

Assignment #4 (Due Date by Midnight on October 29, 2018)
Statutory Research Exercise
Email to Christopher.Cheleden@sjsu.edu
(Approximately 500 Words/2 pages double-spaced)

The purpose of this Assignment is to familiarize you with how to research California statutes using available information on the California Legislature's website and the internet. Earlier in the semester, during our discussion of general plans, we discussed the recent legislation that required General Plans to include "environmental justice" elements. I thought it would be useful to learn more about this legislation and use it as a class exercise to conduct statutory research.

The instructions for the assignment are as follows:

1. Go to: <http://leginfo.legislature.ca.gov/>
2. Click on the "Bill Information" tab in the upper left corner.
3. For Session Year enter 2015-2016
4. In keywords enter "environmental justice"
5. There should be 24 bills listed with the words "environmental justice" Keep in mind that these are all bills including bills that have passed and become law and bills that were introduced and never passed. Scroll through the 24 bills. You are looking for the one that mentions the Planning and Zoning Law. Hopefully, you will identify SB 1000. "SB" stands for Senate Bill meaning it was introduced by a Senator. "AB" or Assembly means it was introduced by an Assembly Member.
6. Click on SB 1000. You should notice that at the top of the page it indicates "Approved by the Governor September 24, 2016. Filed with the Secretary of State September 24, 2016." This means that SB 1000 was enacted and is law in California.
7. Read the Legislative Counsel's Digest which is about 3 paragraphs at the top of the page. This will explain the purpose of the new law, as well as how it changes the existing law.
(more instructions follow the next few paragraphs)

SB 1000 added Government Code Section 65302(h) to require an Environmental Justice Element to read as follows:

(h)(1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) "Public facilities" includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) "Low-income area" means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

8. Click on the Bill Analysis Tab

9. Click on the 3/31/16 Senate Governance and Finance Tab and read the Bill Analysis.

10. Click on the 8/31/16 Senate Floor Analysis and read the Bill Analysis.

11. Google "Senate Bill 1000" "Environmental Justice" and click on News tab.

12. Read articles 4 articles discussing SB 1000.

Now that you have completed the above, please write an approximately 500 word (2 page double-spaced paper) that addresses the following:

1. Who was in favor of the bill and who opposed and why do you think these groups were in favor or opposed?
2. What problem is SB 1000 trying to solve?
3. How well do you think it will solve the problem? If you think it will solve the problem, why do you think it will solve it? If you think it won't solve it, why not?
4. Was the newspaper coverage of SB 1000 accurate?
5. As a planner, how would you have revised the bill to better address environmental justice issues?
6. Do you have any other thoughts about this assignment, either the research or SB 1000 itself?

Thanks. Please contact me with questions!