

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 842

**Introduced by Assembly Member Jones
(Principal coauthors: Assembly Members DeSaulnier and Lieu)**

February 22, 2007

~~An act to amend Section 65009 of the Government Code, relating to~~
An act to add Section 14522.5 to the Government Code, to amend Sections 53545 and 53563 of, and to add Section 53545.2 to, the Health and Safety Code, and to add Section 75066.5 to the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 842, as amended, Jones. Regional plans: ~~housing and~~ traffic reduction.

(1) Existing law authorizes the California Transportation Commission to establish guidelines for the preparation of regional transportation plans.

This bill would require the commission to update its guidelines for the preparation of regional transportation plans, including a requirement that each regional transportation plan provide for a 10% reduction in the growth increment of vehicle miles traveled.

(2) Existing law, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. The act establishes the Housing and Emergency

Shelter Trust Fund of 2006 in the State Treasury, requires the sum of \$850,000,000 to be deposited in the Regional Planning, Housing, and Infill Incentive Account, which the act establishes in the fund, and makes the money in the account available, upon appropriation, for infill incentive grants for capital outlay related to infill housing development and other related infill development, and for brownfield cleanup that promotes infill housing development and other related infill development consistent with regional and local plans, subject to the conditions and criteria that the Legislature may provide in statute. The act requires the amount of \$300,000,000 to be deposited in the Transit-Oriented Development Account, which the act establishes in the fund, for transfer to the Transit-Oriented Development Implementation Fund, for expenditure, upon appropriation by the Legislature, pursuant to the Transit-Oriented Development Implementation Program established under the act.

This bill would require the sum of \$300,000,000 to be made available, upon appropriation, from the Regional Planning, Housing, and Infill Incentive Account to the Department of Housing and Community Development to fund grants to assist agencies of local government in the planning and production of infill housing. The bill would limit the grants to councils of governments that provide the department with a regional land use and transportation planning document that includes a reduction of the growth increment of vehicle miles traveled by not less than 10% for the region, and to counties not within the region of a council of governments that provide the department with a countywide land use and transportation planning document that includes a reduction of the growth increment of vehicle miles traveled by not less than 10% for the county.

The bill would require the sum of \$150,000,000 to be allocated from the Transit-Oriented Development Account to the Transit-Oriented Development Implementation Program, in the amount of \$100,000,000 for loans and \$50,000,000 for grants.

The bill would require the department to limit grants and loans under the Transit-Oriented Development Implementation Program to councils of governments and counties that provide the department with a regional or countywide land use and transportation planning document that includes a reduction of the growth increment of vehicle miles traveled by not less than a specified percentage for the region or county.

(3) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 authorizes the

issuance of bonds in the amount of \$5,388,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to fund various public resources projects. Among other things, the act makes available the sum of \$90,000,000 for planning grants and planning incentives, including revolving loan programs and other methods to encourage the development of regional and local land use plans that are designed to promote water conservation, reduce automobile use and fuel consumption, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers.

This bill would require the sum of \$30,000,000 to be made available, upon appropriation, pursuant to certain provisions of the act to councils of governments and counties to fund grants to assist in the development of regional and countywide land use and transportation planning documents. The bill would limit the grants to councils of governments that commit to development of a regional land use and transportation planning document that includes a reduction of the growth increment of vehicle miles traveled by not less than 10% for the region, and to counties not within the region of a council of governments that commit to development of a countywide land use and transportation planning document that includes a reduction of the growth increment of vehicle miles traveled by not less than 10% for the county.

The bill would require the sum of \$60,000,000 to be made available, upon appropriation, pursuant to certain provisions of the act to the department to provide loans to cities, counties, and cities and counties to assist in conforming general plans, zoning ordinances, and specific project plans to a regional or countywide land use and transportation planning document that includes a reduction of the growth increment of vehicle miles traveled by not less than 10% for the region or county.

~~The Planning and Zoning Law provides, among other things, that an action or proceeding to encourage or facilitate the development of housing that would increase the community's supply of housing affordable to persons and families with very low, low-, moderate-, or middle-income households must be commenced and the legislative body of the city, county, or city and county served within a year after accrual of the cause of action if it meets certain requirements.~~

~~This bill would delete an obsolete reference in these provisions and would also declare the Legislature's intent to enact legislation to create eligibility standards for the funds that will be made available from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond~~

~~Act of 2006 and the Housing and Emergency Shelter Trust Fund of 2006, and to require, as one of those standards, that a project be located in a city or county where the council of governments or the county has adopted a regional plan to reduce the vehicle miles traveled per household and the city or county has amended its general plan to implement the regional plan's goal to reduce vehicle miles traveled per household by the percentage specified in the regional plan.~~

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

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

1 SECTION 1. Section 14522.5 is added to the Government Code,
2 to read:

3 14522.5. The commission shall update its guidelines for the
4 preparation of regional transportation plans, including, but not
5 limited to, a requirement that each regional transportation plan
6 provide for a 10 percent reduction in the growth increment of
7 vehicle miles traveled.

8 SEC. 2. Section 53545 of the Health and Safety Code is
9 amended to read:

10 53545. The Housing and Emergency Shelter Trust Fund of
11 2006 is hereby created in the State Treasury. The Legislature
12 intends that the proceeds of bonds deposited in the fund shall be
13 used to fund the housing-related programs described in this chapter
14 over the course of the next decade. The proceeds of bonds issued
15 and sold pursuant to this part for the purposes specified in this
16 chapter shall be allocated in the following manner:

17 (a) (1) One billion five hundred million dollars (\$1,500,000,000)
18 to be deposited in the Affordable Housing Account, which is
19 hereby created in the fund. Notwithstanding Section 13340 of the
20 Government Code, the money in the account shall be continuously
21 appropriated in accordance with the following schedule:

22 (A) (i) Three hundred forty-five million dollars (\$345,000,000)
23 shall be transferred to the Housing Rehabilitation Loan Fund to
24 be expended for the Multifamily Housing Program authorized by
25 Chapter 6.7 (commencing with Section 50675) of Part 2. The
26 priorities specified in Section 50675.13 shall apply to the
27 expenditure of funds pursuant to this clause.

1 (ii) Fifty million dollars (\$50,000,000) shall be transferred to
2 the Housing Rehabilitation Loan Fund to be expended under the
3 Multifamily Housing Program authorized by Chapter 6.7
4 (commencing with Section 50675) of Part 2 for housing meeting
5 the definitions in paragraphs (2) and (3) of subdivision (e) of
6 Section 11139.3 of the Government Code. The department may
7 provide higher per-unit loan limits as necessary to achieve
8 affordable housing costs to the target population. Any funds not
9 encumbered for the purposes of this clause within 30 months of
10 availability shall revert for general use in the Multifamily Housing
11 Program.

12 (B) One hundred ninety-five million dollars (\$195,000,000)
13 shall be transferred to the Housing Rehabilitation Loan Fund to
14 be expended for the Multifamily Housing Program authorized by
15 Chapter 6.7 (commencing with Section 50675) of Part 2, to be
16 used for supportive housing for individuals and households moving
17 from emergency shelters or transitional housing or those at risk of
18 homelessness. The Department of Housing and Community
19 Development shall provide for higher per-unit loan limits as
20 reasonably necessary to achieve housing costs affordable to those
21 individuals and households. For purposes of this subparagraph,
22 “supportive housing” means housing with no limit on length of
23 stay, that is occupied by the target population, as defined in
24 subdivision (d) of Section 53260, and that is linked to onsite or
25 offsite services that assist the tenant to retain the housing, improve
26 his or her health status, maximize his or her ability to live, and,
27 when possible, work in the community. The criteria for selecting
28 projects shall give priority to *the following*:

29 (i) Supportive housing for people with disabilities who would
30 otherwise be at high risk of homelessness where the applications
31 represent collaboration with programs that meet the needs of the
32 person’s disabilities.

33 (ii) Projects that demonstrate funding commitments from local
34 governments for operating subsidies or services funding, or both,
35 for five years or longer.

36 (C) One hundred thirty-five million dollars (\$135,000,000) shall
37 be transferred to the fund created by subdivision (b) of Section
38 50517.5 to be expended for the programs authorized by Chapter
39 3.2 (commencing with Section 50517.5) of Part 2.

1 (D) Three hundred million dollars (\$300,000,000) shall be
2 transferred to the Self-Help Housing Fund created by Section
3 50697.1. These funds shall be available to the Department of
4 Housing and Community Development, to be expended for the
5 purposes of enabling households to become or remain homeowners
6 pursuant to the CalHome Program authorized by Chapter 6
7 (commencing with Section 50650) of Part 2, except ten million
8 dollars (\$10,000,000) shall be expended for construction
9 management under the California Self-Help Housing Program
10 pursuant to subdivision (b) of Section 50696.

11 (E) Two hundred million dollars (\$200,000,000) shall be
12 transferred to the Self-Help Housing Fund created by Section
13 50697.1. These funds shall be available to the California Housing
14 Finance Agency, to be expended for the purposes of the California
15 Homebuyer's Downpayment Assistance Program authorized by
16 Chapter 11 (commencing with Section 51500) of Part 3. Up to one
17 hundred million dollars (\$100,000,000) of these funds may be
18 expended pursuant to subdivision (b) of Section 51504.

19 (F) One hundred million dollars (\$100,000,000) shall be
20 transferred to the Affordable Housing Innovation Fund, which is
21 hereby created in the State Treasury, to be administered by the
22 Department of Housing and Community Development. Funds shall
23 be expended for competitive grants or loans to sponsoring entities
24 that develop, own, lend, or invest in affordable housing and used
25 to create pilot programs to demonstrate innovative, cost-saving
26 approaches to creating or preserving affordable housing. Specific
27 criteria establishing eligibility for and use of the funds shall be
28 established in statute as approved by a 2/3 vote of each house of
29 the Legislature. Any funds not encumbered for the purposes set
30 forth in this subparagraph within 30 months of availability shall
31 revert to the Self-Help Housing Fund created by Section 50697.1
32 and shall be available for the purposes described in subparagraph
33 (D).

34 (G) One hundred twenty-five million dollars (\$125,000,000)
35 shall be transferred to the Building Equity and Growth in
36 Neighborhoods Fund to be used for the Building Equity and
37 Growth in Neighborhoods (BEGIN) Program pursuant to Chapter
38 14.5 (commencing with Section 50860) of Part 1. Any funds not
39 encumbered for the purposes set forth in this subparagraph within

1 30 months of availability shall revert for general use in the
2 CalHome Program.

3 (H) Fifty million dollars (\$50,000,000) shall be transferred to
4 the Emergency Housing and Assistance Fund to be distributed in
5 the form of capital development grants under the Emergency
6 Housing and Assistance Program authorized by Chapter 11.5
7 (commencing with Section 50800) of Part 2 of Division 31. The
8 funds shall be administered by the Department of Housing and
9 Community Development in a manner consistent with the
10 restrictions and authorizations contained in Provision 3 of Item
11 2240-105-0001 of the Budget Act of 2000, except that any
12 appropriations in that item shall not apply. The competitive system
13 used by the department shall incorporate priorities set by the
14 designated local boards and their input as to the relative merits of
15 submitted applications from within the designated local board's
16 county in relation to those priorities. In addition, the funding
17 limitations contained in this section shall not apply to the
18 appropriation in that budget item.

19 (2) The Legislature may, from time to time, amend the
20 provisions of law related to programs to which funds are, or have
21 been, allocated pursuant to this subdivision for the purpose of
22 improving the efficiency and effectiveness of the program, or for
23 the purpose of furthering the goals of the program.

24 (3) The Bureau of State Audits shall conduct periodic audits to
25 ensure that bond proceeds are awarded in a timely fashion and in
26 a manner consistent with the requirements of this subdivision, and
27 that awardees of bond proceeds are using funds in compliance with
28 applicable provisions of this subdivision. The first audit shall be
29 conducted no later than one year from voter approval of this part.

30 (4) In its annual report to the Legislature, the Department of
31 Housing and Community Development shall report how funds that
32 were made available pursuant to this subdivision and allocated in
33 the prior year were expended. The department shall make the report
34 available to the public on its Internet Web site.

35 (b) Eight hundred fifty million dollars (\$850,000,000) shall be
36 deposited in the Regional Planning, Housing, and Infill Incentive
37 Account, which is hereby created in the fund. Funds in the account
38 shall be available, upon appropriation by the Legislature, and
39 subject to such other conditions and criteria as the Legislature may
40 provide in statute, for the following purposes:

- 1 (1) For infill incentive grants for capital outlay related to infill
 2 housing development and other related infill development,
 3 including, but not limited to, all of the following:
- 4 (A) No more than two hundred million dollars (\$200,000,000)
 5 for park creation, development, or rehabilitation to encourage infill
 6 development.
 - 7 (B) Water, sewer, or other public infrastructure costs associated
 8 with infill development.
 - 9 (C) Transportation improvements related to infill development
 10 projects.
 - 11 (D) Traffic mitigation.
- 12 (2) For brownfield cleanup that promotes infill housing
 13 development and other related infill development consistent with
 14 regional and local plans.
- 15 (c) Three hundred million dollars (\$300,000,000) to be deposited
 16 in the Transit-Oriented Development Account, which is hereby
 17 created in the fund, for transfer to the Transit-Oriented
 18 Development Implementation Fund, for expenditure, upon
 19 appropriation by the Legislature, pursuant to the Transit-Oriented
 20 Development Implementation Program authorized by Part 13
 21 (commencing with Section ~~50560~~ 53560).
 - 22 (d) Two hundred million dollars (\$200,000,000) shall be
 23 deposited in the Housing Urban-Suburban-and-Rural Parks
 24 Account, which is hereby created in the fund. Funds in the account
 25 shall be available upon appropriation by the Legislature for
 26 housing-related parks grants in urban, suburban, and rural areas,
 27 subject to the conditions and criteria that the Legislature may
 28 provide in statute.
- 29 *SEC. 3. Section 53545.2 is added to the Health and Safety*
 30 *Code, to read:*
- 31 *53545.2. (a) Upon appropriation, the sum of three hundred*
 32 *million dollars (\$300,000,000) shall be made available from the*
 33 *Regional Planning, Housing, and Infill Incentive Account*
 34 *established under subdivision (b) of Section 53545 to the*
 35 *department to fund grants to assist agencies of local government*
 36 *in the planning and production of infill housing. The grants shall*
 37 *be limited to the following:*
- 38 *(1) Councils of governments that provide the department with*
 39 *a regional land use and transportation planning document that*

1 *includes a reduction of the growth increment of vehicle miles*
2 *traveled by not less than 10 percent for the region.*

3 *(2) Counties not within the region of a council of governments*
4 *that provide the department with a countywide land use and*
5 *transportation planning document that includes a reduction of the*
6 *growth increment of vehicle miles traveled by not less than 10*
7 *percent for the county.*

8 *(b) Upon appropriation, the sum of one hundred fifty million*
9 *dollars (\$150,000,000) shall be allocated from the Transit-Oriented*
10 *Development Account established under subdivision (c) of Section*
11 *53545 to the Transit-Oriented Development Implementation*
12 *Program authorized under Part 13 (commencing with Section*
13 *53560), in the following amounts, for the following purposes:*

14 *(1) One hundred million dollars (\$100,000,000) for loans.*

15 *(2) Fifty million dollars (\$50,000,000) for grants.*

16 *SEC. 4. Section 53563 of the Health and Safety Code is*
17 *amended to read:*

18 *53563. (a) In ranking applications pursuant to this part, the*
19 *department shall, among other criteria, consider the extent to which*
20 *the project or development will increase public transit ridership*
21 *and minimize automobile trips.*

22 *(b) The department shall also grant bonus points to projects or*
23 *developments that are in an area designated by the appropriate*
24 *council of governments for infill development as part of a regional*
25 *plan.*

26 *(c) The department shall limit grants under this part to the*
27 *following:*

28 *(1) Councils of governments that demonstrate to the department*
29 *that the proposed project is consistent with a regional land use*
30 *and transportation planning document and will reduce the growth*
31 *increment of vehicle miles traveled by not less than 15 percent for*
32 *the region.*

33 *(2) Counties not within the region of a council of governments*
34 *that demonstrate to the department that the proposed project is*
35 *consistent with a countywide land use and transportation planning*
36 *document and will reduce the growth increment of vehicle miles*
37 *traveled by not less than 15 percent for the county.*

38 *(d) The department shall limit loans under this part to the*
39 *following:*

1 (1) Councils of governments that demonstrate to the department
2 that the proposed project is consistent with a regional land use
3 and transportation planning document and will reduce the growth
4 increment of vehicle miles traveled by not less than 10 percent for
5 the region.

6 (2) Counties not within the region of a council of governments
7 that demonstrate to the department that the proposed project is
8 consistent with a countywide land use and transportation planning
9 document and will reduce the growth increment of vehicle miles
10 traveled by not less than 10 percent for the county.

11 SEC. 5. Section 75066.5 is added to the Public Resources Code,
12 to read:

13 75066.5. (a) Upon appropriation, the sum of thirty million
14 dollars (\$30,000,000) shall be made available pursuant to
15 subdivision (c) of Section 75065 to councils of governments and
16 counties to fund grants to assist in the development of regional
17 and countywide land use and transportation planning documents.
18 The grants shall be limited to the following:

19 (1) Councils of governments that commit to development of a
20 regional land use and transportation planning document that
21 includes a reduction of the growth increment of vehicle miles
22 traveled by not less than 10 percent for the region.

23 (2) Counties not within the region of a council of governments
24 that commit to development of a countywide land use and
25 transportation planning document that includes a reduction of the
26 growth increment of vehicle miles traveled by not less than 10
27 percent for the county.

28 (b) Upon appropriation, the sum of sixty million dollars
29 (\$60,000,000) shall be made available pursuant to subdivision (c)
30 of Section 75065 to the Department of Housing and Community
31 Development to provide loans to cities, counties, and cities and
32 counties to assist in conforming general plans, zoning ordinances,
33 and specific project plans to a regional or countywide land use
34 and transportation planning document that includes a reduction
35 of the growth increment of vehicle miles traveled by not less than
36 10 percent for the region or county.

37 ~~SECTION 1. It is the intent of the Legislature to enact~~
38 ~~legislation to create eligibility standards for the funds that will be~~
39 ~~made available from the Highway Safety, Traffic Reduction, Air~~
40 ~~Quality, and Port Security Bond Act of 2006 and the Housing and~~

1 ~~Emergency Shelter Trust Fund of 2006, and to require, as one of~~
2 ~~those standards, that a project be located in a city or county where~~
3 ~~the council of governments or the county has adopted a regional~~
4 ~~plan to reduce the vehicle miles traveled per household and the~~
5 ~~city or county has amended its general plan to implement the~~
6 ~~regional plan's goal to reduce vehicle miles traveled per household~~
7 ~~by the percentage specified in the regional plan.~~

8 ~~SEC. 2.—Section 65009 of the Government Code is amended~~
9 ~~to read:~~

10 ~~65009.—(a) (1) The Legislature finds and declares that there~~
11 ~~currently is a housing crisis in California and it is essential to~~
12 ~~reduce delays and restraints upon expeditiously completing housing~~
13 ~~projects.~~

14 ~~(2) The Legislature further finds and declares that a legal action~~
15 ~~or proceeding challenging a decision of a city, county, or city and~~
16 ~~county has a chilling effect on the confidence with which property~~
17 ~~owners and local governments can proceed with projects. Legal~~
18 ~~actions or proceedings filed to attack, review, set aside, void, or~~
19 ~~annul a decision of a city, county, or city and county pursuant to~~
20 ~~this division, including, but not limited to, the implementation of~~
21 ~~general plan goals and policies that provide incentives for~~
22 ~~affordable housing, open-space and recreational opportunities, and~~
23 ~~other related public benefits, can prevent the completion of needed~~
24 ~~developments even though the projects have received required~~
25 ~~governmental approvals.~~

26 ~~(3) The purpose of this section is to provide certainty for~~
27 ~~property owners and local governments regarding decisions made~~
28 ~~pursuant to this division.~~

29 ~~(b) (1) In an action or proceeding to attack, review, set aside,~~
30 ~~void, or annul a finding, determination, or decision of a public~~
31 ~~agency made pursuant to this title at a properly noticed public~~
32 ~~hearing, the issues raised shall be limited to those raised in the~~
33 ~~public hearing or in written correspondence delivered to the public~~
34 ~~agency prior to, or at, the public hearing, except where the court~~
35 ~~finds either of the following:~~

36 ~~(A) The issue could not have been raised at the public hearing~~
37 ~~by persons exercising reasonable diligence.~~

38 ~~(B) The body conducting the public hearing prevented the issue~~
39 ~~from being raised at the public hearing.~~

1 ~~(2) If a public agency desires the provisions of this subdivision~~
2 ~~to apply to a matter, it shall include in any public notice issued~~
3 ~~pursuant to this title a notice substantially stating all of the~~
4 ~~following: “If you challenge the (nature of the proposed action)~~
5 ~~in court, you may be limited to raising only those issues you or~~
6 ~~someone else raised at the public hearing described in this notice,~~
7 ~~or in written correspondence delivered to the (public entity~~
8 ~~conducting the hearing) at, or prior to, the public hearing.”~~

9 ~~(3) The application of this subdivision to causes of action~~
10 ~~brought pursuant to subdivision (d) applies only to the final action~~
11 ~~taken in response to the notice to the city or clerk of the board of~~
12 ~~supervisors. If no final action is taken, then the issue raised in the~~
13 ~~cause of action brought pursuant to subdivision (d) shall be limited~~
14 ~~to those matters presented at a properly noticed public hearing or~~
15 ~~to those matters specified in the notice given to the city or clerk~~
16 ~~of the board of supervisors pursuant to subdivision (d), or both.~~

17 ~~(e) (1) Except as provided in subdivision (d), no action or~~
18 ~~proceeding shall be maintained in any of the following cases by~~
19 ~~any person unless the action or proceeding is commenced and~~
20 ~~service is made on the legislative body within 90 days after the~~
21 ~~legislative body’s decision:~~

22 ~~(A) To attack, review, set aside, void, or annul the decision of~~
23 ~~a legislative body to adopt or amend a general or specific plan.~~
24 ~~This paragraph does not apply where an action is brought based~~
25 ~~upon the complete absence of a general plan or a mandatory~~
26 ~~element thereof, but does apply to an action attacking a general~~
27 ~~plan or mandatory element thereof on the basis that it is inadequate.~~

28 ~~(B) To attack, review, set aside, void, or annul the decision of~~
29 ~~a legislative body to adopt or amend a zoning ordinance.~~

30 ~~(C) To determine the reasonableness, legality, or validity of any~~
31 ~~decision to adopt or amend any regulation attached to a specific~~
32 ~~plan.~~

33 ~~(D) To attack, review, set aside, void, or annul the decision of~~
34 ~~a legislative body to adopt, amend, or modify a development~~
35 ~~agreement. An action or proceeding to attack, review, set aside,~~
36 ~~void, or annul the decisions of a legislative body to adopt, amend,~~
37 ~~or modify a development agreement shall only extend to the~~
38 ~~specific portion of the development agreement that is the subject~~
39 ~~of the adoption, amendment, or modification. This paragraph~~

1 applies to development agreements, amendments, and
2 modifications adopted on or after January 1, 1996.

3 (E) To attack, review, set aside, void, or annul any decision on
4 the matters listed in Sections 65901 and 65903, or to determine
5 the reasonableness, legality, or validity of any condition attached
6 to a variance, conditional use permit, or any other permit.

7 (F) Concerning any of the proceedings, acts, or determinations
8 taken, done, or made prior to any of the decisions listed in
9 subparagraphs (A), (B), (C), (D), and (E):

10 (2) In the case of an action or proceeding challenging the
11 adoption or revision of a housing element pursuant to this
12 subdivision, the action or proceeding may, in addition, be
13 maintained if it is commenced and service is made on the
14 legislative body within 60 days following the date that the
15 Department of Housing and Community Development reports its
16 findings pursuant to subdivision (h) of Section 65585.

17 (d) An action or proceeding shall be commenced and the
18 legislative body served within one year after the accrual of the
19 cause of action as provided in this subdivision, if the action or
20 proceeding meets both of the following requirements:

21 (1) It is brought in support of or to encourage or facilitate the
22 development of housing that would increase the community's
23 supply of housing affordable to persons and families with low or
24 moderate incomes, as defined in Section 50079.5 of the Health
25 and Safety Code, or with very low incomes, as defined in Section
26 50105 of the Health and Safety Code, or middle-income
27 households, as defined in Section 65008 of this code. This
28 subdivision is not intended to require that the action or proceeding
29 be brought in support of or to encourage or facilitate a specific
30 housing development project.

31 (2) It is brought with respect to actions taken pursuant to Article
32 10.6 (commencing with Section 65580) of Chapter 3 of this
33 division, pursuant to Section 65589.5, 65863.6, 65915, or 66474.2
34 or pursuant to Chapter 4.2 (commencing with Section 65913):

35 A cause of action brought pursuant to this subdivision shall not
36 be maintained until 60 days have expired following notice to the
37 city or clerk of the board of supervisors by the party bringing the
38 cause of action, or his or her representative, specifying the
39 deficiencies of the general plan, specific plan, or zoning ordinance.
40 A cause of action brought pursuant to this subdivision shall accrue

1 ~~60 days after notice is filed or the legislative body takes a final~~
2 ~~action in response to the notice, whichever occurs first. A notice~~
3 ~~or cause of action brought by one party pursuant to this subdivision~~
4 ~~shall not bar filing of a notice and initiation of a cause of action~~
5 ~~by any other party.~~

6 ~~(e) Upon the expiration of the time limits provided for in this~~
7 ~~section, all persons are barred from any further action or~~
8 ~~proceeding.~~

9 ~~(f) Notwithstanding Sections 65700 and 65803, or any other~~
10 ~~provision of law, this section shall apply to charter cities.~~

11 ~~(g) Except as provided in subdivision (d), this section shall not~~
12 ~~affect any law prescribing or authorizing a shorter period of~~
13 ~~limitation than that specified herein.~~