

Assembly Bill No. 51

Passed the Assembly September 2, 2003

Chief Clerk of the Assembly

Passed the Senate August 27, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to add Section 65302.4 to the Government Code, relating to land use planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 51, Simitian. General plans: child care facilities.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

This bill would require the land use element of the general plan to identify categories of land use, if any, that provide for certain child care facilities no later than one year from a specified date. By increasing the duties of local officials, 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 specified reasons.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California's burgeoning population and high cost of living have made securing high quality, affordable child care a challenge for working families and those making the transition from welfare to work.

(b) High quality, accessible, and affordable child care is an important element of California's infrastructure, is critical to our children, families, businesses, and economy, and is an essential service in every community.



(c) A “general plan” is a community’s vision for its future and is an appropriate place to examine important infrastructure components, such as child care.

(d) Local land use policies can serve as barriers to the development of licensed child care facilities.

(e) However, by planning for the distribution of child care facilities in general plans, local communities can foster the creation of high quality, accessible, and affordable child care that is responsive to local needs and consistent with local development priorities and policies.

(f) Child care facilities, carefully distributed within a community, can complement other general plan goals, such as trip reduction and economic development.

(g) Local child care planning councils, child care planning coordinators, and child care resource and referral agencies exist in all 58 California counties, conduct needs assessments and strategic planning for child care, and can serve as a valuable resource to local land use planners who are looking to make a place for child care in the community.

(h) It is the intent of the Legislature in enacting this act to foster the development of more high quality, affordable, and accessible licensed child care facilities because this development will assist California’s working families, businesses, and the economy.

SEC. 2. Section 65302.4 is added to the Government Code, to read:

65302.4. (a) The land use element of the general plan shall identify categories of land use, if any, that provide for child care facilities, except family day care homes as defined in Section 1596.78 of the Health and Safety Code.

(b) The legislative body of each city and each county shall comply with this section no later than one year from the date specified in Section 65588 for the next revision of its housing element that occurs after January 1, 2004.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because of all of the following:

(a) The language in Section 2 of this act describes the existing obligations imposed upon a city or county regarding the general plan.



(b) The information necessary to respond to this obligation is already collected by, and obtainable from, the local child care planning councils, child care planning coordinators, and child care resource and referral agencies.

(c) A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



Approved _____, 2003

Governor

