

ASSEMBLY BILL

No. 1368

Introduced by Assembly Member Baker

February 27, 2015

An act to add Section 65583.4 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1368, as introduced, Baker. Housing element: discharged military personnel.

Existing law, the Planning and Zoning Law, requires every city, county, and city and county to revise the housing element of its general plan as frequently as is appropriate, but not less than every 5 years, to reflect the results of the periodic review of the housing element. Existing law requires the department, based upon data provided by the Department of Finance and in consultation with each council of government (COG), to determine the regional share of the statewide housing need for the subsequent revisions to the housing element.

This bill would authorize a person discharged from service in the United States military to file his or her Department of Defense Certificate of Release or Discharge From Active Duty (DD 214) with the county recorder of his or her place of residence, and would require that the city or county in which the person resides be credited with the production of a new housing unit for the 2014–22 regional housing needs assessment cycle. By imposing additional duties upon local agencies, 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 a specified reason.

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

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

1 SECTION 1. Section 65583.4 is added to the Government
2 Code, to read:

3 65583.4. (a) The Legislature finds and declares all of the
4 following:

5 (1) It is the intent of the Legislature to encourage all military
6 personnel discharged from active military service with a United
7 States Department of Defense Certificate of Release or Discharge
8 From Active Duty (DD 214) to consider relocating to private life
9 in California. The Legislature considers our military service
10 personnel an economic benefit to the state. However, it also
11 recognizes that immediately upon discharge, a person may be
12 unemployed and this fact would automatically qualify that person
13 as a very low or extremely low income earner, as it pertains to
14 housing categories.

15 (2) The State of California recognizes that returning service
16 personnel who do not purchase or rent new construction are
17 increasing the density of occupancy of existing housing. This is
18 desirable and advocated by HCD, particularly within transit livable
19 communities (TLC). Service personnel relocating into TLC's is
20 part of the goals of California's complete streets and sustainable
21 community strategy.

22 (3) All cities and counties are encouraged to render any
23 assistance they determine appropriate to make our military
24 personnel a part of the community.

25 (4) The Legislature recognizes that all employers can benefit
26 from the economic value of our former service personnel and
27 encourages employers to provide all assistance in the transition of
28 discharged military personnel to private life.

29 (b) Any discharged military service personnel who records his
30 or her DD 214 discharge document with a county recorder's office
31 of the county that the person lists as his or her county or residence
32 shall be deemed to have produced one new housing unit, for the

1 2014–22 regional housing needs assessment (RHNA) cycle, to the
2 credit of the city or county in which he or she resides.

3 (c) The credit described in subdivision (b) shall be given to only
4 one city or one county, as appropriate, and the residence address
5 listed on the DD 214, whether in the city or the unincorporated
6 area of the county, shall determine whether the city or the county
7 receives the credit. A county may provide an amending document
8 before recording the DD 214 to change the existing residence, if
9 the service personnel can show that he or she has been living there
10 prior to recordation of the DD 214.

11 (d) The credit shall be retroactive to January 1, 2014, and any
12 city or county may claim credit for producing affordable housing
13 with verification of the recordation of a DD 214.

14 (e) The credit shall be granted regardless of employment or
15 educational benefits received by the discharged military personnel.
16 The credit for housing shall be granted for any housing the
17 discharged service personnel chooses, including his or her former
18 home or former room. The city or county receiving the credit shall
19 determine the applicable income level.

20 (f) There is no time period for how long the discharged military
21 personnel is required to continue to work or reside in the city
22 county. The credit shall be one credit for a new residential unit
23 from January 1, 2014, to December 31, 2022, regardless of how
24 many days the person resides at that address.

25 (g) The DD 214 shall be recorded for the purposes of a credit
26 under this section only once, and any subsequent attempt to record
27 the same DD 214 pursuant to this section shall not result in an
28 additional credit.

29 (h) Each city and county shall establish a program to assist
30 military personnel with recordation pursuant to this section.

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 a local agency or school district has the authority to levy service
34 charges, fees, or assessments sufficient to pay for the program or
35 level of service mandated by this act, within the meaning of Section
36 17556 of the Government Code.