

AMENDED IN SENATE JULY 12, 1999
AMENDED IN ASSEMBLY MAY 17, 1999
AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1505

Introduced by Assembly Member Ducheny
(Coauthors: Assembly Members Ashburn, Cardoza, Florez,
Reyes, and Soto)
(Coauthor: Senator Polanco)

February 26, 1999

An act to amend Sections 51238, 51238.5, ~~and 65580~~ 65580, 65583, *and* 65950 of, and to add Section 51282.4 to, the Government Code, ~~and to amend Section 21080.10 of the Public Resources Code,~~ relating to farmworker housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1505, as amended, Ducheny. Farmworker housing.

(1) The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by the act and that contract. The act authorizes the landowner to petition the governing body of the relevant city or county for cancellation of a contract or portion thereof for agricultural laborer housing that is determined not to be a compatible use of the contracted lands. Prior to any tentative approval of the cancellation, the governing body of the relevant city or county is required to

certify to the county auditor the amount of a cancellation fee that the contracting landowner will pay as deferred taxes upon cancellation of the contract, as specified.

This bill would specify that agricultural laborer housing is a compatible use within an agricultural preserve when provided by the landowner or a city, county, city and county, the state, or a nonprofit organization under contract or grant by the landowner. The bill would also authorize a landowner subject to a Williamson Act contract to set aside a portion not exceeding 5 acres of land under contract to be conveyed to a nonprofit organization, city, county, or city and county, or the state and used for agricultural laborer housing for at least 30 years, as specified.

~~(2) The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposed to carry out or approved that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. The act exempts from its requirements — development — projects — for — agricultural employee housing that meet prescribed conditions, including use for a 15-year period and that the project consists of not more than 45 or 20 units, respectively, in urbanized or nonurbanized areas or housing for 45 or 20 or fewer workers, as specified.~~

~~This bill would apply that exemption to housing if the project consists of not more than 100 units in urbanized areas or 20 or 50 units in nonurbanized areas or housing for 100, 20 or 50 or fewer workers, as specified. The bill would apply the exemption to facilities converted for residential housing and would extend the required period of use to 30 years. The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption.~~

~~(3) 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 no reimbursement is required by this act for a specified reason.~~

(2) Existing law sets forth matters to be included in the housing element of a local general plan.

This bill would require the element to identify adequate sites for farmworker housing, as specified, thereby creating a state-mandated local program by imposing new duties on local agencies.

(3) Existing law prescribes criteria for the disapproval of housing development projects by local agencies.

This bill would prescribe additional criteria relative to the time period for approving or disapproving housing for agricultural employees, thereby creating a state-mandated local program by imposing new duties on local agencies. These provisions would become operative only if SB 948 is not enacted in the first year of the 1999–2000 Regular Session.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 51238 of the Government Code
2 is amended to read:

3 51238. (a) (1) Notwithstanding any determination
4 of compatible uses by the county or city pursuant to this
5 article, unless the board or council after notice and
6 hearing makes a finding to the contrary, the erection,
7 construction, alteration, or maintenance of gas, electric,



1 water, communication, or agricultural laborer housing
2 facilities are hereby determined to be compatible uses
3 within any agricultural preserve.

4 (2) The agricultural laborer housing facilities
5 authorized pursuant to paragraph (1) are determined to
6 be compatible uses within any agricultural preserve
7 when provided by either the owner of land or a city,
8 county, city and county, the state, or a nonprofit
9 organization under contract or grant by the owner of land
10 to construct, alter, maintain, or operate the agricultural
11 laborer housing facilities.

12 (3) No land occupied by gas, electric, water,
13 communication, or agricultural laborer housing facilities
14 shall be excluded from an agricultural preserve by reason
15 of that use.

16 (b) The board of supervisors may impose conditions
17 on lands or land uses to be placed within preserves to
18 permit and encourage compatible uses in conformity
19 with Section 51238.1, particularly public outdoor
20 recreational uses.

21 SEC. 2. Section 51238.5 of the Government Code is
22 amended to read:

23 51238.5. (a) If an owner of land agrees to permit the
24 use of his or her land for free public recreation, the board
25 or council may agree to indemnify the owner against all
26 claims arising from that public use. The owner's
27 agreement that the land be used for free, public
28 recreation shall not be construed as an implied dedication
29 to that use.

30 (b) If an owner of land agrees to permit the use of his
31 or her land for agricultural laborer housing facilities
32 authorized pursuant to Section 51238, the city, county,
33 city and county, the state, or the nonprofit organization
34 may indemnify the owner against all claims arising from
35 that use.

36 SEC. 3. Section 51282.4 is added to the Government
37 Code, to read:

38 51282.4. (a) Notwithstanding Section 66474.4, and
39 subject to all of the conditions set forth in subdivision (b),
40 an owner of property under contract may set aside a



1 portion of the property not exceeding five acres for the
2 construction or rehabilitation and exclusive use of the
3 property as agricultural laborer housing, and during the
4 time the property is used exclusively for agricultural
5 laborer housing, the owner may convey the title of that
6 portion of the property to a nonprofit organization, city,
7 county, or city and county, or the state.

8 (b) A set aside and conveyance of title under
9 subdivision (a) shall be subject to all of the following
10 conditions:

11 (1) The portion of property set aside shall remain
12 under contract.

13 (2) The nonprofit organization, or city, county, city
14 and county, or state agency that develops the property as
15 agricultural laborer housing shall record a deed
16 restriction limiting the use of the property as agricultural
17 laborer housing for a period of at least 30 years.

18 (3) At the time the property ceases to be used as
19 agricultural laborer housing, the portion of the property
20 for which title was conveyed shall be merged with the
21 parcel from which it was set aside, and title to the
22 property shall revert to the owner of the parcel from
23 which it was set aside.

24 (4) The agricultural laborer housing project shall be
25 consistent with the jurisdiction's general plan and zoning
26 ordinance.

27 (5) The property proposed to be set aside shall be
28 within the sphere of influence of an incorporated city or
29 city and county or adjacent to existing urban
30 development and services in an unincorporated area.

31 (c) Nothing in this section limits any agricultural
32 laborer housing from being determined a compatible use
33 pursuant to Section 51238.

34 SEC. 4. Section 65580 of the Government Code is
35 amended to read:

36 65580. The Legislature finds and declares as follows:

37 (a) The availability of housing is of vital statewide
38 importance, and the early attainment of decent housing
39 and a suitable living environment for every Californian,
40 including farmworkers, is a priority of the highest order.



1 (b) The early attainment of this goal requires the
2 cooperative participation of government and the private
3 sector in an effort to expand housing opportunities and
4 accommodate the housing needs of Californians of all
5 economic levels.

6 (c) The provision of housing affordable to low- and
7 moderate-income households requires the cooperation of
8 all levels of government.

9 (d) Local and state governments have a responsibility
10 to use the powers vested in them to facilitate the
11 improvement and development of housing to make
12 adequate provision for the housing needs of all economic
13 segments of the community.

14 (e) The Legislature recognizes that in carrying out
15 this responsibility, each local government also has the
16 responsibility to consider economic, environmental, and
17 fiscal factors and community goals set forth in the general
18 plan and to cooperate with other local governments and
19 the state in addressing regional housing needs.

20 ~~SEC. 5. Section 21080.10 of the Public Resources Code~~
21 ~~is amended to read:~~

22 ~~21080.10. This division does not apply to any of the~~
23 ~~following:~~

24 ~~(a) An extension of time, granted pursuant to Section~~
25 ~~65361 of the Government Code, for the preparation and~~
26 ~~adoption of one or more elements of a city or county~~
27 ~~general plan.~~

28 ~~(b) Actions taken by the Department of Housing and~~
29 ~~Community Development or the California Housing~~
30 ~~Finance Agency to provide financial assistance or~~
31 ~~insurance for the development and construction of~~
32 ~~residential housing for persons and families of low or~~
33 ~~moderate income, as defined in Section 50093 of the~~
34 ~~Health and Safety Code, if the project which is the subject~~
35 ~~of the application for financial assistance or insurance will~~
36 ~~be reviewed pursuant to this division by another public~~
37 ~~agency.~~

38 ~~(c) (1) Any development project that consists of the~~
39 ~~construction, conversion, or use of residential housing, or~~
40 ~~that consists of the conversion of any facility for use as~~



1 residential housing, if that housing is for agricultural
2 employees, as defined in paragraph (2), that is affordable
3 to lower income households, as defined in Section 50079.5
4 of the Health and Safety Code, if there is no public
5 financial assistance for the development project and the
6 developer of the development project provides sufficient
7 legal commitments to the appropriate local agency to
8 ensure the continued availability and use of the housing
9 units for lower income households for a period of at least
10 30 years, or any development project that consists of the
11 construction, conversion, or use of residential housing for
12 agricultural employees, as defined in paragraph (2) that
13 is affordable to low and moderate income households, as
14 defined in paragraph (2) of subdivision (h) of Section
15 65589.5 of the Government Code, if there is public
16 financial assistance for the development project and the
17 developer of the development project provides sufficient
18 legal commitments to the appropriate local agency to
19 ensure the continued availability and use of the housing
20 units for low and moderate income households for a
21 period of at least 30 years, if either type of development
22 project meets all of the following requirements:

23 (A) (i) If the development project is proposed for an
24 urbanized area, it is located on a project site which is
25 adjacent, on at least two sides, to land that has been
26 developed, and consists of not more than 100 units, or is
27 housing for a total of 100 or fewer agricultural employees
28 if the housing consists of dormitories, barracks, or other
29 group living facilities, or

30 (ii) If the development project is proposed for a
31 nonurbanized area, it is located on a project site that is
32 adjacent, on at least one side, to land that has been
33 developed, it is located on a project site zoned for general
34 agricultural use, and consists of not more than 20 units, or
35 is housing for a total of 20 or fewer agricultural workers
36 if the housing consists of dormitories, barracks, or other
37 group living facilities, or

38 (iii) If the development project is proposed for a
39 nonurbanized area, it is located on a project site that is
40 adjacent, on at least one side, to land that has been



1 developed, it is located on a project site zoned for general
2 residential use, and consists of not more than 50 units, or
3 is housing for a total of 50 or fewer agricultural workers
4 if the housing consists of dormitories, barracks, or other
5 group living facilities.

6 (B) The development project is consistent with the
7 jurisdiction's general plan as it existed on the date that the
8 application was deemed complete.

9 (C) The development project is consistent with the
10 zoning designation, as specified in the zoning ordinance
11 as it existed on the date that the application was deemed
12 complete, unless the zoning is inconsistent with the
13 general plan because the local agency has not rezoned the
14 property to bring it into conformity with the general plan.

15 (D) The development project site is not more than
16 five acres in area, except that a project site located in an
17 area with a population density of at least 1,000 persons per
18 square mile shall not be more than two acres in area.

19 (E) The development project site can be adequately
20 served by utilities.

21 (F) The development project site has no value as a
22 wildlife habitat.

23 (G) The development project site is not included on
24 any list of facilities and sites compiled pursuant to Section
25 65962.5 of the Government Code.

26 (H) The development project will not involve the
27 demolition of, or any substantial adverse change, in any
28 structure that is listed, or is determined to be eligible for
29 listing, in the California Register of Historic Resources.

30 (2) As used in paragraph (1), "residential housing for
31 agricultural employees" means housing accommodations
32 for an agricultural employee, as defined in subdivision
33 (b) of Section 1140.4 of the Labor Code.

34 (3) As used paragraph (1), "urbanized area" means
35 either of the following:

36 (A) An area with a population density of at least 1,000
37 persons per square mile.

38 (B) An area with a population density of less than 1,000
39 persons per square mile that is identified as an urban area
40 in a general plan adopted by a local government, and was



1 not designated, on the date that the application was
2 deemed complete, as an area reserved for future urban
3 growth.

4 (4) This division shall apply to any development
5 project described in this subdivision if a public agency
6 that is carrying out or approving the development project
7 determines that there is a reasonable possibility that the
8 project, if completed, would have a significant effect on
9 the environment due to unusual circumstances, or that
10 the cumulative impact of successive projects of the same
11 type in the same area over time would be significant.

12 ~~SEC. 6. No reimbursement is required by this act~~
13 ~~pursuant to Section 6 of Article XIII B of the California~~
14 ~~Constitution because a local agency or school district has~~
15 ~~the authority to levy service charges, fees, or assessments~~
16 ~~sufficient to pay for the program or level of service~~
17 ~~mandated by this act, within the meaning of Section 17556~~
18 ~~of the Government Code.~~

19 *SEC. 5. Section 65583 of the Government Code is*
20 *amended to read:*

21 65583. The housing element shall consist of an
22 identification and analysis of existing and projected
23 housing needs and a statement of goals, policies,
24 quantified objectives, financial resources, and scheduled
25 programs for the preservation, improvement, and
26 development of housing. The housing element shall
27 identify adequate sites for housing, including rental
28 housing, factory-built housing, and mobilehomes, and
29 shall make adequate provision for the existing and
30 projected needs of all economic segments of the
31 community. The element shall contain all of the
32 following:

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

37 (1) An analysis of population and employment trends
38 and documentation of projections and a quantification of
39 the locality's existing and projected housing needs for all
40 income levels. These existing and projected needs shall



1 include the locality's share of the regional housing need
2 in accordance with Section 65584.

3 (2) An analysis and documentation of household
4 characteristics, including level of payment compared to
5 ability to pay, housing characteristics, including
6 overcrowding, and housing stock condition.

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

12 (4) An analysis of potential and actual governmental
13 constraints upon the maintenance, improvement, or
14 development of housing for all income levels, including
15 land use controls, building codes and their enforcement,
16 site improvements, fees and other exactions required of
17 developers, and local processing and permit procedures.
18 The analysis shall also demonstrate local efforts to remove
19 governmental constraints that hinder the locality from
20 meeting its share of the regional housing need in
21 accordance with Section 65584.

22 (5) An analysis of potential and actual
23 nongovernmental constraints upon the maintenance,
24 improvement, or development of housing for all income
25 levels, including the availability of financing, the price of
26 land, and the cost of construction.

27 (6) An analysis of any special housing needs, such as
28 those of the handicapped, elderly, large families,
29 farmworkers, families with female heads of households,
30 and families and persons in need of emergency shelter.

31 (7) An analysis of opportunities for energy
32 conservation with respect to residential development.

33 (8) An analysis of existing assisted housing
34 developments that are eligible to change from
35 low-income housing uses during the next 10 years due to
36 termination of subsidy contracts, mortgage prepayment,
37 or expiration of restrictions on use. "Assisted housing
38 developments," for the purpose of this section, shall mean
39 multifamily rental housing that receives governmental
40 assistance under federal programs listed in subdivision



1 (a) of Section 65863.10, state and local multifamily
2 revenue bond programs, local redevelopment programs,
3 the federal Community Development Block Grant
4 Program, or local in-lieu fees. “Assisted housing
5 developments” shall also include multifamily rental units
6 that were developed pursuant to a local inclusionary
7 housing program or used to qualify for a density bonus
8 pursuant to Section 65916.

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

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

27 (C) The analysis shall identify public and private
28 nonprofit corporations known to the local government
29 which have legal and managerial capacity to acquire and
30 manage these housing developments.

31 (D) The analysis shall identify and consider the use of
32 all federal, state, and local financing and subsidy
33 programs which can be used to preserve, for lower
34 income households, the assisted housing developments,
35 identified in this paragraph, including, but not limited to,
36 federal Community Development Block Grant Program
37 funds, tax increment funds received by a redevelopment
38 agency of the community, and administrative fees
39 received by a housing authority operating within the
40 community. In considering the use of these financing and



1 subsidy programs, the analysis shall identify the amounts
2 of funds under each available program which have not
3 been legally obligated for other purposes and which could
4 be available for use in preserving assisted housing
5 developments.

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

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

21 (c) A program which sets forth a five-year schedule of
22 actions the local government is undertaking or intends to
23 undertake to implement the policies and achieve the
24 goals and objectives of the housing element through the
25 administration of land use and development controls,
26 provision of regulatory concessions and incentives, and
27 the utilization of appropriate federal and state financing
28 and subsidy programs when available and the utilization
29 of moneys in a Low and Moderate Income Housing Fund
30 of an agency if the locality has established a
31 redevelopment project area pursuant to the Community
32 Redevelopment Law (Division 24 (commencing with
33 Section 33000) of the Health and Safety Code). In order
34 to make adequate provision for the housing needs of all
35 economic segments of the community, the program shall
36 do all of the following:

37 (1) (A) Identify adequate sites which will be made
38 available through appropriate zoning and development
39 standards and with public services and facilities needed
40 to facilitate and encourage the development of a variety



1 of types of housing for all income levels, including
2 multifamily rental housing, factory-built housing,
3 mobilehomes, emergency shelters, and transitional
4 housing in order to meet the community's housing goals
5 as identified in subdivision (b). Where the inventory of
6 sites, pursuant to paragraph (3) of subdivision (a), does
7 not identify adequate sites to accommodate the need for
8 groups of all household income levels pursuant to Section
9 65584, the program shall provide for sufficient sites with
10 zoning that permits owner-occupied and rental
11 multifamily residential use by right, including density
12 and development standards that could accommodate and
13 facilitate the feasibility of housing for very low and
14 low-income households. For purposes of this paragraph,
15 the phrase "use by right" shall mean the use does not
16 require a conditional use permit, except when the
17 proposed project is a mixed-use project involving both
18 commercial and residential uses. Use by right for all rental
19 multifamily residential housing shall be provided in
20 accordance with subdivision (f) of Section 65589.5.

21 *(B) Identify adequate sites with appropriate zoning*
22 *and development standards and with public services and*
23 *facilities, including sewage collection and treatment and*
24 *domestic water supply, needed to facilitate and*
25 *encourage the development of housing for agricultural*
26 *employees, as defined in subdivision (b) of Section 1140.4*
27 *of the Labor Code, in order to meet the jurisdiction's*
28 *need for farmworker housing as determined by the*
29 *analysis required by paragraph (6) of subdivision (a).*
30 *Where the inventory of sites pursuant to paragraph (3)*
31 *of subdivision (a) does not identify adequate sites to*
32 *accommodate the need for farmworker housing, the*
33 *program shall provide for sufficient sites to meet the need*
34 *for farmworker housing with zoning that permits*
35 *farmworker owner-occupied and farmworker rental*
36 *residential or other residential use by right, including*
37 *density and development standards that facilitate and*
38 *make feasible the development of farmworker housing.*
39 *For purposes of this subparagraph, "use by right" means*
40 *that the use does not require a conditional use permit,*



1 *except when the proposed project is a mixed-use project*
2 *involving commercial or industrial uses and farmworker*
3 *housing. For purposes of this subparagraph, “farmworker*
4 *housing” may include housing with support services,*
5 *including, but not limited to, day care, job training, health*
6 *services, youth programs, and adult education for the use*
7 *of residents of the proposed project. The requirements of*
8 *this subparagraph shall apply commencing in the next*
9 *housing element planning period following the*
10 *enactment of this subparagraph.*

11 (2) Assist in the development of adequate housing to
12 meet the needs of low- and moderate-income households.

13 (3) Address and, where appropriate and legally
14 possible, remove governmental constraints to the
15 maintenance, improvement, and development of
16 housing.

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

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

24 (6) (A) Preserve for lower income households the
25 assisted housing developments identified pursuant to
26 paragraph (8) of subdivision (a). The program for
27 preservation of the assisted housing developments shall
28 utilize, to the extent necessary, all available federal, state,
29 and local financing and subsidy programs identified in
30 paragraph (8) of subdivision (a), except where a
31 community has other urgent needs for which alternative
32 funding sources are not available. The program may
33 include strategies that involve local regulation and
34 technical assistance.

35 (B) The program shall include an identification of the
36 agencies and officials responsible for the implementation
37 of the various actions and the means by which consistency
38 will be achieved with other general plan elements and
39 community goals. The local government shall make a
40 diligent effort to achieve public participation of all



1 economic segments of the community in the
2 development of the housing element, and the program
3 shall describe this effort.

4 (d) The analysis and program for preserving assisted
5 housing developments required by the amendments to
6 this section enacted by the Statutes of 1989 shall be
7 adopted as an amendment to the housing element by July
8 1, 1992.

9 (e) Failure of the department to review and report its
10 findings pursuant to Section 65585 to the local
11 government between July 1, 1992, and the next periodic
12 review and revision required by Section 65588,
13 concerning the housing element amendment required
14 by the amendments to this section by the Statutes of 1989,
15 shall not be used as a basis for allocation or denial of any
16 housing assistance administered pursuant to Part 2
17 (commencing with Section 50400) of Division 31 of the
18 Health and Safety Code.

19 *SEC. 6. Section 65950 of the Government Code is*
20 *amended to read:*

21 65950. (a) Any public agency that is the lead agency
22 for a development project shall approve or disapprove
23 the project within whichever of the following periods is
24 applicable:

25 (1) (A) One hundred eighty days from the date of
26 certification by the lead agency of the environmental
27 impact report if an environmental impact report is
28 prepared pursuant to Section 21100 or 21151 of the Public
29 Resources Code for the development project.

30 (B) *Ninety days from the date of certification by the*
31 *lead agency of the environmental impact report, if an*
32 *environmental impact report is prepared pursuant to*
33 *Section 21100 or 21151 of the Public Resources Code for*
34 *the development project and all of the following*
35 *conditions are met:*

36 (i) *The development project consists of the*
37 *development of housing for agricultural employees, as*
38 *defined in subdivision (b) of Section 1140.4 of the Labor*
39 *Code, and is affordable to very low or low-income*



1 households, as defined pursuant to Sections 50105 and
2 50079.5 of the Health and Safety Code, respectively.

3 (ii) Prior to the application being deemed complete
4 for the development project pursuant to Article 3
5 (commencing with Section 65940), the lead agency
6 received written notice from the project applicant that
7 an application has been made or will be made for an
8 allocation or commitment of financing, tax credits, bond
9 authority, or other financial assistance from a public
10 agency or federal agency, and the notice specifies the
11 financial assistance that has been applied for or will be
12 applied for and the deadline for application for that
13 assistance, the requirement that one of the approvals of
14 the development project by the lead agency is a
15 prerequisite to the application for or approval of the
16 application for financial assistance, and that the financial
17 assistance is necessary for the project to be affordable as
18 required pursuant to clause (i).

19 (iii) There is confirmation that the application
20 pursuant to clause (i) has been made to the public agency
21 or federal agency prior to certification of the
22 environmental impact report.

23 (2) Sixty days from the date of adoption by the lead
24 agency of the negative declaration if a negative
25 declaration is completed and adopted for the
26 development project.

27 (3) Sixty days from the determination by the lead
28 agency that the project is exempt from the California
29 Environmental Quality Act (Division 13 (commencing
30 with Section 21000) of the Public Resources Code) if the
31 project is exempt from the California Environmental
32 Quality Act.

33 (b) Nothing in this section precludes a project
34 applicant and a public agency from mutually agreeing in
35 writing to an extension of any time limit provided by this
36 section pursuant to Section 65957.

37 (c) For purposes of this section, “lead agency” and
38 “negative declaration” shall have the same meaning as
39 those terms are defined in Sections 21067 and 21064 of the
40 Public Resources Code, respectively.



1 *SEC. 7. Notwithstanding Section 17610 of the*
2 *Government Code, if the Commission on State Mandates*
3 *determines that this act contains costs mandated by the*
4 *state, reimbursement to local agencies and school*
5 *districts for those costs shall be made pursuant to Part 7*
6 *(commencing with Section ccc17500) of Division 4 of*
7 *Title 2 of the Government Code. If the statewide cost of*
8 *the claim for reimbursement does not exceed one million*
9 *dollars (\$1,000,000), reimbursement shall be made from*
10 *the State Mandates Claims Fund.*

11 *SEC. 8. Section 6 of this act shall become operative*
12 *only if SB 948 is not enacted in the first year of the*
13 *1999–2000 Regular Session of the Legislature.*

