



## CITY OF ALBANY CITY COUNCIL AGENDA STAFF REPORT

Agenda Date: June 17, 2024

Reviewed by: NA

**SUBJECT:** Letter of Support to the California State Legislature regarding Senate Bill (SB) 721 allowing the development of student housing to be counted towards the City's Housing Element Regional Housing Needs Allocation (RHNA)

**REPORT BY:** Leslie Mendez, Planning Manager  
Jeff Bond, Community Development Director

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### **SUMMARY**

The action before the City Council is to authorize the Mayor to prepare a letter to the California State Legislature in support of Senate Bill 721, which would allow the development of student housing to be counted towards the City's Regional Housing Needs Allocation (RHNA) in fulfillment of Housing Element objectives.

### **STAFF RECOMMENDATION**

That the Council authorize the Mayor to submit a letter to the California State Legislature in support of Senate Bill (SB) 721, which would allow the development of student housing to be counted towards the City's Regional Housing Needs Allocation (RHNA).

### **BACKGROUND**

The US Census Bureau instructs college students living on or near campus to list their campus-related housing, whether in student designated group quarters, or in private market housing, as the location of their residence. According to an analysis prepared as part of the UC Berkeley Long Range Development Plan, in the academic year 2018-2019, 4% of the campus student population lived in Albany, totaling 1,588 students. The student population represents approximately 8% of the City's total population.

For the period 2023 to 2031, the City of Albany's RHNA is 1,114 units. The City is required to report annually on the progress towards achieving the RHNA allocation. The RHNA annual reporting issue arises because the California Department of Housing and Community Development (HCD) instructs cities not to include the development of student housing in the annual report of housing production because the Census characterizes student housing as group quarters. Thus, while the development of student housing serves legitimate Albany residents, and addresses a real housing need, the city does not receive credit for accommodating students. It should be noted that HCD is generally permissive of considering other types of group

housing, such as single room occupancy housing and senior housing for example, as counting towards RHNA.

As the campus expands enrollment in the future, it is reasonable to expect that more students will wish to live in Albany, and the City should receive credit for an increase in housing serving student needs. If credit is not received, the City may be perceived unfairly for not addressing or supporting the housing needs of the community, which may affect future funding opportunities from the State.

## **DISCUSSION**

On April 29, 2024, Senator Josh Becker (D-San Mateo and Santa Clara Counties) amended Senate Bill 721 to include proposed amendments to the California Government Code that would allow cities to count the development of suite-style student housing towards their RHNA obligations.

It would appear that if the legislation as drafted is approved by the Legislature and signed by the Governor, the new law would allow the City to count the xučyun runway graduate student housing project currently under construction in the City’s annual Housing Element progress report. The project consists of 289 apartment-style units with 761 bedrooms. The 289 units constitute 26% of the City’s eight-year RHNA allocation. Without legislative action, the City will not be able to count the project as meeting the City’s housing needs.

## **ENVIRONMENTAL CLEARANCE**

Not applicable.

## **SUSTAINABILITY CONSIDERATIONS**

The proposed change in state law modifies reporting criteria and would not have any impact towards meeting the City’s sustainability objectives.

## **SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS**

The development of student housing could be a significant contributor to improving social equity and inclusivity in the City. The proposed change in state law modifies reporting criteria, but in itself, does not change the amount of student housing available in the City

## **CITY COUNCIL STRATEGIC PLAN INITIATIVES**

SB 721 is consistent with City Council Strategic Plan Goal #2 to “Promote Housing Availability and Quality.”

## **FINANCIAL CONSIDERATIONS**

The proposed change in state law would modify RHNA reporting criteria and would not have any financial impact on the City.

### **Attachments**

1. Draft Letter
2. News Release regarding the xučyun ruwway graduate student housing project in University Village.
3. SB 721 as Amended April 29, 2024

# ALBANY CALIFORNIA



**CITY OF ALBANY**  
1000 SAN PABLO AVENUE  
ALBANY, CA 94706  
[www.AlbanyCA.org](http://www.AlbanyCA.org)

June 17, 2024

The Honorable Christopher Ward, Chair,  
Assembly Housing and Community Development Committee  
California State Legislature  
1020 N Street, Room 156  
Sacramento, CA 94293

Re: SB 721 (Becker) - The Student Housing Development Act – SUPPORT

Dear Chair Ward:

On behalf of the City of Albany City Council, I am writing in strong support of SB 721 (Becker), which would implement recommendations from the Department of Housing and Community Development (HCD) to clarify that jurisdictions can report suite-style housing on their Annual Progress Report (APR).

The City of Albany is located three miles from UC Berkeley. It is home to University Village, which is a 973-unit student housing multi-family apartment complex, primarily serving students with children. In addition, a 289-unit apartment building primarily serving first year graduate students is currently nearing completion. The 289 units under construction constitute 26% of the City's eight-year RHNA allocation. Without legislative action, the City will not be able to count the project as meeting the City's housing needs.

Thus, while the development of student housing serves legitimate Albany residents, and addresses a real housing need, the city does not receive credit for accommodating students. It should be noted that HCD is generally permissive of considering other types of group housing, such as single room occupancy housing and senior housing for example, as counting towards RHNA. As the campus expands enrollment in the future, it is reasonable to expect that more students will wish to live in Albany, and the City should receive credit for an increase in housing serving student needs. If credit is not received, the City may be perceived unfairly for not addressing or supporting the housing needs of the community, which may affect future funding opportunities from the State.

Sincerely,

John Miki  
Mayor

Campus & community, Campus news

# New UC Berkeley housing complex to be called **xučyun ruwway**, honoring Ohlone people

*For the first time, Berkeley has chosen an Indigenous name for a campus building and consulted with Indigenous people in the process.*

By [Gretchen Kell](#)



xučyun ruwway, the new UC Berkeley graduate student apartment complex in Albany, is within a short walk of a shopping area that includes a supermarket (top right), and it's adjacent to University Village (left), where students with families live. Construction steadily continues, with the complex scheduled to open in August 2024.

Mark Holtzman Photography / American Campus Communities

**April 22, 2024**

A five-building UC Berkeley apartment complex in Albany designed just for graduate students is nearing completion and will be called xučyun ruwway (HOOCH-yoon ROO-why), a name in Chochenyo, the language of the Ohlone people.

This is the first time Berkeley has given a name in any Indigenous language to a campus building or consulted with an Indigenous group to name one of its buildings.

In Chochenyo, “xučyun” is the name of the region within the ancestral and unceded homeland of the East Bay Ohlone people that includes Albany and Berkeley, and “ruwway” means a home or a house.



Berkeley Sounds

xučyun ruwway: Vincent Medina on how t...

 SOUNDCLLOUD

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0:21

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Berkeley Sounds – xučyun ruwway: How to say it and what it means. [Read the transcript of this sound.](#)

Last summer, the campus invited East Bay Ohlone tribes to suggest names for the complex. Following the leadership of the [Muwekma Ohlone Tribe](#) and [UC Berkeley's 'ottoy initiative](#),

Chancellor Carol Christ approved the name *xučyun ruwway*. 'ottoy is a Chochenyo word describing a philosophy and intention of repair and mending.



A new transit plaza is being added along Monroe Street where students will be able to catch a direct ride to campus on AC Transit and connect to nearby BART stations. In this artist's rendering, the plaza can be seen along the stretch of street where a bus has stopped.

Ayers Saint Gross Architects / American Campus Communities

[\*xučyun ruwway\*](#) will open in August 2024 and is being built adjacent to University Village, the campus's family student housing community in Albany. There will be beds for 761 single graduate students without children, which will triple the campus-owned housing supply for this group of students.

Charlene Nijmeh, chairwoman of the Muwekma Ohlone Tribe of the San Francisco Bay Area, said Berkeley's consultation with Ohlone people to name the apartment complex "feels like part of an earnest reconciliation with UC Berkeley and the Muwekma Ohlone Tribe." It follows a troubled past, she explained, that included UC anthropologist Alfred Kroeber "declaring in 1925 that the Ohlone people were extinct and launching decades of political erasure that still haunt us today."

Nijmeh added that the relationship between campus and tribe "has steadily grown closer and more cooperative in recent years, thanks in part to their support of our efforts to restore our status as a federally recognized tribe. Support letters, reading land acknowledgements,

naming buildings in our language — these small steps of acknowledgement are always the beginning of reconciliation.”



A view of the kitchen and eating area in a two-bedroom unit of the new housing complex.

Brandon Sánchez Mejía / UC Berkeley

She stressed that the tribe’s ancestors “have lived and have stewarded these lands for over 10,000 years, and we, their descendants, are still here, alive and active in the community. It is our sacred obligation to watch over our ancestors still buried here, to watch over our sacred spaces and to protect these lands for generations to come.”

Vincent Medina, co-founder of the ‘ottoy initiative and an East Bay Ohlone cultural leader, said his homeland is the East Bay, and that “growing up, ... an unfortunate amount of people didn’t know we’re still in our home, and that our culture is still around.

“To see our culture respected outside our homes and led by us, to see our living identity, our language represented on our terms — this is positive change happening, and it gives us a lot of hope for what’s possible in the future.”





A series of courtyards will be nestled between the apartment buildings along Jackson Street and provide places for community gatherings.

Ayers Saint Gross Architects / American Campus Communities

Lisa Alvarez-Cohen, Berkeley's vice provost for academic planning, said adding the apartments to Berkeley's student housing portfolio offered the campus "a wonderful opportunity to collaborate with the local Indigenous community to celebrate this new graduate student housing with a name representing the historical land and people of the East Bay Ohlone."

"We're thrilled that our highly-valued graduate student population will soon have a new housing option with this project," she added, "and that the name will honor the history of the site."

In the near future, interpretive signage at the apartment complex will help students understand the significance of the name *xučyun ruwway*, how to pronounce it, and its historical and contemporary contexts.



Just outside the new graduate student apartment complex, a worker helps ready the new transit plaza where AC Transit buses will provide residents with a nonstop ride to and from campus and BART stops.

Brandon Sánchez Mejía / UC Berkeley

### **Just for grad students, and ‘a step toward something brighter’**

On a recent Friday, work crews were putting finishing touches on *xučyun* runway, a striking set of interconnected, six-story buildings at the corner of Monroe Avenue and Jackson Street. A new transit plaza right outside the complex was being readied so residents can catch a direct AC Transit bus to Berkeley and nearby BART stops. Concrete was being poured to form structural shapes, and electrical work was underway, as was a project to install large metal shades and awnings.

The apartments will be fully furnished. Each will have a full kitchen with modern, stainless steel appliances, a washer and dryer, and wood-look flooring. Priced at below-market rates, the unit sizes range from one to four bedrooms, and all bedrooms will be single occupancy. The cost to residents will include high-speed Wi-Fi, heat, internet, water, garbage and recycling.

All buildings will be fully electric, promoting environmental consciousness through energy-efficient features that include electric building utilities, lighting and kitchen appliances, and

even the outdoor community barbecue grill. The complex also will offer a fitness center, natural light-filled meeting rooms and spacious lounges.



Each student living at xučyun ruwway will have a bedroom like this one. All the apartments will be furnished.

Brandon Sánchez Mejía / UC Berkeley

Students can relax, study and socialize outdoors on more than 55,000 square feet of outdoor space with gardens, picnic areas and recreational lawns.

“This will be a brand new community – and a new residential experience – for our graduate students,” said Kyle Gibson, director of communications for [Berkeley Capital Strategies](#). “There are many small communities of grad students scattered among apartment buildings in Berkeley and the East Bay, but this will create our single largest campus community for them.”

Gibson said the housing complex, informed by input from graduate students, is well-suited to their needs, “as they often prefer to live a little further from the central campus and undergraduate residence halls. Many of them have jobs and internships, roles and responsibilities in the community, and they want greater independence, and value being able to easily move around the entire Bay Area.”



The center courtyard will provide students with lush landscaping and spaces for recreation and relaxation.

Ayers Saint Gross Architects / American Campus Communities

In addition to providing independent living, xučyun runway also will foster community. An example, said Gibson, are the outdoor spaces and a spacious, indoor communal kitchen on the ground floor.

“The convenience of being within walking distance of a grocery store is phenomenal,” he added. Just steps from the housing complex and right off San Pablo Avenue is a shopping area with a grocery store, a pet food store, a coffee shop, a walk-up ATM, a casual restaurant and other amenities.

Interpretive signage saying xučyun runway is in the design phase.

“Whenever students walk into the new buildings, or when people drive by, they’re going to see the Chochenyo language reflected,” said Louis Trevino, who, like Medina, is an Ohlone cultural leader and an ‘ottoy initiative co-founder. “And when it is, there will be no doubt the Ohlone people are present in the world around us.”



An aerial view, taken by a drone, of Xučyun runway, shows the cluster of five six-story UC Berkeley graduate student apartment buildings sitting within Albany, with San Francisco Bay, San Francisco, the San Francisco-Oakland Bay Bridge and the Golden Gate Bridge in the distance.

Mark Holtzman Photography / American Campus Communities

“Naming a building is not going to remedy the harm the university has done against our people,” he added, “... but it’s a step toward something brighter in the future. We’re seeing change happen, and getting support from the university that we’ve asked for. We’re building up new friendships with the university to see positive change happen.”

“But we want to make sure to keep going, building good upon good, with greater representation led by Ohlone voices.”

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AMENDED IN ASSEMBLY APRIL 29, 2024

AMENDED IN SENATE MARCH 22, 2023

**SENATE BILL**

**No. 721**

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**Introduced by Senator Becker**

February 16, 2023

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An act to ~~add and repeal Section 11546.47~~ amend Section 65400 of the Government Code, relating to ~~artificial intelligence~~: *land use*.

LEGISLATIVE COUNSEL'S DIGEST

SB 721, as amended, Becker. ~~California Interagency AI Working Group~~.—*General plan: annual report: suite-style student housing quarters.*

*The Planning and Zoning Law requires a city or county to adopt a general plan for land use development of the city or county that includes, among other elements, a housing element. That law requires the housing element to include, among other things, an identification and analysis of existing and projected housing needs. That law requires the city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of units of housing demolished and new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy.*

*This bill would additionally require the city or county to include in the annual report the number of suite-style student housing quarters, as determined by the department. By requiring a city or county to include additional information in the annual report, the bill would impose a state-mandated local program.*

*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 no reimbursement is required by this act for a specified reason.*

~~Existing law requires the Secretary of Government Operations to develop a coordinated plan to, among other things, investigate the feasibility of, and obstacles to, developing standards and technologies for state departments for determining digital content provenance, as defined. Existing law requires, for the purpose of informing that coordinated plan, the secretary to evaluate, among other things, the impact of the proliferation of deepfakes, defined to mean audio or visual content that has been generated or manipulated by artificial intelligence that would falsely appear to be authentic or truthful and that features depictions of people appearing to say or do things they did not say or do without their consent, on state government, California-based businesses, and residents of the state.~~

~~This bill would, until January 1, 2030, create the California Interagency AI Working Group to deliver a report to the Legislature, as prescribed, regarding artificial intelligence. The bill would require the working group members to be Californians with expertise in at least 2 of certain areas, including computer science, artificial intelligence, and data privacy. The bill would require the report to the Legislature to include, among other things, a recommendation of a definition of artificial intelligence as it pertains to its use in technology for use in legislation.~~

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

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

- 1 *SECTION 1. Section 65400 of the Government Code is*
- 2 *amended to read:*
- 3 65400. (a) After the legislative body has adopted all or part
- 4 of a general plan, the planning agency shall do both of the
- 5 following:
- 6 (1) Investigate and make recommendations to the legislative
- 7 body regarding reasonable and practical means for implementing
- 8 the general plan or element of the general plan so that it will serve
- 9 as an effective guide for orderly growth and development,
- 10 preservation and conservation of open-space land and natural

1 resources, and the efficient expenditure of public funds relating to  
2 the subjects addressed in the general plan.

3 (2) Provide by April 1 of each year an annual report to the  
4 legislative body, the Office of Planning and Research, and the  
5 Department of Housing and Community Development that includes  
6 all of the following:

7 (A) The status of the plan and progress in its implementation.

8 (B) (i) The progress in meeting its share of regional housing  
9 needs determined pursuant to Section 65584, including the need  
10 for extremely low income households, as determined pursuant to  
11 paragraph (1) of subdivision (a) of Section 65583, and local efforts  
12 to remove governmental constraints to the maintenance,  
13 improvement, and development of housing pursuant to paragraph  
14 (3) of subdivision (c) of Section 65583.

15 (ii) The housing element portion of the annual report, as required  
16 by this paragraph, shall be prepared through the use of standards,  
17 forms, and definitions adopted by the Department of Housing and  
18 Community Development. The department may review, adopt,  
19 amend, and repeal the standards, forms, or definitions to implement  
20 this article. Any standards, forms, or definitions adopted to  
21 implement this article shall not be subject to Chapter 3.5  
22 (commencing with Section 11340) of Part 1 of Division 3 of Title  
23 2. Before and after adoption of the forms, the housing element  
24 portion of the annual report shall include a section that describes  
25 the actions taken by the local government towards completion of  
26 the programs and status of the local government's compliance with  
27 the deadlines in its housing element. The report shall be considered  
28 at an annual public meeting before the legislative body where  
29 members of the public shall be allowed to provide oral testimony  
30 and written comments.

31 (iii) The report may include the number of units that have been  
32 completed pursuant to subdivision (c) of Section 65583.1. For  
33 purposes of this paragraph, committed assistance may be executed  
34 throughout the planning period, and the program under paragraph  
35 (1) of subdivision (c) of Section 65583.1 shall not be required.  
36 The report shall document how the units meet the standards set  
37 forth in that subdivision.

38 (iv) The planning agency shall include the number of units in  
39 a student housing development for lower income students for which  
40 the developer of the student housing development was granted a

1 density bonus pursuant to subparagraph (F) of paragraph (1) of  
2 subdivision (b) of Section 65915.

3 (C) The number of housing development applications received  
4 in the prior year, including whether each housing development  
5 application is subject to a ministerial or discretionary approval  
6 process.

7 (D) The number of units included in all development  
8 applications in the prior year.

9 (E) The number of units approved and disapproved in the prior  
10 year.

11 (F) The degree to which its approved general plan complies  
12 with the guidelines developed and adopted pursuant to Section  
13 65040.2 and the date of the last revision to the general plan.

14 (G) A listing of sites rezoned to accommodate that portion of  
15 the city's or county's share of the regional housing need for each  
16 income level that could not be accommodated on sites identified  
17 in the inventory required by paragraph (1) of subdivision (c) of  
18 Section 65583 and Section 65584.09. The listing of sites shall also  
19 include any additional sites that may have been required to be  
20 identified by Section 65863.

21 (H) (i) ~~The number of units of housing demolished and new~~  
22 ~~units of housing, including both rental housing and for-sale housing~~  
23 ~~and any units that the County of Napa or the City of Napa may~~  
24 ~~report pursuant to an agreement entered into pursuant to Section~~  
25 ~~65584.08, that have been issued a completed entitlement, a building~~  
26 ~~permit, or a certificate of occupancy, housing thus far in the~~  
27 ~~housing element cycle, and the income category, by area median~~  
28 ~~income category, that each unit of housing satisfies. That~~  
29 ~~production report shall do the following: satisfies, including all of~~  
30 ~~the following:~~

31 *(I) Rental housing and for-sale housing units that have been*  
32 *issued a completed entitlement, a building permit, or a certificate*  
33 *of occupancy.*

34 *(II) Any units that the County of Napa or the City of Napa may*  
35 *report pursuant to an agreement entered into pursuant to Section*  
36 *65584.08 that have been issued a completed entitlement, a building*  
37 *permit, or a certificate of occupancy.*

38 *(III) Suite-style student housing quarters, as determined by the*  
39 *department.*

40 (⊕)

1 (ii) For each income category described in this subparagraph,  
2 distinguish between the number of rental housing units and the  
3 number of for-sale units that satisfy each income category.

4 ~~(H)~~

5 (iii) For each entitlement, building permit, or certificate of  
6 occupancy, *the production report shall* include a unique site  
7 identifier that must include the assessor’s parcel number, but may  
8 also include street address, or other identifiers.

9 ~~(I)~~

10 (iv) For the County of Napa and the City of Napa, the production  
11 report may report units identified in the agreement entered into  
12 pursuant to Section 65584.08.

13 (I) The number of applications submitted pursuant to subdivision  
14 (a) of Section 65913.4, the location and the total number of  
15 developments approved pursuant to subdivision (c) of Section  
16 65913.4, the total number of building permits issued pursuant to  
17 subdivision (c) of Section 65913.4, the total number of units  
18 including both rental housing and for-sale housing by area median  
19 income category constructed using the process provided for in  
20 subdivision (c) of Section 65913.4.

21 (J) If the city or county has received funding pursuant to the  
22 Local Government Planning Support Grants Program (Chapter 3.1  
23 (commencing with Section 50515) of Part 2 of Division 31 of the  
24 Health and Safety Code), the information required pursuant to  
25 subdivision (a) of Section 50515.04 of the Health and Safety Code.

26 (K) The progress of the city or county in adopting or amending  
27 its general plan or local open-space element in compliance with  
28 its obligations to consult with California Native American tribes,  
29 and to identify and protect, preserve, and mitigate impacts to  
30 places, features, and objects described in Sections 5097.9 and  
31 5097.993 of the Public Resources Code, pursuant to Chapter 905  
32 of the Statutes of 2004.

33 (L) The following information with respect to density bonuses  
34 granted in accordance with Section 65915:

35 (i) The number of density bonus applications received by the  
36 city or county.

37 (ii) The number of density bonus applications approved by the  
38 city or county.

39 (iii) Data from all projects approved to receive a density bonus  
40 from the city or county, including, but not limited to, the percentage

1 of density bonus received, the percentage of affordable units in  
2 the project, the number of other incentives or concessions granted  
3 to the project, and any waiver or reduction of parking standards  
4 for the project.

5 (M) The following information with respect to each application  
6 submitted pursuant to Chapter 4.1 (commencing with Section  
7 65912.100):

8 (i) The location of the project.

9 (ii) The status of the project, including whether it has been  
10 entitled, whether a building permit has been issued, and whether  
11 or not it has been completed.

12 (iii) The number of units in the project.

13 (iv) The number of units in the project that are rental housing.

14 (v) The number of units in the project that are for-sale housing.

15 (vi) The household income category of the units, as determined  
16 pursuant to subdivision (f) of Section 65584.

17 (b) (1) (A) The department may request corrections to the  
18 housing element portion of an annual report submitted pursuant  
19 to paragraph (2) of subdivision (a) within 90 days of receipt. A  
20 planning agency shall make the requested corrections within 30  
21 days after which the department may reject the report if the report  
22 is not in substantial compliance with the requirements of that  
23 paragraph.

24 (B) If the department rejects the housing element portion of an  
25 annual report as authorized by subparagraph (A), the department  
26 shall provide the reasons the report is inconsistent with paragraph  
27 (2) of subdivision (a) to the planning agency in writing.

28 (2) If a court finds, upon a motion to that effect, that a city,  
29 county, or city and county failed to submit, within 60 days of the  
30 deadline established in this section, the housing element portion  
31 of the report required pursuant to subparagraph (B) of paragraph  
32 (2) of subdivision (a) that substantially complies with the  
33 requirements of this section, the court shall issue an order or  
34 judgment compelling compliance with this section within 60 days.  
35 If the city, county, or city and county fails to comply with the  
36 court's order within 60 days, the plaintiff or petitioner may move  
37 for sanctions, and the court may, upon that motion, grant  
38 appropriate sanctions. The court shall retain jurisdiction to ensure  
39 that its order or judgment is carried out. If the court determines  
40 that its order or judgment is not carried out within 60 days, the

1 court may issue further orders as provided by law to ensure that  
2 the purposes and policies of this section are fulfilled. This  
3 subdivision applies to proceedings initiated on or after the first  
4 day of October following the adoption of forms and definitions by  
5 the Department of Housing and Community Development pursuant  
6 to paragraph (2) of subdivision (a), but no sooner than six months  
7 following that adoption.

8 (c) The Department of Housing and Community Development  
9 shall post a report submitted pursuant to this section on its internet  
10 website within a reasonable time of receiving the report.

11 *SEC. 2. No reimbursement is required by this act pursuant to*  
12 *Section 6 of Article XIII B of the California Constitution because*  
13 *a local agency or school district has the authority to levy service*  
14 *charges, fees, or assessments sufficient to pay for the program or*  
15 *level of service mandated by this act, within the meaning of Section*  
16 *17556 of the Government Code.*

17 ~~SECTION 1. Section 11546.47 is added to the Government~~  
18 ~~Code, to read:~~

19 ~~11546.47. (a) The California Interagency AI Working Group~~  
20 ~~is hereby created to deliver a report to the Legislature, pursuant to~~  
21 ~~subdivision (e), regarding artificial intelligence.~~

22 ~~(b) Working group members shall be Californians with expertise~~  
23 ~~in at least two of the following areas:~~

24 ~~(1) Computer science.~~

25 ~~(2) Artificial intelligence.~~

26 ~~(3) The technology industry.~~

27 ~~(4) Workforce development.~~

28 ~~(5) Data privacy.~~

29 ~~(e) (1) The working group shall be chaired by the Director of~~  
30 ~~Technology.~~

31 ~~(2) The working group shall select a vice chair from among its~~  
32 ~~members and shall consist of the following 10 members:~~

33 ~~(A) Two appointees by the Governor.~~

34 ~~(B) Two appointees by the President Pro Tempore of the Senate.~~

35 ~~(C) Two appointees by the Speaker of the Assembly.~~

36 ~~(D) Two appointees by the Attorney General.~~

37 ~~(E) One appointee by the California Privacy Protection Agency.~~

38 ~~(F) One appointee by the Department of Technology.~~

39 ~~(d) The working group shall take input from a broad range of~~  
40 ~~stakeholders, including from academia, consumer advocacy groups,~~

1 and small, medium, and large businesses affected by artificial  
2 intelligence policies, and shall do all of the following:

3 (1) ~~Recommend a definition of artificial intelligence as it~~  
4 ~~pertains to its use in technology for use in legislation.~~

5 (2) ~~Study the implications of the usage of artificial intelligence~~  
6 ~~for data collection to inform testing and evaluation, verification~~  
7 ~~and validation of artificial intelligence to ensure that artificial~~  
8 ~~intelligence will perform as intended, including when interacting~~  
9 ~~with humans and other systems, develop common metrics to assess~~  
10 ~~trustworthiness that artificial intelligence systems will perform as~~  
11 ~~intended, and minimize performance problems and unanticipated~~  
12 ~~outcomes.~~

13 (3) ~~Determine proactive steps to prevent artificial~~  
14 ~~intelligence-assisted misinformation campaigns and unnecessary~~  
15 ~~exposure for children to the potentially harmful effects of artificial~~  
16 ~~intelligence.~~

17 (4) ~~Determine the relevant agencies to develop and oversee~~  
18 ~~artificial intelligence policy and implementation of that policy.~~

19 (5) ~~Determine how the working group and the Department of~~  
20 ~~Justice can leverage the substantial and growing expertise of the~~  
21 ~~California Privacy Protection Agency in the long-term development~~  
22 ~~of data privacy policies that affect the privacy, rights, and the use~~  
23 ~~of artificial intelligence online.~~

24 (e) ~~On or before January 1, 2025, and every two years thereafter,~~  
25 ~~the working group shall submit, pursuant to Section 9795, a report~~  
26 ~~to the Legislature regarding the items described in subdivision (d).~~

27 (f) ~~The members of the working group shall serve without~~  
28 ~~compensation but shall be reimbursed for all necessary expenses~~  
29 ~~actually incurred in the performance of their duties.~~

30 (g) ~~As used in this section, “working group” means the~~  
31 ~~California Interagency AI Working Group created by this section.~~

32 (h) ~~This section shall remain in effect until January 1, 2030, and~~  
33 ~~as of that date is repealed.~~