

AMENDED IN SENATE JULY 8, 1996

AMENDED IN SENATE JUNE 26, 1996

AMENDED IN ASSEMBLY MAY 14, 1996

AMENDED IN ASSEMBLY MAY 2, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3125**

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**Introduced by Assembly Member Hawkins**

February 23, 1996

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An act to amend Section 65583.1 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3125, as amended, Hawkins. Housing elements: identification of adequate housing sites.

Existing law requires each city, county, and city and county to adopt for its jurisdiction, according to specified deadlines, a general plan that includes certain mandatory elements, including a housing element.

Existing law requires the Department of Housing and Community Development to evaluate each housing element for consistency with state law including, among other things, a program setting forth a 5-year schedule of actions the local government is undertaking or intends to undertake to achieve the goals of the housing element that includes the identification of sites to be made available to encourage the development of a variety of types of housing for all income

levels. It permits the department to allow a local government to identify adequate sites for this purpose by a variety of methods, as specified.

~~This bill would authorize a locality to identify up to 50% of its site identification requirements for any income category from sites converted from nonaffordable to affordable housing due to committed assistance from the local government, sites in need of substantial rehabilitation, as specified, and sites providing housing for certain households sites that contain permanent housing units located on a military base undergoing closure or conversion as adequate sites, as specified.~~

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

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

1 SECTION 1. Section 65583.1 of the Government  
2 Code is amended to read:

3 65583.1. (a) The Department of Housing and  
4 Community Development, in evaluating a proposed or  
5 adopted housing element for consistency with state law,  
6 may allow a local government to identify adequate sites,  
7 as required pursuant to Section 65583, by a variety of  
8 methods, including, but not limited to, redesignation of  
9 property to a more intense land use category and  
10 increasing the density allowed within one or more  
11 categories. Nothing in this section reduces a local  
12 government's responsibility to identify, by income  
13 category, the total number of sites for residential  
14 development as required by this article.

15 ~~(b) (1) To meet its requirement to identify adequate~~  
16 ~~sites pursuant to paragraph (3) of subdivision (a) of, and~~  
17 ~~paragraph (1) of subdivision (c) of, Section 65583, a~~  
18 ~~locality may also identify up to 50 percent of its site~~  
19 ~~identification requirements for any income category~~  
20 ~~within one or more of the following categories:~~

21 ~~(A) Units located within the jurisdiction of the local~~  
22 ~~government that shall be converted through direct~~  
23 ~~financial or rental assistance from nonaffordable to~~



1 ~~affordable housing, due to committed assistance from the~~  
2 ~~local government. No existing housing units identified~~  
3 ~~pursuant to this subparagraph shall be occupied by very~~  
4 ~~low and low income households. For the purpose of this~~  
5 ~~paragraph, “rental assistance” shall mean a net increase~~  
6 ~~in housing units within the jurisdiction made available by~~  
7 ~~reason of that assistance at affordable housing cost to low-~~  
8 ~~and very low income households through the provision of~~  
9 ~~rental assistance, provided that the units are not presently~~  
10 ~~available at affordable housing cost to lower income~~  
11 ~~households, the units are in decent, safe, and sanitary~~  
12 ~~condition, and the rental charged on these units is not in~~  
13 ~~excess of 120 percent of the median of the rents charged~~  
14 ~~in that city or county.~~

15 ~~For the purposes of this paragraph, “direct financial~~  
16 ~~assistance” shall mean a net increase in ownership~~  
17 ~~housing made available at affordable housing costs to low-~~  
18 ~~and moderate income households by reason of the~~  
19 ~~assistance, provided that the housing does not exceed 140~~  
20 ~~percent of the median price for housing in that city or~~  
21 ~~county.~~

22 ~~For the purposes of providing rental assistance~~  
23 ~~pursuant to this section, federal Section 8 voucher rental~~  
24 ~~assistance shall not be used for committed assistance.~~

25 ~~(B) Units located within the jurisdiction of the local~~  
26 ~~government, that are in need of substantial rehabilitation,~~  
27 ~~and that shall be substantially rehabilitated due to~~  
28 ~~committed assistance from the local government. The~~  
29 ~~rehabilitation shall not require a public subsidy that~~  
30 ~~exceeds 150 percent of the average cost per unit of~~  
31 ~~rehabilitating comparable units elsewhere in the~~  
32 ~~jurisdiction. For purposes of this subparagraph,~~  
33 ~~“substantial rehabilitation” shall mean a net increase in~~  
34 ~~the rehabilitation of existing housing units that are~~  
35 ~~determined by the local government to be vacant and~~  
36 ~~unfit for human habitation because violations are so~~  
37 ~~extensive and of such a nature that the health and safety~~  
38 ~~of a resident is substantially endangered and have existed~~  
39 ~~for at least 90 continuous days, and which the jurisdiction~~  
40 ~~causes, through committed assistance, to be rehabilitated~~



1 and made available at affordable housing cost to low- and  
2 very low income households.

3 (C) Units located within the jurisdiction of the local  
4 government that shall be converted from nonaffordable  
5 to affordable due to acquisition. For the purposes of this  
6 subparagraph, “acquisition” shall mean the purchase of  
7 housing units, due to committed assistance, to be made  
8 available at affordable housing costs to very low income  
9 households, provided that the units are not presently  
10 available at affordable housing cost to low- or very low  
11 income households, the units are not presently occupied  
12 by low- or very low income households, the units are in  
13 decent, safe, and sanitary condition, and the acquisition  
14 price is not greater than 120 percent of the median price  
15 for housing units.

16 (D) If at the end of the five-year housing element  
17 planning period, any of the units identified pursuant to  
18 subdivision (b) have not been assisted through  
19 substantial rehabilitation, acquisition, direct financial  
20 assistance, or locally based rental assistance, the  
21 jurisdiction shall be prohibited from identifying sites  
22 pursuant to subdivision (b) in the next five-year housing  
23 element planning period greater than that percentage of  
24 units actually assisted pursuant to subdivision (b), in  
25 proportion to the total sites identified pursuant to  
26 subdivision (b) in the past five-year housing element  
27 planning period.

28 (2) (A) For purposes of paragraph (1) of subdivision  
29 (b), “committed assistance” shall include direct financial  
30 assistance, rental assistance, substantial rehabilitation, or  
31 acquisition of existing housing, and shall mean the  
32 jurisdiction has identified specific units for assistance, and  
33 entered into a legally enforceable obligation to provide  
34 available funds that the local agency has identified as  
35 adequate for the necessary assistance to the identified  
36 units pursuant to a resolution adopted by the local  
37 government for the purpose of providing the required  
38 affordable housing. Identification of specific units for  
39 assistance, in the case of rental assistance, shall mean



1 identification of at least as many specific potential units  
2 as there are households receiving rental assistance.

3 (B) Any rental assistance, acquired units, or  
4 substantially rehabilitated units shall be made available at  
5 affordable housing cost to lower income households, or in  
6 the case of direct financial assistance to low and  
7 moderate income households, throughout the duration of  
8 the five-year planning cycle, or if the assistance or units  
9 are proposed to be made available for a period less than  
10 the entire duration of the five-year planning cycle, the  
11 site shall qualify only in the proportion that its duration  
12 bears to the cycle.

13 (C) To identify sites pursuant to subparagraphs (A),  
14 (B), and (C) of paragraph (1) of subdivision (b), a city  
15 or county shall show a net increase in the total number of  
16 units assisted by these programs from the previous  
17 planning period.

18 For the purposes of this section, “affordable housing  
19 cost” shall be as defined in Sections 50052.5 and 50053 of  
20 the Health and Safety Code, or at standards required by  
21 any state or federal housing assistance program.

22 (3)

23 (b) Sites that contain permanent housing units located  
24 on a military base undergoing closure or conversion as a  
25 result of action pursuant to the Defense Authorization  
26 Amendments and Base Closure and Realignment Act  
27 (Public Law 100-526), the Defense Base Closure and  
28 Realignment Act of 1990 (Public Law 101-510), or any  
29 subsequent act requiring the closure or conversion of a  
30 military base may be identified as an adequate site  
31 provided the housing element demonstrates that the  
32 housing units will be available for occupancy by  
33 households within the planning period of the element. No  
34 sites containing housing units scheduled or planned for  
35 demolition or conversion to nonresidential uses shall  
36 qualify as an adequate site.

37 Any city, city and county, or county using this  
38 subdivision shall address the progress in meeting this



- 1 section in the reports provided pursuant to paragraph (1)
- 2 of subdivision (b) of Section 65400.

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