

ASSEMBLY THIRD READING

AB 1445 (Levine)

As Amended January 3, 2022

Majority vote

SUMMARY

Adds the impacts of climate change to the list of factors used to develop the methodology for regional housing needs.

Major Provisions

Requires, beginning in 2025, that the methodology used by a council of governments (COG), their delegate subregions, or the Department of Housing and Community Development (HCD) for allocating regional housing needs must factor in the impacts caused by climate change, including emergency evacuation route capacity, wildfire risk, and sea level rise.

COMMENTS

Allocating Regional Housing Needs: The state plans for housing through the regional housing needs allocation (RHNA) and housing element processes. First, the state determines the overall need for new housing across a range of income categories. Then the state distributes this need among the state's regions. The regional housing need is then distributed to all of the region's jurisdictions by the region's council of governments (COGs), their designated subregion, or by HCD in the instance where the jurisdiction is not within a COG. Each jurisdiction is then required, through their housing element, to adequately plan to meet their share of the regional housing need.

This whole process occurs on an eight-year cycle (except for the state's most rural areas, where it occurs every five years). Currently, the state is in a transitional period where jurisdictions are either wrapping up the 5th eight-year cycle or beginning the 6th.

The distribution of the regional housing need is based on a methodology that is developed by the COG or subregion, in consultation with HCD. The methodology is subject to myriad legislated requirements, including that it consider a number of economic, environmental, equity, and transportation-related factors. Regions may also consider additional factors not explicitly listed in state law

Climate change impacts in California: California's climate is generally expected to become hotter, drier, and more variable over the coming decades, increasing the risk of catastrophic wildfires, droughts, floods, extreme weather, biodiversity loss, and sea level rise. These changes will impact California's residents, water supply, ecosystems, and economy. California's Fourth Climate Assessment estimates the economic cost to California for these losses by 2050 will be over \$100 billion annually. The scale and type of impacts will vary across regions. People who are already vulnerable, including lower-income and other marginalized communities, have lower capacity to prepare for and cope with extreme weather and climate-related events and are expected to experience greater impacts.

This bill would require that the impacts of climate change be included as a factor in developing the methodology for allocating regional housing need within a region. Regions would

specifically need to consider emergency evacuation route capacity, wildfire risk, and sea level rise, but could also consider any other climate change-related factor.

The requirements in this bill would not become operative until 2025. As such, it would first apply to the 7th eight-year cycle of RHNA and housing elements, which is the earliest this bill could be applicable, given that the regional distribution methodology for the 6th cycle was developed for most jurisdictions in 2019-2020. However, its delayed implementation may effect this bill's efficacy. It is also likely that the requirements for the 7th cycle will be looked at in a more holistic way in the coming years. Such a review would provide potentially a more timely opportunity than this bill to discuss the issue of climate change as it relates to the RHNA and the housing element process.

According to the Author

According to the author, "Climate disasters and the impacts of climate change on our state have made more and more places risky to live. In 2020, California experienced another devastating and record-breaking wildfire season; 4,257,863 acres burned, 33 lives were lost and 10,488 structures damaged or destroyed. In addition to fires, severe drought and periods of record-breaking heat, science has shown that climate change will result in a gradual and permanent rise in global sea levels. The U.S. Geological Survey estimates that by 2100, about 6 feet of sea level rise and recurring annual storms could impact over 480,000 California residents. Unfortunately, as our state faces a climate crisis, it also faces a housing crisis and local governments must factor the impacts of climate disasters into their housing planning.

AB 1445 requires a council of governments, a delegate subregion or the Department of Housing and Community Development to, starting in January 1, 2025, additionally consider among other required factors, emergency evacuation route capacity, wildfire risk, sea level rise and other impacts of climate change. This bill will ensure local governments are taking into account the impending impacts of climate change and disasters on risk to residents when planning for housing in their communities."

Arguments in Support

Supporters of this bill argue that climate change will have devastating effects on our communities that need to be accounted for in housing policy. According to the Sierra Club, AB 1445 would help by ensuring that "local governments are taking into account the impending impacts of climate change and disasters on risk to residents when planning for housing in their communities."

Arguments in Opposition

There is no opposition on file to this bill.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) HCD estimates, beginning in 2024-25, ongoing annual costs of \$61,000 (GF) to, in addition to the other statutory requirements, evaluate data on emergency evacuation route capacity, wildfire risk, sea level rise and other impacts caused by climate change when developing a final regional housing plan for cities and counties without a council of governments.

This estimate includes additional resources to provide guidance to COGs in the preparation of a survey of jurisdictions and consultations with jurisdictions, to ensure the appropriate data for emergency evacuation route capacity, wildfire risk, sea level rise and other impacts caused by climate change is collected from jurisdictions.

- 2) Local costs are not reimbursable by the state because local agencies have general authority to charge and adjust planning fees to cover their related costs.

VOTES

ASM LOCAL GOVERNMENT: 6-1-1

YES: Aguiar-Curry, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas

NO: Lackey

ABS, ABST OR NV: Voepel

ASM HOUSING AND COMMUNITY DEVELOPMENT: 6-1-1

YES: Wicks, Carrillo, Gabriel, Kalra, Quirk-Silva, Ward

NO: Seyarto

ABS, ABST OR NV: Kiley

ASM APPROPRIATIONS: 11-3-2

YES: Holden, Bryan, Calderon, Luz Rivas, Gabriel, McCarty, Levine, Quirk, Robert Rivas, Stone, Mullin

NO: Bigelow, Davies, Fong

ABS, ABST OR NV: Megan Dahle, Akilah Weber

UPDATED

VERSION: January 3, 2022

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FN: 0002112