

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE APRIL 15, 2009

**SENATE BILL**

**No. 575**

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**Introduced by Senator Steinberg**

February 27, 2009

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An act to amend Sections ~~65583 and 65080~~, 65583, and 65588 of the Government Code, and to amend Section 75123 of the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 575, as amended, Steinberg. Local planning: housing element.

(1) *Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy as part of a regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. Existing law requires the metropolitan planning organization to conduct at least 2*

*informational meetings in each county within the region for members of the board of supervisors and city councils on the sustainable communities strategy and alternative planning strategy, if any. Existing law provides that the purpose of the meetings is to present a draft of the sustainable communities strategy to the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations.*

*This bill would instead provide that the purpose of the meetings is to present a draft of the sustainable communities strategy and alternative planning strategy, if any, including the key land use and planning assumptions, to the members of the board of supervisors and the city council members in that county to solicit and consider their input and recommendations.*

(1)

(2) The Planning and Zoning Law requires each local government to review its housing element as frequently as appropriate to evaluate specified considerations, and requires specified, different types of local governments to revise the housing elements of their general plans in accordance with specific schedules.

*This bill would require all local governments within the regional jurisdiction of the San Diego Association of Governments to adopt the 5th revision of the housing element 18 months after adoption of the first regional transportation plan to be adopted after September 30, 2010. The bill would also require all local governments within the regional jurisdiction of a specified metropolitan planning organization or regional transportation planning agency to adopt the 5th revision of the housing element no later than 18 months after the adoption of the first regional transportation plan following a specified election. The bill would further require all other local governments to adopt the 5th revision of the housing element 5 years after June 30, 2006, and would specify the schedule for all local governments to adopt subsequent revisions of the housing element after the 5th revision, as specified. The bill would authorize the Department of Housing and Community Development to adjust the deadlines for adoption of the 6th and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that the planning period, as defined, for the housing element is not less than 90 months and not more than 102 months. The bill would require the Department of Transportation to maintain and publish a current schedule of the estimated regional transportation plan adoption*

*dates and a current schedule of the estimated and actual housing element due dates on its Internet Web site. The bill would also require each council of governments to publish the estimated and actual housing element due dates for the jurisdictions within its region on its Internet Web site, and to send notice of these dates to interested parties.* By adding to the duties of specified local governments, this bill would impose a state-mandated local program.

(2)

(3) The Bagley-Keene Open Meeting Act requires, with specified exceptions, that the meetings of a state body be open and public and that all persons be permitted to attend.

Existing law establishes the Strategic Growth Council and requires the council to manage and award grants and loans to support the planning and development of sustainable communities. Existing law also requires the council's meetings to be open to the public and subject to the Bagley-Keene Open Meeting Act.

This bill would provide that a meeting of the council, including a meeting related to the development of grant guidelines and policies and the approval of grants, is subject to the Bagley-Keene Open Meeting Act, and that, for the purposes of this provision, "meeting" would not include a meeting at which council members are meeting as members of the Governor's cabinet.

(3)

(4) The bill also would require that existing law, Chapter 728 of the Statutes of 2008, be known, and would authorize it to be cited, as the Sustainable Communities and Climate Protection Act of 2008.

(4)

(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 65080 of the Government Code is  
2     amended to read:

3     65080. (a) Each transportation planning agency designated  
4     under Section 29532 or 29532.1 shall prepare and adopt a regional  
5     transportation plan directed at achieving a coordinated and balanced  
6     regional transportation system, including, but not limited to, mass  
7     transportation, highway, railroad, maritime, bicycle, pedestrian,  
8     goods movement, and aviation facilities and services. The plan  
9     shall be action-oriented and pragmatic, considering both the  
10    short-term and long-term future, and shall present clear, concise  
11    policy guidance to local and state officials. The regional  
12    transportation plan shall consider factors specified in Section 134  
13    of Title 23 of the United States Code. Each transportation planning  
14    agency shall consider and incorporate, as appropriate, the  
15    transportation plans of cities, counties, districts, private  
16    organizations, and state and federal agencies.

17    (b) The regional transportation plan shall be an internally  
18    consistent document and shall include all of the following:

19    (1) A policy element that describes the transportation issues in  
20    the region, identifies and quantifies regional needs, and describes  
21    the desired short-range and long-range transportation goals, and  
22    pragmatic objective and policy statements. The objective and policy  
23    statements shall be consistent with the funding estimates of the  
24    financial element. The policy element of transportation planning  
25    agencies with populations that exceed 200,000 persons may  
26    quantify a set of indicators including, but not limited to, all of the  
27    following:

28    (A) Measures of mobility and traffic congestion, including, but  
29    not limited to, daily vehicle hours of delay per capita and vehicle  
30    miles traveled per capita.

31    (B) Measures of road and bridge maintenance and rehabilitation  
32    needs, including, but not limited to, roadway pavement and bridge  
33    conditions.

34    (C) Measures of means of travel, including, but not limited to,  
35    percentage share of all trips (work and nonwork) made by all of  
36    the following:

37    (i) Single occupant vehicle.

38    (ii) Multiple occupant vehicle or carpool.

1 (iii) Public transit including commuter rail and intercity rail.

2 (iv) Walking.

3 (v) Bicycling.

4 (D) Measures of safety and security, including, but not limited  
5 to, total injuries and fatalities assigned to each of the modes set  
6 forth in subparagraph (C).

7 (E) Measures of equity and accessibility, including, but not  
8 limited to, percentage of the population served by frequent and  
9 reliable public transit, with a breakdown by income bracket, and  
10 percentage of all jobs accessible by frequent and reliable public  
11 transit service, with a breakdown by income bracket.

12 (F) The requirements of this section may be met utilizing  
13 existing sources of information. No additional traffic counts,  
14 household surveys, or other sources of data shall be required.

15 (2) A sustainable communities strategy prepared by each  
16 metropolitan planning organization as follows:

17 (A) No later than September 30, 2010, the State Air Resources  
18 Board shall provide each affected region with greenhouse gas  
19 emission reduction targets for the automobile and light truck sector  
20 for 2020 and 2035, respectively.

21 (i) No later than January 31, 2009, the state board shall appoint  
22 a Regional Targets Advisory Committee to recommend factors to  
23 be considered and methodologies to be used for setting greenhouse  
24 gas emission reduction targets for the affected regions. The  
25 committee shall be composed of representatives of the metropolitan  
26 planning organizations, affected air districts, the League of  
27 California Cities, the California State Association of Counties,  
28 local transportation agencies, and members of the public, including  
29 homebuilders, environmental organizations, planning organizations,  
30 environmental justice organizations, affordable housing  
31 organizations, and others. The advisory committee shall transmit  
32 a report with its recommendations to the state board no later than  
33 September 30, 2009. In recommending factors to be considered  
34 and methodologies to be used, the advisory committee may  
35 consider any relevant issues, including, but not limited to, data  
36 needs, modeling techniques, growth forecasts, the impacts of  
37 regional jobs-housing balance on interregional travel and  
38 greenhouse gas emissions, economic and demographic trends, the  
39 magnitude of greenhouse gas reduction benefits from a variety of  
40 land use and transportation strategies, and appropriate methods to

1 describe regional targets and to monitor performance in attaining  
2 those targets. The state board shall consider the report prior to  
3 setting the targets.

4 (ii) Prior to setting the targets for a region, the state board shall  
5 exchange technical information with the metropolitan planning  
6 organization and the affected air district. The metropolitan planning  
7 organization may recommend a target for the region. The  
8 metropolitan planning organization shall hold at least one public  
9 workshop within the region after receipt of the report from the  
10 advisory committee. The state board shall release draft targets for  
11 each region no later than June 30, 2010.

12 (iii) In establishing these targets, the state board shall take into  
13 account greenhouse gas emission reductions that will be achieved  
14 by improved vehicle emission standards, changes in fuel  
15 composition, and other measures it has approved that will reduce  
16 greenhouse gas emissions in the affected regions, and prospective  
17 measures the state board plans to adopt to reduce greenhouse gas  
18 emissions from other greenhouse gas emission sources as that term  
19 is defined in subdivision (i) of Section 38505 of the Health and  
20 Safety Code and consistent with the regulations promulgated  
21 pursuant to the California Global Warming Solutions Act of 2006  
22 (Division 12.5 (commencing with Section 38500) of the Health  
23 and Safety Code).

24 (iv) The state board shall update the regional greenhouse gas  
25 emission reduction targets every eight years consistent with each  
26 metropolitan planning organization's timeframe for updating its  
27 regional transportation plan under federal law until 2050. The state  
28 board may revise the targets every four years based on changes in  
29 the factors considered under clause (iii) above. The state board  
30 shall exchange technical information with the Department of  
31 Transportation, metropolitan planning organizations, local  
32 governments, and affected air districts and engage in a consultative  
33 process with public and private stakeholders prior to updating these  
34 targets.

35 (v) The greenhouse gas emission reduction targets may be  
36 expressed in gross tons, tons per capita, tons per household, or in  
37 any other metric deemed appropriate by the state board.

38 (B) Each metropolitan planning organization shall prepare a  
39 sustainable communities strategy, subject to the requirements of  
40 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of

Federal Regulations, including the requirement to utilize the most recent planning assumptions considering local general plans and other factors. The sustainable communities strategy shall (i) identify the general location of uses, residential densities, and building intensities within the region; (ii) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth; (iii) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584; (iv) identify a transportation network to service the transportation needs of the region; (v) gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Section 65080.01; (vi) consider the state housing goals specified in Sections 65580 and 65581; (vii) set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board; and (viii) allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506). Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, the Association of Bay Area Governments shall be responsible for clauses (i), (ii), (iii), (v), and (vi), the Metropolitan Transportation Commission shall be responsible for clauses (iv) and (viii); and the Association of Bay Area Governments and the Metropolitan Transportation Commission shall jointly be responsible for clause (vii).

(C) In the region served by the multicounty transportation planning agency described in Section 130004 of the Public Utilities Code, a subregional council of governments and the county transportation commission may work together to propose the sustainable communities strategy and an alternative planning strategy, if one is prepared pursuant to subparagraph (H), for that subregional area. The metropolitan planning organization may adopt a framework for a subregional sustainable communities

1 strategy or a subregional alternative planning strategy to address  
2 the intraregional land use, transportation, economic, air quality,  
3 and climate policy relationships. The metropolitan planning  
4 organization shall include the subregional sustainable communities  
5 strategy for that subregion in the regional sustainable communities  
6 strategy to the extent consistent with this section and federal law  
7 and approve the subregional alternative planning strategy, if one  
8 is prepared pursuant to subparagraph (H), for that subregional area  
9 to the extent consistent with this section. The metropolitan planning  
10 organization shall develop overall guidelines, create public  
11 participation plans pursuant to subparagraph (E), ensure  
12 coordination, resolve conflicts, make sure that the overall plan  
13 complies with applicable legal requirements, and adopt the plan  
14 for the region.

15 (D) The metropolitan planning organization shall conduct at  
16 least two informational meetings in each county within the region  
17 for members of the board of supervisors and city councils on the  
18 sustainable communities strategy and alternative planning strategy,  
19 if any. The metropolitan planning organization may conduct only  
20 one informational meeting if it is attended by representatives of  
21 the county board of supervisors and city council members  
22 representing a majority of the cities representing a majority of the  
23 population in the incorporated areas of that county. Notice of the  
24 meeting shall be sent to the clerk of the board of supervisors and  
25 to each city clerk. The purpose of the ~~meeting~~ *meetings* shall be  
26 to present a draft of the sustainable communities strategy *and*  
27 *alternative planning strategy, if any, including the key land use*  
28 *and planning assumptions* to the members of the board of  
29 supervisors and the city council members in that county and to  
30 solicit and consider their input and recommendations.

31 (E) Each metropolitan planning organization shall adopt a public  
32 participation plan, for development of the sustainable communities  
33 strategy and an alternative planning strategy, if any, that includes  
34 all of the following:

35 (i) Outreach efforts to encourage the active participation of a  
36 broad range of stakeholder groups in the planning process,  
37 consistent with the agency's adopted Federal Public Participation  
38 Plan, including, but not limited to, affordable housing advocates,  
39 transportation advocates, neighborhood and community groups,  
40 environmental advocates, home builder representatives,



1 broad-based business organizations, landowners, commercial  
2 property interests, and homeowner associations.

3 (ii) Consultation with congestion management agencies,  
4 transportation agencies, and transportation commissions.

5 (iii) Workshops throughout the region to provide the public with  
6 the information and tools necessary to provide a clear  
7 understanding of the issues and policy choices. At least one  
8 workshop shall be held in each county in the region. For counties  
9 with a population greater than 500,000, at least three workshops  
10 shall be held. Each workshop, to the extent practicable, shall  
11 include urban simulation computer modeling to create visual  
12 representations of the sustainable communities strategy and the  
13 alternative planning strategy.

14 (iv) Preparation and circulation of a draft sustainable  
15 communities strategy and an alternative planning strategy, if one  
16 is prepared, not less than 55 days before adoption of a final regional  
17 transportation plan.

18 (v) At least three public hearings on the draft sustainable  
19 communities strategy in the regional transportation plan and  
20 alternative planning strategy, if one is prepared. If the metropolitan  
21 transportation organization consists of a single county, at least two  
22 public hearings shall be held. To the maximum extent feasible, the  
23 hearings shall be in different parts of the region to maximize the  
24 opportunity for participation by members of the public throughout  
25 the region.

26 (vi) A process for enabling members of the public to provide a  
27 single request to receive notices, information, and updates.

28 (F) In preparing a sustainable communities strategy, the  
29 metropolitan planning organization shall consider spheres of  
30 influence that have been adopted by the local agency formation  
31 commissions within its region.

32 (G) Prior to adopting a sustainable communities strategy, the  
33 metropolitan planning organization shall quantify the reduction in  
34 greenhouse gas emissions projected to be achieved by the  
35 sustainable communities strategy and set forth the difference, if  
36 any, between the amount of that reduction and the target for the  
37 region established by the state board.

38 (H) If the sustainable communities strategy, prepared in  
39 compliance with subparagraph (B) or (C), is unable to reduce  
40 greenhouse gas emissions to achieve the greenhouse gas emission

1 reduction targets established by the state board, the metropolitan  
2 planning organization shall prepare an alternative planning strategy  
3 to the sustainable communities strategy showing how those  
4 greenhouse gas emission targets would be achieved through  
5 alternative development patterns, infrastructure, or additional  
6 transportation measures or policies. The alternative planning  
7 strategy shall be a separate document from the regional  
8 transportation plan, but it may be adopted concurrently with the  
9 regional transportation plan. In preparing the alternative planning  
10 strategy, the metropolitan planning organization:

11 (i) Shall identify the principal impediments to achieving the  
12 targets within the sustainable communities strategy.

13 (ii) May include an alternative development pattern for the  
14 region pursuant to subparagraphs (B) to (F), inclusive.

15 (iii) Shall describe how the greenhouse gas emission reduction  
16 targets would be achieved by the alternative planning strategy, and  
17 why the development pattern, measures, and policies in the  
18 alternative planning strategy are the most practicable choices for  
19 achievement of the greenhouse gas emission reduction targets.

20 (iv) An alternative development pattern set forth in the  
21 alternative planning strategy shall comply with Part 450 of Title  
22 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,  
23 except to the extent that compliance will prevent achievement of  
24 the greenhouse gas emission reduction targets approved by the  
25 state board.

26 (v) For purposes of the California Environmental Quality Act  
27 (Division 13 (commencing with Section 21000) of the Public  
28 Resources Code), an alternative planning strategy shall not  
29 constitute a land use plan, policy, or regulation, and the  
30 inconsistency of a project with an alternative planning strategy  
31 shall not be a consideration in determining whether a project may  
32 have an environmental effect.

33 (I) (i) Prior to starting the public participation process adopted  
34 pursuant to subparagraph (E) of paragraph (2) of subdivision (b)  
35 of Section 65080, the metropolitan planning organization shall  
36 submit a description to the state board of the technical methodology  
37 it intends to use to estimate the greenhouse gas emissions from its  
38 sustainable communities strategy and, if appropriate, its alternative  
39 planning strategy. The state board shall respond to the metropolitan  
40 planning organization in a timely manner with written comments

1 about the technical methodology, including specifically describing  
2 any aspects of that methodology it concludes will not yield accurate  
3 estimates of greenhouse gas emissions, and suggested remedies.  
4 The metropolitan planning organization is encouraged to work  
5 with the state board until the state board concludes that the  
6 technical methodology operates accurately.

7 (ii) After adoption, a metropolitan planning organization shall  
8 submit a sustainable communities strategy or an alternative  
9 planning strategy, if one has been adopted, to the state board for  
10 review, including the quantification of the greenhouse gas emission  
11 reductions the strategy would achieve and a description of the  
12 technical methodology used to obtain that result. Review by the  
13 state board shall be limited to acceptance or rejection of the  
14 metropolitan planning organization's determination that the strategy  
15 submitted would, if implemented, achieve the greenhouse gas  
16 emission reduction targets established by the state board. The state  
17 board shall complete its review within 60 days.

18 (iii) If the state board determines that the strategy submitted  
19 would not, if implemented, achieve the greenhouse gas emission  
20 reduction targets, the metropolitan planning organization shall  
21 revise its strategy or adopt an alternative planning strategy, if not  
22 previously adopted, and submit the strategy for review pursuant  
23 to clause (ii). At a minimum, the metropolitan planning  
24 organization must obtain state board acceptance that an alternative  
25 planning strategy would, if implemented, achieve the greenhouse  
26 gas emission reduction targets established for that region by the  
27 state board.

28 (J) Neither a sustainable communities strategy nor an alternative  
29 planning strategy regulates the use of land, nor, except as provided  
30 by subparagraph (I), shall either one be subject to any state  
31 approval. Nothing in a sustainable communities strategy shall be  
32 interpreted as superseding the exercise of the land use authority  
33 of cities and counties within the region. Nothing in this section  
34 shall be interpreted to limit the state board's authority under any  
35 other provision of law. Nothing in this section shall be interpreted  
36 to authorize the abrogation of any vested right whether created by  
37 statute or by common law. Nothing in this section shall require a  
38 city's or county's land use policies and regulations, including its  
39 general plan, to be consistent with the regional transportation plan  
40 or an alternative planning strategy. Nothing in this section requires

1 a metropolitan planning organization to approve a sustainable  
2 communities strategy that would be inconsistent with Part 450 of  
3 Title 23 of, or Part 93 of Title 40 of, the Code of Federal  
4 Regulations and any administrative guidance under those  
5 regulations. Nothing in this section relieves a public or private  
6 entity or any person from compliance with any other local, state,  
7 or federal law.

8 (K) Nothing in this section requires projects programmed for  
9 funding on or before December 31, 2011, to be subject to the  
10 provisions of this paragraph if they (i) are contained in the 2007  
11 or 2009 Federal Statewide Transportation Improvement Program,  
12 (ii) are funded pursuant to Chapter 12.49 (commencing with  
13 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically  
14 listed in a ballot measure prior to December 31, 2008, approving  
15 a sales tax increase for transportation projects. Nothing in this  
16 section shall require a transportation sales tax authority to change  
17 the funding allocations approved by the voters for categories of  
18 transportation projects in a sales tax measure adopted prior to  
19 December 31, 2010. For purposes of this subparagraph, a  
20 transportation sales tax authority is a district, as defined in Section  
21 7252 of the Revenue and Taxation Code, that is authorized to  
22 impose a sales tax for transportation purposes.

23 (L) A metropolitan planning organization, or a regional  
24 transportation planning agency not within a metropolitan planning  
25 organization, that is required to adopt a regional transportation  
26 plan not less than every five years, may elect to adopt the plan not  
27 less than every four years. This election shall be made by the board  
28 of directors of the metropolitan planning organization or regional  
29 transportation planning agency no later than June 1, 2009, or  
30 thereafter 54 months prior to the statutory deadline for the adoption  
31 of housing elements for the local jurisdictions within the region,  
32 after a public hearing at which comments are accepted from  
33 members of the public and representatives of cities and counties  
34 within the region covered by the metropolitan planning  
35 organization or regional transportation planning agency. Notice  
36 of the public hearing shall be given to the general public and by  
37 mail to cities and counties within the region no later than 30 days  
38 prior to the date of the public hearing. Notice of election shall be  
39 promptly given to the Department of Housing and Community  
40 Development. The metropolitan planning organization or the

1 regional transportation planning agency shall complete its next  
2 regional transportation plan within three years of the notice of  
3 election.

4 (M) Two or more of the metropolitan planning organizations  
5 for Fresno County, Kern County, Kings County, Madera County,  
6 Merced County, San Joaquin County, Stanislaus County, and  
7 Tulare County may work together to develop and adopt  
8 multiregional goals and policies that may address interregional  
9 land use, transportation, economic, air quality, and climate  
10 relationships. The participating metropolitan planning organizations  
11 may also develop a multiregional sustainable communities strategy,  
12 to the extent consistent with federal law, or an alternative planning  
13 strategy for adoption by the metropolitan planning organizations.  
14 Each participating metropolitan planning organization shall  
15 consider any adopted multiregional goals and policies in the  
16 development of a sustainable communities strategy and, if  
17 applicable, an alternative planning strategy for its region.

18 (3) An action element that describes the programs and actions  
19 necessary to implement the plan and assigns implementation  
20 responsibilities. The action element may describe all transportation  
21 projects proposed for development during the 20-year or greater  
22 life of the plan. The action element shall consider congestion  
23 management programming activities carried out within the region.

24 (4) (A) A financial element that summarizes the cost of plan  
25 implementation constrained by a realistic projection of available  
26 revenues. The financial element shall also contain  
27 recommendations for allocation of funds. A county transportation  
28 commission created pursuant to Section 130000 of the Public  
29 Utilities Code shall be responsible for recommending projects to  
30 be funded with regional improvement funds, if the project is  
31 consistent with the regional transportation plan. The first five years  
32 of the financial element shall be based on the five-year estimate  
33 of funds developed pursuant to Section 14524. The financial  
34 element may recommend the development of specified new sources  
35 of revenue, consistent with the policy element and action element.

36 (B) The financial element of transportation planning agencies  
37 with populations that exceed 200,000 persons may include a project  
38 cost breakdown for all projects proposed for development during  
39 the 20-year life of the plan that includes total expenditures and  
40 related percentages of total expenditures for all of the following:

- 1 (i) State highway expansion.
- 2 (ii) State highway rehabilitation, maintenance, and operations.
- 3 (iii) Local road and street expansion.
- 4 (iv) Local road and street rehabilitation, maintenance, and
- 5 operation.
- 6 (v) Mass transit, commuter rail, and intercity rail expansion.
- 7 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
- 8 maintenance, and operations.
- 9 (vii) Pedestrian and bicycle facilities.
- 10 (viii) Environmental enhancements and mitigation.
- 11 (ix) Research and planning.
- 12 (x) Other categories.
- 13 (C) The metropolitan planning organization or county
- 14 transportation agency, whichever entity is appropriate, shall
- 15 consider financial incentives for cities and counties that have
- 16 resource areas or farmland, as defined in Section 65080.01, for
- 17 the purposes of, for example, transportation investments for the
- 18 preservation and safety of the city street or county road system
- 19 and farm to market and interconnectivity transportation needs. The
- 20 metropolitan planning organization or county transportation
- 21 agency, whichever entity is appropriate, shall also consider
- 22 financial assistance for counties to address countywide service
- 23 responsibilities in counties that contribute towards the greenhouse
- 24 gas emission reduction targets by implementing policies for growth
- 25 to occur within their cities.
- 26 (c) Each transportation planning agency may also include other
- 27 factors of local significance as an element of the regional
- 28 transportation plan, including, but not limited to, issues of mobility
- 29 for specific sectors of the community, including, but not limited
- 30 to, senior citizens.
- 31 (d) Except as otherwise provided in this subdivision, each
- 32 transportation planning agency shall adopt and submit, every four
- 33 years, an updated regional transportation plan to the California
- 34 Transportation Commission and the Department of Transportation.
- 35 A transportation planning agency located in a federally designated
- 36 air quality attainment area or that does not contain an urbanized
- 37 area may at its option adopt and submit a regional transportation
- 38 plan every five years. When applicable, the plan shall be consistent
- 39 with federal planning and programming requirements and shall
- 40 conform to the regional transportation plan guidelines adopted by

the California Transportation Commission. Prior to adoption of the regional transportation plan, a public hearing shall be held after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

**SECTION 1.**

**SEC. 2.** Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing

1 characteristics, including overcrowding, and housing stock  
2 condition.

3 (3) An inventory of land suitable for residential development,  
4 including vacant sites and sites having potential for redevelopment,  
5 and an analysis of the relationship of zoning and public facilities  
6 and services to these sites.

7 (4) (A) The identification of a zone or zones where emergency  
8 shelters are allowed as a permitted use without a conditional use  
9 or other discretionary permit. The identified zone or zones shall  
10 include sufficient capacity to accommodate the need for emergency  
11 shelter identified in paragraph (7), except that each local  
12 government shall identify a zone or zones that can accommodate  
13 at least one year-round emergency shelter. If the local government  
14 cannot identify a zone or zones with sufficient capacity, the local  
15 government shall include a program to amend its zoning ordinance  
16 to meet the requirements of this paragraph within one year of the  
17 adoption of the housing element. The local government may  
18 identify additional zones where emergency shelters are permitted  
19 with a conditional use permit. The local government shall also  
20 demonstrate that existing or proposed permit processing,  
21 development, and management standards are objective and  
22 encourage and facilitate the development of, or conversion to,  
23 emergency shelters. Emergency shelters may only be subject to  
24 those development and management standards that apply to  
25 residential or commercial development within the same zone except  
26 that a local government may apply written, objective standards  
27 that include all of the following:

28 (i) The maximum number of beds or persons permitted to be  
29 served nightly by the facility.

30 (ii) Off-street parking based upon demonstrated need, provided  
31 that the standards do not require more parking for emergency  
32 shelters than for other residential or commercial uses within the  
33 same zone.

34 (iii) The size and location of exterior and interior onsite waiting  
35 and client intake areas.

36 (iv) The provision of onsite management.

37 (v) The proximity to other emergency shelters, provided that  
38 emergency shelters are not required to be more than 300 feet apart.

39 (vi) The length of stay.

40 (vii) Lighting.



1 (viii) Security during hours that the emergency shelter is in  
2 operation.

3 (B) The permit processing, development, and management  
4 standards applied under this paragraph shall not be deemed to be  
5 discretionary acts within the meaning of the California  
6 Environmental Quality Act (Division 13 (commencing with Section  
7 21000) of the Public Resources Code).

8 (C) A local government that can demonstrate to the satisfaction  
9 of the department the existence of one or more emergency shelters  
10 either within its jurisdiction or pursuant to a multijurisdictional  
11 agreement that can accommodate that jurisdiction's need for  
12 emergency shelter identified in paragraph (7) may comply with  
13 the zoning requirements of subparagraph (A) by identifying a zone  
14 or zones where new emergency shelters are allowed with a  
15 conditional use permit.

16 (D) A local government with an existing ordinance or ordinances  
17 that comply with this paragraph shall not be required to take  
18 additional action to identify zones for emergency shelters. The  
19 housing element must only describe how existing ordinances,  
20 policies, and standards are consistent with the requirements of this  
21 paragraph.

22 (5) An analysis of potential and actual governmental constraints  
23 upon the maintenance, improvement, or development of housing  
24 for all income levels, including the types of housing identified in  
25 paragraph (1) of subdivision (c), and for persons with disabilities  
26 as identified in the analysis pursuant to paragraph (7), including  
27 land use controls, building codes and their enforcement, site  
28 improvements, fees and other exactions required of developers,  
29 and local processing and permit procedures. The analysis shall  
30 also demonstrate local efforts to remove governmental constraints  
31 that hinder the locality from meeting its share of the regional  
32 housing need in accordance with Section 65584 and from meeting  
33 the need for housing for persons with disabilities, supportive  
34 housing, transitional housing, and emergency shelters identified  
35 pursuant to paragraph (7). Transitional housing and supportive  
36 housing shall be considered a residential use of property, and shall  
37 be subject only to those restrictions that apply to other residential  
38 dwellings of the same type in the same zone.

39 (6) An analysis of potential and actual nongovernmental  
40 constraints upon the maintenance, improvement, or development

1 of housing for all income levels, including the availability of  
2 financing, the price of land, and the cost of construction.

3 (7) An analysis of any special housing needs, such as those of  
4 the elderly, persons with disabilities, large families, farmworkers,  
5 families with female heads of households, and families and persons  
6 in need of emergency shelter. The need for emergency shelter shall  
7 be assessed based on annual and seasonal need. The need for  
8 emergency shelter may be reduced by the number of supportive  
9 housing units that are identified in an adopted 10-year plan to end  
10 chronic homelessness and that are either vacant or for which  
11 funding has been identified to allow construction during the  
12 planning period.

13 (8) An analysis of opportunities for energy conservation with  
14 respect to residential development.

15 (9) An analysis of existing assisted housing developments that  
16 are eligible to change from low-income housing uses during the  
17 next 10 years due to termination of subsidy contracts, mortgage  
18 prepayment, or expiration of restrictions on use. “Assisted housing  
19 developments,” for the purpose of this section, shall mean  
20 multifamily rental housing that receives governmental assistance  
21 under federal programs listed in subdivision (a) of Section  
22 65863.10, state and local multifamily revenue bond programs,  
23 local redevelopment programs, the federal Community  
24 Development Block Grant Program, or local in-lieu fees. “Assisted  
25 housing developments” shall also include multifamily rental units  
26 that were developed pursuant to a local inclusionary housing  
27 program or used to qualify for a density bonus pursuant to Section  
28 65916.

29 (A) The analysis shall include a listing of each development by  
30 project name and address, the type of governmental assistance  
31 received, the earliest possible date of change from low-income  
32 use, and the total number of elderly and nonelderly units that could  
33 be lost from the locality’s low-income housing stock in each year  
34 during the 10-year period. For purposes of state and federally  
35 funded projects, the analysis required by this subparagraph need  
36 only contain information available on a statewide basis.

37 (B) The analysis shall estimate the total cost of producing new  
38 rental housing that is comparable in size and rent levels, to replace  
39 the units that could change from low-income use, and an estimated  
40 cost of preserving the assisted housing developments. This cost

1 analysis for replacement housing may be done aggregately for  
2 each five-year period and does not have to contain a  
3 project-by-project cost estimate.

4 (C) The analysis shall identify public and private nonprofit  
5 corporations known to the local government which have legal and  
6 managerial capacity to acquire and manage these housing  
7 developments.

8 (D) The analysis shall identify and consider the use of all federal,  
9 state, and local financing and subsidy programs which can be used  
10 to preserve, for lower income households, the assisted housing  
11 developments, identified in this paragraph, including, but not  
12 limited to, federal Community Development Block Grant Program  
13 funds, tax increment funds received by a redevelopment agency  
14 of the community, and administrative fees received by a housing  
15 authority operating within the community. In considering the use  
16 of these financing and subsidy programs, the analysis shall identify  
17 the amounts of funds under each available program which have  
18 not been legally obligated for other purposes and which could be  
19 available for use in preserving assisted housing developments.

20 (b) (1) A statement of the community's goals, quantified  
21 objectives, and policies relative to the maintenance, preservation,  
22 improvement, and development of housing.

23 (2) It is recognized that the total housing needs identified  
24 pursuant to subdivision (a) may exceed available resources and  
25 the community's ability to satisfy this need within the content of  
26 the general plan requirements outlined in Article 5 (commencing  
27 with Section 65300). Under these circumstances, the quantified  
28 objectives need not be identical to the total housing needs. The  
29 quantified objectives shall establish the maximum number of  
30 housing units by income category, including extremely low income,  
31 that can be constructed, rehabilitated, and conserved over a  
32 five-year time period.

33 (c) A program which sets forth a schedule of actions during the  
34 planning period, each with a timeline for implementation, which  
35 may recognize that certain programs are ongoing, such that there  
36 will be beneficial impacts of the programs within the planning  
37 period, that the local government is undertaking or intends to  
38 undertake to implement the policies and achieve the goals and  
39 objectives of the housing element through the administration of  
40 land use and development controls, the provision of regulatory

1 concessions and incentives, and the utilization of appropriate  
2 federal and state financing and subsidy programs when available  
3 and the utilization of moneys in a low- and moderate-income  
4 housing fund of an agency if the locality has established a  
5 redevelopment project area pursuant to the Community  
6 Redevelopment Law (Division 24 (commencing with Section  
7 33000) of the Health and Safety Code). In order to make adequate  
8 provision for the housing needs of all economic segments of the  
9 community, the program shall do all of the following:

10 (1) Identify actions that will be taken to make sites available  
11 during the planning period of the general plan with appropriate  
12 zoning and development standards and with services and facilities  
13 to accommodate that portion of the city's or county's share of the  
14 regional housing need for each income level that could not be  
15 accommodated on sites identified in the inventory completed  
16 pursuant to paragraph (3) of subdivision (a) without rezoning, and  
17 to comply with the requirements of Section 65584.09. Sites shall  
18 be identified as needed to facilitate and encourage the development  
19 of a variety of types of housing for all income levels, including  
20 multifamily rental housing, factory-built housing, mobilehomes,  
21 housing for agricultural employees, supportive housing,  
22 single-room occupancy units, emergency shelters, and transitional  
23 housing.

24 (A) Where the inventory of sites, pursuant to paragraph (3) of  
25 subdivision (a), does not identify adequate sites to accommodate  
26 the need for groups of all household income levels pursuant to  
27 Section 65584, rezoning of those sites, including adoption of  
28 minimum density and development standards, for jurisdictions  
29 with an eight-year housing element planning period pursuant to  
30 Section 65588, shall be completed no later than three years after  
31 either the date the housing element is adopted pursuant to  
32 subdivision (f) of Section 65585 or the date that is 90 days after  
33 receipt of comments from the department pursuant to subdivision  
34 (b) of Section 65585, whichever is earlier, unless the deadline is  
35 extended pursuant to subdivision (f). Notwithstanding the  
36 foregoing, for a local government that fails to adopt a housing  
37 element within 120 days of the statutory deadline in Section 65588  
38 for adoption of the housing element, rezoning of those sites,  
39 including adoption of minimum density and development standards,  
40 shall be completed no later than three years and 120 days from the

1 statutory deadline in Section 65588 for adoption of the housing  
2 element.

3 (B) Where the inventory of sites, pursuant to paragraph (3) of  
4 subdivision (a), does not identify adequate sites to accommodate  
5 the need for groups of all household income levels pursuant to  
6 Section 65584, the program shall identify sites that can be  
7 developed for housing within the planning period pursuant to  
8 subdivision (h) of Section 65583.2. The identification of sites shall  
9 include all components specified in subdivision (b) of Section  
10 65583.2.

11 (C) Where the inventory of sites pursuant to paragraph (3) of  
12 subdivision (a) does not identify adequate sites to accommodate  
13 the need for farmworker housing, the program shall provide for  
14 sufficient sites to meet the need with zoning that permits  
15 farmworker housing use by right, including density and  
16 development standards that could accommodate and facilitate the  
17 feasibility of the development of farmworker housing for low- and  
18 very low income households.

19 (2) Assist in the development of adequate housing to meet the  
20 needs of extremely low, very low, low-, and moderate-income  
21 households.

22 (3) Address and, where appropriate and legally possible, remove  
23 governmental constraints to the maintenance, improvement, and  
24 development of housing, including housing for all income levels  
25 and housing for persons with disabilities. The program shall remove  
26 constraints to, and provide reasonable accommodations for housing  
27 designed for, intended for occupancy by, or with supportive  
28 services for, persons with disabilities.

29 (4) Conserve and improve the condition of the existing  
30 affordable housing stock, which may include addressing ways to  
31 mitigate the loss of dwelling units demolished by public or private  
32 action.

33 (5) Promote housing opportunities for all persons regardless of  
34 race, religion, sex, marital status, ancestry, national origin, color,  
35 familial status, or disability.

36 (6) Preserve for lower income households the assisted housing  
37 developments identified pursuant to paragraph (9) of subdivision  
38 (a). The program for preservation of the assisted housing  
39 developments shall utilize, to the extent necessary, all available  
40 federal, state, and local financing and subsidy programs identified

1 in paragraph (9) of subdivision (a), except where a community has  
2 other urgent needs for which alternative funding sources are not  
3 available. The program may include strategies that involve local  
4 regulation and technical assistance.

5 (7) The program shall include an identification of the agencies  
6 and officials responsible for the implementation of the various  
7 actions and the means by which consistency will be achieved with  
8 other general plan elements and community goals. The local  
9 government shall make a diligent effort to achieve public  
10 participation of all economic segments of the community in the  
11 development of the housing element, and the program shall  
12 describe this effort.

13 (d) (1) A local government may satisfy all or part of its  
14 requirement to identify a zone or zones suitable for the  
15 development of emergency shelters pursuant to paragraph (4) of  
16 subdivision (a) by adopting and implementing a multijurisdictional  
17 agreement, with a maximum of two other adjacent communities,  
18 that requires the participating jurisdictions to develop at least one  
19 year-round emergency shelter within two years of the beginning  
20 of the planning period.

21 (2) The agreement shall allocate a portion of the new shelter  
22 capacity to each jurisdiction as credit towards its emergency shelter  
23 need, and each jurisdiction shall describe how the capacity was  
24 allocated as part of its housing element.

25 (3) Each member jurisdiction of a multijurisdictional agreement  
26 shall describe in its housing element all of the following:

27 (A) How the joint facility will meet the jurisdiction's emergency  
28 shelter need.

29 (B) The jurisdiction's contribution to the facility for both the  
30 development and ongoing operation and management of the  
31 facility.

32 (C) The amount and source of the funding that the jurisdiction  
33 contributes to the facility.

34 (4) The aggregate capacity claimed by the participating  
35 jurisdictions in their housing elements shall not exceed the actual  
36 capacity of the shelter.

37 (e) Except as otherwise provided in this article, amendments to  
38 this article that alter the required content of a housing element  
39 shall apply to both of the following:

1 (1) A housing element or housing element amendment prepared  
2 pursuant to subdivision (e) of Section 65588 or Section 65584.02,  
3 when a city, county, or city and county submits a draft to the  
4 department for review pursuant to Section 65585 more than 90  
5 days after the effective date of the amendment to this section.

6 (2) Any housing element or housing element amendment  
7 prepared pursuant to subdivision (e) of Section 65588 or Section  
8 65584.02, when the city, county, or city and county fails to submit  
9 the first draft to the department before the due date specified in  
10 Section 65588 or 65584.02.

11 (f) The deadline for completing required rezoning pursuant to  
12 subparagraph (A) of paragraph (1) of subdivision (c) shall be  
13 extended by one year if the local government has completed the  
14 rezoning at densities sufficient to accommodate at least 75 percent  
15 of the units for low- and very low income households and if the  
16 legislative body at the conclusion of a public hearing determines,  
17 based upon substantial evidence, that any of the following  
18 circumstances exist:

19 (1) The local government has been unable to complete the  
20 rezoning because of the action or inaction beyond the control of  
21 the local government of any other state federal or local agency.

22 (2) The local government is unable to complete the rezoning  
23 because of infrastructure deficiencies due to fiscal or regulatory  
24 constraints.

25 (3) The local government must undertake a major revision to  
26 its general plan in order to accommodate the housing related  
27 policies of a sustainable communities strategy or an alternative  
28 planning strategy adopted pursuant to Section 65080.

29 The resolution and the findings shall be transmitted to the  
30 department together with a detailed budget and schedule for  
31 preparation and adoption of the required rezonings, including plans  
32 for citizen participation and expected interim action. The schedule  
33 shall provide for adoption of the required rezoning within one year  
34 of the adoption of the resolution.

35 (g) (1) If a local government fails to complete the rezoning by  
36 the deadline provided in subparagraph (A) of paragraph (1) of  
37 subdivision (c), as it may be extended pursuant to subdivision (f),  
38 except as provided in paragraph (2), a local government may not  
39 disapprove a housing development project, nor require a  
40 conditional use permit, planned unit development permit, or other

1 locally imposed discretionary permit, or impose a condition that  
2 would render the project infeasible, if the housing development  
3 project (A) is proposed to be located on a site required to be  
4 rezoned pursuant to the program action required by that  
5 subparagraph; and (B) complies with applicable, objective general  
6 plan and zoning standards and criteria, including design review  
7 standards, described in the program action required by that  
8 subparagraph. Any subdivision of sites shall be subject to the  
9 Subdivision Map Act. Design review shall not constitute a “project”  
10 for purposes of Division 13 (commencing with Section 21000) of  
11 the Public Resources Code.

12 (2) A local government may disapprove a housing development  
13 described in paragraph (1) if it makes written findings supported  
14 by substantial evidence on the record that both of the following  
15 conditions exist:

16 (A) The housing development project would have a specific,  
17 adverse impact upon the public health or safety unless the project  
18 is disapproved or approved upon the condition that the project be  
19 developed at a lower density. As used in this paragraph, a “specific,  
20 adverse impact” means a significant, quantifiable, direct, and  
21 unavoidable impact, based on objective, identified written public  
22 health or safety standards, policies, or conditions as they existed  
23 on the date the application was deemed complete.

24 (B) There is no feasible method to satisfactorily mitigate or  
25 avoid the adverse impact identified pursuant to paragraph (1), other  
26 than the disapproval of the housing development project or the  
27 approval of the project upon the condition that it be developed at  
28 a lower density.

29 (3) The applicant or any interested person may bring an action  
30 to enforce this subdivision. If a court finds that the local agency  
31 disapproved a project or conditioned its approval in violation of  
32 this subdivision, the court shall issue an order or judgment  
33 compelling compliance within 60 days. The court shall retain  
34 jurisdiction to ensure that its order or judgment is carried out. If  
35 the court determines that its order or judgment has not been carried  
36 out within 60 days, the court may issue further orders to ensure  
37 that the purposes and policies of this subdivision are fulfilled. In  
38 any such action, the city, county, or city and county shall bear the  
39 burden of proof.



(4) For purposes of this subdivision, “housing development project” means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

~~SEC. 2.~~

SEC. 3. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community’s housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(b) The housing element shall be revised as appropriate, but no less often than required by subdivision (e), to reflect the results of this periodic review. Nothing in this section shall be construed to excuse the obligations of the local government to adopt a revised housing element ~~no later than the date~~ *in accordance with the schedule* specified in this section.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing

1 developments either within the coastal zone or within three miles  
2 of the coastal zone pursuant to Section 65590.

3 (3) The number of existing residential dwelling units occupied  
4 by persons and families of low or moderate income, as defined in  
5 Section 50093 of the Health and Safety Code, that have been  
6 authorized to be demolished or converted since January 1, 1982,  
7 in the coastal zone.

8 (4) The number of residential dwelling units for persons and  
9 families of low or moderate income, as defined in Section 50093  
10 of the Health and Safety Code, that have been required for  
11 replacement or authorized to be converted or demolished as  
12 identified in paragraph (3). The location of the replacement units,  
13 either onsite, elsewhere within the locality's jurisdiction within  
14 the coastal zone, or within three miles of the coastal zone within  
15 the locality's jurisdiction, shall be designated in the review.

16 (e) Each city, county, and city and county shall revise its housing  
17 element according to the following schedule:

18 (1) (A) Local governments within the regional jurisdiction of  
19 the Southern California Association of Governments: June 30,  
20 2006, for the fourth revision.

21 (B) Local governments within the regional jurisdiction of the  
22 Association of Bay Area Governments: June 30, 2007, for the  
23 fourth revision.

24 (C) Local governments within the regional jurisdiction of the  
25 Council of Fresno County Governments, the Kern County Council  
26 of Governments, and the Sacramento Area Council of  
27 Governments: June 30, 2002, for the third revision, and June 30,  
28 2008, for the fourth revision.

29 (D) Local governments within the regional jurisdiction of the  
30 Association of Monterey Bay Area Governments: December 31,  
31 2002, for the third revision, and June 30, 2009, for the fourth  
32 revision.

33 (E) Local governments within the regional jurisdiction of the  
34 San Diego Association of Governments: June 30, 2005, for the  
35 fourth revision.

36 (F) All other local governments: December 31, 2003, for the  
37 third revision, and June 30, 2009, for the fourth revision.

38 (2) (A) All local governments within a metropolitan planning  
39 organization in a region classified as nonattainment for one or  
40 more pollutants regulated by the federal Clean Air Act (42 U.S.C.

Sec. 7506), except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan to be adopted after September 30, 2010.

(B) (i) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt ~~their the~~ fifth revision ~~no more than five years from the fourth revision and their sixth revision no later than~~ of the housing element 18 months after adoption of the first regional transportation plan to be adopted after the fifth revision due date September 30, 2010.

(ii) All local governments within the regional jurisdiction of the San Diego Association of Governments shall be subject to all of the following:

(I) If the local government has failed to adopt a housing element for the fourth revision by March 31, 2010, which is in substantial compliance with the requirements of this article or has failed to complete any rezoning contained in the housing element program for the fourth revision by June 30, 2010, the local government shall revise its housing element not less than every four years, beginning on the date described in clause (i), in accordance with paragraph (4).

(II) With respect to the fifth revision, the local government shall, prior to or concurrent with adoption of the housing element, identify adequate sites in its inventory pursuant to Section 65583.2 or rezone adequate sites to accommodate a prorated portion of its share of the regional housing need for the projection period representing the period from July 1, 2010, to the deadline for housing element adoption described in clause (i).

(C) All local governments within the regional jurisdiction of a metropolitan planning organization or a regional transportation planning agency that has made an election pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080 by June 1, 2009, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan following the election.

(D) All other local governments shall adopt the fifth revision of the housing element five years after the date specified in paragraph (1).

1 (3) Subsequent revisions of the housing element shall be due  
2 as follows:

3 ~~(A) At eight-year intervals after the applicable date specified~~  
4 ~~in subparagraph (A), (B), or (C) of paragraph (2), except that a~~  
5 ~~local government that does not adopt a housing element within~~  
6 ~~120 days of the statutory deadline for adoption shall revise its~~  
7 ~~housing element not less than every four years.~~

8 ~~(B) At five-year intervals after the date specified in subparagraph~~  
9 ~~(D) of paragraph (2).~~

10 ~~(C) If a metropolitan planning organization or a regional~~  
11 ~~transportation planning agency subject to the five-year revision~~  
12 ~~interval in subparagraph (B) makes an election pursuant to~~  
13 ~~subparagraph (L) of paragraph (2) of subdivision (b) of Section~~  
14 ~~65080 after June 1, 2009, all local governments within the regional~~  
15 ~~jurisdiction of that entity shall adopt the next housing element~~  
16 ~~revision 18 months after adoption of the first regional transportation~~  
17 ~~plan following the election. Subsequent revisions shall be due at~~  
18 ~~eight-year intervals thereafter, except that a local government that~~  
19 ~~does not adopt a housing element within 120 days of the statutory~~  
20 ~~deadline for adoption shall revise its housing element not less than~~  
21 ~~every four years.~~

22 ~~(4) The metropolitan planning organization or a regional~~  
23 ~~transportation planning agency for a region that has an eight-year~~  
24 ~~revision interval pursuant to paragraph (3) shall notify the~~  
25 ~~department and the Department of Transportation in writing of the~~  
26 ~~estimated adoption date for its next regional transportation plan at~~  
27 ~~least 12 months prior to the estimated adoption date. The~~  
28 ~~Department of Transportation shall maintain and publish on its~~  
29 ~~Internet Web site a current schedule of the estimated regional~~  
30 ~~transportation plan adoption dates. For purposes of determining~~  
31 ~~the existing and projected need for housing a region pursuant to~~  
32 ~~Sections 65584 to 65584.08, inclusive, the date of the next~~  
33 ~~scheduled revision of the housing element shall be deemed to be~~  
34 ~~the estimated adoption date of the regional transportation plan~~  
35 ~~described in the notice plus 18 months.~~

36 ~~(5) The Department of Housing and Community Development~~  
37 ~~may adjust the deadlines for adoption of the sixth and subsequent~~  
38 ~~revisions of the housing element so that the deadlines occur 18~~  
39 ~~months after adoption of the applicable regional transportation~~

1 plan, provided that the planning period for the housing element is  
2 not less than 90 months and not more than 102 months.

3 (A) For local governments described in subparagraphs (A), (B),  
4 and (C) of paragraph (2), 18 months after adoption of every second  
5 regional transportation plan, provided that the deadline for  
6 adoption of the previous eight-year housing element.

7 (B) For all other local governments, at five-year intervals after  
8 the date specified in subparagraph (D) of paragraph (2).

9 (C) If a metropolitan planning organization or a regional  
10 transportation planning agency subject to the five-year revision  
11 interval in subparagraph (B) makes an election pursuant to  
12 subparagraph (L) of paragraph (2) of subdivision (b) of Section  
13 65080 after June 1, 2009, all local governments within the regional  
14 jurisdiction of that entity shall adopt the next housing element  
15 revision 18 months after adoption of the first regional  
16 transportation plan following the election. Subsequent revisions  
17 shall be due 18 months after adoption of every second regional  
18 transportation plan, provided that the deadline for adoption of the  
19 previous eight-year housing element.

20 (4) A local government that does not adopt a housing element  
21 within 120 days of the applicable deadline described in  
22 subparagraph (A), (B), or (C) of paragraph (2) or subparagraph  
23 (A) or (C) of paragraph (3) shall revise its housing element not  
24 less than every four years until the local government has adopted  
25 two consecutive revisions by the statutory deadline, except that  
26 the deadline for adoption of every second four-year revision shall  
27 be the same as the deadline for adoption for other local  
28 governments within the region.

29 (5) The metropolitan planning organization or a regional  
30 transportation planning agency for a region that has an eight-year  
31 revision interval pursuant to paragraph (3) shall notify the  
32 department and the Department of Transportation in writing of  
33 the estimated adoption date for its next regional transportation  
34 plan at least 12 months prior to the estimated adoption date. The  
35 Department of Transportation shall maintain and publish on its  
36 Internet Web site a current schedule of the estimated regional  
37 transportation plan adoption dates. The department shall maintain  
38 and publish on its Internet Web site a current schedule of the  
39 estimated and actual housing element due dates. Each council of  
40 governments shall publish on its Internet Web site the estimated

1 *and actual housing element due dates for the jurisdictions within*  
2 *its region and shall send notice of these dates to interested parties.*  
3 *For purposes of determining the existing and projected need for*  
4 *housing within a region pursuant to Sections 65584 to 65584.08,*  
5 *inclusive, the date of the next scheduled revision of the housing*  
6 *element shall be deemed to be the estimated adoption date of the*  
7 *regional transportation plan described in the notice plus 18*  
8 *months.*

9 (6) The regional housing need for the new projection period  
10 shall begin on the date of December 31 or June 30 that most closely  
11 precedes the end of the previous projection period.

12 (f) For purposes of this article, the following terms have the  
13 following meanings:

14 (1) “Planning period” shall be the time period between the due  
15 date for one housing element and the due date for the next housing  
16 element.

17 (2) “Projection period” shall be the time period for which the  
18 regional housing need is calculated.

19 ~~SEC. 3.~~

20 SEC. 4. Section 75123 of the Public Resources Code is  
21 amended to read:

22 75123. (a) A meeting of the council, including a meeting  
23 related to the development of grant guidelines and policies and the  
24 approval of grants, shall be subject to the Bagley-Keene Open  
25 Meeting Act (Article 9 (commencing with Section 11120) of  
26 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
27 Code), except that, for purposes of this section, “meeting” shall  
28 not include a meeting at which council members are meeting as  
29 members of the Governor’s cabinet.

30 (b) The council may sponsor conferences, symposia, and other  
31 public forums, to seek a broad range of public advice regarding  
32 local, regional, and natural resource planning, sustainable  
33 development, and strategies to reduce and mitigate climate change.

34 ~~SEC. 4.~~

35 SEC. 5. Chapter 728 of the Statutes of 2008 shall be known  
36 and may be cited as the Sustainable Communities and Climate  
37 Protection Act.

38 ~~SEC. 5.~~

39 SEC. 6. If the Commission on State Mandates determines that  
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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