

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2500

Introduced by Assembly Member Daly

February 19, 2016

An act to amend Section 65584 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL’S DIGEST

AB 2500, as amended, Daly. Land-use: *use: regional housing need.*

Existing law, the Planning and Zoning Law, requires a city or county to prepare and adopt a comprehensive, long-term general plan, and requires the general plan to include certain mandatory elements, including a housing element. That law ~~also~~ requires the housing element, in turn, to include, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of those needs. That law further requires the Department of Housing and Community Development to ~~review the draft of the housing element or draft amendment of the housing element prior to its adoption by the planning agency for a city or county and, in written findings, determine whether the draft substantially complies with the legal requirements for a housing element.~~ *determine the existing and projected need for housing for each region, as specified, at least two years prior to the scheduled revision of a housing element required by law.*

This bill would ~~declare the intent of the Legislature to enact legislation that would authorize require the department to rescind the adoption of a housing element.~~ *determine the regional housing need at least two years and three months prior to the scheduled revision of a housing element required by law.*

Existing law requires the appropriate council of governments or, in the absence of this council, the department, to adopt a final regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region.

This bill would require the adoption of a final regional housing need at least one year and three months prior to the scheduled revision for the region. 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 no reimbursement is required by this act for a specified reason.

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 65584 of the Government Code is*
2 *amended to read:*

3 65584. (a) (1) For the fourth and subsequent revisions of the
4 housing element pursuant to Section 65588, the department shall
5 determine the existing and projected need for housing for each
6 region pursuant to this article. For purposes of subdivision (a) of
7 Section 65583, the share of a city or county of the regional housing
8 need shall include that share of the housing need of persons at all
9 income levels within the area significantly affected by the general
10 plan of the city or county.

11 (2) While it is the intent of the Legislature that cities, counties,
12 and cities and counties should undertake all necessary actions to
13 encourage, promote, and facilitate the development of housing to
14 accommodate the entire regional housing need, it is recognized,
15 however, that future housing production may not equal the regional
16 housing need established for planning purposes.

17 (b) The department, in consultation with each council of
18 governments, shall determine each region's existing and projected
19 housing need pursuant to Section 65584.01 at least two years *and*
20 *three months* prior to the scheduled revision required pursuant to
21 Section 65588. The appropriate council of governments, or for

1 cities and counties without a council of governments, the
2 department, shall adopt a final regional housing need plan that
3 allocates a share of the regional housing need to each city, county,
4 or city and county at least one year *and three months* prior to the
5 scheduled revision for the region required by Section 65588. The
6 allocation plan prepared by a council of governments shall be
7 prepared pursuant to Sections 65584.04 and 65584.05 with the
8 advice of the department.

9 (c) Notwithstanding any other ~~provision of~~ law, the due dates
10 for the determinations of the department or for the council of
11 governments, respectively, regarding the regional housing need
12 may be extended by the department by not more than 60 days if
13 the extension will enable access to more recent critical population
14 or housing data from a pending or recent release of the United
15 States Census Bureau or the Department of Finance. If the due
16 date for the determination of the department or the council of
17 governments is extended for this reason, the department shall
18 extend the corresponding housing element revision deadline
19 pursuant to Section 65588 by not more than 60 days.

20 (d) The regional housing needs allocation plan shall be
21 consistent with all of the following objectives:

22 (1) Increasing the housing supply and the mix of housing types,
23 tenure, and affordability in all cities and counties within the region
24 in an equitable manner, which shall result in each jurisdiction
25 receiving an allocation of units for low- and very low income
26 households.

27 (2) Promoting infill development and socioeconomic equity,
28 the protection of environmental and agricultural resources, and
29 the encouragement of efficient development patterns.

30 (3) Promoting an improved intraregional relationship between
31 jobs and housing.

32 (4) Allocating a lower proportion of housing need to an income
33 category when a jurisdiction already has a disproportionately high
34 share of households in that income category, as compared to the
35 countywide distribution of households in that category from the
36 most recent decennial United States census.

37 (e) For purposes of this section, “household income levels” are
38 as determined by the department as of the most recent decennial
39 census pursuant to the following code sections:

1 (1) Very low incomes as defined by Section 50105 of the Health
2 and Safety Code.

3 (2) Lower incomes, as defined by Section 50079.5 of the Health
4 and Safety Code.

5 (3) Moderate incomes, as defined by Section 50093 of the Health
6 and Safety Code.

7 (4) Above moderate incomes are those exceeding the
8 moderate-income level of Section 50093 of the Health and Safety
9 Code.

10 (f) Notwithstanding any other provision of law, determinations
11 made by the department, a council of governments, or a city or
12 county pursuant to this section or Section 65584.01, 65584.02,
13 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08
14 are exempt from the California Environmental Quality Act
15 (Division 13 (commencing with Section 21000) of the Public
16 Resources Code).

17 *SEC. 2. No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *a local agency or school district has the authority to levy service*
20 *charges, fees, or assessments sufficient to pay for the program or*
21 *level of service mandated by this act, within the meaning of Section*
22 *17556 of the Government Code.*

23 ~~SECTION 1. It is the intent of the Legislature to subsequently~~
24 ~~amend this measure to include provisions that would authorize the~~
25 ~~Department of Housing and Community Development to rescind~~
26 ~~the adoption of a housing element.~~