

AMENDED IN ASSEMBLY JANUARY 13, 2016

AMENDED IN ASSEMBLY JANUARY 4, 2016

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. An act to add Section 65583.5 to the Government Code, relating to land use.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1500, as amended, Maienschein. ~~California Environmental Quality Act: priority housing projects: exemption. Planning and zoning: housing element: supportive housing and transitional housing.~~

*The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. That law requires the housing element to include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. That law requires this assessment and inventory to include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, as provided.*

*This bill would authorize a city or county to additionally include in its assessment and inventory the identification of supportive housing and transitional housing, as those terms are defined in specified statutes. If a local government elects to include this identification in its*

*assessment and inventory, the bill would impose certain requirements, including that the identified zone or zones include sufficient capacity to accommodate the need for supportive housing or transitional housing, that the local government demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of supportive housing or transitional housing, and that supportive housing or transitional housing generally be subject only to the development and management standards that apply to residential or commercial development within the same zone. The bill would also provide that the permit processing, development, and management standards applied under these provisions would not be discretionary acts within the meaning of the California Environmental Quality Act.*

~~The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report 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 priority housing projects, as 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-no*.  
State-mandated local program: *yes-no*.

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

- 1     SECTION 1. Section 65583.5 is added to the Government Code,
- 2     to read:

1 65583.5. *The assessment and inventory adopted pursuant to*  
2 *subdivision (a) of Section 65583 may include the identification of*  
3 *a zone or zones where supportive housing, as defined in paragraph*  
4 *(2) of subdivision (b) of Section 50675.14 of the Health and Safety*  
5 *Code, or transitional housing, as defined in Section 50801 of the*  
6 *Health and Safety Code, is allowed as a permitted use without a*  
7 *conditional use or other discretionary permit. If the local*  
8 *government elects to identify a zone or zones pursuant to this*  
9 *section, all of the following shall apply:*

10 (a) *The identified zone or zones shall include sufficient capacity*  
11 *to accommodate the need for supportive housing or transitional*  
12 *housing. If the local government cannot identify a zone or zones*  
13 *with sufficient capacity, the local government shall include a*  
14 *program to amend its zoning ordinance to meet the requirements*  
15 *of this section within one year of the adoption of the housing*  
16 *element. The local government may identify additional zones where*  
17 *supportive housing or transitional housing is permitted with a*  
18 *conditional use permit.*

19 (b) *The local government shall also demonstrate that existing*  
20 *or proposed permit processing, development, and management*  
21 *standards are objective and encourage and facilitate the*  
22 *development of, or conversion to, supportive housing or*  
23 *transitional housing. Supportive housing or transitional housing*  
24 *may only be subject to those development and management*  
25 *standards that apply to residential or commercial development*  
26 *within the same zone except that a local government may apply*  
27 *written, objective standards.*

28 (c) *The permit processing, development, and management*  
29 *standards applied under this section shall not be deemed to be*  
30 *discretionary acts within the meaning of the California*  
31 *Environmental Quality Act (Division 13 (commencing with Section*  
32 *21000) of the Public Resources Code).*

33 ~~SECTION 1. Section 21080.40 is added to the Public Resources~~  
34 ~~Code, to read:~~

35 ~~21080.40. (a) For purposes of this section, the following terms~~  
36 ~~mean the following:~~

37 ~~(1) “Emergency shelter” has the same meaning as set forth in~~  
38 ~~Section 50801 of the Health and Safety Code.~~

39 ~~(2) “Priority housing project” means an activity or approval~~  
40 ~~necessary for, or incidental to, the development, planning, design,~~

1 ~~site acquisition, subdivision, financing, leasing, construction,~~  
2 ~~operation, or maintenance of an emergency shelter, transitional~~  
3 ~~housing, or supportive housing.~~

4 ~~(3) “Supportive housing” has the same meaning as set forth in~~  
5 ~~paragraph (2) of subdivision (b) of Section 50675.14 of the Health~~  
6 ~~and Safety Code.~~

7 ~~(4) “Transitional housing” has the same meaning as set forth in~~  
8 ~~Section 50801 of the Health and Safety Code.~~

9 ~~(b) This division does not apply to a priority housing project if~~  
10 ~~all of the following conditions are met:~~

11 ~~(1) The lead agency has filed a notice of determination with the~~  
12 ~~Office of Planning and Research consistent with Section 21152.1.~~

13 ~~(2) The city or county in which the project is located has adopted~~  
14 ~~a housing element that the Department of Housing and Community~~  
15 ~~Development has determined to be in compliance with applicable~~  
16 ~~statutes and regulations at the time the lead agency files the notice~~  
17 ~~of determination with the Office of Planning and Research.~~

18 ~~(3) The city or county in which the project is located is~~  
19 ~~compliant with the housing element portion of its annual report,~~  
20 ~~required pursuant to Section 65400 of the Government Code, at~~  
21 ~~the time the local agency files the notice of determination with the~~  
22 ~~Office of Planning and Research.~~

23 ~~(e) This section does not alter, affect, expand, or diminish a~~  
24 ~~public agency’s obligation to comply with statutory or regulatory~~  
25 ~~requirements imposed pursuant to other laws.~~

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