

Assembly Bill No. 2632

CHAPTER 728

An act to add Article 10.11 (commencing with Section 65630) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to land use.

[Approved by Governor September 27, 2024. Filed with
Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2632, Wilson. Planning and zoning: thrift retail stores.

(1) Existing law, the Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. Existing law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. Existing law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill would prohibit a local agency, as defined, from treating a thrift retail store, as defined, differently from a nonthrift retail store engaged in the sale of new items that are similar to items sold by a thrift retail store for purposes of zoning, development standards, or permitting, except as specified. The bill would allow a local agency to require that thrift retail stores meet certain aesthetic or design standards, as prescribed. The bill would prohibit a local agency from prohibiting a thrift retail store from receiving used and donated items for sale in the store or other thrift retail stores, or reuse or recycling, or both reuse and recycling, through other means.

By imposing additional duties on local officials, the bill would impose a state-mandated local program.

The bill would specify that nothing in its provisions shall be construed to, among other things, prohibit the adoption or enforcement of reasonable local rules or ordinances on retail establishments engaged in the sale of new items that are similar to items sold by a thrift retail store.

(2) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(3) 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.

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

SECTION 1. Article 10.11 (commencing with Section 65630) is added to Chapter 3 of Division 1 of Title 7 of the Government Code, to read:

Article 10.11. Thrift Retail Stores

65630. (a) The Legislature finds and declares all of the following:

(1) The 2020 annual report, as published by the Department of Resources Recycling and Recovery, found that California is falling far short of the state diversion goal of 75 percent in 2020.

(2) A significant portion of the waste stream into California landfills is composed of clothing and household goods that have not reached the end of their usefulness. Discarded clothing remains the largest source of textile waste in the world, with the average United States citizen throwing away 81 pounds of clothing each year, 95 percent of which could have been reworn or repurposed. Yet, 85 percent of this material ends up in landfills. According to the Ellen MacArthur Foundation, one garbage truck of textiles is landfilled or incinerated every second.

(3) California faces a growing problem in siting and approving sufficient landfill space. Landfill siting and the expansion of current landfill facilities are controversial and landfills create the potential for significant adverse environmental impacts.

(4) Discarding still-usable clothing and household goods increase greenhouse gas emissions by stimulating production of replacement goods and adding greenhouse gas emissions along the continuum of product manufacture, transportation, warehousing, and delivery.

(5) Recent years have seen an increase in consumer interest in purchasing used clothing and smaller household items from retail establishments that specialize in selling such goods, commonly referred to as “thrift” and “thrift” retail establishments. Thrift accounted for approximately 60 percent of the total secondhand market in 2021. As of June 2022, more than one in three shoppers in the United States, and nearly one-half of Canadian shoppers, surveyed reported caring more about the environmental impact of their apparel choices today than they did three years ago.

(6) Thrift retail establishments are identical to other retail establishments in terms of local impacts on traffic, parking, and other land use topics. In addition, given that thrift establishments divert reusable goods from landfills in furtherance of important statewide policy, those establishments provide environmental benefits that nonthrift retail establishments do not.

(b) Therefore, it is the intent of the Legislature that local governments be prohibited from classifying or otherwise treating thrift retail

establishments differently than nonthrift retail establishments, subject to certain limitations contained in this article.

65631. For purposes of this article, the following definitions apply:

(a) “Thrift retail store” means a retail store and related donation facilities engaged primarily in the sale of secondhand clothing, shoes, apparel, toys, and standard household goods, including furniture, fixtures, and small household appliances, and the collection of those goods for resale. “Thrift retail store” does not include the sale of large household appliances such as refrigerators or stoves and does not include the sale of cars or anything automotive-related.

(b) “Local agency” means a city, including a charter city, a county, or a city and county.

65632. (a) Except as provided by subdivisions (c) to (e), inclusive, a local agency shall not treat a thrift retail store differently from a nonthrift retail store engaged in the sale of new items that are similar to items sold by a thrift retail store for purposes of zoning, development standards, including, but not limited to, height, size, parking requirements, or setbacks from adjacent uses, or permitting. A local agency may also require that thrift retail stores meet certain aesthetic or design standards, including design review approval, provided those standards or design review, or both, are also required of nonthrift retail stores.

(b) A local agency shall not prohibit a thrift retail store from receiving used and donated items for sale in the store or other thrift retail stores, or reuse or recycling, or both reuse and recycling, through other means.

(c) Nothing in this section shall be construed to prohibit the adoption or enforcement of reasonable local rules or ordinances on retail establishments engaged in the sale of new items that are similar to items sold by a thrift retail store.

(d) Nothing in this section shall be construed to prohibit the adoption or enforcement of reasonable local rules or ordinances on the collection or receipt of used and donated items by a thrift retail store, including, but not limited to, reasonable local rules or ordinances related to any of the following:

(1) Requirements that the delivery of goods or donations is conducted within a specified area of the premises of a thrift retail store.

(2) Requirements that any donation be accepted only during business hours.

(3) Requirements that the donation process is operated by employees of the thrift retail store and that the donations of goods from the public are collected and received by employees of the thrift retail store.

(4) Limitations on the square footage or percentage of the thrift retail store premises within which collecting and receiving activities are conducted.

(5) Requirements applicable to the operation of equipment associated with the collection, receipt, processing, or disposal of used and donated goods.

(6) Enforcement of health and safety standards including, but not limited to, standards relating to shopping center ingress and egress or the enforcement of illegal dumping.

(e) Nothing in this section shall be construed to limit or otherwise affect the ability of a local agency to adopt or enforce any local rules or ordinances on businesses other than thrift retail stores.

SEC. 2. The Legislature finds and declares that reducing the waste stream of discarded clothing and household goods to state landfills by facilitating the siting of thrift retail establishments is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act, adding Article 10.11 (commencing with Section 65630) to Chapter 3 of Division 1 of Title 7 of the Government Code, applies to all cities, including charter cities.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.