

**ASSEMBLY BILL**

**No. 827**

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**Introduced by Assembly Member Atkins**

February 17, 2011

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An act to amend Section 65584 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as introduced, Atkins. Land use: housing element.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan that includes various, mandatory elements, including a housing element. That law requires the housing element to contain, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. That law further requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified.

This bill would make technical, nonsubstantive changes to that law.

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

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

1 SECTION 1. Section 65584 of the Government Code is  
2 amended to read:  
3 65584. (a) (1) For the fourth and subsequent revisions of the  
4 housing element pursuant to Section 65588, the department shall  
5 determine the existing and projected need for housing for each  
6 region pursuant to this article. For purposes of subdivision (a) of

1 Section 65583, the share of a city or county of the regional housing  
2 need shall include that share of the housing need of persons at all  
3 income levels within the area significantly affected by the general  
4 plan of the city or county.

5 (2) While it is the intent of the Legislature that cities, counties,  
6 and cities and counties should undertake all necessary actions to  
7 encourage, promote, and facilitate the development of housing to  
8 accommodate the entire regional housing need, it is recognized,  
9 however, that future housing production may not equal the regional  
10 housing need established for planning purposes.

11 (b) The department, in consultation with each council of  
12 governments, shall determine each region's existing and projected  
13 housing need pursuant to Section 65584.01 at least two years prior  
14 to the *next* scheduled revision required pursuant to Section 65588.  
15 The appropriate council of governments, or for cities and counties  
16 without a council of governments, the department, shall adopt a  
17 final regional housing need plan that allocates a share of the  
18 regional housing need to each city, county, or city and county at  
19 least one year prior to the scheduled revision for the region required  
20 by Section 65588. The allocation plan prepared by a council of  
21 governments shall be prepared pursuant to Sections 65584.04 and  
22 65584.05 with the advice of the department.

23 (c) Notwithstanding any other provision of law, the due dates  
24 for the determinations of the department, or for the council of  
25 governments, respectively, regarding the regional housing need  
26 may be extended by the department by not more than 60 days, if  
27 the extension will enable access to more recent critical population  
28 or housing data from a pending or recent release of the United  
29 States Census Bureau or the Department of Finance. If the due  
30 date for the determination of the department or the council of  
31 governments is extended for this reason, the department shall  
32 extend the corresponding housing element revision deadline  
33 pursuant to Section 65588 by not more than 60 days.

34 (d) The regional housing needs allocation plan shall be  
35 consistent with all of the following objectives:

36 (1) Increasing the housing supply and the mix of housing types,  
37 tenure, and affordability in all cities and counties within the region  
38 in an equitable manner, which shall result in each jurisdiction  
39 receiving an allocation of units for low- and very low income  
40 households.

1 (2) Promoting infill development and socioeconomic equity,  
2 the protection of environmental and agricultural resources, and  
3 the encouragement of efficient development patterns.

4 (3) Promoting an improved intraregional relationship between  
5 jobs and housing.

6 (4) Allocating a lower proportion of housing need to an income  
7 category when a jurisdiction already has a disproportionately high  
8 share of households in that income category, as compared to the  
9 countywide distribution of households in that category from the  
10 most recent decennial United States census.

11 (e) For purposes of this section, “household income levels” are  
12 as determined by the department as of the most recent decennial  
13 census pursuant to the following code sections:

14 (1) Very low incomes as defined by Section 50105 of the Health  
15 and Safety Code.

16 (2) Lower incomes, as defined by Section 50079.5 of the Health  
17 and Safety Code.

18 (3) Moderate incomes, as defined by Section 50093 of the Health  
19 and Safety Code.

20 (4) Above moderate incomes are those exceeding the  
21 moderate-income level of Section 50093 of the Health and Safety  
22 Code.

23 (f) Notwithstanding any other provision of law, determinations  
24 made by the department, a council of governments, or a city or  
25 county pursuant to this section or Section 65584.01, 65584.02,  
26 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08  
27 are exempt from the California Environmental Quality Act  
28 (Division 13 (commencing with Section 21000) of the Public  
29 Resources Code).