

AMENDED IN ASSEMBLY JULY 2, 2018
AMENDED IN ASSEMBLY JUNE 21, 2018
AMENDED IN SENATE MAY 25, 2018
AMENDED IN SENATE APRIL 26, 2018
AMENDED IN SENATE APRIL 16, 2018
AMENDED IN SENATE MARCH 14, 2018

SENATE BILL

No. 828

Introduced by Senator Wiener

January 3, 2018

An act to amend Sections ~~65583, 65583.2,~~ 65584, 65584.01, and 65584.04 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 828, as amended, Wiener. Land use: housing element.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires a planning agency to submit a draft of the housing element to the Department of Housing and Community Development for review, as specified.

~~Existing law requires the housing element to contain an inventory of land suitable and available for residential development, and to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels.~~

~~This bill would, instead, require the inventory of land suitable and available for residential development to identify sites that can be~~

~~developed for housing within the planning period that are sufficient to provide for 125% of the jurisdiction's share of the regional housing need for all income levels.~~

~~(2) Existing law requires the housing element to contain a program that sets forth a schedule of actions during the planning period that the city or county will undertake to implement policies and to achieve the goals and objectives of the housing element. Existing law requires the program to identify actions that will be taken during the period in order to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory of land, described above, without rezoning on those sites.~~

~~This bill would require those actions identified in the program be taken to make at least 100% of the city's or county's share, so identified, be available for multifamily housing located within the jurisdiction's existing urban service boundary.~~

~~(3) Existing~~

~~Existing law requires the department, in consultation with each council of governments, to determine the existing and projected need for housing for each region in accordance with specified requirements. Existing law requires the appropriate council of governments, or the department for a city and county that does not have a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county in accordance with certain requirements and procedures, including that a specified type of ordinance or policy that limits the number of residential building permits issued by a city or county may not be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need.~~

~~This bill would prohibit the prior underproduction of housing in a city or county from the previous cycle and stable population numbers in a city or county from the previous cycle from being used as a justification for a determination or a reduction in the jurisdiction's share of the regional housing need. The bill would also require the final regional housing need plan to demonstrate government efforts to reverse racial and wealth disparities throughout a region by assigning additional weight to local governments that meet specified criteria in the distribution of the regional housing needs allocation for all income categories.~~

~~(4)~~

(2) Existing law requires, at least 26 months prior to the scheduled revision of the housing element and developing the existing and projected housing need for a region, the department to meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. Existing law requires the council of governments to provide data assumptions from the council's projections, including, if available, specified data factors for the region, including, data relating to the percentage of renter's households that are overcrowded and vacancy rates for healthy housing market functioning and regional mobility. Existing law requires the department, after consulting with the council of governments, to determine, in writing, the data assumptions for each of the data factors provided, as well as the methodology the department will use.

This bill would additionally require the council of governments to provide data on the overcrowding rate for a comparable housing market, and would define the vacancy rate for a healthy housing market for those purposes to be considered between 5% and 8% of both rental and ownership housing. The bill would also require the council of governments to include data on the percentage of households that are cost burdened, the rate of housing cost for a healthy housing market, and data on the projected household income growth.

This bill would require the methodology approved by the department to grant allowances to adjust for data factors relating to overcrowding, vacancy rates, and households that are cost burdened, as described above, based on the region's total projected households, which includes existing households as well as future projected households.

(5)

(3) By expanding the duties of local governments relating to the housing element program and the final regional housing need plan, this bill would impose a state-mandated local program.

(6)

(4) 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.

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

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

1 ~~SECTION 1. Section 65583 of the Government Code is~~
2 ~~amended to read:~~

3 ~~65583. The housing element shall consist of an identification~~
4 ~~and analysis of existing and projected housing needs and a~~
5 ~~statement of goals, policies, quantified objectives, financial~~
6 ~~resources, and scheduled programs for the preservation,~~
7 ~~improvement, and development of housing. The housing element~~
8 ~~shall identify adequate sites for housing, including rental housing,~~
9 ~~factory-built housing, mobilehomes, and emergency shelters, and~~
10 ~~shall make adequate provision for the existing and projected needs~~
11 ~~of all economic segments of the community. The element shall~~
12 ~~contain all of the following:~~

13 ~~(a) An assessment of housing needs and an inventory of~~
14 ~~resources and constraints relevant to the meeting of these needs.~~
15 ~~The assessment and inventory shall include all of the following:~~

16 ~~(1) An analysis of population and employment trends and~~
17 ~~documentation of projections and a quantification of the locality's~~
18 ~~existing and projected housing needs for all income levels,~~
19 ~~including extremely low income households, as defined in~~
20 ~~subdivision (b) of Section 50105 and Section 50106 of the Health~~
21 ~~and Safety Code. These existing and projected needs shall include~~
22 ~~the locality's share of the regional housing need in accordance~~
23 ~~with Section 65584. Local agencies shall calculate the subset of~~
24 ~~very low income households allotted under Section 65584 that~~
25 ~~qualify as extremely low income households. The local agency~~
26 ~~may either use available census data to calculate the percentage~~
27 ~~of very low income households that qualify as extremely low~~
28 ~~income households or presume that 50 percent of the very low~~
29 ~~income households qualify as extremely low income households.~~
30 ~~The number of extremely low income households and very low~~
31 ~~income households shall equal the jurisdiction's allocation of very~~
32 ~~low income households pursuant to Section 65584.~~

33 ~~(2) An analysis and documentation of household characteristics,~~
34 ~~including level of payment compared to ability to pay, housing~~
35 ~~characteristics, including overcrowding, and housing stock~~
36 ~~condition.~~

37 ~~(3) An inventory of land suitable and available for residential~~
38 ~~development, including vacant sites and sites having realistic and~~

1 demonstrated potential for redevelopment during the planning
2 period to meet the locality's housing need for a designated income
3 level, and an analysis of the relationship of zoning and public
4 facilities and services to these sites.

5 (4) (A) The identification of a zone or zones where emergency
6 shelters are allowed as a permitted use without a conditional use
7 or other discretionary permit. The identified zone or zones shall
8 include sufficient capacity to accommodate the need for emergency
9 shelter identified in paragraph (7), except that each local
10 government shall identify a zone or zones that can accommodate
11 at least one year-round emergency shelter. If the local government
12 cannot identify a zone or zones with sufficient capacity, the local
13 government shall include a program to amend its zoning ordinance
14 to meet the requirements of this paragraph within one year of the
15 adoption of the housing element. The local government may
16 identify additional zones where emergency shelters are permitted
17 with a conditional use permit. The local government shall also
18 demonstrate that existing or proposed permit processing,
19 development, and management standards are objective and
20 encourage and facilitate the development of, or conversion to,
21 emergency shelters. Emergency shelters may only be subject to
22 those development and management standards that apply to
23 residential or commercial development within the same zone except
24 that a local government may apply written, objective standards
25 that include all of the following:

26 (i) The maximum number of beds or persons permitted to be
27 served nightly by the facility.

28 (ii) Off-street parking based upon demonstrated need, provided
29 that the standards do not require more parking for emergency
30 shelters than for other residential or commercial uses within the
31 same zone.

32 (iii) The size and location of exterior and interior onsite waiting
33 and client intake areas.

34 (iv) The provision of onsite management.

35 (v) The proximity to other emergency shelters, provided that
36 emergency shelters are not required to be more than 300 feet apart.

37 (vi) The length of stay.

38 (vii) Lighting.

39 (viii) Security during hours that the emergency shelter is in
40 operation.

1 ~~(B) The permit processing, development, and management~~
2 ~~standards applied under this paragraph shall not be deemed to be~~
3 ~~discretionary acts within the meaning of the California~~
4 ~~Environmental Quality Act (Division 13 (commencing with Section~~
5 ~~21000) of the Public Resources Code).~~

6 ~~(C) A local government that can demonstrate to the satisfaction~~
7 ~~of the department the existence of one or more emergency shelters~~
8 ~~either within its jurisdiction or pursuant to a multijurisdictional~~
9 ~~agreement that can accommodate that jurisdiction's need for~~
10 ~~emergency shelter identified in paragraph (7) may comply with~~
11 ~~the zoning requirements of subparagraph (A) by identifying a zone~~
12 ~~or zones where new emergency shelters are allowed with a~~
13 ~~conditional use permit.~~

14 ~~(D) A local government with an existing ordinance or ordinances~~
15 ~~that comply with this paragraph shall not be required to take~~
16 ~~additional action to identify zones for emergency shelters. The~~
17 ~~housing element must only describe how existing ordinances,~~
18 ~~policies, and standards are consistent with the requirements of this~~
19 ~~paragraph.~~

20 ~~(5) An analysis of potential and actual governmental constraints~~
21 ~~upon the maintenance, improvement, or development of housing~~
22 ~~for all income levels, including the types of housing identified in~~
23 ~~paragraph (1) of subdivision (c), and for persons with disabilities~~
24 ~~as identified in the analysis pursuant to paragraph (7), including~~
25 ~~land use controls, building codes and their enforcement, site~~
26 ~~improvements, fees and other exactions required of developers,~~
27 ~~local processing and permit procedures, and any locally adopted~~
28 ~~ordinances that directly impact the cost and supply of residential~~
29 ~~development. The analysis shall also demonstrate local efforts to~~
30 ~~remove governmental constraints that hinder the locality from~~
31 ~~meeting its share of the regional housing need in accordance with~~
32 ~~Section 65584 and from meeting the need for housing for persons~~
33 ~~with disabilities, supportive housing, transitional housing, and~~
34 ~~emergency shelters identified pursuant to paragraph (7).~~
35 ~~Transitional housing and supportive housing shall be considered~~
36 ~~a residential use of property, and shall be subject only to those~~
37 ~~restrictions that apply to other residential dwellings of the same~~
38 ~~type in the same zone.~~

39 ~~(6) An analysis of potential and actual nongovernmental~~
40 ~~constraints upon the maintenance, improvement, or development~~

1 of housing for all income levels, including the availability of
2 financing, the price of land, the cost of construction, the requests
3 to develop housing at densities below those anticipated in the
4 analysis required by subdivision (c) of Section 65583.2, and the
5 length of time between receiving approval for a housing
6 development and submittal of an application for building permits
7 for that housing development that hinder the construction of a
8 locality's share of the regional housing need in accordance with
9 Section 65584. The analysis shall also demonstrate local efforts
10 to remove nongovernmental constraints that create a gap between
11 the locality's planning for the development of housing for all
12 income levels and the construction of that housing.

13 (7) An analysis of any special housing needs, such as those of
14 the elderly; persons with disabilities, including a developmental
15 disability, as defined in Section 4512 of the Welfare and
16 Institutions Code; large families; farmworkers; families with female
17 heads of households; and families and persons in need of
18 emergency shelter. The need for emergency shelter shall be
19 assessed based on annual and seasonal need. The need for
20 emergency shelter may be reduced by the number of supportive
21 housing units that are identified in an adopted 10-year plan to end
22 chronic homelessness and that are either vacant or for which
23 funding has been identified to allow construction during the
24 planning period. An analysis of special housing needs by a city or
25 county may include an analysis of the need for frequent user
26 coordinated care housing services.

27 (8) An analysis of opportunities for energy conservation with
28 respect to residential development. Cities and counties are
29 encouraged to include weatherization and energy efficiency
30 improvements as part of publicly subsidized housing rehabilitation
31 projects. This may include energy efficiency measures that
32 encompass the building envelope, its heating and cooling systems,
33 and its electrical system.

34 (9) An analysis of existing assisted housing developments that
35 are eligible to change from low-income housing uses during the
36 next 10 years due to termination of subsidy contracts, mortgage
37 prepayment, or expiration of restrictions on use. "Assisted housing
38 developments," for the purpose of this section, shall mean
39 multifamily rental housing that receives governmental assistance
40 under federal programs listed in subdivision (a) of Section

1 ~~65863.10, state and local multifamily revenue bond programs,~~
2 ~~local redevelopment programs, the federal Community~~
3 ~~Development Block Grant Program, or local in-lieu fees. “Assisted~~
4 ~~housing developments” shall also include multifamily rental units~~
5 ~~that were developed pursuant to a local inclusionary housing~~
6 ~~program or used to qualify for a density bonus pursuant to Section~~
7 ~~65916.~~

8 (A) ~~The analysis shall include a listing of each development by~~
9 ~~project name and address, the type of governmental assistance~~
10 ~~received, the earliest possible date of change from low-income~~
11 ~~use, and the total number of elderly and nonelderly units that could~~
12 ~~be lost from the locality’s low-income housing stock in each year~~
13 ~~during the 10-year period. For purposes of state and federally~~
14 ~~funded projects, the analysis required by this subparagraph need~~
15 ~~only contain information available on a statewide basis.~~

16 (B) ~~The analysis shall estimate the total cost of producing new~~
17 ~~rental housing that is comparable in size and rent levels, to replace~~
18 ~~the units that could change from low-income use, and an estimated~~
19 ~~cost of preserving the assisted housing developments. This cost~~
20 ~~analysis for replacement housing may be done aggregately for~~
21 ~~each five-year period and does not have to contain a~~
22 ~~project-by-project cost estimate.~~

23 (C) ~~The analysis shall identify public and private nonprofit~~
24 ~~corporations known to the local government which have legal and~~
25 ~~managerial capacity to acquire and manage these housing~~
26 ~~developments.~~

27 (D) ~~The analysis shall identify and consider the use of all federal,~~
28 ~~state, and local financing and subsidy programs which can be used~~
29 ~~to preserve, for lower income households, the assisted housing~~
30 ~~developments, identified in this paragraph, including, but not~~
31 ~~limited to, federal Community Development Block Grant Program~~
32 ~~funds, tax increment funds received by a redevelopment agency~~
33 ~~of the community, and administrative fees received by a housing~~
34 ~~authority operating within the community. In considering the use~~
35 ~~of these financing and subsidy programs, the analysis shall identify~~
36 ~~the amounts of funds under each available program which have~~
37 ~~not been legally obligated for other purposes and which could be~~
38 ~~available for use in preserving assisted housing developments.~~

1 ~~(b) (1) A statement of the community's goals, quantified~~
2 ~~objectives, and policies relative to the maintenance, preservation,~~
3 ~~improvement, and development of housing.~~

4 ~~(2) It is recognized that the total housing needs identified~~
5 ~~pursuant to subdivision (a) may exceed available resources and~~
6 ~~the community's ability to satisfy this need within the content of~~
7 ~~the general plan requirements outlined in Article 5 (commencing~~
8 ~~with Section 65300). Under these circumstances, the quantified~~
9 ~~objectives need not be identical to the total housing needs. The~~
10 ~~quantified objectives shall establish the maximum number of~~
11 ~~housing units by income category, including extremely low income,~~
12 ~~that can be constructed, rehabilitated, and conserved over a~~
13 ~~five-year time period.~~

14 ~~(c) A program which sets forth a schedule of actions during the~~
15 ~~planning period, each with a timeline for implementation, which~~
16 ~~may recognize that certain programs are ongoing, such that there~~
17 ~~will be beneficial impacts of the programs within the planning~~
18 ~~period, that the local government is undertaking or intends to~~
19 ~~undertake to implement the policies and achieve the goals and~~
20 ~~objectives of the housing element through the administration of~~
21 ~~land use and development controls, the provision of regulatory~~
22 ~~concessions and incentives, the utilization of appropriate federal~~
23 ~~and state financing and subsidy programs when available, and the~~
24 ~~utilization of moneys in a low- and moderate-income housing fund~~
25 ~~of an agency if the locality has established a redevelopment project~~
26 ~~area pursuant to the Community Redevelopment Law (Division~~
27 ~~24 (commencing with Section 33000) of the Health and Safety~~
28 ~~Code). In order to make adequate provision for the housing needs~~
29 ~~of all economic segments of the community, the program shall do~~
30 ~~all of the following:~~

31 ~~(1) Identify actions that will be taken to make sites available~~
32 ~~during the planning period with appropriate zoning and~~
33 ~~development standards and with services and facilities to~~
34 ~~accommodate that portion of the city's or county's share of the~~
35 ~~regional housing need for each income level that could not be~~
36 ~~accommodated on sites identified in the inventory completed~~
37 ~~pursuant to paragraph (3) of subdivision (a) without rezoning, to~~
38 ~~comply with the requirements of Section 65584.09, and to make~~
39 ~~at least 100 percent of the city's or county's share identified above~~
40 ~~available for multifamily housing located within the jurisdiction's~~

1 existing urban service boundary, as defined in Section 56080. Sites
2 shall be identified as needed to facilitate and encourage the
3 development of a variety of types of housing for all income levels,
4 including multifamily rental housing, factory-built housing,
5 mobilehomes, housing for agricultural employees, supportive
6 housing, single-room occupancy units, emergency shelters, and
7 transitional housing.

8 (A) Where the inventory of sites, pursuant to paragraph (3) of
9 subdivision (a), does not identify adequate sites to accommodate
10 the need for groups of all household income levels pursuant to
11 Section 65584, rezoning of those sites, including adoption of
12 minimum density and development standards, for jurisdictions
13 with an eight-year housing element planning period pursuant to
14 Section 65588, shall be completed no later than three years after
15 either the date the housing element is adopted pursuant to
16 subdivision (f) of Section 65585 or the date that is 90 days after
17 receipt of comments from the department pursuant to subdivision
18 (b) of Section 65585, whichever is earlier, unless the deadline is
19 extended pursuant to subdivision (f). Notwithstanding the
20 foregoing, for a local government that fails to adopt a housing
21 element within 120 days of the statutory deadline in Section 65588
22 for adoption of the housing element, rezoning of those sites,
23 including adoption of minimum density and development standards,
24 shall be completed no later than three years and 120 days from the
25 statutory deadline in Section 65588 for adoption of the housing
26 element.

27 (B) Where the inventory of sites, pursuant to paragraph (3) of
28 subdivision (a), does not identify adequate sites to accommodate
29 the need for groups of all household income levels pursuant to
30 Section 65584, the program shall identify sites that can be
31 developed for housing within the planning period pursuant to
32 subdivision (h) of Section 65583.2. The identification of sites shall
33 include all components specified in Section 65583.2.

34 (C) Where the inventory of sites pursuant to paragraph (3) of
35 subdivision (a) does not identify adequate sites to accommodate
36 the need for farmworker housing, the program shall provide for
37 sufficient sites to meet the need with zoning that permits
38 farmworker housing use by right, including density and
39 development standards that could accommodate and facilitate the

1 feasibility of the development of farmworker housing for low- and
2 very low income households.

3 ~~(2) Assist in the development of adequate housing to meet the~~
4 ~~needs of extremely low, very low, low-, and moderate-income~~
5 ~~households.~~

6 ~~(3) Address and, where appropriate and legally possible, remove~~
7 ~~governmental and nongovernmental constraints to the maintenance,~~
8 ~~improvement, and development of housing, including housing for~~
9 ~~all income levels and housing for persons with disabilities. The~~
10 ~~program shall remove constraints to, and provide reasonable~~
11 ~~accommodations for housing designed for, intended for occupancy~~
12 ~~by, or with supportive services for, persons with disabilities.~~

13 ~~(4) Conserve and improve the condition of the existing~~
14 ~~affordable housing stock, which may include addressing ways to~~
15 ~~mitigate the loss of dwelling units demolished by public or private~~
16 ~~action.~~

17 ~~(5) Promote housing opportunities for all persons regardless of~~
18 ~~race, religion, sex, marital status, ancestry, national origin, color,~~
19 ~~familial status, or disability.~~

20 ~~(6) Preserve for lower income households the assisted housing~~
21 ~~developments identified pursuant to paragraph (9) of subdivision~~
22 ~~(a). The program for preservation of the assisted housing~~
23 ~~developments shall utilize, to the extent necessary, all available~~
24 ~~federal, state, and local financing and subsidy programs identified~~
25 ~~in paragraph (9) of subdivision (a), except where a community has~~
26 ~~other urgent needs for which alternative funding sources are not~~
27 ~~available. The program may include strategies that involve local~~
28 ~~regulation and technical assistance.~~

29 ~~(7) Include an identification of the agencies and officials~~
30 ~~responsible for the implementation of the various actions and the~~
31 ~~means by which consistency will be achieved with other general~~
32 ~~plan elements and community goals.~~

33 ~~(8) Include a diligent effort by the local government to achieve~~
34 ~~public participation of all economic segments of the community~~
35 ~~in the development of the housing element, and the program shall~~
36 ~~describe this effort.~~

37 ~~(d) (1) A local government may satisfy all or part of its~~
38 ~~requirement to identify a zone or zones suitable for the~~
39 ~~development of emergency shelters pursuant to paragraph (4) of~~
40 ~~subdivision (a) by adopting and implementing a multijurisdictional~~

1 agreement, with a maximum of two other adjacent communities,
2 that requires the participating jurisdictions to develop at least one
3 year-round emergency shelter within two years of the beginning
4 of the planning period.

5 (2) The agreement shall allocate a portion of the new shelter
6 capacity to each jurisdiction as credit toward its emergency shelter
7 need, and each jurisdiction shall describe how the capacity was
8 allocated as part of its housing element.

9 (3) Each member jurisdiction of a multijurisdictional agreement
10 shall describe in its housing element all of the following:

11 (A) How the joint facility will meet the jurisdiction's emergency
12 shelter need.

13 (B) The jurisdiction's contribution to the facility for both the
14 development and ongoing operation and management of the
15 facility.

16 (C) The amount and source of the funding that the jurisdiction
17 contributes to the facility.

18 (4) The aggregate capacity claimed by the participating
19 jurisdictions in their housing elements shall not exceed the actual
20 capacity of the shelter.

21 (e) Except as otherwise provided in this article, amendments to
22 this article that alter the required content of a housing element
23 shall apply to both of the following:

24 (1) A housing element or housing element amendment prepared
25 pursuant to subdivision (c) of Section 65588 or Section 65584.02,
26 when a city, county, or city and county submits a draft to the
27 department for review pursuant to Section 65585 more than 90
28 days after the effective date of the amendment to this section.

29 (2) Any housing element or housing element amendment
30 prepared pursuant to subdivision (c) of Section 65588 or Section
31 65584.02, when the city, county, or city and county fails to submit
32 the first draft to the department before the due date specified in
33 Section 65588 or 65584.02.

34 (f) The deadline for completing required rezoning pursuant to
35 subparagraph (A) of paragraph (1) of subdivision (c) shall be
36 extended by one year if the local government has completed the
37 rezoning at densities sufficient to accommodate at least 75 percent
38 of the units for low- and very low income households and if the
39 legislative body at the conclusion of a public hearing determines,

1 based upon substantial evidence, that any of the following
2 circumstances exist:

3 (1) The local government has been unable to complete the
4 rezoning because of the action or inaction beyond the control of
5 the local government of any other state, federal, or local agency.

6 (2) The local government is unable to complete the rezoning
7 because of infrastructure deficiencies due to fiscal or regulatory
8 constraints.

9 (3) The local government must undertake a major revision to
10 its general plan in order to accommodate the housing-related
11 policies of a sustainable communities strategy or an alternative
12 planning strategy adopted pursuant to Section 65080.

13 The resolution and the findings shall be transmitted to the
14 department together with a detailed budget and schedule for
15 preparation and adoption of the required rezonings, including plans
16 for citizen participation and expected interim action. The schedule
17 shall provide for adoption of the required rezoning within one year
18 of the adoption of the resolution.

19 (g) (1) If a local government fails to complete the rezoning by
20 the deadline provided in subparagraph (A) of paragraph (1) of
21 subdivision (c), as it may be extended pursuant to subdivision (f),
22 except as provided in paragraph (2), a local government may not
23 disapprove a housing development project, nor require a
24 conditional use permit, planned unit development permit, or other
25 locally imposed discretionary permit, or impose a condition that
26 would render the project infeasible, if the housing development
27 project (A) is proposed to be located on a site required to be
28 rezoned pursuant to the program action required by that
29 subparagraph and (B) complies with applicable, objective general
30 plan and zoning standards and criteria, including design review
31 standards, described in the program action required by that
32 subparagraph. Any subdivision of sites shall be subject to the
33 Subdivision Map Act (Division 2 (commencing with Section
34 66410)). Design review shall not constitute a “project” for purposes
35 of Division 13 (commencing with Section 21000) of the Public
36 Resources Code.

37 (2) A local government may disapprove a housing development
38 described in paragraph (1) if it makes written findings supported
39 by substantial evidence on the record that both of the following
40 conditions exist:

1 ~~(A) The housing development project would have a specific,~~
2 ~~adverse impact upon the public health or safety unless the project~~
3 ~~is disapproved or approved upon the condition that the project be~~
4 ~~developed at a lower density. As used in this paragraph, a “specific,~~
5 ~~adverse impact” means a significant, quantifiable, direct, and~~
6 ~~unavoidable impact, based on objective, identified written public~~
7 ~~health or safety standards, policies, or conditions as they existed~~
8 ~~on the date the application was deemed complete.~~

9 ~~(B) There is no feasible method to satisfactorily mitigate or~~
10 ~~avoid the adverse impact identified pursuant to paragraph (1), other~~
11 ~~than the disapproval of the housing development project or the~~
12 ~~approval of the project upon the condition that it be developed at~~
13 ~~a lower density.~~

14 ~~(3) The applicant or any interested person may bring an action~~
15 ~~to enforce this subdivision. If a court finds that the local agency~~
16 ~~disapproved a project or conditioned its approval in violation of~~
17 ~~this subdivision, the court shall issue an order or judgment~~
18 ~~compelling compliance within 60 days. The court shall retain~~
19 ~~jurisdiction to ensure that its order or judgment is carried out. If~~
20 ~~the court determines that its order or judgment has not been carried~~
21 ~~out within 60 days, the court may issue further orders to ensure~~
22 ~~that the purposes and policies of this subdivision are fulfilled. In~~
23 ~~any such action, the city, county, or city and county shall bear the~~
24 ~~burden of proof.~~

25 ~~(4) For purposes of this subdivision, “housing development~~
26 ~~project” means a project to construct residential units for which~~
27 ~~the project developer provides sufficient legal commitments to the~~
28 ~~appropriate local agency to ensure the continued availability and~~
29 ~~use of at least 49 percent of the housing units for very low, low-,~~
30 ~~and moderate-income households with an affordable housing cost~~
31 ~~or affordable rent, as defined in Section 50052.5 or 50053 of the~~
32 ~~Health and Safety Code, respectively, for the period required by~~
33 ~~the applicable financing.~~

34 ~~(h) An action to enforce the program actions of the housing~~
35 ~~element shall be brought pursuant to Section 1085 of the Code of~~
36 ~~Civil Procedure.~~

37 ~~SEC. 2. Section 65583.2 of the Government Code, as amended~~
38 ~~by Section 3 of Chapter 375 of the Statutes of 2017, is amended~~
39 ~~to read:~~

1 ~~65583.2. (a) A city’s or county’s inventory of land suitable~~
2 ~~for residential development pursuant to paragraph (3) of~~
3 ~~subdivision (a) of Section 65583 shall be used to identify sites that~~
4 ~~can be developed for housing within the planning period and that~~
5 ~~are sufficient to provide for 125 percent of the jurisdiction’s share~~
6 ~~of the regional housing need for all income levels pursuant to~~
7 ~~Section 65584. As used in this section, “land suitable for residential~~
8 ~~development” includes all of the sites that meet the standards set~~
9 ~~forth in subdivisions (c) and (g):~~

- 10 ~~(1) Vacant sites zoned for residential use.~~
- 11 ~~(2) Vacant sites zoned for nonresidential use that allows~~
12 ~~residential development.~~
- 13 ~~(3) Residentially zoned sites that are capable of being developed~~
14 ~~at a higher density, including the airspace above sites owned or~~
15 ~~leased by a city, county, or city and county.~~
- 16 ~~(4) Sites zoned for nonresidential use that can be redeveloped~~
17 ~~for residential use, and for which the housing element includes a~~
18 ~~program to rezone the site, as necessary, rezoned for, to permit~~
19 ~~residential use, including sites owned or leased by a city, county,~~
20 ~~or city and county.~~

21 ~~(b) The inventory of land shall include all of the following:~~

- 22 ~~(1) A listing of properties by assessor parcel number.~~
- 23 ~~(2) The size of each property listed pursuant to paragraph (1),~~
24 ~~and the general plan designation and zoning of each property.~~
- 25 ~~(3) For nonvacant sites, a description of the existing use of each~~
26 ~~property.~~
- 27 ~~(4) A general description of any environmental constraints to~~
28 ~~the development of housing within the jurisdiction, the~~
29 ~~documentation for which has been made available to the~~
30 ~~jurisdiction. This information need not be identified on a~~
31 ~~site-specific basis.~~

32 ~~(5) (A) A description of existing or planned water, sewer, and~~
33 ~~other dry utilities supply, including the availability and access to~~
34 ~~distribution facilities.~~

35 ~~(B) Parcels included in the inventory must have sufficient water,~~
36 ~~sewer, and dry utilities supply available and accessible to support~~
37 ~~housing development or be included in an existing general plan~~
38 ~~program or other mandatory program or plan, including a program~~
39 ~~or plan of a public or private entity providing water or sewer~~
40 ~~service, to secure sufficient water, sewer, and dry utilities supply~~

1 to support housing development. This paragraph does not impose
2 any additional duty on the city or county to construct, finance, or
3 otherwise provide water, sewer, or dry utilities to parcels included
4 in the inventory.

5 ~~(6) Sites identified as available for housing for above~~
6 ~~moderate-income households in areas not served by public sewer~~
7 ~~systems. This information need not be identified on a site-specific~~
8 ~~basis.~~

9 ~~(7) A map that shows the location of the sites included in the~~
10 ~~inventory, such as the land use map from the jurisdiction's general~~
11 ~~plan, for reference purposes only.~~

12 ~~(e) Based on the information provided in subdivision (b), a city~~
13 ~~or county shall determine whether each site in the inventory can~~
14 ~~accommodate the development of some portion of its share of the~~
15 ~~regional housing need by income level during the planning period,~~
16 ~~as determined pursuant to Section 65584. The inventory shall~~
17 ~~specify for each site the number of units that can realistically be~~
18 ~~accommodated on that site and whether the site is adequate to~~
19 ~~accommodate lower-income housing, moderate-income housing,~~
20 ~~or above moderate-income housing. A nonvacant site identified~~
21 ~~pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing~~
22 ~~element and a vacant site that has been included in two or more~~
23 ~~consecutive planning periods that was not approved to develop a~~
24 ~~portion of the locality's housing need shall not be deemed adequate~~
25 ~~to accommodate a portion of the housing need for lower income~~
26 ~~households that must be accommodated in the current housing~~
27 ~~element planning period unless the site is zoned at residential~~
28 ~~densities consistent with paragraph (3) of this subdivision and the~~
29 ~~site is subject to a program in the housing element requiring~~
30 ~~rezoning within three years of the beginning of the planning period~~
31 ~~to allow residential use by right for housing developments in which~~
32 ~~at least 20 percent of the units are affordable to lower income~~
33 ~~households. A city that is an unincorporated area in a~~
34 ~~nonmetropolitan county pursuant to clause (ii) of subparagraph~~
35 ~~(B) of paragraph (3) shall not be subject to the requirements of~~
36 ~~this subdivision to allow residential use by right. The analysis shall~~
37 ~~determine whether the inventory can provide for a variety of types~~
38 ~~of housing, including multifamily rental housing, factory-built~~
39 ~~housing, mobilehomes, housing for agricultural employees,~~
40 ~~supportive housing, single room occupancy units, emergency~~

1 shelters, and transitional housing. The city or county shall
2 determine the number of housing units that can be accommodated
3 on each site as follows:

4 (1) If local law or regulations require the development of a site
5 at a minimum density, the department shall accept the planning
6 agency's calculation of the total housing unit capacity on that site
7 based on the established minimum density. If the city or county
8 does not adopt a law or regulation requiring the development of a
9 site at a minimum density, then it shall demonstrate how the
10 number of units determined for that site pursuant to this subdivision
11 will be accommodated.

12 (2) The number of units calculated pursuant to paragraph (1)
13 shall be adjusted as necessary, based on the land use controls and
14 site improvements requirement identified in paragraph (5) of
15 subdivision (a) of Section 65583, the realistic development capacity
16 for the site, typical densities of existing or approved residential
17 developments at a similar affordability level in that jurisdiction,
18 and on the current or planned availability and accessibility of
19 sufficient water, sewer, and dry utilities.

20 (A) A site smaller than half an acre shall not be deemed adequate
21 to accommodate lower income housing need unless the locality
22 can demonstrate that sites of equivalent size were successfully
23 developed during the prior planning period for an equivalent
24 number of lower income housing units as projected for the site or
25 unless the locality provides other evidence to the department that
26 the site is adequate to accommodate lower income housing.

27 (B) A site larger than 10 acres shall not be deemed adequate to
28 accommodate lower income housing need unless the locality can
29 demonstrate that sites of equivalent size were successfully
30 developed during the prior planning period for an equivalent
31 number of lower income housing units as projected for the site or
32 unless the locality provides other evidence to the department that
33 the site can be developed as lower income housing. For purposes
34 of this subparagraph, "site" means that portion of a parcel or parcels
35 designated to accommodate lower income housing needs pursuant
36 to this subdivision.

37 (C) A site may be presumed to be realistic for development to
38 accommodate lower income housing need if, at the time of the
39 adoption of the housing element, a development affordable to

1 lower income households has been proposed and approved for
2 development on the site.

3 (3) For the number of units calculated to accommodate its share
4 of the regional housing need for lower income households pursuant
5 to paragraph (2), a city or county shall do either of the following:

6 (A) Provide an analysis demonstrating how the adopted densities
7 accommodate this need. The analysis shall include, but is not
8 limited to, factors such as market demand, financial feasibility, or
9 information based on development project experience within a
10 zone or zones that provide housing for lower income households.

11 (B) The following densities shall be deemed appropriate to
12 accommodate housing for lower income households:

13 (i) For an incorporated city within a nonmetropolitan county
14 and for a nonmetropolitan county that has a micropolitan area:
15 sites allowing at least 15 units per acre.

16 (ii) For an unincorporated area in a nonmetropolitan county not
17 included in clause (i): sites allowing at least 10 units per acre.

18 (iii) For a suburban jurisdiction: sites allowing at least 20 units
19 per acre.

20 (iv) For a jurisdiction in a metropolitan county: sites allowing
21 at least 30 units per acre.

22 (d) For purposes of this section, a metropolitan county,
23 nonmetropolitan county, and nonmetropolitan county with a
24 micropolitan area shall be as determined by the United States
25 Census Bureau. A nonmetropolitan county with a micropolitan
26 area includes the following counties: Del Norte, Humboldt, Lake,
27 Mendocino, Nevada, Tehama, and Tuolumne and other counties
28 as may be determined by the United States Census Bureau to be
29 nonmetropolitan counties with micropolitan areas in the future.

30 (e) (1) Except as provided in paragraph (2), a jurisdiction shall
31 be considered suburban if the jurisdiction does not meet the
32 requirements of clauses (i) and (ii) of subparagraph (B) of
33 paragraph (3) of subdivision (c) and is located in a Metropolitan
34 Statistical Area (MSA) of less than 2,000,000 in population, unless
35 that jurisdiction's population is greater than 100,000, in which
36 case it shall be considered metropolitan. A county, not including
37 the City and County of San Francisco, shall be considered suburban
38 unless the county is in an MSA of 2,000,000 or greater in
39 population in which case the county shall be considered
40 metropolitan.

1 ~~(2) (A) (i) Notwithstanding paragraph (1), if a county that is~~
2 ~~in the San Francisco-Oakland-Fremont California MSA has a~~
3 ~~population of less than 400,000, that county shall be considered~~
4 ~~suburban. If this county includes an incorporated city that has a~~
5 ~~population of less than 100,000, this city shall also be considered~~
6 ~~suburban. This paragraph shall apply to a housing element revision~~
7 ~~cycle, as described in subparagraph (A) of paragraph (3) of~~
8 ~~subdivision (c) of Section 65588, that is in effect from July 1,~~
9 ~~2014, to December 31, 2028, inclusive.~~

10 ~~(ii) A county subject to this subparagraph shall utilize the sum~~
11 ~~existing in the county's housing trust fund as of June 30, 2013, for~~
12 ~~the development and preservation of housing affordable to low- and~~
13 ~~very low income households.~~

14 ~~(B) A jurisdiction that is classified as suburban pursuant to this~~
15 ~~paragraph shall report to the Assembly Committee on Housing~~
16 ~~and Community Development, the Senate Committee on~~
17 ~~Transportation and Housing, and the Department of Housing and~~
18 ~~Community Development regarding its progress in developing~~
19 ~~low- and very low income housing consistent with the requirements~~
20 ~~of Section 65400. The report shall be provided three times: once,~~
21 ~~on or before December 31, 2019, which report shall address the~~
22 ~~initial four years of the housing element cycle, a second time, on~~
23 ~~or before December 31, 2023, which report shall address the~~
24 ~~subsequent four years of the housing element cycle, and a third~~
25 ~~time, on or before December 31, 2027, which report shall address~~
26 ~~the subsequent four years of the housing element cycle and the~~
27 ~~cycle as a whole. The reports shall be provided consistent with the~~
28 ~~requirements of Section 9795.~~

29 ~~(f) A jurisdiction shall be considered metropolitan if the~~
30 ~~jurisdiction does not meet the requirements for "suburban area"~~
31 ~~above and is located in an MSA of 2,000,000 or greater in~~
32 ~~population, unless that jurisdiction's population is less than 25,000~~
33 ~~in which case it shall be considered suburban.~~

34 ~~(g) (1) For sites described in paragraph (3) of subdivision (b),~~
35 ~~the city or county shall specify the additional development potential~~
36 ~~for each site within the planning period and shall provide an~~
37 ~~explanation of the methodology used to determine the development~~
38 ~~potential. The methodology shall consider factors including the~~
39 ~~extent to which existing uses may constitute an impediment to~~
40 ~~additional residential development, the city's or county's past~~

1 ~~experience with converting existing uses to higher density~~
2 ~~residential development, the current market demand for the existing~~
3 ~~use, an analysis of any existing leases or other contracts that would~~
4 ~~perpetuate the existing use or prevent redevelopment of the site~~
5 ~~for additional residential development, development trends, market~~
6 ~~conditions, and regulatory or other incentives or standards to~~
7 ~~encourage additional residential development on these sites.~~

8 (2) ~~In addition to the analysis required in paragraph (1), when~~
9 ~~a city or county is relying on nonvacant sites described in paragraph~~
10 ~~(3) of subdivision (b) to accommodate 50 percent or more of its~~
11 ~~housing need for lower income households, the methodology used~~
12 ~~to determine additional development potential shall demonstrate~~
13 ~~that the existing use identified pursuant to paragraph (3) of~~
14 ~~subdivision (b) does not constitute an impediment to additional~~
15 ~~residential development during the period covered by the housing~~
16 ~~element. An existing use shall be presumed to impede additional~~
17 ~~residential development, absent findings based on substantial~~
18 ~~evidence that the use is likely to be discontinued during the~~
19 ~~planning period.~~

20 (3) ~~Notwithstanding any other law, and in addition to the~~
21 ~~requirements in paragraphs (1) and (2), sites that currently have~~
22 ~~residential uses, or within the past five years have had residential~~
23 ~~uses that have been vacated or demolished, that are or were subject~~
24 ~~to a recorded covenant, ordinance, or law that restricts rents to~~
25 ~~levels affordable to persons and families of low or very low~~
26 ~~income, subject to any other form of rent or price control through~~
27 ~~a public entity's valid exercise of its police power, or occupied by~~
28 ~~low or very low income households, shall be subject to a policy~~
29 ~~requiring the replacement of all those units affordable to the same~~
30 ~~or lower income level as a condition of any development on the~~
31 ~~site. Replacement requirements shall be consistent with those set~~
32 ~~forth in paragraph (3) of subdivision (c) of Section 65915.~~

33 (h) ~~The program required by subparagraph (A) of paragraph (1)~~
34 ~~of subdivision (c) of Section 65583 shall accommodate 100 percent~~
35 ~~of the need for housing for very low and low-income households~~
36 ~~allocated pursuant to Section 65584 for which site capacity has~~
37 ~~not been identified in the inventory of sites pursuant to paragraph~~
38 ~~(3) of subdivision (a) on sites that shall be zoned to permit~~
39 ~~owner-occupied and rental multifamily residential use by right for~~
40 ~~developments in which at least 20 percent of the units are~~

1 affordable to lower income households during the planning period.
2 These sites shall be zoned with minimum density and development
3 standards that permit at least 16 units per site at a density of at
4 least 16 units per acre in jurisdictions described in clause (i) of
5 subparagraph (B) of paragraph (3) of subdivision (c), shall be at
6 least 20 units per acre in jurisdictions described in clauses (iii) and
7 (iv) of subparagraph (B) of paragraph (3) of subdivision (c) and
8 shall meet the standards set forth in subparagraph (B) of paragraph
9 (5) of subdivision (b). At least 50 percent of the very low and
10 low-income housing need shall be accommodated on sites
11 designated for residential use and for which nonresidential uses
12 or mixed uses are not permitted, except that a city or county may
13 accommodate all of the very low and low-income housing need
14 on sites designated for mixed uses if those sites allow 100 percent
15 residential use and require that residential use occupy 50 percent
16 of the total floor area of a mixed-use project.

17 (i) For purposes of this section and Section 65583, the phrase
18 “use by right” shall mean that the local government’s review of
19 the owner-occupied or multifamily residential use may not require
20 a conditional use permit, planned unit development permit, or other
21 discretionary local government review or approval that would
22 constitute a “project” for purposes of Division 13 (commencing
23 with Section 21000) of the Public Resources Code. Any subdivision
24 of the sites shall be subject to all laws, including, but not limited
25 to, the local government ordinance implementing the Subdivision
26 Map Act. A local ordinance may provide that “use by right” does
27 not exempt the use from design review. However, that design
28 review shall not constitute a “project” for purposes of Division 13
29 (commencing with Section 21000) of the Public Resources Code.
30 Use by right for all rental multifamily residential housing shall be
31 provided in accordance with subdivision (f) of Section 65589.5.

32 (j) Notwithstanding any other provision of this section, within
33 one-half mile of a Sonoma-Marín Area Rail Transit station, housing
34 density requirements in place on June 30, 2014, shall apply.

35 (k) For purposes of subdivisions (a) and (b), the department
36 shall provide guidance to local governments to properly survey,
37 detail, and account for sites listed pursuant to Section 65585.

38 (l) This section shall remain in effect only until December 31,
39 2028, and as of that date is repealed.

1 ~~SEC. 3.—Section 65583.2 of the Government Code, as amended~~
2 ~~by Section 4 of Chapter 375 of the Statutes of 2017, is amended~~
3 ~~to read:~~

4 ~~65583.2. (a) A city's or county's inventory of land suitable~~
5 ~~for residential development pursuant to paragraph (3) of~~
6 ~~subdivision (a) of Section 65583 shall be used to identify sites that~~
7 ~~can be developed for housing within the planning period and that~~
8 ~~are sufficient to provide for 125 percent of the jurisdiction's share~~
9 ~~of the regional housing need for all income levels pursuant to~~
10 ~~Section 65584. As used in this section, "land suitable for residential~~
11 ~~development" includes all of the sites that meet the standards set~~
12 ~~forth in subdivisions (c) and (g):~~

13 ~~(1) Vacant sites zoned for residential use.~~

14 ~~(2) Vacant sites zoned for nonresidential use that allows~~
15 ~~residential development.~~

16 ~~(3) Residentially zoned sites that are capable of being developed~~
17 ~~at a higher density, sites owned or leased by a city, county, or city~~
18 ~~and county.~~

19 ~~(4) Sites zoned for nonresidential use that can be redeveloped~~
20 ~~for residential use, and for which the housing element includes a~~
21 ~~program to rezone the sites, as necessary, to permit residential use,~~
22 ~~including sites owned or leased by a city, county, or city and~~
23 ~~county.~~

24 ~~(b) The inventory of land shall include all of the following:~~

25 ~~(1) A listing of properties by assessor parcel number.~~

26 ~~(2) The size of each property listed pursuant to paragraph (1),~~
27 ~~and the general plan designation and zoning of each property.~~

28 ~~(3) For nonvacant sites, a description of the existing use of each~~
29 ~~property.~~

30 ~~(4) A general description of any environmental constraints to~~
31 ~~the development of housing within the jurisdiction, the~~
32 ~~documentation for which has been made available to the~~
33 ~~jurisdiction. This information need not be identified on a~~
34 ~~site-specific basis.~~

35 ~~(5) (A) A description of existing or planned water, sewer, and~~
36 ~~other dry utilities supply, including the availability and access to~~
37 ~~distribution facilities.~~

38 ~~(B) Parcels included in the inventory must have sufficient water,~~
39 ~~sewer, and dry utilities supply available and accessible to support~~
40 ~~housing development or be included in an existing general plan~~

1 program or other mandatory program or plan, including a program
2 or plan of a public or private entity providing water or sewer
3 service, to secure sufficient water, sewer, and dry utilities supply
4 to support housing development. This paragraph does not impose
5 any additional duty on the city or county to construct, finance, or
6 otherwise provide water, sewer, or dry utilities to parcels included
7 in the inventory.

8 ~~(6) Sites identified as available for housing for above~~
9 ~~moderate-income households in areas not served by public sewer~~
10 ~~systems. This information need not be identified on a site-specific~~
11 ~~basis.~~

12 ~~(7) A map that shows the location of the sites included in the~~
13 ~~inventory, such as the land use map from the jurisdiction's general~~
14 ~~plan for reference purposes only.~~

15 ~~(e) Based on the information provided in subdivision (b), a city~~
16 ~~or county shall determine whether each site in the inventory can~~
17 ~~accommodate the development of some portion of its share of the~~
18 ~~regional housing need by income level during the planning period,~~
19 ~~as determined pursuant to Section 65584. The inventory shall~~
20 ~~specify for each site the number of units that can realistically be~~
21 ~~accommodated on that site and whether the site is adequate to~~
22 ~~accommodate lower-income housing, moderate-income housing,~~
23 ~~or above moderate-income housing. A nonvacant site identified~~
24 ~~pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing~~
25 ~~element and a vacant site that has been included in two or more~~
26 ~~consecutive planning periods that was not approved to develop a~~
27 ~~portion of the locality's housing need shall not be deemed adequate~~
28 ~~to accommodate a portion of the housing need for lower income~~
29 ~~households that must be accommodated in the current housing~~
30 ~~element planning period unless the site is zoned at residential~~
31 ~~densities consistent with paragraph (3) of this subdivision and the~~
32 ~~site is subject to a program in the housing element requiring~~
33 ~~rezoning within three years of the beginning of the planning period~~
34 ~~to allow residential use by right for housing developments in which~~
35 ~~at least 20 percent of the units are affordable to lower income~~
36 ~~households. A city that is an unincorporated area in a~~
37 ~~nonmetropolitan county pursuant to clause (ii) of subparagraph~~
38 ~~(B) of paragraph (3) shall not be subject to the requirements of~~
39 ~~this subdivision to allow residential use by right. The analysis shall~~
40 ~~determine whether the inventory can provide for a variety of types~~

1 of housing, including multifamily rental housing, factory-built
2 housing, mobilehomes, housing for agricultural employees,
3 supportive housing, single room occupancy units, emergency
4 shelters, and transitional housing. The city or county shall
5 determine the number of housing units that can be accommodated
6 on each site as follows:

7 (1) If local law or regulations require the development of a site
8 at a minimum density, the department shall accept the planning
9 agency's calculation of the total housing unit capacity on that site
10 based on the established minimum density. If the city or county
11 does not adopt a law or regulation requiring the development of a
12 site at a minimum density, then it shall demonstrate how the
13 number of units determined for that site pursuant to this subdivision
14 will be accommodated.

15 (2) The number of units calculated pursuant to paragraph (1)
16 shall be adjusted as necessary, based on the land use controls and
17 site improvements requirement identified in paragraph (5) of
18 subdivision (a) of Section 65583, the realistic development capacity
19 for the site, typical densities of existing or approved residential
20 developments at a similar affordability level in that jurisdiction,
21 and on the current or planned availability and accessibility of
22 sufficient water, sewer, and dry utilities.

23 (A) A site smaller than half an acre shall not be deemed adequate
24 to accommodate lower income housing need unless the locality
25 can demonstrate that sites of equivalent size were successfully
26 developed during the prior planning period for an equivalent
27 number of lower income housing units as projected for the site or
28 unless the locality provides other evidence to the department that
29 the site is adequate to accommodate lower income housing.

30 (B) A site larger than 10 acres shall not be deemed adequate to
31 accommodate lower income housing need unless the locality can
32 demonstrate that sites of equivalent size were successfully
33 developed during the prior planning period for an equivalent
34 number of lower income housing units as projected for the site or
35 unless the locality provides other evidence to the department that
36 the site can be developed as lower income housing. For purposes
37 of this subparagraph, "site" means that portion of a parcel or parcels
38 designated to accommodate lower income housing needs pursuant
39 to this subdivision.

1 ~~(C) A site may be presumed to be realistic for development to~~
2 ~~accommodate lower income housing need if, at the time of the~~
3 ~~adoption of the housing element, a development affordable to~~
4 ~~lower income households has been proposed and approved for~~
5 ~~development on the site.~~

6 ~~(3) For the number of units calculated to accommodate its share~~
7 ~~of the regional housing need for lower income households pursuant~~
8 ~~to paragraph (2), a city or county shall do either of the following:~~

9 ~~(A) Provide an analysis demonstrating how the adopted densities~~
10 ~~accommodate this need. The analysis shall include, but is not~~
11 ~~limited to, factors such as market demand, financial feasibility, or~~
12 ~~information based on development project experience within a~~
13 ~~zone or zones that provide housing for lower income households.~~

14 ~~(B) The following densities shall be deemed appropriate to~~
15 ~~accommodate housing for lower income households:~~

16 ~~(i) For an incorporated city within a nonmetropolitan county~~
17 ~~and for a nonmetropolitan county that has a micropolitan area:~~
18 ~~sites allowing at least 15 units per acre.~~

19 ~~(ii) For an unincorporated area in a nonmetropolitan county not~~
20 ~~included in clause (i): sites allowing at least 10 units per acre.~~

21 ~~(iii) For a suburban jurisdiction: sites allowing at least 20 units~~
22 ~~per acre.~~

23 ~~(iv) For a jurisdiction in a metropolitan county: sites allowing~~
24 ~~at least 30 units per acre.~~

25 ~~(d) For purposes of this section, a metropolitan county,~~
26 ~~nonmetropolitan county, and nonmetropolitan county with a~~
27 ~~micropolitan area shall be as determined by the United States~~
28 ~~Census Bureau. A nonmetropolitan county with a micropolitan~~
29 ~~area includes the following counties: Del Norte, Humboldt, Lake,~~
30 ~~Mendocino, Nevada, Tehama, and Tuolumne and other counties~~
31 ~~as may be determined by the United States Census Bureau to be~~
32 ~~nonmetropolitan counties with micropolitan areas in the future.~~

33 ~~(e) A jurisdiction shall be considered suburban if the jurisdiction~~
34 ~~does not meet the requirements of clauses (i) and (ii) of~~
35 ~~subparagraph (B) of paragraph (3) of subdivision (c) and is located~~
36 ~~in a Metropolitan Statistical Area (MSA) of less than 2,000,000~~
37 ~~in population, unless that jurisdiction's population is greater than~~
38 ~~100,000, in which case it shall be considered metropolitan. A~~
39 ~~county, not including the City and County of San Francisco, shall~~
40 ~~be considered suburban unless the county is in an MSA of~~

1 2,000,000 or greater in population in which case the county shall
2 be considered metropolitan.

3 ~~(f) A jurisdiction shall be considered metropolitan if the~~
4 ~~jurisdiction does not meet the requirements for “suburban area”~~
5 ~~above and is located in an MSA of 2,000,000 or greater in~~
6 ~~population, unless that jurisdiction’s population is less than 25,000~~
7 ~~in which case it shall be considered suburban.~~

8 ~~(g) (1) For sites described in paragraph (3) of subdivision (b),~~
9 ~~the city or county shall specify the additional development potential~~
10 ~~for each site within the planning period and shall provide an~~
11 ~~explanation of the methodology used to determine the development~~
12 ~~potential. The methodology shall consider factors including the~~
13 ~~extent to which existing uses may constitute an impediment to~~
14 ~~additional residential development, the city’s or county’s past~~
15 ~~experience with converting existing uses to higher density~~
16 ~~residential development, the current market demand for the existing~~
17 ~~use, an analysis of any existing leases or other contracts that would~~
18 ~~perpetuate the existing use or prevent redevelopment of the site~~
19 ~~for additional residential development, development trends, market~~
20 ~~conditions, and regulatory or other incentives or standards to~~
21 ~~encourage additional residential development on these sites.~~

22 ~~(2) In addition to the analysis required in paragraph (1), when~~
23 ~~a city or county is relying on nonvacant sites described in paragraph~~
24 ~~(3) of subdivision (b) to accommodate 50 percent or more of its~~
25 ~~housing need for lower income households, the methodology used~~
26 ~~to determine additional development potential shall demonstrate~~
27 ~~that the existing use identified pursuant to paragraph (3) of~~
28 ~~subdivision (b) does not constitute an impediment to additional~~
29 ~~residential development during the period covered by the housing~~
30 ~~element. An existing use shall be presumed to impede additional~~
31 ~~residential development, absent findings based on substantial~~
32 ~~evidence that the use is likely to be discontinued during the~~
33 ~~planning period.~~

34 ~~(3) Notwithstanding any other law, and in addition to the~~
35 ~~requirements in paragraphs (1) and (2), sites that currently have~~
36 ~~residential uses, or within the past five years have had residential~~
37 ~~uses that have been vacated or demolished, that are or were subject~~
38 ~~to a recorded covenant, ordinance, or law that restricts rents to~~
39 ~~levels affordable to persons and families of low or very low~~
40 ~~income, subject to any other form of rent or price control through~~

1 a public entity’s valid exercise of its police power, or occupied by
2 low or very low income households, shall be subject to a policy
3 requiring the replacement of all those units affordable to the same
4 or lower income level as a condition of any development on the
5 site. Replacement requirements shall be consistent with those set
6 forth in paragraph (3) of subdivision (c) of Section 65915.

7 ~~(h) The program required by subparagraph (A) of paragraph (1)~~
8 ~~of subdivision (c) of Section 65583 shall accommodate 100 percent~~
9 ~~of the need for housing for very low and low-income households~~
10 ~~allocated pursuant to Section 65584 for which site capacity has~~
11 ~~not been identified in the inventory of sites pursuant to paragraph~~
12 ~~(3) of subdivision (a) on sites that shall be zoned to permit~~
13 ~~owner-occupied and rental multifamily residential use by right for~~
14 ~~developments in which at least 20 percent of the units are~~
15 ~~affordable to lower income households during the planning period.~~
16 ~~These sites shall be zoned with minimum density and development~~
17 ~~standards that permit at least 16 units per site at a density of at~~
18 ~~least 16 units per acre in jurisdictions described in clause (i) of~~
19 ~~subparagraph (B) of paragraph (3) of subdivision (c), shall be at~~
20 ~~least 20 units per acre in jurisdictions described in clauses (iii) and~~
21 ~~(iv) of subparagraph (B) of paragraph (3) of subdivision (c), and~~
22 ~~shall meet the standards set forth in subparagraph (B) of paragraph~~
23 ~~(5) of subdivision (b). At least 50 percent of the very low and~~
24 ~~low-income housing need shall be accommodated on sites~~
25 ~~designated for residential use and for which nonresidential uses~~
26 ~~or mixed uses are not permitted, except that a city or county may~~
27 ~~accommodate all of the very low and low-income housing need~~
28 ~~on sites designated for mixed uses if those sites allow 100 percent~~
29 ~~residential use and require that residential use occupy 50 percent~~
30 ~~of the total floor area of a mixed uses project.~~

31 ~~(i) For purposes of this section and Section 65583, the phrase~~
32 ~~“use by right” shall mean that the local government’s review of~~
33 ~~the owner-occupied or multifamily residential use may not require~~
34 ~~a conditional use permit, planned unit development permit, or other~~
35 ~~discretionary local government review or approval that would~~
36 ~~constitute a “project” for purposes of Division 13 (commencing~~
37 ~~with Section 21000) of the Public Resources Code. Any subdivision~~
38 ~~of the sites shall be subject to all laws, including, but not limited~~
39 ~~to, the local government ordinance implementing the Subdivision~~
40 ~~Map Act. A local ordinance may provide that “use by right” does~~

1 not exempt the use from design review. However, that design
 2 review shall not constitute a “project” for purposes of Division 13
 3 (commencing with Section 21000) of the Public Resources Code.
 4 Use by right for all rental multifamily residential housing shall be
 5 provided in accordance with subdivision (f) of Section 65589.5.

6 (j) For purposes of subdivisions (a) and (b), the department shall
 7 provide guidance to local governments to properly survey, detail,
 8 and account for sites listed pursuant to Section 65585.

9 (k) This section shall become operative on December 31, 2028.

10 ~~SEC. 4.~~

11 *SECTION 1.* Section 65584 of the Government Code is
 12 amended to read:

13 65584. (a) (1) For the fourth and subsequent revisions of the
 14 housing element pursuant to Section 65588, the department shall
 15 determine the existing and projected need for housing for each
 16 region pursuant to this article. For purposes of subdivision (a) of
 17 Section 65583, the share of a city or county of the regional housing
 18 need shall include that share of the housing need of persons at all
 19 income levels within the area significantly affected by the general
 20 plan of the city or county.

21 (2) It is the intent of the Legislature that cities, counties, and
 22 cities and counties should undertake all necessary actions to
 23 encourage, promote, and facilitate the development of housing to
 24 accommodate the entire regional housing need, and reasonable
 25 actions should be taken by local and regional governments to
 26 ensure that future housing production meet, at a minimum, the
 27 regional housing need established for planning purposes. These
 28 actions shall include applicable reforms and incentives in Section
 29 65582.1.

30 (3) The Legislature finds and declares that insufficient housing
 31 in job centers hinders the state’s environmental quality and runs
 32 counter to the state’s environmental goals. In particular, when
 33 Californians seeking affordable housing are forced to drive longer
 34 distances to work, an increased amount of greenhouse gases and
 35 other pollutants is released and puts in jeopardy the achievement
 36 of the state’s climate goals, as established pursuant to Section
 37 38566 of the Health and Safety Code, and clean air goals.

38 (b) The department, in consultation with each council of
 39 governments, shall determine each region’s existing and projected
 40 housing need pursuant to Section 65584.01 at least two years prior

1 to the scheduled revision required pursuant to Section 65588. The
2 appropriate council of governments, or for cities and counties
3 without a council of governments, the department, shall adopt a
4 final regional housing need plan that allocates a share of the
5 regional housing need to each city, county, or city and county at
6 least one year prior to the scheduled revision for the region required
7 by Section 65588. The allocation plan prepared by a council of
8 governments shall be prepared pursuant to Sections 65584.04 and
9 65584.05 with the advice of the department.

10 (c) Notwithstanding any other provision of law, the due dates
11 for the determinations of the department or for the council of
12 governments, respectively, regarding the regional housing need
13 may be extended by the department by not more than 60 days if
14 the extension will enable access to more recent critical population
15 or housing data from a pending or recent release of the United
16 States Census Bureau or the Department of Finance. If the due
17 date for the determination of the department or the council of
18 governments is extended for this reason, the department shall
19 extend the corresponding housing element revision deadline
20 pursuant to Section 65588 by not more than 60 days.

21 (d) The regional housing needs allocation plan shall be
22 consistent with all of the following objectives:

23 (1) Increasing the housing supply and the mix of housing types,
24 tenure, and affordability in all cities and counties within the region
25 in an equitable manner, which shall result in each jurisdiction
26 receiving an allocation of units for low- and very low income
27 households.

28 (2) Promoting infill development and socioeconomic equity,
29 the protection of environmental and agricultural resources, and
30 the encouragement of efficient development patterns.

31 (3) Promoting an improved intraregional relationship between
32 jobs and housing.

33 (4) Allocating a lower proportion of housing need to an income
34 category when a jurisdiction already has a disproportionately high
35 share of households in that income category, as compared to the
36 countywide distribution of households in that category from the
37 most recent decennial United States census.

38 (e) For purposes of this section, “household income levels” are
39 as determined by the department as of the most recent decennial
40 census pursuant to the following code sections:

1 (1) Very low incomes as defined by Section 50105 of the Health
2 and Safety Code.

3 (2) Lower incomes, as defined by Section 50079.5 of the Health
4 and Safety Code.

5 (3) Moderate incomes, as defined by Section 50093 of the Health
6 and Safety Code.

7 (4) Above moderate incomes are those exceeding the
8 moderate-income level of Section 50093 of the Health and Safety
9 Code.

10 (f) Notwithstanding any other provision of law, determinations
11 made by the department, a council of governments, or a city or
12 county pursuant to this section or Section 65584.01, 65584.02,
13 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08
14 are exempt from the California Environmental Quality Act
15 (Division 13 (commencing with Section 21000) of the Public
16 Resources Code).

17 ~~SEC. 5.~~

18 *SEC. 2.* Section 65584.01 of the Government Code is amended
19 to read:

20 65584.01. For the fourth and subsequent revision of the housing
21 element pursuant to Section 65588, the department, in consultation
22 with each council of governments, where applicable, shall
23 determine the existing and projected need for housing for each
24 region in the following manner:

25 (a) The department’s determination shall be based upon
26 population projections produced by the Department of Finance
27 and regional population forecasts used in preparing regional
28 transportation plans, in consultation with each council of
29 governments. If the total regional population forecast for the
30 projection year, developed by the council of governments and used
31 for the preparation of the regional transportation plan, is within a
32 range of 1.5 percent of the total regional population forecast for
33 the projection year by the Department of Finance, then the
34 population forecast developed by the council of governments shall
35 be the basis from which the department determines the existing
36 and projected need for housing in the region. If the difference
37 between the total population projected by the council of
38 governments and the total population projected for the region by
39 the Department of Finance is greater than 1.5 percent, then the
40 department and the council of governments shall meet to discuss

1 variances in methodology used for population projections and seek
2 agreement on a population projection for the region to be used as
3 a basis for determining the existing and projected housing need
4 for the region. If no agreement is reached, then the population
5 projection for the region shall be the population projection for the
6 region prepared by the Department of Finance as may be modified
7 by the department as a result of discussions with the council of
8 governments.

9 (b) (1) At least 26 months prior to the scheduled revision
10 pursuant to Section 65588 and prior to developing the existing and
11 projected housing need for a region, the department shall meet and
12 consult with the council of governments regarding the assumptions
13 and methodology to be used by the department to determine the
14 region's housing needs. The council of governments shall provide
15 data assumptions from the council's projections, including, if
16 available, the following data for the region:

17 (A) Anticipated household growth associated with projected
18 population increases.

19 (B) Household size data and trends in household size.

20 (C) The percentage of renters' households that are overcrowded
21 and the overcrowding rate for a comparable housing market. For
22 purposes of this subparagraph:

23 (i) The term "overcrowded" means more than one resident per
24 room in each room in a dwelling.

25 (ii) The term "overcrowding rate for a comparable housing
26 market" means that the overcrowding rate is no more than the
27 average overcrowding rate in comparable regions throughout the
28 nation, as determined by the council of governments.

29 (D) The rate of household formation, or headship rates, based
30 on age, gender, ethnicity, or other established demographic
31 measures.

32 (E) The vacancy rates in existing housing stock, and the vacancy
33 rates for healthy housing market functioning and regional mobility,
34 as well as housing replacement needs. For purposes of this
35 subparagraph, the vacancy rate for a healthy housing market shall
36 be considered between 5 and 8 percent for both rental and
37 ownership housing.

38 (F) Other characteristics of the composition of the projected
39 population.

1 (G) The relationship between jobs and housing, including any
2 imbalance between jobs and housing.

3 (H) The percentage of households that are cost burdened and
4 the rate of housing cost burden for a healthy housing market. For
5 the purposes of this subparagraph:

6 (i) The term “cost burdened” means the share of very low-,
7 low-, moderate-, and above moderate-income households that are
8 paying more than 30 percent of household income on housing
9 costs.

10 (ii) The term “rate of housing cost burden for a healthy housing
11 market” means that the rate of households that are cost burdened
12 is no more than the average rate of households that are cost
13 burdened in comparable regions throughout the nation, as
14 determined by the council of governments.

15 (I) Projected household income growth.

16 (2) The department may accept or reject the information
17 provided by the council of governments or modify its own
18 assumptions or methodology based on this information. After
19 consultation with the council of governments, the department shall
20 make determinations in writing on the assumptions for each of the
21 factors listed in subparagraphs (A) to (I), inclusive, of paragraph
22 (1) and the methodology it shall use and shall provide these
23 determinations to the council of governments. The methodology
24 submitted by the department shall grant allowances to adjust for
25 each of the factors listed in subparagraphs (C), (E), and (H) of
26 paragraph (1) based on the region’s total projected households,
27 which includes existing households as well as future projected
28 households.

29 (c) (1) After consultation with the council of governments, the
30 department shall make a determination of the region’s existing
31 and projected housing need based upon the assumptions and
32 methodology determined pursuant to subdivision (b). The region’s
33 existing and projected housing need shall reflect the achievement
34 of a feasible balance between jobs and housing within the region
35 using the regional employment projections in the applicable
36 regional transportation plan. Within 30 days following notice of
37 the determination from the department, the council of governments
38 may file an objection to the department’s determination of the
39 region’s existing and projected housing need with the department.

1 (2) The objection shall be based on and substantiate either of
2 the following:

3 (A) The department failed to base its determination on the
4 population projection for the region established pursuant to
5 subdivision (a), and shall identify the population projection which
6 the council of governments believes should instead be used for the
7 determination and explain the basis for its rationale.

8 (B) The regional housing need determined by the department
9 is not a reasonable application of the methodology and assumptions
10 determined pursuant to subdivision (b). The objection shall include
11 a proposed alternative determination of its regional housing need
12 based upon the determinations made in subdivision (b), including
13 analysis of why the proposed alternative would be a more
14 reasonable application of the methodology and assumptions
15 determined pursuant to subdivision (b).

16 (3) If a council of governments files an objection pursuant to
17 this subdivision and includes with the objection a proposed
18 alternative determination of its regional housing need, it shall also
19 include documentation of its basis for the alternative determination.
20 Within 45 days of receiving an objection filed pursuant to this
21 section, the department shall consider the objection and make a
22 final written determination of the region's existing and projected
23 housing need that includes an explanation of the information upon
24 which the determination was made.

25 ~~SEC. 6.~~

26 *SEC. 3.* Section 65584.04 of the Government Code is amended
27 to read:

28 65584.04. (a) At least two years prior to a scheduled revision
29 required by Section 65588, each council of governments, or
30 delegate subregion as applicable, shall develop a proposed
31 methodology for distributing the existing and projected regional
32 housing need to cities, counties, and cities and counties within the
33 region or within the subregion, where applicable pursuant to this
34 section. The methodology shall be consistent with the objectives
35 listed in subdivision (d) of Section 65584.

36 (b) (1) No more than six months prior to the development of a
37 proposed methodology for distributing the existing and projected
38 housing need, each council of governments shall survey each of
39 its member jurisdictions to request, at a minimum, information
40 regarding the factors listed in subdivision (d) that will allow the

1 development of a methodology based upon the factors established
2 in subdivision (d).

3 (2) The council of governments shall seek to obtain the
4 information in a manner and format that is comparable throughout
5 the region and utilize readily available data to the extent possible.

6 (3) The information provided by a local government pursuant
7 to this section shall be used, to the extent possible, by the council
8 of governments, or delegate subregion as applicable, as source
9 information for the methodology developed pursuant to this section.
10 The survey shall state that none of the information received may
11 be used as a basis for reducing the total housing need established
12 for the region pursuant to Section 65584.01.

13 (4) If the council of governments fails to conduct a survey
14 pursuant to this subdivision, a city, county, or city and county may
15 submit information related to the items listed in subdivision (d)
16 prior to the public comment period provided for in subdivision
17 (c).

18 (c) Public participation and access shall be required in the
19 development of the methodology and in the process of drafting
20 and adoption of the allocation of the regional housing needs.
21 Participation by organizations other than local jurisdictions and
22 councils of governments shall be solicited in a diligent effort to
23 achieve public participation of all economic segments of the
24 community. The proposed methodology, along with any relevant
25 underlying data and assumptions, and an explanation of how
26 information about local government conditions gathered pursuant
27 to subdivision (b) has been used to develop the proposed
28 methodology, and how each of the factors listed in subdivision (d)
29 is incorporated into the methodology, shall be distributed to all
30 cities, counties, any subregions, and members of the public who
31 have made a written request for the proposed methodology. The
32 council of governments, or delegate subregion, as applicable, shall
33 conduct at least one public hearing to receive oral and written
34 comments on the proposed methodology.

35 (d) To the extent that sufficient data is available from local
36 governments pursuant to subdivision (b) or other sources, each
37 council of governments, or delegate subregion as applicable, shall
38 include the following factors to develop the methodology that
39 allocates regional housing needs:

1 (1) Each member jurisdiction's existing and projected jobs and
2 housing relationship.

3 (2) The opportunities and constraints to development of
4 additional housing in each member jurisdiction, including all of
5 the following:

6 (A) Lack of capacity for sewer or water service due to federal
7 or state laws, regulations or regulatory actions, or supply and
8 distribution decisions made by a sewer or water service provider
9 other than the local jurisdiction that preclude the jurisdiction from
10 providing necessary infrastructure for additional development
11 during the planning period.

12 (B) The availability of land suitable for urban development or
13 for conversion to residential use, the availability of underutilized
14 land, and opportunities for infill development and increased
15 residential densities. The council of governments may not limit
16 its consideration of suitable housing sites or land suitable for urban
17 development to existing zoning ordinances and land use restrictions
18 of a locality, but shall consider the potential for increased
19 residential development under alternative zoning ordinances and
20 land use restrictions. The determination of available land suitable
21 for urban development may exclude lands where the Federal
22 Emergency Management Agency (FEMA) or the Department of
23 Water Resources has determined that the flood management
24 infrastructure designed to protect that land is not adequate to avoid
25 the risk of flooding.

26 (C) Lands preserved or protected from urban development under
27 existing federal or state programs, or both, designed to protect
28 open space, farmland, environmental habitats, and natural resources
29 on a long-term basis.

30 (D) County policies to preserve prime agricultural land, as
31 defined pursuant to Section 56064, within an unincorporated area.

32 (3) The distribution of household growth assumed for purposes
33 of a comparable period of regional transportation plans and
34 opportunities to maximize the use of public transportation and
35 existing transportation infrastructure.

36 (4) The market demand for housing.

37 (5) Agreements between a county and cities in a county to direct
38 growth toward incorporated areas of the county.

39 (6) The loss of units contained in assisted housing developments,
40 as defined in paragraph (9) of subdivision (a) of Section 65583,

1 that changed to non-low-income use through mortgage prepayment,
2 subsidy contract expirations, or termination of use restrictions.

3 (7) High-housing cost burdens.

4 (8) The housing needs of farmworkers.

5 (9) The housing needs generated by the presence of a private
6 university or a campus of the California State University or the
7 University of California within any member jurisdiction.

8 (10) Any other factors adopted by the council of governments.

9 (e) The council of governments, or delegate subregion, as
10 applicable, shall explain in writing how each of the factors
11 described in subdivision (d) was incorporated into the methodology
12 and how the methodology is consistent with subdivision (d) of
13 Section 65584. The methodology may include numerical weighting.

14 (f) The following criteria shall not be a justification for a
15 determination or a reduction in a jurisdiction's share of the regional
16 housing need:

17 (1) Any ordinance, policy, voter-approved measure, or standard
18 of a city or county that directly or indirectly limits the number of
19 residential building permits issued by a city or county.

20 (2) Prior underproduction of housing in a city or county from
21 the previous regional housing need allocation, as determined by
22 each jurisdiction's annual production report submitted pursuant
23 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
24 65400.

25 (3) Stable population numbers in a city or county from the
26 previous regional housing needs cycle.

27 (g) In addition to the factors identified pursuant to subdivision
28 (d), the council of governments, or delegate subregion, as
29 applicable, shall identify any existing local, regional, or state
30 incentives, such as a priority for funding or other incentives
31 available to those local governments that are willing to accept a
32 higher share than proposed in the draft allocation to those local
33 governments by the council of governments or delegate subregion
34 pursuant to Section 65584.05.

35 (h) Following the conclusion of the 60-day public comment
36 period described in subdivision (c) on the proposed allocation
37 methodology, and after making any revisions deemed appropriate
38 by the council of governments, or delegate subregion, as applicable,
39 as a result of comments received during the public comment period,
40 each council of governments, or delegate subregion, as applicable,

1 shall adopt a final regional, or subregional, housing need allocation
2 methodology and provide notice of the adoption of the
3 methodology to the jurisdictions within the region, or delegate
4 subregion as applicable, and to the department.

5 (i) (1) It is the intent of the Legislature that housing planning
6 be coordinated and integrated with the regional transportation plan.
7 To achieve this goal, the allocation plan shall allocate housing
8 units within the region consistent with the development pattern
9 included in the sustainable communities strategy.

10 (2) The final allocation plan shall ensure that the total regional
11 housing need, by income category, as determined under Section
12 65584, is maintained, and that each jurisdiction in the region
13 receive an allocation of units for low- and very low income
14 households.

15 (3) The resolution approving the final housing need allocation
16 plan shall demonstrate that the plan is consistent with the
17 sustainable communities strategy in the regional transportation
18 plan.

19 (j) (1) It is the intent of the Legislature that housing planning
20 reduce racial and wealth disparities throughout a region. To achieve
21 this goal, the allocation plan shall assign additional weight to local
22 governments that meet the following criteria in subparagraphs (A)
23 and (B) in the distribution of the regional housing needs allocation
24 for all income categories, in particular housing needs allocations
25 for low- and very low income households:

26 (A) A local government with median employed household
27 incomes above the 50th percentile for the region.

28 (B) A local government that either contains a major regional
29 job center, as determined by the council of governments, or
30 contains high-quality public transportation for the region, such as
31 a major transit stop or stops along a high-quality transit corridor,
32 as defined in Section 21155 of the Public Resources Code, that
33 connects to a regional job center.

34 (2) The resolution approving the final housing need allocation
35 plan shall demonstrate government efforts to reduce racial and
36 wealth disparities throughout a region by assigning additional
37 weight to local governments that meet the criteria in subparagraphs
38 (A) and (B) of paragraph (1) in the distribution of the regional
39 housing needs allocation for all income categories, in particular

1 housing needs allocations for low- and very low income
2 households.

3 ~~SEC. 7.~~

4 *SEC. 4.* No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.