purposes of approving the issuance of bonds, notes, or other evidences of indebtedness, issued by or on behalf of the state.

Existing law establishes the Franchise Tax Board, consisting of the Controller, the Director of Finance, and the Chairman of the State Board of Equalization, in the Government Operations Agency, and prescribes various powers and duties to the Franchise Tax Board, including, among other things, the administration of state personal income taxes and corporation franchise and income taxes.

This bill would establish the California Economic Improvement Tax Voucher Act, which would require the Franchise Tax Board, in consultation with the Treasurer and the Department of Finance, to develop a comprehensive plan for a California Economic Improvement Tax Voucher Program, in accordance with specified requirements, to be considered by the Legislature. The bill would require the Franchise Tax Board to provide the comprehensive plan to specified legislative committees by March 1, 2021, and would repeal these provisions on January 1, 2022.

(4) Existing law creates, in the Department of Business Oversight, the Division of Corporations and also establishes the State Corporations Fund for purposes of supporting the Division of Corporations.

SB 908 of the 2019–20 Regular Session proposes to enact the Debt Collection Licensing Act which would, beginning on January 1, 2022, provide for licensure, regulation, and oversight of debt collectors. SB 908 establishes the Debt Collection Licensing Fund for purposes of the act

This bill would abolish the Division of Corporations within the Department of Business Oversight, which would be replaced by the Department of Financial Protection and Innovation. The bill would abolish the State Corporations Fund, the Debt Collection Licensing Fund, and the Financial Institutions Fund and replace these funds with the Financial Protection Fund, with expenses and salaries of the department paid out of this new fund. The bill would require that all duties and responsibilities and remaining balances of the State Corporations Fund and Financial Institutions Fund, upon appropriation by the Legislature, be transferred to the Financial Protection Fund as the successor fund. The bill would require funds from the Financial Protection Fund, upon appropriation by the Legislature, to be made available for expenditure for laws or programs of the department from fees and amounts charged pursuant to specified provisions of the Corporations Code.

(5) Existing law authorizes the Secretary of Transportation to assume the responsibilities of the United States Secretary of Transportation under the federal National Environmental Policy Act of 1969 and other federal environmental laws for any railroad, public transportation, or multimodal project undertaken by state agencies, as specified. Existing law provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of these responsibilities. Existing law repeals these provisions on January 1, 2021.

This bill would extend the operation of these provisions for one year.

(6) Existing law creates the Department of Human Resources in an effort to better serve the human resources and personnel needs of the state. Existing law authorizes the department to charge state agencies for actual and necessary costs of specific legal services, of arbitration relating to specific grievance arbitration cases, and of negotiating and administering memoranda of understanding governing state employer and employee relations.

This bill would also authorize the department to charge state agencies and departments for the actual and necessary costs related to services rendered by the department in specified areas, including controlled substance abuse testing. The bill would require the Controller to transfer to the department any moneys owed to the department by any state agency or department for these charges, as specified.

(7) Existing law establishes the Homeless Housing, Assistance, and Prevention program, administered by the Business, Consumer Services, and Housing Agency, for the purpose of providing jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges. Upon appropriation, existing law requires the agency to distribute $650,000,000 under the program among cities, counties, and continuums of care, as provided, and requires a recipient to expend those funds on evidence-based solutions that address and prevent homelessness among eligible populations.

Existing law provides for a 2nd round of funding under the program, to be administered by the Homeless Coordinating and Financing Council. Upon appropriation, existing law requires the council to distribute the $300,000,000 available for implementing round 2 of the program to cities, counties, and continuums of care, in a manner similar to existing provisions of the program and used for similar purposes, including $90,000,000 available for continuums of care, as specified.

This bill would require the council to award no less than $250,000 to a grant applicant in the 2nd round of funding that is a continuum of care.

Existing law requires $130,000,000 of the funding available under the 2nd round of the Homeless Housing, Assistance, and Prevention program to be available to each city, or city that is also a county, that has a population of 300,000 or more, as of January 1, 2020, as specified. Existing law requires the Homeless Coordinating and Financing Council to calculate the allocation to a city based on the city's proportionate share of the total homeless population of the region served by the continuum of care within which the city is located, based on the 2019 homeless point-in-time count.

This bill would require that if more than one recipient within the continuum of care meets those requirements, the proportionate share of funds be equally allocated to those jurisdictions.

(8) The California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum refund value. The act requires a beverage distributor to pay a redemption payment to the Department of Resources Recycling and Recovery for every beverage container sold or offered for sale in the state by the distributor, and requires the department to deposit those amounts, and all other revenues the department receives under the act, in the California Beverage Container Recycling Fund. Under the act, moneys in the fund, except for civil penalties or fines, are continuously appropriated to the department to, among other things, pay refund values, administrative fees, and processing payments to processors, and handling fees to recycling sites in convenience zones, as defined.

The act also requires the department, not less than once every 3 months, to provide the Legislature with information for the current fiscal year and the budget year that includes, among other things, an updated fund condition statement for the California Beverage Container Recycling Fund, the recycling rate, projected sales, and projected handling and processing fee payments, and to post that information on the department's internet website.

This bill would instead require that information to be provided to the Legislature and posted on the department's internet website not less than once every 6 months.

(9) The Vehicle License Fee Law, in addition to any other fee imposed on a vehicle by that law or by the Vehicle Code, imposes a transportation improvement fee on each vehicle and requires a portion of the revenues attributable to the fee to be transferred to the Public Transportation Account for the State Transit Assistance Program. Existing law continuously appropriates those funds to the Controller under a program commonly known as the State of Good Repair Program for allocation to transit agencies pursuant to specified formulas. Existing law restricts the expenditure of moneys under this program to (1) transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or existing transit facilities; (2) the design, acquisition, and construction of new vehicles or facilities that improve existing transit services; or (3) transit services that complement local efforts for repair and improvement of local transportation infrastructure.

This bill would authorize a recipient transit agency to instead expend funds apportioned for the 2019–20 to 2021–22 fiscal years, inclusive, under the program on any operating or capital expenses to maintain transit service levels if the governing board of the recipient transit agency makes a specified declaration. By expanding the purposes for which continuously appropriated funds may be used, the bill would make an appropriation. If the governing board of the recipient transit agency makes this declaration, the bill would exempt the recipient transit agency from certain procedural, reporting, and accounting requirements of the State of Good Repair Program with respect to the receipt and expenditure of those funds.

(10) Existing property tax law requires county boards to meet to equalize the assessment of property on the local roll, as provided, and authorizes a taxpayer to apply to the county board for an assessment reduction under a variety of circumstances, including for a reduction of the base year value, as defined, of real property. Existing property tax law requires that the applicant's opinion of value, as reflected on a timely filed application for reduction in an assessment of property, be the basis for the calculation of property taxes, where the county board has failed to hear evidence and make a final determination on that application within either 2 years of the filing of that application or an extension of that 2-year period. Existing law requires that the applicant's opinion of value be the basis for taxing the property described in the application for all succeeding tax years until the county board acts upon the application, as provided.

This bill would provide that this 2-year deadline by which a county board is required to render a final determination on a qualified application is extended until March 31, 2021. The bill would define a qualified application to mean a pending application for reduction in assessment of property that is timely filed with the county board and has a 2-year deadline occurring during the period beginning on March 4, 2020, and before March 31, 2021. The bill would provide that this extension of the 2-year deadline

applies retroactively to all qualified applications that have a two-year deadline occurring during the period beginning on March 4, 2020, and before the operative date of this bill.

The California Constitution and existing property tax law generally provide for the equalization of valuations of taxable property within the county by a county board, defined to mean a county board of equalization or an assessment appeals board. Existing law also authorizes the boards of supervisors of 2 or more counties to establish a multijurisdictional assessment appeals board to equalize the valuation of taxable property within each participating county by enactment of an ordinance in each participating county, as defined, for a period of not less than 4 years.

Existing property tax law imposes specified requirements for equalization hearings, including a requirement that equalization hearings be open and public, as provided.

This bill would provide that nothing in existing law be construed to prohibit a county board or a multijurisdictional assessment appeals board from conducting hearings remotely. The bill would require a county board or a multijurisdictional assessment appeals board that conducts a hearing remotely to ensure compliance with those requirements for equalization hearings and any rules and procedures adopted by the county board of supervisors, as specified. The bill would make related findings and declarations.

(11) Existing law establishes the State Department of Social Services and requires the department to administer various public social services programs, such as the CalFood Program and the In-Home Supportive Services Program.

The Personal Income Tax Law, beginning on or after January 1, 2015, in modified conformity with federal income tax laws, allows an earned income tax credit, the California Earned Income Tax Credit (CalEITC), against personal income tax and a payment from the Tax Relief and Refund Account for an allowable credit in excess of tax liability to an eligible individual that is equal to that portion of the earned income tax credit allowed by federal law as determined by the earned income tax credit adjustment factor, as specified.

Existing law provides that it is a misdemeanor for the Franchise Tax Board or specified state employees to disclose or make known any information in a return, report, or document filed under income tax laws, but authorizes the Franchise Tax Board to disclose this information to specified agencies for specified purposes. Existing law makes any unwarranted disclosure or use of the information by those agencies a misdemeanor.

This bill would require the State Department of Social Services to exchange data with the Franchise Tax Board upon request, including the names, addresses, and contact information of individuals that may qualify for the CalEITC, and would require the data provided to remain confidential and be used only for purposes directly connected with the CalEITC.

This bill would also authorize the Franchise Tax Board to disclose individual income tax return information for taxable years beginning on or after January 1, 2018, and before January 1, 2020, to the State Department of Social Services, and would require the information provided to remain confidential and be used only for purposes of informing state residents of the availability of federal stimulus payments.

(12) Existing law authorizes the Employment Development Department (EDD) within the Labor and Workforce Development Agency to perform various functions and duties, including administering unemployment programs.

Existing law provides that it is a misdemeanor for the Franchise Tax Board or specified state employees to disclose or make known any information in a return, report, or document filed under income tax laws, but authorizes the Franchise Tax Board to disclose this information to specified agencies for specified purposes. Existing law makes any unwarranted disclosure or use of the information by those agencies a misdemeanor.

This bill would require the Franchise Tax Board, upon request, to disclose return and return information necessary to verify income, as specified, through information sharing agreements or data interfaces, when necessary for EDD unemployment program administration, as provided.

(13) Existing unemployment insurance law requires the Employment Development Department to pay unemployment compensation benefits to unemployed individuals meeting specified requirements.

This bill would require the Director of the Employment Development Department to make publicly available, beginning on September 4, 2020, and until July 1, 2021, on the department’s internet website, specified information, including the number of unemployment compensation benefit claims paid and the number of claims found to be ineligible since March 1, 2020.

(14) Existing law prescribes various requirements for agencies and departments administering state programs that provide housing or housing-based services to people experiencing homelessness or at risk of homelessness. For programs that fund recovery housing, as defined, in existence prior to July 1, 2017, existing law requires these programs to collaborate with the

Homeless Coordinating and Financing Council to revise or adopt guidelines and regulations that incorporate the core components of Housing First, as defined, by July 1, 2022.

Existing law also requires an agency or department that administers programs that fund recovery housing to additionally, in coordination with the Homeless Coordinating and Financing Council, consult with the Legislature, the Business, Consumer Services, and Housing Agency, the United States Department of Housing and Urban Development, and other stakeholders between July 1, 2020, and January 1, 2022, to identify ways to improve the provision of housing to individuals who receive funding from that agency or department, consistent with the applicable requirements of state law and to ensure that recovery housing programs meet specified requirements.

This bill would additionally require an agency or department that administers programs that fund recovery housing to comply with specified core components of Housing first, and would impose all those additional requirements only until July 1, 2022.

(15) Existing law requires the Director of Finance to provide to the Legislature, on or before May 14 of each year, an estimate of General Fund revenues for the current fiscal year and for the ensuing fiscal year, any proposals to reduce expenditures to reflect updated revenue estimates, and all proposed adjustment to the Governor's Budget that are necessary to reflect required updated estimates of state funding, as specified, and to reflect caseload enrollment or population changes. Existing constitutional law also requires the Department of Finance, after the proposed adjustments to the Governor's Budget made in May, to submit the Legislature estimates of General Fund revenues for the ensuing fiscal year and for the 3 fiscal years thereafter and estimates of General Fund expenditures for the ensuing fiscal year and for the 3 fiscal years thereafter, as specified.

Existing law, on December 31, 2021, suspends a specified allocation in the Budget Act of 2020 to help young adults secure and maintain housing, as provided, unless the Department of Finance makes a specified determination regarding the above-described estimates of General Fund revenues and expenditures required by existing constitutional law for the May budget revisions required to be released by May 14, 2021.

This bill would make a clarifying change to that suspension provision.

(16) Existing law establishes the California Community Services Block Grant Program, which authorizes the Governor to assume responsibility for the federal Community Services Block Grant program, and which is designed to concentrate various resources with the goal of assisting low-income families and individuals in rural and urban areas. Existing law prohibits, on and after January 1, 2020, housing funded by the program from including housing used to comply with a specified federal requirement to furnish housing to H-2A workers, as defined.

This bill would revise the prohibition effective January 1, 2020, as described above, and instead prohibit housing funded by the program from being rented, sold, or subleased, to an agricultural employer or farm labor contractor who employs an H-2A worker, as defined, until the end of the regulatory agreement or affordability covenant. The bill would make conforming changes regarding reimbursement of funds in the case that an H-2A worker is employed. The bill would require a person or entity who receives funds to make a declaration in this regard.

(17) Existing law, the Employee Housing Act defines and regulates employee housing. The act defines "agricultural employee housing" as housing occupied by an employee of an agricultural employer, as specified, or by a farm labor contractor, as specified, and grants a tenant in agricultural employee housing all rights applicable to a person residing in employee housing. The act generally reserves local use zoning requirements, local fire zones, property line, source of water supply, and method of sewage disposal to regulation by the local jurisdictions. The act prescribes expedited building permitting requirements for local building or health departments and if the local entities do not approve or deny an application or permit request within a specified time, authorizes the Department of Housing and Community Development to approve the application or permit request if it determines that the plans are consistent with all applicable building codes and health and safety requirements. A violation of the Employee Housing Act may be a misdemeanor.

This bill would delete the definition of "agricultural employee housing," as it is applied generally to the act. For particular provisions, the bill would prescribe a definition of "agricultural employee" with reference to the Labor Code and would specify that a tenant who is an agricultural employee residing in employee housing has all rights applicable to people residing in employee housing.

The act authorizes a developer to submit an application for a streamlined, ministerial approval process if specified requirements are met, including that the development is located on land zoned for primarily agricultural use. For purposes of this process, existing law defines "eligible agricultural employee housing development," which, among other things, includes a requirement that local government ensures an affordability covenant is recorded on the property to ensure the affordability of the proposed agricultural employee housing for not less than 35 years.

This bill would revise the above-described agricultural use zoning requirement to instead require that the development be located on land designated as agricultural in the applicable city or county general plan. The bill would increase the length of the recorded,

affordability covenant to 55 years. The bill would prescribe a definition of “agricultural employee housing” for purposes of these provisions.

The act requires the Department of Housing and Community Development to establish an application and review process for certifying that a person or entity is an affordable housing organization qualified to operate agricultural employee housing. Existing law authorizes the department to review, adopt, amend, or repeal standards, forms, or definitions in order to implement provisions relating to agricultural employee housing that are exempt from the Administrative Procedure Act. Existing law prescribes requirements for establishing guidelines in this regard, including consultation with stakeholders and minimum public comment periods, that are also exempt from the Administrative Procedure Act.

The bill would revise the authorizations described above and specifically limit their application to certain provisions of the act and would change their placement in the act.

By increasing the duties of local officials with respect to the Employee Housing Act, and by expanding the scope of an existing crime with respect to violations of the Employee Housing Act, this bill would impose a state-mandated local program.

(18) Existing law, the Zenovich-Moscone-Chacon Housing and Home Finance Act, among other things makes various declarations regarding housing policy in California and sets forth general responsibilities and roles of the Business, Consumer Services and Housing Agency, the Department of Housing and Community Development, and the California Housing Finance Agency in carrying out state housing policies and programs. Existing law prohibits the application of state funding for the purposes of funding predevelopment of, developing, or operating any housing used to comply with federal law regarding furnishing housing to H-2A workers, as defined, applicable to agreements entered into on and after January 1, 2020. Existing law makes the same prohibition on funding from the Building Homes and Jobs Trust Fund, the Joe Serna, Jr. Farmworker Housing Grant Program, and provisions relating to a special housing program for migratory workers.

This bill would revise the prohibitions on the application of state funding in connection with furnishing housing to H-2A workers applicable to agreements entered into on and after January 1, 2020, as described above, present in the Zenovich-Moscone-Chacon Housing and Home Finance Act, the Building Homes and Jobs Trust Fund, the Joe Serna, Jr. Farmworker Housing Grant Program, and provisions relating to a special housing program for migratory workers. The bill would prohibit funding, as specified, of an employer or its agent who employs at least one H-2A worker. The bill would require a person or entity receiving state funding pursuant to these provisions, on and after January 1, 2020, to make a specified declaration. In this regard the person or entity would state that it is not an agricultural employer or farm labor contractor, or its agent, that employs at least on H-2A worker, as defined, and that it will not rent, sell, or sublease funded housing to these employers or contractors or their agents until the expiration of the regulatory agreement or affordability covenant, as applicable.

The bill would also state, with respect to certain provisions, that the Department of Housing and Community Development is not responsible for inspecting units that are not subsidized by funding received by the department.

(19) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

(20) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.
Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8256 of the Government Code is amended to read:

8256. (a) There is established in state government the Commission on Asian and Pacific Islander American Affairs, which shall be comprised of 13 members appointed in accordance with subdivision (b) and shall conduct its business in accordance with this chapter.

(b) (1) The members of the commission shall be individuals with knowledge or expertise of the APIA community, whether by experience or training, and who are representative of that community in the state, both geographically and demographically.

(2) Commission members shall be appointed as follows:

(A) Four members, appointed by the Senate Committee on Rules.

(B) Four members, appointed by the Speaker of the Assembly.

(C) Five members, appointed by the Governor. The Governor's appointees shall not be subject to confirmation by the Senate.

(3) The Senate Committee on Rules and the Speaker of the Assembly shall make one appointment each from a pool of three nominees selected for each of the respective positions by the Asian and Pacific Islander Legislative Caucus.

(4) Appointments shall be made during the 2003 calendar year. The terms of commission members shall commence on January 1, 2004.

(5) (A) Subject to subparagraph (B), commission members shall serve for terms of four years.

(B) Of the initial appointments by the Governor, four members shall serve four-year terms, and one member shall serve a two-year term. Of the initial appointments by the Senate Committee on Rules and the Speaker of the Assembly, two members appointed by each appointing power shall serve four-year terms, and two members appointed by each appointing power shall serve two-year terms.

(6) Any vacancy in the membership of the commission shall not affect the powers of the commission and shall be filled in the same manner as the original appointment.

(c) The chair of the commission shall be elected by a majority of the appointed members of the commission at the first official meeting of the commission, and shall serve a term of one year or until a successor is elected, whichever occurs later.

(d) The commission may appoint an executive director who shall be exempt from civil service.

SEC. 2. The heading of Article 1 (commencing with Section 8400) is added to Chapter 5.6 of Division 1 of Title 2 of the Government Code, to read:

Article 1. Funding

SEC. 3. Article 2 (commencing with Section 8410) is added to Chapter 5.6 of Division 1 of Title 2 of the Government Code, to read:

Article 2. CaliforniaVolunteers Commission

8410. For purposes of this article, all of the following definitions apply:

(a) "Act" means the National and Community Service Trust Act, codified in Section 12501 et seq. of Title 42 of the United States Code.

(b) "Commission" means the Board of Commissioners under CaliforniaVolunteers, as named in subdivision (a) of Section 8411, which is the State Commission on National and Community Service for purposes of the act, including the requirements of Section 12638 of Title 42 of the United States Code, and the act's implementing rules and regulations.

8411. (a) There is continued into existence a Board of Commissioners under CaliforniaVolunteers.

(b) For purposes of fulfilling the requirements of the act, the commission shall do all of the following:

(1) Take all actions necessary to meet the requirements of the act and its implementing rules and regulations.

(2) Be responsible for the duties described in Section 12638(e) of Title 42 of the United States Code.

(3) Be appointed by the Governor and function pursuant to the requirements in Section 12638 of Title 42 of the United States Code.

(c) The commission may also do any of the following for purposes of supporting CaliforniaVolunteers:

(1) Advise and participate in the work of CaliforniaVolunteers, including, but not limited to, policy, communication and program decisionmaking, and special initiatives, by attending meetings and participating on committees, working groups, and task forces.

(2) Conduct outreach to specific constituencies, including, but not limited to, government, nonprofit, business, and labor, to seek these constituencies' participation in and support of CaliforniaVolunteers activities and programs.

(3) Coordinate with other state agencies and volunteer service programs to ensure a comprehensive and integrated service system within the state.

(4) Promote community service throughout the state by representing CaliforniaVolunteers at service-related events and venues.

(5) Support programs funded by CaliforniaVolunteers by participating in site visits and speaking at launch or graduation activities.

8412. (a) The Governor shall appoint 25 voting members to the commission as follows:

(1) In compliance with the act, the commission's voting members shall include at least all of the following:

(A) An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth.

(B) An individual with expertise in promoting the involvement of older adults in service and volunteerism.

(C) A representative of community-based agencies or organizations within the state.

(D) The Superintendent of Public Instruction.

(E) A representative of local government.

(F) A representative of local labor organizations.

(G) A representative of business.

(H) An individual between 16 and 25 years of age who is a participant or supervisor of a service program for schoolage youth, or of a campus-based or national service program.

(I) A representative of a qualifying national service program.

(2) (A) Subject to subparagraph (B), the Governor shall appoint two voting members as follows:

(i) One representative recommended for appointment consideration by the President pro Tempore of the Senate.

(ii) One representative recommended for appointment consideration by the Speaker of the Assembly.

(B) For purposes of subparagraph (A), within 30 days from the date of receipt of names of recommended representatives from the President pro Tempore of the Senate or Speaker of the Assembly, the Governor shall appoint a representative or shall notify the President pro Tempore of the Senate or Speaker of the Assembly, as applicable, that the Governor rejects all recommended representatives and requests additional recommendations. Within 45 days from the date of receipt of a notice that all recommended representatives are rejected, the President pro Tempore of the Senate or Speaker of the Assembly, as applicable, shall nominate and send to the Governor the names of additional recommended representatives.

(3) The Governor shall appoint all other voting members to the commission in compliance with the act.

(c) (1) A representative of the Corporation for National and Community Service, as designated under Section 12651f(c) of Title 42 of the United States Code, shall serve as an ex officio, nonvoting member.

(2) The Governor may appoint to the commission other ex officio, nonvoting members in compliance with Section 12638 of Title 42 of the United States Code.

(d) The Governor may designate an honorary chairperson for the commission.

(e) (1) No more than 50 percent of the commission, plus one member, shall be from the same political party.

(2) Appointments made pursuant to this section shall also comply with all other requirements of Section 12638 of Title 42 of the United States Code.

(f) Voting members of the commission shall serve at the pleasure of the Governor for renewable terms of three years.

8413. Members of the commission shall serve without compensation, but may be reimbursed for travel expenses and receive a per diem as appropriate and in compliance with Section 12638 of Title 42 of the United States Code.

SEC. 4. Article 3 (commencing with Section 12350) is added to Chapter 4 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 3. The California Economic Improvement Tax Voucher Act

12350. This article shall be known, and may be cited, as the California Economic Improvement Tax Voucher Act.

12351. (a) The Franchise Tax Board, in consultation with the Treasurer and the Department of Finance, shall develop a comprehensive plan for a California Economic Improvement Tax Voucher Program, in accordance with Section 12352, to be considered by the Legislature for future enactment as legislation.

(b) The comprehensive plan, including proposed statutory language and estimated fiscal costs of administering the program, shall be submitted to the committees that consider the state budget in the Assembly and the Senate no later than March 1, 2021.

12352. (a) The comprehensive plan for a California Economic Improvement Tax Voucher Program shall include, but not be limited to, all of the following:

(1) Tax vouchers that are periodically created through statute as assets of the state. The vouchers created shall be in small increments to ensure widespread access to participants of varying wealth and income levels.

(A) The vouchers shall be allowed as a credit against a taxpayer's income tax liability under the Personal Income Tax Law or the Corporation Tax Law for future taxable years beginning after the year in which they are sold.

(B) The vouchers shall be able to be carried over to future taxable years, up to an established maximum number of years.

(C) The vouchers shall be fully transferable, in accordance with an established process.

(D) The vouchers shall be allowed for participants to use for tax liabilities under the Personal Income Tax Law or the Corporation Tax Law.

(E) The value of the tax vouchers shall be considered proceeds of taxes for the purposes of Section 8 of Article XIII B and Section 20 of Article 16 in the year that they are claimed.

(2) Authority for the Treasurer, or other state entity, to allocate tax vouchers to incentivize participants to contribute to the state, which would be considered prepayment of taxes, to provide immediate resources to the state. The allocation of tax vouchers shall be limited to circumstances that provide reasonable fiscal benefit to the state, taking into account acquiring up front resources and the future use of the tax vouchers.

(3) Exclusion of any capital gain from the tax vouchers from state income taxes.

(4) A special fund for which the proceeds from the allocation of tax vouchers are deposited.

(5) A confidential registry of the tax vouchers maintained by the Franchise Tax Board to track the ownership of the tax vouchers.

(b) Moneys deposited in the special fund shall be available, upon appropriation by the Legislature, for one-time or short-term purposes that provide long-term benefits to the state, which may include, but are not limited to, all of the following:

(1) Economic stimulus investments.

(2) Affordable housing investments.

(3) Homelessness reduction investments.

(4) Emergency preparation investments.

(5) Short-term program costs to avoid program reductions that cause long-term economic harm.

(6) Infrastructure investments.

(7) Green economy investments.

12353. This article shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 5. Section 12788 of the Government Code is amended to read:

12788. (a) On and after January 1, 2020, any housing funded pursuant to this chapter shall not be rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205 of the Health and Safety Code, until the expiration of the regulatory agreement or affordability covenant, as applicable. A person or entity who receives funds made available pursuant to this chapter on or after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of

the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205 of the Health and Safety Code, shall reimburse the department or other state agency that provided those funds, as provided in paragraph (2) of subdivision (b) of Section 50205 of the Health and Safety Code. A person or entity who receives funds made available pursuant to this chapter on or after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the department declaring the following:

(1) (A) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205 of the Health and Safety Code.

(B) The person or entity will not rent, sell, or sublease any housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205 of the Health and Safety Code, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(2) The declaration described in paragraph (1) may be met through the inclusion in a regulatory agreement, contract, or affordability covenant, as applicable, with the department that is signed by the person or entity receiving funds pursuant to this chapter.

(b) This section shall not apply to any contract entered into or any financial assistance provided pursuant to this chapter prior to January 1, 2020.

SEC. 6. Section 12895 of the Government Code is amended to read:

12895. (a) There is in the Business, Consumer Services, and Housing Agency a Department of Financial Protection and Innovation, which has the responsibility for administering various laws. In order to effectively support the Department of Financial Protection and Innovation in the administration of these laws, there is hereby established the Financial Protection Fund, as described further in Section 90007 of the Financial Code. All expenses and salaries of the Department of Financial Protection and Innovation shall be paid out of the Financial Protection Fund, upon appropriation by the Legislature for these purposes.

(b) All the duties and responsibilities to be transferred and any remaining balances of the State Corporations Fund and Financial Institutions Fund, upon appropriation by the Legislature, shall be transferred to the Financial Protection Fund, which is hereby created and designated the successor fund. The State Corporations Fund and Financial Institutions Fund are abolished.

(c) Funds appropriated from the Financial Protection Fund and made available for expenditure for any law or program of the Department of Financial Protection and Innovation may come from the following:

(1) Fees and any other amounts charged and collected pursuant to Section 25608 of the Corporations Code, except for fees and other amounts charged and collected pursuant to subdivisions (o) to (r), inclusive, of Section 25608 of the Corporations Code.

(2) Fees collected pursuant to subdivisions (a), (b), (c), and (d) of Section 25608.1 of the Corporations Code.

(d) This section shall not apply to moneys collected or received by the commissioner under Division 5 (commencing with Section 14000) of the Financial Code.

(e) On and after the operative date of this subdivision, any reference in any law to the Financial Institutions Fund shall be deemed a reference to the Financial Protection Fund, and any reference in any law to the State Corporations Fund shall be deemed a reference to the Financial Protection Fund.

(f) On and after the operative date of this subdivision, any reference in any law to the Department of Business Oversight shall be deemed a reference to the Department of Financial Protection and Innovation.

(g) This subdivision shall become operative on the date that an act adding Division 25 (commencing with Section 100000) to the Financial Code takes effect.

(1) On and after the operative date of this subdivision, all the duties, responsibilities and remaining balances of the Debt Collection Licensing Fund shall be transferred to the Financial Protection Fund.

(2) On or after the operative date of this subdivision, fines and penalties collected pursuant to Division 25 (commencing with Section 100000) of the Financial Code shall be made available for expenditure for any law or program of the Department of Financial Protection and Innovation.

(3) On and after the operative date of this subdivision, the Debt Collection Licensing Fund is abolished.

(4) On and after the operative date of this subdivision, any reference to the Debt Collection Licensing Fund shall be deemed a reference to the Financial Protection Fund.

(5) If an act adding Division 25 to the Financial Code does not take effect, this subdivision shall become inoperative and is effectively repealed beginning January 1, 2021.

SEC. 7. Section 13979.2 of the Government Code is amended to read:

13979.2. (a) The secretary, on behalf of the agency, and any department, office, or other unit within the agency with the authority to implement transportation projects, may assume responsibilities under the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) and other federal environmental laws, pursuant to Section 327 of Title 23 of the United States Code, for any railroad, public transportation, or multimodal project.

(b) Before assuming the responsibilities set forth in subdivision (a) through execution of a memorandum of understanding between the State of California and the federal government, the secretary shall submit a copy of the draft memorandum of understanding to the Joint Legislative Budget Committee. Execution of the memorandum of understanding shall occur no sooner than 30 days after the secretary provides the draft memorandum of understanding to the Joint Legislative Budget Committee, or whatever lesser time after that notification that the chair of the joint committee, or the chair's designee, may determine.

(c) The State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of any responsibilities assumed pursuant to subdivision (a).

(d) In any action brought pursuant to the federal laws described in subdivision (a) for a project for which responsibilities have been assumed pursuant to subdivision (a), no immunity from suit may be asserted pursuant to the Eleventh Amendment to the United States Constitution, and any immunity is hereby waived.

(e) No responsibility assumed pursuant to subdivision (a) may be delegated to any political subdivision of the state, such as a county, or its instrumentalities.

(f) This section does not affect the obligation of the secretary and all departments, offices, and other units within the agency to comply with state and federal law.

(g) Nothing in this section is intended to repeal or modify Section 820.1 of the Streets and Highways Code.

(h) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 8. Section 19815.7 is added to the Government Code, to read:

19815.7. (a) The department may charge state agencies and departments for the actual and necessary costs related to services rendered by the department in all of the following areas:

(1) Controlled substance abuse testing.

(2) Psychological screening.

(3) Medical evaluations.

(b) Pursuant to Section 11255, the Controller shall transfer to the department any moneys owed to the department by any state agency or department for charges due under this section.

SEC. 9. Section 17008.5 of the Health and Safety Code is amended to read:

17008.5. A tenant who is an agricultural employee residing in employee housing has all rights applicable to a person residing in employee housing, including the following:

(a) The right to file a verified complaint with the Department of Fair Employment and Housing alleging a violation of housing discrimination, or to assert any other right, under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(b) Any protections for tenants or lessees under the Civil Code or the Labor Code, except as otherwise provided in Section 17031.6.

(c) Any protection or right under the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code).

SEC. 10. Section 17021 of the Health and Safety Code is amended to read:

17021. (a) Except as provided in Sections 17021.5, 17021.6, and 17021.8, local use zone requirements, local fire zones, property line, source of water supply, and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

(b) Notwithstanding any other law, with respect to a building permit, grading permit, or other approval from a city or county building department for the rehabilitation of real property improvements that are or will be employee housing for agricultural employees, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing employee housing for agricultural employees, all of the following processing requirements shall apply:

(1) The local building or health department shall have up to 60 calendar days to approve or deny a complete application or permit request accompanied by applicable fees, or a shorter time period if required by the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code). The local building or health department may deny an application or permit request on procedural grounds only if the denial occurs within 30 calendar days and the denial includes an itemization of the procedural defects. The local building or health department may deny an application or permit request on substantive grounds if the denial includes an itemization of all substantive defects.

(2) If the local building or health department does not approve or deny the application or permit request within the period prescribed by paragraph (1), then the Department of Housing and Community Development may approve the application or permit request if it determines that the plans are consistent with all applicable building codes and health and safety requirements. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this subdivision. Upon completion of the work, any other state or local agency shall accept the improvements as if the local building or health department had approved them. However, if that other local agency identifies any defects that would have resulted in that agency's disapproval of the improvements or plans for improvement, the agency may identify those defects and the applicant shall correct them. The local building or health department shall inspect the plans and improvements prior to and during rehabilitation and issue a certificate of completion if the work is consistent with the plans and all applicable building codes and health and safety requirements.

(c) Nothing in this section shall be construed to exempt an application or permit request from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) For purposes of this section, "agricultural employee" has the same meaning specified in subdivision (b) of Section 1140.4 of the Labor Code.

(e) The Department of Housing and Community Development may recover from a local building or health department costs incurred to review an application or permit request in compliance with paragraph (2) of subdivision (b). The amount recoverable may not exceed the applicable plan check fee published by the International Conference of Building Officials.

SEC. 11. Section 17021.8 of the Health and Safety Code is amended to read:

17021.8. (a) A development proponent may submit an application for a development that is subject to a streamlined, ministerial approval process, provided in subdivision (b), and is not subject to a conditional use permit if all of the following requirements are met:

(1) The development is located on land designated as agricultural in the applicable city or county general plan.

(2) The development is not located on a site that is any of the following:

(A) Within the coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by

the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901)), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(F) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency.

(H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(I) Lands under conservation easement. For purposes of this section, “conservation easement” shall not include a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code).

(J) Lands with groundwater levels within five feet of the soil surface and for which the development would be served by an onsite wastewater disposal system serving more than six family housing units.

(3) The development is an eligible agricultural employee housing development that satisfies the requirements specified in subdivision (i).

(b) (1) If a local government determines that a development submitted pursuant to this section does not meet the requirements specified in subdivision (a), the local government shall provide the development proponent written documentation of which requirement or requirements the development does not satisfy and an explanation for the reason or reasons the development does not satisfy the requirement or requirements, as follows:

(A) Within 30 days of submission of the development to the local government pursuant to this section if the development contains 50 or fewer housing units.

(B) Within 60 days of submission of the development to the local government pursuant to this section if the development contains more than 50 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the requirements specified in paragraph (2) of subdivision (a).

(c) The local government’s planning commission or an equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate, may conduct a development review or public oversight of the development. The development review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective development standards described in this section. For purposes of this subdivision, “objective development standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submission. The development review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submission of the development to the local government pursuant to this section if the development contains 50 or fewer housing units.

(2) Within 180 days of submission of the development to the local government pursuant to this section if the development contains more than 50 housing units.

(d) An agricultural employee housing development that is approved pursuant to this section shall not be subject to the density limits specified in Section 17021.6 in order to constitute an agricultural land use for purposes of that section.

(e) Notwithstanding Section 17021.6, a local government may subject an agricultural employee housing development that is approved pursuant to this section to the following written, objective development standards:

(1) (A) A requirement that the development have adequate water and wastewater facilities and dry utilities to serve the project.

(B) A requirement that the development be connected to an existing public water system that has not been identified as failing or being at risk of failing to provide an adequate supply of safe drinking water.

(C) If the development proposes to include 10 or more units, a requirement that the development connect to an existing municipal sewer system that has adequate capacity to serve the project. If the local agency has adopted an approved local agency management program for onsite wastewater treatment systems, those requirements shall apply to the development.

(2) A requirement that the property on which the development is located be either:

(A) Within one-half mile of a duly designated collector road with an Average Daily Trips (ADT) of 6,000 or greater.

(B) Adjacent to a duly designated collector road with an ADT of 2,000 or greater.

(3) A requirement that the development include off-street parking based upon demonstrated need, provided that the standards do not require more parking for eligible agricultural employee housing developments than for other residential uses of similar size within the jurisdiction.

(4) Notwithstanding Section 17020 or any other law, health, safety, and welfare standards for agricultural employee housing, including, but not limited to, density, minimum living space per occupant, minimum sanitation facilities, minimum sanitation requirements, and similar standards.

(5) Standards requiring that if a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

(f) Neither the approval of a development pursuant to this section, including the permit processing, nor the application of development standards pursuant to this section shall be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Notwithstanding Section 17021.6, a local agency may impose fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the eligible agricultural employee housing development.

(h) This section shall not be construed to:

(1) Prohibit a local agency from requiring an eligible agricultural employee housing development to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with subdivision (e) and appropriate to, and consistent with, meeting the jurisdiction's need for farmworker housing, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583 of the Government Code.

(2) Prohibit a local agency from disapproving an eligible agricultural employee housing development if the eligible agricultural employee housing development as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower income households, as defined in Section 50079.5, or rendering the development financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) Prohibit a local agency from disapproving an eligible agricultural employee housing development if that project would be in violation of any applicable state or federal law.

(4) Change any obligations to comply with any other existing laws, including, but not limited to, Section 116527, Section 106.4 of the Water Code, Division 7 (commencing with Section 13000) of the Water Code, and Part 12 (commencing with Section 116270) of Division 104.

(i) For the purposes of this section, "eligible agricultural employee housing development" means an agricultural employee housing development that satisfies all of the following:

(1) The agricultural employee housing does not contain dormitory-style housing.

(2) The development consists of no more than 36 units or spaces designed for use by a single family or household.

(3) (A) Except as otherwise provided in subparagraph (B), the agricultural employee housing will be maintained and operated by a qualified affordable housing organization that has been certified pursuant to Section 17030.10. The development proponent shall submit proof of issuance of the qualified affordable housing organization's certification by the enforcement agency. The qualified affordable housing organization shall provide for onsite management of the development.

(B) In the case of agricultural employee housing that is maintained and operated by a local public housing agency or a multicounty, state, or multistate agency that has been certified as a qualified affordable housing organization as required by

this paragraph, that agency either directly maintains and operates the agricultural employee housing or contracts with another qualified affordable housing organization that has been certified pursuant to Section 17030.10.

(C) The local government ensures an affordability covenant is recorded on the property to ensure the affordability of the proposed agricultural employee housing for agricultural employees for not less than 55 years. For purposes of this paragraph, “affordability” means the agricultural housing is made available at an affordable rent, as defined in Section 50053, to lower income households, as defined in Section 50079.5.

(4) The agricultural employee housing is not ineligible for state funding pursuant to paragraph (1) of subdivision (b) of Section 50205.

(j) For purposes of this section, “agricultural employee housing” means employee housing for agricultural employees as both terms are defined in Sections 17008 and 17021 respectively.

(k) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of agricultural employee housing as are commensurate with local need. The Legislature further finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

SEC. 12. Section 17030.10 of the Health and Safety Code is amended to read:

17030.10. (a) The department shall establish an application and review process for certifying that a person is an affordable housing organization qualified to operate agricultural employee housing that is approved pursuant to Section 17021.8.

(b) A person desiring certification as a qualified affordable housing organization may, in the form and manner prescribed by the department, submit an application to the department. Except as provided in subdivision (c), department shall review an application so submitted, and shall certify the person as a qualified affordable housing organization if the following requirements are satisfied:

(1) The applicant has demonstrated relevant prior experience in California and current capacity, as capable of operating the housing and related facilities for its remaining useful life, either by itself or through a management agent.

(2) The applicant is one of the following:

(A) A not-for-profit corporation organized pursuant to Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code that satisfies both of the following:

(i) The not-for-profit corporation has as its principal purpose the ownership, development, or management of housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The not-for-profit corporation has a broadly representative board, a majority of whose members are community based and have a proven track record of local community service.

(B) A local public housing agency. For purposes of this subdivision, “local public housing agency” means a housing authority, redevelopment agency, or any other agency of a city, county, or city and county, whether general law or chartered, that is authorized to own, develop, or manage housing or community development projects for persons and families of low or moderate income and very low income.

(C) A not-for-profit, charitable corporation organized on a multicounty, state, or multistate basis that satisfies both of the following:

(i) The charitable corporation has as its principal purpose the ownership, development, or management of housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The charitable corporation owns or operates at least three comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations.

(D) A multicounty, state, or multistate agency that satisfies both of the following:

(i) The agency is authorized to own, develop, or manage housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The agency owns and operates at least three comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations.

(E) Any other not-for-profit organization that the department determines is sufficiently similar to any of the organizations described in this paragraph.

(3) Except for local public housing agencies with elected legislative bodies, the applicant does not have a member among its officers or directorate with a financial interest in an agricultural employer, as defined in Section 1140.4 of the Labor Code, or a farm labor contractor, as defined in Section 1682 of the Labor Code. The department shall allow officers or members of the directorate of an applicant to self-certify for purposes of this requirement.

(c) If an applicant has previously received development funds from the department, is in good standing, and meets the requirements of paragraph (3) of subdivision (b), the department may automatically deem such organizations certified.

SEC. 13. Section 17044 is added to the Health and Safety Code, to read:

17044. (a) The department may review, adopt, amend, or repeal standards, forms, or definitions in order to implement Sections 17030.10 and 17037. Any standards, forms, or definitions adopted, amended, or repealed pursuant to Section 17030.10 or 17037 are hereby exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(b) In consultation with stakeholders, and with a public comment period no less than 30 days, the department may adopt guidelines to implement Sections 17030.10 and 17037. Any guideline, rule, policy, or standard of general application employed by the department in implementing Section 17030.10 or 17037 shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 14. Section 50205 of the Health and Safety Code is amended to read:

50205. (a) As used in this section:

(1) “Employer” means a person or entity who has petitioned, or will petition, to import an H-2A worker pursuant to Section 1188 of Title 8 of the United States Code to work on the employer’s agricultural land.

(2) “H-2A worker” means a nonimmigrant alien as described in Section 1101(a)(15)(H)(ii)(a) of Title 8 of the United States Code employed to work for an employer.

(3) “State funding” means any provision of moneys or other financial assistance provided by the state or a state agency, including, but not limited to, grants, loans, and write-downs of land costs, but does not include any allocation of federal or state low-income housing tax credits pursuant to Chapter 3.6 (commencing with Section 50199.4) of this part or Sections 12206, 17058, or 23610.5 of the Revenue and Taxation Code.

(b) (1) Notwithstanding any other law and subject to paragraph (2), state funding shall not be provided to an employer or its agent who employs at least one H-2A worker for the purposes of funding predevelopment of, developing, or operating any housing.

(2) Any employer or other recipient of state funding who utilizes state funding for the purposes described in paragraph (1) shall reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes.

(3) This subdivision shall not apply to any contract or other enforceable agreement pursuant to which the state or a state agency provides state funding that was entered into prior to January 1, 2020.

(4) The department shall not be responsible for inspecting units that are not subsidized by funding received by the department.

(5) A person or entity who receives state funding on and after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the entity administering the funding which declares the following:

(A) (i) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205.

(ii) The person or entity will not rent, sell, or sublease housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section

1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(B) The declaration described in subparagraph (A) may be met through the inclusion in a regulatory agreement, contract, or affordability covenant, as applicable, with the entity administering the funding program that is signed by the person or entity receiving funds.

SEC. 15. Section 50218.5 of the Health and Safety Code is amended to read:

50218.5. (a) (1) With respect to the moneys made available pursuant to this section, it is the intent of the Legislature that:

(A) These moneys build on regional coordination developed through previous rounds of funding of the Homeless Emergency Aid Program (Chapter 5 (commencing with Section 50210)), the program established under this chapter, and COVID-19 funding to reduce homelessness.

(B) These moneys continue to build regional collaboration between continuums of care, counties, and cities in a given region, regardless of population, and ultimately be used to develop a unified regional response to homelessness.

(C) These moneys be paired strategically with other local, state, and federal funds provided to address homelessness in order to achieve maximum impact.

(D) These moneys be deployed with the goal of reducing the number of homeless individuals in a given region through investing in long-term solutions, such as permanent housing, and that the state be an integral partner through the provision of technical assistance, sharing of best practices, and implementing an accountability framework to guide the structure of current and future state investments.

(2) It is the intent of the Legislature that additional state funds for homelessness, if provided in future budget years, increase permanent housing exits, further evidence-based solutions for individuals and families experiencing homelessness, consider outcomes from prior funding awards in making future allocations, and include strong accountability measures.

(b) Upon appropriation by the Legislature, three hundred million dollars ($300,000,000) of the funds administered pursuant to this chapter shall be available for implementing round 2 of the program, as follows:

(1) Ninety million dollars ($90,000,000) of the funding available pursuant to this section shall be available for continuums of care. The council shall calculate these allocations to a continuum of care based on each continuum of care's proportionate share of the state's total homeless population, based on the 2019 homeless point-in-time count. The council shall award no more than 40 percent of the allocation made pursuant to this section and no less than two hundred fifty thousand dollars ($250,000) to an applicant that is a continuum of care.

(2) One hundred thirty millions dollars ($130,000,000) of the funding available pursuant to this section shall be available to each city, or city that is also a county, that has a population of 300,000 or more, as of January 1, 2020, according to data published on the Department of Finance's internet website. The council shall calculate the allocation to a city based on the city's proportionate share of the total homeless population of the region served by the continuum of care within which the city is located, based on the 2019 homeless point-in-time count. The agency shall not award more than 45 percent of the program allocation to a city. If more than one recipient within the continuum of care meets the requirements of this paragraph, the proportionate share of funds shall be equally allocated to those jurisdictions.

(3) Eighty million dollars ($80,000,000) of the funding available pursuant to this section shall be available to each county. The council shall calculate the allocation to a county based on the county's proportionate share of the total homeless population of the region served by the continuum of care within which the county is located, based on the 2019 homeless point-in-time count. The agency shall not award more than 40 percent of the allocation made pursuant to this section to a county.

(4) A city, city and county, single continuum of care, or county may apply jointly with a counterpart entity or entities.

(c) Program applicants applying for round 2 grant funds pursuant to this section shall comply with the requirements set forth in Section 50220.5.

(d) Of the amount made available pursuant to subdivision (b), 5 percent shall be set aside for the program administration, including state operations expenditures and technical assistance.

(e) A program recipient shall not use funding from the program allocated under this section to supplant existing local funds for homeless housing, assistance, or prevention.

(f) A program recipient shall use at least 8 percent of the funds allocated under this section for services for homeless youth populations.

(g) Moneys allocated pursuant to this section shall be expended in compliance with Housing First.

SEC. 16. Section 50470 of the Health and Safety Code is amended to read:

50470. (a) (1) There is hereby created in the State Treasury the Building Homes and Jobs Trust Fund. All interest or other increments resulting from the investment of moneys in the fund shall be deposited in the fund, notwithstanding Section 16305.7 of the Government Code.

(2) Moneys in the Building Homes and Jobs Trust Fund shall not be subject to transfer to any other fund pursuant to any provision of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, except to the Surplus Money Investment Fund.

(b) Moneys in the Building Homes and Jobs Trust Fund shall be appropriated either through the annual Budget Act, or as provided in this subdivision, in accordance with the following:

(1) Moneys collected on and after January 1, 2018, and until December 31, 2018, shall, upon appropriation by the Legislature, be allocated as follows:

(A) Fifty percent of deposits into the fund shall be made available for local governments to update planning documents and zoning ordinances in order to streamline housing production, including, but not limited to, general plans, community plans, specific plans, sustainable communities strategies, and local coastal programs. Eligible uses also include new environmental analyses that eliminate the need for project-specific review and local process updates that improve and expedite local permitting.

(i) Five percent of the funds specified by this subparagraph shall be available for technical assistance to jurisdictions updating specified planning documents. Technical assistance shall be provided by the department and the Governor's Office of Planning and Research.

(ii) The funds to be allocated pursuant to this subparagraph shall be held by the department until a local government submits a request for use. The request shall include a description of the proposed use of the funds in the interest of accelerating housing production. The proposed use of these funds shall be included in the local government's funding plan and annual reports pursuant to subclauses (II) and (III) of clause (ii) of subparagraph (B) of paragraph (2). Each recipient of funds under the program shall encumber the funds by December 31, 2020, and shall expend those funds no later than December 31, 2023. Any of these funds not allocated by the department within the first two years that those funds are available shall be made available by the department for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(B) Fifty percent of deposits into the fund shall be made available to the department to assist persons experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

(C) The department shall ensure geographic equity in the distribution and expenditure of funds allocated pursuant to this paragraph.

(2) Moneys collected on and after January 1, 2019, shall be allocated as follows:

(A) Twenty percent of all moneys in the fund shall, upon appropriation by the Legislature, be expended for affordable owner-occupied workforce housing.

(B) (i) Seventy percent of moneys deposited in the fund shall, upon appropriation by the Legislature, be made available to local governments as follows:

(I) Ninety percent of the moneys specified in this subparagraph shall be allocated based on the formula specified in Section 5306 of Title 42 of the United States Code, in accordance with the distribution of funds pursuant to that formula for the federal Fiscal Year 2017, except that the portion allocated to nonentitlement areas pursuant to that section shall be distributed through a competitive grant program, administered by the department, as follows:

(ia) The department shall award priority points to a county that has a population of 200,000 or less within the unincorporated areas of the county, to a local government that did not receive an award based on the formula specified in Section 5306 of Title 42 of the United States Code in 2016, and to a local government that pledges to use the money awarded pursuant to a competitive grant under this subclause to assist persons experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

(ib) Moneys awarded to a local government pursuant to the competitive grant program shall be used for the purposes specified in subparagraph (D).

(II) The remaining 10 percent of the moneys specified in this subparagraph shall be allocated equitably among local jurisdictions that are nonentitlement areas pursuant to the formula specified in Section 5306 of Title 42 of the United States Code for federal Fiscal Year 2017.

(ii) To receive moneys pursuant to this subparagraph, local governments shall document minimum standards including the following:

(I) Submit a plan to the department detailing the manner in which allocated funds will be used by the local government in a manner consistent with this paragraph and to meet the local government's unmet share of the regional housing needs allocation.

(II) Have a compliant housing element with the state and submit a current annual report pursuant to Section 65400 of the Government Code.

(III) Submit an annual report to the department that provides ongoing tracking of the uses and expenditures of any allocated funds.

(IV) Funds may be expended for the uses listed in subparagraph (D). Two or more local governments that receive an allocation pursuant to this subparagraph may expend those moneys on a joint project that is an authorized use under subparagraph (D).

(V) Prioritize investments that increase the supply of housing to households that are at or below 60 percent of area median income, adjusted for household size.

(VI) If a local government does not have a documented plan to expend the moneys allocated to it pursuant to this subparagraph within five years of that allocation, those moneys shall be exempt from the allocation requirements in this paragraph and shall revert to, and be paid and deposited in, the Housing Rehabilitation Loan Fund established pursuant to Section 50661 to be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)) or for technical assistance for local governments.

(VII) A local government may petition the department to return any moneys allocated to it pursuant to this subparagraph. Any moneys returned pursuant to this clause shall be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(C) Thirty percent of moneys deposited in the fund shall be made available to the department for use as follows:

(i) Five percent of the moneys deposited in the fund shall, upon appropriation by the Legislature, be used for state incentive programs, including loans and grants administered by the department. If the department receives insufficient funding applications for incentive programs financed pursuant to this clause, the department shall make those funds available for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(ii) (I) Subject to subclause (II), 10 percent of the moneys deposited in the fund shall, upon appropriation by the Legislature, be used to address affordable homeownership and rental housing opportunities for agricultural workers and their families.

(II) On and after January 1, 2020, housing funded pursuant to this clause shall not be rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable. A person or entity who receives funds made available pursuant to this clause on or after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, and who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable, shall reimburse the department or other state agency that provided those funds, as provided in paragraph (2) of subdivision (b) of Section 50205. This subclause shall not apply to any contract entered into or any financial assistance provided pursuant to this clause prior to January 1, 2020.

(III) A person or entity who receives funds made available pursuant to this section on and after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the department declaring the following:

(ia) (Ia) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205.

(Ib) The person or entity will not rent, sell, or sublease any housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(ib) The declaration described in sub-subclause (ia) can be met through the inclusion in a regulatory agreement or affordability covenant, as applicable, with the department that is signed by the person or entity receiving funds pursuant to this chapter.

(iii) Fifteen percent of the moneys deposited in the fund shall, notwithstanding any other provision of this section or Section 13340 of the Government Code, be continuously appropriated to the California Housing Finance Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate-income households pursuant to Chapter 6.7 (commencing with Section 51325) of Part 3.

(D) The moneys in the fund allocated to local governments may be expended for the following purposes:

(i) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low, very low, low-, and moderate-income households, including necessary operating subsidies.

(ii) Affordable rental and ownership housing that meets the needs of a growing workforce earning up to 120 percent of area median income, or 150 percent of area median income in high-cost areas.

(iii) Matching portions of funds placed into local or regional housing trust funds.

(iv) Matching portions of funds available through the Low and Moderate Income Housing Asset Fund pursuant to subdivision (d) of Section 34176 of the Health and Safety Code.

(v) Capitalized reserves for services connected to the creation of new permanent supportive housing, including, but not limited to, developments funded through the Veterans Housing and Homelessness Prevention Bond Act of 2014.

(vi) Assisting persons who are experiencing or at risk of homelessness, including providing rapid rehousing, rental assistance, navigation centers, emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

(vii) Accessibility modifications.

(viii) Efforts to acquire and rehabilitate foreclosed or vacant homes.

(ix) Homeownership opportunities, including, but not limited to, downpayment assistance.

(x) Fiscal incentives or matching funds to local agencies that approve new housing for extremely low, very low, low-, and moderate-income households.

(3) A state or local entity that receives an appropriation or allocation pursuant to this chapter shall use no more than 5 percent of that appropriation or allocation for costs related to the administration of the housing program for which the appropriation or allocation was made.

(c) Both of the following shall be paid and deposited in the fund:

(1) Any moneys appropriated and made available by the Legislature for purposes of the fund.

(2) Any other moneys that may be made available to the department for the purposes of the fund from any other source or sources.

(d) In consultation with stakeholders, the department may adopt guidelines to implement this section, including to determine allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 17. Section 50517.10 of the Health and Safety Code is amended to read:

50517.10. (a) In addition to the purposes specified in subdivision (a) of Section 50517.5 and except as otherwise provided in subdivision (b), the department may make grants and loans under the Joe Serna, Jr. Farmworker Housing Grant Program to local public entities and nonprofit corporations in order to establish capitalized operating reserves for short-term occupancy housing for migrant farmworker households, purchase land for, and construct, housing structures for short-term occupancy by migrant farmworker households, lease or purchase existing structures for short-term occupancy by migrant farmworker households, and, where the department determines that extraordinary or emergency circumstances exist, directly rent or lease housing for short-term occupancy by migrant farmworker households.

(b) (1) Notwithstanding any other provision of this chapter, except as provided in paragraph (2), the department shall not make grants or loans under the Joe Serna, Jr. Farmworker Housing Grant Program on or after January 1, 2020, for the purpose of funding predevelopment of developing or operating any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker as defined in 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable. A person or entity who receives any grant or loan under the Joe Serna, Jr. Farmworker Housing Grant Program on or after January 1, 2020, and expends any of those funds for any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable, shall reimburse the department as provided in paragraph (2) of subdivision (b) of Section 50205.

(2) This subdivision shall not apply to any contract entered into or any grant or loan provided pursuant to the Joe Serna, Jr. Farmworker Housing Grant Program prior to January 1, 2020.

(3) The department shall not be responsible for inspecting units that are not subsidized by funding received from the department.

(4) A person or entity who receives funds under the Joe Serna, Jr. Farmworker Housing Grant Program on and after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the department declaring the following:

(A) (i) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205.

(ii) The person or entity will not rent, sell, or sublease any housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(B) The declaration described in subparagraph (A) can be met through the inclusion in a regulatory agreement or affordability covenant, as applicable, with the department that is signed by the person or entity receiving funds pursuant to this chapter.

SEC. 18. Section 50715 of the Health and Safety Code is amended to read:

50715. (a) Housing operated pursuant to this chapter may be used for the purposes set forth in Chapter 11.5 (commencing with Section 50800), provided that no funds appropriated for the purposes of this chapter shall be used for the operation or administration of this housing as emergency shelter pursuant to Chapter 11.5, and provided further that this housing may be made available as emergency shelter pursuant to Chapter 11.5 only during the months of November to March, inclusive.

(b) (1) Notwithstanding any other provision of this chapter, except as provided in paragraph (2), housing operated pursuant to this chapter shall not include any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker as defined in 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable. The department or a city, county, or other local agency shall not enter into any contract pursuant to Section 50710 or 50712, respectively, or provide any financial assistance under this chapter on or after January 1, 2020. A person or entity who receives financial assistance under this chapter on or after January 1, 2020, and expends any of those funds for any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable, shall reimburse the department as provided in paragraph (2) of subdivision (b) of Section 50205.

(2) This subdivision shall not apply to any contract entered into or any financial assistance provided pursuant to this chapter prior to January 1, 2020.

(3) A person or entity who receives funds under this chapter on and after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the department declaring the following:

(A) (i) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205.

(ii) The person or entity will not rent, sell, or sublease any housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(B) The declaration described in subparagraph (A) can be met through the inclusion in a regulatory agreement, contract, or affordability covenant, as applicable, with the department that is signed by the person or entity receiving funds pursuant to this chapter.

SEC. 19. Section 14556 of the Public Resources Code is amended to read:

14556. (a) Not less than once every six months, the department shall provide to the Legislature pursuant to subdivision (b), at a minimum, all of the following information for the current fiscal year and the budget year:

(1) An updated fund condition statement that includes the revenues, transfers, and expenditures into and out of the fund.

(2) The recycling rate, by beverage container material type, that is inferred using the revenues.

(3) An explanation of significant changes to the fund condition statement from the prior report and significant changes to the methodology used for forecasting the fund condition statement.

(4) Projected sales, which include all actual data available since the last reporting period, by beverage container material type and size, and actual or projected returns, which include all actual data available since the last reporting period, by beverage container material type, including an explanation in any case where the actual returns are more than 100 percent of actual sales.

(5) Projected handling fee payments, which include all actual data available since the last reporting period, the per beverage container handling fee amount, and the number of beverage containers projected to be eligible for a handling fee payment.

(6) Projected processing payments, which include all actual data available since the last reporting period, by beverage container material type, showing the total processing fee offsets, processing fees, and processing payments for each type of beverage container material.

(7) Total grants awarded during the current fiscal year.

(b) Notwithstanding Section 9795 of the Government Code, not less than once every six months, the department shall provide a written copy of the information required in subdivision (a) to the Joint Legislative Budget Committee and to the appropriate policy and fiscal committees of both houses of the Legislature and shall also post the most recent information required in subdivision (a) on the department's internet website.

(c) The department shall review the information included in the fund condition statement frequently, but not less than once every three months, to determine if adequate funds exist to pay the disbursements required pursuant to this division and to make the determinations required pursuant to subdivision (c) of Section 14581.

SEC. 20. Section 99312.1 of the Public Utilities Code is amended to read:

99312.1. (a) Revenues transferred to the Public Transportation Account pursuant to Sections 6051.8 and 6201.8 of the Revenue and Taxation Code for the State Transit Assistance Program are hereby continuously appropriated to the Controller for allocation as follows:

(1) Fifty percent for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board pursuant to Section 99314, for purposes of the State Transit Assistance Program.

(2) Fifty percent for allocation to transportation agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board pursuant to Section 99313, for purposes of the State Transit Assistance Program.

(b) For purposes of this chapter, the revenues allocated pursuant to this section shall be subject to the same requirements as revenues allocated pursuant to subdivisions (b) and (c), as applicable, of Section 99312.

(c) The revenues transferred to the Public Transportation Account for the State Transit Assistance Program that are attributable to subdivision (a) of Section 11053 of the Revenue and Taxation Code are hereby continuously appropriated to the Controller, and, upon allocation pursuant to Sections 99313 and 99314, shall only be expended on the following:

(1) Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or existing transit facilities, including rehabilitation or modernization of existing vehicles or facilities.

(2) The design, acquisition, and construction of new vehicles or facilities that improve existing transit services.

(3) Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

(d) (1) Before receiving an apportionment of funds pursuant to subdivision (c) from the Controller in a fiscal year, a recipient transit agency shall submit to the department a list of projects proposed to be funded with these funds. The list of projects proposed to be funded with these funds shall include a description and location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of a recipient transit agency to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (c).

(2) The department shall report to the Controller the recipient transit agencies that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds for the applicable fiscal year. The Controller, upon receipt of the report, shall apportion funds quarterly pursuant to Sections 99313 and 99314.

(e) For each fiscal year, each recipient transit agency receiving an apportionment of funds pursuant to subdivision (c) shall, upon expending those funds, submit documentation to the department that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

(f) The audit of transit operator finances required pursuant to Section 99245 shall verify that the revenues identified in subdivision (c) have been expended in conformance with these specific requirements and all other generally applicable requirements.

(g) Notwithstanding any other law, the Controller shall allocate the funds made available in subdivision (c) in the 2020–21 and 2021–22 fiscal years pursuant to Sections 99313 and 99314 and, for the funds allocated pursuant to Section 99314, shall allocate those funds in accordance with the individual operator ratios described in Section 99314.10.

(h) (1) Notwithstanding paragraphs (1), (2), and (3) of subdivision (c), a recipient transit agency may expend funds apportioned pursuant to subdivision (c) for the 2019–20 to 2021–22 fiscal years, inclusive, on any operating or capital costs to maintain transit service levels if the governing board of the recipient transit agency makes a declaration that the expenditure of those funds is necessary to prevent transit service levels from being reduced or eliminated.

(2) The requirements of subdivisions (d), (e), and (f) shall not apply to the receipt or expenditure of funds pursuant to paragraph (1).

SEC. 21. The Legislature finds and declares that it is the intent of the Legislature, in enacting Sections 23 and 24 of this measure, to clarify that county boards and multijurisdictional assessment appeals boards may continue to conduct hearings using remote means for the protection of public health and safety, and to prevent and mitigate the effects of the COVID-19 pandemic.

SEC. 22. Section 1604 of the Revenue and Taxation Code is amended to read:

1604. (a) (1) In counties of the first class, annually, on the fourth Monday in September, the county board shall meet to equalize the assessment of property on the local roll. It shall continue to meet for that purpose, from time to time, until the business of equalization is disposed of.

(2) In all other counties, annually, on the third Monday in July, the county board shall meet to equalize the assessment of property on the local roll. It shall continue to meet for that purpose, from time to time, until the business of equalization is disposed of.

(b) (1) An application for a reduction in an assessment filed pursuant to Section 1603 shall also constitute a sufficient claim for refund, if the applicant states in the application that the application is also intended to constitute a claim for refund pursuant to the provisions of Section 5097.

(2) The county board shall have no power to receive or hear any application for a reduction in an escaped assessment made pursuant to Section 531.1 nor a penal assessment levied in respect thereto, nor to reduce those assessments.

(c) If the county board fails to hear evidence and fails to make a final determination on the application for reduction in assessment of property within two years of the timely filing of the application, the applicant's opinion of value as reflected on the application for reduction in assessment shall be the value upon which taxes are to be levied for the tax year or tax years covered by the application, unless either of the following occurs:

(1) The applicant and the county board mutually agree in writing, or on the record, to an extension of time for the hearing.

(2) The application for reduction is consolidated for hearing with another application by the same applicant with respect to which an extension of time for the hearing has been granted pursuant to paragraph (1). In no case shall the application be consolidated without the applicant's written agreement after the two-year time period has passed or after an extension of the two-year time period previously agreed to by the applicant has expired.

The reduction in assessment reflecting the applicant's opinion of value shall not be made, however, until two years after the close of the filing period during which the timely application was filed. Further, this subdivision shall not apply to applications for reductions in assessments of property where the applicant has failed to provide full and complete information as required by law or where litigation is pending directly relating to the issues involved in the application.

(d) (1) When the applicant's opinion of value, as stated on the application, has been placed on the assessment roll pursuant to subdivision (c), and the application requested a reduction in the base year value of an assessment, the applicant's opinion of value shall remain on the roll until the county board makes a final determination on the application. The value so determined by the county board, plus appropriate adjustments for the inflation factor, shall be entered on the assessment roll for the fiscal year in which the value is determined. No increased or escape taxes other than those required by a purchase, change in ownership, or new construction, or resulting from application of the inflation factor to the applicant's opinion of value shall be levied for the tax years during which the county board failed to act.

(2) When the applicant's opinion of value has been placed on the assessment roll pursuant to subdivision (c) for any application other than an application requesting a reduction in base year value, the applicant's opinion of value shall be enrolled on the assessment roll for the tax year or tax years covered by that application.

(e) The county board shall notify the applicant in writing of any decision by that board not to hold a hearing on the applicant's application for reduction in assessment within the two-year period specified in subdivision (c) or, if applicable, within the period as modified by subdivision (f). This notice shall also inform the applicant that the applicant's opinion of value as reflected on the application for reduction in assessment shall, as a result of the county board's failure to hold a hearing within the prescribed time period, be the value upon which taxes are to be levied in the absence of the application of either paragraph (1) or (2) of subdivision (c).

(f) (1) Notwithstanding subdivision (c) or any other law, the two-year deadline by which a county board is required under subdivision (c) to render a final determination on a qualified application shall be extended until March 31, 2021. This extension of the two-year deadline shall apply retroactively to all qualified applications that have a two-year deadline under subdivision (c) occurring during the period beginning on March 4, 2020, and before the operative date of the act adding this subdivision.

(2) For purposes of this subdivision, "qualified application" means a pending application for reduction in assessment of property as described in subdivision (c) that is timely filed with the county board and has a two-year deadline under subdivision (c) occurring during the period beginning on March 4, 2020, and before March 31, 2021.

SEC. 23. Section 1616 is added to the Revenue and Taxation Code, to read:

1616. (a) Nothing in this chapter or in any other law shall be construed to prohibit a county board from conducting hearings remotely. Remotely conducted hearings include, but are not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; the use of remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.

(b) If a county board conducts a hearing remotely, it shall ensure compliance with the provisions of this chapter and any rules and procedures adopted by the county board of supervisors pursuant to Section 16 of Article XIII of the California Constitution.

SEC. 24. Section 1752.4 is added to the Revenue and Taxation Code, to read:

1752.4. (a) Nothing in this chapter or in any other law shall be construed to prohibit a multijurisdictional assessment appeals board from conducting hearings remotely. Remotely conducted hearings include, but are not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and

e-service; the use of remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.

(b) If a board conducts a hearing remotely, it shall ensure compliance with the provisions of this chapter and any rules and procedures adopted by the county board of supervisors pursuant to Section 16 of Article XIII of the California Constitution.

SEC. 25. Section 19551.2 is added to the Revenue and Taxation Code, to read:

19551.2. (a) Notwithstanding Section 19542, the Franchise Tax Board shall, upon request, when necessary for Employment Development Department (EDD) unemployment program administration, disclose to the EDD return or return information described in subdivision (b) in the records of the Franchise Tax Board, through information sharing agreements or data interfaces. These EDD unemployment programs include, but are not limited to, the federal Pandemic Unemployment Assistance program, Section 2102 of the federal Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. Sec. 9021), and any extension of this program, and the federal Disaster Unemployment Assistance program, Section 410 of the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5177).

(b) The return and return information authorized to be disclosed pursuant to this section are limited to information necessary to verify income, which may include, but not be limited to, earnings, identifying information, net profit and loss, self-employment, or other information needed for administration of the unemployment programs administered by the EDD.

SEC. 26. (a) The State Department of Social Services shall exchange data with the Franchise Tax Board upon request, including, but not limited to, the names, addresses, and contact information of individuals that may qualify for the California Earned Income Tax Credit. The data provided shall remain confidential and shall be used only for purposes directly connected with the California Earned Income Tax Credit.

(b) Notwithstanding Section 19542 or any other law, the Franchise Tax Board may disclose individual income tax return information for taxable years beginning on or after January 1, 2018, and before January 1, 2020, to the State Department of Social Services. The information provided shall remain confidential and shall be used only for purpose of informing state residents of the availability of federal economic stimulus payments.

SEC. 27. Section 337 is added to the Unemployment Insurance Code, to read:

337. (a) The director shall make publicly available, beginning on September 4, 2020, on the department's internet website, in addition to the information currently provided on the department's Unemployment Insurance (UI) Data Dashboard, the following information about unique unemployment insurance claims:

(1) The number of claims paid since March 1, 2020.

(2) The number of claims found to be ineligible since March 1, 2020.

(3) The number of claimants who have never certified for benefits and the number of claimants who have not provided wage information to qualify for a claim.

(4) The number of claims that are pending department resolution.

(5) The number of phone calls made into the Unemployment Insurance call centers, the number of unique callers, and the number of phone calls answered by staff in the prior two-week period.

(b) The director shall update the internet website every two weeks. However, the information to be reported publicly as listed in subdivision (a) may be requested to be substituted with data elements that are recommended as processes and technology are reviewed and updated. This request for substitution shall be submitted in writing to the Chairperson of the Joint Legislative Budget Committee.

(c) This section shall remain in effect only until July 1, 2021, and as of that date is repealed.

SEC. 28. Section 8256 of the Welfare and Institutions Code is amended to read:

8256. (a) Agencies and departments administering state programs created on or after July 1, 2017, shall collaborate with the coordinating council to adopt guidelines and regulations to incorporate core components of Housing First.

(b) By July 1, 2019, except as otherwise provided in subdivision (c), agencies and departments administering state programs in existence prior to July 1, 2017, shall collaborate with the coordinating council to revise or adopt guidelines and regulations that incorporate the core components of Housing First, if the existing guidelines and regulations do not already incorporate the core components of Housing First.

(c) (1) An agency or department that administers programs that fund recovery housing shall comply with the requirements of subdivision (b) by July 1, 2022.

(2) Until July 1, 2022, an agency or department that administers programs that fund recovery housing shall additionally do all of the following:

(A) In coordination with the Homeless Coordinating and Financing Council, consult with the Legislature, the Business, Consumer Services, and Housing Agency, the federal Department of Housing and Urban Development, and other stakeholders between July 1, 2020, and January 1, 2022, to identify ways to improve the provision of housing to individuals who receive funding from that agency or department, consistent with the applicable requirements of state law.

(B) Comply with the core components of Housing First, other than those components described in paragraphs (5) to (7), inclusive, of subdivision (b) of Section 8255.

(C) Ensure that recovery housing programs meet the following requirements:

(i) A recovery housing program participant shall sign an agreement upon entry that outlines the roles and responsibilities of both the participant and the program administrator to ensure individuals are aware of actions that could result in removal from the recovery housing program.

(ii) If a recovery housing program participant chooses to stop living in a housing setting with an abstinence focus, is discharged from the program, or is evicted from housing, the program administrator shall offer assistance in accessing other housing and services options, including options operated with harm-reduction principles. To the extent practicable, this assistance shall include connecting the individual with alternative housing providers, supportive services, and the local coordinated entry system, if applicable. This clause does not apply to an individual who leaves the program without notifying the program administrator.

(iii) The recovery housing program administrator shall track and report annually to the program's state funding source the housing outcome for each program participant who is discharged.

(3) For purposes of this subdivision, "recovery housing" means sober living facilities and programs that provide housing in an abstinence-focused and peer-supported community for people recovering from substance use issues. Participation is voluntary, unless that participation is pursuant to a court order or is a condition of release for individuals under the jurisdiction of a county probation department or the Department of Corrections and Rehabilitation.

SEC. 29. Section 27 of Chapter 15 of the Statutes of 2020 is amended to read:

SEC. 27. (a) The program authorized in schedule 1 of Item 2240-102-0001 of the Budget Act of 2020 shall be suspended on December 31, 2021, unless the Department of Finance determines that the estimates of General Fund revenues and expenditures determined pursuant to Section 12.5 of Article IV of the California Constitution that accompany the May Revision required to be released by May 14, 2021, pursuant to subdivision (e) of Section 13308 of the Government Code contain projected annual General Fund revenues that exceed projected annual General Fund expenditures in the 2021–22 and 2022–23 fiscal years by the sum total of General Fund moneys appropriated for all programs subject to suspension on December 31, 2021, pursuant to the Budget Act of 2020 and the bills providing for appropriations related to the Budget Act of 2020 within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution.

(b) It is the intent of the Legislature to consider alternative solutions to prevent the suspension of the authorization specified in subdivision (a).

SEC. 30. 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 or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 31. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 32. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.