

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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~~. *element, including a requirement that a planning agency submit a draft of the element or draft amendment to the element to the Department of Housing and Community Development prior to the adoption of the element or amendment to the element.*

~~This bill would make nonsubstantive changes to the provisions regarding the preparation of the housing element.~~ *require the planning agency to make the draft element or draft amendment to the element available to the public at least 30 days prior to the submission to the department. 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

8 (b) At least 90 days prior to adoption of its housing element, or
9 at least 60 days prior to the adoption of an amendment to this
10 element, the planning agency shall submit a draft element or draft
11 amendment to the department. *At least 30 days prior to the*
12 *submission of the draft element or draft amendment to the*
13 *department, the planning agency shall make the draft element or*
14 *draft amendment available to the public.* The department shall
15 review the draft and report its written findings to the planning
16 agency within 90 days of its receipt of the draft in the case of an
17 adoption or within 60 days of its receipt in the case of a draft
18 amendment.

19 (c) In the preparation of its findings, the department may consult
20 with any public agency, group, or person. The department shall
21 receive and consider any written comments from any public
22 agency, group, or person regarding the draft or adopted element
23 or amendment under review.

24 (d) In its written findings, the department shall determine
25 whether the draft element or draft amendment substantially
26 complies with this article.

27 (e) Prior to the adoption of its draft element or draft amendment,
28 the legislative body shall consider the findings made by the
29 department. If the department's findings are not available within

1 the time limits set by this section, the legislative body may act
2 without them.

3 (f) If the department finds that the draft element or draft
4 amendment does not substantially comply with this article, the
5 legislative body shall take one of the following actions:

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

8 (2) Adopt the draft element or draft amendment without changes.
9 The legislative body shall include in its resolution of adoption
10 written findings which explain the reasons the legislative body
11 believes that the draft element or draft amendment substantially
12 complies with the requirements of this article despite the findings
13 of the department.

14 (g) Promptly following the adoption of its element or
15 amendment, the planning agency shall submit a copy to the
16 department.

17 (h) The department shall, within 90 days, review adopted
18 housing elements or amendments and report its findings to the
19 planning agency.

20 *SEC. 2. If the Commission on State Mandates determines that*
21 *this act contains costs mandated by the state, reimbursement to*
22 *local agencies and school districts for those costs shall be made*
23 *pursuant to Part 7 (commencing with Section 17500) of Division*
24 *4 of Title 2 of the Government Code.*