

AMENDED IN ASSEMBLY MAY 9, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2896**

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**Introduced by Assembly Member Simitian**

February 25, 2002

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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:*

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

3 65582. As used in this article:

4 (a) "Community," "locality," "local government," or  
5 "jurisdiction" means a city, city and county, or county.

6 (b) "Council of governments" means a single or multiconty  
7 council created by a joint powers agreement pursuant to Chapter  
8 5 (commencing with Section 6500) of Division 1 of Title 1.

9 (c) "Department" means the Department of Housing and  
10 Community Development.

11 (d) "Housing element" or "element" means the housing  
12 element of the community's general plan, as required pursuant to  
13 this article and subdivision (c) of Section 65302.

14 (e) ~~"Low and moderate income households"~~ means persons  
15 and families of low or moderate incomes as defined by Section  
16 50093 of the Health and Safety Code.

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

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

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

33 "A housing unit may be a house, an apartment, a mobilehome,  
34 a group of rooms, or a single room that is occupied (or, if vacant,  
35 is intended for occupancy) as separate living quarters. Separate  
36 living quarters are those in which the occupants live separately  
37 from any other individuals in the building and that have direct  
38 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.