

AMENDED IN ASSEMBLY JULY 13, 2009

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE APRIL 15, 2009

SENATE BILL

No. 575

Introduced by Senator Steinberg

February 27, 2009

An act to amend Sections 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.

(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 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.

(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.

(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.

(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

1 short-term and long-term future, and shall present clear, concise
2 policy guidance to local and state officials. The regional
3 transportation plan shall consider factors specified in Section 134
4 of Title 23 of the United States Code. Each transportation planning
5 agency shall consider and incorporate, as appropriate, the
6 transportation plans of cities, counties, districts, private
7 organizations, and state and federal agencies.

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

10 (1) A policy element that describes the transportation issues in
11 the region, identifies and quantifies regional needs, and describes
12 the desired short-range and long-range transportation goals, and
13 pragmatic objective and policy statements. The objective and policy
14 statements shall be consistent with the funding estimates of the
15 financial element. The policy element of transportation planning
16 agencies with populations that exceed 200,000 persons may
17 quantify a set of indicators including, but not limited to, all of the
18 following:

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

22 (B) Measures of road and bridge maintenance and rehabilitation
23 needs, including, but not limited to, roadway pavement and bridge
24 conditions.

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

28 (i) Single occupant vehicle.

29 (ii) Multiple occupant vehicle or carpool.

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

31 (iv) Walking.

32 (v) Bicycling.

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

36 (E) Measures of equity and accessibility, including, but not
37 limited to, percentage of the population served by frequent and
38 reliable public transit, with a breakdown by income bracket, and
39 percentage of all jobs accessible by frequent and reliable public
40 transit service, with a breakdown by income bracket.

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

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

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

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

33 (ii) Prior to setting the targets for a region, the state board shall
34 exchange technical information with the metropolitan planning
35 organization and the affected air district. The metropolitan planning
36 organization may recommend a target for the region. The
37 metropolitan planning organization shall hold at least one public
38 workshop within the region after receipt of the report from the
39 advisory committee. The state board shall release draft targets for
40 each region no later than June 30, 2010.

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

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

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

(B) Each metropolitan planning organization shall prepare a sustainable communities strategy, subject to the requirements of 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 strategy or a subregional alternative planning strategy to address the intraregional land use, transportation, economic, air quality, and climate policy relationships. The metropolitan planning organization shall include the subregional sustainable communities strategy for that subregion in the regional sustainable communities strategy to the extent consistent with this section and federal law and approve the subregional alternative planning strategy, if one is prepared pursuant to subparagraph (H), for that subregional area to the extent consistent with this section. The metropolitan planning organization shall develop overall guidelines, create public participation plans pursuant to subparagraph (E), ensure

1 coordination, resolve conflicts, make sure that the overall plan
2 complies with applicable legal requirements, and adopt the plan
3 for the region.

4 (D) The metropolitan planning organization shall conduct at
5 least two informational meetings in each county within the region
6 for members of the board of supervisors and city councils on the
7 sustainable communities strategy and alternative planning strategy,
8 if any. The metropolitan planning organization may conduct only
9 one informational meeting if it is attended by representatives of
10 the county board of supervisors and city council members
11 representing a majority of the cities representing a majority of the
12 population in the incorporated areas of that county. Notice of the
13 meeting shall be sent to the clerk of the board of supervisors and
14 to each city clerk. The purpose of the meetings shall be to present
15 a draft of the sustainable communities strategy and *the* alternative
16 planning strategy, if any, including the key land use and planning
17 assumptions to the members of the board of supervisors and the
18 city council members in that county and to solicit and consider
19 their input and recommendations.

20 (E) Each metropolitan planning organization shall adopt a public
21 participation plan, for development of the sustainable communities
22 strategy and an alternative planning strategy, if any, that includes
23 all of the following:

24 (i) Outreach efforts to encourage the active participation of a
25 broad range of stakeholder groups in the planning process,
26 consistent with the agency's adopted Federal Public Participation
27 Plan, including, but not limited to, affordable housing advocates,
28 transportation advocates, neighborhood and community groups,
29 environmental advocates, home builder representatives,
30 broad-based business organizations, landowners, commercial
31 property interests, and homeowner associations.

32 (ii) Consultation with congestion management agencies,
33 transportation agencies, and transportation commissions.

34 (iii) Workshops throughout the region to provide the public with
35 the information and tools necessary to provide a clear
36 understanding of the issues and policy choices. At least one
37 workshop shall be held in each county in the region. For counties
38 with a population greater than 500,000, at least three workshops
39 shall be held. Each workshop, to the extent practicable, shall
40 include urban simulation computer modeling to create visual

1 representations of the sustainable communities strategy and the
2 alternative planning strategy.

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

7 (v) At least three public hearings on the draft sustainable
8 communities strategy in the regional transportation plan and
9 alternative planning strategy, if one is prepared. If the metropolitan
10 transportation organization consists of a single county, at least two
11 public hearings shall be held. To the maximum extent feasible, the
12 hearings shall be in different parts of the region to maximize the
13 opportunity for participation by members of the public throughout
14 the region.

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

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

21 (G) Prior to adopting a sustainable communities strategy, the
22 metropolitan planning organization shall quantify the reduction in
23 greenhouse gas emissions projected to be achieved by the
24 sustainable communities strategy and set forth the difference, if
25 any, between the amount of that reduction and the target for the
26 region established by the state board.

27 (H) If the sustainable communities strategy, prepared in
28 compliance with subparagraph (B) or (C), is unable to reduce
29 greenhouse gas emissions to achieve the greenhouse gas emission
30 reduction targets established by the state board, the metropolitan
31 planning organization shall prepare an alternative planning strategy
32 to the sustainable communities strategy showing how those
33 greenhouse gas emission targets would be achieved through
34 alternative development patterns, infrastructure, or additional
35 transportation measures or policies. The alternative planning
36 strategy shall be a separate document from the regional
37 transportation plan, but it may be adopted concurrently with the
38 regional transportation plan. In preparing the alternative planning
39 strategy, the metropolitan planning organization:

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

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

5 (iii) Shall describe how the greenhouse gas emission reduction
6 targets would be achieved by the alternative planning strategy, and
7 why the development pattern, measures, and policies in the
8 alternative planning strategy are the most practicable choices for
9 achievement of the greenhouse gas emission reduction targets.

10 (iv) An alternative development pattern set forth in the
11 alternative planning strategy shall comply with Part 450 of Title
12 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
13 except to the extent that compliance will prevent achievement of
14 the greenhouse gas emission reduction targets approved by the
15 state board.

16 (v) For purposes of the California Environmental Quality Act
17 (Division 13 (commencing with Section 21000) of the Public
18 Resources Code), an alternative planning strategy shall not
19 constitute a land use plan, policy, or regulation, and the
20 inconsistency of a project with an alternative planning strategy
21 shall not be a consideration in determining whether a project may
22 have an environmental effect.

23 (I) (i) Prior to starting the public participation process adopted
24 pursuant to subparagraph (E) of paragraph (2) of subdivision (b)
25 of Section 65080, the metropolitan planning organization shall
26 submit a description to the state board of the technical methodology
27 it intends to use to estimate the greenhouse gas emissions from its
28 sustainable communities strategy and, if appropriate, its alternative
29 planning strategy. The state board shall respond to the metropolitan
30 planning organization in a timely manner with written comments
31 about the technical methodology, including specifically describing
32 any aspects of that methodology it concludes will not yield accurate
33 estimates of greenhouse gas emissions, and suggested remedies.
34 The metropolitan planning organization is encouraged to work
35 with the state board until the state board concludes that the
36 technical methodology operates accurately.

37 (ii) After adoption, a metropolitan planning organization shall
38 submit a sustainable communities strategy or an alternative
39 planning strategy, if one has been adopted, to the state board for
40 review, including the quantification of the greenhouse gas emission

1 reductions the strategy would achieve and a description of the
2 technical methodology used to obtain that result. Review by the
3 state board shall be limited to acceptance or rejection of the
4 metropolitan planning organization's determination that the strategy
5 submitted would, if implemented, achieve the greenhouse gas
6 emission reduction targets established by the state board. The state
7 board shall complete its review within 60 days.

8 (iii) If the state board determines that the strategy submitted
9 would not, if implemented, achieve the greenhouse gas emission
10 reduction targets, the metropolitan planning organization shall
11 revise its strategy or adopt an alternative planning strategy, if not
12 previously adopted, and submit the strategy for review pursuant
13 to clause (ii). At a minimum, the metropolitan planning
14 organization must obtain state board acceptance that an alternative
15 planning strategy would, if implemented, achieve the greenhouse
16 gas emission reduction targets established for that region by the
17 state board.

18 (J) Neither a sustainable communities strategy nor an alternative
19 planning strategy regulates the use of land, nor, except as provided
20 by subparagraph (I), shall either one be subject to any state
21 approval. Nothing in a sustainable communities strategy shall be
22 interpreted as superseding the exercise of the land use authority
23 of cities and counties within the region. Nothing in this section
24 shall be interpreted to limit the state board's authority under any
25 other provision of law. Nothing in this section shall be interpreted
26 to authorize the abrogation of any vested right whether created by
27 statute or by common law. Nothing in this section shall require a
28 city's or county's land use policies and regulations, including its
29 general plan, to be consistent with the regional transportation plan
30 or an alternative planning strategy. Nothing in this section requires
31 a metropolitan planning organization to approve a sustainable
32 communities strategy that would be inconsistent with Part 450 of
33 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
34 Regulations and any administrative guidance under those
35 regulations. Nothing in this section relieves a public or private
36 entity or any person from compliance with any other local, state,
37 or federal law.

38 (K) Nothing in this section requires projects programmed for
39 funding on or before December 31, 2011, to be subject to the
40 provisions of this paragraph if they (i) are contained in the 2007

1 or 2009 Federal Statewide Transportation Improvement Program,
2 (ii) are funded pursuant to Chapter 12.49 (commencing with
3 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
4 listed in a ballot measure prior to December 31, 2008, approving
5 a sales tax increase for transportation projects. Nothing in this
6 section shall require a transportation sales tax authority to change
7 the funding allocations approved by the voters for categories of
8 transportation projects in a sales tax measure adopted prior to
9 December 31, 2010. For purposes of this subparagraph, a
10 transportation sales tax authority is a district, as defined in Section
11 7252 of the Revenue and Taxation Code, that is authorized to
12 impose a sales tax for transportation purposes.

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

34 (M) Two or more of the metropolitan planning organizations
35 for Fresno County, Kern County, Kings County, Madera County,
36 Merced County, San Joaquin County, Stanislaus County, and
37 Tulare County may work together to develop and adopt
38 multiregional goals and policies that may address interregional
39 land use, transportation, economic, air quality, and climate
40 relationships. The participating metropolitan planning organizations

1 may also develop a multiregional sustainable communities strategy,
2 to the extent consistent with federal law, or an alternative planning
3 strategy for adoption by the metropolitan planning organizations.
4 Each participating metropolitan planning organization shall
5 consider any adopted multiregional goals and policies in the
6 development of a sustainable communities strategy and, if
7 applicable, an alternative planning strategy for its region.

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

14 (4) (A) A financial element that summarizes the cost of plan
15 implementation constrained by a realistic projection of available
16 revenues. The financial element shall also contain
17 recommendations for allocation of funds. A county transportation
18 commission created pursuant to Section 130000 of the Public
19 Utilities Code shall be responsible for recommending projects to
20 be funded with regional improvement funds, if the project is
21 consistent with the regional transportation plan. The first five years
22 of the financial element shall be based on the five-year estimate
23 of funds developed pursuant to Section 14524. The financial
24 element may recommend the development of specified new sources
25 of revenue, consistent with the policy element and action element.

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

- 31 (i) State highway expansion.
- 32 (ii) State highway rehabilitation, maintenance, and operations.
- 33 (iii) Local road and street expansion.
- 34 (iv) Local road and street rehabilitation, maintenance, and
35 operation.
- 36 (v) Mass transit, commuter rail, and intercity rail expansion.
- 37 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
38 maintenance, and operations.
- 39 (vii) Pedestrian and bicycle facilities.
- 40 (viii) Environmental enhancements and mitigation.

1 (ix) Research and planning.

2 (x) Other categories.

3 (C) The metropolitan planning organization or county
4 transportation agency, whichever entity is appropriate, shall
5 consider financial incentives for cities and counties that have
6 resource areas or farmland, as defined in Section 65080.01, for
7 the purposes of, for example, transportation investments for the
8 preservation and safety of the city street or county road system
9 and farm to market and interconnectivity transportation needs. The
10 metropolitan planning organization or county transportation
11 agency, whichever entity is appropriate, shall also consider
12 financial assistance for counties to address countywide service
13 responsibilities in counties that contribute towards the greenhouse
14 gas emission reduction targets by implementing policies for growth
15 to occur within their cities.

16 (c) Each transportation planning agency may also include other
17 factors of local significance as an element of the regional
18 transportation plan, including, but not limited to, issues of mobility
19 for specific sectors of the community, including, but not limited
20 to, senior citizens.

21 (d) Except as otherwise provided in this subdivision, each
22 transportation planning agency shall adopt and submit, every four
23 years, an updated regional transportation plan to the California
24 Transportation Commission and the Department of Transportation.
25 A transportation planning agency located in a federally designated
26 air quality attainment area or that does not contain an urbanized
27 area may at its option adopt and submit a regional transportation
28 plan every five years. When applicable, the plan shall be consistent
29 with federal planning and programming requirements and shall
30 conform to the regional transportation plan guidelines adopted by
31 the California Transportation Commission. Prior to adoption of
32 the regional transportation plan, a public hearing shall be held after
33 the giving of notice of the hearing by publication in the affected
34 county or counties pursuant to Section 6061.

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

37 65583. The housing element shall consist of an identification
38 and analysis of existing and projected housing needs and a
39 statement of goals, policies, quantified objectives, financial
40 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 characteristics, including overcrowding, and housing stock condition.

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

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate

1 at least one year-round emergency shelter. If the local government
2 cannot identify a zone or zones with sufficient capacity, the local
3 government shall include a program to amend its zoning ordinance
4 to meet the requirements of this paragraph within one year of the
5 adoption of the housing element. The local government may
6 identify additional zones where emergency shelters are permitted
7 with a conditional use permit. The local government shall also
8 demonstrate that existing or proposed permit processing,
9 development, and management standards are objective and
10 encourage and facilitate the development of, or conversion to,
11 emergency shelters. Emergency shelters may only be subject to
12 those development and management standards that apply to
13 residential or commercial development within the same zone except
14 that a local government may apply written, objective standards
15 that include all of the following:

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

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

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

24 (iv) The provision of onsite management.

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

27 (vi) The length of stay.

28 (vii) Lighting.

29 (viii) Security during hours that the emergency shelter is in
30 operation.

31 (B) The permit processing, development, and management
32 standards applied under this paragraph shall not be deemed to be
33 discretionary acts within the meaning of the California
34 Environmental Quality Act (Division 13 (commencing with Section
35 21000) of the Public Resources Code).

36 (C) A local government that can demonstrate to the satisfaction
37 of the department the existence of one or more emergency shelters
38 either within its jurisdiction or pursuant to a multijurisdictional
39 agreement that can accommodate that jurisdiction's need for
40 emergency shelter identified in paragraph (7) may comply with

1 the zoning requirements of subparagraph (A) by identifying a zone
2 or zones where new emergency shelters are allowed with a
3 conditional use permit.

4 (D) A local government with an existing ordinance or ordinances
5 that comply with this paragraph shall not be required to take
6 additional action to identify zones for emergency shelters. The
7 housing element must only describe how existing ordinances,
8 policies, and standards are consistent with the requirements of this
9 paragraph.

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

27 (6) An analysis of potential and actual nongovernmental
28 constraints upon the maintenance, improvement, or development
29 of housing for all income levels, including the availability of
30 financing, the price of land, and the cost of construction.

31 (7) An analysis of any special housing needs, such as those of
32 the elderly, persons with disabilities, large families, farmworkers,
33 families with female heads of households, and families and persons
34 in need of emergency shelter. The need for emergency shelter shall
35 be assessed based on annual and seasonal need. The need for
36 emergency shelter may be reduced by the number of supportive
37 housing units that are identified in an adopted 10-year plan to end
38 chronic homelessness and that are either vacant or for which
39 funding has been identified to allow construction during the
40 planning period.

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

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

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

25 (B) The analysis shall estimate the total cost of producing new
26 rental housing that is comparable in size and rent levels, to replace
27 the units that could change from low-income use, and an estimated
28 cost of preserving the assisted housing developments. This cost
29 analysis for replacement housing may be done aggregately for
30 each five-year period and does not have to contain a
31 project-by-project cost estimate.

32 (C) The analysis shall identify public and private nonprofit
33 corporations known to the local government which have legal and
34 managerial capacity to acquire and manage these housing
35 developments.

36 (D) The analysis shall identify and consider the use of all federal,
37 state, and local financing and subsidy programs which can be used
38 to preserve, for lower income households, the assisted housing
39 developments, identified in this paragraph, including, but not
40 limited to, federal Community Development Block Grant Program

1 funds, tax increment funds received by a redevelopment agency
2 of the community, and administrative fees received by a housing
3 authority operating within the community. In considering the use
4 of these financing and subsidy programs, the analysis shall identify
5 the amounts of funds under each available program which have
6 not been legally obligated for other purposes and which could be
7 available for use in preserving assisted housing developments.

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

11 (2) It is recognized that the total housing needs identified
12 pursuant to subdivision (a) may exceed available resources and
13 the community's ability to satisfy this need within the content of
14 the general plan requirements outlined in Article 5 (commencing
15 with Section 65300). Under these circumstances, the quantified
16 objectives need not be identical to the total housing needs. The
17 quantified objectives shall establish the maximum number of
18 housing units by income category, including extremely low income,
19 that can be constructed, rehabilitated, and conserved over a
20 five-year time period.

21 (c) A program which sets forth a schedule of actions during the
22 planning period, each with a timeline for implementation, which
23 may recognize that certain programs are ongoing, such that there
24 will be beneficial impacts of the programs within the planning
25 period, that the local government is undertaking or intends to
26 undertake to implement the policies and achieve the goals and
27 objectives of the housing element through the administration of
28 land use and development controls, the provision of regulatory
29 concessions and incentives, and the utilization of appropriate
30 federal and state financing and subsidy programs when available
31 and the utilization of moneys in a low- and moderate-income
32 housing fund of an agency if the locality has established a
33 redevelopment project area pursuant to the Community
34 Redevelopment Law (Division 24 (commencing with Section
35 33000) of the Health and Safety Code). In order to make adequate
36 provision for the housing needs of all economic segments of the
37 community, the program shall do all of the following:

38 (1) Identify actions that will be taken to make sites available
39 during the planning period of the general plan with appropriate
40 zoning and development standards and with services and facilities

1 to accommodate that portion of the city's or county's share of the
2 regional housing need for each income level that could not be
3 accommodated on sites identified in the inventory completed
4 pursuant to paragraph (3) of subdivision (a) without rezoning, and
5 to comply with the requirements of Section 65584.09. Sites shall
6 be identified as needed to facilitate and encourage the development
7 of a variety of types of housing for all income levels, including
8 multifamily rental housing, factory-built housing, mobilehomes,
9 housing for agricultural employees, supportive housing,
10 single-room occupancy units, emergency shelters, and transitional
11 housing.

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

31 (B) Where the inventory of sites, pursuant to paragraph (3) of
32 subdivision (a), does not identify adequate sites to accommodate
33 the need for groups of all household income levels pursuant to
34 Section 65584, the program shall identify sites that can be
35 developed for housing within the planning period pursuant to
36 subdivision (h) of Section 65583.2. The identification of sites shall
37 include all components specified in subdivision (b) of Section
38 65583.2.

39 (C) Where the inventory of sites pursuant to paragraph (3) of
40 subdivision (a) does not identify adequate sites to accommodate

1 the need for farmworker housing, the program shall provide for
2 sufficient sites to meet the need with zoning that permits
3 farmworker housing use by right, including density and
4 development standards that could accommodate and facilitate the
5 feasibility of the development of farmworker housing for low- and
6 very low income households.

7 (2) Assist in the development of adequate housing to meet the
8 needs of extremely low, very low, low-, and moderate-income
9 households.

10 (3) Address and, where appropriate and legally possible, remove
11 governmental constraints to the maintenance, improvement, and
12 development of housing, including housing for all income levels
13 and housing for persons with disabilities. The program shall remove
14 constraints to, and provide reasonable accommodations for housing
15 designed for, intended for occupancy by, or with supportive
16 services for, persons with disabilities.

17 (4) Conserve and improve the condition of the existing
18 affordable housing stock, which may include addressing ways to
19 mitigate the loss of dwelling units demolished by public or private
20 action.

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

24 (6) Preserve for lower income households the assisted housing
25 developments identified pursuant to paragraph (9) of subdivision
26 (a). The program for preservation of the assisted housing
27 developments shall utilize, to the extent necessary, all available
28 federal, state, and local financing and subsidy programs identified
29 in paragraph (9) of subdivision (a), except where a community has
30 other urgent needs for which alternative funding sources are not
31 available. The program may include strategies that involve local
32 regulation and technical assistance.

33 (7) The program shall include an identification of the agencies
34 and officials responsible for the implementation of the various
35 actions and the means by which consistency will be achieved with
36 other general plan elements and community goals. The local
37 government shall make a diligent effort to achieve public
38 participation of all economic segments of the community in the
39 development of the housing element, and the program shall
40 describe this effort.

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

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

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

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

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

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

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

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

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

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

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the

rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

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

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

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

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

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph; and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act. Design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported

1 by substantial evidence on the record that both of the following
2 conditions exist:

3 (A) The housing development project would have a specific,
4 adverse impact upon the public health or safety unless the project
5 is disapproved or approved upon the condition that the project be
6 developed at a lower density. As used in this paragraph, a “specific,
7 adverse impact” means a significant, quantifiable, direct, and
8 unavoidable impact, based on objective, identified written public
9 health or safety standards, policies, or conditions as they existed
10 on the date the application was deemed complete.

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

16 (3) The applicant or any interested person may bring an action
17 to enforce this subdivision. If a court finds that the local agency
18 disapproved a project or conditioned its approval in violation of
19 this subdivision, the court shall issue an order or judgment
20 compelling compliance within 60 days. The court shall retain
21 jurisdiction to ensure that its order or judgment is carried out. If
22 the court determines that its order or judgment has not been carried
23 out within 60 days, the court may issue further orders to ensure
24 that the purposes and policies of this subdivision are fulfilled. In
25 any such action, the city, county, or city and county shall bear the
26 burden of proof.

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

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

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

1 65588. (a) Each local government shall review its housing
2 element as frequently as appropriate to evaluate all of the
3 following:

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

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

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

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

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

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

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

23 (2) The number of housing units for persons and families of
24 low or moderate income, as defined in Section 50093 of the Health
25 and Safety Code, required to be provided in new housing
26 developments either within the coastal zone or within three miles
27 of the coastal zone pursuant to Section 65590.

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

33 (4) The number of residential dwelling units for persons and
34 families of low or moderate income, as defined in Section 50093
35 of the Health and Safety Code, that have been required for
36 replacement or authorized to be converted or demolished as
37 identified in paragraph (3). The location of the replacement units,
38 either onsite, elsewhere within the locality's jurisdiction within
39 the coastal zone, or within three miles of the coastal zone within
40 the locality's jurisdiction, shall be designated in the review.

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

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

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

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

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

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

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

(2) (A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or 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 the fifth revision of the housing element 18 months after adoption of the first regional transportation plan to be adopted after 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~~ *article*, and *that local government* has failed to complete any rezoning contained in the housing element program for the fourth revision by June 30, 2010, ~~the~~ *that* 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 *the* 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).

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

(A) For local governments described in subparagraphs (A), (B), and (C) of paragraph (2), 18 months after adoption of every second regional transportation plan, provided that the deadline for adoption *is no more than eight years later than the deadline for adoption* of the previous eight-year housing element.

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

(C) If a metropolitan planning organization or a regional transportation planning agency subject to the five-year revision interval in subparagraph (B) makes an election pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080 after June 1, 2009, all local governments within the regional jurisdiction of that entity shall adopt the next housing element revision 18 months after adoption of the first regional transportation plan following the election. Subsequent revisions shall be due 18

1 months after adoption of every second regional transportation plan,
2 provided that the deadline for adoption is *no more than eight years*
3 *later than the deadline for adoption* of the previous eight-year
4 housing element.

5 (4) A local government that does not adopt a housing element
6 within 120 days of the applicable deadline described in
7 subparagraph (A), (B), or (C) of paragraph (2) or subparagraph
8 (A) or (C) of paragraph (3) shall revise its housing element not
9 less than every four years until the local government has adopted
10 two consecutive revisions by the statutory ~~deadline, except that~~
11 ~~the deadline.~~ *If necessary, the local government shall adopt three*
12 *consecutive four-year revisions by the statutory deadline to ensure*
13 *that when the local government adopts its next housing element*
14 *covering an eight-year planning period, it does so at the deadline*
15 *for adoption for other local governments within the region also*
16 *covering an eight-year planning period. The deadline for adoption*
17 *of every second four-year revision shall be the same as the deadline*
18 *for adoption for other local governments within the region.*

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

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

1 (f) For purposes of this article, the following terms have the
2 following meanings:

3 (1) “Planning period” shall be the time period between the due
4 date for one housing element and the due date for the next housing
5 element.

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

8 SEC. 4. Section 75123 of the Public Resources Code is
9 amended to read:

10 75123. (a) A meeting of the council, including a meeting
11 related to the development of grant guidelines and policies and the
12 approval of grants, shall be subject to the Bagley-Keene Open
13 Meeting Act (Article 9 (commencing with Section 11120) of
14 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
15 Code), except that, for purposes of this section, “meeting” shall
16 not include a meeting at which council members are meeting as
17 members of the Governor’s cabinet.

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

22 SEC. 5. Chapter 728 of the Statutes of 2008 shall be known
23 and may be cited as the Sustainable Communities and Climate
24 Protection Act.

25 SEC. 6. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.