

AMENDED IN ASSEMBLY JULY 27, 2020

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 20, 2020

SENATE BILL

No. 1120

**Introduced by Senators Atkins, Caballero, Rubio, and Wiener
(Principal coauthor: Senator McGuire)
(Coauthors: Senators Lena Gonzalez, Hill, and Roth)**

February 19, 2020

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, as amended, Atkins. Subdivisions: tentative maps.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

~~This bill would, among other things, bill, among other things, would require a proposed housing development containing 2 residential units to be considered ministerially, without discretionary review or hearing, in zones where allowable uses are limited to single-family residential development hearing, within a single-family residential zone, if the proposed housing development meets certain requirements, including including, but not limited to, that the proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing unit of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.~~

income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a city or county to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

~~This bill would, among other things, bill, among other things, would~~ require a city or county to ministerially approve a parcel map *or tentative and final map* for an urban lot split that meets certain requirements, ~~including that the parcel does not contain~~ *including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low-income. income, that the parcel is located within a residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.*

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a city or county to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding

the construction of 2 units on either of the resulting parcels, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

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

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 65852.21 is added to the Government
- 2 Code, to read:
- 3 65852.21. (a) A proposed housing development containing
- 4 two residential units shall be considered ministerially, without
- 5 discretionary review or a hearing, ~~in zones where allowable uses~~
- 6 ~~are limited to single-family residential development, within a~~
- 7 ~~single-family residential zone,~~ if the proposed housing development
- 8 meets all of the following requirements:

1 (1) The parcel subject to the proposed housing development is
2 located within a city the boundaries of which include some portion
3 of either an urbanized area or urban cluster, as designated by the
4 United States Census Bureau, or, for unincorporated areas, a legal
5 parcel wholly within the boundaries of an urbanized area or urban
6 cluster, as designated by the United States Census Bureau.

7 (2) The parcel satisfies the requirements specified in
8 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision
9 (a) of Section 65913.4.

10 (3) ~~The~~ *Notwithstanding any provision of this section or any*
11 *local law, the proposed housing development would not require*
12 *demolition or alteration requiring evacuation or eviction of an*
13 *existing housing unit of any of the following types of housing:*

14 (A) Housing that is subject to a recorded covenant, ordinance,
15 or law that restricts rents to levels affordable to persons and
16 families of moderate, low, or very low income.

17 (B) Housing that is subject to any form of rent or price control
18 through a public entity’s valid exercise of its police power.

19 (C) A parcel on which an owner of residential real property has
20 exercised the owner’s rights under Chapter 12.75 (commencing
21 with Section 7060) of Division 7 of Title 1 to withdraw
22 accommodations from rent or lease within 15 years before the date
23 that the development proponent submits an application pursuant
24 to Section 65913.4.

25 (D) Housing that has been occupied by a tenant in the last three
26 years.

27 (4) *The proposed housing development does not allow the*
28 *demolition of more than 25 percent of the existing exterior*
29 *structural walls, unless the housing development meets at least*
30 *one of the following conditions:*

31 (A) *If a local ordinance so allows.*

32 (B) *The site has not been occupied by a tenant in the last three*
33 *years.*

34 ~~(4)~~

35 (5) The development is not located within a historic ~~district,~~
36 *district or property included on the State Historic Resources*
37 *Inventory, as defined in Section 5020.1 of the Public Resources*
38 *Code, or within a site that is designated or listed as a city or county*
39 *landmark or historic property or district pursuant to a city or county*
40 *ordinance.*

1 (b) (1) Notwithstanding any local law and except as provided
2 in paragraph (2), a city or county may impose objective zoning
3 ~~and design standards~~ *standards, objective subdivision standards,*
4 *and objective design review standards* that do not conflict with
5 this section.

6 (2) (A) The city or county shall not ~~require the development~~
7 ~~project to comply with an objective design standard that would~~
8 ~~prohibit the development from including~~ *impose objective zoning*
9 *standards, objective subdivision standards, and objective design*
10 *standards that would have the effect of physically precluding the*
11 *construction of up to two units.*

12 (B) (i) *Notwithstanding subparagraph (A), no setback shall be*
13 *required for an existing structure or a structure constructed in the*
14 *same location and to the same dimensions as an existing structure.*

15 (ii) *Notwithstanding subparagraph (A), in all other*
16 *circumstances not described in clause (i), a local government may*
17 *require a setback of up to four feet from the side and rear lot lines.*

18 (e) ~~(1) Except as provided in paragraph (2), subject to a local~~
19 ~~ordinance that provides for a lower standard of parking, the~~
20 ~~proposed development shall provide offstreet parking of up to one~~
21 ~~space per unit.~~

22 (2) ~~A local agency shall not impose parking requirements if~~
23 ~~either of the following is true:~~

24 (c) *In addition to any conditions established in accordance with*
25 *subdivision (b), a local agency may require any of the following*
26 *conditions when considering an application for two residential*
27 *units as provided for in this section:*

28 (1) *Off-street parking of up to one space per unit, except that a*
29 *local agency shall not impose parking requirements in either of*
30 *the following instances:*

31 (A) The parcel is located within one-half mile walking distance
32 of either a high-quality transit corridor, as defined in subdivision
33 (b) of Section 21155 of the Public Resources Code, or a major
34 transit stop, as defined in Section 21064.3 of the Public Resources
35 Code.

36 (B) There is a car share vehicle located within one block of the
37 parcel.

38 (d) ~~(1) Except as provided in paragraphs (2) and (3), the~~
39 ~~proposed housing development described in subdivision (a) shall~~

1 not require the demolition of more than 25 percent of the existing
2 exterior structural walls.

3 ~~(2) A proposed housing development may require the demolition~~
4 ~~of more than 25 percent of the existing exterior structural walls if~~
5 ~~a local ordinance so allows.~~

6 ~~(3) A proposed housing development may require the demolition~~
7 ~~of more than 25 percent of the existing exterior structural walls if~~
8 ~~the site has not been occupied by a tenant in the last three years.~~

9 ~~(e) A local agency may require, as part of the application for a~~
10 ~~permit to create, pursuant to this section, a duplex connected to an~~
11 ~~onsite water treatment system, a percolation test completed within~~
12 ~~the last 5 years, or, if the percolation test has been recertified,~~
13 ~~within the last 10 years.~~

14 ~~(2) For residential units connected to an onsite wastewater~~
15 ~~treatment system, a percolation test completed within the last five~~
16 ~~years, or, if the percolation test has been recertified, within the~~
17 ~~last 10 years.~~

18 ~~(f)~~

19 ~~(d) A local agency shall require that a rental of any unit created~~
20 ~~pursuant to this section be for a term longer than 30 days.~~

21 ~~(g)~~

22 ~~(e) Notwithstanding Section 65852.2, a local agency shall not~~
23 ~~be required to permit an accessory dwelling unit on parcels that~~
24 ~~use both the authority contained within this section and the~~
25 ~~authority contained in Section 66411.7.~~

26 ~~(f) Notwithstanding subparagraph (B) of paragraph (2) of~~
27 ~~subdivision (b), an application shall not be rejected solely because~~
28 ~~it proposes adjacent or connected structures that meet building~~
29 ~~code safety standards and are sufficient to allow separate~~
30 ~~conveyance.~~

31 ~~(g) Local agencies shall include units constructed pursuant to~~
32 ~~this section in the annual housing element report as required by~~
33 ~~subparagraph (I) of paragraph (2) of subdivision (a) of Section~~
34 ~~65400.~~

35 ~~(h) For purposes of this section, all of the following apply:~~

36 ~~(1) A housing development contains two residential units if the~~
37 ~~development proposes two new units or if it proposes to add one~~
38 ~~new unit to an existing unit.~~

39 ~~(2) The terms “objective zoning standards,” “objective~~
40 ~~subdivision standards,” and “objective design review standards”~~

1 *mean standards that involve no personal or subjective judgment*
 2 *by a public official and are uniformly verifiable by reference to*
 3 *an external and uniform benchmark or criterion available and*
 4 *knowable by both the development applicant or proponent and the*
 5 *public official prior to submittal. These standards may be embodied*
 6 *in alternative objective land use specifications adopted by a city*
 7 *or county, and may include, but are not limited to, housing overlay*
 8 *zones, specific plans, inclusionary zoning ordinances, and density*
 9 *bonus ordinances.*

10 ~~(h)~~

11 (i) A local agency may adopt an ordinance to implement the
 12 provisions of this section. An ordinance adopted to implement this
 13 section shall not be considered a project under Division 13
 14 (commencing with Section 21000) of the Public Resources Code.

15 SEC. 2. Section 66411.7 is added to the Government Code, to
 16 read:

17 66411.7. (a) Notwithstanding any other provision of this
 18 division and any local law, a city or county shall ministerially
 19 ~~approve~~ *approve, as set forth in this section, a parcel map or*
 20 *tentative and final map* for an urban lot split that meets all the
 21 following requirements:

22 (1) The parcel map subdivides an existing parcel to create two
 23 new parcels of equal size.

24 (2) (A) Except as provided in subparagraph (B), both newly
 25 created parcels are no smaller than 1,200 square feet.

26 (B) A local agency may by ordinance adopt a smaller minimum
 27 lot size ~~to approve ministerially~~ *subject to ministerial approval*
 28 under this subdivision.

29 (3) The parcel being subdivided meets all the following
 30 requirements:

31 (A) The parcel is ~~zoned for residential use;~~ *located within a*
 32 *residential zone.*

33 (B) The parcel is ~~located within an urbanized area or urban~~
 34 ~~cluster;~~ *subject to the proposed urban lot split is located within a*
 35 *city the boundaries of which include some portion of either an*
 36 *urbanized area or urban cluster, as designated by the United States*
 37 *Census Bureau, or, for unincorporated areas, a legal parcel wholly*
 38 *within the boundaries of an urbanized area or urban cluster, as*
 39 *designated by the United States Census Bureau.*

1 (C) The parcel satisfies the requirements specified in
2 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision
3 (a) of Section 65913.4.

4 ~~(D) The parcel does not contain any of the following types of~~
5 ~~housing:~~

6 *(D) The proposed urban lot split would not require demolition*
7 *or alteration of any of the following types of housing:*

8 (i) Housing that is subject to a recorded covenant, ordinance,
9 or law that restricts rents to levels affordable to persons and
10 families of moderate, low, or very low income.

11 (ii) Housing that is subject to any form of rent or price control
12 through a public entity's valid exercise of its police power.

13 (iii) A parcel or parcels on which an owner of residential real
14 property has exercised the owner's rights under Chapter 12.75
15 (commencing with Section 7060) of Division 7 of Title 1 to
16 withdraw accommodations from rent or lease within 15 years
17 before the date that the development proponent submits an
18 application pursuant to Section 65913.4.

19 (iv) Housing that has been occupied by a tenant in the last three
20 years.

21 (E) The parcel is not located within a historic ~~district~~, *district*
22 *or property included on the State Historic Resources Inventory*,
23 *as defined in Section 5020.1 of the Public Resources Code, or*
24 *within a site that is designated or listed as a city or county landmark*
25 *or historic property or district pursuant to a city or county*
26 *ordinance.*

27 (F) The parcel has not been established through prior exercise
28 of an urban lot split as provided for in this section.

29 (G) Neither the owner of the parcel being subdivided nor any
30 person acting in concert with the owner has previously subdivided
31 an adjacent parcel using an urban lot split as provided for in this
32 section.

33 (b) An application for an urban lot split shall be approved in
34 accordance with the following requirements:

35 (1) A local agency shall approve or deny an application for an
36 urban lot split ministerially without discretionary review.

37 (2) *A local agency shall approve an urban lot split only if it*
38 *conforms to all applicable objective requirements of the*
39 *Subdivision Map Act (Division 2 (commencing with Section*
40 *66410)), except as otherwise expressly provided in this section.*

1 ~~(2)~~

2 (3) Notwithstanding Section 66411.1, a local agency shall not
3 impose regulations that require dedications of rights-of-way or the
4 construction of ~~reasonable offsite and onsite~~ *offsite* improvements
5 for the parcels being created as a condition of issuing a parcel map
6 *or tentative and final map* for an urban lot split.

7 (c) (1) *Except as provided in paragraph (2), notwithstanding*
8 *any local law, a city or county may impose objective zoning*
9 *standards, objective subdivision standards, and objective design*
10 *review standards applicable to a parcel created by an urban lot*
11 *split that do not conflict with this section.*

12 (2) *A local agency shall not impose objective zoning standards,*
13 *objective subdivision standards, and objective design review*
14 *standards that would have the effect of physically precluding the*
15 *construction of two units on either of the resulting parcels.*

16 (3) (A) *Notwithstanding paragraph (2), no setback shall be*
17 *required for an existing structure or a structure constructed in the*
18 *same location and to the same dimensions as an existing structure.*

19 (B) *Notwithstanding paragraph (2), in all other circumstances*
20 *not described in subparagraph (A), a local government may require*
21 *a setback of up to four feet from the side and rear lot lines.*

22 ~~(e) A~~

23 (d) *In addition to any conditions established in accordance with*
24 *subdivision (c), a local agency may require any of the following*
25 *conditions when receiving a request considering an application*
26 *for an urban lot split:*

27 ~~(1) Easements.~~

28 (1) *Easements required for the provision of public services and*
29 *facilities.*

30 (2) *A requirement that the parcels have access to, provide access*
31 *to, or adjoin the public right-of-way.*

32 (3) ~~Offstreet~~ *Off-street* parking of up to one space per unit,
33 except that a local agency shall not impose parking requirements
34 in either of the following instances:

35 (A) *The parcel is located within one-half mile walking distance*
36 *of either a high-quality transit corridor as defined in subdivision*
37 *(b) of Section 21155 of the Public Resources Code, or a major*
38 *transit stop as defined in Section 21064.3 of the Public Resources*
39 *Code.*

1 (B) There is a car share vehicle located within one block of the
2 parcel.

3 ~~(d) (1) Except as provided in paragraph (2), notwithstanding~~
4 ~~any local law, a city or county may impose objective zoning and~~
5 ~~objective design standards applicable to a parcel created by an~~
6 ~~urban lot split that do not conflict with this section.~~

7 ~~(2) (A) A local agency shall not impose objective zoning or~~
8 ~~objective design standards that reduce the buildable area on each~~
9 ~~newly created parcel to less than 50 percent of the buildable area~~
10 ~~on the parcel being subdivided.~~

11 ~~(B) For the purposes of this paragraph, “buildable area” means~~
12 ~~the area on the lot that remains after the application of zoning and~~
13 ~~design standards and regulations that require dedications of~~
14 ~~rights-of-way, easements, and the construction of reasonable offsite~~
15 ~~and onsite improvements for the parcels being created.~~

16 ~~(e) A local agency shall require that the uses allowed on a lot~~
17 ~~created by this section be limited to residential uses.~~

18 ~~(e)~~

19 ~~(f) A local agency shall require that a rental of any unit created~~
20 ~~pursuant to this section be for a term longer than 30 days.~~

21 ~~(g) A local agency shall not require, as a condition for~~
22 ~~ministerial approval of a permit application for the creation of an~~
23 ~~urban lot split, the correction of nonconforming zoning conditions.~~

24 ~~(f)~~

25 ~~(h) Notwithstanding Section 65852.2, a local agency shall not~~
26 ~~be required to permit an accessory dwelling unit on parcels that~~
27 ~~use both the authority contained within this section and the~~
28 ~~authority contained in Section 65852.21.~~

29 ~~(i) Notwithstanding paragraph (3) of subdivision (c), an~~
30 ~~application shall not be rejected solely because it proposes~~
31 ~~adjacent or connected structures that meet building code safety~~
32 ~~standards and are sufficient to allow separate conveyance.~~

33 ~~(j) Local agencies shall include the number of applications for~~
34 ~~urban lot splits pursuant to this section in the annual housing~~
35 ~~element report as required by subparagraph (I) of paragraph (2)~~
36 ~~of subdivision (a) of Section 65400.~~

37 ~~(k) For purposes of this section, the terms “objective zoning~~
38 ~~standards,” “objective subdivision standards,” and “objective~~
39 ~~design review standards” mean standards that involve no personal~~
40 ~~or subjective judgment by a public official and are uniformly~~

1 *verifiable by reference to an external and uniform benchmark or*
2 *criterion available and knowable by both the development*
3 *applicant or proponent and the public official prior to submittal.*
4 *These standards may be embodied in alternative objective land*
5 *use specifications adopted by a city or county, and may include,*
6 *but are not limited to, housing overlay zones, specific plans,*
7 *inclusionary zoning ordinances, and density bonus ordinances.*

8 ~~(g)~~

9 (l) A local agency may adopt an ordinance to implement the
10 provisions of this section. An ordinance adopted to implement this
11 section shall not be considered a project under Division 13
12 (commencing with Section 21000) of the Public Resources Code.

13 SEC. 3. Section 66452.6 of the Government Code is amended
14 to read:

15 66452.6. (a) (1) An approved or conditionally approved
16 tentative map shall expire 24 months after its approval or
17 conditional approval, or after any additional period of time as may
18 be prescribed by local ordinance, not to exceed an additional 24
19 months. However, if the subdivider is required to expend two
20 hundred thirty-six thousand seven hundred ninety dollars
21 (\$236,790) or more to construct, improve, or finance the
22 construction or improvement of public improvements outside the
23 property boundaries of the tentative map, excluding improvements
24 of public rights-of-way which abut the boundary of the property
25 to be subdivided and which are reasonably related to the
26 development of that property, each filing of a final map authorized
27 by Section 66456.1 shall extend the expiration of the approved or
28 conditionally approved tentative map by 48 months from the date
29 of its expiration, as provided in this section, or the date of the
30 previously filed final map, whichever is later. The extensions shall
31 not extend the tentative map more than 10 years from its approval
32 or conditional approval. However, a tentative map on property
33 subject to a development agreement authorized by Article 2.5
34 (commencing with Section 65864) of Chapter 4 of Division 1 may
35 be extended for the period of time provided for in the agreement,
36 but not beyond the duration of the agreement. The number of
37 phased final maps that may be filed shall be determined by the
38 advisory agency at the time of the approval or conditional approval
39 of the tentative map.

1 (2) Commencing January 1, 2012, and each calendar year
2 thereafter, the amount of two hundred thirty-six thousand seven
3 hundred ninety dollars (\$236,790) shall be annually increased by
4 operation of law according to the adjustment for inflation set forth
5 in the statewide cost index for class B construction, as determined
6 by the State Allocation Board at its January meeting. The effective
7 date of each annual adjustment shall be March 1. The adjusted
8 amount shall apply to tentative and vesting tentative maps whose
9 applications were received after the effective date of the
10 adjustment.

11 (3) “Public improvements,” as used in this subdivision, include
12 traffic controls, streets, roads, highways, freeways, bridges,
13 overcrossings, street interchanges, flood control or storm drain
14 facilities, sewer facilities, water facilities, and lighting facilities.

15 (b) (1) The period of time specified in subdivision (a), including
16 any extension thereof granted pursuant to subdivision (e), shall
17 not include any period of time during which a development
18 moratorium, imposed after approval of the tentative map, is in
19 existence. However, the length of the moratorium shall not exceed
20 five years.

21 (2) The length of time specified in paragraph (1) shall be
22 extended for up to three years, but in no event beyond January 1,
23 1992, during the pendency of any lawsuit in which the subdivider
24 asserts, and the local agency which approved or conditionally
25 approved the tentative map denies, the existence or application of
26 a development moratorium to the tentative map.

27 (3) Once a development moratorium is terminated, the map
28 shall be valid for the same period of time as was left to run on the
29 map at the time that the moratorium was imposed. However, if the
30 remaining time is less than 120 days, the map shall be valid for
31 120 days following the termination of the moratorium.

32 (c) The period of time specified in subdivision (a), including
33 any extension thereof granted pursuant to subdivision (e), shall
34 not include the period of time during which a lawsuit involving
35 the approval or conditional approval of the tentative map is or was
36 pending in a court of competent jurisdiction, if the stay of the time
37 period is approved by the local agency pursuant to this section.
38 After service of the initial petition or complaint in the lawsuit upon
39 the local agency, the subdivider may apply to the local agency for
40 a stay pursuant to the local agency’s adopted procedures. Within

1 40 days after receiving the application, the local agency shall either
2 stay the time period for up to five years or deny the requested stay.
3 The local agency may, by ordinance, establish procedures for
4 reviewing the requests, including, but not limited to, notice and
5 hearing requirements, appeal procedures, and other administrative
6 requirements.

7 (d) The expiration of the approved or conditionally approved
8 tentative map shall terminate all proceedings and no final map or
9 parcel map of all or any portion of the real property included within
10 the tentative map shall be filed with the legislative body without
11 first processing a new tentative map. Once a timely filing is made,
12 subsequent actions of the local agency, including, but not limited
13 to, processing, approving, and recording, may lawfully occur after
14 the date of expiration of the tentative map. Delivery to the county
15 surveyor or city engineer shall be deemed a timely filing for
16 purposes of this section.

17 (e) Upon application of the subdivider filed before the expiration
18 of the approved or conditionally approved tentative map, the time
19 at which the map expires pursuant to subdivision (a) may be
20 extended by the legislative body or by an advisory agency
21 authorized to approve or conditionally approve tentative maps for
22 a period or periods not exceeding a total of six years. The period
23 of extension specified in this subdivision shall be in addition to
24 the period of time provided by subdivision (a). Before the
25 expiration of an approved or conditionally approved tentative map,
26 upon an application by the subdivider to extend that map, the map
27 shall automatically be extended for 60 days or until the application
28 for the extension is approved, conditionally approved, or denied,
29 whichever occurs first. If the advisory agency denies a subdivider's
30 application for an extension, the subdivider may appeal to the
31 legislative body within 15 days after the advisory agency has
32 denied the extension.

33 (f) For purposes of this section, a development moratorium
34 includes a water or sewer moratorium, or a water and sewer
35 moratorium, as well as other actions of public agencies which
36 regulate land use, development, or the provision of services to the
37 land, including the public agency with the authority to approve or
38 conditionally approve the tentative map, which thereafter prevents,
39 prohibits, or delays the approval of a final or parcel map. A
40 development moratorium shall also be deemed to exist for purposes

1 of this section for any period of time during which a condition
2 imposed by the city or county could not be satisfied because of
3 either of the following:

4 (1) The condition was one that, by its nature, necessitated action
5 by the city or county, and the city or county either did not take the
6 necessary action or by its own action or inaction was prevented or
7 delayed in taking the necessary action before expiration of the
8 tentative map.

9 (2) The condition necessitates acquisition of real property or
10 any interest in real property from a public agency, other than the
11 city or county that approved or conditionally approved the tentative
12 map, and that other public agency fails or refuses to convey the
13 property interest necessary to satisfy the condition. However,
14 nothing in this subdivision shall be construed to require any public
15 agency to convey any interest in real property owned by it. A
16 development moratorium specified in this paragraph shall be
17 deemed to have been imposed either on the date of approval or
18 conditional approval of the tentative map, if evidence was included
19 in the public record that the public agency which owns or controls
20 the real property or any interest therein may refuse to convey that
21 property or interest, or on the date that the public agency which
22 owns or controls the real property or any interest therein receives
23 an offer by the subdivider to purchase that property or interest for
24 fair market value, whichever is later. A development moratorium
25 specified in this paragraph shall extend the tentative map up to the
26 maximum period as set forth in subdivision (b), but not later than
27 January 1, 1992, so long as the public agency which owns or
28 controls the real property or any interest therein fails or refuses to
29 convey the necessary property interest, regardless of the reason
30 for the failure or refusal, except that the development moratorium
31 shall be deemed to terminate 60 days after the public agency has
32 officially made, and communicated to the subdivider, a written
33 offer or commitment binding on the agency to convey the necessary
34 property interest for a fair market value, paid in a reasonable time
35 and manner.

36 SEC. 4. The Legislature finds and declares that ensuring access
37 to affordable housing is a matter of statewide concern and not a
38 municipal affair as that term is used in Section 5 of Article XI of
39 the California Constitution. Therefore, Sections 1 and 2 of this act
40 adding Sections 65852.21 and 66411.7 to the Government Code

1 and Section 3 of this act amending Section 66452.6 of the
2 Government Code apply to all cities, including charter cities.

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

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