

ASSEMBLY BILL

No. 2108

Introduced by Assembly Member Norby

February 23, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2108, as introduced, Norby. Land use: housing element: regional housing need assessment.

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

This bill would make a technical, nonsubstantive change to this provision.

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:

1 65584. (a) (1) For the fourth and subsequent revisions of the
2 housing element pursuant to Section 65588, the department shall
3 determine the existing and projected need for housing for each
4 region pursuant to this article. For purposes of subdivision (a) of
5 Section 65583, the share of a city or county of the regional housing
6 need shall include that share of the housing need of persons at all
7 income levels within the area significantly affected by the general
8 plan of the city or county.

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

15 (b) The department, in consultation with each council of
16 governments, shall determine each region's existing and projected
17 housing need pursuant to Section 65584.01 at least two years prior
18 to the scheduled revision required pursuant to Section 65588. The
19 appropriate council of governments, or for cities and counties
20 without a council of governments, the department, shall adopt a
21 final regional housing need plan that allocates a share of the
22 regional housing need to each city, county, or city and county at
23 least one year prior to the scheduled revision for the region required
24 by Section 65588. The allocation plan prepared by a council of
25 governments shall be prepared pursuant to Sections 65584.04 and
26 65584.05 with the advice of the department.

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

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

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

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

9 (3) Promoting an improved intraregional relationship between
10 jobs and housing.

11 (4) Allocating a lower proportion of housing need to an income
12 category when a jurisdiction already has a disproportionately high
13 share of households in that income category, as compared to the
14 countywide distribution of households in that category from the
15 most recent decennial United States census.

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

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

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

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

25 (4) Above moderate incomes are those exceeding the
26 moderate-income level of Section 50093 of the Health and Safety
27 Code.

28 (f) Notwithstanding any other ~~provision of~~ law, determinations
29 made by the department, a council of governments, or a city or
30 county pursuant to this section or Section 65584.01, 65584.02,
31 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08
32 are exempt from the California Environmental Quality Act
33 (Division 13 (commencing with Section 21000) of the Public
34 Resources Code).