South Bay Cities Council of Governments

September 22, 2022

TO: SBCCOG Board of Directors

FROM: SBCCOG Legislative Committee

RE: Bills to Monitor – Status as of September 14, 2022

Adherence to Strategic Plan:

Goal B: Regional Advocacy. Advocate for the interests of the South Bay

NOTE: **BOLD recommendation & status** indicates bill added since last Board meeting

CANNABIS			
CANNABIS SB 1186 (Wiener)	Medicinal Cannabis Patients' Right of Access Act. Existing law allows local jurisdictions to regulate cannabis retailers and recognized the critical need for local control, primarily as part of cities'/counties' land-use authority. This bill on and after January 1, 2024, would prohibit a local jurisdiction from adopting or enforcing any regulation that prohibits retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, as specified. The bill, on and after January 1, 2024, would provide that the act may be enforced by an action for writ of mandate brought by a medicinal cannabis patient or their primary caregiver, a medicinal	OPPOSE (6/23/22) (Ltr sent 6/30/22) LCC POSITION: OPPOSE	9/9/22 Enrolled and presented to the Governor.
	cannabis business, the Attorney General, or any other party otherwise authorized by law. This bill would provide that CEQA		

	does not apply to specified actions taken by a local jurisdiction relating to medicinal cannabis businesses, including the repeal of any local regulation prohibiting the operation of medicinal cannabis		
	businesses.		
ENVIRONMEN	NT		
SB 379	Residential solar energy systems: permitting. Would require	OPPOSE	8/30/22
(Wiener)	every city, county, or city and county to implement an online,	(8/8 Steering	Enrolled and presented to the
	automated permitting platform that verifies code compliance and	Committee)	Governor.
	issues permits in real time or allows the city, county, or city and		
	county to issue permits in real time for a residential solar energy	LCC	Although we're advocates for solar,
	system, as defined, that is no larger than 38.4 kilowatts alternating	POSITION:	this would be a large expense for cities
	current nameplate rating and a residential energy storage system,	WATCH	(no reimbursement from the state) and
	as defined, paired with a residential solar energy system that is no		would rely on a computer platform to
	larger than 38.4 kilowatts alternating current nameplate rating. This		verify code compliance in real time.
	bill would prescribe a compliance schedule for satisfying these		Depending on the size of the city, it
	requirements, which would exempt a city with a population of fewer		will be required to be implemented by 2023 or 2024
	than 5,000 and a county with a population of fewer than 150,000,		2023 01 2024
	including each city within that county. The bill would require a city		
	with a population of 50,000 or fewer that is not otherwise exempt to		
	satisfy these requirements by September 30, 2024, while cities and		
	counties with populations greater than 50,000 that are not		
	otherwise exempt would be required to satisfy the requirements by		
	September 30, 2023. The bill would require a city, county, or city		
	and county to report to the Energy Commission when it is in		
	compliance with specified requirements, in addition to other		
	information. The bill would require cities and counties to self-certify		
	their compliance with the bill's provisions when applying for		
	specified funds from the Energy Commission, as specified.		2/2/22
SB 1122	San Gabriel and Lower Los Angeles Rivers and Mountains	SUPPORT	9/6/22
(Allen)	Conservancy: territory. Current law establishes the San Gabriel		Enrolled and presented to the
	and Lower Los Angeles Rivers and Mountains Conservancy in the	(Ltr sent	Governor.
	Natural Resources Agency and prescribes the functions and duties	3/21/22)	Danida sala assaulta de la constanti de la con
	of the conservancy with regard to the protection, preservation, and		Previously supported in last
	enhancement of specified areas of the Counties of Los Angeles		session
	and Orange located along the San Gabriel River and the lower Los		
	Angeles River and tributaries along those rivers. Current law, for		

GOVERNANCE	purposes of those provisions, defines "territory" to mean the territory of the conservancy that consists of those portions of the Counties of Los Angeles and Orange located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains, as described. This bill would additionally include the Dominguez Channel watershed, the coastal watersheds of Manhattan Beach to the Palos Verdes Peninsula, and Santa Catalina Island, as described, within that definition of territory, and would make various related changes to the boundaries of that territory.		
AB 2449 (B. Rubio)	Open meetings: local agencies: teleconferences. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law. A member of the body shall only participate remotely if: 1) The agenda identifies the member as participating remotely and provides a brief reason why OR the circumstances relating to the need to participate remotely arose after the agenda was posted and those circumstances are publicly disclosed at the meeting before any action is taken 2) the member shall publicly disclose at the meeting before any action is taken whether any other people 18yrs of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individual and 3) the member shall participate through both audio and visual technology	LCC POSITION: REMOVAL OF OPPOSITION	9/6/22 Enrolled and presented to the Governor.
AB 2647 (Levine)	Open meetings: local agencies: teleconferences. The Ralph M. Brown Act requires the meetings of the legislative body of a local	SUPPORT (4/28/22)	8/29/22

	agency be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.	(Ltr sent 4/29/22) LCC POSITION: SPONSOR	Enrolled and presented to the Governor.
HEALTH			
SB 929 (Eggman)	Community mental health services: data collection. This bill would additionally require the State Department of Health Care Services to report to the Legislature, on or before May 1 of each year, quantitative information relating to, among other things, the number of persons detained for 72-hour evaluation and treatment, clinical outcomes for individuals placed in each type of hold, services provided in each category, waiting periods prior to receiving an evaluation or care, demographic data of those receiving care, and an assessment of all contracted beds. The bill would specify that the information be from each county for some of those data. The bill would require the department to make the report publicly available on the department's internet website. The bill would require the department, on or before July 1, 2023, to convene a stakeholder group to make recommendations on the methods to be used for efficiently providing the department with this information. The bill would specify that the stakeholder group would include, among other organizations, the County Behavioral Health Directors Association of California and the California Hospital Association. The bill would additionally require each other entity involved in implementing the provisions relating to detention, assessment, evaluation, or treatment for up to 72 hours to provide data to the department upon its request, as specified.	SUPPORT (6/23/22) (Ltr sent 6/30/22) LCC POSITION: SUPPORT	9/13/22 Enrolled and presented to the Governor.

HOMELESSNI			
SB 914 (Rubio)	HELP (Homeless Equity for Left Behind Populations) Act. Would require cities, counties, and continuums of care receiving state funding to address homelessness on or after January 1, 2023, to take specific steps to ensure that the needs of victim service providers and survivors of violence, and a gendered analysis of the causes and consequences of homelessness, are incorporated into homelessness planning and responses. Would also impose other homelessness planning and data analysis requirements on these cities, counties, and continuums of care. Would prohibit victim service providers, as defined, from being required or expected to enter client-level data into specified homeless data systems and would permit any funding provided to cities, counties, and continuums of care to be used to support the development of these data systems and the maintenance of comparable databases, as specified.	SUPPORT (4/28/22) (Ltr sent 4/29/22) LCC POSITION: WATCH	9/6/22 Enrolled and presented to the Governor.
HOUSING			
AB 916 (Salas, Quirk- Silva)	Zoning: accessory dwelling units: bedroom addition. This bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condominium, apartment, or dwelling. The bill would include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, and that the provision applies to all cities, including charter cities. This bill would instead authorize a local agency to establish a height limitation of 18 feet for those accessory dwelling units located on a lot that has an existing multifamily and multistory dwelling. The bill would specify that a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create not more than 2 accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation of 18 feet.	OPPOSE (5/26/22) (Ltr sent 6/2/22) LCC POSITION: OPPOSE UNLESS AMENDED	9/7/22 Enrolled and presented to the Governor.

AB 2011	Affordable Housing and High Road Jobs Act of 2022. This bill	OPPOSE	9/6/22
(Wicks)	would require a city to submit extensive annual reporting on the	(5/26/22)	
(VVICKS)	, , ,	(3/20/22)	Enrolled and presented to the Governor.
	status of its general plan and progress in its implementation to	/I troopt	Governor.
	State HCD and OPR. This bill would also require draft revisions of	(Ltr sent 6/2/22)	
	housing elements to be submitted to HCD for review prior to	0/2/22)	
	adoption. This bill would allow by-right in-fill housing on	1.00	
	underutilized commercial sites. 100% affordable housing would be	LCC	
	allowed on underutilized commercial sites and anywhere in areas	POSITION: OPPOSE	
	not adjacent to industrial land or on environmentally sensitive land.	OPPOSE	
	Mixed-income housing would be focused along commercial		
	corridors wide enough to accommodate density and new transit.		
	At least 15% of units would be required to be affordable to lower		
	income households. For-sale projects could provide 30% of their		
	units for moderate-income households. Although this bill could		
	support efforts such as the SBCCOG's Commercial		
	Redevelopment REAP project, the SBCCOG would oppose the		
A.D. 0007	legislation as long as the by-right elements are included.	000000	0/40/00
AB 2097	Residential, commercial, and other development types:	OPPOSE	9/12/22
(Friedman)	parking requirements. This bill would prohibit a public agency	(4/28/22)	Enrolled and presented to the
	from imposing a minimum automobile parking requirement, or	/1 (1	Governor.
	enforcing a minimum automobile parking requirement, on	(Ltr sent	
	residential, commercial, or other development if the development is	4/29/22)	
	located on a parcel that is within one-half mile of public transit, as	1.00	
	defined for residential or mixed-use developments with 40 or fewer	LCC	
	housing units; for residential or mixed-use developments of any	POSITION:	
	size with specified affordability requirements; or commercial or	OPPOSE	
	other development. When a project provides parking voluntarily,		
	the bill would authorize a public agency to impose specified		
	requirements on the voluntary parking. The bill would prohibit		
	these provisions from reducing, eliminating, or precluding the		
	enforcement of any requirement imposed on a new multifamily or		
	nonresidential development to provide electric vehicle supply		
	equipment installed parking spaces or parking spaces that are		
	accessible to persons with disabilities. The bill would require the		
	development project to provide parking, as required by local		
	ordinance, for employees and other workers of hotels, motels, bed		
	and breakfast inns, transient lodgings, and event centers.		

AD 2024	Access we desalling units. Eviating law requires a local andirector	OPPOSE	9/12/22
AB 2221	Accessory dwelling units. Existing law requires a local ordinance		
(Quirk-Silva)	to require an accessory dwelling unit to be either attached to, or	(4/28/22)	Enrolled and presented to the
	located within, the proposed or existing primary dwelling, as	/1. (Governor.
	specified, or detached from the proposed or existing primary	(Ltr sent	
	dwelling and located on the same lot as the proposed or existing	4/29/22)	
	primary dwelling. This bill would specify that an accessory dwelling		
	unit that is detached from the proposed or existing primary dwelling	LCC	
	may include a detached garage. Existing law authorizes a local	POSITION:	
	agency to establish minimum and maximum unit size requirements	WATCH	
	for attached and detached accessory dwelling units, subject to		
	certain exceptions, including that a local agency is prohibited from		
	establishing limits on lot coverage, floor area ratio, open space,		
	and minimum lot size, that do not permit the construction of at least		
	an 800 square foot accessory dwelling unit, as specified. This bill		
	would additionally prohibit a local agency from establishing limits		
	on front setbacks, as described above. Existing law authorizes a		
	local agency to ministerially approve an application for a building		
	permit within a residential or mixed-use zone to create, among		
	other things, one detached, new construction, accessory dwelling		
	unit that does not exceed 4-foot side and rear yard setbacks, as		
	specified. Existing law authorizes the local agency to impose on		
	the accessory dwelling unit a total floor area limitation of not more		
	than 800 square feet and a height limitation of 16 feet. This bill		
	would specify that a local agency is prohibited from imposing any		
	objective planning standards that conflict with those described		
	above.		
AB 2234	Planning and zoning: housing: post entitlement phase	OPPOSE	9/6/22
(Rivas)	permits. Would require a local agency to compile a list of	(8/8/22	Enrolled and presented to the
(**************************************	information needed to approve or deny a post entitlement phase	Steering	Governor.
	permit, as defined, to post an example of a complete, approved	Committee)	
	application and an example of a complete set of post entitlement		
	phase permits for at least 5 types of housing development projects	LCC	
	in the jurisdiction, as specified, and to make those items available	POSITION:	
	to all applicants for these permits no later than January 1, 2024.	OPPOSE	
	to an applicanto for these permits no later than sandary 1, 2024.	UNLESS	
		AMENDED	
		AMENDED	

AB 2295	Local educational agencies: housing development project.	OPPOSE	9/9/22
(Bloom)	This bill would deem a housing development project an allowable	(5/26/22)	Enrolled and presented to the
(Bloom)	use on any real property owned by a local educational agency, as	(3/20/22)	Governor.
	defined, if the housing development satisfies certain conditions,	(Ltr sent	Governor.
	including other local objective zoning standards, objective	6/2/22)	
	subdivision standards, and objective design review standards, as	0/2/22)	
	described. The bill would deem a housing development that meets	LCC	
	these requirements consistent, compliant, and in conformity with	POSITION:	
	local development standards, zoning codes or maps, and the	SUPPORT IF	
	general plan. The bill, among other things, would authorize the	AMENDED	
	land used for the development of the housing development to be		
	jointly used or jointly occupied by the local educational agency and		
	any other party, subject to specified requirements. The bill would		
	exempt a housing development project subject to these provisions		
	from various requirements regarding the disposal of surplus land.		
	The bill would repeal its provisions on January 1, 2033. This bill		
	would effectively allow education agencies to use their property for		
	housing by-right.		
<u>SB 679</u>	Los Angeles County: affordable housing. This bill would create	OPPOSE	9/9/22
(Kamlager)	the LA County Affordable Housing Solutions Agency to increase	UNLESS	Enrolled and presented to the
	the supply of affordable housing through enhanced regional	AMENDED	Governor.
	funding and technical assistance for renter protections, affordable	(8/10/22	
	housing preservation, and new affordable housing production. It	Legislative	
	would be governed by a board of 19 voting members from LA	Committee)	
	County cities/unincorporated communities. It would also require	/I 4m a a m 4	
	that Board to form a 11 member citizen oversight committee. LACAHSA would have the authority to place revenue measures on	(Ltr sent 8/11/22)	
	the ballot.	0/11/22)	
	the ballot.	LCC	
		POSITION:	
		WATCH	
SB 897	Accessory dwelling units: junior accessory dwelling units.	OPPOSE	9/13/22
(Wieckowski)	Would require standards imposed on ADUs be objective, and	(4/13/22)	Enrolled and presented to the
(**************************************	would define "objective standard" as a standard that involves no	(., . 3,)	Governor.
	personal or subjective judgement by a public official and is	(Ltr sent	-
	uniformly verifiable, as specified. Would increase maximum height	4/21/22)	
	limitations that may be imposed by a local agency on an ADU to 25	,	

	<u>, </u>		
	feet if within ½ mile walking distance of major transit stop; require	LCC	
	local agencies to reduce parking requirements when ADU permits	POSITION:	
	are submitted along with new multifamily dwelling units; and other	OPPOSE	
	changes.		
<u>SB 1444</u>	Joint powers authorities: South Bay Regional Housing Trust.	SUPPORT	9/13/22
(Allen/	This bill would authorize the establishment of the South Bay	(5/26/22)	Enrolled and presented to the
Muratsuchi)	Regional Housing Trust, a joint powers authority, by the County of		Governor.
	Los Angeles and any or all of the cities within the jurisdiction of the	(Ltr sent	
	South Bay Cities Council of Governments, with the stated purpose	6/2/22)	
	of funding housing to assist the homeless population and persons	·	
	and families of extremely low, very low, and low income within the	LCC	
	South Bay. The bill would authorize the South Bay Regional	POSITION:	
	Housing Trust to fund the planning and construction of housing,	WATCH	
	receive public and private financing and funds, and authorize and		
	issue bonds. The bill would require that the joint powers agreement		
	establishing the South Bay Regional Housing Trust incorporate		
	specified annual financial reporting and auditing requirements.		
TRANSPORTA			
AB 2438	Transportation funding: alignment with state plans and	MONITOR	9/9/22
(Friedman)	greenhouse gas emissions reduction standards. Current law		Enrolled and presented to the
,	provides for the funding of projects on the state highway system		Governor.
	and other transportation improvements, including under the state	LCC	
	transportation improvement program, the state highway operation	POSITION:	
	and protection program, the Solutions for Congested Corridors	NEUTRAL	
	Program, the Trade Corridor Enhancement Program, and the	1120111112	
	program within the Road Maintenance and Rehabilitation Program		
	commonly known as the Local Partnership Program. This bill		
	would require the agencies that administer those programs to		
	revise the guidelines or plans applicable to those programs to		
	ensure that projects included in the applicable program align with		
	the California Transportation Plan, the Climate Action Plan for		
	Transportation Infrastructure adopted by the Transportation		
	Agency, and specified greenhouse gas emissions reduction		
	standards.		
SB 932	General Plans: circulation element: bicycle and pedestrian	OPPOSE	9/6/22
(Portantino)	plans and traffic calming plans. Current law states the	(4/28/22)	3/0/22
		14//0///	1

Legislature's intention that a county or city general plan and the		Enrolled and presented to the
elements and parts of that general plan comprise an integrated,	(Ltr sent	Governor.
internally consistent and compatible statement of policies for the	4/29/22)	
adopting agency. This bill would emphasize the intent of the		
Legislature to fight climate change with these provisions.	LCC	
The bill would make significant, unprecedented, and overly	POSITION:	
prescriptive changes to the requirements of circulation elements of	OPPOSE	
local general plans; impose costly, unfunded mandates for physical	UNLESS	
changes to local transportation infrastructure; and expose local	AMENDED	
governments to significant legal liability		

BALLOT MEASURES

19-0029A1	"California Sports Wagering Regulation and	OPPOSE	Proposition 26 on November
	Unlawful Gambling Enforcement Act". Allows federally	(2/24/22)	2022 ballot
Authorizes	recognized Native American tribes to operate roulette, dice games,		
New Types of	and sports wagering on tribal lands, subject to compacts		
Gambling.	negotiated by the Governor and ratified by the Legislature.		
Initiative	Beginning in 2022, allows on-site sports wagering at only privately		
Constitutional	operated horse-racing tracks in four specified counties for persons		
and Statutory	21 years or older. Imposes 10% tax on sports-wagering profits at		
Amendment	horse-racing tracks; directs portion of revenues to enforcement		
	and problem-gambling programs. Prohibits marketing of sports		
	wagering to persons under 21. Authorizes private lawsuits to		
	enforce other gambling laws. Summary of estimate by Legislative		
	Analyst and Director of Finance of fiscal impact on state and local		
	governments: Increased state revenues, potentially reaching the		
	tens of millions of dollars annually, from payments made by		
	facilities offering sports wagering and new civil penalties		
	authorized by this measure. Some portion of these revenues would		
	reflect a shift from other existing state and local revenues.		

FEDERAL BILLS

<u>S 3788</u>	Housing for All Act of 2022. Would invest over \$500B over ten	SUPPORT	3/8/22 Senate Committee on
(Padilla)	years to address homelessness and affordable housing crises by	(4/28/22)	Banking, Housing, and Urban
	addressing the affordable housing shortage; investing in voucher		Affairs

House version <u>HR 6989</u> (Lieu)	and other homeless housing programs; and support innovative locally developed approaches.	(Ltr sent 4/29/22)	3/8/22 House Committees on Financial Services; Judiciary; Energy and Commerce; and Transportation and Infrastructure
HR 6662 (Barragan)	EVs for All Act. Would require Dept. of Energy and Housing & Urban Development develop a program which would provide grants of up to \$1M to public housing agencies, local governments, or non-profits to facilitate EV car sharing services operated at public housing projects.	SUPPORT (2/24/22)	2/10/22 House Subcommittee on Highways and Transit
HR 2307	Energy Innovation & Carbon Dividend Act. Imposes a fee on	REQUEST TO	4/1/21
(Deutsch)	the carbon content of fuels, including crude oil, natural gas, coal, or	CONGRESSM	Introduced in House
	any other product derived from those fuels that will be used so as	AN LIEU TO	Durania waka awa na mta diin la at
	to emit greenhouse gases into the atmosphere.	SUPPORT RE-	Previously supported in last
	The fee is imposed on the producers or importers of the fuels and	INTRODUCING	session
	is equal to the greenhouse gas content of the fuel multiplied by the	(12/8/20)	
	carbon fee rate. The rate begins at \$15 in 2021, increases by \$10	(Ltr sent	
	each year, and is subject to further adjustments based on the	12/22/20)	
HR 1019	progress in meeting specified emissions reduction targets. Electric Bicycle Incentive Kickstart for the Environment (E-	SUPPORT	2/11/21
			· · · · · ·
(Panetta)	BIKE) Act. Creates a consumer tax credit that covers 30% of the	(3/8/21)	House Committee on Ways
	cost of an electric bicycle (up to \$1,500 credit); applies to new		and Means
	electric bicycles that cost less than \$8,000; is fully refundable,		
	allowing lower-income workers to claim the credit.		

New Laws

Environment – SB 54 (Allen) – Solid waste: disposable packaging and food ware. - support

Environment – SB 852 (Dodd) - Climate resilience districts: formation: funding mechanisms. - support

Transportation – AB 1946 (Boerner Horvath) - Electric bicycles: safety and training program. - support

Transportation – AB 2432 (Muratsuchi) – Neighborhood Electric Vehicle Plans: Los Angeles County. - support

Governance – SB 1100 (Cortese) – Open meetings: orderly conduct. – monitor

Dead Bills that we were monitoring or had taken a position on:

Environment – SB 1217 (Allen) - **State-Regional Collaborative for Climate, Equity, and Resilience -** monitor Health – SB 1416 (Eggman) - **Mental Health Services: gravely disabled persons** - support

Health – SB 1154 (Eggman) - Facilities for mental health or substance use disorder crisis: database - support

Housing – SB 15 (Portantino) - Housing development: incentives: rezoning of idle retail sites - oppose unless amended

Housing – AB 1771 (Mullin) - The California Housing Speculation Act: income taxes: capital gains: sale or exchange of qualified asset: housing - (support)

Housing – AB 2218 (Quirk-Silva) - California Environmental Quality Act: standing: proposed infill housing projects - monitor

Housing – SB 1067 (Portantino) - Housing development projects: automobile parking requirements - oppose

Homeless - AB 2220 (Muratsuchi) - Homeless Courts Pilot Program - monitor

Public Safety – AB 2407 (O'Donnell) – Vehicle tampering: theft of catalytic converters - support

Public Safety – AB 1737 (Holden) – Children's camps: safety. - oppose

Public Safety – SB 930 (Wiener) – Alcoholic beverages: hours of sale. - monitor

Public Safety – SB 986 (Umberg) – Vehicles: catalytic converters. - monitor

Transportation – AB 2237 (Friedman) - Transportation Planning: regional transportation improvement plan: sustainable communities strategies: alternative planning strategy: state transportation funding – oppose was going to be recommended

2022 State Legislative Calendar

• September 30: Last day for Governor to sign or veto bills passed by the Legislature before September 1 and in the Governor's possession on or after September 1