

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2685

Introduced by Assembly Member Lopez

February 19, 2016

An act to amend Section 65585 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2685, as amended, Lopez. Housing elements: adoption.

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, 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 require the planning agency to ~~make the draft element available to the public at least 30 days prior to the submission to the department. The bill would also require the planning agency to circulate public comments prior to the adoption of the housing element.~~ 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: yes.

State-mandated local program: 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) (1) At least 90 days prior to adoption of its housing element,
9 or 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.

12 (2) ~~At least 30 days prior to the submission of the draft element~~
13 ~~to the department, the planning agency shall make the draft element~~
14 ~~available to the public.~~ The planning agency shall circulate public
15 comments received ~~to~~ by the legislative body before it adopts the
16 housing element.

17 (3) The department shall review the draft and report its written
18 findings to the planning agency within 90 days of its receipt of the
19 draft in the case of an adoption or within 60 days of its receipt in
20 the case of a draft amendment.

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

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

29 (e) Prior to the adoption of its draft element or draft amendment,
30 the legislative body shall consider the findings made by the

1 department. If the department's findings are not available within
2 the time limits set by this section, the legislative body may act
3 without them.

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

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

9 (2) Adopt the draft element or draft amendment without changes.

10 The legislative body shall include in its resolution of adoption
11 written findings which explain the reasons the legislative body
12 believes that the draft element or draft amendment substantially
13 complies with this article despite the findings 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. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.