

ASSEMBLY BILL

No. 1316

Introduced by Assembly Member Lopez

February 27, 2015

An act to amend Section 65585 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as introduced, Lopez. Housing elements.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including a housing element for the preservation, improvement, and development of housing. Existing law prescribes requirements for the preparation of the housing element.

This bill would make nonsubstantive changes to the provisions regarding the preparation of the housing element.

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 65585 of the Government Code is
- 2 amended to read:
- 3 65585. (a) In the preparation of its housing element, each city
- 4 and county shall consider the guidelines adopted by the department
- 5 pursuant to Section 50459 of the Health and Safety Code. Those

1 guidelines shall be advisory to each city or county in the
2 preparation of its housing element.

3 (b) At least 90 days prior to adoption of its housing element, or
4 at least 60 days prior to the adoption of an amendment to this
5 element, the planning agency shall submit a draft element or draft
6 amendment to the department. The department shall review the
7 draft and report its written findings to the planning agency within
8 90 days of its receipt of the draft in the case of an adoption or
9 within 60 days of its receipt in the case of a draft amendment.

10 (c) In the preparation of its findings, the department may consult
11 with any public agency, group, or person. The department shall
12 receive and consider any written comments from any public
13 agency, group, or person regarding the draft or adopted element
14 or amendment under review.

15 (d) In its written findings, the department shall determine
16 whether the draft element or draft amendment substantially
17 complies with ~~the requirements of~~ this article.

18 (e) Prior to the adoption of its draft element or draft amendment,
19 the legislative body shall consider the findings made by the
20 department. If the department's findings are not available within
21 the time limits set by this section, the legislative body may act
22 without them.

23 (f) If the department finds that the draft element or draft
24 amendment does not substantially comply with ~~the requirements~~
25 ~~of~~ this article, the legislative body shall take one of the following
26 actions:

27 (1) Change the draft element or draft amendment to substantially
28 comply with the requirements of this article.

29 (2) Adopt the draft element or draft amendment without changes.
30 The legislative body shall include in its resolution of adoption
31 written findings which explain the reasons the legislative body
32 believes that the draft element or draft amendment substantially
33 complies with the requirements of this article despite the findings
34 of the department.

35 (g) Promptly following the adoption of its element or
36 amendment, the planning agency shall submit a copy to the
37 department.

- 1 (h) The department shall, within 90 days, review adopted
- 2 housing elements or amendments and report its findings to the
- 3 planning agency.

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