

AMENDED IN ASSEMBLY AUGUST 17, 2009

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, *subject to specified requirements*, 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~~ *meeting or meetings* is to ~~present a draft of~~ *discuss* the sustainable communities strategy and alternative planning strategy, if any, including the key land use and planning assumptions, ~~to with~~ the members of the board of supervisors and the city council members in that county *and* to solicit and consider their input and recommendations. *The bill would require the Tahoe Metropolitan Planning Organization to use the Regional Plan for the Lake Tahoe Region as its sustainable communities strategy, if specified requirements are met.*

(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 instead require each local government to review its housing element as frequently as appropriate, but no less often than required by a specified schedule. The bill would ~~require all~~ modify that schedule as it pertains to local governments within the regional jurisdiction of the San Diego Association of Governments to require those governments to adopt the 5th revision of the housing element no later than 18 months after adoption of the first regional transportation plan update to be adopted after September 30, 2010, and would subject those governments to specified requirements relating to the 5th, 6th, and subsequent revisions of the housing element.* 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 on its Internet Web site the estimated and actual housing element due dates, as published by the department, 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 local government officials, 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) This bill would incorporate additional changes in Section 65583 of the Government Code proposed by AB 720, that would become operative only if AB 720 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

(5)

(6) 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.

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

- 4 (i) Single occupant vehicle.
- 5 (ii) Multiple occupant vehicle or carpool.
- 6 (iii) Public transit including commuter rail and intercity rail.
- 7 (iv) Walking.
- 8 (v) Bicycling.

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

12 (E) Measures of equity and accessibility, including, but not
13 limited to, percentage of the population served by frequent and
14 reliable public transit, with a breakdown by income bracket, and
15 percentage of all jobs accessible by frequent and reliable public
16 transit service, with a breakdown by income bracket.

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

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

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

26 (i) No later than January 31, 2009, the state board shall appoint
27 a Regional Targets Advisory Committee to recommend factors to
28 be considered and methodologies to be used for setting greenhouse
29 gas emission reduction targets for the affected regions. The
30 committee shall be composed of representatives of the metropolitan
31 planning organizations, affected air districts, the League of
32 California Cities, the California State Association of Counties,
33 local transportation agencies, and members of the public, including
34 homebuilders, environmental organizations, planning organizations,
35 environmental justice organizations, affordable housing
36 organizations, and others. The advisory committee shall transmit
37 a report with its recommendations to the state board no later than
38 September 30, 2009. In recommending factors to be considered
39 and methodologies to be used, the advisory committee may
40 consider any relevant issues, including, but not limited to, data

1 needs, modeling techniques, growth forecasts, the impacts of
2 regional jobs-housing balance on interregional travel and
3 greenhouse gas emissions, economic and demographic trends, the
4 magnitude of greenhouse gas reduction benefits from a variety of
5 land use and transportation strategies, and appropriate methods to
6 describe regional targets and to monitor performance in attaining
7 those targets. The state board shall consider the report prior to
8 setting the targets.

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

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

29 (iv) The state board shall update the regional greenhouse gas
30 emission reduction targets every eight years consistent with each
31 metropolitan planning organization's timeframe for updating its
32 regional transportation plan under federal law until 2050. The state
33 board may revise the targets every four years based on changes in
34 the factors considered under clause (iii) above. The state board
35 shall exchange technical information with the Department of
36 Transportation, metropolitan planning organizations, local
37 governments, and affected air districts and engage in a consultative
38 process with public and private stakeholders prior to updating these
39 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).

(C) (i) 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) of subparagraph (B).

1 (ii) Within the jurisdiction of the Tahoe Regional Planning
2 Agency, as defined in Sections 66800 and 66801, the Tahoe
3 Metropolitan Planning Organization shall use the Regional Plan
4 for the Lake Tahoe Region as the sustainable community strategy,
5 provided it complies with clauses (vii) and (viii) of subparagraph
6 (B).

7 ~~(C)~~

8 (D) In the region served by the multicounty transportation
9 planning agency described in Section 130004 of the Public Utilities
10 Code, a subregional council of governments and the county
11 transportation commission may work together to propose the
12 sustainable communities strategy and an alternative planning
13 strategy, if one is prepared pursuant to subparagraph ~~(H)~~ (I), for
14 that subregional area. The metropolitan planning organization may
15 adopt a framework for a subregional sustainable communities
16 strategy or a subregional alternative planning strategy to address
17 the intraregional land use, transportation, economic, air quality,
18 and climate policy relationships. The metropolitan planning
19 organization shall include the subregional sustainable communities
20 strategy for that subregion in the regional sustainable communities
21 strategy to the extent consistent with this section and federal law
22 and approve the subregional alternative planning strategy, if one
23 is prepared pursuant to subparagraph ~~(H)~~ (I), for that subregional
24 area to the extent consistent with this section. The metropolitan
25 planning organization shall develop overall guidelines, create
26 public participation plans pursuant to subparagraph ~~(E)~~ (F), ensure
27 coordination, resolve conflicts, make sure that the overall plan
28 complies with applicable legal requirements, and adopt the plan
29 for the region.

30 ~~(D)~~

31 (E) The metropolitan planning organization shall conduct at
32 least two informational meetings in each county within the region
33 for members of the board of supervisors and city councils on the
34 sustainable communities strategy and alternative planning strategy,
35 if any. The metropolitan planning organization may conduct only
36 one informational meeting if it is attended by representatives of
37 the county board of supervisors and city council members
38 representing a majority of the cities representing a majority of the
39 population in the incorporated areas of that county. Notice of the
40 meeting *or meetings* shall be sent to the clerk of the board of

1 supervisors and to each city clerk. The purpose of the ~~meetings~~
2 ~~shall be to present a draft of~~ *meeting or meetings shall be to discuss*
3 the sustainable communities strategy and the alternative planning
4 strategy, if any, including the key land use and planning
5 assumptions to the members of the board of supervisors and the
6 city council members in that county and to solicit and consider
7 their input and recommendations.

8 (E)

9 (F) Each metropolitan planning organization shall adopt a public
10 participation plan, for development of the sustainable communities
11 strategy and an alternative planning strategy, if any, that includes
12 all of the following:

13 (i) Outreach efforts to encourage the active participation of a
14 broad range of stakeholder groups in the planning process,
15 consistent with the agency's adopted Federal Public Participation
16 Plan, including, but not limited to, affordable housing advocates,
17 transportation advocates, neighborhood and community groups,
18 environmental advocates, home builder representatives,
19 broad-based business organizations, landowners, commercial
20 property interests, and homeowner associations.

21 (ii) Consultation with congestion management agencies,
22 transportation agencies, and transportation commissions.

23 (iii) Workshops throughout the region to provide the public with
24 the information and tools necessary to provide a clear
25 understanding of the issues and policy choices. At least one
26 workshop shall be held in each county in the region. For counties
27 with a population greater than 500,000, at least three workshops
28 shall be held. Each workshop, to the extent practicable, shall
29 include urban simulation computer modeling to create visual
30 representations of the sustainable communities strategy and the
31 alternative planning strategy.

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

36 (v) At least three public hearings on the draft sustainable
37 communities strategy in the regional transportation plan and
38 alternative planning strategy, if one is prepared. If the metropolitan
39 transportation organization consists of a single county, at least two
40 public hearings shall be held. To the maximum extent feasible, the

1 hearings shall be in different parts of the region to maximize the
2 opportunity for participation by members of the public throughout
3 the region.

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

6 ~~(F)~~

7 (G) In preparing a sustainable communities strategy, the
8 metropolitan planning organization shall consider spheres of
9 influence that have been adopted by the local agency formation
10 commissions within its region.

11 ~~(G)~~

12 (H) Prior to adopting a sustainable communities strategy, the
13 metropolitan planning organization shall quantify the reduction in
14 greenhouse gas emissions projected to be achieved by the
15 sustainable communities strategy and set forth the difference, if
16 any, between the amount of that reduction and the target for the
17 region established by the state board.

18 ~~(H)~~

19 (I) If the sustainable communities strategy, prepared in
20 compliance with subparagraph (B) or ~~(C)~~ (D), is unable to reduce
21 greenhouse gas emissions to achieve the greenhouse gas emission
22 reduction targets established by the state board, the metropolitan
23 planning organization shall prepare an alternative planning strategy
24 to the sustainable communities strategy showing how those
25 greenhouse gas emission targets would be achieved through
26 alternative development patterns, infrastructure, or additional
27 transportation measures or policies. The alternative planning
28 strategy shall be a separate document from the regional
29 transportation plan, but it may be adopted concurrently with the
30 regional transportation plan. In preparing the alternative planning
31 strategy, the metropolitan planning organization:

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

34 (ii) May include an alternative development pattern for the
35 region pursuant to subparagraphs (B) to ~~(F)~~ (G), inclusive.

36 (iii) Shall describe how the greenhouse gas emission reduction
37 targets would be achieved by the alternative planning strategy, and
38 why the development pattern, measures, and policies in the
39 alternative planning strategy are the most practicable choices for
40 achievement of the greenhouse gas emission reduction targets.

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

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

~~(F)~~

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

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

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

~~(J)~~

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

~~(K)~~

(L) Nothing in this section requires projects programmed for funding on or before December 31, 2011, to be subject to the provisions of this paragraph if they (i) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program, (ii) are funded pursuant to Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2, or (iii) were specifically listed in a ballot measure prior to December 31, 2008, approving a sales tax increase for transportation projects. Nothing in this

section shall require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted prior to December 31, 2010. For purposes of this subparagraph, a transportation sales tax authority is a district, as defined in Section 7252 of the Revenue and Taxation Code, that is authorized to impose a sales tax for transportation purposes.

~~(L)~~

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

~~(M)~~

(N) Two or more of the metropolitan planning organizations for Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County may work together to develop and adopt multiregional goals and policies that may address interregional land use, transportation, economic, air quality, and climate relationships. The participating metropolitan planning organizations may also develop a multiregional sustainable communities strategy, to the extent consistent with federal law, or an alternative planning strategy for adoption by the metropolitan planning organizations.

1 Each participating metropolitan planning organization shall
2 consider any adopted multiregional goals and policies in the
3 development of a sustainable communities strategy and, if
4 applicable, an alternative planning strategy for its region.

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

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

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

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

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

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

(d) Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall 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.

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,

1 factory-built housing, mobilehomes, and emergency shelters, and
2 shall make adequate provision for the existing and projected needs
3 of all economic segments of the community. The element shall
4 contain all of the following:

5 (a) An assessment of housing needs and an inventory of
6 resources and constraints relevant to the meeting of these needs.

7 The assessment and inventory shall include all of the following:

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

25 (2) An analysis and documentation of household characteristics,
26 including level of payment compared to ability to pay, housing
27 characteristics, including overcrowding, and housing stock
28 condition.

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

33 (4) (A) The identification of a zone or zones where emergency
34 shelters are allowed as a permitted use without a conditional use
35 or other discretionary permit. The identified zone or zones shall
36 include sufficient capacity to accommodate the need for emergency
37 shelter identified in paragraph (7), except that each local
38 government shall identify a zone or zones that can accommodate
39 at least one year-round emergency shelter. If the local government
40 cannot identify a zone or zones with sufficient capacity, the local

government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management.
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (vi) The length of stay.
- (vii) Lighting.
- (viii) Security during hours that the emergency shelter is in operation.

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

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone

1 or zones where new emergency shelters are allowed with a
2 conditional use permit.

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

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

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

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

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

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

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

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

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

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

39 (2) A local government may disapprove a housing development
40 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. 2.5. Section 65583 of the Government Code is amended*
40 *to read:*

1 65583. The housing element shall consist of an identification
2 and analysis of existing and projected housing needs and a
3 statement of goals, policies, quantified objectives, financial
4 resources, and scheduled programs for the preservation,
5 improvement, and development of housing. The housing element
6 shall identify adequate sites for housing, including rental housing,
7 factory-built housing, mobilehomes, and emergency shelters, and
8 shall make adequate provision for the existing and projected needs
9 of all economic segments of the community. The element shall
10 contain all of the following:

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

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

31 (2) An analysis and documentation of household characteristics,
32 including level of payment compared to ability to pay, housing
33 characteristics, including overcrowding, and housing stock
34 condition.

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

39 (4) (A) The identification of a zone or zones where emergency
40 shelters are allowed as a permitted use without a conditional use

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

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

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

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

28 (iv) The provision of onsite management.

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

31 (vi) The length of stay.

32 (vii) Lighting.

33 (viii) Security during hours that the emergency shelter is in
 34 operation.

35 (B) The permit processing, development, and management
 36 standards applied under this paragraph shall not be deemed to be
 37 discretionary acts within the meaning of the California
 38 Environmental Quality Act (Division 13 (commencing with Section
 39 21000) of the Public Resources Code).

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

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

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

32 (6) An analysis of potential and actual nongovernmental
33 constraints upon the maintenance, improvement, or development
34 of housing for all income levels, including the availability of
35 financing, the price of land, and the cost of construction.

36 (7) An analysis of any special housing needs, such as those of
37 the elderly, persons with disabilities, large families, farmworkers,
38 families with female heads of households, and families and persons
39 in need of emergency shelter. The need for emergency shelter shall
40 be assessed based on annual and seasonal need. The need for

1 emergency shelter may be reduced by the number of supportive
2 housing units that are identified in an adopted 10-year plan to end
3 chronic homelessness and that are either vacant or for which
4 funding has been identified to allow construction during the
5 planning period.

6 (8) An analysis of opportunities for energy conservation with
7 respect to residential development. *Cities and counties are*
8 *encouraged to include weatherization and energy efficiency*
9 *improvements as part of publicly subsidized housing rehabilitation*
10 *projects. This may include energy efficiency measures that*
11 *encompass the building envelope, its heating and cooling systems,*
12 *and its electrical system.*

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

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

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

1 each five-year period and does not have to contain a
2 project-by-project cost estimate.

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

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

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

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

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

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

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

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

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. 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 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.

1 Sec. 7506), except those within the regional jurisdiction of the San
2 Diego Association of Governments, shall adopt the fifth revision
3 of the housing element no later than 18 months after adoption of
4 the first regional transportation plan to be adopted after September
5 30, 2010.

6 (B) (i) All local governments within the regional jurisdiction
7 of the San Diego Association of Governments shall adopt the fifth
8 revision of the housing element *no later than* 18 months after
9 adoption of the first regional transportation plan *update* to be
10 adopted after September 30, 2010.

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

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

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

29 ~~(ii) Prior to or concurrent with the adoption of the fifth revision~~
30 ~~of the housing element, each local government within the regional~~
31 ~~jurisdiction of the San Diego Association of Governments shall~~
32 ~~identify adequate sites in its inventory pursuant to Section 65583.2~~
33 ~~or rezone adequate sites to accommodate a prorated portion of~~
34 ~~its share of the regional housing need for the projection period~~
35 ~~representing the period from July 1, 2010, to the deadline for~~
36 ~~housing element adoption described in clause (i).~~

37 ~~(I) For the fifth revision, a local government within the~~
38 ~~jurisdiction of the San Diego Association of Governments that has~~
39 ~~not adopted a housing element for the fourth revision by January~~
40 ~~1, 2009, shall revise its housing element not less than every four~~

years, beginning on the date described in clause (i), in accordance with paragraph (4), unless the local government does both of the following:

(ia) Adopts a housing element for the fourth revision no later than March 31, 2010, which is in substantial compliance with this article.

(ib) Completes any rezoning contained in the housing element program for the fourth revision by June 30, 2010.

(II) For the sixth and subsequent revisions, a local government within the jurisdiction of the San Diego Association of Governments shall be subject to the dates described in clause (i), in accordance with paragraph (4).

(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 *update* 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 *update*, 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 *no later than* 18 months after adoption of the first regional transportation plan *update* following the election. Subsequent revisions shall be due 18 months after adoption of every second

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

4 (4) (A) A local government that does not adopt a housing
5 element within 120 days of the applicable deadline described in
6 subparagraph (A), (B), or (C) of paragraph (2) or subparagraph
7 (A) or (C) of paragraph (3) shall revise its housing element not
8 less than every four years until the local government has adopted
9 *at least* two consecutive revisions by the statutory deadline.

10 If
11 (B) *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.

17 The
18 (C) *The* deadline for adoption of every second four-year revision
19 shall be the same as the deadline for adoption for other local
20 governments within the region.

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

1 *notice provided to the Department of Transportation plus 18*
2 *months.*

3 (6) The new projection period shall begin on the date of
4 December 31 or June 30 that most closely precedes the end of the
5 previous projection period.

6 (f) For purposes of this article, the following terms have the
7 following meanings:

8 (1) “Planning period” shall be the time period between the due
9 date for one housing element and the due date for the next housing
10 element.

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

13 (g) *For purposes of this section, “regional transportation plan*
14 *update” shall mean a regional transportation plan adopted to*
15 *satisfy the requirements of subdivision (d) of Section 65080.*

16 SEC. 4. Section 75123 of the Public Resources Code is
17 amended to read:

18 75123. (a) A meeting of the council, including a meeting
19 related to the development of grant guidelines and policies and the
20 approval of grants, shall be subject to the Bagley-Keene Open
21 Meeting Act (Article 9 (commencing with Section 11120) of
22 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
23 Code), except that, for purposes of this section, “meeting” shall
24 not include a meeting at which council members are meeting as
25 members of the Governor’s cabinet.

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

30 SEC. 5. Chapter 728 of the Statutes of 2008 shall be known
31 and may be cited as the Sustainable Communities and Climate
32 Protection Act.

33 SEC. 6. *Section 2.5 of this bill incorporates amendments to*
34 *Section 65583 of the Government Code proposed by both this bill*
35 *and AB 720. It shall only become operative if (1) both bills are*
36 *enacted and become effective on or before January 1, 2010, (2)*
37 *each bill amends Section 65583 of the Government Code, and (3)*
38 *this bill is enacted after AB 720, in which case Section 2 of this*
39 *bill shall not become operative.*

1 ~~SEC. 6.~~

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

O