

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1500**

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**Introduced by Assembly Member Maienschein**  
*(Coauthors: Assembly Members Mullin and Steinorth)*

February 27, 2015

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An act to add Section 21080.40 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1500, as amended, Maienschein. California Environmental Quality Act: ~~homeless complex~~ *priority housing* projects: exemption.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion ~~of, of~~ an environmental impact report ~~(EIR)~~ on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts specified projects from its requirements.

This bill would exempt from the requirements of CEQA ~~homeless complex~~ *priority housing* projects, ~~as defined: defined, if specified conditions are met.~~ Because a lead agency would be required to determine the applicability of this exemption, 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 21080.40 is added to the Public Resources  
2 Code, to read:

3 21080.40. (a) For purposes of this section, the following terms  
4 mean the following:

5 (1) “Affordable housing cost” has the same meaning as set forth  
6 in Section 50052.5 of the Health and Safety Code.

7 (2) “Affordable rent” has the same meaning as set forth in  
8 Section 50053 of the Health and Safety Code.

9 (1)

10 (3) “Emergency shelter” has the same meaning as set forth in  
11 Section 50801 of the Health and Safety Code.

12 (2) ~~“Homeless complex project” means an activity or approval  
13 necessary for, or incidental to, the development, planning, design  
14 site acquisition, subdivision, financing, leasing, construction,  
15 operation, or maintenance of an emergency shelter, temporary or  
16 transitional housing, supportive housing, low-income housing, or  
17 building that provides services for the homeless, and associated  
18 development, including any accessory roadway, utility, or other  
19 improvement to that shelter, housing, building, or associated  
20 development.~~

21 (3)

22 (4) “Low-income housing” means housing with affordable  
23 housing cost to extremely low households, very low income  
24 households, or lower income households, as those terms are defined  
25 in Section 50052.5 of the Health and Safety Code: at least 20  
26 percent of the units affordable to lower income households subject  
27 to all of the following:

28 (A) The project developer shall provide sufficient legal  
29 commitments to the appropriate local agency to ensure the  
30 continued availability and use of the housing units for extremely

1 *low income households, very low income households, or lower*  
2 *income households at monthly housing costs with an affordable*  
3 *housing cost or affordable rent for the period required by the*  
4 *applicable financing method.*

5 *(B) Rental units shall be affordable for at least 55 years.*

6 *(C) Ownership units shall be subject to resale restrictions or*  
7 *equity sharing requirements for at least 30 years.*

8 *(5) "Lower income household" has the same meaning as set*  
9 *forth in Section 50079.5 of the Health and Safety Code.*

10 *(6) "Priority housing project" means an activity or approval*  
11 *necessary for, or incidental to, the development, planning, design*  
12 *site acquisition, subdivision, financing, leasing, construction,*  
13 *operation, or maintenance of an emergency shelter, transitional*  
14 *housing, supportive housing, low-income housing, or associated*  
15 *development, including any accessory roadway, utility, or other*  
16 *improvement to that shelter, housing, or associated development.*

17 ~~*(4)*~~

18 *(7) "Supportive housing" has the same meaning as set forth in*  
19 *paragraph (2) of subdivision (b) of Section 50675.14 of the Health*  
20 *and Safety Code.*

21 ~~*(5)*~~

22 *(8) "Transitional housing" has the same meaning as set forth in*  
23 *Section 50801 of the Health and Safety Code.*

24 *(b) This division does not apply to a ~~homeless complex project.~~*  
25 *priority housing project if all of the following conditions are met:*

26 *(1) The project does not result in a net loss in the number of*  
27 *housing units with an affordable housing cost or affordable rent*  
28 *to lower income households within the project area.*

29 *(2) The lead agency has filed a notice of determination with the*  
30 *Office of Planning and Research consistent with Section 21152.1.*

31 *(3) The city or county in which the project is located has adopted*  
32 *a housing element that the Department of Housing and Community*  
33 *Development has determined to be in compliance with applicable*  
34 *statutes and regulations at the time the lead agency files the notice*  
35 *of determination with the Office of Planning and Research.*

36 *(4) The city or county in which the project is located is compliant*  
37 *with the housing element portion of its annual report, required*  
38 *pursuant to Section 65400 of the Government Code, at the time*  
39 *the local agency files the notice of determination with the Office*  
40 *of Planning and Research.*

1     (c) *This section does not alter, affect, expand, or diminish a*  
2 *public agency's obligation to comply with statutory or regulatory*  
3 *requirements imposed pursuant to other laws.*

4     SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.