

Introduced by Senator Alarcon

February 25, 1999

An act to amend Sections 65009, 65589.5, and 65915 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 948, as introduced, Alarcon. Affordable housing developments.

(1) Under existing law, the Planning Zoning Law requires an action or proceeding against local zoning and planning decisions of a legislative body to be commenced and the legislative body to be served within a year after accrual of the cause of action if it meets certain requirements, including that it is brought in support of the development of housing that meets the requirements for housing persons and families with low or moderate incomes. Where the action or proceeding challenges the adequacy of a housing element, the action or proceeding may be initiated up to 60 days following the date the Department of Housing and Community Development reports its findings concerning the housing element pursuant to specified provisions.

This bill would revise these provisions to include actions or proceedings to encourage or facilitate the development of housing and would include persons and families of very low incomes. The bill would also provide that any action challenging the adequacy of a housing element pursuant to these provisions may be brought as specified above.

(2) Existing law requires local agencies to make specified findings before disapproving or conditionally approving

certain housing development projects. Existing law also requires local agencies to provide developer incentives for the production of lower income housing units within a housing development if the developer meets specified requirements. Developer incentives include, among other things, a density bonus, as defined.

This bill would make specified changes in these findings relating to very low income, low-income, and lower to moderate-income housing and the housing element of a general plan, respectively. The bill would revise the definition of “affordable to low- and moderate-income households” to include very low income households and would add a definition for “disapprove the project” to these provisions. The bill would also require the court in any action brought to enforce these provisions to order a local agency, within 90 days, to approve all applications for development that were denied on the basis of findings that were inadequate or lacked substantial evidence and would establish expedited procedures for this purpose. The bill would also revise the definition of “density bonus” for purposes of these provisions.

Because these changes would impose new duties on local agencies, the bill would impose a state-mandated local program.

(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, 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. It is the intent of the Legislature to
2 reaffirm the right of an owner to withdraw residential
3 property from rent or lease. It is also the intent of the
4 Legislature to reaffirm the right of a local agency to
5 impose balanced, commensurate conditions on the
6 subsequent use of residential property once the property
7 has been withdrawn from rent or lease.

8 SEC. 2. Section 65009 of the Government Code is
9 amended to read:

10 65009. (a) (1) The Legislature finds and declares
11 that there currently is a housing crisis in California and it
12 is essential to reduce delays and restraints upon
13 expeditiously completing housing projects.

14 (2) The Legislature further finds and declares that a
15 legal action challenging a decision of a city, county, or city
16 and county has a chilling effect on the confidence with
17 which property owners and local governments can
18 proceed with projects. Legal actions filed to attack,
19 review, set aside, void, or annul a decision of a city,
20 county, or city and county pursuant to this division can
21 prevent the completion of needed developments even
22 though the projects have received required
23 governmental approvals.

24 (3) The purpose of this section is to provide certainty
25 for property owners and local governments regarding
26 decisions made pursuant to this division.

27 (b) (1) In an action or proceeding to attack, review,
28 set aside, void, or annul a finding, determination, or
29 decision of a public agency made pursuant to this title at
30 a properly noticed public hearing, the issues raised shall
31 be limited to those raised in the public hearing or in
32 written correspondence delivered to the public agency
33 prior to, or at, the public hearing, except where the court
34 finds either of the following:

35 (A) The issue could not have been raised at the public
36 hearing by persons exercising reasonable diligence.

1 (B) The body conducting the public hearing
2 prevented the issue from being raised at the public
3 hearing.

4 (2) If a public agency desires the provisions of this
5 subdivision to apply to a matter, it shall include in any
6 public notice issued pursuant to this title a notice
7 substantially stating all of the following: “If you challenge
8 the (nature of the proposed action) in court, you may be
9 limited to raising only those issues you or someone else
10 raised at the public hearing described in this notice, or in
11 written correspondence delivered to the (public entity
12 conducting the hearing) at, or prior to, the public
13 hearing.”

14 (3) The application of this subdivision to causes of
15 action brought pursuant to subdivision (d) applies only to
16 the final action taken in response to the notice to the city
17 or county clerk. If no final action is taken, then the issue
18 raised in the cause of action brought pursuant to
19 subdivision (d) shall be limited to those matters
20 presented at a properly noticed public hearing or to those
21 matters specified in the notice given to the city or county
22 clerk pursuant to subdivision (d), or both.

23 (c) Except as provided in subdivisions (d) and (i), no
24 action or proceeding shall be maintained in any of the
25 following cases by any person unless the action or
26 proceeding is commenced and service is made on the
27 legislative body within 90 days after the legislative body’s
28 decision:

29 (1) To attack, review, set aside, void, or annul the
30 decision of a legislative body to adopt or amend a general
31 or specific plan. This paragraph does not apply where an
32 action is brought based upon the complete absence of a
33 general plan or a mandatory element thereof, but does
34 apply to an action attacking a general plan or mandatory
35 element thereof on the basis that it is inadequate.

36 (2) To attack, review, set aside, void, or annul the
37 decision of a legislative body to adopt or amend a zoning
38 ordinance.

1 (3) To determine the reasonableness, legality, or
2 validity of any decision to adopt or amend any regulation
3 attached to a specific plan.

4 (4) To attack, review, set aside, void, or annul the
5 decision of a legislative body to adopt, amend, or modify
6 a development agreement. An action or proceeding to
7 attack, review, set aside, void, or annul the decisions of a
8 legislative body to adopt, amend, or modify a
9 development agreement shall only extend to the specific
10 portion of the development agreement that is the subject
11 of the adoption, amendment, or modification. This
12 paragraph applies to development agreements,
13 amendments, and modifications adopted on or after
14 January 1, 1996.

15 (5) To attack, review, set aside, void, or annul any
16 decision on the matters listed in Sections 65901 and 65903,
17 or to determine the reasonableness, legality, or validity of
18 any condition attached to a variance, conditional use
19 permit, or any other permit.

20 (6) Concerning any of the proceedings, acts, or
21 determinations taken, done, or made prior to any of the
22 decisions listed in paragraphs (1), (2), (3), (4), and (5).

23 (d) An action or proceeding shall be commenced and
24 the legislative body served within one year after the
25 accrual of the cause of action as provided in this
26 subdivision, if the action or proceeding meets both of the
27 following requirements:

28 (1) It is brought *generally* in support of or to
29 *encourage or facilitate* the development of housing ~~which~~
30 ~~meet the requirements for that would increase the~~
31 *community's supply of housing for affordable to persons*
32 *and families with low or moderate incomes set forth in*
33 ~~Section 65915, as defined in Section 50079.5 of the Health~~
34 *and Safety Code, or with very low incomes, as defined in*
35 *Section 50105 of the Health and Safety Code.*

36 (2) It is brought with respect to actions taken pursuant
37 to Article 10.6 (commencing with Section 65580) of
38 Chapter 3 of this division, pursuant to Section 65589.5,
39 65863.6, 65915, or 66474.2 or pursuant to Chapter 4.2
40 (commencing with Section 65913).

1 A cause of action brought pursuant to this subdivision
2 shall not be maintained until 60 days have expired
3 following notice to the city or county clerk by the party
4 bringing the cause of action, or his or her representative,
5 specifying the deficiencies of the general plan, specific
6 plan, or zoning ordinance. A cause of action brought
7 pursuant to this subdivision shall accrue 60 days after
8 notice is filed or the legislative body takes a final action
9 in response to the notice, whichever occurs first. A notice
10 or cause of action brought by one party pursuant to this
11 subdivision shall not bar filing of a notice and initiation of
12 a cause of action by any other party.

13 (e) Upon the expiration of the time limits provided for
14 in this section, all persons are barred from any further
15 action or proceeding.

16 (f) Notwithstanding Sections 65700 and 65803, or any
17 other provision of law, this section shall apply to charter
18 cities.

19 (g) Except as provided in subdivision (d), this section
20 shall not affect any law prescribing or authorizing a
21 shorter period of limitation than that specified herein.

22 (h) Except as provided in paragraph (4) of subdivision
23 (c), this section shall be applicable to those decisions of
24 the legislative body of a city, county, or city and county
25 made pursuant to this division on or after January 1, 1984.

26 (i) ~~Where—~~*In addition to accrual of a cause of action*
27 *challenging adequacy of a housing element pursuant to*
28 *subdivision (d), where the action or proceeding*
29 *challenges the adequacy of a housing element pursuant*
30 *to subdivision (c), the action or proceeding may be*
31 *initiated up to 60 days following the date the Department*
32 *of Housing and Community Development reports its*
33 *findings concerning the housing element pursuant to*
34 *subdivision (h) of Section 65585.*

35 SEC. 3. Section 65589.5 of the Government Code is
36 amended to read:

37 65589.5. (a) The Legislature finds all of the following:

38 (1) The lack of affordable housing is a critical problem
39 which threatens the economic, environmental, and social
40 quality of life in California.

1 (2) California housing has become the most expensive
2 in the nation. The excessive cost of the state's housing
3 supply is partially caused by activities and policies of
4 many local governments which limit the approval of
5 affordable housing, increase the cost of land for affordable
6 housing, and require that high fees and exactions be paid
7 by producers of potentially affordable housing.

8 (3) Among the consequences of those actions are
9 discrimination against low-income and minority
10 households, lack of housing to support employment
11 growth, imbalance in jobs and housing, reduced mobility,
12 urban sprawl, excessive commuting, and air quality
13 deterioration.

14 (4) Many local governments do not give adequate
15 attention to the economic, environmental, and social
16 costs of decisions which result in disapproval of affordable
17 housing projects, reduction in density of affordable
18 housing projects, and excessive standards for affordable
19 housing projects.

20 (b) It is the policy of the state that a local government
21 not reject or make infeasible affordable housing
22 developments which contribute to meeting the housing
23 need determined pursuant to this article without a
24 thorough analysis of the economic, social, and
25 environmental effects of the action and without meeting
26 the provisions of subdivision (d).

27 (c) The Legislature also recognizes that premature
28 and unnecessary development of agricultural lands to
29 urban uses continues to have adverse effects on the
30 availability of those lands for food and fiber production
31 and on the economy of the state. Furthermore, it is the
32 policy of the state that development should be guided
33 away from prime agricultural lands; therefore, in
34 implementing this section, local jurisdictions should
35 encourage, to the maximum extent practicable, in filling
36 existing urban areas.

37 (d) A local agency shall not disapprove a housing
38 development project affordable to *very low*, low- ~~and~~ or
39 moderate-income households or condition approval in a
40 manner which renders the project infeasible for

1 development for the use of ~~low—and~~ very low or
2 moderate-income households unless it ~~finds~~ makes
3 written findings, based upon substantial evidence in the
4 record, as to one of the following:

5 (1) The jurisdiction has adopted a housing element
6 pursuant to this article *that has been revised in*
7 *accordance with Section 65588 and that is in substantial*
8 *compliance with this article*, and the development
9 project is not needed for the jurisdiction to meet its share
10 of the regional housing need ~~of low-income or very low~~
11 ~~income~~ *for lower or moderate-income housing.*

12 (2) The development project as proposed would have
13 a specific, adverse impact upon the public health or
14 safety, and there is no feasible method to satisfactorily
15 mitigate or avoid the specific adverse impact without
16 rendering the development unaffordable to low- and
17 moderate-income households. As used in this paragraph,
18 a “specific, adverse impact” means a significant,
19 *measurable and* unavoidable impact, ~~as provided in~~ *based*
20 *on objective* written standards, ~~policies, or conditions.~~

21 (3) The denial of the project or imposition of
22 conditions is required in order to comply with specific
23 state or federal law, and there is no feasible method to
24 comply without rendering the development
25 unaffordable to low- and moderate-income households.

26 (4) Approval of the development project would
27 increase the concentration of ~~lower-income~~ very low
28 income households in a neighborhood that already has a
29 disproportionately high number of ~~lower-income~~
30 ~~households and there is no feasible method of approving~~
31 ~~the housing development projects reserved for very low~~
32 ~~income households as compared to other predominantly~~
33 ~~very low income neighborhoods in the jurisdiction, and~~
34 ~~the development would be approved and feasible to~~
35 ~~develop by the applicant at a different site, including~~
36 those sites identified pursuant to paragraph (1) of
37 subdivision (c) of Section 65583, without rendering the
38 development unaffordable to low- and moderate-income
39 households.

(5) The development project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or waste water facilities to serve the project.

(6) The development project is inconsistent with the jurisdiction's *zoning ordinance and* general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a housing element pursuant to this article.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with written development standards, conditions, and policies appropriate to, and consistent with, meeting the quantified objectives relative to the development of housing, as required in the housing element pursuant to subdivision (b) of Section 65583. Nor shall anything in this section be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law which are essential to provide necessary public services and facilities to the development project.

(g) This section shall be applicable to charter cities, because the Legislature finds that the lack of affordable housing is a critical statewide problem.

1 (h) The following definitions apply for the purposes of
2 this section:

3 (1) “Feasible” means capable of being accomplished
4 in a successful manner within a reasonable period of time,
5 taking into account economic, environmental, social, and
6 technological factors.

7 (2) “Affordable to ~~low—and-moderate-income~~ very
8 *low and low-income* households” means at least 20
9 percent of the total units shall be sold or rented to lower
10 income households, as defined in Section 50079.5 of the
11 Health and Safety Code, ~~and the remaining units shall be~~
12 ~~sold or rented to either lower income households or~~
13 ~~persons and families of moderate income, as defined in~~
14 ~~Section 50093 of the Health and Safety Code.~~ “Affordable
15 *to moderate-income households*” means that 100 percent
16 of the units shall be sold or rented to moderate-income
17 households as defined in Section 50093 of the Health and
18 Safety Code. Housing units targeted for lower income
19 households shall be made available at a monthly housing
20 cost that does not exceed 30 percent of 60 percent of area
21 median income with adjustments for household size
22 made in accordance with the adjustment factors on which
23 the lower income eligibility limits are based. Housing
24 units targeted for persons and families of moderate
25 income shall be made available at a monthly housing cost
26 that does not exceed 30 percent of 100 percent of area
27 median income with adjustments for household size
28 made in accordance with the adjustment factors on which
29 the moderate income eligibility limits are based.

30 (3) “Area median income” shall mean area median
31 income as periodically established by the Department of
32 Housing and Community Development pursuant to
33 Section 50093 of the Health and Safety Code. The
34 developer shall provide sufficient legal commitments to
35 ensure continued availability of units for the lower
36 income households in accordance with the provisions of
37 this subdivision for 30 years.

38 (4) “Neighborhood” means a planning area
39 commonly identified as such in a community’s planning
40 documents, and identified as a neighborhood by the

1 individuals residing and working within the
2 neighborhood. Documentation demonstrating that the
3 area meets the definition of neighborhood may include a
4 map prepared for planning purposes which lists the name
5 and boundaries of the neighborhood.

6 (5) *“Disapprove the project” includes any instance in*
7 *which a local agency votes on a proposed housing*
8 *development application and the application is not*
9 *approved, and includes tie votes and instances in which*
10 *a local agency continues action on a proposed housing*
11 *development application for three successive meetings*
12 *other than at the applicant’s request.*

13 (i) If any city, county, or city and county denies
14 approval or imposes restrictions, including a reduction of
15 allowable densities or the percentage of a lot which may
16 be occupied by a building or structure under the
17 applicable planning and zoning in force at the time the
18 application is deemed complete pursuant to Section
19 65943, which have a substantial adverse effect on the
20 viability or affordability of a housing development
21 affordable to ~~low—~~and lower or moderate-income
22 households, and the denial of the development or the
23 imposition of restrictions on the development is the
24 subject of a court action which challenges the denial, then
25 the burden of proof shall be on the local legislative body
26 to show that its decision is consistent with the findings as
27 described in subdivision (d) *and that the findings are*
28 *supported by substantial evidence in the record.*

29 (j) When a proposed housing development project
30 complies with the applicable general plan, ~~zoning, and~~
31 ~~development—policies~~ *land use designation, zoning*
32 *notwithstanding*, in effect at the time that the housing
33 development project’s application is determined to be
34 complete, but the local agency proposes to disapprove
35 the project or to approve it upon the condition that the
36 project be developed at a lower density, the local agency
37 shall base its decision regarding the proposed housing
38 development project upon written findings supported by
39 substantial evidence on the record that both of the
40 following conditions exist:

1 (1) The housing development project would have a
2 specific, adverse impact upon the public health or safety
3 unless the project is disapproved or approved upon the
4 condition that the project be developed at a lower
5 density. As used in this paragraph, a “specific, adverse
6 impact” means a significant, *measurable and* unavoidable
7 impact, ~~as provided in~~ *based on objective* written
8 standards, ~~policies, or conditions.~~

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

15 (k) *If in any action brought to enforce the provisions*
16 *of this section, a court finds that the local agency denied*
17 *a project or conditioned its approval in a manner*
18 *rendering it infeasible for the development of lower*
19 *income or moderate-income households without making*
20 *the appropriate findings, or that the findings were*
21 *inadequate or lacking substantial evidence, the court*
22 *shall order the local agency to approve, within 90 days, all*
23 *applications that have been submitted for the proposed*
24 *development, as described at the time the application*
25 *was deemed complete.*

26 (l) *In any action, the record of the proceedings before*
27 *the local agency shall be filed as expeditiously as possible*
28 *and, notwithstanding Section 1094.6 of the Code of Civil*
29 *Procedure, all or part of the record may be filed (1) by*
30 *the petitioner with the petition or petitioner’s points and*
31 *authorities, (2) by the respondent with respondent’s*
32 *points and authorities, (3) after payment of costs by the*
33 *petitioner, or (4) as otherwise directed by the court. If the*
34 *expense of preparing the record has been borne by the*
35 *petitioner and the petitioner is the prevailing party, the*
36 *expense shall be taxable as costs.*

37 SEC. 4. Section 65915 of the Government Code is
38 amended to read:

39 65915. (a) When a developer of housing proposes a
40 housing development within the jurisdiction of the local

1 government, the city, county, or city and county shall
2 provide the developer incentives for the production of
3 lower income housing units within the development if
4 the developer meets the requirements set forth in
5 subdivisions (b) and (c). The city, county, or city and
6 county shall adopt an ordinance which shall specify the
7 method of providing developer incentives.

8 (b) When a developer of housing agrees or proposes to
9 construct at least (1) 20 percent of the total units of a
10 housing development for lower income households, as
11 defined in Section 50079.5 of the Health and Safety Code,
12 or (2) 10 percent of the total units of a housing
13 development for very low income households, as defined
14 in Section 50105 of the Health and Safety Code, or (3) 50
15 percent of the total dwelling units of a housing
16 development for qualifying residents, as defined in
17 Section 51.3 of the Civil Code, a city, county, or city and
18 county shall either (1) grant a density bonus and at least
19 one of the concessions or incentives identified in
20 subdivision (h) unless the city, county, or city and county
21 makes a written finding that the additional concession or
22 incentive is not required in order to provide for
23 affordable housing costs as defined in Section 50052.5 of
24 the Health and Safety Code or for rents for the targeted
25 units to be set as specified in subdivision (c), or (2)
26 provide other incentives of equivalent financial value
27 based upon the land cost per dwelling unit.

28 (c) A developer shall agree to and the city, county, or
29 city and county shall ensure continued affordability of all
30 lower income density bonus units for 30 years or a longer
31 period of time if required by the construction or
32 mortgage financing assistance program, mortgage
33 insurance program, or rental subsidy program. Those
34 units targeted for lower income households, as defined in
35 Section 50079.5 of the Health and Safety Code, shall be
36 affordable at a rent that does not exceed 30 percent of 60
37 percent of area median income. Those units targeted for
38 very low income households, as defined in Section 50105
39 of the Health and Safety Code, shall be affordable at a rent
40 that does not exceed 30 percent of 50 percent of area

1 median income. If a city, county, or city and county does
2 not grant at least one additional concession or incentive
3 pursuant to paragraph (1) of subdivision (b), the
4 developer shall agree to and the city, county, or city and
5 county shall ensure continued affordability for 10 years of
6 all lower income housing units receiving a density bonus.

7 (d) A developer may submit to a city, county, or city
8 and county a preliminary proposal for the development
9 of housing pursuant to this section prior to the submittal
10 of any formal requests for general plan amendments,
11 zoning amendments, or subdivision map approvals. The
12 city, county, or city and county shall, within 90 days of
13 receipt of a written proposal, notify the housing
14 developer in writing of the procedures under which it
15 will comply with this section. The city, county, or city and
16 county shall establish procedures for carrying out this
17 section, which shall include legislative body approval of
18 the means of compliance with this section. The city,
19 county, or city and county shall also establish procedures
20 for waiving or modifying development and zoning
21 standards which would otherwise inhibit the utilization of
22 the density bonus on specific sites. These procedures shall
23 include, but not be limited to, such items as minimum lot
24 size, side yard setbacks, and placement of public works
25 improvements.

26 (e) The housing developer shall show that the waiver
27 or modification is necessary to make the housing units
28 economically feasible.

29 (f) For the purposes of this chapter, “density bonus”
30 means a density increase of at least 25 percent, *unless a*
31 *lesser percentage is elected by the developer*, over the
32 otherwise maximum allowable residential density under
33 the applicable zoning ordinance and land use element of
34 the general plan as of the date of application by the
35 developer to the city, county, or city and county. *Local*
36 *jurisdictions are authorized and required to grant a*
37 *density bonus pursuant to this section without approval*
38 *of a zoning change, variance, general plan amendment,*
39 *use permit, or any local requirement.* The density bonus
40 shall not be included when determining the number of

1 housing units which is equal to 10 or 20 percent of the
2 total. The density bonus shall apply to housing
3 developments consisting of five or more dwelling units.

4 (g) "Housing development," as used in this section,
5 means one or more groups of projects for residential units
6 constructed in the planned development of a city, county,
7 or city and county. For purposes of calculating a density
8 bonus, the residential units do not have to be based upon
9 individual subdivision maps or parcels. The density bonus
10 shall be permitted in geographic areas of the housing
11 development other than the areas where the units for the
12 lower income households are located.

13 (h) For purposes of this chapter, concession or
14 incentive means any of the following:

15 (1) A reduction in site development standards or a
16 modification of zoning code requirements or
17 architectural design requirements which exceed the
18 minimum building standards approved by the California
19 Building Standards Commission as provided in Part 2.5
20 (commencing with Section 18901) of Division 13 of the
21 Health and Safety Code, including, but not limited to, a
22 reduction in setback and square footage requirements
23 and in the ratio of vehicular parking spaces that would
24 otherwise be required.

25 (2) Approval of mixed use zoning in conjunction with
26 the housing project if commercial, office, industrial, or
27 other land uses will reduce the cost of the housing
28 development and if the commercial, office, industrial, or
29 other land uses are compatible with the housing project
30 and the existing or planned development in the area
31 where the proposed housing project will be located.

32 (3) Other regulatory incentives or concessions
33 proposed by the developer or the city, county, or city and
34 county which result in identifiable cost reductions.

35 This subdivision does not limit or require the provision
36 of direct financial incentives for the housing
37 development, including the provision of publicly owned
38 land, by the city, county, or city and county, or the waiver
39 of fees or dedication requirements.

1 (i) If a developer agrees to construct both 20 percent
2 of the total units for lower income households and 10
3 percent of the total units for very low income households,
4 the developer is entitled to only one density bonus and at
5 least one additional concession or incentive identified in
6 Section 65913.4 under this section although the city, city
7 and county, or county may, at its discretion, grant more
8 than one density bonus.

9 SEC. 5. Notwithstanding Section 17610 of the
10 Government Code, if the Commission on State Mandates
11 determines that this act contains costs mandated by the
12 state, reimbursement to local agencies and school
13 districts for those costs shall be made pursuant to Part 7
14 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the
16 claim for reimbursement does not exceed one million
17 dollars (\$1,000,000), reimbursement shall be made from
18 the State Mandates Claims Fund.

