

AMENDED IN ASSEMBLY MAY 9, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2896

Introduced by Assembly Member Simitian

February 25, 2002

An act to amend Section 65582 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2896, as amended, Simitian. Local planning: housing elements.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. It also requires the Department of Housing and Community Development to determine the regional share of the statewide housing need, and each council of governments to determine the existing and projected housing need for its region.

This bill would define ~~“residential”~~ *“housing unit”* and *“unit”* for purposes of these housing element requirements and would declare the intent of the Legislature to enact legislation that would require the department, when evaluating whether a housing element is consistent with state law, to count congregate housing for seniors that is identified within the housing element of a city or county for purposes of determining whether the city or county meets its share of the regional housing needs.

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

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

SECTION 1. Section 65582 of the Government Code is amended to read:

65582. As used in this article:

(a) “Community,” “locality,” “local government,” or “jurisdiction” means a city, city and county, or county.

(b) “Council of governments” means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) “Department” means the Department of Housing and Community Development.

(d) “Housing element” or “element” means the housing element of the community’s general plan, as required pursuant to this article and subdivision (c) of Section 65302.

~~(e) “Low- and moderate-income households” means persons and families of low or moderate incomes as defined by Section 50093 of the Health and Safety Code.~~

~~(f) “Residential unit” includes a separate unit within a multifamily housing development, including, but not limited to, an apartment and a condominium, a single family residence, and any room or bungalow that is used for long-term lodging or residence, regardless of whether it is within a boarding house, dormitory, or cooperative.~~

~~SEC. 2. It is the intent of the Legislature to enact legislation that would require the Department of Housing and Community Development, in evaluating a proposed or adopted housing element for consistency with state law, to count each residential unit that is identified within the housing element of a city or county for purposes of determining whether the city or county meets its share of the regional housing needs.~~

(e) (1) “Housing unit” and “unit” have the same meaning as “housing unit,” as defined in the 2000 United States Census, Appendix B—Definitions of Subject Characteristics, as follows:

“A housing unit may be a house, an apartment, a mobilehome, a group of rooms, or a single room that is occupied (or, if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and that have direct access from outside the building or through a common hall. For

1 *vacant units, the criteria or separateness and direct access are*
2 *applied to the intended occupants whenever possible. If that*
3 *information cannot be obtained, the criteria are applied to the*
4 *previous occupants.*

5 *Both occupied and vacant housing units are included in the*
6 *housing unit inventory. Boats, recreational vehicles (RVs), vans,*
7 *tents, and the like are housing units only if they are occupied as*
8 *someone's usual place of residence. Vacant mobilehomes are*
9 *housing units provided they are intended for occupancy on the site*
10 *where they stand. Vacant mobilehomes on dealers' lots, at the*
11 *factory, or in storage yards are excluded from the housing*
12 *inventory. Also excluded from the housing inventory are quarters*
13 *being used entirely for nonresidential purposes, such as a store or*
14 *an office, or quarters used for the storage of business supplies or*
15 *inventory, machinery, or agricultural products."*

16 *(2) The definition set forth in this subdivision shall be applied*
17 *to the housing element of a city or county commencing with the*
18 *next revision of the housing element as required pursuant to this*
19 *chapter that occurs on or after January 1, 2003.*

20 *(f) "Low- and moderate-income households" means persons*
21 *and families of low or moderate incomes, as defined by Section*
22 *50093 of the Health and Safety Code.*

