

Date of Hearing: June 17, 2026

ASSEMBLY COMMITTEE ON INSURANCE
Lisa Calderon, Chair
SB 1170 (Durazo) – As Introduced February 18, 2026

SENATE VOTE: 36-0

SUBJECT: Joint powers agreements: nonprofit housing developers

SUMMARY: Authorizes nonprofit housing developers to enter into joint powers agreements (JPAs) with public agencies for purposes of insurance risk pooling. Specifically, **this bill:**

- 1) Authorizes a nonprofit housing developer to enter into a JPA with one or more public agencies for the purpose of insurance risk pooling, and to be coinsured under a master policy with the total premium prorated among coinsured entities, as specified.
- 2) Specifies that a nonprofit housing developer may enter into a JPA with any public agency for the purpose of jointly exercising any power common to the contracting parties.
- 3) Specifies that a nonprofit housing developer may only enter into a JPA with a public agency if the agreement specifies that no participating public agency may become responsible for the underlying debts or liabilities of the joint powers agency and that the public agency is indemnified against those debts and liabilities.
- 4) Specifies that a JPA established pursuant to the provisions of the bill shall solely use revenues it generates through the insurance it provides to its members for its necessary operating expenses, and to provide technical support, continuing education, safety engineering, and operational and managerial advisory assistance to its members for the purpose of reducing risk liabilities and furthering the technical managerial and financial capacity of those members.

EXISTING LAW:

- 1) Allows, pursuant to the Joint Exercise of Powers Act (JPA Act), two or more public agencies by agreement to jointly exercise any power common to the contracting parties, as specified, if authorized by their legislative or other governing bodies. (Government Code (GOV) Section 6500, *et seq.*)
- 2) Defines, for purposes of the JPA Act, “public agency” to mean "the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, a federally recognized Indian tribe, or any joint powers authority formed pursuant to the JPA Act by any of these agencies." (GOV Section 6500)
- 3) Allows two or more local public entities, by a JPA, to provide insurance coverage or self-insurance, or to obtain insurance coverage by means of a reciprocal or inter-insurance exchange. JPAs offer self-insurance coverage on a pooled basis for a variety of purposes,

including liability (malpractice and officers and directors coverage), workers' compensation, health insurance, and property coverage. (GOV Section 6512.2)

- 4) Provides that the pooling of self-insured claims or losses among entities participating in a JPA are not subject to regulation under the Insurance Code, as provided. (GOV Section 990.8(c))
- 5) Authorizes affordable housing entities, as defined, to join with one or more other affordable housing entities in an arrangement providing for the pooling of self-insured claims or losses with respect to insurance covering liability and insurance covering losses arising from physical damage to motor vehicles, personal property, real property, or other property owned or operated by the affordable housing entity; and specifies that the pooling arrangement shall not be considered insurance, and shall not be subject to regulation under the Insurance Code. (Insurance Code (INS) Section 13900, *et seq.*)
- 6) Defines “affordable housing entity,” for the purposes of 5), above, to mean a housing authority created under the laws of this state or another jurisdiction and any agency or instrumentality of a housing authority, a nonprofit corporation organized under the laws of this state or another state that is engaged in providing affordable housing, or a partnership, general or limited, or limited liability company that is engaged in providing affordable housing that is affiliated with a housing authority, as specified. (INS Code Section 13907)
- 7) Allows specified private, non-profit hospitals to enter into JPAs with public agencies, as specified. (GOV Sections 6523.4 – 6524)
- 8) Allows private, non-profit corporations that provide services for zero-emission transportation to enter into JPAs with public agencies to facilitate the development, construction, and operation of zero-emission transportation systems or facilities, as specified. (GOV Section 6538.5)
- 9) Allows private, non-profit corporations that provide health care services to enter into JPAs with public agencies for the purposes of providing health care services, as specified. (GOV Section 6538.6)
- 10) Allows various specified local agencies to enter into JPAs to fund housing to assist the homeless population and persons and families of extremely low, very low, and low income, as specified. (GOV Sections 6539.1 – 6539.9)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) *Purpose:* According to the author:

I am proud to author Senate Bill 1170, which allows affordable housing developers and public agencies to partner on self-insuring affordable housing developments through a risk-pooling Joint Powers Authority (JPA). This measure aims to address the significant increases in insurance costs for 100% affordable housing developers, as well as a lack of available insurance altogether.

California is struggling with an affordable housing crisis, with over half of Californians considered rent-burdened. At the same time, the affordable housing supply in California cannot meet current demand, exacerbating the affordable housing crisis in the most populous and second most expensive state in country. As affordable housing developers are working on addressing the urgent need for housing, they are seeing insurance premiums rise, if they can get insurance at all. Many affordable housing developers are reporting over **100 percent insurance premiums increases**.

By allowing non-profit developers to join a risk-pooling JPA that pools self-insurance claims and losses, SB 1170 will help reduce affordable housing insurance costs and lower affordable housing production costs. This will help preserve existing affordable housing developments and encourage the production of more affordable housing.

This bill is author-sponsored.

- 2) *JPAs, risk pooling, and affordable housing developers*: Under existing law, public agencies may form JPAs to jointly exercise any power common to all members. JPAs offer self-insurance coverage on a pooled basis for a variety of purposes, including liability (malpractice and officers and directors coverage), workers' compensation, health insurance, and property coverage. Pooling of self-insured claims or losses among local public entities is not considered insurance and is not subject to regulation under the Insurance Code.

As property and liability insurance rates continue to rise in California, alternative risk-financing mechanisms have become increasingly attractive, particularly among entities less capable of recouping costs through price increases.

As Enterprise Community Partners, a national non-profit dedicated to affordable housing development, explains in support of the bill, this includes affordable housing developers:

California is facing a severe insurance crisis that has significantly impacted the affordable housing sector in California. Between 2020 and 2022, insurance costs for affordable housing providers increased by 56% on average, with some providers experiencing rate hikes as high as 500% from 2022 to 2024. These increases, coupled with reductions in coverage availability and scope, threaten the financial viability of affordable housing developments that the state has invested billions of dollars to build and operate. Unlike market-rate housing, where costs can be offset through rent increases or profit margins, affordable housing providers operate under strict regulations on rents as well as significant financial constraints as mission-driven organizations. As a result, many are being forced to implement coping strategies, including using operational reserves meant for one time uses, deferring necessary property maintenance and improvements, cutting services and staff, and reducing insurance coverage, which increases financial vulnerability. Even these coping strategies, however, only provide short-term relief.

Over the past several years, California has authorized similar categories of private entities operating in the public interest to enter into JPAs with public agencies for the purpose of risk pooling. These include non-profit hospitals and other non-profit organizations providing health care services, non-profit corporations that provide services for zero-emission transportation, non-profit charter schools, water corporations, and private childcare providers.

This bill would authorize non-profit housing developers to enter into JPAs with public agencies for the purpose of pooling self-insurance claims or losses. Considering the state's substantial investments in housing development, providing new tools for obtaining more affordable coverage against potential loss in this domain is arguably appropriate.

- 3) *Overlap with existing law:* Division 4 of the Insurance Code (commencing with Section 13900) authorizes an affordable housing entity to join with one or more other affordable housing entities in an arrangement providing for the pooling of self-insured claims or losses with respect to insurance covering liability or property, but prohibits such a pool from providing workers' compensation insurance. That statute further provides that such a pooling arrangement shall not be considered insurance, and shall not be subject to regulation under the Insurance Code.

That provision defines "affordable housing" to mean developments in which some of the dwelling units may be purchased or rented, with or without government assistance, on a basis that is affordable to persons or families of low or moderate income. It also defines "affordable housing entity" to mean any of the following: a housing authority created under the laws of this state or another jurisdiction and any agency or instrumentality of a housing authority; a nonprofit corporation organized under the laws of this state or another state that is engaged in providing affordable housing; or a partnership, general or limited, or limited liability company that is engaged in providing affordable housing that is affiliated with a housing authority, as specified.

The JPA-based risk-pooling authority provided by this bill is somewhat broader than what is provided under existing law. While existing law applies only to "affordable" housing entities, this bill would apply to any non-profit housing developer, regardless of whether the housing developed is intended to be affordable to persons or families of low or moderate income. Additionally, while existing law authorizes affordable housing entities to enter into risk-pools for the purposes of insuring against liability and property loss (and explicitly prohibits risk-pooling for workers' compensation insurance), this bill provides broader authority to pool self-insurance claims or losses, potentially including workers' compensation insurance and health insurance, among others. Rising insurance costs in any of these domains stands to reduce the capacity of non-profit housing developers to develop and maintain additional housing, and accordingly, this expansion of risk-pooling authority through the JPA mechanism provided by this bill could prove more valuable in facilitating more robust housing development in the state.

Regardless of overlap between existing law and this bill, this bill clearly provides additional tools beyond existing law for non-profit housing developers to more affordably insure against losses of all types.

4) *Double referral*: This bill is double-referred to the Assembly Committee on Local government.

5) *Prior legislation*:

AB 428 (B. Rubio, Ch. 151, Stats. 2025) authorizes water corporations to enter into a JPA with public agencies and mutual water corporations for the purposes of insurance risk pooling.

AB 2735 (B. Rubio, 2024) would have authorized water corporations to join JPAs that include a public entity and a mutual water company, should the water corporation meet specified criteria in doing so. AB 2735 was substantially similar to AB 428, and was vetoed by the Governor

SB 1226 (Durazo, Ch. 423, Stats. 2022) allows a private, non-profit corporation that provides services for zero-emission transportation to enter into a JPA with a public agency to facilitate the development, construction, and operation of zero-emission transportation systems or facilities.

AB 1403 (Maienschein, Ch. 188, Stats. 2015) allows a private, non-profit corporation that provides services to homeless persons for the prevention of homelessness to form a JPA or enter into a JPA with a public agency.

AB 2327 (Harkey, Ch. 384, Stats. 2010) authorizes an affordable housing entity, as defined, to join with one or more affordable housing entities in an arrangement providing for the pooling of self-insured claims or losses, and specifies that such an arrangement is not considered insurance and is not subject to regulation under the Insurance Code.

AB 101 (Steinberg, Ch. 14, Stats. 2000) allows a private (non-profit or for-profit) charter school to be considered a public agency for membership in a JPA for insurance risk pooling.

AB 1486 (Speier, Ch. 726, Stats. 1993), among other things, allows private childcare providers to enter into a JPA with a public agency for insurance risk pooling.

REGISTERED SUPPORT / OPPOSITION:

Support

City and County of San Francisco
Enterprise Community Partners, INC.

Little Tokyo Service Center
Southern California Association of Nonprofit Housing

Opposition

None on file.

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