

AMENDED IN SENATE APRIL 10, 2025

**SENATE BILL**

**No. 681**

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**Introduced by Senator Wahab**

February 21, 2025

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~~An act to amend Section 65400 of the Government Code, relating to land use.~~ *An act to amend Sections 714.3, 1950.6, 5850, and 5855 of, to add Sections 1950.3 and 2924.13 to, and to repeal Section 1947.1 of, the Civil Code, to amend Sections 54221, 65584.01, 65584.04, 65589.5, 65905.5, 65913.10, 65928, 65941.1, 65953, and 65956 of, to amend and repeal Sections 65940, 65943, and 65950 of, to add Section 8590.15.5 to, and to repeal Section 66301 of, the Government Code, to add Section 30342 to, and to add and repeal Section 25402.15 of, the Public Resources Code, and to amend Section 17053.5 of the Revenue and Taxation Code, relating to housing.*

LEGISLATIVE COUNSEL'S DIGEST

SB 681, as amended, Wahab. ~~Planning and zoning: annual progress report: density bonus ordinances.~~ *Housing.*

*(1) Existing law, the Planning and Zoning Law, authorizes a local agency to provide for the creation of accessory dwelling units in single-family and multifamily residential zones by ordinance, and sets forth standards the ordinance is required to impose with respect to certain matters, including, among others, maximum unit size, parking, and height standards. Existing law authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones and requires the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements.*

*Existing law makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in real property that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units. However, existing law permits reasonable restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with those aforementioned minimum standards provisions.*

*This bill would prohibit fees and other financial requirements from being included in the above-described reasonable restrictions.*

*(2) Existing law regulates the hiring of real property and imposes various requirements on landlords relating to the application for, and leasing of, residential rental property. Existing law places limitations on the amount of rent and security that a landlord can charge a tenant, as specified.*

*This bill would prohibit a landlord or their agent from charging certain fees, including, any fee that is not specified in the rental agreement, a processing fee, including a convenience fee or a check cashing fee, for the payment of rent or any other fees or deposits, or a fee for a tenant to own a household pet. The bill would also prohibit a landlord or their agent from charging a late fee for the late payment of rent that is more than 2% of the monthly rental rate, and would prohibit the late fee from being charged unless the rent is overdue by 7 days or more. Under the bill, if a landlord or their agent charges and collects a fee from a tenant that is not authorized by law, the landlord or their agent would be liable to the tenant in a civil action for the cost of the fee, plus 5% interest compounded daily from the date the fee was collected.*

*Existing law requires the owner of qualifying residential property, as defined, that provides parking with the qualifying residential property to unbundle parking from the price of rent, as specified. Existing law defines “unbundled parking” as the practice of selling or leasing parking spaces separate from the lease of the residential use.*

*This bill would repeal those provisions, and instead, would prohibit a landlord or its agent from charging a fee for a parking space.*

*Existing law authorizes a landlord or their agent to charge an applicant who requests to rent a residential housing unit an application screening fee to cover the costs of obtaining information about the applicant. Existing law prohibits the amount of the application screening fee from being greater than the actual out-of-pocket costs of gathering information concerning the applicant, including, but not limited to, the cost of using a tenant screening service or a consumer credit reporting service, and the reasonable value of time spent by the landlord or their agent in obtaining information on the applicant, as provided.*

*This bill, instead, would authorize the application screening fee to cover the actual costs of the screening, and would prohibit the amount of the application screening fee from being greater than the actual out-of-pocket costs of conducting the screening, including, but not limited to, the cost of using a tenant screening service or a consumer credit reporting service, as provided. The bill would thereby eliminate the authority of the landlord or their agent to charge, as part of the application screening fee, the reasonable value of time spent by the landlord or their agent in obtaining information on the applicant.*

*(3) Existing law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust. Existing law authorizes a borrower to bring an action for injunctive relief to enjoin material violations of certain of these requirements, and requires that the injunction remain in place and any trustee's sale be enjoined until the court determines that the violations have been corrected, as specified.*

*This bill would deem all or a portion of a debt secured by a subordinate mortgage abandoned if any of certain conditions are met, including that the mortgage servicer did not provide the borrower with any communication regarding the loan secured by the mortgage for at least 3 years. The bill would prohibit a mortgage servicer from conducting or threatening to conduct a nonjudicial foreclosure if any part of the debt secured by the mortgage or deed of trust is deemed abandoned pursuant to those provisions, and would prohibit a mortgage servicer from exercising a power of sale in a mortgage or deed of trust unless the mortgage servicer records a certification under penalty of perjury that no portion of the debt secured by the mortgage or deed of trust is abandoned pursuant to those provisions. By expanding the scope of a crime, this bill would impose a state-mandated local program.*

*(4) Existing law, the Davis-Stirling Common Interest Development Act, governs the formation and operation of common interest*

*developments. Existing law requires that a common interest development be managed by an association.*

*Existing law, if an association adopts or has adopted a policy imposing any monetary penalty on any association member for a violation of the governing documents, requires the board to adopt and distribute to each member a schedule of the monetary penalties that may be assessed for those violations, as provided, and prohibits an association from imposing a monetary penalty on a member for a violation of the governing documents in excess of that schedule. Existing law requires the board to notify a member 10 days before a meeting to consider or impose discipline on the member, as specified. Existing law requires the board to provide a member with written notification of a decision to impose discipline on the member within 15 days.*

*This bill would prohibit monetary fees from exceeding the lesser of that specified schedule or \$100 per violation. The bill would require the board to give a member the opportunity to cure a violation prior to the meeting to consider or impose discipline, as specified. The bill would reduce the time to provide written notification of a decision to impose discipline from 15 days to 14 days.*

*(5) Existing law, until July 1, 2042, establishes the Seismic Retrofitting Program for Soft Story Multifamily Housing for the purposes of providing financial assistance to owners of soft story multifamily housing for seismic retrofitting to protect individuals living in multifamily housing that have been determined to be at risk of collapse in earthquakes, as specified. Existing law establishes the Seismic Retrofitting Program for Soft Story Multifamily Housing Fund, and its subsidiary account, the Seismic Retrofitting Account, within the State Treasury. Existing law requires the California Residential Mitigation Program, also known as the CRMP, to develop and administer the program, as specified.*

*This bill would require, upon appropriation by the Legislature, the CRMP to fund the seismic retrofitting of affordable multifamily housing, as specified. The bill would require the CRMP to prioritize affordable multifamily housing serving lower income households, as defined.*

*(6) Existing law prescribes requirements for the disposal of surplus land by a local agency. Existing law provides that an agency is not required to follow the requirements for disposal of surplus land for “exempt surplus land,” except as provided. Existing law defines “exempt surplus land” to mean, among other things, real property that a school district is required to appoint a district advisory committee prior to*

*sale, lease, or rental of any excess real property, as specified, and real property that a school district may exchange for real property of another person or private business firm, as specified.*

*This bill would remove the above-described school district real property from the definition of “exempt surplus land,” thereby requiring that the disposal of that property be done in accordance with the above-described requirements for surplus land disposal.*

*(7) Existing law, the Planning and Zoning Law, requires each county and each city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that contains certain mandatory elements, including a housing element. That law requires each local government to review its housing element and to revise the housing element in accordance with a specified schedule. For the 4th and subsequent revisions of the housing element, existing law requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, and requires the appropriate council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county, as provided. Existing law requires the department to meet and consult with the council of governments regarding the assumptions and methodology used to determine a region’s housing needs at least 26 months prior to the scheduled revision. Existing law requires the council of governments to provide certain data assumptions from the council’s projections, if available, including, among other things, the percentage of households that are overcrowded, the overcrowding rate for a comparable housing market, the percentage of households that are cost burdened, and the rate of housing cost burden for a healthy housing market.*

*This bill would revise these data assumptions requirements to, instead, require the council of governments to provide data on the percentage of households that are overcrowded within the region, the percentage of households that are overcrowded throughout the nation, the percentage of households that are cost burdened within the region, and the percentage of households that are cost burdened throughout the nation.*

*Existing law requires each council of governments, or delegate subregion, as applicable, to develop, in consultation with the department, a proposed methodology for distributing the existing and*

*projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable, at least 2 years before a scheduled revision. This methodology is also referred to as the allocation methodology. Existing law requires the council of governments, or delegate subregion, as applicable, to publish a draft allocation methodology on its internet website and submit the draft allocation methodology to the department. Existing law requires the department to determine whether the methodology furthers the specified objectives within 60 days. If the department determines that the methodology is not consistent with the objectives, existing law requires the council of governments, or delegate subregion, as applicable, to either (A) revise the methodology to further the objectives and adopt a final regional, or subregional, housing need allocation methodology or (B) adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives, despite the findings of the department.*

*This bill, if the department determines that the draft allocation methodology is not consistent with the objectives, would instead require the council of governments, or delegate subregion, to revise the methodology, in consultation with the department, to further the objectives within 45 days, receive department acceptance that the revised methodology furthers the objectives, and adopt a final regional, or subregional, housing need allocation methodology. The bill would remove the ability for a council of governments or delegate subregion to adopt the regional or subregional housing need allocation methodology without revision, as described above.*

*(8) Existing law, except as provided, generally requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. Existing law, until January 1, 2034, prohibits a city or county from conducting more than 5 hearings, as defined, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed housing development project complies with the applicable objective general plan and zoning standards in effect at the time an*

*application is deemed complete, as defined. Existing law, until January 1, 2034, requires the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act.*

*This bill would remove the January 1, 2034, repeal date with respect to the requirements that a city or county conduct no more than 5 hearings on a housing development project, and either approve or disapprove that housing development at any of those hearings, as described above, thereby extending these provisions indefinitely.*

*(9) Existing law, until January 1, 2030, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development project is a historic site, requires the city or county to make that determination, which remains valid for the pendency of the housing development, at the time the application is deemed complete, except as provided.*

*This bill would remove the January 1, 2030, repeal date for these provisions, thereby extending them indefinitely.*

*(10) Existing law, the Housing Accountability Act, among other things, prohibits a local agency from disapproving a housing development project that complies with applicable objective general plan, zoning, and subdivision standards and criteria, or from imposing a condition that it be developed at a lower density, unless the local agency bases its decision on written findings supported by the preponderance of the evidence on the record that specified conditions exist, as provided. That act also prohibits a local agency from disapproving, or from conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes written findings, based on the preponderance of the evidence, that one of 6 specified conditions exist.*

*The act authorizes the applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization to bring an action to enforce its provisions and authorizes a court to issue an order or judgment directing the local agency to approve the housing development project or emergency shelter under certain circumstances. Those circumstances include, among others and until January 1, 2030, that the local agency required or attempted to require a housing development project to*

*comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted, as specified.*

*This bill would remove the January 1, 2030, inoperative date for this provision of the act, thereby extending this provision of the Housing Accountability Act indefinitely.*

*The act, except as specified, requires that a housing development project be subject only to the ordinances, policies, and standards, as defined, adopted and in effect when a preliminary application, including specified information, required by specified law as described below, was submitted. The act makes this requirement inoperative on January 1, 2034.*

*This bill would remove the January 1, 2034, inoperative date for this requirement under the act, thereby extending this provision of the Housing Accountability Act indefinitely.*

*Among other terms, the act defines the term “deemed complete” for its purposes to mean, until January 1, 2030, that the applicant has submitted a preliminary application or a complete application, as specified, and requires that the local agency bear the burden of proof in establishing that the application is not complete. The act also defines the term “determined to be complete” for its purposes to mean, until January 1, 2030, that the applicant has submitted a complete application, as specified. The act also defines the term “objective” to mean, until January 1, 2030, involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.*

*This bill would remove the January 1, 2030, inoperative date for each of these definitions, thereby extending their application under the Housing Accountability Act indefinitely.*

*(11) Existing law, the Permit Streamlining Act, requires public agencies to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. The act requires a public agency to determine in writing whether the application is complete and to immediately transmit the determination to the applicant for the development project, not later than 30 calendar days after the public agency received the application for the development project. The act defines “development project” for purposes of its provisions to mean any project undertaken for the purpose of development, including a project involving the issuance of*



*a permit for construction or reconstruction but not a permit to operate, and excludes from this definition any ministerial projects proposed to be carried out or approved by public agencies.*

*This bill, notwithstanding the exclusion for ministerial projects, would include in the definition of “development project” under the Permit Streamlining Act a housing development project that requires an entitlement from a local agency, regardless of whether the process for permitting that entitlement is discretionary or ministerial. The bill would also exclude from this definition a postentitlement phase permit, as defined by specified law.*

*The act requires a city or county to deem an applicant for a housing development project to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. Existing law also authorizes a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate, as defined, and requires a city, county, or city and county to provide the estimate within 30 business days of the submission of the preliminary application. Existing law repeals these provisions as of January 1, 2030.*

*This bill would remove the January 1, 2030, repeal date for these provisions, thereby extending the provisions indefinitely.*

*No later than 30 calendar days after receiving an application for a development project, the act requires a local agency to determine in writing whether the application is complete and immediately transmit that determination to the applicant. The act, until January 1, 2030, requires a public agency, upon its determination that an application for a development project is incomplete, to provide the applicant with an exhaustive list of items that were not complete, as specified. The act, until January 1, 2030, requires each city and each county to make copies of any list compiled, as described above, with respect to information required from an applicant for a housing development project, as defined, available in writing to those persons to whom the agency is required to make information available, as provided, and publicly available on the internet website of the city or county.*

*This bill would remove the January 1, 2030, repeal date with respect to provision of an exhaustive list of requirements not complete, and availability of lists compiled with respect to housing development projects, thereby extending these provisions indefinitely.*

*The act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act, until January 1, 2030, generally requires that a public agency that is the lead agency for certain development projects approve or disapprove the project within 90 days from the date of certification by the lead agency of an environmental impact report prepared for the project, but reduces this time period to 60 days from the certification of an environmental impact report if the project meets certain additional conditions relating to affordability. The act, until January 1, 2030, defines the term “development project” for this purpose to mean a housing development project, as that term is defined for purposes of the Housing Accountability Act, except as specified. Beginning January 1, 2030, the act extends the above-described timelines from 90 days to 120 days, and from 60 days to 90 days, respectively, and defines the term “development project” to mean a use consisting of residential units only or certain mixed-use developments.*

*This bill would remove the January 1, 2030, repeal date for the 90-day and 60-day timelines described above and for the definition of “housing development project,” thereby extending these provisions indefinitely, and would make a conforming change by repealing the above-described provisions that take effect on January 1, 2030. The bill would also require that a public agency that is the lead agency for a development project approve or disapprove a project within 60 days from the date of receipt of a complete application, if the project is subject to ministerial review by the public agency.*

*The act authorizes an applicant for a permit for a development project, if any provision of law requires a lead agency or responsible agency to provide public notice of the development project or to hold a public hearing on the development project and the agency has not done so at least 60 days before the expiration of specified time limits, to file an action to compel the agency to provide the public notice or hold the hearing, as specified. In the event that a lead agency or a responsible agency fails to act to approve or to disapprove a development project within the time limits required by the act, existing law deems the failure to act as an approval of the permit application for the development project, only if the public notice required by law has occurred, as specified.*

*This bill would remove the requirement that the public notice required by law has occurred, in order for the failure to act to be deemed as an approval of the permit application for the development project.*

*The act provides that the time limits specified in the act are maximum time limits for approving or disapproving development projects. The act requires, if possible, public agencies to approve or disapprove development projects in shorter periods of time.*

*This bill would require that the time limits specified in act only apply to the extent that the time limits are equal to or shorter than the applicable time limits for public agency review established in any other law.*

*(12) Existing law, known as the Housing Crisis Act of 2019, prohibits an affected county or an affected city, as defined and determined by the Department of Housing and Community Development, as specified, from enacting certain development policies, standards, or conditions with respect to land where housing is an allowable use, including policies, standards, or conditions that impose a moratorium or similar restriction or limitation on housing development or that limit the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated. The act also prohibits an affected city or an affected county from approving a housing development project that will require the demolition of one or more residential dwelling units, unless the project will create at least as many residential dwelling units as will be demolished, or from approving a development project that will require the demolition of occupied or vacant protected units or that is located on a site where protected units were demolished in the previous 5 years, unless specified conditions are met. The act repeals these provisions as of January 1, 2034.*

*This bill would remove the above-described January 1, 2034, repeal date, thereby extending application of the Housing Crisis Act of 2019 indefinitely.*

*(13) Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, building design and construction standards and energy and water conservation design standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, and unnecessary consumption of energy and to manage energy loads to help maintain electrical grid reliability. Existing law requires the commission to periodically review the standards and adopt revisions that it deems necessary.*

*This bill would require the commission, during the triennial update of the building energy efficiency standards, to review measures used to achieve a precise level of energy efficiency within a specific level of comfort, as specified. The bill would require the commission, on or*

before January 1, 2030, to report and make recommendations to the Legislature on how these measures could be incorporated into the building energy efficiency standards during their next available update.

(14) Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and prescribes the powers and responsibilities of the commission with regard to the regulation of development along the California coast.

This bill would require, no later than July 1, 2027, the commission to create an electronic submission process and accept submissions from any application pursuant to the California Coastal Act of 1976 through electronic mail or other electronic means.

(15) Existing law, the Personal Income Tax Law, authorizes various credits against the taxes imposed by that law, including a credit for qualified renters in the amount of \$120 for spouses filing joint returns, heads of household, and surviving spouses if adjusted gross income is \$50,000, as adjusted, or less, and in the amount of \$60 for other individuals if adjusted gross income is \$25,000, as adjusted, or less. Existing law requires any bill authorizing a new tax credit to contain, among other things, specific goals, purposes, and objectives that the tax credit will achieve, detailed performance indicators, and data collection requirements.

Existing law establishes the continuously appropriated Tax Relief and Refund Account in the General Fund and provides that payments required to be made to taxpayers or other persons from the Personal Income Tax Fund are to be paid from that account, including any amount allowable as an earned income tax credit in excess of any tax liabilities.

This bill, for taxable years beginning on or after January 1, 2026, and before January 1, 2031, and only when specified in a bill relating to the Budget Act, would increase the credit amount for a qualified renter to \$250 and \$500, as provided. In the event the increased credit amount is not specified in a bill relating to the Budget Act, the existing credit amounts of \$120 and \$60, as described above, respectively, would be the credit amounts for that taxable year. The bill would provide findings and declarations relating to the goals, purposes, and objectives of this credit.

The bill, for credits allowable for taxable years beginning on or after January 1, 2026, and before January 1, 2030, would provide that the credit amount in excess of the qualified renter's liability would be

*refundable and paid from the Tax Relief and Refund Account to the qualified renter upon appropriation by the Legislature.*

*(16) By imposing additional duties on local officials, 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 no reimbursement is required by this act for specified reasons.*

~~Existing law, known as the Density Bonus Law, requires a city, county, or city and county to provide a developer that proposes a housing development within the jurisdictional boundaries of that city, county, or city and county with a density bonus and other incentives or concessions for the production of lower income housing units, if the developer agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents and meets other requirements. Existing law requires a city, county, or city and county to adopt an ordinance that specifies how compliance with the Density Bonus Law will be implemented.~~

~~The Planning and Zoning Law requires each county and each city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other specified mandatory elements, a housing element. That law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Office of Land Use and Climate Innovation, formerly known as the Office of Planning and Research, and the Department of Housing and Community Development that includes, among other specified information, data from all projects approved to receive a density bonus from the city or county, as specified.~~

~~This bill would require a city or county that has a local density bonus ordinance to submit as part of their annual report a copy of the text of that ordinance. By increasing the scope of data required to be reported in the annual report, the bill would impose a state-mandated local program. The bill would also make a nonsubstantive change to update a reference to the Office of Land Use and Climate Innovation in these provisions.~~

~~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: yes.  
State-mandated local program: yes.

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

1     SECTION 1. Section 714.3 of the Civil Code is amended to  
2     read:

3     714.3. (a) Any covenant, restriction, or condition contained  
4     in any deed, contract, security instrument, or other instrument  
5     affecting the transfer or sale of any interest in real property that  
6     either effectively prohibits or unreasonably restricts the  
7     construction or use of an accessory dwelling unit or junior  
8     accessory dwelling unit on a lot zoned for single-family residential  
9     use that meets the requirements of Article 2 (commencing with  
10    Section 66314) of Chapter 13 or Article 3 (commencing with  
11    Section 66333) of Chapter 13 of Division of Title 7 of the  
12    Government Code is void and unenforceable.

13    (b) This section does not apply to provisions that impose  
14    reasonable restrictions on accessory dwelling units or junior  
15    accessory dwelling units. For purposes of this subdivision,  
16    “reasonable restrictions” means restrictions that do not  
17    unreasonably increase the cost to construct, effectively prohibit  
18    the construction of, or extinguish the ability to otherwise construct,  
19    an accessory dwelling unit or junior accessory dwelling unit  
20    consistent with the provisions of Article 2 (commencing with  
21    Section 66314) or Article 3 (commencing with Section 66333) of  
22    Chapter 13 of Division 1 of Title 7 of the Government Code.  
23    “Reasonable restrictions” shall not include any fees or other  
24    financial requirements.

25    SEC. 2. Section 1947.1 of the Civil Code is repealed.

26    ~~1947.1.—(a) If an owner of a qualifying residential property~~  
27    ~~provides parking with the qualifying residential property, they~~  
28    ~~shall unbundle parking from the price of rent.~~

1 ~~(b) (1) Off-street parking accessory to a qualifying residential~~  
2 ~~property shall not be included in any residential rental agreement~~  
3 ~~and shall be subject to a rental agreement addendum or provided~~  
4 ~~in a separate rental agreement.~~

5 ~~(2) All off-street parking spaces shall be unbundled from the~~  
6 ~~qualifying residential property for the life of the property.~~

7 ~~(e) (1) A tenant of a qualifying residential property shall have~~  
8 ~~the right of first refusal to parking spaces built for their property.~~  
9 ~~Remaining residential unbundled parking spaces that are not leased~~  
10 ~~to tenants of the residential dwelling may be leased by the owner~~  
11 ~~of the qualifying residential property to other on-site users or to~~  
12 ~~off-site residential users on a month-to-month basis.~~

13 ~~(2) If there are unavailable parking spaces on the residential~~  
14 ~~property upon the occupancy of a new tenant, and parking spaces~~  
15 ~~are subsequently built for the residential dwelling or otherwise~~  
16 ~~becomes available on the qualifying residential property, the new~~  
17 ~~tenant shall receive a right of first refusal to an available parking~~  
18 ~~space.~~

19 ~~(d) (1) A tenant's failure to pay the parking fee pursuant to a~~  
20 ~~separately leased parking agreement shall not form the basis of~~  
21 ~~any unlawful detainer action against the tenant.~~

22 ~~(2) If a tenant fails to pay by the 45th day following the date~~  
23 ~~payment is owed for a separately leased parking space, the property~~  
24 ~~owner may revoke that tenant's right to lease that parking spot.~~

25 ~~(e) For purposes of this section:~~

26 ~~(1) "Owner of qualifying residential property" includes any~~  
27 ~~person, acting as principal or through an agent, having the right~~  
28 ~~to offer qualifying residential property for rent, and includes a~~  
29 ~~predecessor in interest to the owner.~~

30 ~~(2) (A) "Qualifying residential property" means any dwelling~~  
31 ~~or unit that is intended for human habitation that meets all of the~~  
32 ~~following criteria:~~

33 ~~(i) The property is issued a certificate of occupancy on or after~~  
34 ~~January 1, 2025.~~

35 ~~(ii) The property consists of 16 or more residential units.~~

36 ~~(iii) The property is located in one of the following counties:~~

37 ~~(I) Alameda.~~

38 ~~(II) Fresno.~~

39 ~~(III) Los Angeles.~~

40 ~~(IV) Riverside.~~

1 ~~(V) Sacramento.~~

2 ~~(VI) San Bernardino.~~

3 ~~(VII) San Joaquin.~~

4 ~~(VIII) Santa Clara.~~

5 ~~(IX) Shasta.~~

6 ~~(X) Ventura.~~

7 ~~(B) “Qualifying residential property” does not include any of~~  
 8 ~~the following:~~

9 ~~(i) A residential property or unit with an individual garage that~~  
 10 ~~is functionally a part of the property or unit, including, but not~~  
 11 ~~limited to, townhouses and row houses.~~

12 ~~(ii) A housing development of which 100 percent of its units,~~  
 13 ~~exclusive of any manager’s unit or units, are restricted by deed,~~  
 14 ~~regulatory restriction contained in an agreement with a~~  
 15 ~~governmental agency, or other recorded document as affordable~~  
 16 ~~housing for persons and families of low or moderate income, as~~  
 17 ~~defined in Section 50093 of the Health and Safety Code.~~

18 ~~(iii) A housing development that receives low-income housing~~  
 19 ~~tax credits pursuant to Section 42 of the Internal Revenue Code~~  
 20 ~~(26 U.S.C. Sec. 42).~~

21 ~~(iv) A housing development that is financed with tax-exempt~~  
 22 ~~bonds pursuant to a program administered by the California~~  
 23 ~~Housing Finance Agency.~~

24 ~~(v) A residential unit that is leased to a tenant who receives a~~  
 25 ~~federal housing assistance voucher issued under Section 8 of the~~  
 26 ~~United States Housing Act of 1937 (42 U.S.C. Sec. 1437f),~~  
 27 ~~including a federal Department of Housing and Urban Development~~  
 28 ~~Veterans Affairs Supportive Housing voucher.~~

29 ~~(3) “Unbundled parking” means the practice of selling or leasing~~  
 30 ~~parking spaces separate from the lease of the residential property.~~

31 *SEC. 3. Section 1950.3 is added to the Civil Code, to read:*

32 *1950.3. (a) A landlord or their agent shall not charge a tenant*  
 33 *any of the following fees:*

34 *(1) Any fee that is not specified in the rental agreement.*

35 *(2) A late fee for the late payment of rent that is equal to more*  
 36 *than 2 percent of the monthly rental rate. A late fee shall not be*  
 37 *charged for the late payment of rent unless the rent is overdue by*  
 38 *seven days or more.*

39 *(3) A processing fee, including a convenience fee or a check*  
 40 *cashing fee, for the payment of rent or any other fees or deposits.*



1 (4) A processing or administrative fee that a reasonable person  
2 would deem as being “the cost of doing business.”

3 (5) A fee for a tenant to own a household pet. This subdivision  
4 does not prohibit a landlord or their agent from charging a pet  
5 security deposit in an amount that is not more than 5 percent of  
6 the total amount of all other security deposits.

7 (6) A fee for a parking space.

8 (b) Notwithstanding any other law, any fees that a landlord or  
9 their agent may charge a tenant that are in addition to the monthly  
10 rental amount shall not, in total, exceed more than 5 percent of  
11 the monthly rental rate.

12 (c) For purposes of this section, “rent” means the monthly rate  
13 charged to a tenant for the occupancy of a rental housing unit.

14 (d) If a landlord or their agent charges and collects a fee from  
15 a tenant that is not authorized by law, the landlord or their agent  
16 is liable to the tenant in a civil action for the cost of the fee, plus  
17 5 percent interest compounded daily from the date the fee was  
18 collected.

19 SEC. 4. Section 1950.6 of the Civil Code is amended to read:

20 1950.6. (a) Notwithstanding Section 1950.5, when a landlord  
21 or their agent receives a request to rent a residential property from  
22 an applicant, the landlord or their agent may charge, pursuant to  
23 subdivision (c), that applicant an application screening fee to cover  
24 the actual costs of ~~obtaining information about the applicant. The~~  
25 ~~information requested and obtained by the landlord or their agent~~  
26 ~~the screening. The screening may include, but is not limited to,~~  
27 ~~personal reference checks and tenant screening reports produced~~  
28 ~~by tenant screening services and consumer credit reports produced~~  
29 ~~by consumer credit reporting agencies as defined in Section 1785.3.~~  
30 A landlord or their agent may, but is not required to, accept and  
31 rely upon a consumer credit report presented by an applicant.

32 (b) The amount of the application screening fee shall not be  
33 greater than the actual out-of-pocket costs of ~~gathering information~~  
34 ~~concerning the applicant, conducting the screening, including, but~~  
35 ~~not limited to, the cost of using a tenant screening service or a~~  
36 ~~consumer credit reporting service, and the reasonable value of time~~  
37 ~~spent by the landlord or their agent in obtaining information on~~  
38 ~~the applicant. service.~~ In no case shall the amount of the application  
39 screening fee charged by the landlord or their agent be greater than  
40 thirty dollars (\$30) per applicant. The thirty dollar (\$30) application

1 screening fee may be adjusted annually by the landlord or their  
2 agent commensurate with an increase in the Consumer Price Index,  
3 beginning on January 1, 1998.

4 (c) (1) A landlord or their agent shall not charge an applicant  
5 an application screening fee when they know or should have known  
6 that no rental unit is available at that time or will be available  
7 within a reasonable period of time.

8 (2) A landlord or their agent may charge an applicant an  
9 application screening fee only if the landlord or their agent, at the  
10 time the application screening fee is collected, offers any of the  
11 following:

12 (A) An application screening process that complies with all of  
13 the following:

14 (i) Completed applications are considered, as provided for in  
15 the landlord's established screening criteria, in the order in which  
16 the completed applications were received. The landlord's screening  
17 criteria shall be provided to the applicant in writing together with  
18 the application form.

19 (ii) The first applicant who meets the landlord's established  
20 screening criteria is approved for tenancy.

21 (iii) Applicants are not charged an application screening fee  
22 unless or until their application is actually considered.

23 (iv) Clause (iii) shall not be considered violated if a landlord or  
24 their agent inadvertently collects an application screening fee from  
25 an applicant as the result of multiple concurrent application  
26 submissions, provided that the landlord or their agent issues a  
27 refund of the application screening fee within 7 days to any  
28 applicant whose application is not considered. The landlord may  
29 offer, as an alternative to refunding the screening fee, the option,  
30 at the applicant's discretion, for the screening fee paid by the  
31 applicant to be applied to an application for another rental unit  
32 offered by the landlord. A landlord or their agent shall not be  
33 required to refund an application screening fee to an applicant  
34 whose application is denied, after consideration, because the  
35 applicant does not meet the landlord's established screening  
36 criteria.

37 (B) An application screening process in which the landlord or  
38 their agent returns the entire screening fee to any applicant who  
39 is not selected for tenancy, regardless of the reason, within 7 days

1 of selecting an applicant for tenancy or 30 days of when the  
2 application was submitted, whichever occurs first.

3 (d) The landlord or their agent shall provide, personally, or by  
4 mail, the applicant with a receipt for the fee paid by the applicant,  
5 which receipt shall itemize the out-of-pocket expenses and time  
6 ~~spent by the landlord or their agent to obtain and process the~~  
7 ~~information about the applicant.~~ *expenses.* The landlord or their  
8 agent and the applicant may agree to have the landlord provide a  
9 copy of the receipt for the fee paid by the applicant to an email  
10 account provided by the applicant.

11 (e) If the landlord or their agent ~~does not perform a personal~~  
12 ~~reference check or~~ does not obtain a *tenant screening report or a*  
13 consumer credit report, the landlord or their agent shall return any  
14 amount of the screening fee that is not used for the purposes  
15 authorized by this section to the applicant.

16 (f) If an application screening fee has been paid by the applicant,  
17 the landlord or their agent shall provide a copy of the consumer  
18 credit report to the applicant who is the subject of that report by  
19 personal delivery, mail, or email within 7 days of the landlord or  
20 their agent receiving the report.

21 (g) Nothing in this section prevents a landlord from accepting  
22 a reusable screening report pursuant to Section 1950.1.

23 (h) As used in this section, “landlord” means an owner of  
24 residential rental property.

25 (i) As used in this section, “application screening fee” means  
26 any nonrefundable payment of money charged by a landlord or  
27 their agent to an applicant, the purpose of which is to purchase a  
28 *tenant screening report or a consumer credit report* and to validate,  
29 review, or otherwise process an application for the rent or lease  
30 of residential rental property. *report.*

31 (j) As used in this section, “applicant” means any entity or  
32 individual who makes a request to a landlord or their agent to rent  
33 a residential housing unit, or an entity or individual who agrees to  
34 act as a guarantor or cosignor on a rental agreement.

35 (k) The application screening fee shall not be considered an  
36 “advance fee” as that term is used in Section 10026 of the Business  
37 and Professions Code, and shall not be considered “security” as  
38 that term is used in Section 1950.5.

1 (l) This section is not intended to preempt any provisions or  
2 regulations that govern the collection of deposits and fees under  
3 federal or state housing assistance programs.

4 *SEC. 5. Section 2924.13 is added to the Civil Code, to read:*

5 *2924.13. (a) A debt securing a subordinate mortgage is deemed*  
6 *abandoned in its entirety if any of the following conditions is met:*

7 (1) *The mortgage servicer did not provide the borrower with*  
8 *any written communication regarding the loan secured by the*  
9 *mortgage for at least three years.*

10 (2) *The mortgage servicer failed to provide a transfer of loan*  
11 *servicing notice to the borrower when required to provide that*  
12 *notice by law, including, but not limited to, the federal Real Estate*  
13 *Settlement Procedures Act, as amended (12 U.S.C. Sec. 2601 et*  
14 *seq.).*

15 (3) *The mortgage servicer failed to provide a transfer of loan*  
16 *ownership notice to the borrower when required to provide that*  
17 *notice by law, including, but not limited to, the federal Truth in*  
18 *Lending Act, as amended (15 U.S.C. 1601, et seq.).*

19 (4) *The mortgage servicer provided a form to the borrower*  
20 *indicating that the debt had been written off or discharged,*  
21 *including, but not limited to, an Internal Revenue Service Form*  
22 *1099.*

23 (b) (1) *A portion of a debt securing a subordinate mortgage is*  
24 *deemed abandoned if a mortgage servicer does not provide to the*  
25 *borrower a statement required by law to be provided to the*  
26 *borrower, including, but not limited to, the federal Truth in Lending*  
27 *Act, as amended (15 U.S.C. 1601, et seq.).*

28 (2) *The portion of the debt that is deemed abandoned pursuant*  
29 *to paragraph (1) is the portion that would have been included in*  
30 *the statement described in paragraph (1).*

31 (c) (1) *A mortgage servicer shall not conduct or threaten to*  
32 *conduct a nonjudicial foreclosure if any part of the debt secured*  
33 *by the mortgage or deed of trust is deemed abandoned pursuant*  
34 *to subdivision (a) or (b).*

35 (2) *A mortgage servicer shall not exercise a power of sale in a*  
36 *mortgage or deed of trust unless the mortgage servicer records a*  
37 *certification under penalty of perjury that no portion of the debt*  
38 *secured by the mortgage or deed of trust is abandoned pursuant*  
39 *to subdivision (a) or (b).*

1 (e) (1) *In addition to other available remedies, a court may*  
2 *enjoin a proposed foreclosure sale pursuant to a power of sale in*  
3 *a mortgage or deed of trust if any portion of the debt secured by*  
4 *that mortgage or deed of trust is deemed abandoned pursuant to*  
5 *subdivision (a) or (b).*

6 (2) *It shall be a complete affirmative defense in a judicial*  
7 *foreclosure proceeding if the court finds that any portion of the*  
8 *debt secured by the mortgage or deed of trust is deemed abandoned*  
9 *pursuant to subdivision (a) or (b).*

10 *SEC. 6. Section 5850 of the Civil Code is amended to read:*

11 5850. (a) If an association adopts or has adopted a policy  
12 imposing any monetary penalty, including any fee, on any  
13 association member for a violation of the governing documents,  
14 including any monetary penalty relating to the activities of a guest  
15 or tenant of the member, the board shall adopt and distribute to  
16 each member, in the annual policy statement prepared pursuant to  
17 Section 5310, a schedule of the monetary penalties that may be  
18 assessed for those violations, which shall be in accordance with  
19 authorization for member discipline contained in the governing  
20 documents.

21 (b) Any new or revised monetary penalty that is adopted after  
22 complying with subdivision (a) may be included in a supplement  
23 that is delivered to the members individually, pursuant to Section  
24 4040.

25 (c) A monetary penalty for a violation of the governing  
26 documents shall not exceed ~~the monetary penalty stated in the~~  
27 ~~schedule of monetary penalties or supplement that is in effect at~~  
28 ~~the time of the violation.~~ *the lesser of the following:*

29 (1) *The monetary penalty stated in the schedule of monetary*  
30 *penalties or supplement that is in effect at the time of the violation.*

31 (2) *One hundred dollars (\$100) per violation.*

32 (d) An association shall provide a copy of the most recently  
33 distributed schedule of monetary penalties, along with any  
34 applicable supplements to that schedule, to any member upon  
35 request.

36 *SEC. 7. Section 5855 of the Civil Code is amended to read:*

37 5855. (a) When the board is to meet to consider or impose  
38 discipline upon a member, or to impose a monetary charge as a  
39 means of reimbursing the association for costs incurred by the  
40 association in the repair of damage to *the* common area and

1 facilities caused by a member or the member’s guest or tenant, the  
 2 board shall notify the member in writing, by either personal  
 3 delivery or individual delivery pursuant to Section 4040, at least  
 4 10 days prior to the meeting.

5 (b) The notification shall contain, at a minimum, the date, time,  
 6 and place of the meeting, the nature of the alleged violation for  
 7 which a member may be disciplined or the nature of the damage  
 8 to the common area and facilities for which a monetary charge  
 9 may be imposed, and a statement that the member has a right to  
 10 attend and may address the board at the meeting. The board shall  
 11 meet in executive session if requested by the member.

12 (c) *A member shall have the opportunity to cure the violation*  
 13 *prior to the meeting. The board shall not impose discipline in*  
 14 *either of the following circumstances:*

15 (1) *The member cures the violation prior to the meeting.*

16 (2) *If curing the violation would take longer than the time*  
 17 *between the notice provided pursuant to subdivision (a) and the*  
 18 *meeting, the member provides financial commitment to cure the*  
 19 *violation.*

20 (e)

21 (d) If the board imposes discipline on a member or imposes a  
 22 monetary charge on the member for damage to the common area  
 23 and facilities, the board shall provide the member *with* a written  
 24 notification of the decision, by either personal delivery or  
 25 individual delivery pursuant to Section 4040, within ~~15~~ 14 days  
 26 following the action.

27 (d)

28 (e) A disciplinary action or the imposition of a monetary charge  
 29 for damage to the common area shall not be effective against a  
 30 member unless the board fulfills the requirements of this section.

31 SEC. 8. *Section 8590.15.5 is added to the Government Code,*  
 32 *to read:*

33 8590.15.5. *Upon appropriation by the Legislature, pursuant*  
 34 *to this article, CRMP shall fund the seismic retrofitting of*  
 35 *affordable multifamily housing.*

36 (a) *Funding provided under this section shall be limited to*  
 37 *affordable multifamily housing and consistent with this article.*

38 (b) *CRMP shall prioritize affordable multifamily housing serving*  
 39 *lower income households.*

40 (c) *For purposes of this section, the following definitions apply:*

1 (1) “Lower income households” has the same meaning as the  
2 term is defined in Section 50079.5 of the Health and Safety Code.  
3 except that up to 20 percent of the units in the development,  
4 including total units and density bonus units, may be for  
5 moderate-income households.

6 (2) “Moderate-income households” has the same meaning as  
7 the term is defined in Section 50053 of the Health and Safety Code.

8 SEC. 9. Section 54221 of the Government Code is amended to  
9 read:

10 54221. As used in this article, the following definitions shall  
11 apply:

12 (a) (1) “Local agency” means every city, whether organized  
13 under general law or by charter, county, city and county, district,  
14 including school, sewer, water, utility, and local and regional park  
15 districts of any kind or class, joint powers authority, successor  
16 agency to a former redevelopment agency, housing authority, or  
17 other political subdivision of this state and any instrumentality  
18 thereof that is empowered to acquire and hold real property.

19 (2) The Legislature finds and declares that the term “district”  
20 as used in this article includes all districts within the state,  
21 including, but not limited to, all special districts, sewer, water,  
22 utility, and local and regional park districts, and any other political  
23 subdivision of this state that is a district, and therefore the changes  
24 in paragraph (1) made by the act adding this paragraph that specify  
25 that the provisions of this article apply to all districts, including  
26 school, sewer, water, utility, and local and regional park districts  
27 of any kind or class, are declaratory of, and not a change in,  
28 existing law.

29 (b) (1) “Surplus land” means land owned in fee simple by any  
30 local agency for which the local agency’s governing body takes  
31 formal action in a regular public meeting declaring that the land  
32 is surplus and is not necessary for the agency’s use. Land shall be  
33 declared either “surplus land” or “exempt surplus land,” as  
34 supported by written findings, before a local agency may take any  
35 action to dispose of it consistent with an agency’s policies or  
36 procedures. A local agency, on an annual basis, may declare  
37 multiple parcels as “surplus land” or “exempt surplus land.”

38 (2) “Surplus land” includes land held in the Community  
39 Redevelopment Property Trust Fund pursuant to Section 34191.4  
40 of the Health and Safety Code and land that has been designated

1 in the long-range property management plan approved by the  
2 Department of Finance pursuant to Section 34191.5 of the Health  
3 and Safety Code, either for sale or for future development, but  
4 does not include any specific disposal of land to an identified entity  
5 described in the plan.

6 (3) Nothing in this article prevents a local agency from obtaining  
7 fair market value for the disposition of surplus land consistent with  
8 Section 54226.

9 (4) Notwithstanding paragraph (1), a local agency is not required  
10 to make a declaration at a public meeting for land that is “exempt  
11 surplus land” pursuant to subparagraph (A), (B), (E), (K), (L), or  
12 (Q) of paragraph (1) of subdivision (f) if the local agency identifies  
13 the land in a notice that is published and available for public  
14 comment, including notice to the entities identified in subdivision  
15 (a) of Section 54222, at least 30 days before the exemption takes  
16 effect.

17 (c) (1) Except as provided in paragraph (2), “agency’s use”  
18 shall include, but not be limited to, land that is being used, or is  
19 planned to be used pursuant to a written plan adopted by the local  
20 agency’s governing board, for agency work or operations,  
21 including, but not limited to, utility sites, property owned by a port  
22 that is used to support logistics uses, watershed property, land  
23 being used for conservation purposes, land for demonstration,  
24 exhibition, or educational purposes related to greenhouse gas  
25 emissions, sites for broadband equipment or wireless facilities,  
26 and buffer sites near sensitive governmental uses, including, but  
27 not limited to, waste disposal sites, and wastewater treatment  
28 plants. “Agency’s use” by a local agency that is a district shall also  
29 include land disposed for uses described in subparagraph (B) of  
30 paragraph (2).

31 (2) (A) “Agency’s use” shall not include commercial or  
32 industrial uses or activities, including nongovernmental retail,  
33 entertainment, or office development. Property disposed of for the  
34 sole purpose of investment or generation of revenue shall not be  
35 considered necessary for the agency’s use.

36 (B) In the case of a local agency that is a district, excepting  
37 those whose primary mission or purpose is to supply the public  
38 with a transportation system, “agency’s use” may include  
39 commercial or industrial uses or activities, including  
40 nongovernmental retail, entertainment, or office development or



1 be for the sole purpose of investment or generation of revenue if  
2 the agency’s governing body takes action in a public meeting  
3 declaring that the use of the site will do one of the following:

4 (i) Directly further the express purpose of agency work or  
5 operations.

6 (ii) Be expressly authorized by a statute governing the local  
7 agency, provided the district complies with Section 54233.5 if  
8 applicable.

9 (d) (1) “Dispose” means either of the following:

10 (A) The sale of the surplus land.

11 (B) The entering of a lease for surplus land, which is for a term  
12 longer than 15 years, inclusive of any extension or renewal options  
13 included in the terms of the initial lease, entered into on or after  
14 January 1, 2024.

15 (2) “Dispose” shall not mean either of the following:

16 (A) The entering of a lease for surplus land, which is for a term  
17 of 15 years or less, inclusive of any extension or renewal options  
18 included in the terms of the initial lease.

19 (B) The entering of a lease for surplus land on which no  
20 development or demolition will occur, regardless of the term of  
21 the lease.

22 (e) “Open-space purposes” means the use of land for public  
23 recreation, enjoyment of scenic beauty, or conservation or use of  
24 natural resources.

25 (f) (1) Except as provided in paragraph (2), “exempt surplus  
26 land” means any of the following:

27 (A) Surplus land that is transferred pursuant to Section 25539.4  
28 or 37364.

29 (B) Surplus land that is less than one-half acre in area and is  
30 not contiguous to land owned by a state or local agency that is  
31 used for open-space or low- and moderate-income housing  
32 purposes.

33 (C) Surplus land that a local agency is exchanging for another  
34 property necessary for the agency’s use. “Property” may include  
35 easements necessary for the agency’s use.

36 (D) Surplus land that a local agency is transferring to another  
37 local, state, or federal agency, or to a third-party intermediary for  
38 future dedication for the receiving agency’s use, or to a federally  
39 recognized California Indian tribe. If the surplus land is transferred  
40 to a third-party intermediary, the receiving agency’s use must be

1 contained in a legally binding agreement at the time of transfer to  
2 the third-party intermediary.

3 (E) Surplus land that is a former street, right-of-way, or  
4 easement, and is conveyed to an owner of an adjacent property.

5 (F) (i) Surplus land that is to be developed for a housing  
6 development, which may have ancillary commercial ground floor  
7 uses, that restricts 100 percent of the residential units to persons  
8 and families of low or moderate income, with at least 75 percent  
9 of the residential units restricted to lower income households, as  
10 defined in Section 50079.5 of the Health and Safety Code, with  
11 an affordable sales price or an affordable rent, as defined in Section  
12 50052.5 or 50053 of the Health and Safety Code, for 55 years for  
13 rental housing, 45 years for ownership housing, and 50 years for  
14 rental or ownership housing located on tribal trust lands, unless a  
15 local ordinance or a federal, state, or local grant, tax credit, or other  
16 project financing requires a longer period of affordability, and in  
17 no event shall the maximum affordable sales price or rent level be  
18 higher than 20 percent below the median market rents or sales  
19 prices for the neighborhood in which the site is located.

20 (ii) The requirements of clause (i) shall be contained in a  
21 covenant or restriction recorded against the surplus land at the time  
22 of sale that shall run with the land and be enforceable against any  
23 owner who violates the covenant or restriction and each successor  
24 in interest who continues the violation.

25 (G) (i) Surplus land that is subject to a local agency's open,  
26 competitive solicitation or that is put to open, competitive bid by  
27 a local agency, provided that all entities identified in subdivision  
28 (a) of Section 54222 will be invited to participate in the process,  
29 for a housing or a mixed-use development that is more than one  
30 acre and less than 10 acres in area, consisting of either a single  
31 parcel, or two or more adjacent or non-adjacent parcels combined,  
32 that includes not less than 300 residential units, and that restricts  
33 at least 25 percent of the residential units to lower income  
34 households, as defined in Section 50079.5 of the Health and Safety  
35 Code, with an affordable sales price or an affordable rent, as  
36 defined in Sections 50052.5 and 50053 of the Health and Safety  
37 Code, for 55 years for rental housing, 45 years for ownership  
38 housing, and 50 years for rental or ownership housing located on  
39 tribal trust lands, unless a local ordinance or a federal, state, or

1 local grant, tax credit, or other project financing requires a longer  
2 period of affordability.

3 (ii) The requirements of clause (i) shall be contained in a  
4 covenant or restriction recorded against the surplus land at the time  
5 of sale that shall run with the land and be enforceable against any  
6 owner who violates the covenant or restriction and each successor  
7 in interest who continues the violation.

8 (H) (i) Surplus land totaling 10 or more acres, consisting of  
9 either a single parcel, or two or more adjacent or non-adjacent  
10 parcels combined for disposition to one or more buyers pursuant  
11 to a plan or ordinance adopted by the legislative body of the local  
12 agency, or a state statute. That surplus land shall be subject to a  
13 local agency's open, competitive solicitation process or put out to  
14 open, competitive bid by a local agency, provided that all entities  
15 identified in subdivision (a) of Section 54222 will be invited to  
16 participate in the process for a housing or mixed-use development.

17 (ii) The aggregate development shall include the greater of the  
18 following:

19 (I) Not less than 300 residential units.

20 (II) A number of residential units equal to 10 times the number  
21 of acres of the surplus land or 10,000 residential units, whichever  
22 is less.

23 (iii) At least 25 percent of the residential units shall be restricted  
24 to lower income households, as defined in Section 50079.5 of the  
25 Health and Safety Code, with an affordable sales price or an  
26 affordable rent pursuant to Sections 50052.5 and 50053 of the  
27 Health and Safety Code, for a minimum of 55 years for rental  
28 housing, 45 years for ownership housing, and 50 years for rental  
29 or ownership housing located on tribal trust lands, unless a local  
30 ordinance or a federal, state, or local grant, tax credit, or other  
31 project financing requires a longer period of affordability.

32 (iv) If nonresidential development is included in the  
33 development pursuant to this subparagraph, at least 25 percent of  
34 the total planned units affordable to lower income households shall  
35 be made available for lease or sale and permitted for use and  
36 occupancy before or at the same time with every 25 percent of  
37 nonresidential development made available for lease or sale and  
38 permitted for use and occupancy.

39 (v) A violation of this subparagraph is subject to the penalties  
40 described in Section 54230.5. Those penalties are in addition to

1 any remedy a court may order for violation of this subparagraph.  
2 A local agency shall only dispose of land pursuant to this  
3 subparagraph through a disposition and development agreement  
4 that includes an indemnification clause that provides that if an  
5 action occurs after disposition violates this subparagraph, the  
6 person or entity that acquired the property shall be liable for the  
7 penalties.

8 (vi) The requirements of clauses (i) to (v), inclusive, shall be  
9 contained in a covenant or restriction recorded against the surplus  
10 land at the time of sale that shall run with the land and be  
11 enforceable against any owner who violates the covenant or  
12 restriction and each successor in interest who continues the  
13 violation.

14 (I) A mixed-use development, which may include more than  
15 one publicly owned parcel, that meets all of the following  
16 conditions:

17 (i) The development restricts at least 25 percent of the residential  
18 units to lower income households, as defined in Section 50079.5  
19 of the Health and Safety Code, with an affordable sales price or  
20 an affordable rent, as defined in Sections 50052.5 and 50053 of  
21 the Health and Safety Code, for 55 years for rental housing, 45  
22 years for ownership housing, and 50 years for rental or ownership  
23 housing located on tribal trust lands, unless a local ordinance or a  
24 federal, state, or local grant, tax credit, or other project financing  
25 requires a longer period of affordability.

26 (ii) At least 50 percent of the square footage of the new  
27 construction associated with the development is designated for  
28 residential use.

29 (iii) The development is not located in an urbanized area, as  
30 defined in Section 21094.5 of the Public Resources Code.

31 (J) (i) Surplus land that is subject to a valid legal restriction  
32 that is not imposed by the local agency and that makes housing  
33 prohibited, unless there is a feasible method to satisfactorily  
34 mitigate or avoid the prohibition on the site. A declaration of  
35 exemption pursuant to this subparagraph shall be supported by  
36 documentary evidence establishing the valid legal restriction. For  
37 the purposes of this section, “documentary evidence” includes,  
38 but is not limited to, a contract, agreement, deed restriction, statute,  
39 regulation, or other writing that documents the valid legal  
40 restriction.

1 (ii) Valid legal restrictions include, but are not limited to, all of  
2 the following:

3 (I) Existing constraints under ownership rights or contractual  
4 rights or obligations that prevent the use of the property for  
5 housing, if the rights or obligations were agreed to prior to  
6 September 30, 2019.

7 (II) Conservation or other easements or encumbrances that  
8 prevent housing development.

9 (III) Existing leases, or other contractual obligations or  
10 restrictions, if the terms were agreed to prior to September 30,  
11 2019.

12 (IV) Restrictions imposed by the source of funding that a local  
13 agency used to purchase a property, provided that both of the  
14 following requirements are met:

15 (ia) The restrictions limit the use of those funds to purposes  
16 other than housing.

17 (ib) The proposed disposal of surplus land meets a use consistent  
18 with that purpose.

19 (iii) Valid legal restrictions that would make housing prohibited  
20 do not include either of the following:

21 (I) An existing nonresidential land use designation on the surplus  
22 land.

23 (II) Covenants, restrictions, or other conditions on the property  
24 rendered void and unenforceable by any other law, including, but  
25 not limited to, Section 714.6 of the Civil Code.

26 (iv) Feasible methods to mitigate or avoid a valid legal  
27 restriction on the site do not include a requirement that the local  
28 agency acquire additional property rights or property interests  
29 belonging to third parties.

30 (K) Surplus land that was granted by the state in trust to a local  
31 agency or that was acquired by the local agency for trust purposes  
32 by purchase or exchange, and for which disposal of the land is  
33 authorized or required subject to conditions established by statute.

34 (L) Land that is subject to either of the following, unless  
35 compliance with this article is expressly required:

36 (i) ~~Section 17388, 17515, 17536, 81192, 81397, 81399, 81420,~~  
37 ~~or 81422~~ of the Education Code.

38 (ii) Part 14 (commencing with Section 53570) of Division 31  
39 of the Health and Safety Code.

1 (M) Surplus land that is a former military base that was  
2 conveyed by the federal government to a local agency, and is  
3 subject to Article 8 (commencing with Section 33492.125) of  
4 Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code,  
5 provided that all of the following conditions are met:

6 (i) The former military base has an aggregate area greater than  
7 five acres, is expected to include a mix of residential and  
8 nonresidential uses, and is expected to include no fewer than 1,400  
9 residential units upon completion of development or redevelopment  
10 of the former military base.

11 (ii) The affordability requirements for residential units shall be  
12 governed by a settlement agreement entered into prior to September  
13 1, 2020. Furthermore, at least 25 percent of the initial 1,400  
14 residential units developed shall be restricted to lower income  
15 households, as defined in Section 50079.5 of the Health and Safety  
16 Code, with an affordable sales price or an affordable rent, as  
17 defined in Sections 50052.5 and 50053 of the Health and Safety  
18 Code, for 55 years for rental housing, 45 years for ownership  
19 housing, and 50 years for rental or ownership housing located on  
20 tribal trust lands, unless a local ordinance or a federal, state, or  
21 local grant, tax credit, or other project financing requires a longer  
22 period of affordability.

23 (iii) Before disposition of the surplus land, the agency adopts  
24 written findings that the land is exempt surplus land pursuant to  
25 this subparagraph.

26 (iv) Before disposition of the surplus land, the recipient has  
27 negotiated a project labor agreement consistent with the local  
28 agency's project stabilization agreement resolution, as adopted on  
29 February 2, 2021, and any succeeding ordinance, resolution, or  
30 policy, regardless of the length of the agreement between the local  
31 agency and the recipient.

32 (v) The agency includes in the annual report required by  
33 paragraph (2) of subdivision (a) of Section 65400 the status of  
34 development of residential units on the former military base,  
35 including the total number of residential units that have been  
36 permitted and what percentage of those residential units are  
37 restricted for persons and families of low or moderate income, or  
38 lower income households, as defined in Section 50079.5 of the  
39 Health and Safety Code.

1 A violation of this subparagraph is subject to the penalties  
2 described in Section 54230.5. Those penalties are in addition to  
3 any remedy a court may order for violation of this subparagraph  
4 or the settlement agreement.

5 (N) Real property that is used by a district for an agency's use  
6 expressly authorized in subdivision (c).

7 (O) Land that has been transferred before June 30, 2019, by the  
8 state to a local agency pursuant to Section 32667 of the Streets  
9 and Highways Code and has a minimum planned residential density  
10 of at least 100 dwelling units per acre, and includes 100 or more  
11 residential units that are restricted to persons and families of low  
12 or moderate income, with an affordable sales price or an affordable  
13 rent, as defined in Sections 50052.5 and 50053 of the Health and  
14 Safety Code, for 55 years for rental housing, 45 years for ownership  
15 housing, and 50 years for rental or ownership housing located on  
16 tribal trust lands, unless a local ordinance or a federal, state, or  
17 local grant, tax credit, or other project financing requires a longer  
18 period of affordability. For purposes of this subparagraph, not  
19 more than 20 percent of the affordable units may be restricted to  
20 persons and families of moderate income and at least 80 percent  
21 of the affordable units must be restricted to lower income  
22 households as defined in Section 50079.5 of the Health and Safety  
23 Code.

24 (P) (i) Land that meets the following conditions:

25 (I) Land that is subject to a sectional planning area document  
26 that meets both of the following:

27 (ia) The sectional planning area was adopted prior to January  
28 1, 2019.

29 (ib) The sectional planning area document is consistent with  
30 county and city general plans applicable to the land.

31 (II) The land identified in the adopted sectional planning area  
32 document was dedicated prior to January 1, 2019.

33 (III) On January 1, 2019, the parcels on the land met at least  
34 one of the following conditions:

35 (ia) The land was subject to an irrevocable offer of dedication  
36 of fee interest requiring the land to be used for a specified purpose.

37 (ib) The land was acquired through a land exchange subject to  
38 a land offer agreement that grants the land's original owner the  
39 right to repurchase the land acquired by the local agency pursuant

1 to the agreement if the land will not be developed in a manner  
2 consistent with the agreement.

3 (ic) The land was subject to a grant deed specifying that the  
4 property shall be used for educational uses and limiting other types  
5 of uses allowed on the property.

6 (IV) At least 25 percent of the units are dedicated to lower  
7 income households, as defined in Section 50079.5 of the Health  
8 and Safety Code, at an affordable rent, as defined by Section 50053  
9 of the Health and Safety Code, or an affordable housing cost, as  
10 defined by Section 50052.5 of the Health and Safety Code, and  
11 subject to a recorded deed restriction for a period of 55 years for  
12 rental units and 45 years for owner-occupied units, unless a local  
13 ordinance or a federal, state, or local grant, tax credit, or other  
14 project financing requires a longer period of affordability.

15 (V) The land is developed at an average density of at least 10  
16 units per acre, calculated with respect to the entire sectional  
17 planning area.

18 (VI) No more than 25 percent of the nonresidential square  
19 footage identified in the sectional planning area document receives  
20 its first certificate of occupancy before at least 25 percent of the  
21 residential square footage identified in the sectional planning area  
22 document has received its first certificate of occupancy.

23 (VII) No more than 50 percent of the nonresidential square  
24 footage identified in the sectional planning area document receives  
25 its first certificate of occupancy before at least 50 percent of the  
26 residential square footage identified in the sectional planning area  
27 document has received its first certificate of occupancy.

28 (VIII) No more than 75 percent of the nonresidential square  
29 footage identified in the sectional planning area document shall  
30 receive its first certificate of occupancy before at least 75 percent  
31 of the residential square footage identified in the sectional planning  
32 area document has received its first certificate of occupancy.

33 (ii) The local agency includes in the annual report required by  
34 paragraph (2) of subdivision (a) of Section 65400 the status of  
35 development, including the total square footage of the residential  
36 and nonresidential development, the number of residential units  
37 that have been permitted, and what percentage of those residential  
38 units are restricted for persons and families of low or moderate  
39 income, or lower income households, as defined in Section 50079.5  
40 of the Health and Safety Code.



1 (iii) The Department of Housing and Community Development  
2 may request additional information from the agency regarding  
3 land disposed of pursuant to this subparagraph.

4 (iv) At least 30 days prior to disposing of land declared “exempt  
5 surplus land,” a local agency shall provide the Department of  
6 Housing and Community Development a written notification of  
7 its declaration and findings in a form prescribed by the Department  
8 of Housing and Community Development. Within 30 days of  
9 receipt of the written notification and findings, the department  
10 shall notify the local agency if the department has determined that  
11 the local agency is in violation of this article. A local agency that  
12 fails to submit the written notification and findings shall be liable  
13 for a civil penalty pursuant to this subparagraph. A local agency  
14 shall not be liable for the civil penalty if the Department of Housing  
15 and Community Development does not notify the agency that the  
16 agency is in violation of this article within 30 days of receiving  
17 the written notification and findings. Once the department  
18 determines that the declarations and findings comply with  
19 subclauses (I) to (IV), inclusive, of clause (i), the local agency  
20 may proceed with disposal of land pursuant to this subparagraph.  
21 This clause is declaratory of, and not a change in, existing law.

22 (v) If the local agency disposes of land in violation of this  
23 subparagraph, the local agency shall be liable for a civil penalty  
24 calculated as follows:

25 (I) For a first violation, 30 percent of the greater of the final  
26 sale price or the fair market value of the land at the time of  
27 disposition.

28 (II) For a second or subsequent violation, 50 percent of the  
29 greater of the final sale price or the fair market value of the land  
30 at the time of disposition.

31 (III) For purposes of this subparagraph, fair market value shall  
32 be determined by an independent appraisal of the land.

33 (IV) An action to enforce this subparagraph may be brought by  
34 any of the following:

35 (ia) An entity identified in subdivisions (a) to (e), inclusive, of  
36 Section 54222.

37 (ib) A person who would have been eligible to apply for  
38 residency in affordable housing had the agency not violated this  
39 section.

1 (ic) A housing organization, as that term is defined in Section  
2 65589.5.

3 (id) A beneficially interested person or entity.

4 (ie) The Department of Housing and Community Development.

5 (V) A penalty assessed pursuant to this subparagraph shall,  
6 except as otherwise provided, be deposited into a local housing  
7 trust fund. The local agency may elect to instead deposit the penalty  
8 moneys into the Building Homes and Jobs Trust Fund or the  
9 Housing Rehabilitation Loan Fund. Penalties shall not be paid out  
10 of funds already dedicated to affordable housing, including, but  
11 not limited to, Low and Moderate Income Housing Asset Funds,  
12 funds dedicated to housing for very low, low-, and  
13 moderate-income households, and federal HOME Investment  
14 Partnerships Program and Community Development Block Grant  
15 Program funds. The local agency shall commit and expend the  
16 penalty moneys deposited into the local housing trust fund within  
17 five years of deposit for the sole purpose of financing newly  
18 constructed housing units that are affordable to extremely low,  
19 very low, or low-income households.

20 (VI) Five years after deposit of the penalty moneys into the  
21 local housing trust fund, if the funds have not been expended, the  
22 funds shall revert to the state and be deposited in the Building  
23 Homes and Jobs Trust Fund or the Housing Rehabilitation Loan  
24 Fund for the sole purpose of financing newly constructed housing  
25 units located in the same jurisdiction as the surplus land and that  
26 are affordable to extremely low, very low, or low-income  
27 households. Expenditure of any penalty moneys deposited into the  
28 Building Homes and Jobs Trust Fund or the Housing Rehabilitation  
29 Loan Fund pursuant to this subdivision shall be subject to  
30 appropriation by the Legislature.

31 (vi) For purposes of this subparagraph, the following definitions  
32 apply:

33 (I) “Sectional planning area” means an area composed of  
34 identifiable planning units, within which common services and  
35 facilities, a strong internal unity, and an integrated pattern of land  
36 use, circulation, and townscape planning are readily achievable.

37 (II) “Sectional planning area document” means a document or  
38 plan that sets forth, at minimum, a site utilization plan of the  
39 sectional planning area and development standards for each land  
40 use area and designation.

1 (vii) This subparagraph shall become inoperative on January 1,  
2 2034.

3 (Q) Land that is owned by a California public-use airport on  
4 which residential uses are prohibited pursuant to Federal Aviation  
5 Administration Order 5190.6B, Airport Compliance Program,  
6 Chapter 20 -- Compatible Land Use and Airspace Protection.

7 (R) Land that is transferred to a community land trust, and all  
8 of the following conditions are met:

9 (i) The property is being or will be developed or rehabilitated  
10 as any of the following:

11 (I) An owner-occupied single-family dwelling.

12 (II) An owner-occupied unit in a multifamily dwelling.

13 (III) A member-occupied unit in a limited equity housing  
14 cooperative.

15 (IV) A rental housing development.

16 (ii) Improvements on the property are or will be available for  
17 use and ownership or for rent by qualified persons, as defined in  
18 paragraph (6) of subdivision (c) of Section 214.18 of the Revenue  
19 and Taxation Code.

20 (iii) (I) A deed restriction or other instrument, requiring a  
21 contract or contracts serving as an enforceable restriction on the  
22 sale or resale value of owner-occupied units or on the affordability  
23 of rental units is recorded on or before the lien date following the  
24 acquisition of the property by the community land trust.

25 (II) For the purpose of this clause, the following definitions  
26 apply:

27 (ia) "A contract or contracts serving as an enforceable restriction  
28 on the sale or resale value of owner-occupied units" means a  
29 contract described in paragraph (11) of subdivision (a) of Section  
30 402.1 of the Revenue and Taxation Code.

31 (ib) "A contract or contracts serving as an enforceable restriction  
32 on the affordability of rental units" means an enforceable and  
33 verifiable agreement with a public agency, a recorded deed  
34 restriction, or other legal document described in subparagraph (A)  
35 of paragraph (2) of subdivision (g) of Section 214 of the Revenue  
36 and Taxation Code.

37 (iv) A copy of the deed restriction or other instrument shall be  
38 provided to the assessor.

39 (S) (i) For local agencies whose primary mission or purpose is  
40 to supply the public with a transportation system, surplus land that

1 is developed for commercial or industrial uses or activities,  
2 including nongovernmental retail, entertainment, or office  
3 development or for the sole purpose of investment or generation  
4 of revenue, if the agency meets all of the following conditions:

5 (I) The agency has an adopted land use plan or policy that  
6 designates at least 50 percent of the gross acreage covered by the  
7 adopted land use plan or policy for residential purposes. The  
8 adopted land use plan or policy shall also require the development  
9 of at least 300 residential units, or at least 10 residential units per  
10 gross acre, averaged across all land covered by the land use plan  
11 or policy, whichever is greater.

12 (II) The agency has an adopted land use plan or policy that  
13 requires at least 25 percent of all residential units to be developed  
14 on the parcels covered by the adopted land use plan or policy made  
15 available to lower income households, as defined in Section 50079  
16 of the Health and Safety Code, at an affordable sales price or rented  
17 at an affordable rent, as defined in Sections 50052.5 and 50053 of  
18 the Health and Safety Code, for 55 years for rental housing and  
19 45 years for ownership housing, unless a local ordinance or the  
20 terms of a federal, state, or local grant, tax credit, or other project  
21 financing requires a longer period of affordability. These terms  
22 shall be included in the land use plan or policy and dictate that  
23 they will be contained in a covenant or restriction recorded against  
24 the surplus land at the time of disposition that shall run with the  
25 land and be enforceable against any owner or lessee who violates  
26 the covenant or restriction and each successor in interest who  
27 continues the violation.

28 (III) Land disposed of for residential purposes shall issue a  
29 competitive request for proposals subject to the local agency's  
30 open, competitive solicitation process or put out to open,  
31 competitive bid by the local agency, provided that all entities  
32 identified in subdivision (a) of Section 54222 are invited to  
33 participate.

34 (IV) Prior to entering into an agreement to dispose of a parcel  
35 for nonresidential development on land designated for the purposes  
36 authorized pursuant to this subparagraph in an agency's adopted  
37 land use plan or policy, the agency, since January 1, 2020, must  
38 have entered into an agreement to dispose of a minimum of 25  
39 percent of the land designated for affordable housing pursuant to  
40 subclause (II).

1 (ii) The agency may exempt at one time all parcels covered by  
2 the adopted land use plan or policy pursuant to this subparagraph.

3 (2) Notwithstanding paragraph (1), a written notice of the  
4 availability of surplus land for open-space purposes shall be sent  
5 to the entities described in subdivision (b) of Section 54222 before  
6 disposing of the surplus land, provided the land does not meet the  
7 criteria in subparagraph (H) of paragraph (1), if the land is any of  
8 the following:

9 (A) Within a coastal zone.

10 (B) Adjacent to a historical unit of the State Parks System.

11 (C) Listed on, or determined by the State Office of Historic  
12 Preservation to be eligible for, the National Register of Historic  
13 Places.

14 (D) Within the Lake Tahoe region as defined in Section 66905.5.

15 (g) “Persons and families of low or moderate income” has the  
16 same meaning as provided in Section 50093 of the Health and  
17 Safety Code.

18 *SEC. 10. Section 65584.01 of the Government Code is amended*  
19 *to read:*

20 65584.01. For the fourth and subsequent revision of the housing  
21 element pursuant to Section 65588, the department, in consultation  
22 with each council of governments, where applicable, shall  
23 determine the existing and projected need for housing for each  
24 region in the following manner:

25 (a) The department’s determination shall be based upon  
26 population projections produced by the Department of Finance  
27 and regional population forecasts used in preparing regional  
28 transportation plans, in consultation with each council of  
29 governments. If the total regional population forecast for the  
30 projection year, developed by the council of governments and used  
31 for the preparation of the regional transportation plan, is within a  
32 range of 1.5 percent of the total regional population forecast for  
33 the projection year by the Department of Finance, then the  
34 population forecast developed by the council of governments shall  
35 be the basis from which the department determines the existing  
36 and projected need for housing in the region. If the difference  
37 between the total population projected by the council of  
38 governments and the total population projected for the region by  
39 the Department of Finance is greater than 1.5 percent, then the  
40 department and the council of governments shall meet to discuss

1 variances in methodology used for population projections and seek  
2 agreement on a population projection for the region to be used as  
3 a basis for determining the existing and projected housing need  
4 for the region. If agreement is not reached, then the population  
5 projection for the region shall be the population projection for the  
6 region prepared by the Department of Finance as may be modified  
7 by the department as a result of discussions with the council of  
8 governments.

9 (b) (1) At least 26 months prior to the scheduled revision  
10 pursuant to Section 65588 and prior to developing the existing and  
11 projected housing need for a region, the department shall meet and  
12 consult with the council of governments regarding the assumptions  
13 and methodology to be used by the department to determine the  
14 region's housing needs. The council of governments shall provide  
15 data assumptions from the council's projections, including, if  
16 available, the following data for the region:

17 (A) Anticipated household growth associated with projected  
18 population increases.

19 (B) Household size data and trends in household size.

20 (C) ~~The percentage of households that are overcrowded and the~~  
21 ~~overcrowding rate for a comparable housing market. within the~~  
22 ~~region and the percentage of households that are overcrowded~~  
23 ~~throughout the nation. For purposes of this subparagraph:~~

24 ~~(i) The subparagraph, the term "overcrowded" means more~~  
25 ~~than one resident per room in each room in a dwelling.~~

26 ~~(ii) The term "overcrowded rate for a comparable housing~~  
27 ~~market" means that the overcrowding rate is no more than the~~  
28 ~~average overcrowding rate in comparable regions throughout the~~  
29 ~~nation, as determined by the council of governments.~~

30 (D) The rate of household formation, or headship rates, based  
31 on age, gender, ethnicity, or other established demographic  
32 measures.

33 (E) The vacancy rates in existing housing stock, and the vacancy  
34 rates for healthy housing market functioning and regional mobility,  
35 as well as housing replacement needs. For purposes of this  
36 subparagraph, the vacancy rate for a healthy rental housing market  
37 shall be considered no less than 5 percent.

38 (F) Other characteristics of the composition of the projected  
39 population.

1 (G) The relationship between jobs and housing, including any  
2 imbalance between jobs and housing.

3 (H) The percentage of households that are cost burdened ~~and~~  
4 ~~the rate of housing cost burden for a healthy housing market. within~~  
5 ~~the region and the percentage of households that are cost burdened~~  
6 ~~throughout the nation. For the purposes of this subparagraph:~~

7 (i) ~~The subparagraph, the~~ term “cost burdened” means the share  
8 of very low, low-, moderate-, and above moderate-income  
9 households that are paying more than 30 percent of household  
10 income on housing costs.

11 (ii) ~~The term “rate of housing cost burden for a healthy housing~~  
12 ~~market” means that the rate of households that are cost burdened~~  
13 ~~is no more than the average rate of households that are cost~~  
14 ~~burdened in comparable regions throughout the nation, as~~  
15 ~~determined by the council of governments.~~

16 (I) The loss of units during a state of emergency that was  
17 declared by the Governor pursuant to the California Emergency  
18 Services Act (Chapter 7 (commencing with Section 8550) of  
19 Division 1 of Title 2), during the planning period immediately  
20 preceding the relevant revision pursuant to Section 65588 that  
21 have yet to be rebuilt or replaced at the time of the data request.

22 (J) The housing needs of individuals and families experiencing  
23 homelessness.

24 (i) The data utilized by the council of governments shall align  
25 with homelessness data best practices as determined by the  
26 department.

27 (ii) Sources of homelessness data may include the Homeless  
28 Data Integration System administered by the Interagency Council  
29 on Homelessness, the homeless point-in-time count, or other  
30 sources deemed appropriate by the department.

31 (2) The department may accept or reject the information  
32 provided by the council of governments or modify its own  
33 assumptions or methodology based on this information. After  
34 consultation with the council of governments, the department shall  
35 make determinations in writing on the assumptions for each of the  
36 factors listed in subparagraphs (A) to (I), inclusive, of paragraph  
37 (1) and the methodology it shall use and shall provide these  
38 determinations to the council of governments. The methodology  
39 submitted by the department may make adjustments based on the

1 region's total projected households, which includes existing  
2 households as well as projected households.

3 (c) (1) After consultation with the council of governments, the  
4 department shall make a determination of the region's existing  
5 and projected housing need based upon the assumptions and  
6 methodology determined pursuant to subdivision (b). The region's  
7 existing and projected housing need shall reflect the achievement  
8 of a feasible balance between jobs and housing within the region  
9 using the regional employment projections in the applicable  
10 regional transportation plan. Within 30 days following notice of  
11 the determination from the department, the council of governments  
12 may file an objection to the department's determination of the  
13 region's existing and projected housing need with the department.

14 (2) The objection shall be based on and substantiate either of  
15 the following:

16 (A) The department failed to base its determination on the  
17 population projection for the region established pursuant to  
18 subdivision (a), and shall identify the population projection which  
19 the council of governments believes should instead be used for the  
20 determination and explain the basis for its rationale.

21 (B) The regional housing need determined by the department  
22 is not a reasonable application of the methodology and assumptions  
23 determined pursuant to subdivision (b). The objection shall include  
24 a proposed alternative determination of its regional housing need  
25 based upon the determinations made in subdivision (b), including  
26 analysis of why the proposed alternative would be a more  
27 reasonable application of the methodology and assumptions  
28 determined pursuant to subdivision (b).

29 (3) If a council of governments files an objection pursuant to  
30 this subdivision and includes with the objection a proposed  
31 alternative determination of its regional housing need, it shall also  
32 include documentation of its basis for the alternative determination.  
33 Within 45 days of receiving an objection filed pursuant to this  
34 section, the department shall consider the objection and make a  
35 final written determination of the region's existing and projected  
36 housing need that includes an explanation of the information upon  
37 which the determination was made.

38 (4) In regions in which the department is required to distribute  
39 the regional housing need pursuant to Section 65584.06, no city



1 or county may file an objection to the regional housing need  
2 determination.

3 (d) Statutory changes enacted after the date the department  
4 issued a final determination pursuant to this section shall not be a  
5 basis for a revision of the final determination.

6 *SEC. 11. Section 65584.04 of the Government Code is amended*  
7 *to read:*

8 65584.04. (a) At least two years before a scheduled revision  
9 required by Section 65588, each council of governments, or  
10 delegate subregion as applicable, shall develop, in consultation  
11 with the department, a proposed methodology for distributing the  
12 existing and projected regional housing need to cities, counties,  
13 and cities and counties within the region or within the subregion,  
14 where applicable pursuant to this section. The methodology shall  
15 further the objectives listed in subdivision (d) of Section 65584.

16 (b) (1) No more than six months before the development of a  
17 proposed methodology for distributing the existing and projected  
18 housing need, each council of governments shall survey each of  
19 its member jurisdictions to request, at a minimum, information  
20 regarding the factors listed in subdivision (e) that will allow the  
21 development of a methodology based upon the factors established  
22 in subdivision (e).

23 (2) With respect to the objective in paragraph (5) of subdivision  
24 (d) of Section 65584, the survey shall review and compile  
25 information that will allow the development of a methodology  
26 based upon the issues, strategies, and actions that are included, as  
27 available, in an Analysis of Impediments to Fair Housing Choice  
28 or an Assessment of Fair Housing completed by any city or county  
29 or the department that covers communities within the area served  
30 by the council of governments, and in housing elements adopted  
31 pursuant to this article by cities and counties within the area served  
32 by the council of governments.

33 (3) The council of governments shall seek to obtain the  
34 information in a manner and format that is comparable throughout  
35 the region and utilize readily available data to the extent possible.

36 (4) The information provided by a local government pursuant  
37 to this section shall be used, to the extent possible, by the council  
38 of governments, or delegate subregion as applicable, as source  
39 information for the methodology developed pursuant to this section.  
40 The survey shall state that none of the information received may

1 be used as a basis for reducing the total housing need established  
2 for the region pursuant to Section 65584.01.

3 (5) If the council of governments fails to conduct a survey  
4 pursuant to this subdivision, a city, county, or city and county may  
5 submit information related to the items listed in subdivision (e)  
6 before the public comment period provided for in subdivision (d).

7 (c) The council of governments shall electronically report the  
8 results of the survey of fair housing issues, strategies, and actions  
9 compiled pursuant to paragraph (2) of subdivision (b). The report  
10 shall describe common themes and effective strategies employed  
11 by cities and counties within the area served by the council of  
12 governments, including common themes and effective strategies  
13 around avoiding the displacement of lower income households.  
14 The council of governments shall also identify significant barriers  
15 to affirmatively furthering fair housing at the regional level and  
16 may recommend strategies or actions to overcome those barriers.  
17 A council of governments or metropolitan planning organization,  
18 as appropriate, may use this information for any other purpose,  
19 including publication within a regional transportation plan adopted  
20 pursuant to Section 65080 or to inform the land use assumptions  
21 that are applied in the development of a regional transportation  
22 plan.

23 (d) Public participation and access shall be required in the  
24 development of the methodology and in the process of drafting  
25 and adoption of the allocation of the regional housing needs.  
26 Participation by organizations other than local jurisdictions and  
27 councils of governments shall be solicited in a diligent effort to  
28 achieve public participation of all economic segments of the  
29 community as well as members of protected classes under Section  
30 12955 and households with special housing needs under paragraph  
31 (7) of subdivision (a) of Section 65583. The proposed  
32 methodology, along with any relevant underlying data and  
33 assumptions, an explanation of how information about local  
34 government conditions gathered pursuant to subdivision (b) has  
35 been used to develop the proposed methodology, how each of the  
36 factors listed in subdivision (e) is incorporated into the  
37 methodology, and how the proposed methodology furthers the  
38 objectives listed in subdivision (d) of Section 65584, shall be  
39 distributed to all cities, counties, any subregions, and members of  
40 the public who have made a written or electronic request for the

1 proposed methodology and published on the council of  
2 governments', or delegate subregion's, internet website. The  
3 council of governments, or delegate subregion, as applicable, shall  
4 conduct at least one public hearing to receive oral and written  
5 comments on the proposed methodology.

6 (e) To the extent that sufficient data is available from local  
7 governments pursuant to subdivision (b) or other sources, each  
8 council of governments, or delegate subregion as applicable, shall  
9 consider including the following factors in developing the  
10 methodology that allocates regional housing needs:

11 (1) Each member jurisdiction's existing and projected jobs and  
12 housing relationship. This shall include an estimate based on  
13 readily available data on the number of low-wage jobs within the  
14 jurisdiction and how many housing units within the jurisdiction  
15 are affordable to low-wage workers as well as an estimate based  
16 on readily available data, of projected job growth and projected  
17 household growth by income level within each member jurisdiction  
18 during the planning period.

19 (2) The opportunities and constraints to development of  
20 additional housing in each member jurisdiction, including all of  
21 the following:

22 (A) Lack of capacity for sewer or water service due to federal  
23 or state laws, regulations or regulatory actions, or supply and  
24 distribution decisions made by a sewer or water service provider  
25 other than the local jurisdiction that preclude the jurisdiction from  
26 providing necessary infrastructure for additional development  
27 during the planning period.

28 (B) The availability of land suitable for urban development or  
29 for conversion to residential use, the availability of underutilized  
30 land, and opportunities for infill development and increased  
31 residential densities. The council of governments may not limit  
32 its consideration of suitable housing sites or land suitable for urban  
33 development to existing zoning ordinances and land use restrictions  
34 of a locality, but shall consider the potential for increased  
35 residential development under alternative zoning ordinances and  
36 land use restrictions. The determination of available land suitable  
37 for urban development may exclude lands where the Federal  
38 Emergency Management Agency (FEMA) or the Department of  
39 Water Resources has determined that the flood management

1 infrastructure designed to protect that land is not adequate to avoid  
2 the risk of flooding.

3 (C) Lands preserved or protected from urban development under  
4 existing federal or state programs, or both, designed to protect  
5 open space, farmland, environmental habitats, and natural resources  
6 on a long-term basis, including land zoned or designated for  
7 agricultural protection or preservation that is subject to a local  
8 ballot measure that was approved by the voters of that jurisdiction  
9 that prohibits or restricts conversion to nonagricultural uses.

10 (D) County policies to preserve prime agricultural land, as  
11 defined pursuant to Section 56064, within an unincorporated area  
12 and land within an unincorporated area zoned or designated for  
13 agricultural protection or preservation that is subject to a local  
14 ballot measure that was approved by the voters of that jurisdiction  
15 that prohibits or restricts its conversion to nonagricultural uses.

16 (E) Emergency evacuation route capacity, wildfire risk, sea  
17 level rise, and other impacts caused by climate change.

18 (3) The distribution of household growth assumed for purposes  
19 of a comparable period of regional transportation plans and  
20 opportunities to maximize the use of public transportation and  
21 existing transportation infrastructure.

22 (4) Agreements between a county and cities in a county to direct  
23 growth toward incorporated areas of the county and land within  
24 an unincorporated area zoned or designated for agricultural  
25 protection or preservation that is subject to a local ballot measure  
26 that was approved by the voters of the jurisdiction that prohibits  
27 or restricts conversion to nonagricultural uses.

28 (5) The loss of units contained in assisted housing developments,  
29 as defined in paragraph (9) of subdivision (a) of Section 65583,  
30 that changed to non-low-income use through mortgage prepayment,  
31 subsidy contract expirations, or termination of use restrictions.

32 (6) The percentage of existing households at each of the income  
33 levels listed in subdivision (f) of Section 65584 that are paying  
34 more than 30 percent and more than 50 percent of their income in  
35 rent.

36 (7) The rate of overcrowding.

37 (8) The housing needs of farmworkers.

38 (9) The housing needs generated by the presence of a private  
39 university or a campus of the California State University or the  
40 University of California within any member jurisdiction.

1 (10) The housing needs of individuals and families experiencing  
2 homelessness. If a council of governments has surveyed each of  
3 its member jurisdictions pursuant to subdivision (b) on or before  
4 January 1, 2020, this paragraph shall apply only to the development  
5 of methodologies for the seventh and subsequent revisions of the  
6 housing element.

7 (11) The loss of units during a state of emergency that was  
8 declared by the Governor pursuant to the California Emergency  
9 Services Act (Chapter 7 (commencing with Section 8550) of  
10 Division 1 of Title 2), during the planning period immediately  
11 preceding the relevant revision pursuant to Section 65588 that  
12 have yet to be rebuilt or replaced at the time of the analysis.

13 (12) The region's greenhouse gas emissions targets provided  
14 by the State Air Resources Board pursuant to Section 65080.

15 (13) Any other factors adopted by the council of governments,  
16 that further the objectives listed in subdivision (d) of Section  
17 65584, provided that the council of governments specifies which  
18 of the objectives each additional factor is necessary to further. The  
19 council of governments may include additional factors unrelated  
20 to furthering the objectives listed in subdivision (d) of Section  
21 65584 so long as the additional factors do not undermine the  
22 objectives listed in subdivision (d) of Section 65584 and are applied  
23 equally across all household income levels as described in  
24 subdivision (f) of Section 65584 and the council of governments  
25 makes a finding that the factor is necessary to address significant  
26 health and safety conditions.

27 (f) The council of governments, or delegate subregion, as  
28 applicable, shall explain in writing how each of the factors  
29 described in subdivision (e) was incorporated into the methodology  
30 and how the methodology furthers the objectives listed in  
31 subdivision (d) of Section 65584. The methodology may include  
32 numerical weighting. This information, and any other supporting  
33 materials used in determining the methodology, shall be posted  
34 on the council of governments', or delegate subregion's, internet  
35 website.

36 (g) The following criteria shall not be a justification for a  
37 determination or a reduction in a jurisdiction's share of the regional  
38 housing need:

1 (1) Any ordinance, policy, voter-approved measure, or standard  
2 of a city or county that directly or indirectly limits the number of  
3 residential building permits issued by a city or county.

4 (2) Prior underproduction of housing in a city or county from  
5 the previous regional housing need allocation, as determined by  
6 each jurisdiction's annual production report submitted pursuant  
7 to subparagraph (H) of paragraph (2) of subdivision (a) of Section  
8 65400.

9 (3) Stable population numbers in a city or county from the  
10 previous regional housing needs cycle.

11 (h) Following the conclusion of the public comment period  
12 described in subdivision (d) on the proposed allocation  
13 methodology, and after making any revisions deemed appropriate  
14 by the council of governments, or delegate subregion, as applicable,  
15 as a result of comments received during the public comment period,  
16 and as a result of consultation with the department, each council  
17 of governments, or delegate subregion, as applicable, shall publish  
18 a draft allocation methodology on its internet website and submit  
19 the draft allocation methodology, along with the information  
20 required pursuant to subdivision (e), to the department.

21 (i) Within 60 days, the department shall review the draft  
22 allocation methodology and report its written findings to the  
23 council of governments, or delegate subregion, as applicable. In  
24 its written findings the department shall determine whether the  
25 methodology furthers the objectives listed in subdivision (d) of  
26 Section 65584. If the department determines that the methodology  
27 is not consistent with subdivision (d) of Section 65584, the council  
28 of governments, or delegate subregion, as applicable, shall take  
29 ~~one~~ *both* of the following actions:

30 (1) ~~Revise the methodology~~ *methodology, in consultation with*  
31 *the department, to further the objectives listed in subdivision (d)*  
32 *of Section 65584 and within 45 days.*

33 ~~(2) Adopt the regional, or subregional, housing need allocation~~  
34 ~~methodology without revisions and include within its resolution~~  
35 ~~of adoption findings, supported by substantial evidence, as to why~~  
36 ~~the council of governments, or delegate subregion, believes that~~  
37 ~~the methodology furthers the objectives listed in subdivision (d)~~  
38 ~~of Section 65584 despite the findings of the department.~~

39 (2) *Receive department acceptance that the revised methodology*  
40 *further the objectives listed in subdivision (d) of Section 65584*

1 *and* adopt a final regional, or subregional, housing need allocation  
2 methodology.

3 (j) If the department’s findings are not available within the time  
4 limits set by subdivision (i), the council of governments, or delegate  
5 subregion, may act without them.

6 ~~Upon either action~~ *After taking action* pursuant to  
7 subdivision (i), the council of governments, or delegate subregion,  
8 shall provide notice of the adoption of the methodology to the  
9 jurisdictions within the region, or delegate subregion, as applicable,  
10 and to the department, and shall publish the adopted allocation  
11 methodology, along with its resolution and any adopted written  
12 findings, on its internet website.

13 (l) The department may, within 45 days, review the adopted  
14 methodology and report its findings to the council of governments,  
15 or delegate subregion.

16 (m) (1) It is the intent of the Legislature that housing planning  
17 be coordinated and integrated with the regional transportation plan.  
18 To achieve this goal, the allocation plan shall allocate housing  
19 units within the region consistent with the development pattern  
20 included in the sustainable communities strategy.

21 (2) (A) The final allocation plan shall ensure that the total  
22 regional housing need, by income category, as determined under  
23 Section 65584, is maintained, and that each jurisdiction in the  
24 region receive an allocation of units for low- and very low income  
25 households.

26 (B) For the seventh and subsequent revisions of the housing  
27 element, the allocation to each region required under subparagraph  
28 (A) shall also include an allocation of units for acutely low and  
29 extremely low income households.

30 (3) The resolution approving the final housing need allocation  
31 plan shall demonstrate that the plan is consistent with the  
32 sustainable communities strategy in the regional transportation  
33 plan and furthers the objectives listed in subdivision (d) of Section  
34 65584.

35 (n) This section shall become operative on January 1, 2025.

36 *SEC. 12. Section 65589.5 of the Government Code is amended*  
37 *to read:*

38 65589.5. (a) (1) The Legislature finds and declares all of the  
39 following:

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

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

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

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

20 (2) In enacting the amendments made to this section by the act  
21 adding this paragraph, the Legislature further finds and declares  
22 the following:

23 (A) California has a housing supply and affordability crisis of  
24 historic proportions. The consequences of failing to effectively  
25 and aggressively confront this crisis are hurting millions of  
26 Californians, robbing future generations of the chance to call  
27 California home, stifling economic opportunities for workers and  
28 businesses, worsening poverty and homelessness, and undermining  
29 the state's environmental and climate objectives.

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

34 (C) The crisis has grown so acute in California that supply,  
35 demand, and affordability fundamentals are characterized in the  
36 negative: underserved demands, constrained supply, and protracted  
37 unaffordability.

38 (D) According to reports and data, California has accumulated  
39 an unmet housing backlog of nearly 2,000,000 units and must



1 provide for at least 180,000 new units annually to keep pace with  
2 growth through 2025.

3 (E) California’s overall home ownership rate is at its lowest  
4 level since the 1940s. The state ranks 49th out of the 50 states in  
5 home ownership rates as well as in the supply of housing per capita.  
6 Only one-half of California’s households are able to afford the  
7 cost of housing in their local regions.

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

10 (G) The majority of California renters, more than 3,000,000  
11 households, pay more than 30 percent of their income toward rent  
12 and nearly one-third, more than 1,500,000 households, pay more  
13 than 50 percent of their income toward rent.

14 (H) When Californians have access to safe and affordable  
15 housing, they have more money for food and health care; they are  
16 less likely to become homeless and in need of  
17 government-subsidized services; their children do better in school;  
18 and businesses have an easier time recruiting and retaining  
19 employees.

20 (I) An additional consequence of the state’s cumulative housing  
21 shortage is a significant increase in greenhouse gas emissions  
22 caused by the displacement and redirection of populations to states  
23 with greater housing opportunities, particularly working- and  
24 middle-class households. California’s cumulative housing shortfall  
25 therefore has not only national but international environmental  
26 consequences.

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

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

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

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

8 (4) It is the intent of the Legislature that the amendments  
9 removing provisions from subparagraphs (D) and (E) of paragraph  
10 (6) of subdivision (h) and adding those provisions to Sections  
11 65589.5.1 and 65589.5.2 by Assembly Bill 1413 (2023), insofar  
12 as they are substantially the same as existing law, shall be  
13 considered restatements and continuations of existing law, and not  
14 new enactments.

15 (b) It is the policy of the state that a local government not reject  
16 or make infeasible housing development projects, including  
17 emergency shelters, that contribute to meeting the need determined  
18 pursuant to this article without a thorough analysis of the economic,  
19 social, and environmental effects of the action and without  
20 complying with subdivision (d).

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

29 (d) For a housing development project for very low, low-, or  
30 moderate-income households, or an emergency shelter, a local  
31 agency shall not disapprove the housing development project or  
32 emergency shelter, or condition approval in a manner that renders  
33 the housing development project or emergency shelter infeasible,  
34 including through the use of design review standards, unless it  
35 makes written findings, based upon a preponderance of the  
36 evidence in the record, as to one of the following:

37 (1) The jurisdiction has adopted a housing element pursuant to  
38 this article that has been revised in accordance with Section 65588,  
39 is in substantial compliance with this article, and the jurisdiction  
40 has met or exceeded its share of the regional housing need

1 allocation pursuant to Section 65584 for the planning period for  
2 the income category proposed for the housing development project,  
3 provided that any disapproval or conditional approval shall not be  
4 based on any of the reasons prohibited by Section 65008. If the  
5 housing development project includes a mix of income categories,  
6 and the jurisdiction has not met or exceeded its share of the regional  
7 housing need for one or more of those categories, then this  
8 paragraph shall not be used to disapprove or conditionally approve  
9 the housing development project. The share of the regional housing  
10 need met by the jurisdiction shall be calculated consistently with  
11 the forms and definitions that may be adopted by the Department  
12 of Housing and Community Development pursuant to Section  
13 65400. In the case of an emergency shelter, the jurisdiction shall  
14 have met or exceeded the need for emergency shelter, as identified  
15 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any  
16 disapproval or conditional approval pursuant to this paragraph  
17 shall be in accordance with applicable law, rule, or standards.

18 (2) The housing development project or emergency shelter as  
19 proposed would have a specific, adverse impact upon the public  
20 health or safety, and there is no feasible method to satisfactorily  
21 mitigate or avoid the specific, adverse impact without rendering  
22 the development unaffordable to low- and moderate-income  
23 households or rendering the development of the emergency shelter  
24 financially infeasible. As used in this paragraph, a “specific,  
25 adverse impact” means a significant, quantifiable, direct, and  
26 unavoidable impact, based on objective, identified written public  
27 health or safety standards, policies, or conditions as they existed  
28 on the date the application was deemed complete. The following  
29 shall not constitute a specific, adverse impact upon the public  
30 health or safety:

31 (A) Inconsistency with the zoning ordinance or general plan  
32 land use designation.

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

35 (3) The denial of the housing development project or imposition  
36 of conditions is required in order to comply with specific state or  
37 federal law, and there is no feasible method to comply without  
38 rendering the development unaffordable to low- and  
39 moderate-income households or rendering the development of the  
40 emergency shelter financially infeasible.

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

6 (5) On the date an application for the housing development  
7 project or emergency shelter was deemed complete, the jurisdiction  
8 had adopted a revised housing element that was in substantial  
9 compliance with this article, and the housing development project  
10 or emergency shelter was inconsistent with both the jurisdiction's  
11 zoning ordinance and general plan land use designation as specified  
12 in any element of the general plan.

13 (A) This paragraph shall not be utilized to disapprove or  
14 conditionally approve a housing development project proposed on  
15 a site, including a candidate site for rezoning, that is identified as  
16 suitable or available for very low, low-, or moderate-income  
17 households in the jurisdiction's housing element if the housing  
18 development project is consistent with the density specified in the  
19 housing element, even though the housing development project  
20 was inconsistent with both the jurisdiction's zoning ordinance and  
21 general plan land use designation on the date the application was  
22 deemed complete.

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

38 (6) On the date an application for the housing development  
39 project or emergency shelter was deemed complete, the jurisdiction  
40 did not have an adopted revised housing element that was in

1 substantial compliance with this article and the housing  
2 development project is not a builder's remedy project.

3 (e) Nothing in this section shall be construed to relieve the local  
4 agency from complying with the congestion management program  
5 required by Chapter 2.6 (commencing with Section 65088) of  
6 Division 1 of Title 7 or the California Coastal Act of 1976  
7 (Division 20 (commencing with Section 30000) of the Public  
8 Resources Code). Neither shall anything in this section be  
9 construed to relieve the local agency from making one or more of  
10 the findings required pursuant to Section 21081 of the Public  
11 Resources Code or otherwise complying with the California  
12 Environmental Quality Act (Division 13 (commencing with Section  
13 21000) of the Public Resources Code).

14 (f) (1) Except as provided in paragraphs (6) and (8) of this  
15 subdivision, and subdivision (o), nothing in this section shall be  
16 construed to prohibit a local agency from requiring the housing  
17 development project to comply with objective, quantifiable, written  
18 development standards, conditions, and policies appropriate to,  
19 and consistent with, meeting the jurisdiction's share of the regional  
20 housing need pursuant to Section 65584. However, the  
21 development standards, conditions, and policies shall be applied  
22 to facilitate and accommodate development at the density permitted  
23 on the site and proposed by the development. Nothing in this  
24 section shall limit a project's eligibility for a density bonus,  
25 incentive, or concession, or waiver or reduction of development  
26 standards and parking ratios, pursuant to Section 65915.

27 (2) Except as provided in subdivision (o), nothing in this section  
28 shall be construed to prohibit a local agency from requiring an  
29 emergency shelter project to comply with objective, quantifiable,  
30 written development standards, conditions, and policies that are  
31 consistent with paragraph (4) of subdivision (a) of Section 65583  
32 and appropriate to, and consistent with, meeting the jurisdiction's  
33 need for emergency shelter, as identified pursuant to paragraph  
34 (7) of subdivision (a) of Section 65583. However, the development  
35 standards, conditions, and policies shall be applied by the local  
36 agency to facilitate and accommodate the development of the  
37 emergency shelter project.

38 (3) Except as provided in subdivision (o), nothing in this section  
39 shall be construed to prohibit a local agency from imposing fees  
40 and other exactions otherwise authorized by law that are essential

1 to provide necessary public services and facilities to the housing  
2 development project or emergency shelter.

3 (4) For purposes of this section, a housing development project  
4 or emergency shelter shall be deemed consistent, compliant, and  
5 in conformity with an applicable plan, program, policy, ordinance,  
6 standard, requirement, or other similar provision if there is  
7 substantial evidence that would allow a reasonable person to  
8 conclude that the housing development project or emergency  
9 shelter is consistent, compliant, or in conformity.

10 (5) For purposes of this section, a change to the zoning ordinance  
11 or general plan land use designation subsequent to the date the  
12 application was deemed complete shall not constitute a valid basis  
13 to disapprove or condition approval of the housing development  
14 project or emergency shelter.

15 (6) Notwithstanding paragraphs (1) to (5), inclusive, all of the  
16 following apply to a housing development project that is a builder's  
17 remedy project:

18 (A) A local agency may only require the project to comply with  
19 the objective, quantifiable, written development standards,  
20 conditions, and policies that would have applied to the project had  
21 it been proposed on a site with a general plan designation and  
22 zoning classification that allow the density and unit type proposed  
23 by the applicant. If the local agency has no general plan designation  
24 or zoning classification that would have allowed the density and  
25 unit type proposed by the applicant, the development proponent  
26 may identify any objective, quantifiable, written development  
27 standards, conditions, and policies associated with a different  
28 general plan designation or zoning classification within that  
29 jurisdiction, that facilitate the project's density and unit type, and  
30 those shall apply.

31 (B) (i) Except as authorized by paragraphs (1) to (4), inclusive,  
32 of subdivision (d), a local agency shall not apply any individual  
33 or combination of objective, quantifiable, written development  
34 standards, conditions, and policies to the project that do any of the  
35 following:

36 (I) Render the project infeasible.

37 (II) Preclude a project that meets the requirements allowed to  
38 be imposed by subparagraph (A), as modified by any density bonus,  
39 incentive, or concession, or waiver or reduction of development

1 standards and parking ratios, pursuant to Section 65915, from  
2 being constructed as proposed by the applicant.

3 (ii) The local agency shall bear the burden of proof of complying  
4 with clause (i).

5 (C) (i) A project applicant that qualifies for a density bonus  
6 pursuant to Section 65915 shall receive two incentives or  
7 concessions in addition to those granted pursuant to paragraph (2)  
8 of subdivision (d) of Section 65915.

9 (ii) For a project seeking density bonuses, incentives,  
10 concessions, or any other benefits pursuant to Section 65915, and  
11 notwithstanding paragraph (6) of subdivision (o) of Section 65915,  
12 for purposes of this paragraph, maximum allowable residential  
13 density or base density means the density permitted for a builder's  
14 remedy project pursuant to subparagraph (C) of paragraph (11) of  
15 subdivision (h).

16 (iii) A local agency shall grant any density bonus pursuant to  
17 Section 65915 based on the number of units proposed and  
18 allowable pursuant to subparagraph (C) of paragraph (11) of  
19 subdivision (h).

20 (iv) A project that dedicates units to extremely low-income  
21 households pursuant to subclause (I) of clause (i) of subparagraph  
22 (C) of paragraph (3) of subdivision (h) shall be eligible for the  
23 same density bonus, incentives or concessions, and waivers or  
24 reductions of development standards as provided to a housing  
25 development project that dedicates three percentage points more  
26 units to very low income households pursuant to paragraph (2) of  
27 subdivision (f) of Section 65915.

28 (v) All units dedicated to extremely low-income, very low  
29 income, low-income, and moderate-income households pursuant  
30 to paragraph (11) of subdivision (h) shall be counted as affordable  
31 units in determining whether the applicant qualifies for a density  
32 bonus pursuant to Section 65915.

33 (D) (i) The project shall not be required to apply for, or receive  
34 approval of, a general plan amendment, specific plan amendment,  
35 rezoning, or other legislative approval.

36 (ii) The project shall not be required to apply for, or receive,  
37 any approval or permit not generally required of a project of the  
38 same type and density proposed by the applicant.

39 (iii) Any project that complies with this paragraph shall be  
40 deemed consistent, compliant, and in conformity with an applicable

1 plan, program, policy, ordinance, standard, requirement,  
2 redevelopment plan and implementing instruments, or other similar  
3 provision for all purposes, and shall not be considered or treated  
4 as a nonconforming lot, use, or structure for any purpose.

5 (E) A local agency shall not adopt or impose any requirement,  
6 process, practice, or procedure or undertake any course of conduct,  
7 including, but not limited to, increased fees or inclusionary housing  
8 requirements, that applies to a project solely or partially on the  
9 basis that the project is a builder's remedy project.

10 (F) (i) A builder's remedy project shall be deemed to be in  
11 compliance with the residential density standards for the purposes  
12 of complying with subdivision (b) of Section 65912.123.

13 (ii) A builder's remedy project shall be deemed to be in  
14 compliance with the objective zoning standards, objective  
15 subdivision standards, and objective design review standards for  
16 the purposes of complying with paragraph (5) of subdivision (a)  
17 of Section 65913.4.

18 (G) (i) (I) If the local agency had a local affordable housing  
19 requirement, as defined in Section 65912.101, that on January 1,  
20 2024, required a greater percentage of affordable units than  
21 required under subparagraph (A) of paragraph (11) of subdivision  
22 (h), or required an affordability level deeper than what is required  
23 under subparagraph (A) of paragraph (11) of subdivision (h), then,  
24 except as provided in subclauses (II) and (III), the local agency  
25 may require a housing development for mixed-income households  
26 to comply with an otherwise lawfully applicable local affordability  
27 percentage or affordability level. The local agency shall not require  
28 housing for mixed-income households to comply with any other  
29 aspect of the local affordable housing requirement.

30 (II) Notwithstanding subclause (I), the local affordable housing  
31 requirements shall not be applied to require housing for  
32 mixed-income households to dedicate more than 20 percent of the  
33 units to affordable units of any kind.

34 (III) Housing for mixed-income households that is required to  
35 dedicate 20 percent of the units to affordable units shall not be  
36 required to dedicate any of the affordable units at an income level  
37 deeper than lower income households, as defined in Section  
38 50079.5 of the Health and Safety Code.

39 (IV) A local agency may only require housing for mixed-income  
40 households to comply with the local percentage requirement or



1 affordability level described in subclause (I) if it first makes written  
2 findings, supported by a preponderance of evidence, that  
3 compliance with the local percentage requirement or the  
4 affordability level, or both, would not render the housing  
5 development project infeasible. If a reasonable person could find  
6 compliance with either requirement, either alone or in combination,  
7 would render the project infeasible, the project shall not be required  
8 to comply with that requirement.

9 (ii) Affordable units in the development project shall have a  
10 comparable bedroom and bathroom count as the market rate units.

11 (iii) Each affordable unit dedicated pursuant to this subparagraph  
12 shall count toward satisfying a local affordable housing  
13 requirement. Each affordable unit dedicated pursuant to a local  
14 affordable housing requirement that meets the criteria established  
15 in this subparagraph shall count towards satisfying the requirements  
16 of this subparagraph. This is declaratory of existing law.

17 (7) (A) For a housing development project application that is  
18 deemed complete before January 1, 2025, the development  
19 proponent for the project may choose to be subject to the provisions  
20 of this section that were in place on the date the preliminary  
21 application was submitted, or, if the project meets the definition  
22 of a builder's remedy project, it may choose to be subject to any  
23 or all of the provisions of this section applicable as of January 1,  
24 2025.

25 (B) Notwithstanding subdivision (c) of Section 65941.1, for a  
26 housing development project deemed complete before January 1,  
27 2025, the development proponent may choose to revise their  
28 application so that the project is a builder's remedy project, without  
29 being required to resubmit a preliminary application, even if the  
30 revision results in the number of residential units or square footage  
31 of construction changing by 20 percent or more.

32 (8) A housing development project proposed on a site that is  
33 identified as suitable or available for very low, low-, or  
34 moderate-income households in the jurisdiction's housing element,  
35 that is consistent with the density specified in the most recently  
36 updated and adopted housing element, and that is inconsistent with  
37 both the jurisdiction's zoning ordinance and general plan land use  
38 designation on the date the application was deemed complete, shall  
39 be subject to the provisions of subparagraphs (A), (B), and (D) of  
40 paragraph (6) and paragraph (9).

1 (9) For purposes of this subdivision, “objective, quantifiable,  
2 written development standards, conditions, and policies” means  
3 criteria that involve no personal or subjective judgment by a public  
4 official and are uniformly verifiable by reference to an external  
5 and uniform benchmark or criterion available and knowable by  
6 both the development applicant or proponent and the public official  
7 before submittal, including, but not limited to, any standard,  
8 ordinance, or policy described in paragraph (4) of subdivision (o).  
9 Nothing herein shall affect the obligation of the housing  
10 development project to comply with the minimum building  
11 standards approved by the California Building Standards  
12 Commission as provided in Part 2.5 (commencing with Section  
13 18901) of Division 13 of the Health and Safety Code. In the event  
14 that applicable objective, quantifiable, written development  
15 standards, conditions, and policies are mutually inconsistent, a  
16 development shall be deemed consistent with the criteria that  
17 permits the density and unit type closest to that of the proposed  
18 project.

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

22 (h) The following definitions apply for the purposes of this  
23 section:

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

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

29 (A) Residential units only.

30 (B) Mixed-use developments consisting of residential and  
31 nonresidential uses that meet any of the following conditions:

32 (i) At least two-thirds of the new or converted square footage  
33 is designated for residential use.

34 (ii) At least 50 percent of the new or converted square footage  
35 is designated for residential use and the project meets both of the  
36 following:

37 (I) The project includes at least 500 net new residential units.

38 (II) No portion of the project is designated for use as a hotel,  
39 motel, bed and breakfast inn, or other transient lodging, except a

1 portion of the project may be designated for use as a residential  
2 hotel, as defined in Section 50519 of the Health and Safety Code.

3 (iii) At least 50 percent of the net new or converted square  
4 footage is designated for residential use and the project meets all  
5 of the following:

6 (I) The project includes at least 500 net new residential units.

7 (II) The project involves the demolition or conversion of at least  
8 100,000 square feet of nonresidential use.

9 (III) The project demolishes at least 50 percent of the existing  
10 nonresidential uses on the site.

11 (IV) No portion of the project is designated for use as a hotel,  
12 motel, bed and breakfast inn, or other transient lodging, except a  
13 portion of the project may be designated for use as a residential  
14 hotel, as defined in Section 50519 of the Health and Safety Code.

15 (C) Transitional housing or supportive housing.

16 (D) Farmworker housing, as defined in subdivision (h) of  
17 Section 50199.7 of the Health and Safety Code.

18 (3) (A) “Housing for very low, low-, or moderate-income  
19 households” means housing for lower income households,  
20 mixed-income households, or moderate-income households.

21 (B) “Housing for lower income households” means a housing  
22 development project in which 100 percent of the units, excluding  
23 managers’ units, are dedicated to lower income households, as  
24 defined in Section 50079.5 of the Health and Safety Code, at an  
25 affordable cost, as defined by Section 50052.5 of the Health and  
26 Safety Code, or an affordable rent set in an amount consistent with  
27 the rent limits established by the California Tax Credit Allocation  
28 Committee. The units shall be subject to a recorded deed restriction  
29 for a period of 55 years for rental units and 45 years for  
30 owner-occupied units.

31 (C) (i) “Housing for mixed-income households” means any of  
32 the following:

33 (I) A housing development project in which at least 7 percent  
34 of the total units, as defined in subparagraph (A) of paragraph (8)  
35 of subdivision (o) of Section 65915, are dedicated to extremely  
36 low income households, as defined in Section 50106 of the Health  
37 and Safety Code.

38 (II) A housing development project in which at least 10 percent  
39 of the total units, as defined in subparagraph (A) of paragraph (8)  
40 of subdivision (o) of Section 65915, are dedicated to very low

1 income households, as defined in Section 50105 of the Health and  
2 Safety Code.

3 (III) A housing development project in which at least 13 percent  
4 of the total units, as defined in subparagraph (A) of paragraph (8)  
5 of subdivision (o) of Section 65915, are dedicated to lower income  
6 households, as defined in Section 50079.5 of the Health and Safety  
7 Code.

8 (IV) A housing development project in which there are 10 or  
9 fewer total units, as defined in subparagraph (A) of paragraph (8)  
10 of subdivision (o) of Section 65915, that is on a site that is smaller  
11 than one acre, and that is proposed for development at a minimum  
12 density of 10 units per acre.

13 (ii) All units dedicated to extremely low income, very low  
14 income, and low-income households pursuant to clause (i) shall  
15 meet both of the following:

16 (I) The units shall have an affordable housing cost, as defined  
17 in Section 50052.5 of the Health and Safety Code, or an affordable  
18 rent, as defined in Section 50053 of the Health and Safety Code.

19 (II) The development proponent shall agree to, and the local  
20 agency shall ensure, the continued affordability of all affordable  
21 rental units included pursuant to this section for 55 years and all  
22 affordable ownership units included pursuant to this section for a  
23 period of 45 years.

24 (D) “Housing for moderate-income households” means a  
25 housing development project in which 100 percent of the units are  
26 sold or rented to moderate-income households, as defined in  
27 Section 50093 of the Health and Safety Code, at an affordable  
28 housing cost, as defined in Section 50052.5 of the Health and  
29 Safety Code, or an affordable rent, as defined in Section 50053 of  
30 the Health and Safety Code. The units shall be subject to a recorded  
31 deed restriction for a period of 55 years for rental units and 45  
32 years for owner-occupied units.

33 (4) “Area median income” means area median income as  
34 periodically established by the Department of Housing and  
35 Community Development pursuant to Section 50093 of the Health  
36 and Safety Code.

37 (5) Notwithstanding any other law, ~~until January 1, 2030,~~  
38 “deemed complete” means that the applicant has submitted a  
39 preliminary application pursuant to Section 65941.1 or, if the  
40 applicant has not submitted a preliminary application, has

1 submitted a complete application pursuant to Section 65943. The  
2 local agency shall bear the burden of proof in establishing that the  
3 application is not complete.

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

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

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

14 (C) Fails to meet the time limits specified in Section 65913.3.

15 (D) Fails to cease a course of conduct undertaken for an  
16 improper purpose, such as to harass or to cause unnecessary delay  
17 or needless increases in the cost of the proposed housing  
18 development project, that effectively disapproves the proposed  
19 housing development without taking final administrative action if  
20 all of the following conditions are met:

21 (i) The project applicant provides written notice detailing the  
22 challenged conduct and why it constitutes disapproval to the local  
23 agency established under Section 65100.

24 (ii) Within five working days of receiving the applicant’s written  
25 notice described in clause (i), the local agency shall post the notice  
26 on the local agency’s internet website, provide a copy of the notice  
27 to any person who has made a written request for notices pursuant  
28 to subdivision (f) of Section 21167 of the Public Resources Code,  
29 and file the notice with the county clerk of each county in which  
30 the project will be located. The county clerk shall post the notice  
31 and make it available for public inspection in the manner set forth  
32 in subdivision (c) of Section 21152 of the Public Resources Code.

33 (iii) The local agency shall consider all objections, comments,  
34 evidence, and concerns about the project or the applicant’s written  
35 notice and shall not make a determination until at least 60 days  
36 after the applicant has given written notice to the local agency  
37 pursuant to clause (i).

38 (iv) Within 90 days of receipt of the applicant’s written notice  
39 described in clause (i), the local agency shall issue a written  
40 statement that it will immediately cease the challenged conduct or

1 issue written findings that comply with both of the following  
2 requirements:

3 (I) The findings articulate an objective basis for why the  
4 challenged course of conduct is necessary.

5 (II) The findings provide clear instructions on what the applicant  
6 must submit or supplement so that the local agency can make a  
7 final determination regarding the next necessary approval or set  
8 the date and time of the next hearing.

9 (v) (I) If a local agency continues the challenged course of  
10 conduct described in the applicant's written notice and fails to  
11 issue the written findings described in clause (iv), the local agency  
12 shall bear the burden of establishing that its course of conduct does  
13 not constitute a disapproval of the housing development project  
14 under this subparagraph in an action taken by the applicant.

15 (II) If an applicant challenges a local agency's course of conduct  
16 as a disapproval under this subparagraph, the local agency's written  
17 findings described in clause (iv) shall be incorporated into the  
18 administrative record and be deemed to be the final administrative  
19 action for purposes of adjudicating whether the local agency's  
20 course of conduct constitutes a disapproval of the housing  
21 development project under this subparagraph.

22 (vi) A local agency's action in furtherance of complying with  
23 the California Environmental Quality Act (Division 13  
24 (commencing with Section 21000) of the Public Resources Code),  
25 including, but not limited to, imposing mitigating measures, shall  
26 not constitute project disapproval under this subparagraph.

27 (E) Fails to comply with Section 65905.5. For purposes of this  
28 subparagraph, a builder's remedy project shall be deemed to  
29 comply with the applicable, objective general plan and zoning  
30 standards in effect at the time an application is deemed complete.

31 (F) (i) Determines that an application for a housing development  
32 project is incomplete pursuant to subdivision (a) or (b) of Section  
33 65943 and includes in the determination an item that is not required  
34 on the local agency's submittal requirement checklist. The local  
35 agency shall bear the burden of proof that the required item is  
36 listed on the submittal requirement checklist.

37 (ii) In a subsequent review of an application pursuant to Section  
38 65943, requests the applicant provide new information that was  
39 not identified in the initial determination and upholds this  
40 determination in the final written determination on an appeal filed

1 pursuant to subdivision (c) of Section 65943. The local agency  
2 shall bear the burden of proof that the required item was identified  
3 in the initial determination.

4 (iii) Determines that an application for a housing development  
5 project is incomplete pursuant to subdivision (a) or (b) of Section  
6 65943, a reasonable person would conclude that the applicant has  
7 submitted all of the items required on the local agency's submittal  
8 requirement checklist, and the local agency upholds this  
9 determination in the final written determination on an appeal filed  
10 pursuant to subdivision (c) of Section 65943.

11 (iv) If a local agency determines that an application is  
12 incomplete under Section 65943 after two resubmittals of the  
13 application by the applicant, the local agency shall bear the burden  
14 of establishing that the determination is not an effective disapproval  
15 of a housing development project under this section.

16 (G) Violates subparagraph (D) or (E) of paragraph (6) of  
17 subdivision (f).

18 (H) Makes a written determination that a preliminary application  
19 described in subdivision (a) of Section 65941.1 has expired or that  
20 the applicant has otherwise lost its vested rights under the  
21 preliminary application for any reason other than those described  
22 in subdivisions (c) and (d) of Section 65941.1.

23 (I) (i) Fails to make a determination of whether the project is  
24 exempt from the California Environmental Quality Act (Division  
25 13 (commencing with Section 21000) of the Public Resources  
26 Code), or commits an abuse of discretion, as defined in subdivision  
27 (b) of Section 65589.5.1 if all of the conditions in Section  
28 65589.5.1 are satisfied.

29 (ii) This subparagraph shall become inoperative on January 1,  
30 2031.

31 (J) (i) Fails to adopt a negative declaration or addendum for  
32 the project, to certify an environmental impact report for the  
33 project, or to approve another comparable environmental document,  
34 such as a sustainable communities environmental assessment  
35 pursuant to Section 21155.2 of the Public Resources Code, as  
36 required pursuant to the California Environmental Quality Act  
37 (Division 13 (commencing with Section 21000) of the Public  
38 Resources Code), if all of the conditions in Section 65589.5.2 are  
39 satisfied.

1 (ii) This subparagraph shall become inoperative on January 1,  
2 2031.

3 (7) (A) For purposes of this section and Sections 65589.5.1 and  
4 65589.5.2, “lawful determination” means any final decision about  
5 whether to approve or disapprove a statutory or categorical  
6 exemption or a negative declaration, addendum, environmental  
7 impact report, or comparable environmental review document  
8 under the California Environmental Quality Act (Division 13  
9 (commencing with Section 21000) of the Public Resources Code)  
10 that is not an abuse of discretion, as defined in subdivision (b) of  
11 Section 65589.5.1 or subdivision (b) of Section 65589.5.2.

12 (B) This paragraph shall become inoperative on January 1, 2031.

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

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

20 (10) 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 (11) “Builder’s remedy project” means a project that meets all  
24 of the following criteria:

25 (A) The project is a housing development project that provides  
26 housing for very low, low-, or moderate-income households.

27 (B) On or after the date an application for the housing  
28 development project or emergency shelter was deemed complete,  
29 the jurisdiction did not have a housing element that was in  
30 substantial compliance with this article.

31 (C) The project has a density such that the number of units, as  
32 calculated before the application of a density bonus pursuant to  
33 Section 65915, complies with all of the following conditions:

34 (i) The density does not exceed the greatest of the following  
35 densities:

36 (I) Fifty percent greater than the minimum density deemed  
37 appropriate to accommodate housing for that jurisdiction as  
38 specified in subparagraph (B) of paragraph (3) of subdivision (c)  
39 of Section 65583.2.



1 (II) Three times the density allowed by the general plan, zoning  
2 ordinance, or state law, whichever is greater.

3 (III) The density that is consistent with the density specified in  
4 the housing element.

5 (ii) Notwithstanding clause (i), the greatest allowable density  
6 shall be 35 units per acre more than the amount allowable pursuant  
7 to clause (i), if any portion of the site is located within any of the  
8 following:

9 (I) One-half mile of a major transit stop, as defined in Section  
10 21064.3 of the Public Resources Code.

11 (II) A very low vehicle travel area, as defined in subdivision  
12 (h).

13 (III) A high or highest resource census tract, as identified by  
14 the latest edition of the “CTCAC/HCD Opportunity Map”  
15 published by the California Tax Credit Allocation Committee and  
16 the Department of Housing and Community Development.

17 (D) (i) On sites that have a minimum density requirement and  
18 are located within one-half mile of a commuter rail station or a  
19 heavy rail station, the density of the project shall not be less than  
20 the minimum density required on the site.

21 (I) For purposes of this subparagraph, “commuter rail” means  
22 a railway that is not a light rail, streetcar, trolley, or tramway and  
23 that is for urban passenger train service consisting of local short  
24 distance travel operating between a central city and adjacent suburb  
25 with service operated on a regular basis by or under contract with  
26 a transit operator for the purpose of transporting passengers within  
27 urbanized areas, or between urbanized areas and outlying areas,  
28 using either locomotive-hauled or self-propelled railroad passenger  
29 cars, with multitrip tickets and specific station-to-station fares.

30 (II) For purposes of this subparagraph, “heavy rail” means an  
31 electric railway with the capacity for a heavy volume of traffic  
32 using high speed and rapid acceleration passenger rail cars  
33 operating singly or in multicar trains on fixed rails, separate  
34 rights-of-way from which all other vehicular and foot traffic are  
35 excluded, and high platform loading.

36 (ii) On all other sites with a minimum density requirement, the  
37 density of the project shall not be less than the local agency’s  
38 minimum density or one-half of the minimum density deemed  
39 appropriate to accommodate housing for that jurisdiction as

1 specified in subparagraph (B) of paragraph (3) of subdivision (c)  
2 of Section 65583.2, whichever is lower.

3 (E) The project site does not abut a site where more than  
4 one-third of the square footage on the site has been used, within  
5 the past three years, by a heavy industrial use, or a Title V  
6 industrial use, as those terms are defined in Section 65913.16.

7 (12) “Condition approval” includes imposing on the housing  
8 development project, or attempting to subject it to, development  
9 standards, conditions, or policies.

10 (13) “Unit type” means the form of ownership and the kind of  
11 residential unit, including, but not limited to, single-family  
12 detached, single-family attached, for-sale, rental, multifamily,  
13 townhouse, condominium, apartment, manufactured homes and  
14 mobilehomes, factory-built housing, and residential hotel.

15 (14) “Proposed by the applicant” means the plans and designs  
16 as submitted by the applicant, including, but not limited to, density,  
17 unit size, unit type, site plan, building massing, floor area ratio,  
18 amenity areas, open space, parking, and ancillary commercial uses.

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

34 (j) (1) When a proposed housing development project complies  
35 with applicable, objective general plan, zoning, and subdivision  
36 standards and criteria, including design review standards, in effect  
37 at the time that the application was deemed complete, but the local  
38 agency proposes to disapprove the project or to impose a condition  
39 that the project be developed at a lower density, the local agency  
40 shall base its decision regarding the proposed housing development

1 project upon written findings supported by a preponderance of the  
2 evidence on the record that both of the following conditions exist:

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

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

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

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

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

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

36 (3) For purposes of this section, the receipt of a density bonus,  
37 incentive, concession, waiver, or reduction of development  
38 standards pursuant to Section 65915 shall not constitute a valid  
39 basis on which to find a proposed housing development project is  
40 inconsistent, not in compliance, or not in conformity, with an

1 applicable plan, program, policy, ordinance, standard, requirement,  
2 or other similar provision specified in this subdivision.

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

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

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

28 (II) The local agency, in violation of subdivision (j), disapproved  
29 a housing development project complying with applicable,  
30 objective general plan and zoning standards and criteria, or imposed  
31 a condition that the project be developed at a lower density, without  
32 making the findings required by this section.

33 (III) ~~(ia) Subject to sub-subclause (ib), the~~ The local agency,  
34 in violation of subdivision (o), required or attempted to require a  
35 housing development project to comply with an ordinance, policy,  
36 or standard not adopted and in effect when a preliminary  
37 application was submitted.

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

39 (IV) The local agency violated a provision of this section  
40 applicable to a builder's remedy project.

1 (ii) If the court finds that one of the conditions in clause (i) is  
2 met, the court shall issue an order or judgment compelling  
3 compliance with this section within a time period not to exceed  
4 60 days, including, but not limited to, an order that the local agency  
5 take action on the housing development project or emergency  
6 shelter. The court may issue an order or judgment directing the  
7 local agency to approve the housing development project or  
8 emergency shelter if the court finds that the local agency acted in  
9 bad faith when it disapproved or conditionally approved the  
10 housing development or emergency shelter in violation of this  
11 section. The court shall retain jurisdiction to ensure that its order  
12 or judgment is carried out and shall award reasonable attorney's  
13 fees and costs of suit to the plaintiff or petitioner, provided,  
14 however, that the court shall not award attorney's fees in either of  
15 the following instances:

16 (I) The court finds, under extraordinary circumstances, that  
17 awarding fees would not further the purposes of this section.

18 (II) (ia) In a case concerning a disapproval within the meaning  
19 of subparagraph (I) or (J) of paragraph (6) of subdivision (h), the  
20 court finds that the local agency acted in good faith and had  
21 reasonable cause to disapprove the housing development project  
22 due to the existence of a controlling question of law about the  
23 application of the California Environmental Quality Act (Division  
24 13 (commencing with Section 21000) of the Public Resources  
25 Code) or implementing guidelines as to which there was a  
26 substantial ground for difference of opinion at the time of the  
27 disapproval.

28 (ib) This subclause shall become inoperative on January 1, 2031.

29 (B) Upon a determination that the local agency has failed to  
30 comply with the order or judgment compelling compliance with  
31 this section within the time period prescribed by the court, the  
32 court shall impose fines on a local agency that has violated this  
33 section and require the local agency to deposit any fine levied  
34 pursuant to this subdivision into a local housing trust fund. The  
35 local agency may elect to instead deposit the fine into the Building  
36 Homes and Jobs Trust Fund. The fine shall be in a minimum  
37 amount of ten thousand dollars (\$10,000) per housing unit in the  
38 housing development project on the date the application was  
39 deemed complete pursuant to Section 65943. In determining the  
40 amount of the fine to impose, the court shall consider the local

1 agency's progress in attaining its target allocation of the regional  
2 housing need pursuant to Section 65584 and any prior violations  
3 of this section. Fines shall not be paid out of funds already  
4 dedicated to affordable housing, including, but not limited to, Low  
5 and Moderate Income Housing Asset Funds, funds dedicated to  
6 housing for very low, low-, and moderate-income households, and  
7 federal HOME Investment Partnerships Program and Community  
8 Development Block Grant Program funds. The local agency shall  
9 commit and expend the money in the local housing trust fund  
10 within five years for the sole purpose of financing newly  
11 constructed housing units affordable to extremely low, very low,  
12 or low-income households. After five years, if the funds have not  
13 been expended, the money shall revert to the state and be deposited  
14 in the Building Homes and Jobs Trust Fund for the sole purpose  
15 of financing newly constructed housing units affordable to  
16 extremely low, very low, or low-income households.

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

29 (D) Nothing in this section shall limit the court's inherent  
30 authority to make any other orders to compel the immediate  
31 enforcement of any writ brought under this section, including the  
32 imposition of fees and other sanctions set forth under Section 1097  
33 of the Code of Civil Procedure.

34 (2) For purposes of this subdivision, "housing organization"  
35 means a trade or industry group whose local members are primarily  
36 engaged in the construction or management of housing units or a  
37 nonprofit organization whose mission includes providing or  
38 advocating for increased access to housing for low-income  
39 households and have filed written or oral comments with the local  
40 agency prior to action on the housing development project. A

1 housing organization may only file an action pursuant to this  
2 section to challenge the disapproval of a housing development by  
3 a local agency. A housing organization shall be entitled to  
4 reasonable attorney's fees and costs if it is the prevailing party in  
5 an action to enforce this section.

6 (l) If the court finds that the local agency (1) acted in bad faith  
7 when it violated this section and (2) failed to carry out the court's  
8 order or judgment within the time period prescribed by the court,  
9 the court, in addition to any other remedies provided by this  
10 section, shall multiply the fine determined pursuant to subparagraph  
11 (B) of paragraph (1) of subdivision (k) by a factor of five. If a court  
12 has previously found that the local agency violated this section  
13 within the same planning period, the court shall multiply the fines  
14 by an additional factor for each previous violation. For purposes  
15 of this section, "bad faith" includes, but is not limited to, an action  
16 or inaction that is frivolous, pretextual, intended to cause  
17 unnecessary delay, or entirely without merit.

18 (m) (1) Any action brought to enforce the provisions of this  
19 section shall be brought pursuant to Section 1094.5 of the Code  
20 of Civil Procedure, and the local agency shall prepare and certify  
21 the record of proceedings in accordance with subdivision (c) of  
22 Section 1094.6 of the Code of Civil Procedure no later than 30  
23 days after the petition is served, provided that the cost of  
24 preparation of the record shall be borne by the local agency, unless  
25 the petitioner elects to prepare the record as provided in subdivision  
26 (n) of this section. A petition to enforce the provisions of this  
27 section shall be filed and served no later than 90 days from the  
28 later of (1) the effective date of a decision of the local agency  
29 imposing conditions on, disapproving, or any other final action on  
30 a housing development project or (2) the expiration of the time  
31 periods specified in subparagraph (B) of paragraph (5) of  
32 subdivision (h). Upon entry of the trial court's order, a party may,  
33 in order to obtain appellate review of the order, file a petition  
34 within 20 days after service upon it of a written notice of the entry  
35 of the order, or within such further time not exceeding an additional  
36 20 days as the trial court may for good cause allow, or may appeal  
37 the judgment or order of the trial court under Section 904.1 of the  
38 Code of Civil Procedure. If the local agency appeals the judgment  
39 of the trial court, the local agency shall post a bond, in an amount

1 to be determined by the court, to the benefit of the plaintiff if the  
2 plaintiff is the project applicant.

3 (2) (A) A disapproval within the meaning of subparagraph (I)  
4 of paragraph (6) of subdivision (h) shall be final for purposes of  
5 this subdivision, if the local agency did not make a lawful  
6 determination within the time period set forth in paragraph (5) of  
7 subdivision (a) of Section 65589.5.1 after the applicant’s timely  
8 written notice.

9 (B) This paragraph shall become inoperative on January 1, 2031.

10 (3) (A) A disapproval within the meaning of subparagraph (J)  
11 of paragraph (6) of subdivision (h) shall be final for purposes of  
12 this subdivision, if the local agency did not make a lawful  
13 determination within 90 days of the applicant’s timely written  
14 notice.

15 (B) This paragraph shall become inoperative on January 1, 2031.

16 (n) In any action, the record of the proceedings before the local  
17 agency shall be filed as expeditiously as possible and,  
18 notwithstanding Section 1094.6 of the Code of Civil Procedure or  
19 subdivision (m) of this section, all or part of the record may be  
20 prepared (1) by the petitioner with the petition or petitioner’s points  
21 and authorities, (2) by the respondent with respondent’s points and  
22 authorities, (3) after payment of costs by the petitioner, or (4) as  
23 otherwise directed by the court. If the expense of preparing the  
24 record has been borne by the petitioner and the petitioner is the  
25 prevailing party, the expense shall be taxable as costs.

26 (o) (1) Subject to paragraphs (2), (6), and (7), and subdivision  
27 (d) of Section 65941.1, a housing development project shall be  
28 subject only to the ordinances, policies, and standards adopted and  
29 in effect when a preliminary application including all of the  
30 information required by subdivision (a) of Section 65941.1 was  
31 submitted.

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

36 (A) In the case of a fee, charge, or other monetary exaction, to  
37 an increase resulting from an automatic annual adjustment based  
38 on an independently published cost index that is referenced in the  
39 ordinance or resolution establishing the fee or other monetary  
40 exaction.



1 (B) A preponderance of the evidence in the record establishes  
2 that subjecting the housing development project to an ordinance,  
3 policy, or standard beyond those in effect when a preliminary  
4 application was submitted is necessary to mitigate or avoid a  
5 specific, adverse impact upon the public health or safety, as defined  
6 in subparagraph (A) of paragraph (1) of subdivision (j), and there  
7 is no feasible alternative method to satisfactorily mitigate or avoid  
8 the adverse impact.

9 (C) Subjecting the housing development project to an ordinance,  
10 policy, standard, or any other measure, beyond those in effect when  
11 a preliminary application was submitted is necessary to avoid or  
12 substantially lessen an impact of the project under the California  
13 Environmental Quality Act (Division 13 (commencing with Section  
14 21000) of the Public Resources Code).

15 (D) The housing development project has not commenced  
16 construction within two and one-half years, or three and one-half  
17 years for an affordable housing project, following the date that the  
18 project received final approval. For purposes of this subparagraph:

19 (i) “Affordable housing project” means a housing development  
20 that satisfies both of the following requirements:

21 (I) Units within the development are subject to a recorded  
22 affordability restriction for at least 55 years for rental housing and  
23 45 years for owner-occupied housing, or the first purchaser of each  
24 unit participates in an equity sharing agreement as described in  
25 subparagraph (C) of paragraph (2) of subdivision (c) of Section  
26 65915.

27 (II) All of the units within the development, excluding managers’  
28 units, are dedicated to lower income households, as defined by  
29 Section 50079.5 of the Health and Safety Code.

30 (ii) “Final approval” means that the housing development project  
31 has received all necessary approvals to be eligible to apply for,  
32 and obtain, a building permit or permits and either of the following  
33 is met:

34 (I) The expiration of all applicable appeal periods, petition  
35 periods, reconsideration periods, or statute of limitations for  
36 challenging that final approval without an appeal, petition, request  
37 for reconsideration, or legal challenge having been filed.

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

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

12 (3) This subdivision does not prevent a local agency from  
13 subjecting the additional units or square footage of construction  
14 that result from project revisions occurring after a preliminary  
15 application is submitted pursuant to Section 65941.1 to the  
16 ordinances, policies, and standards adopted and in effect when the  
17 preliminary application was submitted.

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

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

30 (6) This subdivision shall not restrict the authority of a public  
31 agency or local agency to require mitigation measures to lessen  
32 the impacts of a housing development project under the California  
33 Environmental Quality Act (Division 13 (commencing with Section  
34 21000) of the Public Resources Code).

35 (7) With respect to completed residential units for which the  
36 project approval process is complete and a certificate of occupancy  
37 has been issued, nothing in this subdivision shall limit the  
38 application of later enacted ordinances, policies, and standards  
39 that regulate the use and occupancy of those residential units, such  
40 as ordinances relating to rental housing inspection, rent

1 stabilization, restrictions on short-term renting, and business  
2 licensing requirements for owners of rental housing.

3 ~~(8) (A) This subdivision shall apply to a housing development~~  
4 ~~project that submits a preliminary application pursuant to Section~~  
5 ~~65941.1 before January 1, 2030.~~

6 ~~(B) This subdivision shall become inoperative on January 1,~~  
7 ~~2034.~~

8 (p) (1) Upon any motion for an award of attorney’s fees  
9 pursuant to Section 1021.5 of the Code of Civil Procedure, in a  
10 case challenging a local agency’s approval of a housing  
11 development project, a court, in weighing whether a significant  
12 benefit has been conferred on the general public or a large class  
13 of persons and whether the necessity of private enforcement makes  
14 the award appropriate, shall give due weight to the degree to which  
15 the local agency’s approval furthers policies of this section,  
16 including, but not limited to, subdivisions (a), (b), and (c), the  
17 suitability of the site for a housing development, and the  
18 reasonableness of the decision of the local agency. It is the intent  
19 of the Legislature that attorney’s fees and costs shall rarely, if ever,  
20 be awarded if a local agency, acting in good faith, approved a  
21 housing development project that satisfies conditions established  
22 in paragraph (1), (2), or (3) of subdivision (a) of Section 65589.5.1  
23 or paragraph (1), (2), or (3) of subdivision (a) of Section 65589.5.2.

24 (2) This subdivision shall become inoperative on January 1,  
25 2031.

26 (q) This section shall be known, and may be cited, as the  
27 Housing Accountability Act.

28 (r) The provisions of this section are severable. If any provision  
29 of this section or its application is held invalid, that invalidity shall  
30 not affect other provisions or applications that can be given effect  
31 without the invalid provision or application.

32 *SEC. 13. Section 65905.5 of the Government Code is amended*  
33 *to read:*

34 65905.5. (a) Notwithstanding any other law, if a proposed  
35 housing development project complies with the applicable,  
36 objective general plan and zoning standards in effect at the time  
37 an application is deemed complete, after the application is deemed  
38 complete, a city, county, or city and county shall not conduct more  
39 than five hearings pursuant to Section 65905, or any other law,  
40 ordinance, or regulation requiring a public hearing in connection

1 with the approval of that housing development project. If the city,  
2 county, or city and county continues a hearing subject to this  
3 section to another date, the continued hearing shall count as one  
4 of the five hearings allowed under this section. The city, county,  
5 or city and county shall consider and either approve or disapprove  
6 the application at any of the five hearings allowed under this  
7 section consistent with the applicable timelines under the Permit  
8 Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

9 (b) For purposes of this section:

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

14 (2) “Hearing” includes any public hearing, workshop, or similar  
15 meeting, including any appeal, conducted by the city or county  
16 with respect to the housing development project, including any  
17 meeting relating to Section 65915, whether by the legislative body  
18 of the city or county, the planning agency established pursuant to  
19 Section 65100, or any other agency, department, board,  
20 commission, or any other designated hearing officer or body of  
21 the city or county, or any committee or subcommittee thereof.  
22 “Hearing” does not include a hearing to review a legislative  
23 approval, including any appeal, required for a proposed housing  
24 development project, including, but not limited to, a general plan  
25 amendment, a specific plan adoption or amendment, or a zoning  
26 amendment, or any hearing arising from a timely appeal of the  
27 approval or disapproval of a legislative approval.

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

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

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

37 (c) (1) For purposes of this section, a housing development  
38 project shall be deemed consistent, compliant, and in conformity  
39 with an applicable plan, program, policy, ordinance, standard,  
40 requirement, or other similar provision if there is substantial

1 evidence that would allow a reasonable person to conclude that  
2 the housing development project is consistent, compliant, or in  
3 conformity. The receipt of a density bonus including any  
4 incentives, concessions, or waivers pursuant to Section 65915 shall  
5 not constitute a valid basis on which to find that a proposed housing  
6 development project is inconsistent, not in compliance, or not in  
7 conformity, with an applicable plan, program, policy, ordinance,  
8 standard, requirement, or other similar provision.

9 (2) A proposed housing development project is not inconsistent  
10 with the applicable zoning standards and criteria, and shall not  
11 require a rezoning, if the housing development project is consistent  
12 with the objective general plan standards and criteria, but the  
13 zoning for the project site is inconsistent with the general plan. If  
14 the local agency complies with the written documentation  
15 requirements of paragraph (2) of subdivision (j) of Section 65589.5,  
16 the local agency may require the proposed housing development  
17 project to comply with the objective standards and criteria of the  
18 zoning that is consistent with the general plan; however, the  
19 standards and criteria shall be applied to facilitate and  
20 accommodate development at the density allowed on the site by  
21 the general plan and proposed by the proposed housing  
22 development project.

23 (d) 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 ~~(e) (1) This section shall apply to a housing development project~~  
28 ~~that submits a preliminary application pursuant to Section 65941.1~~  
29 ~~before January 1, 2030.~~

30 ~~(2) This section shall remain in effect only until January 1, 2034,~~  
31 ~~and as of that date is repealed.~~

32 (f)

33 (e) The amendments to subdivisions (b) and (c) made by the  
34 act adding this subdivision do not constitute a change in, but are  
35 declaratory of, existing law. However, the amendments to this  
36 section in subparagraph (B) of paragraph (3) of subdivision (b)  
37 shall not affect a project for which an application was submitted  
38 to the city, county, or city and county before January 1, 2022.

39 *SEC. 14. Section 65913.10 of the Government Code is amended*  
40 *to read:*

1 65913.10. (a) For purposes of any state or local law, ordinance,  
 2 or regulation that requires the city or county to determine whether  
 3 the site of a proposed housing development project is a historic  
 4 site, the city or county shall make that determination at the time  
 5 the application for the housing development project is deemed  
 6 complete. A determination as to whether a parcel of property is a  
 7 historic site shall remain valid during the pendency of the housing  
 8 development project for which the application was made unless  
 9 any archaeological, paleontological, or tribal cultural resources  
 10 are encountered during any grading, site disturbance, or building  
 11 alteration activities.

12 (b) For purposes of this section:

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

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

19 (c) (1) Nothing in this section supersedes, limits, or otherwise  
 20 modifies the requirements of, or the standards of review pursuant  
 21 to, Division 13 (commencing with Section 21000) of the Public  
 22 Resources Code.

23 (2) Nothing in this section supersedes, limits, or otherwise  
 24 modifies the requirements of the California Coastal Act of 1976  
 25 (Division 20 (commencing with Section 30000) of the Public  
 26 Resources Code).

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

29 *SEC. 15. Section 65928 of the Government Code is amended*  
 30 *to read:*

31 65928. (a) “Development project” means any project  
 32 undertaken for the purpose of development. “Development project”  
 33 includes a project involving the issuance of a permit for  
 34 construction or reconstruction but not a permit to operate.

35 ~~“Development~~

36 (b) (1) (A) *Except as otherwise provided in subparagraph (B),*  
 37 *“development project” does not include any ministerial projects*  
 38 *proposed to be carried out or approved by public agencies.*

39 (B) *Notwithstanding subparagraph (A), “development project”*  
 40 *includes a housing development project that requires an entitlement*

1 from a local agency, regardless of whether the process for  
2 permitting that entitlement is discretionary or ministerial.

3 (2) “Development project” does not include a postentitlement  
4 phase permit, as that term is defined in Section 65913.3.

5 SEC. 16. Section 65940 of the Government Code, as amended  
6 by Section 3 of Chapter 754 of the Statutes of 2023, is amended  
7 to read:

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

18 (2) An affected city or affected county, as defined in Section  
19 66300, shall include the information necessary to determine  
20 compliance with the requirements of Article 2 (commencing with  
21 Section 66300.5) of Chapter 12 in the list compiled pursuant to  
22 paragraph (1).

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

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

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

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

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

3 *SEC. 17. Section 65940 of the Government Code, as amended*  
4 *by Section 5 of Chapter 161 of the Statutes of 2021, is repealed.*

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

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

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

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

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

31 *SEC. 18. Section 65941.1 of the Government Code is amended*  
32 *to read:*

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



- 1 (1) The specific location, including parcel numbers, a legal  
2 description, and site address, if applicable.
- 3 (2) The existing uses on the project site and identification of  
4 major physical alterations to the property on which the project is  
5 to be located.
- 6 (3) A site plan showing the location on the property, elevations  
7 showing design, color, and material, and the massing, height, and  
8 approximate square footage, of each building that is to be occupied.
- 9 (4) The proposed land uses by number of units and square feet  
10 of residential and nonresidential development using the categories  
11 in the applicable zoning ordinance.
- 12 (5) The proposed number of parking spaces.
- 13 (6) Any proposed point sources of air or water pollutants.
- 14 (7) Any species of special concern known to occur on the  
15 property.
- 16 (8) Whether a portion of the property is located within any of  
17 the following:
  - 18 (A) A very high fire hazard severity zone, as determined by the  
19 Department of Forestry and Fire Protection pursuant to Section  
20 51178.
  - 21 (B) Wetlands, as defined in the United States Fish and Wildlife  
22 Service Manual, Part 660 FW 2 (June 21, 1993).
  - 23 (C) A hazardous waste site that is listed pursuant to Section  
24 65962.5 or a hazardous waste site designated by the Department  
25 of Toxic Substances Control pursuant to Article 5 (commencing  
26 with Section 78760) of Chapter 4 of Part 2 of Division 45 of the  
27 Health and Safety Code.
  - 28 (D) A special flood hazard area subject to inundation by the 1  
29 percent annual chance flood (100-year flood) as determined by  
30 the Federal Emergency Management Agency in any official maps  
31 published by the Federal Emergency Management Agency.
  - 32 (E) A delineated earthquake fault zone as determined by the  
33 State Geologist in any official maps published by the State  
34 Geologist, unless the development complies with applicable seismic  
35 protection building code standards adopted by the California  
36 Building Standards Commission under the California Building  
37 Standards Law (Part 2.5 (commencing with Section 18901) of  
38 Division 13 of the Health and Safety Code), and by any local  
39 building department under Chapter 12.2 (commencing with Section  
40 8875) of Division 1 of Title 2.

1 (F) A stream or other resource that may be subject to a  
2 streambed alteration agreement pursuant to Chapter 6 (commencing  
3 with Section 1600) of Division 2 of the Fish and Game Code.

4 (9) Any historic or cultural resources known to exist on the  
5 property.

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

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

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

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

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

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

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

23 (C) A tsunami run-up zone.

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

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

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

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

37 (b) (1) A development proponent that submits a preliminary  
38 application providing the information required by subdivision (a)  
39 may include in its preliminary application a request for a  
40 preliminary fee and exaction estimate, which the city, county, or

1 city and county shall provide within 30 business days of the  
2 submission of the preliminary application.

3 (2) For development fees imposed by an agency other than a  
4 city, county, or city and county, including fees levied by a school  
5 district or a special district, the development proponent shall  
6 request the fee schedule from the agency that imposes the fee, and  
7 the agency that imposes the fee shall provide the fee schedule to  
8 the development proponent without delay.

9 (3) For purposes of this subdivision:

10 (A) “Exaction” has the same meaning as defined in Section  
11 65940.1.

12 (B) (i) “Fee” means a fee or charge described in the Mitigation  
13 Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6  
14 (commencing with Section 66010), Chapter 8 (commencing with  
15 Section 66016), and Chapter 9 (commencing with Section 66020)).

16 (ii) Notwithstanding clause (i), “fee” does not include either of  
17 the following:

18 (I) The cost of providing electrical or gas service from a local  
19 publicly owned utility.

20 (II) A charge imposed on a housing development project to  
21 comply with the California Environmental Quality Act (Division  
22 13 (commencing with Section 21000) of the Public Resources  
23 Code).

24 (C) “Fee and exaction estimate” means a good faith estimate of  
25 the total amount of fees and exactions expected to be imposed in  
26 connection with the project.

27 (4) Except for the provision of the fee and exaction estimate by  
28 the local agency, nothing in this subdivision shall create or affect  
29 any rights or obligations with respect to fees or exactions.

30 (5) The fee and exaction estimate shall be for informational  
31 purposes only and shall not be legally binding or otherwise affect  
32 the scope, amount, or time of payment of any fee or exaction that  
33 is determined by other provisions of law.

34 (6) A development proponent may request a fee schedule from  
35 a city, county, or special district for fees described in Chapter 7  
36 (commencing with Section 66012), or for the cost of providing  
37 electrical or gas service from a local publicly owned utility. The  
38 city, county, special district, or local publicly owned utility shall  
39 provide the fee schedule upon request.

1 (c) (1) Each local agency shall compile a checklist and  
2 application form that applicants for housing development projects  
3 may use for the purpose of satisfying the requirements for submittal  
4 of a preliminary application.

5 (2) The Department of Housing and Community Development  
6 shall adopt a standardized form that applicants for housing  
7 development projects may use for the purpose of satisfying the  
8 requirements for submittal of a preliminary application if a local  
9 agency has not developed its own application form pursuant to  
10 paragraph (1). Adoption of the standardized form shall not be  
11 subject to Chapter 3.5 (commencing with Section 11340) of Part  
12 1 of Division 3 of Title 2 of the Government Code.

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

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

28 (e) (1) Within 180 calendar days after submitting a preliminary  
29 application with all of the information required by subdivision (a)  
30 to a city, county, or city and county, the development proponent  
31 shall submit an application for a development project that includes  
32 all of the information required to process the development  
33 application consistent with Sections 65940, 65941, and 65941.5.

34 (2) If the public agency determines that the application for the  
35 development project is not complete pursuant to Section 65943,  
36 the development proponent shall submit the specific information  
37 needed to complete the application within 90 days of receiving the  
38 agency’s written identification of the necessary information. If the  
39 development proponent does not submit this information within

1 the 90-day period, then the preliminary application shall expire  
2 and have no further force or effect.

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

7 (f) Notwithstanding any other law, submission of a preliminary  
8 application in accordance with this section shall not preclude the  
9 listing of a tribal cultural resource on a national, state, tribal, or  
10 local historic register list on or after the date that the preliminary  
11 application is submitted. For purposes of Section 65589.5 or any  
12 other law, the listing of a tribal cultural site on a national, state,  
13 tribal, or local historic register on or after the date the preliminary  
14 application was submitted shall not be deemed to be a change to  
15 the ordinances, policies, and standards adopted and in effect at the  
16 time that the preliminary application was submitted.

17 ~~(g) This section shall remain in effect only until January 1, 2030,~~  
18 ~~and as of that date is repealed.~~

19 *SEC. 19. Section 65943 of the Government Code, as amended*  
20 *by Section 7 of Chapter 161 of the Statutes of 2021, is amended*  
21 *to read:*

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

1 not to be complete, the agency's determination shall specify those  
2 parts of the application which are incomplete and shall indicate  
3 the manner in which they can be made complete, including a list  
4 and thorough description of the specific information needed to  
5 complete the application. The applicant shall submit materials to  
6 the public agency in response to the list and description.

7 (b) Not later than 30 calendar days after receipt of the submitted  
8 materials described in subdivision (a), the public agency shall  
9 determine in writing whether the application as supplemented or  
10 amended by the submitted materials is complete and shall  
11 immediately transmit that determination to the applicant. In making  
12 this determination, the public agency is limited to determining  
13 whether the application as supplemented or amended includes the  
14 information required by the list and a thorough description of the  
15 specific information needed to complete the application required  
16 by subdivision (a). If the written determination is not made within  
17 that 30-day period, the application together with the submitted  
18 materials shall be deemed complete for purposes of this chapter.

19 (c) If the application together with the submitted materials are  
20 determined not to be complete pursuant to subdivision (b), the  
21 public agency shall provide a process for the applicant to appeal  
22 that decision in writing to the governing body of the agency or, if  
23 there is no governing body, to the director of the agency, as  
24 provided by that agency. A city or county shall provide that the  
25 right of appeal is to the governing body or, at their option, the  
26 planning commission, or both.

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

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

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

6 (f) Each city and each county shall make copies of any list  
7 compiled pursuant to Section 65940 with respect to information  
8 required from an applicant for a housing development project, as  
9 that term is defined in paragraph (2) of subdivision (h) of Section  
10 65589.5, available both (1) in writing to those persons to whom  
11 the agency is required to make information available under  
12 subdivision (a) of that section, and (2) publicly available on the  
13 internet website of the city or county.

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

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

19 *SEC. 20. Section 65943 of the Government Code, as amended*  
20 *by Section 8 of Chapter 161 of the Statutes of 2021, is repealed.*

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

39 ~~(b) Not later than 30 calendar days after receipt of the submitted~~  
40 ~~materials, the public agency shall determine in writing whether~~

1 they are complete and shall immediately transmit that determination  
2 to the applicant. If the written determination is not made within  
3 that 30-day period, the application together with the submitted  
4 materials shall be deemed complete for purposes of this chapter.

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

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

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

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

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

32 *SEC. 21. Section 65950 of the Government Code, as amended*  
33 *by Section 9 of Chapter 161 of the Statutes of 2021, is amended*  
34 *to read:*

35 65950. (a) A public agency that is the lead agency for a  
36 development project shall approve or disapprove the project within  
37 whichever of the following periods is applicable:

38 (1) One hundred eighty days from the date of certification by  
39 the lead agency of the environmental impact report, if an



1 environmental impact report is prepared pursuant to Section 21100  
2 or 21151 of the Public Resources Code for the development project.

3 (2) Ninety days from the date of certification by the lead agency  
4 of the environmental impact report, if an environmental impact  
5 report is prepared pursuant to Section 21100 or 21151 of the Public  
6 Resources Code for a development project defined in subdivision  
7 (c).

8 (3) Sixty days from the date of certification by the lead agency  
9 of the environmental impact report, if an environmental impact  
10 report is prepared pursuant to Section 21100 or 21151 of the Public  
11 Resources Code for a development project defined in subdivision  
12 (c) and all of the following conditions are met:

13 (A) At least 49 percent of the units in the development project  
14 are affordable to very low or low-income households, as defined  
15 by Sections 50105 and 50079.5 of the Health and Safety Code,  
16 respectively. Rents for the lower income units shall be set at an  
17 affordable rent, as that term is defined in Section 50053 of the  
18 Health and Safety Code, for at least 30 years. Owner-occupied  
19 units shall be available at an affordable housing cost, as that term  
20 is defined in Section 50052.5 of the Health and Safety Code.

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

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

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

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

5 (6) *Sixty days from the date of receipt of a complete application*  
6 *if the project is subject to ministerial review by the public agency.*

7 (b) This section does not preclude a project applicant and a  
8 public agency from mutually agreeing in writing to an extension  
9 of any time limit provided by this section pursuant to Section  
10 65957.

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

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

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

20 *SEC. 22. Section 65950 of the Government Code, as amended*  
21 *by Section 10 of Chapter 161 of the Statutes of 2021, is repealed.*

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

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

29 ~~(2) One hundred twenty days from the date of certification by~~  
30 ~~the lead agency of the environmental impact report, if an~~  
31 ~~environmental impact report is prepared pursuant to Section 21100~~  
32 ~~or 21151 of the Public Resources Code for a development project~~  
33 ~~defined in subdivision (c).~~

34 ~~(3) 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) and all of the following conditions are met:~~

39 ~~(A) At least 49 percent of the units in the development project~~  
40 ~~are affordable to very low or low-income households, as defined~~

1 by Sections 50105 and 50079.5 of the Health and Safety Code,  
2 respectively. Rents for the lower income units shall be set at an  
3 affordable rent, as that term is defined in Section 50053 of the  
4 Health and Safety Code, for at least 30 years. Owner-occupied  
5 units shall be available at an affordable housing cost, as that term  
6 is defined in Section 50052.5 of the Health and Safety Code.

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

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

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

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

31 (b) This section does not preclude a project applicant and a  
32 public agency from mutually agreeing in writing to an extension  
33 of any time limit provided by this section pursuant to Section  
34 65957.

35 (e) For purposes of paragraphs (2) and (3) of subdivision (a)  
36 and Section 65952, “development project” means a use consisting  
37 of either of the following:

38 (1) Residential units only.

39 (2) Mixed-use developments consisting of residential and  
40 nonresidential uses in which the nonresidential uses are less than

1 50 percent of the total square footage of the development and are  
2 limited to neighborhood commercial uses and to the first floor of  
3 buildings that are two or more stories. As used in this paragraph,  
4 “neighborhood commercial” means small-scale general or specialty  
5 stores that furnish goods and services primarily to residents of the  
6 neighborhood.

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

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

11 *SEC. 23. Section 65953 of the Government Code is amended*  
12 *to read:*

13 65953. (a) All time limits specified in this article are  
14 maximum time limits for approving or disapproving development  
15 projects. All public agencies shall, if possible, approve or  
16 disapprove development projects in shorter periods of time.

17 (b) *All time limits specified in this article shall only apply to*  
18 *the extent that the time limits are equal to or shorter than the*  
19 *applicable time limits for public agency review established in any*  
20 *other law.*

21 *SEC. 24. Section 65956 of the Government Code is amended*  
22 *to read:*

23 65956. (a) If any provision of law requires the lead agency or  
24 responsible agency to provide public notice of the development  
25 project or to hold a public hearing, or both, on the development  
26 project and the agency has not provided the public notice or held  
27 the hearing, or both, at least 60 days prior to the expiration of the  
28 time limits established by Sections 65950 and 65952, the applicant  
29 ~~or his or her~~ *the applicant’s* representative may file an action  
30 pursuant to Section 1085 of the Code of Civil Procedure to compel  
31 the agency to provide the public notice or hold the hearing, or both,  
32 and the court shall give the proceedings preference over all other  
33 civil actions or proceedings, except older matters of the same  
34 character.

35 (b) In the event that a lead agency or a responsible agency fails  
36 to act to approve or to disapprove a development project within  
37 the time limits required by this article, the failure to act shall be  
38 deemed approval of the permit application for the development  
39 project. ~~However, the permit shall be deemed approved only if the~~  
40 ~~public notice required by law has occurred. If the applicant has~~

1 provided seven days advance notice to the permitting agency of  
2 the intent to provide public notice, then no earlier than 60 days  
3 from the expiration of the time limits established by Sections 65950  
4 and 65952, an applicant may provide the required public notice  
5 using the distribution information provided pursuant to Section  
6 65941.5. If the applicant chooses to provide public notice, that  
7 notice shall include a description of the proposed development  
8 substantially similar to the descriptions which are commonly used  
9 in public notices by the permitting agency, the location of the  
10 proposed development, the permit application number, the name  
11 and address of the permitting agency, and a statement that the  
12 project shall be deemed approved if the permitting agency has not  
13 acted within 60 days. If the applicant has provided the public notice  
14 required by this section, the time limit for action by the permitting  
15 agency shall be extended to 60 days after the public notice is  
16 provided. If the applicant provides notice pursuant to this section,  
17 the permitting agency shall refund to the applicant any fees which  
18 were collected for providing notice and which were not used for  
19 that purpose.

20 (c) Failure of an applicant to submit complete or adequate  
21 information pursuant to Sections 65943 to 65944, inclusive, may  
22 constitute grounds for disapproving a development project.

23 (d) Nothing in this section shall diminish the permitting agency's  
24 legal responsibility to provide, where applicable, public notice and  
25 hearing before acting on a permit application.

26 *SEC. 25. Section 66301 of the Government Code is repealed.*

27 *66301. (a) This chapter shall apply to a housing development*  
28 *project that submits a preliminary application pursuant to Section*  
29 *65941.1 before January 1, 2030.*

30 *(b) This chapter shall remain in effect only until January 1,*  
31 *2034, and as of that date is repealed.*

32 *(c) It is the intent of the Legislature in enacting this section to*  
33 *ensure that a housing development project that submits a*  
34 *preliminary application pursuant to Section 65941.1 before January*  
35 *1, 2030, remains subject to this chapter after January 1, 2030.*

36 *SEC. 26. Section 25402.15 is added to the Public Resources*  
37 *Code, to read:*

38 *25402.15. (a) (1) During the triennial update of the building*  
39 *energy efficiency standards specified in Part 6 (commencing with*  
40 *Section 100.0) of, and in Part 11 (commencing with Section 101)*

1 of, Title 24 of the California Code of Regulations that begins on  
2 or after January 1, 2026, the commission shall review measures  
3 used to achieve a precise level of energy efficiency within a specific  
4 level of comfort, including, but not limited to, both of the following:

5 (A) Measures that make effective use of the sun, internal heat  
6 sources, and heat recovery.

7 (B) Measures that make effective use of cooling techniques,  
8 including strategic shading during summer to keep temperatures  
9 within comfortable limits.

10 (2) On or before January 1, 2030, the commission shall report  
11 and make recommendations to the Legislature on how these  
12 measures could be incorporated into the building energy efficiency  
13 standards during their next available update. The recommendations  
14 to the Legislature shall include, but not be limited to, an analysis  
15 of potential energy efficiency cost savings.

16 (b) The report to be submitted pursuant to this section shall be  
17 submitted in compliance with Section 9795 of the Government  
18 Code.

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

21 SEC. 27. Section 30342 is added to the Public Resources Code,  
22 to read:

23 30342. No later than July 1, 2027, the commission shall create  
24 an electronic submission process and accept a submission from  
25 any applicant pursuant to this division through electronic mail or  
26 other electronic means.

27 SEC. 28. Section 17053.5 of the Revenue and Taxation Code  
28 is amended to read:

29 17053.5. (a) (1) For a qualified renter, there shall be allowed  
30 a credit against the renter's "net tax," as defined in Section 17039.  
31 The amount of the credit shall be as follows:

32 (A) For spouses filing joint returns, heads of household, and  
33 surviving spouses, as defined in Section 17046, ~~the credit shall be~~  
34 ~~equal to one hundred twenty dollars (\$120)~~ if adjusted gross income  
35 is fifty thousand dollars (\$50,000) or less. ~~less, the credit shall be~~  
36 ~~equal to:~~

37 (i) For taxable years beginning before January 1, 2026, and on  
38 and after January 1, 2031, one hundred twenty dollars (\$120).

1 (ii) Except as otherwise provided in subdivision (k), for taxable  
2 years beginning on or after January 1, 2026, and before January  
3 1, 2031:

4 (I) Two hundred fifty dollars (\$250) if the qualified renter has  
5 no dependents as defined in Section 17056.

6 (II) Five hundred dollars (\$500) if the qualified renter has one  
7 or more dependents as defined in Section 17056.

8 (B) For other individuals, ~~the credit shall be equal to sixty dollars~~  
9 ~~(\$60)~~ if adjusted gross income is twenty-five thousand dollars  
10 (\$25,000) or ~~less~~; less, the credit shall be equal to:

11 (i) For taxable years beginning before January 1, 2026, and on  
12 and after January 1, 2031, sixty dollars (\$60).

13 (ii) Except as otherwise provided in subdivision (k), for taxable  
14 years beginning on or after January 1, 2026, and before January  
15 1, 2031:

16 (I) Two hundred fifty dollars (\$250) if the qualified renter has  
17 no dependents as defined in Section 17056.

18 (II) Five hundred dollars (\$500) if the qualified renter has one  
19 or more dependents as defined in Section 17056.

20 (2) Except as provided in subdivision (b), spouses shall receive  
21 ~~but~~ only one credit under this section. If the spouses file separate  
22 returns, the credit may be taken by either or equally divided  
23 between them, except as follows:

24 (A) If one spouse was a resident for the entire taxable year and  
25 the other spouse was a nonresident for part or all of the taxable  
26 year, the resident spouse shall be allowed one-half the credit  
27 allowed to married persons and the nonresident spouse shall be  
28 permitted one-half the credit allowed to married persons, prorated  
29 as provided in subdivision (e).

30 (B) If both spouses were nonresidents for part of the taxable  
31 year, the credit allowed to married persons shall be divided equally  
32 between them subject to the proration provided in subdivision (e).

33 (b) For spouses, if each spouse maintained a separate place of  
34 residence and resided in this state during the entire taxable year,  
35 each spouse will be allowed one-half the full credit allowed to  
36 married persons provided in subdivision (a).

37 (c) For purposes of this section, a “qualified renter” means an  
38 individual who satisfies both of the following:

39 (1) Was a resident of this state, as defined in Section 17014.

1 (2) Rented and occupied premises in this state ~~which~~ *that*  
2 constituted the individual's principal place of residence during at  
3 least 50 percent of the taxable year.

4 (d) "Qualified renter" does not include any of the following:

5 (1) An individual who for more than 50 percent of the taxable  
6 year rented and occupied premises that were exempt from property  
7 taxes, except that an individual, otherwise qualified, is deemed a  
8 qualified renter if the individual or the individual's landlord pays  
9 possessory interest taxes, or the owner of those premises makes  
10 payments in lieu of property taxes that are substantially equivalent  
11 to property taxes paid on properties of comparable market value.

12 (2) An individual whose principal place of residence for more  
13 than 50 percent of the taxable year is with another person who  
14 claimed that individual as a dependent for income tax purposes.

15 (3) An individual who has been granted or whose spouse has  
16 been granted the homeowners' property tax exemption during the  
17 taxable year. This paragraph does not apply to an individual whose  
18 spouse has been granted the homeowners' property tax exemption  
19 if each spouse maintained a separate residence for the entire taxable  
20 year.

21 (e) An otherwise qualified renter who is a nonresident for any  
22 portion of the taxable year shall claim the credits set forth in  
23 subdivision (a) at the rate of one-twelfth of those credits for each  
24 full month that individual resided within this state during the  
25 taxable year.

26 (f) A person claiming the credit provided in this section shall,  
27 as part of that claim, and under penalty of perjury, furnish that  
28 information as the Franchise Tax Board prescribes on a form  
29 supplied by the board.

30 (g) The credit provided in this section shall be claimed on returns  
31 in the form as the Franchise Tax Board may from time to time  
32 prescribe.

33 (h) For purposes of this section, "premises" means a house or  
34 a dwelling unit used to provide living accommodations in a  
35 building or structure and the land incidental thereto, but does not  
36 include land only, unless the dwelling unit is a mobilehome. The  
37 credit is not allowed for any taxable year for the rental of land  
38 upon which a mobilehome is located if the mobilehome has been  
39 granted a homeowners' exemption under Section 218 in that year.



1 (i) This section shall become operative on January 1, 1998, and  
2 applies to any taxable year beginning on or after January 1, 1998.

3 (j) For each taxable year beginning on or after January 1, 1999,  
4 the Franchise Tax Board shall recompute the adjusted gross income  
5 amounts set forth in subdivision (a). The computation shall be  
6 made as follows:

7 (1) The Department of Industrial Relations shall transmit  
8 annually to the Franchise Tax Board the percentage change in the  
9 California Consumer Price Index for all items from June of the  
10 prior calendar year to June of the current year, no later than August  
11 1 of the current calendar year.

12 (2) The Franchise Tax Board shall compute an inflation  
13 adjustment factor by adding 100 percent to the portion of the  
14 percentage change figure ~~which~~ *that* is furnished pursuant to  
15 paragraph (1) and dividing the result by 100.

16 (3) The Franchise Tax Board shall multiply the *adjusted gross*  
17 *income* amount in subparagraph (B) of paragraph (1) of subdivision  
18 (a) for the preceding taxable year by the inflation adjustment factor  
19 determined in paragraph (2), and round off the resulting products  
20 to the nearest one dollar (\$1).

21 (4) In computing the *adjusted gross income* amounts pursuant  
22 to this subdivision, the *adjusted gross income* amounts provided  
23 in subparagraph (A) of paragraph (1) of subdivision (a) shall be  
24 twice the amount provided in subparagraph (B) of paragraph (1)  
25 of subdivision (a).

26 (k) (1) *Unless otherwise specified in any bill providing for*  
27 *appropriations related to the Budget Act, for taxable years*  
28 *beginning on or after January 1, 2026, and before January 1,*  
29 *2031, the amount of credit under clause (ii) of subparagraph (A),*  
30 *and clause (ii) of subparagraph (B), of paragraph (1) of*  
31 *subdivision (a) shall be zero dollars (\$0).*

32 (2) *For any taxable year for which the amount of the credit*  
33 *under clause (ii) of subparagraph (A), or clause (ii) of*  
34 *subparagraph (B), as applicable, of paragraph (1) of subdivision*  
35 *(a) is zero dollars (\$0) pursuant to paragraph (1), the credit*  
36 *amounts set forth in clause (i) of subparagraph (A), or clause (i)*  
37 *of subparagraph (B), as applicable, of paragraph (1) of subdivision*  
38 *(a) for taxable years beginning before January 1, 2026, and on*  
39 *and after January 1, 2031, shall be the credit amounts for a*  
40 *qualified renter for the taxable year.*

1     *(l) For taxable years beginning on or after January 1, 2026,*  
2     *and before January 1, 2031, notwithstanding Section 19611, if the*  
3     *amount allowable as a credit under this section exceeds the tax*  
4     *liability computed under this part for the taxable year, the excess*  
5     *shall be credited against other amounts due, if any, and the*  
6     *balance, if any, shall be paid from the Tax Relief and Refund*  
7     *Account and refunded to the qualified renter upon appropriation*  
8     *by the Legislature.*

9     *(m) For the purposes of complying with Section 41, the*  
10    *Legislature finds and declares as follows:*

11    *(1) The specific goals, purposes, and objectives of this bill are*  
12    *as follows:*

13    *(A) To address the housing affordability crisis in California, as*  
14    *millions of Californians, who are disproportionately lower income*  
15    *and people of color, are making difficult decisions about paying*  
16    *for housing at the expense of other costs like food, health care, or*  
17    *childcare, as one in three households do not earn enough money*  
18    *to meet their basic needs.*

19    *(B) To compensate low- and middle-income renters who are*  
20    *rent burdened by the increasing rates of rent throughout the State*  
21    *of California.*

22    *(C) To restructure the credit to reflect the disproportionate*  
23    *burden of high rents on single-parent families.*

24    *(D) To stimulate consumer spending and economic growth by*  
25    *providing more disposable income to reinvest in the economy.*

26    *(2) To measure whether the credit achieves its intended purpose,*  
27    *for those taxable years for which the amount of credit under clause*  
28    *(ii) of subparagraphs (A) and (B) of paragraph (1) of subdivision*  
29    *(a) is not zero dollars (\$0), the Franchise Tax Board shall prepare*  
30    *a written report on the following:*

31    *(A) The number of taxpayers claiming the credit.*

32    *(B) The average credit amount on tax returns claiming the*  
33    *credit.*

34    *(3) The Franchise Tax Board shall provide the written report*  
35    *prepared pursuant to paragraph (2) to the Senate Committee on*  
36    *Budget and Fiscal Review, the Assembly Committee on Budget,*  
37    *the Senate and Assembly Committees on Appropriations, the Senate*  
38    *Committee on Revenue and Taxation, and the Assembly Committee*  
39    *on Revenue and Taxation. The report shall be submitted in*  
40    *compliance with Section 9795 of the Government Code.*

1     *SEC. 29. No reimbursement is required by this act pursuant*  
2 *to Section 6 of Article XIII B of the California Constitution because*  
3 *a local agency or school district has the authority to levy service*  
4 *charges, fees, or assessments sufficient to pay for the program or*  
5 *level of service mandated by this act or because costs that may be*  
6 *incurred by a local agency or school district will be incurred*  
7 *because this act creates a new crime or infraction, eliminates a*  
8 *crime or infraction, or changes the penalty for a crime or*  
9 *infraction, within the meaning of Section 17556 of the Government*  
10 *Code, or changes the definition of a crime within the meaning of*  
11 *Section 6 of Article XIII B of the California Constitution.*

12     ~~SECTION 1. Section 65400 of the Government Code, as~~  
13 ~~amended by Section 1.3 of Chapter 723 of the Statutes of 2024, is~~  
14 ~~amended to read:~~

15     ~~65400. (a) After the legislative body has adopted all or part~~  
16 ~~of a general plan, the planning agency shall do both of the~~  
17 ~~following:~~

18     ~~(1) Investigate and make recommendations to the legislative~~  
19 ~~body regarding reasonable and practical means for implementing~~  
20 ~~the general plan or element of the general plan so that it will serve~~  
21 ~~as an effective guide for orderly growth and development,~~  
22 ~~preservation and conservation of open-space land and natural~~  
23 ~~resources, and the efficient expenditure of public funds relating to~~  
24 ~~the subjects addressed in the general plan.~~

25     ~~(2) Provide by April 1 of each year an annual report to the~~  
26 ~~legislative body, the Office of Land Use and Climate Innovation,~~  
27 ~~and the Department of Housing and Community Development that~~  
28 ~~includes all of the following:~~

29     ~~(A) The status of the plan and progress in its implementation.~~

30     ~~(B) (i) (I) The progress in meeting its share of regional housing~~  
31 ~~needs determined pursuant to Section 65584, including the need~~  
32 ~~for extremely low income households, as determined pursuant to~~  
33 ~~Section 65583, and local efforts to remove governmental~~  
34 ~~constraints to the maintenance, improvement, and development of~~  
35 ~~housing pursuant to paragraph (3) of subdivision (c) of Section~~  
36 ~~65583.~~

37     ~~(ii) (II) The annual report shall include the progress in meeting the~~  
38 ~~city's or county's progress in meeting its share of regional housing~~  
39 ~~need, as described in subclause (I), for the sixth and previous~~  
40 ~~revisions of the housing element.~~

1     (ii) ~~The housing element portion of the annual report, as required~~  
2 ~~by this paragraph, shall be prepared through the use of standards,~~  
3 ~~forms, and definitions adopted by the Department of Housing and~~  
4 ~~Community Development. The department may review, adopt,~~  
5 ~~amend, and repeal the standards, forms, or definitions to implement~~  
6 ~~this article. Any standards, forms, or definitions adopted to~~  
7 ~~implement this article shall not be subject to Chapter 3.5~~  
8 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~  
9 ~~2. Before and after adoption of the forms, the housing element~~  
10 ~~portion of the annual report shall include a section that describes~~  
11 ~~the actions taken by the local government towards completion of~~  
12 ~~the programs and status of the local government's compliance with~~  
13 ~~the deadlines in its housing element. The report shall be considered~~  
14 ~~at an annual public meeting before the legislative body where~~  
15 ~~members of the public shall be allowed to provide oral testimony~~  
16 ~~and written comments.~~

17     (iii) ~~The report may include the number of units that have been~~  
18 ~~completed pursuant to subdivision (e) of Section 65583.1. For~~  
19 ~~purposes of this paragraph, committed assistance may be executed~~  
20 ~~throughout the planning period, and the program under paragraph~~  
21 ~~(1) of subdivision (c) of Section 65583.1 shall not be required.~~  
22 ~~The report shall document how the units meet the standards set~~  
23 ~~forth in that subdivision.~~

24     (iv) ~~The planning agency shall include the number of units in~~  
25 ~~a student housing development for lower income students for which~~  
26 ~~the developer of the student housing development was granted a~~  
27 ~~density bonus pursuant to subparagraph (F) of paragraph (1) of~~  
28 ~~subdivision (b) of Section 65915.~~

29     (C) ~~The number of housing development applications received~~  
30 ~~in the prior year, including whether each housing development~~  
31 ~~application is subject to a ministerial or discretionary approval~~  
32 ~~process.~~

33     (D) ~~The number of units included in all development~~  
34 ~~applications in the prior year.~~

35     (E) (i) ~~The number of units approved and disapproved in the~~  
36 ~~prior year, which shall include all of the following subcategories:~~

37         (I) ~~The number of units located within an opportunity area.~~

38         (II) ~~For the seventh and each subsequent revision of the housing~~  
39 ~~element, the number of units approved and disapproved for acutely~~  
40 ~~low income households within each opportunity area.~~

- 1     ~~(III) For the seventh and each subsequent revision of the housing~~  
2 ~~element, the number of units approved and disapproved for~~  
3 ~~extremely low income households within each opportunity area.~~
- 4     ~~(IV) The number of units approved and disapproved for very~~  
5 ~~low income households within each opportunity area.~~
- 6     ~~(V) The number of units approved and disapproved for lower~~  
7 ~~income households within each opportunity area.~~
- 8     ~~(VI) The number of units approved and disapproved for~~  
9 ~~moderate-income households within each opportunity area.~~
- 10    ~~(VII) The number of units approved and disapproved for above~~  
11 ~~moderate-income households within each opportunity area.~~
- 12    ~~(ii) For purposes of this subparagraph, “opportunity area” means~~  
13 ~~a highest, high, moderate, or low resource area pursuant to the~~  
14 ~~most recent “CTCAC/HCD Opportunity Map” published by the~~  
15 ~~California Tax Credit Allocation Committee and the Department~~  
16 ~~of Housing and Community Development.~~
- 17    ~~(F) The degree to which its approved general plan complies~~  
18 ~~with the guidelines developed and adopted pursuant to Section~~  
19 ~~65040.2 and the date of the last revision to the general plan.~~
- 20    ~~(G) A listing of sites rezoned to accommodate that portion of~~  
21 ~~the city’s or county’s share of the regional housing need for each~~  
22 ~~income level that could not be accommodated on sites identified~~  
23 ~~in the inventory required by paragraph (1) of subdivision (c) of~~  
24 ~~Section 65583 and Section 65584.09. The listing of sites shall also~~  
25 ~~include any additional sites that may have been required to be~~  
26 ~~identified by Section 65863.~~
- 27    ~~(H) (i) The number of units of housing demolished and new~~  
28 ~~units of housing, including both rental housing and for-sale housing~~  
29 ~~and any units that the County of Napa or the City of Napa may~~  
30 ~~report pursuant to an agreement entered into pursuant to Section~~  
31 ~~65584.08, that have been issued a completed entitlement, a building~~  
32 ~~permit, or a certificate of occupancy, thus far in the housing~~  
33 ~~element cycle, and the income category, by area median income~~  
34 ~~category, that each unit of housing satisfies. That production report~~  
35 ~~shall do the following:~~
- 36    ~~(I) For each income category described in this subparagraph,~~  
37 ~~distinguish between the number of rental housing units and the~~  
38 ~~number of for-sale units that satisfy each income category.~~
- 39    ~~(II) For each entitlement, building permit, or certificate of~~  
40 ~~occupancy, include a unique site identifier that must include the~~

1 assessor's parcel number, but may also include street address, or  
2 other identifiers.

3 (ii) For the County of Napa and the City of Napa, the production  
4 report may report units identified in the agreement entered into  
5 pursuant to Section 65584.08.

6 (I) The number of applications submitted pursuant to subdivision  
7 (a) of Section 65913.4, the location and the total number of  
8 developments approved pursuant to subdivision (c) of Section  
9 65913.4, the total number of building permits issued pursuant to  
10 subdivision (e) of Section 65913.4, the total number of units  
11 including both rental housing and for-sale housing by area median  
12 income category constructed using the process provided for in  
13 subdivision (e) of Section 65913.4.

14 (J) If the city or county has received funding pursuant to the  
15 Local Government Planning Support Grants Program (Chapter 3.1  
16 (commencing with Section 50515) of Part 2 of Division 31 of the  
17 Health and Safety Code), the information required pursuant to  
18 subdivision (a) of Section 50515.04 of the Health and Safety Code.

19 (K) The progress of the city or county in adopting or amending  
20 its general plan or local open-space element in compliance with  
21 its obligations to consult with California Native American tribes,  
22 and to identify and protect, preserve, and mitigate impacts to  
23 places, features, and objects described in Sections 5097.9 and  
24 5097.993 of the Public Resources Code, pursuant to Chapter 905  
25 of the Statutes of 2004.

26 (L) If the city or county has a density bonus ordinance pursuant  
27 to Section 65915, a copy of the text of that ordinance.

28 (M) The following information with respect to density bonuses  
29 granted in accordance with Section 65915:

30 (i) The number of density bonus applications received by the  
31 city or county.

32 (ii) The number of density bonus applications approved by the  
33 city or county.

34 (iii) Data from all projects approved to receive a density bonus  
35 from the city or county, including, but not limited to, the percentage  
36 of density bonus received, the percentage of affordable units in  
37 the project, the number of other incentives or concessions granted  
38 to the project, and any waiver or reduction of parking standards  
39 for the project.

- 1     ~~(N) The following information with respect to each application~~  
2 ~~submitted pursuant to Chapter 4.1 (commencing with Section~~  
3 ~~65912.100):~~
- 4     ~~(i) The location of the project.~~
  - 5     ~~(ii) The status of the project, including whether it has been~~  
6 ~~entitled, whether a building permit has been issued, and whether~~  
7 ~~or not it has been completed.~~
  - 8     ~~(iii) The number of units in the project.~~
  - 9     ~~(iv) The number of units in the project that are rental housing.~~
  - 10    ~~(v) The number of units in the project that are for-sale housing.~~
  - 11    ~~(vi) The household income category of the units, as determined~~  
12 ~~pursuant to subdivision (f) of Section 65584.~~
- 13    ~~(O) A list of all historic designations listed on the National~~  
14 ~~Register of Historic Places, the California Register of Historic~~  
15 ~~Resources, or a local register of historic places by the city or county~~  
16 ~~in the past year, and the status of any housing development projects~~  
17 ~~proposed for the new historic designations, including all of the~~  
18 ~~following:~~
- 19    ~~(i) Whether the housing development project has been entitled.~~
  - 20    ~~(ii) Whether a building permit has been issued for the housing~~  
21 ~~development project.~~
  - 22    ~~(iii) The number of units in the housing development project.~~
- 23    ~~(b) (1) (A) The department may request corrections to the~~  
24 ~~housing element portion of an annual report submitted pursuant~~  
25 ~~to paragraph (2) of subdivision (a) within 90 days of receipt. A~~  
26 ~~planning agency shall make the requested corrections within 30~~  
27 ~~days after which the department may reject the report if the report~~  
28 ~~is not in substantial compliance with the requirements of that~~  
29 ~~paragraph.~~
- 30    ~~(B) If the department rejects the housing element portion of an~~  
31 ~~annual report as authorized by subparagraph (A), the department~~  
32 ~~shall provide the reasons the report is inconsistent with paragraph~~  
33 ~~(2) of subdivision (a) to the planning agency in writing.~~
- 34    ~~(2) If a court finds, upon a motion to that effect, that a city,~~  
35 ~~county, or city and county failed to submit, within 60 days of the~~  
36 ~~deadline established in this section, the housing element portion~~  
37 ~~of the report required pursuant to subparagraph (B) of paragraph~~  
38 ~~(2) of subdivision (a) that substantially complies with the~~  
39 ~~requirements of this section, the court shall issue an order or~~  
40 ~~judgment compelling compliance with this section within 60 days.~~

1 ~~If the city, county, or city and county fails to comply with the~~  
2 ~~court's order within 60 days, the plaintiff or petitioner may move~~  
3 ~~for sanctions, and the court may, upon that motion, grant~~  
4 ~~appropriate sanctions. The court shall retain jurisdiction to ensure~~  
5 ~~that its order or judgment is carried out. If the court determines~~  
6 ~~that its order or judgment is not carried out within 60 days, the~~  
7 ~~court may issue further orders as provided by law to ensure that~~  
8 ~~the purposes and policies of this section are fulfilled. This~~  
9 ~~subdivision applies to proceedings initiated on or after the first~~  
10 ~~day of October following the adoption of forms and definitions by~~  
11 ~~the Department of Housing and Community Development pursuant~~  
12 ~~to paragraph (2) of subdivision (a), but no sooner than six months~~  
13 ~~following that adoption.~~

14 ~~(e) The Department of Housing and Community Development~~  
15 ~~shall post a report submitted pursuant to this section on its internet~~  
16 ~~website within a reasonable time of receiving the report.~~

17 ~~SEC. 2. If the Commission on State Mandates determines that~~  
18 ~~this act contains costs mandated by the state, reimbursement to~~  
19 ~~local agencies and school districts for those costs shall be made~~  
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
21 ~~4 of Title 2 of the Government Code.~~