

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1943

Introduced by Assembly Member Bigelow

February 10, 2022

~~An act to amend Section 4741 of the Public Resources Code, relating to wildfires.~~ *An act to add and repeal Chapter 2.6 (commencing with Section 50480) of Part 2 of Division 31 of the Health and Safety Code, relating to housing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1943, as amended, Bigelow. ~~Wildland fire prevention and vegetation management.~~ *Housing: the Tiny Homes of California Act.*

Existing law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency and requires the Department of Housing and Community Development to administer various housing programs, including programs intended to fund the acquisition of property to develop or preserve affordable housing. Existing law establishes various programs intended to address homelessness in this state.

Existing law declares that the Department of Forestry and Fire Protection has extensive technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed lands that, when appropriately applied, can have significant public resource benefits, including decreasing high-intensity wildland fires. Existing law requires the ~~department~~ *Department of Forestry and Fire Protection* to assist local governments in preventing future high-intensity wildland fires and instituting appropriate fuels management by making the

department’s wildland fire prevention and vegetation management expertise available to local governments, as provided.

~~This bill would make nonsubstantive changes to the provision requiring the department to make its wildland fire prevention and vegetation management expertise available to local governments.~~

This bill would enact the Tiny Homes of California Act and would require the Department of Housing and Community Development, in consultation with the Department of Forestry and Fire Protection, to develop and administer a pilot program, within 5 counties selected by the department, for the construction of tiny homes from lumber harvested from public utilities, landowners, cities, counties, cities and counties, or other local governing bodies. By requiring select counties to participate in the pilot program, this bill would impose a state-mandated local program. The bill would define various terms for these purposes and would repeal the Tiny Homes of California Act on January 1, 2028.

The bill would also make findings and declarations related to a gift of public funds.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares each of the
- 2 following:
- 3 (a) Forest management and preventative wildfire policies are
- 4 key solutions to climate change.
- 5 (b) It is vital that the State of California address climate change,
- 6 the problems facing individuals experiencing homelessness, and
- 7 the lack of affordable housing within the state.
- 8 SEC. 2. Chapter 2.6 (commencing with Section 50480) is added
- 9 to Part 2 of Division 31 of the Health and Safety Code, to read:

1
2 *CHAPTER 2.6. THE TINY HOMES OF CALIFORNIA ACT*
3

4 50480. *This chapter shall be known, and may be cited, as the*
5 *Tiny Homes of California Act.*

6 50481. *For purposes of this chapter:*

7 (a) *“Public utility” shall have the same meaning as it is defined*
8 *in paragraph (1) of subdivision (a) of Section 216 of the Public*
9 *Utilities Code and as it is described in Section 218 of the Public*
10 *Utilities Code.*

11 (b) *A “tiny home” shall include any detached, single-family*
12 *dwelling unit that meets each of the following conditions:*

13 (1) *It is used as permanent housing with permanent provisions*
14 *for living, sleeping, eating, cooking, and sanitation.*

15 (2) *It is built in accordance with all applicable building codes.*

16 (3) *It is constructed on or mounted on a foundation and*
17 *connected to public utility services.*

18 (4) *It is a residential dwelling unit of not less than 150 square*
19 *feet and not more than 400 square feet in living area.*

20 (c) *“Lumber” shall have the same meaning as it is defined in*
21 *Sections 4629.3, 4630, 4650.1, and 4851 of the Public Resources*
22 *Code.*

23 50482. (a) *The Department of Housing and Community*
24 *Development, in consultation with the Department of Forestry and*
25 *Fire Protection, shall develop and administer a pilot program for*
26 *the construction of tiny homes from lumber harvested by any public*
27 *utility, landowner, city, county, city and county, or other local*
28 *governing body.*

29 (b) *In carrying out its duties under this chapter, the Department*
30 *of Housing and Community Development shall do both of the*
31 *following:*

32 (1) *Develop guidelines for the construction of the tiny homes.*

33 (2) *Select five counties to participate in the pilot program.*

34 (c) *The department may adopt regulations to implement this*
35 *chapter in accordance with the rulemaking provisions of the*
36 *Administrative Procedure Act (Chapter 3.5 (commencing with*
37 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
38 *Code).*

39 50483. *This chapter shall be in effect until January 1, 2028,*
40 *and as of that date is repealed.*

1 *SEC. 3. The Legislature hereby finds and declares that the*
 2 *pilot program and subsequent construction of housing authorized*
 3 *by Section 50482 of the Health and Safety Code as added by this*
 4 *bill serves the public purposes of combating climate change,*
 5 *addressing the shortage of affordable housing, and providing*
 6 *shelter for individuals experiencing homelessness within the state*
 7 *and does not constitute a gift of public funds within the meaning*
 8 *of Section 6 of Article XVI of the California Constitution.*

9 *SEC. 4. If the Commission on State Mandates determines that*
 10 *this act contains costs mandated by the state, reimbursement to*
 11 *local agencies and school districts for those costs shall be made*
 12 *pursuant to Part 7 (commencing with Section 17500) of Division*
 13 *4 of Title 2 of the Government Code.*

14 ~~SECTION 1. Section 4741 of the Public Resources Code is~~
 15 ~~amended to read:~~

16 ~~4741. (a) In accordance with policies established by the board,~~
 17 ~~the department shall assist local governments in preventing future~~
 18 ~~high-intensity wildland fires and instituting appropriate fuels~~
 19 ~~management by making the department’s wildland fire prevention~~
 20 ~~and vegetation management expertise available to local~~
 21 ~~governments to the extent possible within the department’s~~
 22 ~~budgetary limitations.~~

23 ~~(b) A department recommendation made pursuant to subdivision~~
 24 ~~(a) shall be advisory in nature and a local government shall not be~~
 25 ~~required to follow the recommendation.~~

26 ~~(c) This section does not alter the existing obligations of a local~~
 27 ~~government or affect the existing liability of a local government.~~

28 ~~(d) For purposes of this section, “local governments” include~~
 29 ~~cities, counties, and special districts.~~