

Introduced by Senator Maldonado

February 23, 2007

An act to amend Section 65583 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 794, as introduced, Maldonado. Housing elements: mandatory requirements.

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

This bill would make technical, nonsubstantive changes to these provisions.

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 65583 of the Government Code is
2 amended to read:
3 65583. The housing element shall consist of an identification
4 and analysis of existing and projected housing needs and a
5 statement of goals, policies, quantified objectives, financial
6 resources, and scheduled programs for the preservation,
7 improvement, and development of housing. The housing element

1 shall *also* identify adequate sites for housing, including rental
2 housing, factory-built housing, and mobilehomes, and ~~shall~~ make
3 adequate provision for the existing and projected needs of all
4 economic segments of the community. The element shall contain
5 all of the following:

6 (a) An assessment of housing needs and an inventory of
7 resources and constraints relevant to the meeting of these needs.
8 The assessment and inventory shall include all of the following:

9 (1) An analysis of population and employment trends and
10 documentation of projections and a quantification of the locality's
11 existing and projected housing needs for all income levels,
12 including extremely low income households, as defined in
13 subdivision (b) of Section 50105 and Section 50106 of the Health
14 and Safety Code. These existing and projected needs shall include
15 the locality's share of the regional housing need in accordance
16 with Section 65584. Local agencies shall calculate the subset of
17 very low income households allotted under Section 65584 that
18 qualify as extremely low income households. The local agency
19 may either use available census data to calculate the percentage
20 of very low income households that qualify as extremely low
21 income households or presume that 50 percent of the very low
22 income households qualify as extremely low income households.
23 The number of extremely low income households and very low
24 income households shall equal the jurisdiction's allocation of very
25 low income households pursuant to Section 65584.

26 (2) An analysis and documentation of household characteristics,
27 including level of payment compared to ability to pay, housing
28 characteristics, including overcrowding, and housing stock
29 condition.

30 (3) An inventory of land suitable for residential development,
31 including vacant sites and sites having potential for redevelopment,
32 and an analysis of the relationship of zoning and public facilities
33 and services to these sites.

34 (4) An analysis of potential and actual governmental constraints
35 upon the maintenance, improvement, or development of housing
36 for all income levels, including the types of housing identified in
37 paragraph (1) of subdivision (c), and for persons with disabilities
38 as identified in the analysis pursuant to paragraph (6), including
39 land use controls, building codes and their enforcement, site
40 improvements, fees and other exactions required of developers,

1 and local processing and permit procedures. The analysis shall
2 also demonstrate local efforts to remove governmental constraints
3 that hinder the locality from meeting its share of the regional
4 housing need in accordance with Section 65584 and from meeting
5 the need for housing for persons with disabilities identified
6 pursuant to paragraph (6).

7 (5) An analysis of potential and actual nongovernmental
8 constraints upon the maintenance, improvement, or development
9 of housing for all income levels, including the availability of
10 financing, the price of land, and the cost of construction.

11 (6) An analysis of any special housing needs, such as those of
12 the elderly, persons with disabilities, large families, farmworkers,
13 families with female heads of households, and families and persons
14 in need of emergency shelter.

15 (7) An analysis of opportunities for energy conservation with
16 respect to residential development.

17 (8) An analysis of existing assisted housing developments that
18 are eligible to change from low-income housing uses during the
19 next 10 years due to termination of subsidy contracts, mortgage
20 prepayment, or expiration of restrictions on use. “Assisted housing
21 developments,” for the purpose of this section, shall mean
22 multifamily rental housing that receives governmental assistance
23 under federal programs listed in subdivision (a) of Section
24 65863.10, state and local multifamily revenue bond programs,
25 local redevelopment programs, the federal Community
26 Development Block Grant Program, or local in-lieu fees. “Assisted
27 housing developments” shall also include multifamily rental units
28 that were developed pursuant to a local inclusionary housing
29 program or used to qualify for a density bonus pursuant to Section
30 65916.

31 (A) The analysis shall include a listing of each development by
32 project name and address, the type of governmental assistance
33 received, the earliest possible date of change from low-income use
34 and the total number of elderly and nonelderly units that could be
35 lost from the locality’s low-income housing stock in each year
36 during the 10-year period. For purposes of state and federally
37 funded projects, the analysis required by this subparagraph need
38 only contain information available on a statewide basis.

39 (B) The analysis shall estimate the total cost of producing new
40 rental housing that is comparable in size and rent levels, to replace

1 the units that could change from low-income use, and an estimated
2 cost of preserving the assisted housing developments. This cost
3 analysis for replacement housing may be done aggregately for
4 each five-year period and does not have to contain a
5 project-by-project cost estimate.

6 (C) The analysis shall identify public and private nonprofit
7 corporations known to the local government which have legal and
8 managerial capacity to acquire and manage these housing
9 developments.

10 (D) The analysis shall identify and consider the use of all federal,
11 state, and local financing and subsidy programs ~~which~~ *that* can be
12 used to preserve, for lower income households, the assisted housing
13 developments, identified in this paragraph, including, but not
14 limited to, federal Community Development Block Grant Program
15 funds, tax increment funds received by a redevelopment agency
16 of the community, and administrative fees received by a housing
17 authority operating within the community. In considering the use
18 of these financing and subsidy programs, the analysis shall identify
19 the amounts of funds under each available program which have
20 not been legally obligated for other purposes and which could be
21 available for use in preserving assisted housing developments.

22 (b) (1) A statement of the community's goals, quantified
23 objectives, and policies relative to the maintenance, preservation,
24 improvement, and development of housing.

25 (2) It is recognized that the total housing needs identified
26 pursuant to subdivision (a) may exceed available resources and
27 the community's ability to satisfy this need within the content of
28 the general plan requirements outlined in Article 5 (commencing
29 with Section 65300). Under these circumstances, the quantified
30 objectives need not be identical to the total housing needs. The
31 quantified objectives shall establish the maximum number of
32 housing units by income category, including extremely low income,
33 that can be constructed, rehabilitated, and conserved over a
34 five-year time period.

35 (c) A program which sets forth a five-year schedule of actions
36 the local government is undertaking or intends to undertake to
37 implement the policies and achieve the goals and objectives of the
38 housing element through the administration of land use and
39 development controls, provision of regulatory concessions and
40 incentives, and the utilization of appropriate federal and state

1 financing and subsidy programs when available and the utilization
2 of moneys in a low- and moderate-income housing fund of an
3 agency if the locality has established a redevelopment project area
4 pursuant to the Community Redevelopment Law (Division 24
5 (commencing with Section 33000) of the Health and Safety Code).
6 In order to make adequate provision for the housing needs of all
7 economic segments of the community, the program shall do all of
8 the following:

9 (1) Identify actions that will be taken to make sites available
10 during the planning period of the general plan with appropriate
11 zoning and development standards and with services and facilities
12 to accommodate that portion of the city's or county's share of the
13 regional housing need for each income level that could not be
14 accommodated on sites identified in the inventory completed
15 pursuant to paragraph (3) of subdivision (a) without rezoning, and
16 to comply with the requirements of Section 65584.09. Sites shall
17 be identified as needed to facilitate and encourage the development
18 of a variety of types of housing for all income levels, including
19 multifamily rental housing, factory-built housing, mobilehomes,
20 housing for agricultural employees, supportive housing single-room
21 occupancy units, emergency shelters, and transitional housing.

22 (A) Where the inventory of sites, pursuant to paragraph (3) of
23 subdivision (a), does not identify adequate sites to accommodate
24 the need for groups of all household income levels pursuant to
25 Section 65584, the program shall identify sites that can be
26 developed for housing within the planning period pursuant to
27 subdivision (h) of Section 65583.2.

28 (B) Where the inventory of sites pursuant to paragraph (3) of
29 subdivision (a) does not identify adequate sites to accommodate
30 the need for farmworker housing, the program shall provide for
31 sufficient sites to meet the need with zoning that permits
32 farmworker housing use by right, including density and
33 development standards that could accommodate and facilitate the
34 feasibility of the development of farmworker housing for low- and
35 very low income households.

36 (2) Assist in the development of adequate housing to meet the
37 needs of extremely low, very low, low-, and moderate-income
38 households.

39 (3) Address and, where appropriate and legally possible, remove
40 governmental constraints to the maintenance, improvement, and

1 development of housing, including housing for all income levels
2 and housing for persons with disabilities. The program shall remove
3 constraints to, or provide reasonable accommodations for housing
4 designed for, intended for occupancy by, or with supportive
5 services for, persons with disabilities.

6 (4) Conserve and improve the condition of the existing
7 affordable housing stock, which may include addressing ways to
8 mitigate the loss of dwelling units demolished by public or private
9 action.

10 (5) Promote housing opportunities for all persons regardless of
11 race, religion, sex, marital status, ancestry, national origin, color,
12 familial status, or disability.

13 (6) Preserve for lower income households the assisted housing
14 developments identified pursuant to paragraph (8) of subdivision
15 (a). The program for preservation of the assisted housing
16 developments shall utilize, to the extent necessary, all available
17 federal, state, and local financing and subsidy programs identified
18 in paragraph (8) of subdivision (a), except where a community has
19 other urgent needs for which alternative funding sources are not
20 available. The program may include strategies that involve local
21 regulation and technical assistance.

22 (7) The program shall include an identification of the agencies
23 and officials responsible for the implementation of the various
24 actions and the means by which consistency will be achieved with
25 other general plan elements and community goals. The local
26 government shall make a diligent effort to achieve public
27 participation of all economic segments of the community in the
28 development of the housing element, and the program shall
29 describe this effort.

30 (d) Except as otherwise provided in this article, amendments to
31 this article that alter the required content of a housing element
32 shall apply to both of the following:

33 (1) A housing element or housing element amendment prepared
34 pursuant to subdivision (e) of Section 65588 or Section 65584.02,
35 where a city, county, or city and county submits a first draft to the
36 department for review pursuant to Section 65585 more than 90
37 days after the effective date of the amendment to this section.

38 (2) Any housing element or housing element amendment
39 prepared pursuant to subdivision (e) of Section 65588 or Section
40 65584.02, where the city, county, or city and county fails to submit

- 1 the first draft to the department before the due date specified in
- 2 Section 65588 or 65584.02.

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