

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1505**

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**Introduced by Assembly Member Ducheny**  
**(Coauthors: Assembly Members Ashburn, Cardoza, Florez,**  
**~~and Reyes~~ *Reyes, and Soto*)**  
**(Coauthor: Senator Polanco)**

February 26, 1999

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An act to add Sections 51282.4 and 65863.13 to the Government Code, and to amend Section 21080.10 of the Public Resources Code, relating to farmworker housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1505, as amended, Ducheny. Farmworker housing.

(1) The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by the act and that contract. The act authorizes the landowner to petition the governing body of the relevant city or county for cancellation of a contract or portion thereof for agricultural *laborer* housing that is determined not to be a compatible use of the contracted lands. Prior to any tentative approval of the cancellation, the governing body of the relevant city or county is required to certify to the county auditor the amount of a cancellation fee that the contracting landowner will pay as deferred taxes upon cancellation of the contract, as specified.

This bill would authorize a landowner subject to a Williamson Act contract to set aside a portion not exceeding 5 acres of land under contract to be transferred to a nonprofit organization or municipal corporation and used for agricultural laborer housing. The bill would exempt the landowner and the subsequent nonprofit organization or municipal corporation titleholder of that land from the payment of any deferred taxes and cancellation fees.

(2) 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 proposed to carry out or approved that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. The act exempts from its requirements development projects for agricultural employee housing that meet prescribed conditions, including consistency with the applicable zoning designation and that the project consists of not more than 45 units on urbanized or 20 units on nonurbanized land or housing for 45 or fewer workers on urbanized or 20 or fewer workers on nonurbanized land, as specified.

This bill would delete the requirement of consistency with the applicable zoning designation and apply that exemption to housing if the project consists of not more than 100 units on urbanized or 50 units on nonurbanized land or housing for 100, or 50, or fewer workers, respectively, as specified. The bill would revise other conditions of that exemption relating to *consistency with the jurisdiction's general plan*, onsite services to accommodate the project, and the effect of the project on historic structures. The bill would delete provisions making the act applicable if the lead agency determines that the project would have a significant effect on the environment for specified reasons. The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption.

The bill would provide that no city, county, or other local governmental agency shall disapprove a project that otherwise qualifies for that exemption solely on the basis that



it is not consistent with the zoning designation specified in the agency’s zoning ordinance.

(3) 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 51282.4 is added to the  
2 Government Code, to read:

3 51282.4. Notwithstanding Section 51282.3, all of the  
4 following shall apply:

5 (a) A landowner may at any time serve written notice  
6 on the county, city, or city and county of his or her desire  
7 to set aside a portion not exceeding five acres of land  
8 under contract, and to convey the title to that portion of  
9 land to a nonprofit organization or municipal  
10 corporation, for the purpose of constructing, or  
11 rehabilitating property for use as, and to use the property  
12 exclusively for, agricultural laborer housing.

13 (b) If the title to that portion of land under contract is  
14 transferred to a nonprofit organization or municipal  
15 corporation that agrees to use the land for a purpose  
16 specified in subdivision (a), the landowner or the  
17 nonprofit entity shall not be liable for the amount of  
18 deferred taxes and cancellation fees that would otherwise  
19 have been imposed pursuant to Sections 51283 and  
20 51283.1.

21 (c) The county, city, or city and county shall issue a  
22 certificate of cancellation of contract for the portion of  
23 the land under contract that is transferred and no lien  
24 shall be created in favor of the county, city, or city and  
25 county in the amount of the fees and taxes that would  
26 otherwise have been imposed pursuant to Sections 51283  
27 and 51283.1.



1 (d) As used in this section, “nonprofit organization”  
2 means any organization qualifying under Section  
3 501(c)(3) of the Internal Revenue Code.

4 SEC. 2. Section 65863.13 is added to the Government  
5 Code, to read:

6 65863.13. A city, county, or other local governmental  
7 agency shall not disapprove a project that otherwise  
8 qualifies for the exemption in subdivision (c) of Section  
9 21080.10 of the Public Resources Code solely on the basis  
10 that the project is not consistent with the zoning  
11 designation, as specified in the zoning ordinance of the  
12 local agency.

13 SEC. 3. Section 21080.10 of the Public Resources Code  
14 is amended to read:

15 21080.10. This division does not apply to any of the  
16 following:

17 (a) An extension of time, granted pursuant to Section  
18 65361 of the Government Code, for the preparation and  
19 adoption of one or more elements of a city or county  
20 general plan.

21 (b) Actions taken by the Department of Housing and  
22 Community Development or the California Housing  
23 Finance Agency to provide financial assistance or  
24 insurance for the development and construction of  
25 residential housing for persons and families of low or  
26 moderate income, as defined in Section 50093 of the  
27 Health and Safety Code, if the project which is the subject  
28 of the application for financial assistance or insurance will  
29 be reviewed pursuant to this division by another public  
30 agency.

31 (c) (1) Any development project which consists of  
32 the construction, conversion, or use of residential housing  
33 for agricultural employees, as defined in paragraph (2),  
34 that is affordable to lower income households, as defined  
35 in Section 50079.5 of the Health and Safety Code, if there  
36 is no public financial assistance for the development  
37 project and the developer of the development project  
38 provides sufficient legal commitments to the appropriate  
39 local agency to ensure the continued availability and use  
40 of the housing units for lower income households for a



1 period of at least 15 years, or any development project  
2 that consists of the construction, conversion, or use of  
3 residential housing for agricultural employees, as defined  
4 in paragraph (2) that is affordable to low- and  
5 moderate-income households, as defined in paragraph  
6 (2) of subdivision (h) of Section 65589.5 of the  
7 Government Code, if there is public financial assistance  
8 for the development project and the developer of the  
9 development project provides sufficient legal  
10 commitments to the appropriate local agency to ensure  
11 the continued availability and use of the housing units for  
12 low- and moderate-income households for a period of at  
13 least 15 years, if either type of development project meets  
14 all of the following requirements:

15 (A) (i) If the development project is proposed for an  
16 urbanized area, it is located on a project site which is  
17 adjacent, on at least two sides, to land that has been  
18 developed, and consists of not more than 100 units, or is  
19 housing for a total of 100 or fewer agricultural employees  
20 if the housing consists of dormitories, barracks, or other  
21 group living facilities.

22 (ii) If the development project is proposed for a  
23 nonurbanized area, it is located on a project site zoned for  
24 general agricultural use, and consists of not more than 50  
25 units, or is housing for a total of 50 or fewer agricultural  
26 workers if the housing consists of dormitories, barracks, or  
27 other group living facilities.

28 (B) The development project is consistent with the  
29 jurisdiction's general plan as it existed on the date that the  
30 application was deemed complete ~~and adequate sites for~~  
31 ~~farmworker housing have been identified in the~~, *except*  
32 *that this subdivision shall not apply where adequate sites*  
33 *to meet the jurisdiction's need for farmworker housing,*  
34 *as determined by the analysis required by paragraph (6)*  
35 *of subdivision (a) of Section 65583 of the Government*  
36 *Code, have not been identified in the jurisdiction's*  
37 housing element.

38 (C) The development project site is not more than five  
39 acres in area, except that a project site located in an area



1 with a population density of at least 1,000 persons per  
2 square mile shall not be more than two acres in area.

3 (D) The development project site can be adequately  
4 served by utilities or other onsite services to  
5 accommodate the project.

6 (E) The development project site has no significant  
7 value as wildlife habitat.

8 (F) The development project site is not included on  
9 any list of facilities and sites compiled pursuant to Section  
10 65962.5 of the Government Code.

11 (G) The development project will not involve the  
12 demolition of, or any substantial adverse change, in any  
13 structure that is listed in the California Register of  
14 Historic Resources.

15 (2) As used in paragraph (1), “residential housing for  
16 agricultural employees” means housing accommodations  
17 for an agricultural employee, as defined in subdivision  
18 (b) of Section 1140.4 of the Labor Code.

19 (3) As used paragraph (1), “urbanized area” means  
20 either of the following:

21 (A) An area with a population density of at least 1,000  
22 persons per square mile.

23 (B) An area with a population density of less than 1,000  
24 persons per square mile that is identified as an urban area  
25 in a general plan adopted by a local government, and was  
26 not designated, on the date that the application was  
27 deemed complete, as an area reserved for future urban  
28 growth.

29 SEC. 4. No reimbursement is required by this act  
30 pursuant to Section 6 of Article XIII B of the California  
31 Constitution because a local agency or school district has  
32 the authority to levy service charges, fees, or assessments  
33 sufficient to pay for the program or level of service  
34 mandated by this act, within the meaning of Section 17556  
35 of the Government Code.

