

Introduced by Senator Laird

February 12, 2025

An act to amend Section 65583 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 340, as introduced, Laird. General plans: housing element.

Existing law requires a city or county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires the housing element to identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, among other things. Existing law requires the housing element to contain an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.

This bill would make nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 65583 of the Government Code is
- 2 amended to read:
- 3 65583. The housing element shall consist of an identification
- 4 and analysis of existing and projected housing needs and a
- 5 statement of goals, policies, quantified objectives, financial
- 6 resources, and scheduled programs for the preservation,
- 7 improvement, and development of housing. The housing element
- 8 shall identify adequate sites for housing, including rental housing,

1 factory-built housing, mobilehomes, and emergency shelters, and
2 shall make adequate provision for the existing and projected needs
3 of all economic segments of the community. The housing element
4 shall contain all of the following:

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

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

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

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

26 (4) (A) The identification of one or more zoning designations
27 that allow residential uses, including mixed uses, where emergency
28 shelters are allowed as a permitted use without a conditional use
29 or other discretionary permit and that are suitable for residential
30 uses. The identified zoning designations shall include sufficient
31 sites meeting the requirements of subparagraph (H) with sufficient
32 capacity, as described in subparagraph (I), to accommodate the
33 need for emergency shelter identified in paragraph (7), except that
34 each local government shall identify a zoning designation or
35 designations that can accommodate at least one year-round
36 emergency shelter. If the local government cannot identify a zoning
37 designation or designations with sufficient capacity, the local
38 government shall include a program to amend its zoning ordinance
39 to meet the requirements of this paragraph within one year of the
40 adoption of the housing element. The local government may

1 identify additional zoning designations where emergency shelters
2 are permitted with a conditional use permit. The local government
3 shall also demonstrate that existing or proposed permit processing,
4 development, and management standards that apply to emergency
5 shelters are objective and encourage and facilitate the development
6 of, or conversion to, emergency shelters.

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

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

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

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

17 (iv) The provision of onsite management.

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

20 (vi) The length of stay.

21 (vii) Lighting.

22 (viii) Security during hours that the emergency shelter is in
23 operation.

24 (C) For purposes of this paragraph, “emergency shelter” shall
25 include other interim interventions, including, but not limited to,
26 a navigation center, bridge housing, and respite or recuperative
27 care.

28 (D) The permit processing, development, and management
29 standards applied under this paragraph shall not be deemed to be
30 discretionary acts within the meaning of the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code).

33 (E) If a local government has adopted written, objective
34 standards pursuant to subparagraph (B), the local government shall
35 include an analysis of the standards in the analysis of constraints
36 pursuant to paragraph (5).

37 (F) A local government that can demonstrate, to the satisfaction
38 of the department, the existence of one or more emergency shelters
39 either within its jurisdiction or pursuant to a multijurisdictional
40 agreement that can accommodate that jurisdiction’s need and the

1 needs of the other jurisdictions that are a part of the agreement for
2 emergency shelter identified in paragraph (7) may comply with
3 the zoning requirements of subparagraph (A) by identifying a
4 zoning designation where new emergency shelters are allowed
5 with a conditional use permit.

6 (G) A local government with an existing ordinance or ordinances
7 that comply with this paragraph shall not be required to take
8 additional action to identify zoning designations for emergency
9 shelters. The housing element must only describe how existing
10 ordinances, policies, and standards are consistent with the
11 requirements of this paragraph.

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

15 (i) Vacant sites zoned for residential use.

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

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

34 (I) The zoning designation or designations shall have sufficient
35 sites meeting the requirements of subparagraph (H) to
36 accommodate the need for shelters identified pursuant to paragraph
37 (7). The number of people experiencing homelessness that can be
38 accommodated on any site shall be demonstrated by dividing the
39 square footage of the site by a minimum of 200 square feet per
40 person, unless the locality can demonstrate that one or more

1 shelters were developed on sites that have fewer square feet per
2 person during the prior planning period or the locality provides
3 similar evidence to the department demonstrating that the site can
4 accommodate more people experiencing homelessness. Any
5 standard applied pursuant to this subparagraph is intended only
6 for calculating site capacity pursuant to this section, and shall not
7 be construed as establishing a development standard applicable to
8 the siting, development, or approval of a shelter.

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

19 (5) An analysis of potential and actual governmental constraints
20 upon the maintenance, improvement, or development of housing
21 for all income levels, including the types of housing identified in
22 paragraph (1) of subdivision (c), and for persons with disabilities
23 as identified in the analysis pursuant to paragraph (7), including
24 land use controls, building codes and their enforcement, site
25 improvements, fees, and other exactions required of developers,
26 local processing and permit procedures, historic preservation
27 practices and policies and an assessment of how existing and
28 proposed historic designations affect the locality's ability to meet
29 its share of the housing need pursuant to paragraph (1), and any
30 locally adopted ordinances that directly impact the cost and supply
31 of residential development. The analysis shall also demonstrate
32 local efforts to remove governmental constraints that hinder the
33 locality from meeting its share of the regional housing need in
34 accordance with Section 65584 and from meeting the need for
35 housing for persons with disabilities, supportive housing,
36 transitional housing, and emergency shelters identified pursuant
37 to paragraph (7).

38 (6) An analysis of potential and actual nongovernmental
39 constraints upon the maintenance, improvement, or development
40 of housing for all income levels, including the availability of

1 financing, the price of land, the cost of construction, the requests
2 to develop housing at densities below those anticipated in the
3 analysis required by subdivision (c) of Section 65583.2, and the
4 length of time between receiving approval for a housing
5 development and submittal of an application for building permits
6 for that housing development that hinder the construction of a
7 locality's share of the regional housing need in accordance with
8 Section 65584. The analysis shall also demonstrate local efforts
9 to remove nongovernmental constraints that create a gap between
10 the locality's planning for the development of housing for all
11 income levels and the construction of that housing.

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

32 (B) For the seventh and subsequent revisions of the housing
33 element, the analysis required in subparagraph (A) shall also
34 include an analysis of the housing needs of acutely and extremely
35 low income households.

36 (8) An analysis of opportunities for energy conservation with
37 respect to residential development. Cities and counties are
38 encouraged to include weatherization and energy efficiency
39 improvements as part of publicly subsidized housing rehabilitation
40 projects. This may include energy efficiency measures that

1 encompass the building envelope, its heating and cooling systems,
2 and its electrical system.

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

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

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

32 (C) The analysis shall identify public and private nonprofit
33 corporations known to the local government that have legal and
34 managerial capacity to acquire and manage these housing
35 developments.

36 (D) The analysis shall identify and consider the use of all federal,
37 state, and local financing and subsidy programs that can be used
38 to preserve, for lower income households, the assisted housing
39 developments, identified in this paragraph, including, but not
40 limited to, federal Community Development Block Grant Program

1 funds, tax increment funds received by a redevelopment agency
2 of the community, and administrative fees received by a housing
3 authority operating within the community. In considering the use
4 of these financing and subsidy programs, the analysis shall identify
5 the amounts of funds under each available program that have not
6 been legally obligated for other purposes and that could be
7 available for use in preserving assisted housing developments.

8 (b) (1) A statement of the community's goals, quantified
9 objectives, and policies relative to affirmatively furthering fair
10 housing and to the maintenance, preservation, improvement, and
11 development of housing.

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

21 (c) A program that sets forth a schedule of actions during the
22 planning period, each with a timeline for implementation, that may
23 recognize that certain programs are ongoing, such that there will
24 be beneficial impacts of the programs within the planning period,
25 that the local government is undertaking or intends to undertake
26 to implement the policies and achieve the goals and objectives of
27 the housing element through the administration of land use and
28 development controls, the provision of regulatory concessions and
29 incentives, the utilization of appropriate federal and state financing
30 and subsidy programs when available, and the utilization of moneys
31 in a low- and moderate-income housing fund of an agency if the
32 locality has established a redevelopment project area pursuant to
33 the Community Redevelopment Law (Division 24 (commencing
34 with Section 33000) of the Health and Safety Code). In order to
35 make adequate provision for the housing needs of all economic
36 segments of the community, the program shall do all of the
37 following:

38 (1) Identify actions that will be taken to make sites available
39 during the planning period with appropriate zoning and
40 development standards and with services and facilities to

1 accommodate that portion of the city's or county's share of the
2 regional housing need for all income levels that could not be
3 accommodated on sites identified in the inventory completed
4 pursuant to paragraph (3) of subdivision (a) without rezoning, and
5 to comply with the requirements of Section 65584.09. Sites shall
6 be identified as needed to affirmatively further fair housing and
7 to facilitate and encourage the development of a variety of types
8 of housing for all income levels, including multifamily rental
9 housing, factory-built housing, mobilehomes, housing for
10 agricultural employees, supportive housing, single-room occupancy
11 units, emergency shelters, and transitional housing.

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

17 (i) For the adoption of the sixth revision of the housing element,
18 jurisdictions with an eight-year housing element planning period
19 pursuant to Section 65588, including adoption of minimum density
20 and development standards or, for a jurisdiction in the coastal zone,
21 any necessary local coastal program amendments related to land
22 use designations, changes in intensity of land use, zoning
23 ordinances, or zoning district maps, consistent with Sections 30512,
24 30512.2, 30513, and 30514 of the Public Resources Code, shall
25 be completed no later than three years after either the date the
26 housing element is adopted pursuant to subdivision (f) of Section
27 65585 or the date that is 90 days after receipt of comments from
28 the department pursuant to subdivision (b) of Section 65585,
29 whichever is earlier, unless the deadline is extended pursuant to
30 subdivision (f). Notwithstanding the foregoing, for a local
31 government that fails to adopt a housing element that the
32 department has found to be in substantial compliance with this
33 article within 120 days of the statutory deadline in Section 65588
34 for adoption of the housing element, rezoning of those sites,
35 including adoption of minimum density and development standards
36 or, for a jurisdiction in the coastal zone, any necessary local coastal
37 program amendments related to land use designations, changes in
38 intensity of land use, zoning ordinances, or zoning district maps,
39 consistent with Sections 30512, 30512.2, 30513, and 30514 of the
40 Public Resources Code, shall be completed no later than one year

1 from the statutory deadline in Section 65588 for adoption of the
2 housing element.

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

7 (iii) Notwithstanding clause (ii), for the adoption of the seventh
8 and all subsequent revisions of the housing element, rezonings
9 shall be completed no later than three years and 90 days after the
10 statutory deadline in Section 65588 for adoption of the housing
11 element, unless the deadline is extended pursuant to subdivision
12 (f). This clause shall apply only if the local government complies
13 with all of the following:

14 (I) The local government submits a draft element or draft
15 amendment to the department for review pursuant to paragraph
16 (1) of subdivision (b) of Section 65585 at least 90 days before the
17 statutory deadline established in Section 65588 for adoption of the
18 housing element.

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

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

28 (B) Where the inventory of sites, pursuant to paragraph (3) of
29 subdivision (a), does not identify adequate sites to accommodate
30 the need for groups of all household income levels pursuant to
31 Section 65584, the program shall identify sites that can be
32 developed for housing within the planning period pursuant to
33 subdivision (h) of Section 65583.2. The identification of sites shall
34 include all components specified in Section 65583.2.

35 (C) Where the inventory of sites pursuant to paragraph (3) of
36 subdivision (a) does not identify adequate sites to accommodate
37 the need for farmworker housing, the program shall provide for
38 sufficient sites to meet the need with zoning that permits
39 farmworker housing use by right, including density and
40 development standards that could accommodate and facilitate the

1 feasibility of the development of farmworker housing for low- and
2 very low income households.

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

6 (B) For the seventh and subsequent revisions of the housing
7 element, the program shall also assist in the development of
8 adequate housing to meet the needs of acutely low income
9 households.

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

24 (4) Conserve and improve the condition of the existing
25 affordable housing stock, which may include addressing ways to
26 mitigate the loss of dwelling units demolished by public or private
27 action.

28 (5) Promote and affirmatively further fair housing opportunities
29 and promote housing throughout the community or communities
30 for all persons regardless of race, religion, sex, marital status,
31 ancestry, national origin, color, familial status, or disability, and
32 other characteristics protected by the California Fair Employment
33 and Housing Act (Part 2.8 (commencing with Section 12900) of
34 Division 3 of Title 2), Section 65008, and any other state and
35 federal fair housing and planning law.

36 (6) Preserve for lower income households the assisted housing
37 developments identified pursuant to paragraph (9) of subdivision
38 (a). The program for preservation of the assisted housing
39 developments shall utilize, to the extent necessary, all available
40 federal, state, and local financing and subsidy programs identified

1 in paragraph (9) of subdivision (a), except where a community has
2 other urgent needs for which alternative funding sources are not
3 available. The program may include strategies that involve local
4 regulation and technical assistance.

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

12 (8) Include an identification of the agencies and officials
13 responsible for the implementation of the various actions and the
14 means by which consistency will be achieved with other general
15 plan elements and community goals.

16 (9) Include a diligent effort by the local government to achieve
17 public participation of all economic segments of the community
18 in the development of the housing element, and the program shall
19 describe this effort.

20 (10) (A) Affirmatively further fair housing in accordance with
21 Chapter 15 (commencing with Section 8899.50) of Division 1 of
22 Title 2. The program shall include an assessment of fair housing
23 in the jurisdiction that shall include all of the following
24 components:

25 (i) A summary of fair housing issues in the jurisdiction and an
26 assessment of the jurisdiction’s fair housing enforcement and fair
27 housing outreach capacity.

28 (ii) An analysis of available federal, state, and local data and
29 knowledge to identify integration and segregation patterns and
30 trends, racially or ethnically concentrated areas of poverty and
31 affluence, disparities in access to opportunity, and disproportionate
32 housing needs, including displacement risk. The analysis shall
33 identify and examine such patterns, trends, areas, disparities, and
34 needs, both within the jurisdiction and comparing the jurisdiction
35 to the region in which it is located, based on race and other
36 characteristics protected by the California Fair Employment and
37 Housing Act (Part 2.8 (commencing with Section 12900) of
38 Division 3 of Title 2) and Section 65008.

39 (iii) An assessment of the contributing factors, including the
40 local and regional historical origins and current policies and

1 practices, for the fair housing issues identified under clauses (i)
2 and (ii).

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

9 (v) Strategies and actions to implement those priorities and
10 goals, which may include, but are not limited to, enhancing
11 mobility strategies and encouraging development of new affordable
12 housing in areas of opportunity, as well as place-based strategies
13 to encourage community revitalization, including preservation of
14 existing affordable housing, and protecting existing residents from
15 displacement.

16 (B) A jurisdiction that completes or revises an assessment of
17 fair housing pursuant to Subpart A (commencing with Section
18 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal
19 Regulations, as published in Volume 80 of the Federal Register,
20 Number 136, page 42272, dated July 16, 2015, or an analysis of
21 impediments to fair housing choice in accordance with the
22 requirements of Section 91.225 of Title 24 of the Code of Federal
23 Regulations in effect before August 17, 2015, may incorporate
24 relevant portions of that assessment or revised assessment of fair
25 housing or analysis or revised analysis of impediments to fair
26 housing into its housing element.

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

30 (ii) The assessment required pursuant to this paragraph shall be
31 completed before the planning agency makes its first draft revision
32 of a housing element available for public comment pursuant to
33 subdivision (b) of Section 65585.

34 (D) (i) The department shall develop a standardized reporting
35 format for programs and actions taken pursuant to this paragraph.
36 The standardized reporting format shall enable the reporting of all
37 of the assessment components listed in subparagraph (A) and, at
38 a minimum, include all of the following fields:

39 (I) Timelines for implementation.

40 (II) Responsible party or parties.

1 (III) Resources committed from the local budget to affirmatively
2 further fair housing.

3 (IV) Action areas.

4 (V) Potential impacts of the program.

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

8 (d) (1) A local government may satisfy all or part of its
9 requirement to identify a zone or zones suitable for the
10 development of emergency shelters pursuant to paragraph (4) of
11 subdivision (a) by adopting and implementing a multijurisdictional
12 agreement, with a maximum of two other adjacent communities,
13 that requires the participating jurisdictions to develop at least one
14 year-round emergency shelter within two years of the beginning
15 of the planning period.

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

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

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

24 (B) The jurisdiction's contribution to the facility for both the
25 development and ongoing operation and management of the
26 facility.

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

29 (4) The aggregate capacity claimed by the participating
30 jurisdictions in their housing elements shall not exceed the actual
31 capacity of the shelter.

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

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

1 (2) Any housing element or housing element amendment
2 prepared pursuant to subdivision (e) of Section 65588 or Section
3 65584.02, when the city, county, or city and county fails to submit
4 the first draft to the department before the due date specified in
5 Section 65588 or 65584.02.

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

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

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

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

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

29 (g) (1) If a local government fails to complete the rezoning by
30 the deadline provided in subparagraph (A) of paragraph (1) of
31 subdivision (c), as it may be extended pursuant to subdivision (f),
32 except as provided in paragraph (2), a local government may not
33 disapprove a housing development project, nor require a
34 conditional use permit, planned unit development permit, or other
35 locally imposed discretionary permit, or impose a condition that
36 would render the project infeasible, if the housing development
37 project, (A) is proposed to be located on a site required to be
38 rezoned pursuant to the program action required by that
39 subparagraph and, (B) complies with applicable, objective general
40 plan and zoning standards and criteria, including design review

standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

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

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

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

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

(4) For purposes of this subdivision, “housing development project” means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost

1 or affordable rent, as defined in Section 50052.5 or 50053 of the
2 Health and Safety Code, respectively, for the period required by
3 the applicable financing.

4 (h) An action to enforce the program actions of the housing
5 element shall be brought pursuant to Section 1085 of the Code of
6 Civil Procedure.

7 (i) Notwithstanding any other law, the otherwise applicable
8 timeframe set forth in paragraph (2) of subdivision (b) and
9 subdivision (d) of Section 21080.3.1 of the Public Resources Code,
10 and paragraph (3) of subdivision (d) of Section 21082.3 of the
11 Public Resources Code, for a Native American tribe to respond to
12 a lead agency and request consultation in writing is extended by
13 30 days for any housing development project application
14 determined or deemed to be complete on or after March 4, 2020,
15 and prior to December 31, 2021.

16 (j) On or after January 1, 2024, at the discretion of the
17 department, the analysis of government constraints pursuant to
18 paragraph (5) of subdivision (a) may include an analysis of
19 constraints upon the maintenance, improvement, or development
20 of housing for persons with a characteristic identified in subdivision
21 (b) of Section 51 of the Civil Code. The implementation of this
22 subdivision is contingent upon an appropriation by the Legislature
23 in the annual Budget Act or another statute for this purpose.