

AMENDED IN SENATE MARCH 17, 2025

SENATE BILL

No. 340

Introduced by Senator Laird

February 12, 2025

An act to amend Section 65583 of the Government Code, *and to amend Section 50801 of the Health and Safety Code*, relating to ~~land use~~ *housing*.

LEGISLATIVE COUNSEL'S DIGEST

SB 340, as amended, Laird. General plans: ~~housing element. element:~~ *emergency shelter.*

Existing law requires a city or county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires the housing element to identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, among other things. Existing law requires the housing element to contain an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these ~~needs~~. *needs, including by identifying one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. Existing law requires an emergency shelter to include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.*

This bill would ~~make nonsubstantive changes to those provisions.~~ *additionally require an emergency shelter to include all services provided onsite, including the addition or expansion of services that*

are consistent with certain written, objective standards. By imposing a higher level of service on cities and counties in preparing and adopting a general plan, this bill would impose a state-mandated local program.

Existing law requires the Department of Housing and Community Development to administer the Emergency Housing and Assistance Program. Under the program, moneys from the continuously appropriated Emergency Housing and Assistance Fund are available for the purposes of providing shelter, as specified, to homeless persons at as low of a cost and as quickly as possible, without compromising the health and safety of shelter occupants, to encourage the move of homeless persons from shelters to a self-supporting environment as soon as possible, to encourage provision of services for as many persons at risk of homelessness as possible, to encourage compatible and effective funding of homeless services, and to encourage coordination among public agencies that fund or provide services to homeless individuals, as well as agencies that discharge people from their institutions. Existing law defines “emergency shelter” to mean, in part, housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less by a homeless person.

This bill would modify that definition to mean housing with supportive services for homeless persons that is limited to occupancy of 6 months or less by a homeless person.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 65583 of the Government Code is
- 2 amended to read:
- 3 65583. The housing element shall consist of an identification
- 4 and analysis of existing and projected housing needs and a
- 5 statement of goals, policies, quantified objectives, financial

resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The housing element shall contain all of the following:

(a) An assessment of housing needs, and an inventory of resources and constraints that are relevant to the meeting of those needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584.

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

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing.

(4) (A) The identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. The identified zoning designations shall include sufficient sites meeting the requirements of subparagraph (H) with sufficient capacity, as described in subparagraph (I), to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zoning designation or designations that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zoning designation or designations with sufficient capacity, the local

1 government shall include a program to amend its zoning ordinance
2 to meet the requirements of this paragraph within one year of the
3 adoption of the housing element. The local government may
4 identify additional zoning designations where emergency shelters
5 are permitted with a conditional use permit. The local government
6 shall also demonstrate that existing or proposed permit processing,
7 development, and management standards that apply to emergency
8 shelters are objective and encourage and facilitate the development
9 of, or conversion to, emergency shelters.

10 (B) Emergency shelters shall only be subject to the following
11 written, objective standards:

12 (i) The maximum number of beds or persons permitted to be
13 served nightly by the facility.

14 (ii) Sufficient parking to accommodate all staff working in the
15 emergency shelter, provided that the standards do not require more
16 parking for emergency shelters than other residential or commercial
17 uses within the same zone.

18 (iii) The size and location of exterior and interior onsite waiting
19 and client intake areas.

20 (iv) The provision of onsite management.

21 (v) The proximity to other emergency shelters, provided that
22 emergency shelters are not required to be more than 300 feet apart.

23 (vi) The length of stay.

24 (vii) Lighting.

25 (viii) Security during hours that the emergency shelter is in
26 operation.

27 (C) For purposes of this paragraph, “emergency shelter” shall
28 include other interim interventions, including, but not limited to,
29 a navigation center, bridge housing, and respite or recuperative
30 ~~care~~ care, and all services provided onsite, including the addition
31 or expansion of services that are consistent with any written,
32 objective standards pursuant to subparagraph (B).

33 (D) The permit processing, development, and management
34 standards applied under this paragraph shall not be deemed to be
35 discretionary acts within the meaning of the California
36 Environmental Quality Act (Division 13 (commencing with Section
37 21000) of the Public Resources Code).

38 (E) If a local government has adopted written, objective
39 standards pursuant to subparagraph (B), the local government shall

1 include an analysis of the standards in the analysis of constraints
2 pursuant to paragraph (5).

3 (F) A local government that can demonstrate, to the satisfaction
4 of the department, the existence of one or more emergency shelters
5 either within its jurisdiction or pursuant to a multijurisdictional
6 agreement that can accommodate that jurisdiction's need and the
7 needs of the other jurisdictions that are a part of the agreement for
8 emergency shelter identified in paragraph (7) may comply with
9 the zoning requirements of subparagraph (A) by identifying a
10 zoning designation where new emergency shelters are allowed
11 with a conditional use permit.

12 (G) A local government with an existing ordinance or ordinances
13 that comply with this paragraph shall not be required to take
14 additional action to identify zoning designations for emergency
15 shelters. The housing element must only describe how existing
16 ordinances, policies, and standards are consistent with the
17 requirements of this paragraph.

18 (H) The zoning designation or designations where emergency
19 shelters are allowed, as described in subparagraph (A), shall include
20 sites that meet at least one of the following standards:

21 (i) Vacant sites zoned for residential use.

22 (ii) Vacant sites zoned for nonresidential use that allow
23 residential development, if the local government can demonstrate
24 how the sites with this zoning designation that are being used to
25 satisfy the requirements of paragraph (1) are located near amenities
26 and services that serve people experiencing homelessness, which
27 may include health care, transportation, retail, employment, and
28 social services, or that the local government will provide free
29 transportation to services or offer services onsite.

30 (iii) Nonvacant sites zoned for residential use or for
31 nonresidential use that allow residential development that are
32 suitable for use as a shelter in the current planning period, or which
33 can be redeveloped for use as a shelter in the current planning
34 period. A nonvacant site with an existing use shall be presumed
35 to impede emergency shelter development absent an analysis based
36 on substantial evidence that the use is likely to be discontinued
37 during the planning period. The analysis shall consider current
38 market demand for the current uses, market conditions, and
39 incentives or standards to encourage shelter development.

(I) The zoning designation or designations shall have sufficient sites meeting the requirements of subparagraph (H) to accommodate the need for shelters identified pursuant to paragraph (7). The number of people experiencing homelessness that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, unless the locality can demonstrate that one or more shelters were developed on sites that have fewer square feet per person during the prior planning period or the locality provides similar evidence to the department demonstrating that the site can accommodate more people experiencing homelessness. Any standard applied pursuant to this subparagraph is intended only for calculating site capacity pursuant to this section, and shall not be construed as establishing a development standard applicable to the siting, development, or approval of a shelter.

(J) Notwithstanding subparagraph (H), a local government may accommodate the need for emergency shelters identified pursuant to paragraph (7) on sites owned by the local government if it demonstrates with substantial evidence that the sites will be made available for emergency shelter during the planning period, they are suitable for residential use, and the sites are located near amenities and services that serve people experiencing homelessness, which may include health care, transportation, retail, employment, and social services, or that the local government will provide free transportation to services or offer services onsite.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees, and other exactions required of developers, local processing and permit procedures, historic preservation practices and policies and an assessment of how existing and proposed historic designations affect the locality's ability to meet its share of the housing need pursuant to paragraph (1), and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in

1 accordance with Section 65584 and from meeting the need for
2 housing for persons with disabilities, supportive housing,
3 transitional housing, and emergency shelters identified pursuant
4 to paragraph (7).

5 (6) An analysis of potential and actual nongovernmental
6 constraints upon the maintenance, improvement, or development
7 of housing for all income levels, including the availability of
8 financing, the price of land, the cost of construction, the requests
9 to develop housing at densities below those anticipated in the
10 analysis required by subdivision (c) of Section 65583.2, and the
11 length of time between receiving approval for a housing
12 development and submittal of an application for building permits
13 for that housing development that hinder the construction of a
14 locality's share of the regional housing need in accordance with
15 Section 65584. The analysis shall also demonstrate local efforts
16 to remove nongovernmental constraints that create a gap between
17 the locality's planning for the development of housing for all
18 income levels and the construction of that housing.

19 (7) (A) An analysis of any special housing needs, such as those
20 of the elderly; persons with disabilities, including a developmental
21 disability, as defined in Section 4512 of the Welfare and
22 Institutions Code; extremely low income households; large
23 families; farmworkers; families with female heads of households;
24 and families and persons in need of emergency shelter. The need
25 for emergency shelter shall be assessed based on the capacity
26 necessary to accommodate the most recent homeless point-in-time
27 count conducted before the start of the planning period, the need
28 for emergency shelter based on number of beds available on a
29 year-round and seasonal basis, the number of shelter beds that go
30 unused on an average monthly basis within a one-year period, and
31 the percentage of those in emergency shelters that move to
32 permanent housing solutions. The need for emergency shelter may
33 be reduced by the number of supportive housing units that are
34 identified in an adopted 10-year plan to end chronic homelessness
35 and that are either vacant or for which funding has been identified
36 to allow construction during the planning period. An analysis of
37 special housing needs by a city or county may include an analysis
38 of the need for frequent user coordinated care housing services.

39 (B) For the seventh and subsequent revisions of the housing
40 element, the analysis required in subparagraph (A) shall also

1 include an analysis of the housing needs of acutely and extremely
2 low income households.

3 (8) An analysis of opportunities for energy conservation with
4 respect to residential development. Cities and counties are
5 encouraged to include weatherization and energy efficiency
6 improvements as part of publicly subsidized housing rehabilitation
7 projects. This may include energy efficiency measures that
8 encompass the building envelope, its heating and cooling systems,
9 and its electrical system.

10 (9) An analysis of existing assisted housing developments that
11 are eligible to change from low-income housing uses during the
12 next 10 years due to termination of subsidy contracts, mortgage
13 prepayment, or expiration of restrictions on use. “Assisted housing
14 developments,” for the purpose of this section, shall mean
15 multifamily rental housing that receives governmental assistance
16 under federal programs listed in subdivision (a) of Section
17 65863.10, state and local multifamily revenue bond programs,
18 local redevelopment programs, the federal Community
19 Development Block Grant Program, or local in-lieu fees. “Assisted
20 housing developments” shall also include multifamily rental units
21 that were developed pursuant to a local inclusionary housing
22 program or used to qualify for a density bonus pursuant to Section
23 65916.

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

32 (B) The analysis shall estimate the total cost of producing new
33 rental housing that is comparable in size and rent levels, to replace
34 the units that could change from low-income use, and an estimated
35 cost of preserving the assisted housing developments. This cost
36 analysis for replacement housing may be done aggregately for
37 each five-year period and does not have to contain a
38 project-by-project cost estimate.

39 (C) The analysis shall identify public and private nonprofit
40 corporations known to the local government that have legal and

1 managerial capacity to acquire and manage these housing
2 developments.

3 (D) The analysis shall identify and consider the use of all federal,
4 state, and local financing and subsidy programs that can be used
5 to preserve, for lower income households, the assisted housing
6 developments, identified in this paragraph, including, but not
7 limited to, federal Community Development Block Grant Program
8 funds, tax increment funds received by a redevelopment agency
9 of the community, and administrative fees received by a housing
10 authority operating within the community. In considering the use
11 of these financing and subsidy programs, the analysis shall identify
12 the amounts of funds under each available program that have not
13 been legally obligated for other purposes and that could be
14 available for use in preserving assisted housing developments.

15 (b) (1) A statement of the community's goals, quantified
16 objectives, and policies relative to affirmatively furthering fair
17 housing and to the maintenance, preservation, improvement, and
18 development of housing.

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

28 (c) A program that sets forth a schedule of actions during the
29 planning period, each with a timeline for implementation, that may
30 recognize that certain programs are ongoing, such that there will
31 be beneficial impacts of the programs within the planning period,
32 that the local government is undertaking or intends to undertake
33 to implement the policies and achieve the goals and objectives of
34 the housing element through the administration of land use and
35 development controls, the provision of regulatory concessions and
36 incentives, the utilization of appropriate federal and state financing
37 and subsidy programs when available, and the utilization of moneys
38 in a low- and moderate-income housing fund of an agency if the
39 locality has established a redevelopment project area pursuant to
40 the Community Redevelopment Law (Division 24 (commencing

with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for all income levels that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to affirmatively further fair housing and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, a program for rezoning of those sites, subject to the following deadlines:

(i) For the adoption of the sixth revision of the housing element, jurisdictions with an eight-year housing element planning period pursuant to Section 65588, including adoption of minimum density and development standards or, for a jurisdiction in the coastal zone, any necessary local coastal program amendments related to land use designations, changes in intensity of land use, zoning ordinances, or zoning district maps, consistent with Sections 30512, 30512.2, 30513, and 30514 of the Public Resources Code, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588

1 for adoption of the housing element, rezoning of those sites,
2 including adoption of minimum density and development standards
3 or, for a jurisdiction in the coastal zone, any necessary local coastal
4 program amendments related to land use designations, changes in
5 intensity of land use, zoning ordinances, or zoning district maps,
6 consistent with Sections 30512, 30512.2, 30513, and 30514 of the
7 Public Resources Code, shall be completed no later than one year
8 from the statutory deadline in Section 65588 for adoption of the
9 housing element.

10 (ii) For adoption of the seventh and all subsequent revisions of
11 the housing element, rezonings shall be completed no later than
12 one year from the statutory deadline in Section 65588 for adoption
13 of the housing element.

14 (iii) Notwithstanding clause (ii), for the adoption of the seventh
15 and all subsequent revisions of the housing element, rezonings
16 shall be completed no later than three years and 90 days after the
17 statutory deadline in Section 65588 for adoption of the housing
18 element, unless the deadline is extended pursuant to subdivision
19 (f). This clause shall apply only if the local government complies
20 with all of the following:

21 (I) The local government submits a draft element or draft
22 amendment to the department for review pursuant to paragraph
23 (1) of subdivision (b) of Section 65585 at least 90 days before the
24 statutory deadline established in Section 65588 for adoption of the
25 housing element.

26 (II) The local government receives from the department findings
27 that the draft element or draft amendment substantially complies
28 with this article pursuant to paragraph (3) of subdivision (b) of
29 Section 65585 on or before the statutory deadline set forth in
30 Section 65588 for adoption of the housing element.

31 (III) The local government adopts the draft element or draft
32 amendment that the department found to substantially comply with
33 this article no later than 120 days after the statutory deadline set
34 forth in Section 65588.

35 (B) Where the inventory of sites, pursuant to paragraph (3) of
36 subdivision (a), does not identify adequate sites to accommodate
37 the need for groups of all household income levels pursuant to
38 Section 65584, the program shall identify sites that can be
39 developed for housing within the planning period pursuant to

1 subdivision (h) of Section 65583.2. The identification of sites shall
2 include all components specified in Section 65583.2.

3 (C) Where the inventory of sites pursuant to paragraph (3) of
4 subdivision (a) does not identify adequate sites to accommodate
5 the need for farmworker housing, the program shall provide for
6 sufficient sites to meet the need with zoning that permits
7 farmworker housing use by right, including density and
8 development standards that could accommodate and facilitate the
9 feasibility of the development of farmworker housing for low- and
10 very low income households.

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

14 (B) For the seventh and subsequent revisions of the housing
15 element, the program shall also assist in the development of
16 adequate housing to meet the needs of acutely low income
17 households.

18 (3) Address and, where appropriate and legally possible, remove
19 governmental and nongovernmental constraints to the maintenance,
20 improvement, and development of housing, including housing for
21 all income levels and housing for persons with disabilities. The
22 program shall remove constraints to, and provide reasonable
23 accommodations for housing designed for, intended for occupancy
24 by, or with supportive services for, persons with disabilities.
25 Transitional housing and supportive housing shall be considered
26 a residential use of property and shall be subject only to those
27 restrictions that apply to other residential dwellings of the same
28 type in the same zone. Supportive housing, as defined in Section
29 65650, shall be a use by right in all zones where multifamily and
30 mixed uses are permitted, as provided in Article 11 (commencing
31 with Section 65650).

32 (4) Conserve and improve the condition of the existing
33 affordable housing stock, which may include addressing ways to
34 mitigate the loss of dwelling units demolished by public or private
35 action.

36 (5) Promote and affirmatively further fair housing opportunities
37 and promote housing throughout the community or communities
38 for all persons regardless of race, religion, sex, marital status,
39 ancestry, national origin, color, familial status, or disability, and
40 other characteristics protected by the California Fair Employment

1 and Housing Act (Part 2.8 (commencing with Section 12900) of
2 Division 3 of Title 2), Section 65008, and any other state and
3 federal fair housing and planning law.

4 (6) Preserve for lower income households the assisted housing
5 developments identified pursuant to paragraph (9) of subdivision
6 (a). The program for preservation of the assisted housing
7 developments shall utilize, to the extent necessary, all available
8 federal, state, and local financing and subsidy programs identified
9 in paragraph (9) of subdivision (a), except where a community has
10 other urgent needs for which alternative funding sources are not
11 available. The program may include strategies that involve local
12 regulation and technical assistance.

13 (7) Develop a plan that incentivizes and promotes the creation
14 of accessory dwelling units that can be offered at affordable rent,
15 as defined in Section 50053 of the Health and Safety Code, for
16 very low, low-, or moderate-income households. For purposes of
17 this paragraph, “accessory dwelling units” has the same meaning
18 as “accessory dwelling unit” as defined in subdivision (a) of
19 Section 66313.

20 (8) Include an identification of the agencies and officials
21 responsible for the implementation of the various actions and the
22 means by which consistency will be achieved with other general
23 plan elements and community goals.

24 (9) Include a diligent effort by the local government to achieve
25 public participation of all economic segments of the community
26 in the development of the housing element, and the program shall
27 describe this effort.

28 (10) (A) Affirmatively further fair housing in accordance with
29 Chapter 15 (commencing with Section 8899.50) of Division 1 of
30 Title 2. The program shall include an assessment of fair housing
31 in the jurisdiction that shall include all of the following
32 components:

33 (i) A summary of fair housing issues in the jurisdiction and an
34 assessment of the jurisdiction’s fair housing enforcement and fair
35 housing outreach capacity.

36 (ii) An analysis of available federal, state, and local data and
37 knowledge to identify integration and segregation patterns and
38 trends, racially or ethnically concentrated areas of poverty and
39 affluence, disparities in access to opportunity, and disproportionate
40 housing needs, including displacement risk. The analysis shall

1 identify and examine such patterns, trends, areas, disparities, and
2 needs, both within the jurisdiction and comparing the jurisdiction
3 to the region in which it is located, based on race and other
4 characteristics protected by the California Fair Employment and
5 Housing Act (Part 2.8 (commencing with Section 12900) of
6 Division 3 of Title 2) and Section 65008.

7 (iii) An assessment of the contributing factors, including the
8 local and regional historical origins and current policies and
9 practices, for the fair housing issues identified under clauses (i)
10 and (ii).

11 (iv) An identification of the jurisdiction's fair housing priorities
12 and goals, giving highest priority to those factors identified in
13 clause (iii) that limit or deny fair housing choice or access to
14 opportunity, or negatively impact fair housing or civil rights
15 compliance, and identifying the metrics and milestones for
16 determining what fair housing results will be achieved.

17 (v) Strategies and actions to implement those priorities and
18 goals, which may include, but are not limited to, enhancing
19 mobility strategies and encouraging development of new affordable
20 housing in areas of opportunity, as well as place-based strategies
21 to encourage community revitalization, including preservation of
22 existing affordable housing, and protecting existing residents from
23 displacement.

24 (B) A jurisdiction that completes or revises an assessment of
25 fair housing pursuant to Subpart A (commencing with Section
26 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal
27 Regulations, as published in Volume 80 of the Federal Register,
28 Number 136, page 42272, dated July 16, 2015, or an analysis of
29 impediments to fair housing choice in accordance with the
30 requirements of Section 91.225 of Title 24 of the Code of Federal
31 Regulations in effect before August 17, 2015, may incorporate
32 relevant portions of that assessment or revised assessment of fair
33 housing or analysis or revised analysis of impediments to fair
34 housing into its housing element.

35 (C) (i) The requirements of this paragraph shall apply to housing
36 elements due to be revised pursuant to Section 65588 on or after
37 January 1, 2021.

38 (ii) The assessment required pursuant to this paragraph shall be
39 completed before the planning agency makes its first draft revision

1 of a housing element available for public comment pursuant to
2 subdivision (b) of Section 65585.

3 (D) (i) The department shall develop a standardized reporting
4 format for programs and actions taken pursuant to this paragraph.
5 The standardized reporting format shall enable the reporting of all
6 of the assessment components listed in subparagraph (A) and, at
7 a minimum, include all of the following fields:

8 (I) Timelines for implementation.

9 (II) Responsible party or parties.

10 (III) Resources committed from the local budget to affirmatively
11 further fair housing.

12 (IV) Action areas.

13 (V) Potential impacts of the program.

14 (ii) A local government shall utilize the standardized report
15 format developed pursuant to this subparagraph for the seventh
16 and each subsequent revision of the housing element.

17 (d) (1) A local government may satisfy all or part of its
18 requirement to identify a zone or zones suitable for the
19 development of emergency shelters pursuant to paragraph (4) of
20 subdivision (a) by adopting and implementing a multijurisdictional
21 agreement, with a maximum of two other adjacent communities,
22 that requires the participating jurisdictions to develop at least one
23 year-round emergency shelter within two years of the beginning
24 of the planning period.

25 (2) The agreement shall allocate a portion of the new shelter
26 capacity to each jurisdiction as credit toward its emergency shelter
27 need, and each jurisdiction shall describe how the capacity was
28 allocated as part of its housing element.

29 (3) Each member jurisdiction of a multijurisdictional agreement
30 shall describe in its housing element all of the following:

31 (A) How the joint facility will meet the jurisdiction's emergency
32 shelter need.

33 (B) The jurisdiction's contribution to the facility for both the
34 development and ongoing operation and management of the
35 facility.

36 (C) The amount and source of the funding that the jurisdiction
37 contributes to the facility.

38 (4) The aggregate capacity claimed by the participating
39 jurisdictions in their housing elements shall not exceed the actual
40 capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for lower income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exists:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not

1 disapprove a housing development project, nor require a
2 conditional use permit, planned unit development permit, or other
3 locally imposed discretionary permit, or impose a condition that
4 would render the project infeasible, if the housing development
5 project, (A) is proposed to be located on a site required to be
6 rezoned pursuant to the program action required by that
7 subparagraph and, (B) complies with applicable, objective general
8 plan and zoning standards and criteria, including design review
9 standards, described in the program action required by that
10 subparagraph. Any subdivision of sites shall be subject to the
11 Subdivision Map Act (Division 2 (commencing with Section
12 66410)). Design review shall not constitute a “project” for purposes
13 of Division 13 (commencing with Section 21000) of the Public
14 Resources Code.

15 (2) A local government may disapprove a housing development
16 described in paragraph (1) if it makes written findings supported
17 by substantial evidence on the record that both of the following
18 conditions exist:

19 (A) The housing development project would have a specific,
20 adverse impact upon the public health or safety unless the project
21 is disapproved or approved upon the condition that the project be
22 developed at a lower density. As used in this paragraph, a “specific,
23 adverse impact” means a significant, quantifiable, direct, and
24 unavoidable impact, based on objective, identified written public
25 health or safety standards, policies, or conditions as they existed
26 on the date the application was deemed complete.

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

32 (3) The applicant or any interested person may bring an action
33 to enforce this subdivision. If a court finds that the local agency
34 disapproved a project or conditioned its approval in violation of
35 this subdivision, the court shall issue an order or judgment
36 compelling compliance within 60 days. The court shall retain
37 jurisdiction to ensure that its order or judgment is carried out. If
38 the court determines that its order or judgment has not been carried
39 out within 60 days, the court may issue further orders to ensure
40 that the purposes and policies of this subdivision are fulfilled. In

1 any such action, the city, county, or city and county shall bear the
2 burden of proof.

3 (4) For purposes of this subdivision, “housing development
4 project” means a project to construct residential units for which
5 the project developer provides sufficient legal commitments to the
6 appropriate local agency to ensure the continued availability and
7 use of at least 49 percent of the housing units for very low, low-,
8 and moderate-income households with an affordable housing cost
9 or affordable rent, as defined in Section 50052.5 or 50053 of the
10 Health and Safety Code, respectively, for the period required by
11 the applicable financing.

12 (h) An action to enforce the program actions of the housing
13 element shall be brought pursuant to Section 1085 of the Code of
14 Civil Procedure.

15 (i) Notwithstanding any other law, the otherwise applicable
16 timeframe set forth in paragraph (2) of subdivision (b) and
17 subdivision (d) of Section 21080.3.1 of the Public Resources Code,
18 and paragraph (3) of subdivision (d) of Section 21082.3 of the
19 Public Resources Code, for a Native American tribe to respond to
20 a lead agency and request consultation in writing is extended by
21 30 days for any housing development project application
22 determined or deemed to be complete on or after March 4, 2020,
23 and prior to December 31, 2021.

24 (j) On or after January 1, 2024, at the discretion of the
25 department, the analysis of government constraints pursuant to
26 paragraph (5) of subdivision (a) may include an analysis of
27 constraints upon the maintenance, improvement, or development
28 of housing for persons with a characteristic identified in subdivision
29 (b) of Section 51 of the Civil Code. The implementation of this
30 subdivision is contingent upon an appropriation by the Legislature
31 in the annual Budget Act or another statute for this purpose.

32 *SEC. 2. Section 50801 of the Health and Safety Code is*
33 *amended to read:*

34 50801. As used in this chapter:

35 (a) “Department” means the Department of Housing and
36 Community Development.

37 (b) “Designated local board” means a group, including social
38 service providers and a representative of local government, that
39 has met department requirements for distribution of grants allocated
40 by the department pursuant to this chapter.

1 (c) “Director” means the Director of Housing and Community
2 Development.

3 (d) “Eligible organization” means an agency of local
4 government or a nonprofit corporation that provides, or contracts
5 with community organizations to provide, emergency shelter or
6 transitional housing, or both.

7 (e) “Emergency shelter” means housing with ~~minimal~~
8 supportive services for homeless persons that is limited to
9 occupancy of six months or less by a homeless person. No
10 individual or household may be denied emergency shelter because
11 of an inability to pay.

12 (f) “Nonurban county” means any county with a population of
13 less than 200,000, as published in the most recent edition of
14 Population Estimates of California Cities and Counties, E-1,
15 prepared by the Department of Finance, Demographic Research
16 Unit.

17 (g) “Region” means a county or a consortium of counties
18 voluntarily banding together by action of a designated local board.

19 (h) “Safe Haven” means supportive housing for seriously
20 mentally ill homeless persons, many of whom have cooccurring
21 substance abuse problems, that have been unable or unwilling to
22 participate in high demand housing programs.

23 (i) “Transitional housing” means housing with supportive
24 services for up to 24 months that is exclusively designated and
25 targeted for recently homeless persons. Transitional housing
26 includes self-sufficiency development services, with the ultimate
27 goal of moving recently homeless persons to permanent housing
28 as quickly as possible, and limits rents and service fees to an
29 ability-to-pay formula reasonably consistent with the United States
30 Department of Housing and Urban Development’s requirements
31 for subsidized housing for low-income persons. Rents and service
32 fees paid for transitional housing may be reserved, in whole or in
33 part, to assist residents in moving to permanent housing.

34 (j) “Urban county” means any county that is not a nonurban
35 county.

36 *SEC. 3. If the Commission on State Mandates determines that*
37 *this act contains costs mandated by the state, reimbursement to*
38 *local agencies and school districts for those costs shall be made*

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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