

AMENDED IN SENATE MAY 3, 2021
AMENDED IN SENATE MARCH 18, 2021
AMENDED IN SENATE MARCH 10, 2021

SENATE BILL

No. 8

**Introduced by Senator Skinner
(Principal coauthor: Senator Caballero)**

December 7, 2020

An act to amend Sections 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300, and 66301 of the Government Code, and to amend Section 2 of Chapter 654 of the Statutes of 2019, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as amended, Skinner. Housing Crisis Act of 2019.

Existing law, the Housing Crisis Act of 2019, requires a housing development project be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted, except as specified. The act defines "housing development project" to mean a use consisting of residential units only, mixed-use developments consisting of residential and nonresidential uses with at least $\frac{2}{3}$ of the square footage designated for residential use, and transitional or supportive housing.

This bill would clarify, for various purposes of the act, that "housing development project" includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law.

Existing law specifies that the act does not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted in certain circumstances, including that the housing development project has not commenced construction within 2.5 years following the date that the project received final approval.

This bill would define “commenced construction” for these purposes, to mean that construction pursuant to a building permit has progressed to the point that at least one required inspection has been requested, as specified.

Existing law prohibits an affected county or an affected city from approving a housing development project that requires the demolition of occupied or vacant protected units, as defined, unless ~~certain conditions are met, including that~~ the developer agrees to provide the occupants of any protected units with *relocation benefits* and a right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent or an affordable housing cost.

This bill would limit the requirement to provide relocation benefits and a right of first refusal to only the occupants of protected units that are persons or families of low or moderate income, as defined. The bill would also specify that the requirement to provide relocation benefits and a right of first refusal does not apply to an occupant of a short-term rental that is rented for a period of fewer than 30 days.

This bill would exempt certain protected units from the above requirement to provide a right of first refusal, including transitional housing or supportive housing units and affordable housing units that cannot be replaced because comparable replacement units in the same income category would fail to satisfy affordable income requirements imposed on the development, as specified.

Existing law specifies that the act does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

This bill would define “concurrently” to mean at the same meeting or, if the action that would result in a net loss of residential capacity is requested by an applicant for a housing development project, within 180 days.

Existing law makes the act inoperative on January 1, 2025.

This bill would extend the operation of the act until January 1, 2030. By extending the duties of local officials and a crime with respect to housing, this bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 65589.5 of the Government Code is
2 amended to read:

3 65589.5. (a) (1) The Legislature finds and declares all of the
4 following:

5 (A) The lack of housing, including emergency shelters, is a
6 critical problem that threatens the economic, environmental, and
7 social quality of life in California.

8 (B) California housing has become the most expensive in the
9 nation. The excessive cost of the state's housing supply is partially
10 caused by activities and policies of many local governments that
11 limit the approval of housing, increase the cost of land for housing,
12 and require that high fees and exactions be paid by producers of
13 housing.

14 (C) Among the consequences of those actions are discrimination
15 against low-income and minority households, lack of housing to
16 support employment growth, imbalance in jobs and housing,
17 reduced mobility, urban sprawl, excessive commuting, and air
18 quality deterioration.

19 (D) Many local governments do not give adequate attention to
20 the economic, environmental, and social costs of decisions that
21 result in disapproval of housing development projects, reduction

1 in density of housing projects, and excessive standards for housing
2 development projects.

3 (2) In enacting the amendments made to this section by the act
4 adding this paragraph, the Legislature further finds and declares
5 the following:

6 (A) California has a housing supply and affordability crisis of
7 historic proportions. The consequences of failing to effectively
8 and aggressively confront this crisis are hurting millions of
9 Californians, robbing future generations of the chance to call
10 California home, stifling economic opportunities for workers and
11 businesses, worsening poverty and homelessness, and undermining
12 the state's environmental and climate objectives.

13 (B) While the causes of this crisis are multiple and complex,
14 the absence of meaningful and effective policy reforms to
15 significantly enhance the approval and supply of housing affordable
16 to Californians of all income levels is a key factor.

17 (C) The crisis has grown so acute in California that supply,
18 demand, and affordability fundamentals are characterized in the
19 negative: underserved demands, constrained supply, and protracted
20 unaffordability.

21 (D) According to reports and data, California has accumulated
22 an unmet housing backlog of nearly 2,000,000 units and must
23 provide for at least 180,000 new units annually to keep pace with
24 growth through 2025.

25 (E) California's overall homeownership rate is at its lowest level
26 since the 1940s. The state ranks 49th out of the 50 states in
27 homeownership rates as well as in the supply of housing per capita.
28 Only one-half of California's households are able to afford the
29 cost of housing in their local regions.

30 (F) Lack of supply and rising costs are compounding inequality
31 and limiting advancement opportunities for many Californians.

32 (G) The majority of California renters, more than 3,000,000
33 households, pay more than 30 percent of their income toward rent
34 and nearly one-third, more than 1,500,000 households, pay more
35 than 50 percent of their income toward rent.

36 (H) When Californians have access to safe and affordable
37 housing, they have more money for food and health care; they are
38 less likely to become homeless and in need of
39 government-subsidized services; their children do better in school;

1 and businesses have an easier time recruiting and retaining
2 employees.

3 (I) An additional consequence of the state’s cumulative housing
4 shortage is a significant increase in greenhouse gas emissions
5 caused by the displacement and redirection of populations to states
6 with greater housing opportunities, particularly working- and
7 middle-class households. California’s cumulative housing shortfall
8 therefore has not only national but international environmental
9 consequences.

10 (J) California’s housing picture has reached a crisis of historic
11 proportions despite the fact that, for decades, the Legislature has
12 enacted numerous statutes intended to significantly increase the
13 approval, development, and affordability of housing for all income
14 levels, including this section.

15 (K) The Legislature’s intent in enacting this section in 1982 and
16 in expanding its provisions since then was to significantly increase
17 the approval and construction of new housing for all economic
18 segments of California’s communities by meaningfully and
19 effectively curbing the capability of local governments to deny,
20 reduce the density for, or render infeasible housing development
21 projects and emergency shelters. That intent has not been fulfilled.

22 (L) It is the policy of the state that this section be interpreted
23 and implemented in a manner to afford the fullest possible weight
24 to the interest of, and the approval and provision of, housing.

25 (3) It is the intent of the Legislature that the conditions that
26 would have a specific, adverse impact upon the public health and
27 safety, as described in paragraph (2) of subdivision (d) and
28 paragraph (1) of subdivision (j), arise infrequently.

29 (b) It is the policy of the state that a local government not reject
30 or make infeasible housing development projects, including
31 emergency shelters, that contribute to meeting the need determined
32 pursuant to this article without a thorough analysis of the economic,
33 social, and environmental effects of the action and without
34 complying with subdivision (d).

35 (c) The Legislature also recognizes that premature and
36 unnecessary development of agricultural lands for urban uses
37 continues to have adverse effects on the availability of those lands
38 for food and fiber production and on the economy of the state.
39 Furthermore, it is the policy of the state that development should
40 be guided away from prime agricultural lands; therefore, in

1 implementing this section, local jurisdictions should encourage,
2 to the maximum extent practicable, in filling existing urban areas.

3 (d) A local agency shall not disapprove a housing development
4 project, including farmworker housing as defined in subdivision
5 (h) of Section 50199.7 of the Health and Safety Code, for very
6 low, low-, or moderate-income households, or an emergency
7 shelter, or condition approval in a manner that renders the housing
8 development project infeasible for development for the use of very
9 low, low-, or moderate-income households, or an emergency
10 shelter, including through the use of design review standards,
11 unless it makes written findings, based upon a preponderance of
12 the evidence in the record, as to one of the following:

13 (1) The jurisdiction has adopted a housing element pursuant to
14 this article that has been revised in accordance with Section 65588,
15 is in substantial compliance with this article, and the jurisdiction
16 has met or exceeded its share of the regional housing need
17 allocation pursuant to Section 65584 for the planning period for
18 the income category proposed for the housing development project,
19 provided that any disapproval or conditional approval shall not be
20 based on any of the reasons prohibited by Section 65008. If the
21 housing development project includes a mix of income categories,
22 and the jurisdiction has not met or exceeded its share of the regional
23 housing need for one or more of those categories, then this
24 paragraph shall not be used to disapprove or conditionally approve
25 the housing development project. The share of the regional housing
26 need met by the jurisdiction shall be calculated consistently with
27 the forms and definitions that may be adopted by the Department
28 of Housing and Community Development pursuant to Section
29 65400. In the case of an emergency shelter, the jurisdiction shall
30 have met or exceeded the need for emergency shelter, as identified
31 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
32 disapproval or conditional approval pursuant to this paragraph
33 shall be in accordance with applicable law, rule, or standards.

34 (2) The housing development project or emergency shelter as
35 proposed would have a specific, adverse impact upon the public
36 health or safety, and there is no feasible method to satisfactorily
37 mitigate or avoid the specific adverse impact without rendering
38 the development unaffordable to low- and moderate-income
39 households or rendering the development of the emergency shelter
40 financially infeasible. As used in this paragraph, a “specific,

1 adverse impact” means a significant, quantifiable, direct, and
2 unavoidable impact, based on objective, identified written public
3 health or safety standards, policies, or conditions as they existed
4 on the date the application was deemed complete. The following
5 shall not constitute a specific, adverse impact upon the public
6 health or safety:

7 (A) Inconsistency with the zoning ordinance or general plan
8 land use designation.

9 (B) The eligibility to claim a welfare exemption under
10 subdivision (g) of Section 214 of the Revenue and Taxation Code.

11 (3) The denial of the housing development project or imposition
12 of conditions is required in order to comply with specific state or
13 federal law, and there is no feasible method to comply without
14 rendering the development unaffordable to low- and
15 moderate-income households or rendering the development of the
16 emergency shelter financially infeasible.

17 (4) The housing development project or emergency shelter is
18 proposed on land zoned for agriculture or resource preservation
19 that is surrounded on at least two sides by land being used for
20 agricultural or resource preservation purposes, or which does not
21 have adequate water or wastewater facilities to serve the project.

22 (5) The housing development project or emergency shelter is
23 inconsistent with both the jurisdiction’s zoning ordinance and
24 general plan land use designation as specified in any element of
25 the general plan as it existed on the date the application was
26 deemed complete, and the jurisdiction has adopted a revised
27 housing element in accordance with Section 65588 that is in
28 substantial compliance with this article. For purposes of this
29 section, a change to the zoning ordinance or general plan land use
30 designation subsequent to the date the application was deemed
31 complete shall not constitute a valid basis to disapprove or
32 condition approval of the housing development project or
33 emergency shelter.

34 (A) This paragraph cannot be utilized to disapprove or
35 conditionally approve a housing development project if the housing
36 development project is proposed on a site that is identified as
37 suitable or available for very low, low-, or moderate-income
38 households in the jurisdiction’s housing element, and consistent
39 with the density specified in the housing element, even though it

1 is inconsistent with both the jurisdiction's zoning ordinance and
2 general plan land use designation.

3 (B) If the local agency has failed to identify in the inventory of
4 land in its housing element sites that can be developed for housing
5 within the planning period and are sufficient to provide for the
6 jurisdiction's share of the regional housing need for all income
7 levels pursuant to Section 65584, then this paragraph shall not be
8 utilized to disapprove or conditionally approve a housing
9 development project proposed for a site designated in any element
10 of the general plan for residential uses or designated in any element
11 of the general plan for commercial uses if residential uses are
12 permitted or conditionally permitted within commercial
13 designations. In any action in court, the burden of proof shall be
14 on the local agency to show that its housing element does identify
15 adequate sites with appropriate zoning and development standards
16 and with services and facilities to accommodate the local agency's
17 share of the regional housing need for the very low, low-, and
18 moderate-income categories.

19 (C) If the local agency has failed to identify a zone or zones
20 where emergency shelters are allowed as a permitted use without
21 a conditional use or other discretionary permit, has failed to
22 demonstrate that the identified zone or zones include sufficient
23 capacity to accommodate the need for emergency shelter identified
24 in paragraph (7) of subdivision (a) of Section 65583, or has failed
25 to demonstrate that the identified zone or zones can accommodate
26 at least one emergency shelter, as required by paragraph (4) of
27 subdivision (a) of Section 65583, then this paragraph shall not be
28 utilized to disapprove or conditionally approve an emergency
29 shelter proposed for a site designated in any element of the general
30 plan for industrial, commercial, or multifamily residential uses. In
31 any action in court, the burden of proof shall be on the local agency
32 to show that its housing element does satisfy the requirements of
33 paragraph (4) of subdivision (a) of Section 65583.

34 (e) Nothing in this section shall be construed to relieve the local
35 agency from complying with the congestion management program
36 required by Chapter 2.6 (commencing with Section 65088) of
37 Division 1 of Title 7 or the California Coastal Act of 1976
38 (Division 20 (commencing with Section 30000) of the Public
39 Resources Code). Neither shall anything in this section be
40 construed to relieve the local agency from making one or more of

1 the findings required pursuant to Section 21081 of the Public
2 Resources Code or otherwise complying with the California
3 Environmental Quality Act (Division 13 (commencing with Section
4 21000) of the Public Resources Code).

5 (f) (1) Except as provided in subdivision (o), nothing in this
6 section shall be construed to prohibit a local agency from requiring
7 the housing development project to comply with objective,
8 quantifiable, written development standards, conditions, and
9 policies appropriate to, and consistent with, meeting the
10 jurisdiction's share of the regional housing need pursuant to Section
11 65584. However, the development standards, conditions, and
12 policies shall be applied to facilitate and accommodate
13 development at the density permitted on the site and proposed by
14 the development.

15 (2) Except as provided in subdivision (o), nothing in this section
16 shall be construed to prohibit a local agency from requiring an
17 emergency shelter project to comply with objective, quantifiable,
18 written development standards, conditions, and policies that are
19 consistent with paragraph (4) of subdivision (a) of Section 65583
20 and appropriate to, and consistent with, meeting the jurisdiction's
21 need for emergency shelter, as identified pursuant to paragraph
22 (7) of subdivision (a) of Section 65583. However, the development
23 standards, conditions, and policies shall be applied by the local
24 agency to facilitate and accommodate the development of the
25 emergency shelter project.

26 (3) Except as provided in subdivision (o), nothing in this section
27 shall be construed to prohibit a local agency from imposing fees
28 and other exactions otherwise authorized by law that are essential
29 to provide necessary public services and facilities to the housing
30 development project or emergency shelter.

31 (4) For purposes of this section, a housing development project
32 or emergency shelter shall be deemed consistent, compliant, and
33 in conformity with an applicable plan, program, policy, ordinance,
34 standard, requirement, or other similar provision if there is
35 substantial evidence that would allow a reasonable person to
36 conclude that the housing development project or emergency
37 shelter is consistent, compliant, or in conformity.

38 (g) This section shall be applicable to charter cities because the
39 Legislature finds that the lack of housing, including emergency
40 shelter, is a critical statewide problem.

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

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

6 (2) “Housing development project” means a use consisting of
7 any of the following:

8 (A) Residential units only.

9 (B) Mixed-use developments consisting of residential and
10 nonresidential uses with at least two-thirds of the square footage
11 designated for residential use.

12 (C) Transitional housing or supportive housing.

13 (3) “Housing for very low, low-, or moderate-income
14 households” means that either (A) at least 20 percent of the total
15 units shall be sold or rented to lower income households, as defined
16 in Section 50079.5 of the Health and Safety Code, or (B) 100
17 percent of the units shall be sold or rented to persons and families
18 of moderate income as defined in Section 50093 of the Health and
19 Safety Code, or persons and families of middle income, as defined
20 in Section 65008 of this code. Housing units targeted for lower
21 income households shall be made available at a monthly housing
22 cost that does not exceed 30 percent of 60 percent of area median
23 income with adjustments for household size made in accordance
24 with the adjustment factors on which the lower income eligibility
25 limits are based. Housing units targeted for persons and families
26 of moderate income shall be made available at a monthly housing
27 cost that does not exceed 30 percent of 100 percent of area median
28 income with adjustments for household size made in accordance
29 with the adjustment factors on which the moderate-income
30 eligibility limits are based.

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

38 (5) Notwithstanding any other law, until January 1, 2030,
39 “deemed complete” means that the applicant has submitted a
40 preliminary application pursuant to Section 65941.1 or, if the

1 applicant has not submitted a preliminary application, has
2 submitted a complete application pursuant to Section 65943.

3 (6) “Disapprove the housing development project” includes any
4 instance in which a local agency does either of the following:

5 (A) Votes on a proposed housing development project
6 application and the application is disapproved, including any
7 required land use approvals or entitlements necessary for the
8 issuance of a building permit.

9 (B) Fails to comply with the time periods specified in
10 subdivision (a) of Section 65950. An extension of time pursuant
11 to Article 5 (commencing with Section 65950) shall be deemed to
12 be an extension of time pursuant to this paragraph.

13 (7) “Lower density” includes any conditions that have the same
14 effect or impact on the ability of the project to provide housing.

15 (8) Until January 1, 2030, “objective” means involving no
16 personal or subjective judgment by a public official and being
17 uniformly verifiable by reference to an external and uniform
18 benchmark or criterion available and knowable by both the
19 development applicant or proponent and the public official.

20 (9) Notwithstanding any other law, until January 1, 2030,
21 “determined to be complete” means that the applicant has submitted
22 a complete application pursuant to Section 65943.

23 (i) If any city, county, or city and county denies approval or
24 imposes conditions, including design changes, lower density, or
25 a reduction of the percentage of a lot that may be occupied by a
26 building or structure under the applicable planning and zoning in
27 force at the time *the* housing development project’s ~~the~~ application
28 is complete, that have a substantial adverse effect on the viability
29 or affordability of a housing development for very low, low-, or
30 moderate-income households, and the denial of the development
31 or the imposition of conditions on the development is the subject
32 of a court action which challenges the denial or the imposition of
33 conditions, then the burden of proof shall be on the local legislative
34 body to show that its decision is consistent with the findings as
35 described in subdivision (d), and that the findings are supported
36 by a preponderance of the evidence in the record, and with the
37 requirements of subdivision (o).

38 (j) (1) When a proposed housing development project complies
39 with applicable, objective general plan, zoning, and subdivision
40 standards and criteria, including design review standards, in effect

1 at the time that the application was deemed complete, but the local
2 agency proposes to disapprove the project or to impose a condition
3 that the project be developed at a lower density, the local agency
4 shall base its decision regarding the proposed housing development
5 project upon written findings supported by a preponderance of the
6 evidence on the record that both of the following conditions exist:

7 (A) The housing development project would have a specific,
8 adverse impact upon the public health or safety unless the project
9 is disapproved or approved upon the condition that the project be
10 developed at a lower density. As used in this paragraph, a “specific,
11 adverse impact” means a significant, quantifiable, direct, and
12 unavoidable impact, based on objective, identified written public
13 health or safety standards, policies, or conditions as they existed
14 on the date the application was deemed complete.

15 (B) There is no feasible method to satisfactorily mitigate or
16 avoid the adverse impact identified pursuant to paragraph (1), other
17 than the disapproval of the housing development project or the
18 approval of the project upon the condition that it be developed at
19 a lower density.

20 (2) (A) If the local agency considers a proposed housing
21 development project to be inconsistent, not in compliance, or not
22 in conformity with an applicable plan, program, policy, ordinance,
23 standard, requirement, or other similar provision as specified in
24 this subdivision, it shall provide the applicant with written
25 documentation identifying the provision or provisions, and an
26 explanation of the reason or reasons it considers the housing
27 development to be inconsistent, not in compliance, or not in
28 conformity as follows:

29 (i) Within 30 days of the date that the application for the housing
30 development project is determined to be complete, if the housing
31 development project contains 150 or fewer housing units.

32 (ii) Within 60 days of the date that the application for the
33 housing development project is determined to be complete, if the
34 housing development project contains more than 150 units.

35 (B) If the local agency fails to provide the required
36 documentation pursuant to subparagraph (A), the housing
37 development project shall be deemed consistent, compliant, and
38 in conformity with the applicable plan, program, policy, ordinance,
39 standard, requirement, or other similar provision.

1 (3) For purposes of this section, the receipt of a density bonus
2 pursuant to Section 65915 shall not constitute a valid basis on
3 which to find a proposed housing development project is
4 inconsistent, not in compliance, or not in conformity, with an
5 applicable plan, program, policy, ordinance, standard, requirement,
6 or other similar provision specified in this subdivision.

7 (4) For purposes of this section, a proposed housing development
8 project is not inconsistent with the applicable zoning standards
9 and criteria, and shall not require a rezoning, if the housing
10 development project is consistent with the objective general plan
11 standards and criteria but the zoning for the project site is
12 inconsistent with the general plan. If the local agency has complied
13 with paragraph (2), the local agency may require the proposed
14 housing development project to comply with the objective
15 standards and criteria of the zoning which is consistent with the
16 general plan, however, the standards and criteria shall be applied
17 to facilitate and accommodate development at the density allowed
18 on the site by the general plan and proposed by the proposed
19 housing development project.

20 (k) (1) (A) (i) The applicant, a person who would be eligible
21 to apply for residency in the housing development project or
22 emergency shelter, or a housing organization may bring an action
23 to enforce this section. If, in any action brought to enforce this
24 section, a court finds that any of the following are met, the court
25 shall issue an order pursuant to clause (ii):

26 (I) The local agency, in violation of subdivision (d), disapproved
27 a housing development project or conditioned its approval in a
28 manner rendering it infeasible for the development of an emergency
29 shelter, or housing for very low, low-, or moderate-income
30 households, including farmworker housing, without making the
31 findings required by this section or without making findings
32 supported by a preponderance of the evidence.

33 (II) The local agency, in violation of subdivision (j), disapproved
34 a housing development project complying with applicable,
35 objective general plan and zoning standards and criteria, or imposed
36 a condition that the project be developed at a lower density, without
37 making the findings required by this section or without making
38 findings supported by a preponderance of the evidence.

39 (III) (ia) Subject to sub-subclause (ib), the local agency, in
40 violation of subdivision (o), required or attempted to require a

1 housing development project to comply with an ordinance, policy,
2 or standard not adopted and in effect when a preliminary
3 application was submitted.

4 (ib) This subclause shall become inoperative on January 1, 2030.

5 (ii) If the court finds that one of the conditions in clause (i) is
6 met, the court shall issue an order or judgment compelling
7 compliance with this section within 60 days, including, but not
8 limited to, an order that the local agency take action on the housing
9 development project or emergency shelter. The court may issue
10 an order or judgment directing the local agency to approve the
11 housing development project or emergency shelter if the court
12 finds that the local agency acted in bad faith when it disapproved
13 or conditionally approved the housing development or emergency
14 shelter in violation of this section. The court shall retain jurisdiction
15 to ensure that its order or judgment is carried out and shall award
16 reasonable attorney’s fees and costs of suit to the plaintiff or
17 petitioner, except under extraordinary circumstances in which the
18 court finds that awarding fees would not further the purposes of
19 this section.

20 (B) Upon a determination that the local agency has failed to
21 comply with the order or judgment compelling compliance with
22 this section within 60 days issued pursuant to subparagraph (A),
23 the court shall impose fines on a local agency that has violated this
24 section and require the local agency to deposit any fine levied
25 pursuant to this subdivision into a local housing trust fund. The
26 local agency may elect to instead deposit the fine into the Building
27 Homes and Jobs Trust Fund. The fine shall be in a minimum
28 amount of ten thousand dollars (\$10,000) per housing unit in the
29 housing development project on the date the application was
30 deemed complete pursuant to Section 65943. In determining the
31 amount of fine to impose, the court shall consider the local
32 agency’s progress in attaining its target allocation of the regional
33 housing need pursuant to Section 65584 and any prior violations
34 of this section. Fines shall not be paid out of funds already
35 dedicated to affordable housing, including, but not limited to, Low
36 and Moderate Income Housing Asset Funds, funds dedicated to
37 housing for very low, low-, and moderate-income households, and
38 federal HOME Investment Partnerships Program and Community
39 Development Block Grant Program funds. The local agency shall
40 commit and expend the money in the local housing trust fund

1 within five years for the sole purpose of financing newly
2 constructed housing units affordable to extremely low, very low,
3 or low-income households. After five years, if the funds have not
4 been expended, the money shall revert to the state and be deposited
5 in the Building Homes and Jobs Trust Fund for the sole purpose
6 of financing newly constructed housing units affordable to
7 extremely low, very low, or low-income households.

8 (C) If the court determines that its order or judgment has not
9 been carried out within 60 days, the court may issue further orders
10 as provided by law to ensure that the purposes and policies of this
11 section are fulfilled, including, but not limited to, an order to vacate
12 the decision of the local agency and to approve the housing
13 development project, in which case the application for the housing
14 development project, as proposed by the applicant at the time the
15 local agency took the initial action determined to be in violation
16 of this section, along with any standard conditions determined by
17 the court to be generally imposed by the local agency on similar
18 projects, shall be deemed to be approved unless the applicant
19 consents to a different decision or action by the local agency.

20 (2) For purposes of this subdivision, “housing organization”
21 means a trade or industry group whose local members are primarily
22 engaged in the construction or management of housing units or a
23 nonprofit organization whose mission includes providing or
24 advocating for increased access to housing for low-income
25 households and have filed written or oral comments with the local
26 agency prior to action on the housing development project. A
27 housing organization may only file an action pursuant to this
28 section to challenge the disapproval of a housing development by
29 a local agency. A housing organization shall be entitled to
30 reasonable attorney’s fees and costs if it is the prevailing party in
31 an action to enforce this section.

32 (l) If the court finds that the local agency (1) acted in bad faith
33 when it disapproved or conditionally approved the housing
34 development or emergency shelter in violation of this section and
35 (2) failed to carry out the court’s order or judgment within 60 days
36 as described in subdivision (k), the court, in addition to any other
37 remedies provided by this section, shall multiply the fine
38 determined pursuant to subparagraph (B) of paragraph (1) of
39 subdivision (k) by a factor of five. For purposes of this section,

1 “bad faith” includes, but is not limited to, an action that is frivolous
2 or otherwise entirely without merit.

3 (m) Any action brought to enforce the provisions of this section
4 shall be brought pursuant to Section 1094.5 of the Code of Civil
5 Procedure, and the local agency shall prepare and certify the record
6 of proceedings in accordance with subdivision (c) of Section 1094.6
7 of the Code of Civil Procedure no later than 30 days after the
8 petition is served, provided that the cost of preparation of the record
9 shall be borne by the local agency, unless the petitioner elects to
10 prepare the record as provided in subdivision (n) of this section.
11 A petition to enforce the provisions of this section shall be filed
12 and served no later than 90 days from the later of (1) the effective
13 date of a decision of the local agency imposing conditions on,
14 disapproving, or any other final action on a housing development
15 project or (2) the expiration of the time periods specified in
16 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry
17 of the trial court’s order, a party may, in order to obtain appellate
18 review of the order, file a petition within 20 days after service
19 upon it of a written notice of the entry of the order, or within such
20 further time not exceeding an additional 20 days as the trial court
21 may for good cause allow, or may appeal the judgment or order
22 of the trial court under Section 904.1 of the Code of Civil
23 Procedure. If the local agency appeals the judgment of the trial
24 court, the local agency shall post a bond, in an amount to be
25 determined by the court, to the benefit of the plaintiff if the plaintiff
26 is the project applicant.

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

37 (o) (1) Subject to paragraphs (2), (6), and (7), and subdivision
38 (d) of Section 65941.1, a housing development project shall be
39 subject only to the ordinances, policies, and standards adopted and
40 in effect when a preliminary application including all of the

1 information required by subdivision (a) of Section 65941.1 was
2 submitted.

3 (2) Paragraph (1) shall not prohibit a housing development
4 project from being subject to ordinances, policies, and standards
5 adopted after the preliminary application was submitted pursuant
6 to Section 65941.1 in the following circumstances:

7 (A) In the case of a fee, charge, or other monetary exaction, to
8 an increase resulting from an automatic annual adjustment based
9 on an independently published cost index that is referenced in the
10 ordinance or resolution establishing the fee or other monetary
11 exaction.

12 (B) A preponderance of the evidence in the record establishes
13 that subjecting the housing development project to an ordinance,
14 policy, or standard beyond those in effect when a preliminary
15 application was submitted is necessary to mitigate or avoid a
16 specific, adverse impact upon the public health or safety, as defined
17 in subparagraph (A) of paragraph (1) of subdivision (j), and there
18 is no feasible alternative method to satisfactorily mitigate or avoid
19 the adverse impact.

20 (C) Subjecting the housing development project to an ordinance,
21 policy, standard, or any other measure, beyond those in effect when
22 a preliminary application was submitted is necessary to avoid or
23 substantially lessen an impact of the project under the California
24 Environmental Quality Act (Division 13 (commencing with Section
25 21000) of the Public Resources Code).

26 (D) The housing development project has not commenced
27 construction within two and one-half years following the date that
28 the project received final approval. For purposes of this
29 subparagraph:

30 (i) “Commenced construction” means that construction pursuant
31 to a building permit has progressed to the point that at least one
32 of the inspections required by Section 110.3 of the California
33 Building Code (Title 24 of the California Code of Regulations),
34 or equivalent local code, has been requested.

35 (ii) “Final approval” means that the housing development project
36 applicant has received written notice from the local agency that
37 the project has received all necessary approvals to be eligible to
38 apply for, and obtain, a building permit or permits and either of
39 the following is met:

1 (I) The expiration of all applicable appeal periods, petition
2 periods, reconsideration periods, or statute of limitations for
3 challenging that final approval without an appeal, petition, request
4 for reconsideration, or legal challenge having been filed.

5 (II) If a challenge is filed, that challenge is fully resolved or
6 settled in favor of the housing development project.

7 (E) The housing development project is revised following
8 submittal of a preliminary application pursuant to Section 65941.1
9 such that the number of residential units or square footage of
10 construction changes by 20 percent or more, exclusive of any
11 increase resulting from the receipt of a density bonus, incentive,
12 concession, waiver, or similar provision, including any other locally
13 authorized program that offers additional density or other
14 development bonuses when affordable housing is provided. For
15 purposes of this subdivision, “square footage of construction”
16 means the building area, as defined by the California Building
17 Standards Code (Title 24 of the California Code of Regulations).

18 (3) This subdivision does not prevent a local agency from
19 subjecting the additional units or square footage of construction
20 that result from project revisions occurring after a preliminary
21 application is submitted pursuant to Section 65941.1 to the
22 ordinances, policies, and standards adopted and in effect when the
23 preliminary application was submitted.

24 (4) For purposes of this subdivision, “ordinances, policies, and
25 standards” includes general plan, community plan, specific plan,
26 zoning, design review standards and criteria, subdivision standards
27 and criteria, and any other rules, regulations, requirements, and
28 policies of a local agency, as defined in Section 66000, including
29 those relating to development impact fees, capacity or connection
30 fees or charges, permit or processing fees, and other exactions.

31 (5) This subdivision shall not be construed in a manner that
32 would lessen the restrictions imposed on a local agency, or lessen
33 the protections afforded to a housing development project, that are
34 established by any other law, including any other part of this
35 section.

36 (6) This subdivision shall not restrict the authority of a public
37 agency or local agency to require mitigation measures to lessen
38 the impacts of a housing development project under the California
39 Environmental Quality Act (Division 13 (commencing with Section
40 21000) of the Public Resources Code).

1 (7) With respect to completed residential units for which the
2 project approval process is complete and a certificate of occupancy
3 has been issued, nothing in this subdivision shall limit the
4 application of later enacted ordinances, policies, and standards
5 that regulate the use and occupancy of those residential units, such
6 as ordinances relating to rental housing inspection, rent
7 stabilization, restrictions on short-term renting, and business
8 licensing requirements for owners of rental housing.

9 (8) This subdivision shall become inoperative on January 1,
10 2030.

11 (p) This section shall be known, and may be cited, as the
12 Housing Accountability Act.

13 SEC. 2. Section 65905.5 of the Government Code is amended
14 to read:

15 65905.5. (a) Notwithstanding any other law, if a proposed
16 housing development project complies with the applicable,
17 objective general plan and zoning standards in effect at the time
18 an application is deemed complete, after the application is deemed
19 complete, a city, county, or city and county shall not conduct more
20 than five hearings pursuant to Section 65905, or any other law,
21 ordinance, or regulation requiring a public hearing in connection
22 with the approval of that housing development project. If the city,
23 county, or city and county continues a hearing subject to this
24 section to another date, the continued hearing shall count as one
25 of the five hearings allowed under this section. The city, county,
26 or city and county shall consider and either approve or disapprove
27 the application at any of the five hearings allowed under this
28 section consistent with the applicable timelines under the Permit
29 Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

30 (b) For purposes of this section:

31 (1) “Deemed complete” means that the application has met all
32 of the requirements specified in the relevant list compiled pursuant
33 to Section 65940 that was available at the time when the application
34 was submitted.

35 (2) “Hearing” includes any public hearing, workshop, or similar
36 meeting, including any appeal, conducted by the city or county
37 with respect to the housing development project, including any
38 meeting relating to Section 65915, whether by the legislative body
39 of the city or county, the planning agency established pursuant to
40 Section 65100, or any other agency, department, board,

1 commission, or any other designated hearing officer or body of
2 the city or county, or any committee or subcommittee thereof.
3 “Hearing” does not include a hearing to review a legislative
4 approval, including any appeal, required for a proposed housing
5 development project, including, but not limited to, a general plan
6 amendment, a specific plan adoption or amendment, or a zoning
7 amendment, or any hearing arising from a timely appeal of the
8 approval or disapproval of a legislative approval.

9 (3) (A) “Housing development project” has the same meaning
10 as defined in paragraph (2) of subdivision (h) of Section 65589.5.

11 (B) “Housing development project” includes, but is not limited
12 to, projects that involve no discretionary approvals and projects
13 that involve both discretionary and nondiscretionary approvals.

14 (C) “Housing development project” includes a proposal to
15 construct a single dwelling unit. This subparagraph shall not affect
16 the interpretation of the scope of paragraph (2) of subdivision (h)
17 of Section 65589.5.

18 (c) (1) For purposes of this section, a housing development
19 project shall be deemed consistent, compliant, and in conformity
20 with an applicable plan, program, policy, ordinance, standard,
21 requirement, or other similar provision if there is substantial
22 evidence that would allow a reasonable person to conclude that
23 the housing development project is consistent, compliant, or in
24 conformity. The receipt of a density bonus including any
25 incentives, concessions, or waivers pursuant to Section 65915 shall
26 not constitute a valid basis on which to find that a proposed housing
27 development project is inconsistent, not in compliance, or not in
28 conformity, with an applicable plan, program, policy, ordinance,
29 standard, requirement, or other similar provision.

30 (2) A proposed housing development project is not inconsistent
31 with the applicable zoning standards and criteria, and shall not
32 require a rezoning, if the housing development project is consistent
33 with the objective general plan standards and criteria, but the
34 zoning for the project site is inconsistent with the general plan. If
35 the local agency complies with the written documentation
36 requirements of paragraph (2) of subdivision (j) of Section 65589.5,
37 the local agency may require the proposed housing development
38 project to comply with the objective standards and criteria of the
39 zoning that is consistent with the general plan; however, the
40 standards and criteria shall be applied to facilitate and

1 accommodate development at the density allowed on the site by
2 the general plan and proposed by the proposed housing
3 development project.

4 (d) Nothing in this section supersedes, limits, or otherwise
5 modifies the requirements of, or the standards of review pursuant
6 to, Division 13 (commencing with Section 21000) of the Public
7 Resources Code.

8 (e) This section shall remain in effect only until January 1, 2030,
9 and as of that date is repealed.

10 (f) The amendments to subdivisions (b) and (c) made by the act
11 adding this subdivision do not constitute a change in, but are
12 declaratory of, existing law.

13 SEC. 3. Section 65913.10 of the Government Code is amended
14 to read:

15 65913.10. (a) For purposes of any state or local law, ordinance,
16 or regulation that requires the city or county to determine whether
17 the site of a proposed housing development project is a historic
18 site, the city or county shall make that determination at the time
19 the application for the housing development project is deemed
20 complete. A determination as to whether a parcel of property is a
21 historic site shall remain valid during the pendency of the housing
22 development project for which the application was made unless
23 any archaeological, paleontological, or tribal cultural resources
24 are encountered during any grading, site disturbance, or building
25 alteration activities.

26 (b) For purposes of this section:

27 (1) “Deemed complete” means that the application has met all
28 of the requirements specified in the relevant list compiled pursuant
29 to Section 65940 that was available at the time when the application
30 was submitted.

31 (2) “Housing development project” has the same meaning as
32 defined in paragraph (3) of subdivision (b) of Section 65905.5.

33 (c) (1) Nothing in this section supersedes, limits, or otherwise
34 modifies the requirements of, or the standards of review pursuant
35 to, Division 13 (commencing with Section 21000) of the Public
36 Resources Code.

37 (2) Nothing in this section supersedes, limits, or otherwise
38 modifies the requirements of the California Coastal Act of 1976
39 (Division 20 (commencing with Section 30000) of the Public
40 Resources Code).

1 (d) This section shall remain in effect only until January 1, 2030,
2 and as of that date is repealed.

3 SEC. 4. Section 65940 of the Government Code, as amended
4 by Section 6 of Chapter 654 of the Statutes of 2019, is amended
5 to read:

6 65940. (a) (1) Each public agency shall compile one or more
7 lists that shall specify in detail the information that will be required
8 from any applicant for a development project. Each public agency
9 shall revise the list of information required from an applicant to
10 include a certification of compliance with Section 65962.5, and
11 the statement of application required by Section 65943. Copies of
12 the information, including the statement of application required
13 by Section 65943, shall be made available to all applicants for
14 development projects and to any person who requests the
15 information.

16 (2) An affected city or affected county, as defined in Section
17 66300, shall include the information necessary to determine
18 compliance with the requirements of subdivision (d) of Section
19 66300 in the list compiled pursuant to paragraph (1).

20 (b) The list of information required from any applicant shall
21 include, where applicable, identification of whether the proposed
22 project is located within 1,000 feet of a military installation,
23 beneath a low-level flight path or within special use airspace as
24 defined in Section 21098 of the Public Resources Code, and within
25 an urbanized area as defined in Section 65944.

26 (c) (1) A public agency that is not beneath a low-level flight
27 path or not within special use airspace and does not contain a
28 military installation is not required to change its list of information
29 required from applicants to comply with subdivision (b).

30 (2) A public agency that is entirely urbanized, as defined in
31 subdivision (e) of Section 65944, with the exception of a
32 jurisdiction that contains a military installation, is not required to
33 change its list of information required from applicants to comply
34 with subdivision (b).

35 (d) For purposes of this section, “development project” includes
36 a housing development project as defined in paragraph (3) of
37 subdivision (b) of Section 65905.5.

38 (e) This section shall remain in effect only until January 1, 2030,
39 and as of that date is repealed.

1 SEC. 5. Section 65940 of the Government Code, as added by
2 Section 7 of Chapter 654 of the Statutes of 2019, is amended to
3 read:

4 65940. (a) Each public agency shall compile one or more lists
5 that shall specify in detail the information that will be required
6 from any applicant for a development project. Each public agency
7 shall revise the list of information required from an applicant to
8 include a certification of compliance with Section 65962.5, and
9 the statement of application required by Section 65943. Copies of
10 the information, including the statement of application required
11 by Section 65943, shall be made available to all applicants for
12 development projects and to any person who requests the
13 information.

14 (b) The list of information required from any applicant shall
15 include, where applicable, identification of whether the proposed
16 project is located within 1,000 feet of a military installation,
17 beneath a low-level flight path or within special use airspace as
18 defined in Section 21098 of the Public Resources Code, and within
19 an urbanized area as defined in Section 65944.

20 (c) (1) A public agency that is not beneath a low-level flight
21 path or not within special use airspace and does not contain a
22 military installation is not required to change its list of information
23 required from applicants to comply with subdivision (b).

24 (2) A public agency that is entirely urbanized, as defined in
25 subdivision (e) of Section 65944, with the exception of a
26 jurisdiction that contains a military installation, is not required to
27 change its list of information required from applicants to comply
28 with subdivision (b).

29 (d) This section shall become operative on January 1, 2030.

30 SEC. 6. Section 65941.1 of the Government Code is amended
31 to read:

32 65941.1. (a) An applicant for a housing development project,
33 as defined in paragraph (3) of subdivision (b) of Section 65905.5,
34 shall be deemed to have submitted a preliminary application upon
35 providing all of the following information about the proposed
36 project to the city, county, or city and county from which approval
37 for the project is being sought and upon payment of the permit
38 processing fee:

39 (1) The specific location, including parcel numbers, a legal
40 description, and site address, if applicable.

- 1 (2) The existing uses on the project site and identification of
2 major physical alterations to the property on which the project is
3 to be located.
- 4 (3) A site plan showing the location on the property, elevations
5 showing design, color, and material, and the massing, height, and
6 approximate square footage, of each building that is to be occupied.
- 7 (4) The proposed land uses by number of units and square feet
8 of residential and nonresidential development using the categories
9 in the applicable zoning ordinance.
- 10 (5) The proposed number of parking spaces.
- 11 (6) Any proposed point sources of air or water pollutants.
- 12 (7) Any species of special concern known to occur on the
13 property.
- 14 (8) Whether a portion of the property is located within any of
15 the following:
 - 16 (A) A very high fire hazard severity zone, as determined by the
17 Department of Forestry and Fire Protection pursuant to Section
18 51178.
 - 19 (B) Wetlands, as defined in the United States Fish and Wildlife
20 Service Manual, Part 660 FW 2 (June 21, 1993).
 - 21 (C) A hazardous waste site that is listed pursuant to Section
22 65962.5 or a hazardous waste site designated by the Department
23 of Toxic Substances Control pursuant to Section 25356 of the
24 Health and Safety Code.
 - 25 (D) A special flood hazard area subject to inundation by the 1
26 percent annual chance flood (100-year flood) as determined by
27 the Federal Emergency Management Agency in any official maps
28 published by the Federal Emergency Management Agency.
 - 29 (E) A delineated earthquake fault zone as determined by the
30 State Geologist in any official maps published by the State
31 Geologist, unless the development complies with applicable seismic
32 protection building code standards adopted by the California
33 Building Standards Commission under the California Building
34 Standards Law (Part 2.5 (commencing with Section 18901) of
35 Division 13 of the Health and Safety Code), and by any local
36 building department under Chapter 12.2 (commencing with Section
37 8875) of Division 1 of Title 2.
 - 38 (F) A stream or other resource that may be subject to a
39 streambed alteration agreement pursuant to Chapter 6 (commencing
40 with Section 1600) of Division 2 of the Fish and Game Code.

1 (9) Any historic or cultural resources known to exist on the
2 property.

3 (10) The number of proposed below market rate units and their
4 affordability levels.

5 (11) The number of bonus units and any incentives, concessions,
6 waivers, or parking reductions requested pursuant to Section 65915.

7 (12) Whether any approvals under the Subdivision Map Act,
8 including, but not limited to, a parcel map, a tentative map, or a
9 condominium map, are being requested.

10 (13) The applicant's contact information and, if the applicant
11 does not own the property, consent from the property owner to
12 submit the application.

13 (14) For a housing development project proposed to be located
14 within the coastal zone, whether any portion of the property
15 contains any of the following:

16 (A) Wetlands, as defined in subdivision (b) of Section 13577
17 of Title 14 of the California Code of Regulations.

18 (B) Environmentally sensitive habitat areas, as defined in
19 Section 30240 of the Public Resources Code.

20 (C) A tsunami run-up zone.

21 (D) Use of the site for public access to or along the coast.

22 (15) The number of existing residential units on the project site
23 that will be demolished and whether each existing unit is occupied
24 or unoccupied.

25 (16) A site map showing a stream or other resource that may
26 be subject to a streambed alteration agreement pursuant to Chapter
27 6 (commencing with Section 1600) of Division 2 of the Fish and
28 Game Code and an aerial site photograph showing existing site
29 conditions of environmental site features that would be subject to
30 regulations by a public agency, including creeks and wetlands.

31 (17) The location of any recorded public easement, such as
32 easements for storm drains, water lines, and other public rights of
33 way.

34 (b) (1) Each local agency shall compile a checklist and
35 application form that applicants for housing development projects
36 may use for the purpose of satisfying the requirements for submittal
37 of a preliminary application.

38 (2) The Department of Housing and Community Development
39 shall adopt a standardized form that applicants for housing
40 development projects may use for the purpose of satisfying the

1 requirements for submittal of a preliminary application if a local
2 agency has not developed its own application form pursuant to
3 paragraph (1). Adoption of the standardized form shall not be
4 subject to Chapter 3.5 (commencing with Section 11340) of Part
5 1 of Division 3 of Title 2 of the Government Code.

6 (3) A checklist or form shall not require or request any
7 information beyond that expressly identified in subdivision (a).

8 (c) After submittal of all of the information required by
9 subdivision (a), if the development proponent revises the project
10 such that the number of residential units or square footage of
11 construction changes by 20 percent or more, exclusive of any
12 increase resulting from the receipt of a density bonus, incentive,
13 concession, waiver, or similar provision, the housing development
14 project shall not be deemed to have submitted a preliminary
15 application that satisfies this section until the development
16 proponent resubmits the information required by subdivision (a)
17 so that it reflects the revisions. For purposes of this subdivision,
18 “square footage of construction” means the building area, as
19 defined by the California Building Standards Code (Title 24 of the
20 California Code of Regulations).

21 (d) (1) Within 180 calendar days after submitting a preliminary
22 application with all of the information required by subdivision (a)
23 to a city, county, or city and county, the development proponent
24 shall submit an application for a development project that includes
25 all of the information required to process the development
26 application consistent with Sections 65940, 65941, and 65941.5.

27 (2) If the public agency determines that the application for the
28 development project is not complete pursuant to Section 65943,
29 the development proponent shall submit the specific information
30 needed to complete the application within 90 days of receiving the
31 agency’s written identification of the necessary information. If the
32 development proponent does not submit this information within
33 the 90-day period, then the preliminary application shall expire
34 and have no further force or effect.

35 (3) This section shall not require an affirmative determination
36 by a city, county, or city and county regarding the completeness
37 of a preliminary application or a development application for
38 purposes of compliance with this section.

39 (e) Notwithstanding any other law, submission of a preliminary
40 application in accordance with this section shall not preclude the

1 listing of a tribal cultural resource on a national, state, tribal, or
2 local historic register list on or after the date that the preliminary
3 application is submitted. For purposes of Section 65589.5 or any
4 other law, the listing of a tribal cultural site on a national, state,
5 tribal, or local historic register on or after the date the preliminary
6 application was submitted shall not be deemed to be a change to
7 the ordinances, policies, and standards adopted and in effect at the
8 time that the preliminary application was submitted.

9 (f) This section shall remain in effect only until January 1, 2030,
10 and as of that date is repealed.

11 SEC. 7. Section 65943 of the Government Code, as amended
12 by Section 9 of Chapter 654 of the Statutes of 2019, is amended
13 to read:

14 65943. (a) Not later than 30 calendar days after any public
15 agency has received an application for a development project, the
16 agency shall determine in writing whether the application is
17 complete and shall immediately transmit the determination to the
18 applicant for the development project. If the application is
19 determined to be incomplete, the lead agency shall provide the
20 applicant with an exhaustive list of items that were not complete.
21 That list shall be limited to those items actually required on the
22 lead agency's submittal requirement checklist. In any subsequent
23 review of the application determined to be incomplete, the local
24 agency shall not request the applicant to provide any new
25 information that was not stated in the initial list of items that were
26 not complete. If the written determination is not made within 30
27 days after receipt of the application, and the application includes
28 a statement that it is an application for a development permit, the
29 application shall be deemed complete for purposes of this chapter.
30 Upon receipt of any resubmittal of the application, a new 30-day
31 period shall begin, during which the public agency shall determine
32 the completeness of the application. If the application is determined
33 not to be complete, the agency's determination shall specify those
34 parts of the application which are incomplete and shall indicate
35 the manner in which they can be made complete, including a list
36 and thorough description of the specific information needed to
37 complete the application. The applicant shall submit materials to
38 the public agency in response to the list and description.

39 (b) Not later than 30 calendar days after receipt of the submitted
40 materials described in subdivision (a), the public agency shall

1 determine in writing whether the application as supplemented or
2 amended by the submitted materials is complete and shall
3 immediately transmit that determination to the applicant. In making
4 this determination, the public agency is limited to determining
5 whether the application as supplemented or amended includes the
6 information required by the list and a thorough description of the
7 specific information needed to complete the application required
8 by subdivision (a). If the written determination is not made within
9 that 30-day period, the application together with the submitted
10 materials shall be deemed complete for purposes of this chapter.

11 (c) If the application together with the submitted materials are
12 determined not to be complete pursuant to subdivision (b), the
13 public agency shall provide a process for the applicant to appeal
14 that decision in writing to the governing body of the agency or, if
15 there is no governing body, to the director of the agency, as
16 provided by that agency. A city or county shall provide that the
17 right of appeal is to the governing body or, at their option, the
18 planning commission, or both.

19 There shall be a final written determination by the agency on
20 the appeal not later than 60 calendar days after receipt of the
21 applicant's written appeal. The fact that an appeal is permitted to
22 both the planning commission and to the governing body does not
23 extend the 60-day period. Notwithstanding a decision pursuant to
24 subdivision (b) that the application and submitted materials are
25 not complete, if the final written determination on the appeal is
26 not made within that 60-day period, the application with the
27 submitted materials shall be deemed complete for the purposes of
28 this chapter.

29 (d) Nothing in this section precludes an applicant and a public
30 agency from mutually agreeing to an extension of any time limit
31 provided by this section.

32 (e) A public agency may charge applicants a fee not to exceed
33 the amount reasonably necessary to provide the service required
34 by this section. If a fee is charged pursuant to this section, the fee
35 shall be collected as part of the application fee charged for the
36 development permit.

37 (f) Each city and each county shall make copies of any list
38 compiled pursuant to Section 65940 with respect to information
39 required from an applicant for a housing development project, as
40 that term is defined in paragraph (2) of subdivision (h) of Section

1 65589.5, available both (1) in writing to those persons to whom
2 the agency is required to make information available under
3 subdivision (a) of that section, and (2) publicly available on the
4 internet website of the city or county.

5 (g) For purposes of this section, “development project” includes
6 a housing development project as defined in paragraph (3) of
7 subdivision (b) of Section 65905.5.

8 (h) This section shall remain in effect only until January 1, 2030,
9 and as of that date is repealed.

10 SEC. 8. Section 65943 of the Government Code, as added by
11 Section 10 of Chapter 654 of the Statutes of 2019, is amended to
12 read:

13 65943. (a) Not later than 30 calendar days after any public
14 agency has received an application for a development project, the
15 agency shall determine in writing whether the application is
16 complete and shall immediately transmit the determination to the
17 applicant for the development project. If the written determination
18 is not made within 30 days after receipt of the application, and the
19 application includes a statement that it is an application for a
20 development permit, the application shall be deemed complete for
21 purposes of this chapter. Upon receipt of any resubmittal of the
22 application, a new 30-day period shall begin, during which the
23 public agency shall determine the completeness of the application.
24 If the application is determined not to be complete, the agency’s
25 determination shall specify those parts of the application which
26 are incomplete and shall indicate the manner in which they can be
27 made complete, including a list and thorough description of the
28 specific information needed to complete the application. The
29 applicant shall submit materials to the public agency in response
30 to the list and description.

31 (b) Not later than 30 calendar days after receipt of the submitted
32 materials, the public agency shall determine in writing whether
33 they are complete and shall immediately transmit that determination
34 to the applicant. If the written determination is not made within
35 that 30-day period, the application together with the submitted
36 materials shall be deemed complete for purposes of this chapter.

37 (c) If the application together with the submitted materials are
38 determined not to be complete pursuant to subdivision (b), the
39 public agency shall provide a process for the applicant to appeal
40 that decision in writing to the governing body of the agency or, if

1 there is no governing body, to the director of the agency, as
2 provided by that agency. A city or county shall provide that the
3 right of appeal is to the governing body or, at their option, the
4 planning commission, or both.

5 There shall be a final written determination by the agency on
6 the appeal not later than 60 calendar days after receipt of the
7 applicant's written appeal. The fact that an appeal is permitted to
8 both the planning commission and to the governing body does not
9 extend the 60-day period. Notwithstanding a decision pursuant to
10 subdivision (b) that the application and submitted materials are
11 not complete, if the final written determination on the appeal is
12 not made within that 60-day period, the application with the
13 submitted materials shall be deemed complete for the purposes of
14 this chapter.

15 (d) Nothing in this section precludes an applicant and a public
16 agency from mutually agreeing to an extension of any time limit
17 provided by this section.

18 (e) A public agency may charge applicants a fee not to exceed
19 the amount reasonably necessary to provide the service required
20 by this section. If a fee is charged pursuant to this section, the fee
21 shall be collected as part of the application fee charged for the
22 development permit.

23 (f) This section shall become operative on January 1, 2030.

24 SEC. 9. Section 65950 of the Government Code, as amended
25 by Section 11 of Chapter 654 of the Statutes of 2019, is amended
26 to read:

27 65950. (a) A public agency that is the lead agency for a
28 development project shall approve or disapprove the project within
29 whichever of the following periods is applicable:

30 (1) One hundred eighty days from the date of certification by
31 the lead agency of the environmental impact report, if an
32 environmental impact report is prepared pursuant to Section 21100
33 or 21151 of the Public Resources Code for the development project.

34 (2) Ninety days from the date of certification by the lead agency
35 of the environmental impact report, if an environmental impact
36 report is prepared pursuant to Section 21100 or 21151 of the Public
37 Resources Code for a development project defined in subdivision
38 (c).

39 (3) Sixty days from the date of certification by the lead agency
40 of the environmental impact report, if an environmental impact

1 report is prepared pursuant to Section 21100 or 21151 of the Public
2 Resources Code for a development project defined in subdivision
3 (c) and all of the following conditions are met:

4 (A) At least 49 percent of the units in the development project
5 are affordable to very low or low-income households, as defined
6 by Sections 50105 and 50079.5 of the Health and Safety Code,
7 respectively. Rents for the lower income units shall be set at an
8 affordable rent, as that term is defined in Section 50053 of the
9 Health and Safety Code, for at least 30 years. Owner-occupied
10 units shall be available at an affordable housing cost, as that term
11 is defined in Section 50052.5 of the Health and Safety Code.

12 (B) Prior to the application being deemed complete for the
13 development project pursuant to Article 3 (commencing with
14 Section 65940), the lead agency received written notice from the
15 project applicant that an application has been made or will be made
16 for an allocation or commitment of financing, tax credits, bond
17 authority, or other financial assistance from a public agency or
18 federal agency, and the notice specifies the financial assistance
19 that has been applied for or will be applied for and the deadline
20 for application for that assistance, the requirement that one of the
21 approvals of the development project by the lead agency is a
22 prerequisite to the application for or approval of the application
23 for financial assistance, and that the financial assistance is
24 necessary for the project to be affordable as required pursuant to
25 subparagraph (A).

26 (C) There is confirmation that the application has been made
27 to the public agency or federal agency prior to certification of the
28 environmental impact report.

29 (4) Sixty days from the date of adoption by the lead agency of
30 the negative declaration, if a negative declaration is completed and
31 adopted for the development project.

32 (5) Sixty days from the determination by the lead agency that
33 the project is exempt from the California Environmental Quality
34 Act (Division 13 (commencing with Section 21000) of the Public
35 Resources Code), if the project is exempt from that act.

36 (b) This section does not preclude a project applicant and a
37 public agency from mutually agreeing in writing to an extension
38 of any time limit provided by this section pursuant to Section
39 65957.

1 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
2 and Section 65952, “development project” means a housing
3 development project, as defined in paragraph (3) of subdivision
4 (b) of Section 65905.5.

5 (d) For purposes of this section, “lead agency” and “negative
6 declaration” have the same meaning as defined in Sections 21067
7 and 21064 of the Public Resources Code, respectively.

8 (e) This section shall remain in effect only until January 1, 2030,
9 and as of that date is repealed.

10 SEC. 10. Section 65950 of the Government Code, as added by
11 Section 12 of Chapter 654 of the Statutes of 2019, is amended to
12 read:

13 65950. (a) A public agency that is the lead agency for a
14 development project shall approve or disapprove the project within
15 whichever of the following periods is applicable:

16 (1) One hundred eighty days from the date of certification by
17 the lead agency of the environmental impact report, if an
18 environmental impact report is prepared pursuant to Section 21100
19 or 21151 of the Public Resources Code for the development project.

20 (2) One hundred twenty days from the date of certification by
21 the lead agency of the environmental impact report, if an
22 environmental impact report is prepared pursuant to Section 21100
23 or 21151 of the Public Resources Code for a development project
24 defined in subdivision (c).

25 (3) Ninety days from the date of certification by the lead agency
26 of the environmental impact report, if an environmental impact
27 report is prepared pursuant to Section 21100 or 21151 of the Public
28 Resources Code for a development project defined in subdivision
29 (c) and all of the following conditions are met:

30 (A) At least 49 percent of the units in the development project
31 are affordable to very low or low-income households, as defined
32 by Sections 50105 and 50079.5 of the Health and Safety Code,
33 respectively. Rents for the lower income units shall be set at an
34 affordable rent, as that term is defined in Section 50053 of the
35 Health and Safety Code, for at least 30 years. Owner-occupied
36 units shall be available at an affordable housing cost, as that term
37 is defined in Section 50052.5 of the Health and Safety Code.

38 (B) Prior to the application being deemed complete for the
39 development project pursuant to Article 3 (commencing with
40 Section 65940), the lead agency received written notice from the

1 project applicant that an application has been made or will be made
2 for an allocation or commitment of financing, tax credits, bond
3 authority, or other financial assistance from a public agency or
4 federal agency, and the notice specifies the financial assistance
5 that has been applied for or will be applied for and the deadline
6 for application for that assistance, the requirement that one of the
7 approvals of the development project by the lead agency is a
8 prerequisite to the application for or approval of the application
9 for financial assistance, and that the financial assistance is
10 necessary for the project to be affordable as required pursuant to
11 subparagraph (A).

12 (C) There is confirmation that the application has been made
13 to the public agency or federal agency prior to certification of the
14 environmental impact report.

15 (4) Sixty days from the date of adoption by the lead agency of
16 the negative declaration, if a negative declaration is completed and
17 adopted for the development project.

18 (5) Sixty days from the determination by the lead agency that
19 the project is exempt from the California Environmental Quality
20 Act (Division 13 (commencing with Section 21000) of the Public
21 Resources Code), if the project is exempt from that act.

22 (b) This section does not preclude a project applicant and a
23 public agency from mutually agreeing in writing to an extension
24 of any time limit provided by this section pursuant to Section
25 65957.

26 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
27 and Section 65952, “development project” means a use consisting
28 of either of the following:

29 (1) Residential units only.

30 (2) Mixed-use developments consisting of residential and
31 nonresidential uses in which the nonresidential uses are less than
32 50 percent of the total square footage of the development and are
33 limited to neighborhood commercial uses and to the first floor of
34 buildings that are two or more stories. As used in this paragraph,
35 “neighborhood commercial” means small-scale general or specialty
36 stores that furnish goods and services primarily to residents of the
37 neighborhood.

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

1 (e) This section shall become operative on January 1, 2030.

2 SEC. 11. Section 66300 of the Government Code is amended
3 to read:

4 66300. (a) As used in this section:

5 (1) (A) Except as otherwise provided in subparagraph (B),
6 “affected city” means a city, including a charter city, that the
7 Department of Housing and Community Development determines,
8 pursuant to subdivision (e), is in an urbanized area or urban cluster,
9 as designated by the United States Census Bureau.

10 (B) Notwithstanding subparagraph (A), “affected city” does not
11 include any city that has a population of 5,000 or less and is not
12 located within an urbanized area, as designated by the United States
13 Census Bureau.

14 (2) “Affected county” means a census-designated place, based
15 on the 2013-2017 American Community Survey 5-year Estimates,
16 that is wholly located within the boundaries of an urbanized area,
17 as designated by the United States Census Bureau.

18 (3) Notwithstanding any other law, “affected county” and
19 “affected city” includes the electorate of an affected county or city
20 exercising its local initiative or referendum power, whether that
21 power is derived from the California Constitution, statute, or the
22 charter or ordinances of the affected county or city.

23 (4) “Department” means the Department of Housing and
24 Community Development.

25 (5) “Development policy, standard, or condition” means any of
26 the following:

27 (A) A provision of, or amendment to, a general plan.

28 (B) A provision of, or amendment to, a specific plan.

29 (C) A provision of, or amendment to, a zoning ordinance.

30 (D) A subdivision standard or criterion.

31 (6) “Housing development project” has the same meaning as
32 defined in paragraph (3) of subdivision (b) of Section 65905.5.

33 (7) “Objective design standard” means a design standard that
34 involves no personal or subjective judgment by a public official
35 and is uniformly verifiable by reference to an external and uniform
36 benchmark or criterion available and knowable by both the
37 development applicant or proponent and the public official before
38 submittal of an application.

39 (b) (1) Notwithstanding any other law except as provided in
40 subdivision (i), with respect to land where housing is an allowable

1 use, an affected county or an affected city shall not enact a
2 development policy, standard, or condition that would have any
3 of the following effects:

4 (A) Changing the general plan land use designation, specific
5 plan land use designation, or zoning of a parcel or parcels of
6 property to a less intensive use or reducing the intensity of land
7 use within an existing general plan land use designation, specific
8 plan land use designation, or zoning district below what was
9 allowed under the land use designation or zoning ordinances of
10 the affected county or affected city, as applicable, as in effect on
11 January 1, 2018, except as otherwise provided in clause (ii) of
12 subparagraph (B). For purposes of this subparagraph, “reducing
13 the intensity of land use” includes, but is not limited to, reductions
14 to height, density, or floor area ratio, new or increased open space
15 or lot size requirements, new or increased setback requirements,
16 minimum frontage requirements, or maximum lot coverage
17 limitations, or any other action that would individually or
18 cumulatively reduce the site’s residential development capacity.

19 (B) (i) Imposing a moratorium or similar restriction or limitation
20 on housing development, including mixed-use development, within
21 all or a portion of the jurisdiction of the affected county or city,
22 other than to specifically protect against an imminent threat to the
23 health and safety of persons residing in, or within the immediate
24 vicinity of, the area subject to the moratorium or for projects
25 specifically identified as existing restricted affordable housing.

26 (ii) The affected county or affected city, as applicable, shall not
27 enforce a zoning ordinance imposing a moratorium or other similar
28 restriction on or limitation of housing development until it has
29 submitted the ordinance to, and received approval from, the
30 department. The department shall approve a zoning ordinance
31 submitted to it pursuant to this subparagraph only if it determines
32 that the zoning ordinance satisfies the requirements of this
33 subparagraph. If the department denies approval of a zoning
34 ordinance imposing a moratorium or similar restriction or limitation
35 on housing development as inconsistent with this subparagraph,
36 that ordinance shall be deemed void.

37 (C) Imposing or enforcing design standards established on or
38 after January 1, 2020, that are not objective design standards.

39 (D) Except as provided in subparagraph (E), establishing or
40 implementing any provision that:

1 (i) Limits the number of land use approvals or permits necessary
2 for the approval and construction of housing that will be issued or
3 allocated within all or a portion of the affected county or affected
4 city, as applicable.

5 (ii) Acts as a cap on the number of housing units that can be
6 approved or constructed either annually or for some other time
7 period.

8 (iii) Limits the population of the affected county or affected
9 city, as applicable.

10 (E) Notwithstanding subparagraph (D), an affected county or
11 affected city may enforce a limit on the number of approvals or
12 permits or a cap on the number of housing units that can be
13 approved or constructed if the provision of law imposing the limit
14 was approved by voters prior to January 1, 2005, and the affected
15 county or affected city is located in a predominantly agricultural
16 county. For the purposes of this subparagraph, “predominantly
17 agricultural county” means a county that meets both of the
18 following, as determined by the most recent California Farmland
19 Conversion Report produced by the Department of Conservation:

20 (i) Has more than 550,000 acres of agricultural land.

21 (ii) At least one-half of the county area is agricultural land.

22 (2) Any development policy, standard, or condition enacted on
23 or after the effective date of this section that does not comply with
24 this section shall be deemed void.

25 (c) Notwithstanding subdivisions (b) and (f), an affected county
26 or affected city may enact a development policy, standard, or
27 condition to prohibit the commercial use of land that is designated
28 for residential use, including, but not limited to, short-term
29 occupancy of a residence, consistent with the authority conferred
30 on the county or city by other law.

31 (d) Notwithstanding any other provision of this section and
32 notwithstanding local density requirements, both of the following
33 shall apply:

34 (1) An affected city or an affected county shall not approve a
35 housing development project that will require the demolition of
36 residential dwelling units unless the project will create at least as
37 many residential dwelling units as will be demolished.

38 (2) An affected city or an affected county shall not approve a
39 housing development project that will require the demolition of

1 occupied or vacant protected units, unless all of the following
2 apply:

3 (A) (i) The project will replace all existing or demolished
4 protected units.

5 (ii) Any protected units replaced pursuant to this subparagraph
6 shall be considered in determining whether the housing
7 development project satisfies the requirements of Section 65915
8 or a locally adopted requirement that requires, as a condition of
9 the development of residential rental units, that the project provide
10 a certain percentage of residential rental units affordable to, and
11 occupied by, households with incomes that do not exceed the limits
12 for moderate-income, lower income, very low income, or extremely
13 low income households, as specified in Sections 50079.5, 50093,
14 50105, and 50106 of the Health and Safety Code.

15 ~~(iii) Notwithstanding clause (i), in the case of a protected unit
16 that is or was, within the five-year period preceding the application,
17 subject to a form of rent or price control through a local
18 government's valid exercise of its police power, and that is or was
19 occupied by persons or families above lower income, the affected
20 city or affected county may do either of the following:~~

21 ~~(I) Require that the replacement units be made available at
22 affordable rent or affordable housing cost to, and occupied by,
23 low-income persons or families. If the replacement units will be
24 rental dwelling units, these units shall be subject to a recorded
25 affordability restriction for at least 55 years.~~

26 ~~(II) Require that the units be replaced in compliance with the
27 jurisdiction's rent or price control ordinance, provided that each
28 unit is replaced. Unless otherwise required by the affected city or
29 affected county's rent or price control ordinance, these units shall
30 not be subject to a recorded affordability restriction.~~

31 (B) The housing development project will include at least as
32 many residential dwelling units as the greatest number of
33 residential dwelling units that existed on the project site within the
34 last five years.

35 (C) Any existing ~~tenants~~ *occupants* will be allowed to occupy
36 their units until six months before the start of construction activities
37 with proper notice, subject to Chapter 16 (commencing with
38 Section 7260) of Division 7 of Title 1.

1 (D) The developer agrees to provide both of the following to
 2 ~~the tenants of any protected units:~~ *occupants of any protected units*
 3 *that are persons or families of low or moderate income:*

4 (i) Relocation benefits to the ~~tenants~~ *occupants* of those
 5 affordable residential rental units, subject to Chapter 16
 6 (commencing with Section 7260) of Division 7 of Title 1.

7 (ii) A right of first refusal for a comparable unit available in the
 8 new housing development affordable to the household at an
 9 affordable rent or an affordable housing cost, or a unit that is
 10 subject to the jurisdiction's rent or price control ordinance. This
 11 clause shall not apply to any of the following protected units:

12 (I) Transitional housing or supportive housing units.

13 (II) Units in a nursing home, residential care facility, assisted
 14 living facility, or other facility subject to the California Community
 15 Care Facilities Act (Chapter 3 (commencing with Section 1500)
 16 of Division 2 of the Health and Safety Code).

17 (III) Affordable housing units that cannot be replaced because
 18 comparable replacement units in the same income category would
 19 fail to satisfy the requirements or conditions of the funding of the
 20 housing development project, or any other state or federal
 21 restriction applicable to the development, that requires units to be
 22 made available at affordable rent or affordable housing cost to a
 23 lower income category than the existing ~~tenants:~~ *occupants.*

24 (iii) *This subparagraph does not apply to an occupant of a*
 25 *short-term rental that is rented for a period of fewer than 30 days.*

26 (E) For purposes of this paragraph:

27 (i) "Affordable housing ~~cost~~" *cost*" has the same meaning as
 28 defined in Section 50052.5 of the Health and Safety Code.

29 (ii) "Affordable rent" has the same meaning as defined in
 30 Section 50053 of the Health and Safety Code.

31 (iii) "Equivalent size" means that the replacement units contain
 32 at least the same total number of bedrooms as the units being
 33 replaced.

34 (iv) "*Persons and families of low or moderate income*" has the
 35 *same meaning as defined in Section 50093 of the Health and Safety*
 36 *Code.*

37 ~~(iv)~~

38 (v) "Protected units" means any of the following:

39 (I) Residential dwelling units that are or were subject to a
 40 recorded covenant, ordinance, or law that restricts rents to levels

1 affordable to persons and families of lower or very low income
2 within the past five years.

3 (II) Residential dwelling units that are or were subject to any
4 form of rent or price control through a public entity's valid exercise
5 of its police power within the past five years.

6 (III) Residential dwelling units that are or were occupied by
7 lower or very low income households within the past five years.

8 (IV) Residential dwelling units that were withdrawn from rent
9 or lease in accordance with Chapter 12.75 (commencing with
10 Section 7060) of Division 7 of Title 1 within the past 10 years.

11 ~~(v)~~

12 (vi) "Replace" shall have the same meaning as provided in
13 ~~subparagraph (B)~~ *subparagraphs (B) and (C)* of paragraph (3) of
14 subdivision (c) of Section 65915.

15 (3) This subdivision shall not supersede any objective provision
16 of a locally adopted ordinance that places restrictions on the
17 demolition of residential dwelling units or the subdivision of
18 residential rental units that are more protective of lower income
19 households, requires the provision of a greater number of units
20 affordable to lower income households, or that requires greater
21 relocation assistance to displaced households.

22 (4) This subdivision shall only apply to a housing development
23 project that submits a complete application pursuant to Section
24 65943 on or after January 1, 2020.

25 (e) The Department of Housing and Community Development
26 shall determine those cities and counties in this state that are
27 affected cities and affected counties, in accordance with subdivision
28 (a) by June 30, 2020. The department may update the list of
29 affected cities and affected counties once on or after January 1,
30 2021, to account for changes in urbanized areas or urban clusters
31 due to new data obtained from the 2020 census. The department's
32 determination shall remain valid until January 1, 2030.

33 (f) (1) Except as provided in paragraphs (3) and (4) and
34 subdivisions (h) and (i), this section shall prevail over any
35 conflicting provision of this title or other law regulating housing
36 development in this state to the extent that this section more fully
37 advances the intent specified in paragraph (2).

38 (2) It is the intent of the Legislature that this section be broadly
39 construed so as to maximize the development of housing within
40 this state. Any exception to the requirements of this section,

1 including an exception for the health and safety of ~~tenants~~
2 *occupants* of a housing development project, shall be construed
3 narrowly.

4 (3) This section shall not be construed as prohibiting the
5 adoption or amendment of a development policy, standard, or
6 condition in a manner that:

7 (A) Allows greater density.

8 (B) Facilitates the development of housing.

9 (C) Reduces the costs to a housing development project.

10 (D) Imposes or implements mitigation measures as necessary
11 to comply with the California Environmental Quality Act (Division
12 13 (commencing with Section 21000) of the Public Resources
13 Code).

14 (4) This section shall not apply to a housing development project
15 located within a very high fire hazard severity zone. For purposes
16 of this paragraph, “very high fire hazard severity zone” has the
17 same meaning as provided in Section 51177.

18 (g) This section shall not be construed to void a height limit,
19 urban growth boundary, or urban limit established by the electorate
20 of an affected county or an affected city, provided that the height
21 limit, urban growth boundary, or urban limit complies with
22 subparagraph (A) of paragraph (1) of subdivision (b).

23 (h) (1) Nothing in this section supersedes, limits, or otherwise
24 modifies the requirements of, or the standards of review pursuant
25 to, Division 13 (commencing with Section 21000) of the Public
26 Resources Code.

27 (2) Nothing in this section supersedes, limits, or otherwise
28 modifies the requirements of the California Coastal Act of 1976
29 (Division 20 (commencing with Section 30000) of the Public
30 Resources Code). For a housing development project proposed
31 within the coastal zone, nothing in this section shall be construed
32 to prohibit an affected county or an affected city from enacting a
33 development policy, standard, or condition necessary to implement
34 or amend a certified local coastal program consistent with the
35 California Coastal Act of 1976 (Division 20 (commencing with
36 Section 30000) of the Public Resources Code).

37 (i) (1) This section does not prohibit an affected county or an
38 affected city from changing a land use designation or zoning
39 ordinance to a less intensive use, or reducing the intensity of land
40 use, if the city or county concurrently changes the development

1 standards, policies, and conditions applicable to other parcels
2 within the jurisdiction to ensure that there is no net loss in
3 residential capacity.

4 (2) (A) For purposes of this subdivision, “concurrently” means
5 at the same meeting.

6 (B) Notwithstanding subparagraph (A), if the action that would
7 result in a net loss of residential capacity is requested by an
8 applicant for a housing development project, “concurrently” means
9 within 180 days.

10 ~~(2)~~

11 (3) (A) (i) The City of San Jose may proactively change a
12 zoning ordinance to a more intensive use and subsequently use the
13 additional capacity to change a zoning ordinance applicable to an
14 eligible parcel to a less intensive use as long as there is no net loss
15 in residential capacity.

16 (ii) A change to a zoning ordinance to a less intensive use under
17 this paragraph shall occur within one year of the change to the
18 zoning ordinance to a more intensive use.

19 (iii) For purposes of this paragraph, “eligible parcel” means a
20 parcel that meets all of the following criteria:

21 (I) It is zoned for residential uses.

22 (II) It does not have a multifamily housing general plan
23 designation.

24 (III) Its zoning is inconsistent with the general plan of the city
25 in effect on January 1, 2018.

26 (B) A change to a zoning ordinance to a less intensive use under
27 this paragraph shall not be effective until the City of San Jose
28 establishes zoning districts that implement mixed-use
29 neighborhood, urban residential, transit residential, and urban
30 village general plan land use designations.

31 (C) The City of San Jose shall report each zoning ordinance
32 amendment establishing a less intensive use pursuant to this
33 paragraph in the following ways:

34 (i) In its annual report submitted pursuant to paragraph (2) of
35 subdivision (a) of Section 65400 and submit the annual report to
36 the relevant policy committees of the Legislature each year that
37 the City of San Jose adopts a zoning ordinance amendment
38 pursuant to this paragraph.

39 (ii) Electronically on an internet website accessible to the public
40 by the time the zoning ordinance amendment is in effect.

1 (D) This paragraph shall become inoperative upon the date that
2 the City of San Jose’s housing element update for the sixth cycle
3 is due pursuant to Section 65588.

4 ~~(3)~~

5 (4) This section does not prohibit an affected county or an
6 affected city from changing a land use designation or zoning
7 ordinance to a less intensive use on a site that is a mobilehome
8 park, as defined in Section 18214 of the Health and Safety Code,
9 as of the effective date of this section, and the no net loss
10 requirement in paragraph (1) shall not apply.

11 (j) Notwithstanding subdivisions (b) and (f), this section does
12 not prohibit an affected city or an affected county from enacting
13 a development policy, standard, or condition that is intended to
14 preserve or facilitate the production of housing for lower income
15 households, as defined in Section 50079.5 of the Health and Safety
16 Code, or housing types that traditionally serve lower income
17 households, including mobilehome parks, single-room occupancy
18 units, or units subject to any form of rent or price control through
19 a public entity’s valid exercise of its police power.

20 SEC. 12. Section 66301 of the Government Code is amended
21 to read:

22 66301. This chapter shall remain in effect only until January
23 1, 2030, and as of that date is repealed.

24 SEC. 13. Section 2 of Chapter 654 of the Statutes of 2019 is
25 amended to read:

26 SEC. 2. (a) The Legislature finds and declares the following:

27 (1) California is experiencing a housing supply crisis, with
28 housing demand far outstripping supply. In 2018, California ranked
29 49th out of the 50 states in housing units per capita.

30 (2) Consequently, existing housing in this state, especially in
31 its largest cities, has become very expensive. Seven of the 10 most
32 expensive real estate markets in the United States are in California.
33 In San Francisco, the median home price is \$1.6 million.

34 (3) California is also experiencing rapid year-over-year rent
35 growth with three cities in the state having had overall rent growth
36 of 10 percent or more year-over-year, and of the 50 United States
37 cities with the highest United States rents, 33 are cities in
38 California.

1 (4) California needs an estimated 180,000 additional homes
2 annually to keep up with population growth, and the Governor has
3 called for 3.5 million new homes to be built over the next 7 years.

4 (5) The housing crisis has particularly exacerbated the need for
5 affordable homes at prices below market rates.

6 (6) The housing crisis harms families across California and has
7 resulted in all of the following:

8 (A) Increased poverty and homelessness, especially first-time
9 homelessness.

10 (B) Forced lower income residents into crowded and unsafe
11 housing in urban areas.

12 (C) Forced families into lower cost new housing in greenfields
13 at the urban-rural interface with longer commute times and a higher
14 exposure to fire hazard.

15 (D) Forced public employees, health care providers, teachers,
16 and others, including critical safety personnel, into more affordable
17 housing farther from the communities they serve, which will
18 exacerbate future disaster response challenges in high-cost,
19 high-congestion areas and increase risk to life.

20 (E) Driven families out of the state or into communities away
21 from good schools and services, making the ZIP Code where one
22 grew up the largest determinate of later access to opportunities
23 and social mobility, disrupting family life, and increasing health
24 problems due to long commutes that may exceed three hours per
25 day.

26 (7) The housing crisis has been exacerbated by the additional
27 loss of units due to wildfires in 2017 and 2018, which impacts all
28 regions of the state. The Carr Fire in 2017 alone burned over 1,000
29 homes, and over 50,000 people have been displaced by the Camp
30 Fire and the Woolsey Fire in 2018. This temporary and permanent
31 displacement has placed additional demand on the housing market
32 and has resulted in fewer housing units available for rent by
33 low-income individuals.

34 (8) Individuals who lose their housing due to fire or the sale of
35 the property cannot find affordable homes or rental units and are
36 pushed into cars and tents.

37 (9) Costs for construction of new housing continue to increase.
38 According to the Turner Center for Housing Innovation at the
39 University of California, Berkeley, the cost of building a 100-unit

1 affordable housing project in the state was almost \$425,000 per
2 unit in 2016, up from \$265,000 per unit in 2000.

3 (10) Lengthy permitting processes and approval times, fees and
4 costs for parking, and other requirements further exacerbate cost
5 of residential construction.

6 (11) The housing crisis is severely impacting the state's
7 economy as follows:

8 (A) Employers face increasing difficulty in securing and
9 retaining a workforce.

10 (B) Schools, universities, nonprofits, and governments have
11 difficulty attracting and retaining teachers, students, and employees,
12 and our schools and critical services are suffering.

13 (C) According to analysts at McKinsey and Company, the
14 housing crisis is costing California \$140 billion a year in lost
15 economic output.

16 (12) The housing crisis also harms the environment by doing
17 both of the following:

18 (A) Increasing pressure to develop the state's farmlands, open
19 space, and rural interface areas to build affordable housing, and
20 increasing fire hazards that generate massive greenhouse gas
21 emissions.

22 (B) Increasing greenhouse gas emissions from longer commutes
23 to affordable homes far from growing job centers.

24 (13) Homes, lots, and structures near good jobs, schools, and
25 transportation remain underutilized throughout the state and could
26 be rapidly remodeled or developed to add affordable homes without
27 subsidy where they are needed with state assistance.

28 (14) Reusing existing infrastructure and developed properties,
29 and building more smaller homes with good access to schools,
30 parks, and services, will provide the most immediate help with the
31 lowest greenhouse gas footprint to state residents.

32 (b) In light of the foregoing, the Legislature hereby declares a
33 statewide housing emergency, to be in effect until January 1, 2030.

34 (c) It is the intent of the Legislature, in enacting the Housing
35 Crisis Act of 2019, to do both of the following:

36 (1) Suspend certain restrictions on the development of new
37 housing during the period of the statewide emergency described
38 in subdivisions (a) and (b).

1 (2) Work with local governments to expedite the permitting of
2 housing in regions suffering the worst housing shortages and
3 highest rates of displacement.

4 SEC. 14. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution for certain
6 costs that may be incurred by a local agency or school district
7 because, in that regard, this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty for a crime
9 or infraction, within the meaning of Section 17556 of the
10 Government Code, or changes the definition of a crime within the
11 meaning of Section 6 of Article XIII B of the California
12 Constitution.

13 However, if the Commission on State Mandates determines that
14 this act contains other costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

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