

# Additional Housing Related Bills

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**AB-1598 Affordable housing authorities.** (2017-2018)

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Date Published: 10/13/2017 09:00 PM

**Assembly Bill No. 1598**

## CHAPTER 764

An act to add Division 5 (commencing with Section 62250) to Title 6 of the Government Code, relating to housing.

[ Approved by Governor October 13, 2017. Filed with Secretary of State October 13, 2017. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 1598, Mullin. Affordable housing authorities.

Existing law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Existing law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. Existing law requires a community revitalization and investment plan to include a 30-year limit for establishing loans, advances, and indebtedness by the authority.

This bill would authorize a city, county, or city and county to adopt a resolution creating an affordable housing authority with power limited to providing low- and moderate-income housing and affordable workforce housing, as defined, funded through a low- and moderate-income housing fund, as specified. The bill would prohibit certain local government entities from participating in the authority. The bill would authorize an authority created pursuant to those provisions to have boundaries that are identical to the boundaries of the city, county, or city and county that created the authority. The bill would require the authority to adopt, after holding a noticed public hearing, an affordable housing investment plan that includes, among other things, an affordable housing program. The bill would require an authority created pursuant to these provisions to include a 45-year limit for establishing loans, advances, and indebtedness by the authority. The bill would authorize specified local entities to adopt a resolution to provide property tax increment revenues to the authority. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the authority, subject to certain requirements. The bill would provide for the financing of the activities of the authority by, among other things, the issuance of bonds serviced by funds received pursuant to those property tax increment revenues or other tax revenues allocated to the authority.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no



**SB-828 Land use: housing element.** (2017-2018)

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**Senate Bill No. 828**

CHAPTER 974

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

[ Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 828, 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 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.

(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 rental housing market for those purposes to be no less than 5%. 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 provide that statutory changes enacted after the date the department issued a final determination do not provide a basis for a revision of the final determination.

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.

(3) Existing law requires the council of governments, or delegate subregion as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or subregion, as applicable, that is consistent with specified objectives. Existing law, to the extent that sufficient data is available as provided, requires each council of governments, or delegate subregion as applicable, to include specified factors to develop the methodology that allocates regional housing needs including, among other factors, the opportunities and constraints regarding development of addition housing in each member jurisdiction, such as lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

This bill would revise this factor to also include lands zoned or designated for agricultural protection or preservation that are subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts their conversion to nonagricultural uses.

(4) 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.

(5) This bill would incorporate additional changes to Section 65584 of the Government Code proposed by AB 1771 to be operative only if this bill and AB 1771 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.01 of the Government Code proposed by AB 1771 and AB 2238 to be operative only if this bill and either or both AB 1771 and AB 2238 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.04 of the Government Code proposed by AB 1771 and AB 2238 to be operative only if this bill and either or both AB 1771 and AB 2238 are enacted and this bill is enacted last.

(6) 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 Local Program: yes



**AB-1771 Planning and zoning: regional housing needs assessment.** (2017-2018)

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**Assembly Bill No. 1771**

CHAPTER 989

An act to amend Sections 65584, 65584.01, 65584.04, 65584.05, and 65584.06 of the Government Code, relating to housing.

[ Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 1771, Bloom. Planning and zoning: regional housing needs assessment.

(1) The Planning and Zoning Law requires counties and cities to adopt a comprehensive, long-term plan for the physical development of the county or city and certain land outside its boundaries that includes, among other specified mandatory elements, a housing element. That law, for the fourth and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region in accordance with specified requirements. That law requires the appropriate council of governments, or, for cities and counties without a council of governments, the department, to adopt a final regional housing need allocation plan that allocates a share of the regional housing need to each city, county, or city and county and is consistent with specified objectives, including that the plan increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner. Existing law defines the term "household income levels" for purposes of these provisions.

This bill would revise the objectives required to be addressed in the regional housing needs allocation plan and additionally require the plan to include an objective to increase access to areas of high opportunity for lower-income residents, while avoiding displacement and affirmatively furthering fair housing. The bill would also define the term "areas of high opportunity for lower-income residents" for purposes of these provisions.

(2) Existing law requires actions by local agencies related to the regional housing needs allocation plan to be consistent with those specified objectives.

The bill would instead require various actions by local agencies related to the regional housing needs allocation plan to further the objectives required to be addressed by the plan.

(3) Existing law requires the council of governments, or delegate subregion as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or subregion, as applicable, that is consistent with specified objectives. Existing law requires the council of governments or delegate subregion as applicable, to provide the proposed methodology, along with any relevant underlying data and assumptions, an explanation of how information about local government conditions gathered has been used to develop the proposed methodology, and how each of the factors required to be addressed by the regional housing needs allocation plan is incorporated into the methodology, to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology.

This bill would require the council of governments or delegate subregion as applicable, to additionally provide, along with the proposed methodology, an explanation of how the proposed methodology furthers the objectives required to be addressed by the regional housing needs allocation plan. The bill would authorize members of the public to make an electronic request for the proposed methodology and accompanying materials, and would require the information and any other supporting materials used in determining the methodology to be published on the council of governments' or delegate subregion's Internet Web site.

(4) Existing law, for cities and counties without a council of governments, requires the department to determine and distribute the existing and projected housing need, but authorizes the department to delegate this responsibility to cities and counties if certain requirements are met.

This bill would provide that statutory changes enacted after the date the department issued a final determination of the distribution of the existing and projected housing needs is not a basis for a revision of the final determination.

(5) Existing law requires each council of governments or delegate subregion as applicable, to include specified factors to develop the methodology that allocates regional housing needs, including, among others, each member jurisdiction's existing and projected jobs and housing relationship, the market demand for housing, and high housing cost burdens, as specified.

This bill would require each council of governments or delegate subregion to develop the proposed methodology in consultation with the department. The bill would revise these factors, and additionally require the council of governments or delegate subregion, as applicable, to consider the rate of overcrowding and the percentage of existing households at each specified income level that are paying more than 30% and more than 50% of their income in rent.

(6) Existing law requires each council of governments, no more than 6 months prior to the development of a proposed methodology for distributing the existing and projected housing need, to survey each of its member jurisdictions to request, at a minimum, information regarding those factors that will allow the development of a methodology.

This bill would require the survey to review and compile information relating to the objective of affirmatively furthering fair housing, as specified. The bill would require the council of governments to electronically report the results of the survey, as specified.

(7) Existing law requires the council of governments, or delegate subregions, as applicable, to identify any existing local, regional, or state incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation, as specified.

This bill would repeal this provision.

(8) Existing law requires the council of governments, or delegate subregion, as applicable, following the 60-day public comment period, to adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregions, as applicable, and to the department.

This bill would instead require the council of governments, or delegate subregion, as applicable, following the public comment period, to publish a draft allocation methodology on its Internet Web site and submit the draft allocation methodology to the department. The bill would require the department to determine whether the methodology furthers the objectives described above. If the department determines that the methodology does not further the objectives, the bill would require the council of governments, or delegate subregion, as applicable, to take specified actions with respect to the housing need allocation methodology, including providing notice to the jurisdictions or applicable subregions and publishing the adopted allocation methodology on its Internet Web site.

(9) Existing law requires each council of governments or delegate subregion, as applicable, to distribute a draft allocation of regional housing needs to each local government within the region or subregion, as provided, at least 1.5 years prior to the scheduled revision of its housing element. Existing law authorizes a local government to request from the council of governments or delegate subregion, as applicable, a revision of its share of the regional housing need, in accordance with specified factors, within 60 days following receipt of the draft allocation. Under existing law, if the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government may appeal its draft allocation based on specified criteria.

This bill would instead authorize a local government within the region or the delegate subregion, as applicable, or the department to, within 45 days of receipt of the draft allocation, appeal to the council of governments or the delegate subregion for a revision of the share of the regional housing need proposed to be allocated to one or more local governments. The bill would specify criteria for the appeal and would require the local council of governments or the delegate subregion, as applicable, to notify all other local governments of all appeals, as specified. The bill would require the council of governments or the delegate region, as applicable, to hold a public hearing and consider comments received regarding the appeal. The bill would then require the council of governments or the delegate subregion, as applicable, to make a final determination on the appeal and issue a final allocation plan, as specified.

(10) Existing law, for the 4th and subsequent revisions of the housing element, requires the department to determine the existing and projected need for housing for each region, as provided, and requires the appropriate council of governments, or for cities and counties without a council of governments, the department, to adopt a final regional housing need plan allocating a share of the regional housing need to each city, county, or city and county. Existing law requires 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 and requires the council of governments to provide data assumptions, including specified information regarding housing availability within the region.

This bill would require that the information provided by the council of governments include the loss of units during a state of emergency, as defined, that was declared by the Governor pursuant to the California Emergency Services Act, during the planning period immediately preceding the relevant revision of the housing element that have not been rebuilt or replaced at the time of the data request.

(11) Existing law requires the council of governments, or delegate subregion as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or subregion, as applicable, that is consistent with specified objectives. Existing law, to the extent that sufficient data is available as provided, requires each council of governments, or delegate subregion as applicable, to include specified factors to develop the methodology that allocates regional housing needs.

This bill would require that these factors include the loss of units during a state of emergency, as defined, that was declared by the Governor pursuant to the California Emergency Services Act during the planning period immediately preceding the relevant revision of the housing element that have yet to be rebuilt or replaced at the time of the analysis.

(12) This bill would incorporate additional changes to Sections 65584, 65584.01, and 65584.04 of the Government Code proposed by SB 828 to be operative only if this bill and SB 828 are enacted and this bill is enacted last.

(13) By adding to the duties of councils of governments and delegate subregions with respect to the distribution of regional housing need, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes



**AB-686 Housing discrimination: affirmatively further fair housing.** (2017-2018)

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Date Published: 10/01/2018 09:00 PM

**Assembly Bill No. 686**

CHAPTER 958

An act to amend Sections 65583 and 65583.2 of, and to add Chapter 15 (commencing with Section 8899.50) to Division 1 of Title 2 of, the Government Code, relating to housing.

[ Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 686, Santiago. Housing discrimination: affirmatively further fair housing.

Existing federal law, the federal Fair Housing Act, requires, among other things, certain federal executive departments and agencies to administer their programs relating to housing and urban development in a manner affirmatively to further the purposes of the federal act. Existing federal law requires specified state and local agencies that contract with, or receive funding from, specified federal agencies to certify that they will affirmatively further fair housing by completing an assessment of fair housing and submitting that assessment to the United States Department of Housing and Urban Development.

Existing law, the California Fair Employment and Housing Act, generally prohibits housing discrimination with respect to the personal characteristics of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information. Existing law also prohibits the discrimination through public or private land use practices, decisions, and authorizations because of one of those personal characteristics. Existing law establishes the Department of Fair Employment and Housing in the Business, Consumer Services, and Housing Agency, with the powers and duties to, among other things, receive, investigate, and conciliate complaints relating to housing discrimination. Existing law requires the Director of Fair Employment and Housing to investigate verified complaints that allege a violation of the act, subject to certain procedures and requirements, and requires the director, if attempts at mediation or other forms of dispute resolution do not eliminate a violation of the act, to file a civil action on behalf of the aggrieved person, as provided.

This bill would require a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation, as provided.

The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element that is required to contain specified information and analysis, including a program setting forth a schedule of actions during the planning period that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element, as provided.

The bill would require the above-described program for achieving the goals and objectives of the housing element to affirmatively further fair housing pursuant to provisions added by this bill, and for revisions to the



housing element that occur on and after January 1, 2021, would require the program to include an assessment of fair housing within the jurisdiction, as specified.

Existing law requires the housing element to include an inventory of land suitable and available for development and requires that inventory 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 require the inventory to be used to identify sites throughout the community, consistent with the provisions requiring the above-described program, within the housing element to affirmatively further fair housing.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 65583 of the Government Code proposed by AB 2162 to be operative only if this bill and AB 2162 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65583.2 of the Government Code proposed by SB 1078 to be operative only if this bill and SB 1078 are enacted and this bill is enacted last.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes



**SB-1333 Planning and zoning: general plan: zoning regulations: charter cities.** (2017-2018)

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Date Published: 09/27/2018 09:00 PM

**Senate Bill No. 1333**

CHAPTER 856

An act to amend Sections 65356, 65700, 65852.150, 65852.25, 65860, 65863, 65863.4, 65863.6, 65863.8, 65866, 65867.5, and 65869.5 of the Government Code, relating to land use.

[ Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 1333, Wieckowski. Planning and zoning: general plan: zoning regulations: charter cities.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of certain land outside its boundaries, and requires the general plan to contain specified mandatory elements, including a housing element. That law sets forth various procedures and requirements with respect to the preparation and adoption of the general plan and housing element, including requiring the legislative body to adopt or amend a general plan by resolution by a majority vote of the total membership of the legislative body. Existing law deems the adoption of the general plan to be reviewable, provides for the preparation of specific plans for the systematic implementation of the general plan, and prohibits the approval of local public works projects and tentative or parcel maps, as specified, as well as the adoption or amendment of a zoning ordinance within an area covered by a specific plan, unless it is consistent with the adopted specific plan. Existing law prohibits the adoption or amendment of a transit village plan unless the plan or amendment is consistent with the general plan. Existing law specifies that these provisions of the Planning and Zoning Law relating to general plans and housing elements generally do not apply to charter cities, but requires a charter city to adopt, by resolution of the legislative body of the charter city or, if the charter so provides, the planning commission, a general plan that contains the mandatory elements required by that law and to comply with specified additional requirements relating to reporting to the Department of Housing and Community Development and low- and moderate-income housing in the coastal zone.

This bill would specify that these provisions of the Planning and Zoning Law regarding general plans, specific plans, and the adoption and review of housing elements apply to charter cities. The bill would also make a nonsubstantive change with respect to the requirement that a charter city adopt a general plan by resolution.

The Planning and Zoning Law additionally authorizes the legislative body to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, and other uses in accordance with specified procedures. Existing law requires each county and city to consider the effects of these ordinances on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Existing law prohibits a local agency from enacting or enforcing an ordinance that would prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed, as specified, unless certain determinations are made. Existing law requires county or city zoning ordinances, including certain ordinances of a charter city with a population of 2,000,000 or more, to be consistent with the

general plan, as specified. Existing law requires each city, county, or city and county to ensure that its housing element inventory or its housing element program, as specified, can accommodate its remaining unmet share of the allocated regional housing need. Existing law authorizes a city, county, or city and county to enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property, and requires such an agreement to be modified or suspended as necessary to comply with subsequent state or federal law. Existing law specifies that these provisions of the Planning and Zoning Law generally do not apply to charter cities.

This bill would, instead, specify that various provisions of the Planning and Zoning Law regarding ordinances, regional housing need, mobilehome parks, and certain development agreements apply to charter cities.

The bill would include findings that the 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.

By adding to the duties of planning officials and legislative bodies of charter cities with respect to adopting and amending general plans and zoning ordinances, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes