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March 22, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol Building
Sacramento, CA 95814

Dear Governor Newsom:

Thank you for your leadership and partnership during this unprecedented public health crisis. The League of California Cities appreciates the open lines of communication with your Administration and the combined effort to address needs in real time.

With our cities on the front lines of responding to this crisis, while continuing to deliver essential services, it is critical that we continue to work together as new issues and concerns arise. We know you share our intent to make the best decisions we can to protect our communities.

City resources and personnel are stretched thin, as they navigate the response necessary to contain the COVID-19 outbreak while complying with the requirements for social distancing and self-quarantining. Many city employees who would normally assist in ensuring that cities comply with certain statutory requirements have been pulled from their regular assignments to work on emergency response efforts.

In light of this, the League of California Cities respectfully requests that you take immediate action to pause certain statutory requirements, so that cities can devote the resources necessary to protect the health and safety of all Californians. Specifically, we request the following relief during the period that began on March 4, 2020 with the issuance of your Proclamation of a State of Emergency as a result of threat of COVID-19 ("State of Emergency"):

Review and Approval of Development Projects

- Existing law requires completion of review and decisions on development applications within strict time limits. Failure by a city to approve or disapprove a development project within those time limits may result in the project being "deemed" approved.
  - **Relief Requested:** Extend the deadlines in the Permit Streamlining Act (Gov. Code § 65920 *et seq.*), Housing Accountability Act (Gov. Code § 65589.5), Subdivision Map Act (Gov. Code § 66410 *et seq.*), and Government Code section 65852.2, relating to Accessory Dwelling Units, by 120 days from when the deadline would otherwise expire if the

deadline would have expired during the State of Emergency or the application is submitted during the State of Emergency.

Housing Elements

- Existing law requires cities to review their Housing Elements "as frequently as appropriate" in order to evaluate progress made and any changing conditions affecting its housing needs, and to report on the status and progress of implementing the Housing Element annually. Depending on jurisdiction and other factors, a minimum four-year, five-year, or eight-year revision cycle applies. The housing elements in several regions will be due in the next year or two (upcoming deadlines can be found at the following link: **https://www.hcd.ca.gov/community-development/housing-element/docs/6th-web-he-revised-duedate.pdf**. Although some of these deadlines seem far off, there are many things that have to be done prior to submitting a Housing Element to the Department of Housing and Community Development (HCD), including the solicitation of robust public input (statutory community meetings, California Environmental Quality Act scoping meetings, etc.). Further, in developing their housing elements, cities benefit from technical assistance from HCD and are required to plan for their share of the regional housing need developed by councils of governments. Orders to self-isolate, closure of government facilities, and closure of many businesses will make it virtually impossible to engage the community in the manner required by this mandate. Moreover, many cities are preparing comprehensive General Plans, in addition to their mandatory Housing Elements, to ensure that their General Plans are internally consistent. Because of the necessary measures cities must take during this public health emergency, cities will not be able to devote the time and attention necessary for adoption of a community-supported Housing Element in a timely manner.
    - **Requested Relief:** Extend the dates by which cities must submit their Housing Elements to HCD by six months if they are required to submit their Housing Elements in 2020 or 2021. Extend the requirement in Government Code section 65400 that cities submit an annual report on the status and progress to HCD before April 1, 2020 by 120 days to July 30, 2020.

Housing and Community Development (HCD) Grant Programs

- Existing law authorizes HCD to administer programs that provide grants and loans (from both state and federal housing programs) that create rental and homeownership opportunities. Without these programs cities have fewer resources to ensure all Californians, including veterans, seniors, people with disabilities, farmworkers, and individuals and families who are experiencing homelessness, have access to housing.
    - **Requested Relief:** Direct HCD to extend the application deadlines for all HCD grant programs that would otherwise expire during the State of

Emergency to 120 days after the Governor terminates the State of Emergency.

California Environmental Quality Act

- Existing law establishes certain deadlines that lead agencies must comply with to determine the environmental impact of proposed projects.
  - **Relief Requested:** Direct the Governor's Office of Planning and Research to adopt guidelines extending lead agency deadlines established pursuant to the California Environmental Quality Act by 120 days from when the deadline would otherwise expire if the deadline would have expired during the State of Emergency, including but not limited to:
    - Public Resources Code Section 21000 *et seq*., which sets forth the requirements of environmental review of projects and establishes publication and public comment periods, as that section applies to applications deemed complete prior to the declaration of the State of Emergency;
    - CEQA guidelines section 15102, which provides 30 days to determine whether an EIR or Negative Declaration will be required;
    - CEQA guidelines section 15103, which provides a 30 day window within which an agency must review and comment on a notice of preparation;
    - CEQA Guidelines section 15104, which requires that a meeting requested by a project applicant be convened within 30 days of the request;
    - CEQA guidelines section 15105, which establishes the public agency review period for a draft environmental impact report or negative declaration;
    - CEQA guidelines section 15107, which provides that a negative declaration for a private project must be completed within 180 days of the application being deemed complete.
    - CEQA guidelines section 15108, which provides that an environmental impact report for a private project must be completed within one year of the application being deemed complete.

Transportation Funding

- In order for cities to obtain SB 1 (Beall, Statutes of 2017) road maintenance and rehabilitation account funds, existing law requires cities to maintain their existing commitment of local funds for street, road, and highway purposes. The amount of this commitment is calculated pursuant to Streets & Highways Code section 2036. In addition, cities are required to develop a list of projects they propose to be

funded with SB 1 funds by May 1 of each year. If a city does not submit the list of projects within 90 days of the May 1 deadline, the city forfeits the funding.

- **Requested Relief:** Reduce the requirement in California Streets and Highways Code section 2036(b) that cities expend a certain amount of general fund revenue for street, road, and highway purposes by 25 percent to account for the reduction in spending during the fourth quarter of the fiscal year, as a result of the State of Emergency. Extend the deadline to submit a list of projects established by the California Transportation Commission pursuant to California Streets and Highways Code section 2034 in its "Local Streets and Roads Funding Program 2019 Reporting Guidelines" (August, 2018) by 120 days to August 29, 2020.

Public Records Act

- Existing law requires an agency to respond to a request for a public record within 10 days of receiving the request. Under "unusual circumstances" (as defined), an agency may extend the period for responding by up to 14 days. "Unusual circumstances" does not include a public health emergency, such as the State of Emergency. Some cities may be able to continue to comply with the current statutory deadlines. Other cities will not, due to factors such as limited staffing or IT capability.
  - **Relief Requested:** State that the phrase "unusual circumstances" found in Section 6253(c) includes the State of Emergency. Suspend the provision of Government Code 6253(c) that limits the extension to respond to 14 days for all Public Records Act requests other than those for records created during, and relating to, the State of Emergency.

Political Reform Act - Form 700

- Existing law requires certain local elected officials and employees to submit a Statement of Economic Interest, also known as Form 700, by April 1 of each year. Failure to timely file Form 700 results in the imposition of fines in the amount of $10 per day up to $100.
  - **Relief Requested:** Direct the Fair Political Practices Commission (1) not to impose fines under Government Code section 91013 for failure to timely file Form 700s by April 1, 2020; and (2) to establish a new filing deadline after the Governor terminates the State of Emergency.

California Government Claims Act

- Existing law requires cities to provide certain notices to claimants who submit a Government Claims Act claim within very short deadlines, ranging from 20 to 45 days. If the city does not provide such notices within the deadlines, the city may lose certain defenses and may be subject to longer statutes of limitations. The Governor's Executive Order N-35-20 appears to offer some relaxation of these requirements, including the time within which the State must act upon claims.

However, there are some remaining ambiguities, including the time within which local agencies must act upon claims.

- **Relief Requested**: Toll the requirements that local agencies provide notice to Government Claims Act claimants—including but not limited to those under Government Code sections 910.8, 911.3, 911.6, 912.4, and 915.2—until 20 to 45 days after the Governor terminates the State of Emergency, if either the deadline to provide notice would have expired during the State of Emergency or the claim is submitted during the State of Emergency.

Solar Permits

- Existing law provides that an application for approval of a solar installation will be deemed approved in the absence of a written denial within 45 days.
  - **Requested Relief:** Extend the deadline in Civil Code section 714(e)(2)(B) by 120 days to 165 days if the deadline would have expired during the State of Emergency or the application is submitted during the State of Emergency.

Wireless Telecommunication Facilities:

- Existing law provides that a collocation or siting application for wireless telecommunications facility shall be deemed approved if certain requirements are met, including that a city or county fails to approve or disapprove the application within a "reasonable period of time."
  - **Requested Relief:** Suspend application of Government Code section 65964.1 until the Governor terminates the State of Emergency.

Financial Reports

- Existing law provides that cities must submit to the State Controller information on annual compensation for the previous calendar year no later than April 30.
  - **Requested Relief:** Extend the deadline in Government Code section 53891 for submitting compensation information to the State Controller by 120 days to August 28, 2020.

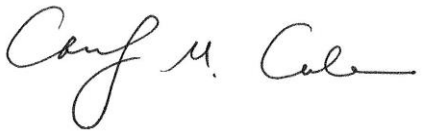
Police Department Registration

- Existing law requires sex offenders to register with the police department within five days of moving into or changing their address, or 30 days if the individual is without housing. Existing law also requires arson offenders to register with the police department within 14 days of moving into or changing their address in a jurisdiction. These registrations require in-person fingerprinting, photographs, and signing of documents. Fingerprinting is problematic at this time, in light of the social distancing recommendations, as it requires person to person contact (police department employees must hold the registrants hand in place to scan).
  - **Requested Relief:** Toll the deadlines for fingerprinting in penal code sections 290 (sex offenders) and 457.1 (arson offenders) until the Governor terminates the State of Emergency.

LEAGUE OF CALIFORNIA CITIES

Thank you again for your leadership and partnership during these uncertain times. I appreciate your consideration of these urgent requests. If you have questions or would like to further discuss, please do not hesitate to contact me at (916) 658-8200.

Sincerely,



Carolyn M. Coleman
Executive Director