

AMENDED IN SENATE SEPTEMBER 5, 2025

AMENDED IN SENATE SEPTEMBER 3, 2025

AMENDED IN SENATE AUGUST 29, 2025

AMENDED IN ASSEMBLY APRIL 24, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 650

**Introduced by Assembly Member Papan
(Coauthors: Assembly Members Pacheco, Haney, and Wicks)**

February 13, 2025

An act to amend Sections 65583, 65584, 65584.01, 65584.03, 65584.04, 65584.05, and 65585 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Papan. Planning and zoning: housing element: regional housing needs allocation.

(1) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, which includes, among other mandatory elements, a housing element. Existing law requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. Existing law defines “affirmatively furthering fair housing,” as provided.

The Planning and Zoning Law requires that a housing element include, among other things, a program that sets forth a schedule of actions during the planning period. Existing law requires the Department of Housing and Community Development to develop a standardized reporting format for programs and actions taken pursuant to the requirement to affirmatively further fair housing.

This bill would require the department to develop the above-described standardized reporting format on or before December 31, 2026.

(2) Existing law requires, for the 4th and subsequent revisions of the housing element, the department to determine the existing and projected need for housing for each region, as specified. Existing law requires the department, in consultation with the council of governments, to determine the existing and projected need of housing for each region at least 2 years prior to the scheduled revision of the housing element, as provided. Existing law requires the department to meet and consult with the council of governments regarding the assumptions and methodology to be used to determine the region's housing needs at least 26 months prior to the scheduled revision of the housing element, as provided.

This bill, except as specified, would extend the above-described timeline for the department to determine the existing and projected need of housing for each region from 2 years to 3 years prior to the scheduled revision of the housing element. The bill would require the department to meet and consult with the council of governments, as described above, pursuant to prescribed deadlines. For the 7th revision of the housing element, the bill would require the department to meet and consult with each council of governments at least 38 months prior to the scheduled revision, except for specified councils of governments. For the 8th and subsequent revision of the housing element, the bill would require the department to meet and consult with each council of governments at least 38 months prior to the scheduled revision.

(3) Existing law authorizes at least 2 or more cities and a county, or counties, at least 28 months prior to the scheduled housing element revision, to form a subregional entity to allocate the subregion's existing and projected housing need among its members. If the council of governments does not receive a notification of this formation at least 28 months prior to the update, existing law requires the council of governments to implement specified requirements regarding the regional housing need process. Existing law requires the council of governments

to determine the share of regional housing need assigned to each delegate subregion at least 25 months prior to the scheduled revision.

This bill would extend the above-described timeline for cities and counties to form a subregional entity to allocate the subregion's housing need, as provided, from 28 months to 34 months, and the above-described timeline for the council of governments to determine the share of regional housing need assigned to each subregion from 25 months to 31 months, respectively.

(4) Existing law, at least 2 years before a scheduled revision of the housing element, as specified, 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 jurisdictions, as specified. Existing law, at least 1 ½ years before a scheduled revision of the housing element, as specified, requires each council of governments and delegate subregion, as applicable, to distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, and the department, as specified.

This bill, except with respect to the 7th housing element cycle for councils of governments with a housing element revision due date during the 2027 calendar year, would instead require that the above-described methodology be developed from at least 2 ½ years before a scheduled revision of the housing element, and that the distribution of the draft allocation plan be made at least 2 years before a scheduled revision of the housing element, respectively.

(5) Existing law requires a planning agency to submit a copy of its draft housing element or amendments to its housing element or housing element revision to the department for review, and requires the department to notify the city, county, or city and county with written findings if the department finds that the housing element or the amendment does not substantially comply with specified law. If the department finds that the draft housing element or draft amendment is not in substantial compliance, existing law requires the jurisdiction to either update the draft to substantially comply with specified law, or adopt the draft housing element or amendment without changes, as provided.

This bill would require the department, if the department finds that a draft element or draft amendment does not substantially comply, as described above, to (A) identify and explain the specific deficiencies in the draft element or draft amendment and (B) provide the specific

analysis or text that the department expects the planning agency to include in the draft element or draft amendment to remedy those deficiencies, as specified. The bill would require a jurisdiction, in updating a noncompliant housing element or amendment under the above-described provisions, to include the specific analysis or text in its draft element or amendment.

(6) This bill would incorporate additional changes to Section 65583 of the Government Code proposed by SB 340 and AB 610 to be operative only if this bill and either or both of those bills are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.01 of the Government Code proposed by SB 486 to be operative only if this bill and SB 486 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.03 of the Government Code proposed by AB 1275 to be operative only if this bill and AB 1275 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.04 of the Government Code proposed by SB 486 and AB 1275 to be operative only if this bill and either or both of those bills are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65585 of the Government Code proposed by AB 507 to be operative only if this bill and AB 507 are enacted and this bill is enacted last.

~~(6)~~

(7) By imposing additional duties on local governments, this bill would create 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 a specified reason.

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 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

1 statement of goals, policies, quantified objectives, financial
2 resources, and scheduled programs for the preservation,
3 improvement, and development of housing. The housing element
4 shall identify adequate sites for housing, including rental housing,
5 factory-built housing, mobilehomes, and emergency shelters, and
6 shall make adequate provision for the existing and projected needs
7 of all economic segments of the community. The housing element
8 shall contain all of the following:

9 (a) An assessment of housing needs and an inventory of
10 resources and constraints that are relevant to the meeting of these
11 needs. The assessment and inventory shall include all of the
12 following:

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

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

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

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

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

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

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

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

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

21 (iv) The provision of onsite management.

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

24 (vi) The length of stay.

25 (vii) Lighting.

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

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

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

37 (E) If a local government has adopted written, objective
38 standards pursuant to subparagraph (B), the local government shall
39 include an analysis of the standards in the analysis of constraints
40 pursuant to paragraph (5).

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

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

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

19 (i) Vacant sites zoned for residential use.

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

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

38 (I) The zoning designation or designations shall have sufficient
39 sites meeting the requirements of subparagraph (H) to
40 accommodate the need for shelters identified pursuant to paragraph

1 (7). The number of people experiencing homelessness that can be
2 accommodated on any site shall be demonstrated by dividing the
3 square footage of the site by a minimum of 200 square feet per
4 person, unless the locality can demonstrate that one or more
5 shelters were developed on sites that have fewer square feet per
6 person during the prior planning period or the locality provides
7 similar evidence to the department demonstrating that the site can
8 accommodate more people experiencing homelessness. Any
9 standard applied pursuant to this subparagraph is intended only
10 for calculating site capacity pursuant to this section, and shall not
11 be construed as establishing a development standard applicable to
12 the siting, development, or approval of a shelter.

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

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

1 transitional housing, and emergency shelters identified pursuant
2 to paragraph (7).

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

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

37 (B) For the seventh and subsequent revisions of the housing
38 element, the analysis required in subparagraph (A) shall also
39 include an analysis of the housing needs of acutely and extremely
40 low income households.

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

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

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

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

37 (C) The analysis shall identify public and private nonprofit
38 corporations known to the local government that have legal and
39 managerial capacity to acquire and manage these housing
40 developments.

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

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

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

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

1 segments of the community, the program shall do all of the
2 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (5) Promote and affirmatively further fair housing opportunities
35 and promote housing throughout the community or communities
36 for all persons regardless of race, religion, sex, marital status,
37 ancestry, national origin, color, familial status, or disability, and
38 other characteristics protected by the California Fair Employment
39 and Housing Act (Part 2.8 (commencing with Section 12900) of

1 Division 3 of Title 2), Section 65008, and any other state and
2 federal fair housing and planning law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (D) (i) On or before December 31, 2026, the department shall
2 develop a standardized reporting format for programs and actions
3 taken pursuant to this paragraph. The standardized reporting format
4 shall enable the reporting of all of the assessment components
5 listed in subparagraph (A) and, at a minimum, include all of the
6 following fields:

7 (I) Timelines for implementation.

8 (II) Responsible party or parties.

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

11 (IV) Action areas.

12 (V) Potential impacts of the program.

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

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

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

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

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

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

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

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

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

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

9 (2) Any housing element or housing element amendment
 10 prepared pursuant to subdivision (e) of Section 65588 or Section
 11 65584.02, when the city, county, or city and county fails to submit
 12 the first draft to the department before the due date specified in
 13 Section 65588 or 65584.02.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 *SEC. 1.1. Section 65583 of the Government Code is amended*
33 *to read:*

34 65583. The housing element shall consist of an identification
35 and analysis of existing and projected housing needs and a
36 statement of goals, policies, quantified objectives, financial
37 resources, and scheduled programs for the preservation,
38 improvement, and development of housing. The housing element
39 shall identify adequate sites for housing, including rental housing,
40 factory-built housing, mobilehomes, and emergency shelters, and

1 shall make adequate provision for the existing and projected needs
2 of all economic segments of the community. The housing element
3 shall contain all of the following:

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

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

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

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

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

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

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

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

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

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

16 (iv) The provision of onsite management.

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

19 (vi) The length of stay.

20 (vii) Lighting.

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

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

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

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

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

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

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

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

14 (i) Vacant sites zoned for residential use.

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

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

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

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

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

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

37 (A) *The analysis shall also demonstrate local efforts to remove*
38 *governmental constraints that hinder the locality from meeting its*
39 *share of the regional housing need in accordance with Section*
40 *65584 and from meeting the need for housing for persons with*

1 *disabilities, supportive housing, transitional housing, and*
2 *emergency shelters identified pursuant to paragraph (7).*

3 *(B) (i) For adoption of the seventh and all subsequent revisions*
4 *of the housing element, the analysis shall also include a potential*
5 *and actual governmental constraints disclosure statement*
6 *containing both of the following:*

7 *(I) An identification of each new or amended potential or actual*
8 *governmental constraint, or revision increasing the stringency of*
9 *a governmental constraint, adopted after the due date of the*
10 *previous housing element and before submittal of the current draft*
11 *housing element to the department.*

12 *(II) An identification of any new or amended potential or actual*
13 *governmental constraint, or revision increasing the stringency of*
14 *a governmental constraint, that the governing body of the local*
15 *government can anticipate adopting during the first three years*
16 *of the planning period commencing on the date that a local*
17 *agency's housing element is considered to be in substantial*
18 *compliance pursuant to Section 65585.03.*

19 *(ii) For the purposes of this subparagraph, "anticipate*
20 *adopting" means a legislative body of the local government had,*
21 *after the due date of the previous housing element and before*
22 *submittal of the current draft housing element, identified in an*
23 *agenda published by a legislative body of the local government*
24 *pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with*
25 *Section 54950) of Part 1 of Division 2 of Title 5) an action to*
26 *consider the adoption, amendment, or increase in the stringency*
27 *of a potential or actual governmental constraint.*

28 *(iii) This subparagraph shall not be construed to prohibit a*
29 *local government from adopting, amending, or increasing the*
30 *stringency of a potential or actual governmental constraint*
31 *regardless of whether it was included in a potential and actual*
32 *governmental constraints disclosure statement pursuant to this*
33 *subparagraph.*

34 *(6) An analysis of potential and actual nongovernmental*
35 *constraints upon the maintenance, improvement, or development*
36 *of housing for all income levels, including the availability of*
37 *financing, the price of land, the cost of construction, the requests*
38 *to develop housing at densities below those anticipated in the*
39 *analysis required by subdivision (c) of Section 65583.2, and the*
40 *length of time between receiving approval for a housing*

1 development and submittal of an application for building permits
2 for that housing development that hinder the construction of a
3 locality's share of the regional housing need in accordance with
4 Section 65584. The analysis shall also demonstrate local efforts
5 to remove nongovernmental constraints that create a gap between
6 the locality's planning for the development of housing for all
7 income levels and the construction of that housing.

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

28 (B) For the seventh and subsequent revisions of the housing
29 element, the analysis required in subparagraph (A) shall also
30 include an analysis of the housing needs of acutely and extremely
31 low income households.

32 (8) An analysis of opportunities for energy conservation with
33 respect to residential development. Cities and counties are
34 encouraged to include weatherization and energy efficiency
35 improvements as part of publicly subsidized housing rehabilitation
36 projects. This may include energy efficiency measures that
37 encompass the building envelope, its heating and cooling systems,
38 and its electrical system.

39 (9) An analysis of existing assisted housing developments that
40 are eligible to change from low-income housing uses during the

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

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

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

28 (C) The analysis shall identify public and private nonprofit
29 corporations known to the local government that have legal and
30 managerial capacity to acquire and manage these housing
31 developments.

32 (D) The analysis shall identify and consider the use of all federal,
33 state, and local financing and subsidy programs that can be used
34 to preserve, for lower income households, the assisted housing
35 developments, identified in this paragraph, including, but not
36 limited to, federal Community Development Block Grant Program
37 funds, tax increment funds received by a redevelopment agency
38 of the community, and administrative fees received by a housing
39 authority operating within the community. In considering the use
40 of these financing and subsidy programs, the analysis shall identify

1 the amounts of funds under each available program that have not
2 been legally obligated for other purposes and that could be
3 available for use in preserving assisted housing developments.

4 (b) (1) A statement of the community's goals, quantified
5 objectives, and policies relative to affirmatively furthering fair
6 housing and to the maintenance, preservation, improvement, and
7 development of housing.

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

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

34 (1) Identify actions that will be taken to make sites available
35 during the planning period with appropriate zoning and
36 development standards and with services and facilities to
37 accommodate that portion of the city's or county's share of the
38 regional housing need for all income levels that could not be
39 accommodated on sites identified in the inventory completed
40 pursuant to paragraph (3) of subdivision (a) without rezoning, and

1 to comply with the requirements of Section 65584.09. Sites shall
2 be identified as needed to affirmatively further fair housing and
3 to facilitate and encourage the development of a variety of types
4 of housing for all income levels, including multifamily rental
5 housing, factory-built housing, mobilehomes, housing for
6 agricultural employees, supportive housing, single-room occupancy
7 units, emergency shelters, and transitional housing.

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

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

39 (ii) For adoption of the seventh and all subsequent revisions of
40 the housing element, rezonings shall be completed no later than

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

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

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

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

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

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

31 (C) Where the inventory of sites pursuant to paragraph (3) of
32 subdivision (a) does not identify adequate sites to accommodate
33 the need for farmworker housing, the program shall provide for
34 sufficient sites to meet the need with zoning that permits
35 farmworker housing use by right, including density and
36 development standards that could accommodate and facilitate the
37 feasibility of the development of farmworker housing for low- and
38 very low income households.

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

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

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

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

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

34 (6) Preserve for lower income households the assisted housing
35 developments identified pursuant to paragraph (9) of subdivision
36 (a). The program for preservation of the assisted housing
37 developments shall utilize, to the extent necessary, all available
38 federal, state, and local financing and subsidy programs identified
39 in paragraph (9) of subdivision (a), except where a community has
40 other urgent needs for which alternative funding sources are not

1 available. The program may include strategies that involve local
2 regulation and technical assistance.

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

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

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

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

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

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

37 (iii) An assessment of the contributing factors, including the
38 local and regional historical origins and current policies and
39 practices, for the fair housing issues identified under clauses (i)
40 and (ii).

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

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

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

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

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

32 (D) (i) ~~The~~ *On or before December 31, 2026, the* department
33 shall develop a standardized reporting format for programs and
34 actions taken pursuant to this paragraph. The standardized reporting
35 format shall enable the reporting of all of the assessment
36 components listed in subparagraph (A) and, at a minimum, include
37 all of the following fields:

38 (I) Timelines for implementation.

39 (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

1 standards, described in the program action required by that
2 subparagraph. Any subdivision of sites shall be subject to the
3 Subdivision Map Act (Division 2 (commencing with Section
4 66410)). Design review shall not constitute a “project” for purposes
5 of Division 13 (commencing with Section 21000) of the Public
6 Resources Code.

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

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

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

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

35 (4) For purposes of this subdivision, “housing development
36 project” means a project to construct residential units for which
37 the project developer provides sufficient legal commitments to the
38 appropriate local agency to ensure the continued availability and
39 use of at least 49 percent of the housing units for very low, low-,
40 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.

24 *SEC. 1.2. Section 65583 of the Government Code is amended*
25 *to read:*

26 65583. The housing element shall consist of an identification
27 and analysis of existing and projected housing needs and a
28 statement of goals, policies, quantified objectives, financial
29 resources, and scheduled programs for the preservation,
30 improvement, and development of housing. The housing element
31 shall identify adequate sites for housing, including rental housing,
32 factory-built housing, mobilehomes, and emergency shelters, and
33 shall make adequate provision for the existing and projected needs
34 of all economic segments of the community. The housing element
35 shall contain all of the following:

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

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

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

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

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

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

- 1 (i) The maximum number of beds or persons permitted to be
2 served nightly by the facility.
- 3 (ii) Sufficient parking to accommodate all staff working in the
4 emergency shelter, provided that the standards do not require more
5 parking for emergency shelters than other residential or commercial
6 uses within the same zone.
- 7 (iii) The size and location of exterior and interior onsite waiting
8 and client intake areas.
- 9 (iv) The provision of onsite management.
- 10 (v) The proximity to other emergency shelters, provided that
11 emergency shelters are not required to be more than 300 feet apart.
- 12 (vi) The length of stay.
- 13 (vii) Lighting.
- 14 (viii) Security during hours that the emergency shelter is in
15 operation.
- 16 (C) For purposes of this paragraph, “emergency shelter” shall
17 include other interim interventions, including, but not limited to,
18 a navigation center, bridge housing, and respite or recuperative
19 ~~care~~; *care, and all services provided onsite, including the addition*
20 *or expansion of services that are consistent with any written,*
21 *objective standards pursuant to subparagraph (B).*
- 22 (D) The permit processing, development, and management
23 standards applied under this paragraph shall not be deemed to be
24 discretionary acts within the meaning of the California
25 Environmental Quality Act (Division 13 (commencing with Section
26 21000) of the Public Resources Code).
- 27 (E) If a local government has adopted written, objective
28 standards pursuant to subparagraph (B), the local government shall
29 include an analysis of the standards in the analysis of constraints
30 pursuant to paragraph (5).
- 31 (F) A local government that can demonstrate, to the satisfaction
32 of the department, the existence of one or more emergency shelters
33 either within its jurisdiction or pursuant to a multijurisdictional
34 agreement that can accommodate that jurisdiction’s need and the
35 needs of the other jurisdictions that are a part of the agreement for
36 emergency shelter identified in paragraph (7) may comply with
37 the zoning requirements of subparagraph (A) by identifying a
38 zoning designation where new emergency shelters are allowed
39 with a conditional use permit.

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

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

10 (i) Vacant sites zoned for residential use.

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

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

29 (I) The zoning designation or designations shall have sufficient
30 sites meeting the requirements of subparagraph (H) to
31 accommodate the need for shelters identified pursuant to paragraph
32 (7). The number of people experiencing homelessness that can be
33 accommodated on any site shall be demonstrated by dividing the
34 square footage of the site by a minimum of 200 square feet per
35 person, unless the locality can demonstrate that one or more
36 shelters were developed on sites that have fewer square feet per
37 person during the prior planning period or the locality provides
38 similar evidence to the department demonstrating that the site can
39 accommodate more people experiencing homelessness. Any
40 standard applied pursuant to this subparagraph is intended only

1 for calculating site capacity pursuant to this section, and shall not
2 be construed as establishing a development standard applicable to
3 the siting, development, or approval of a shelter.

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

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

33 (6) An analysis of potential and actual nongovernmental
34 constraints upon the maintenance, improvement, or development
35 of housing for all income levels, including the availability of
36 financing, the price of land, the cost of construction, the requests
37 to develop housing at densities below those anticipated in the
38 analysis required by subdivision (c) of Section 65583.2, and the
39 length of time between receiving approval for a housing
40 development and submittal of an application for building permits

1 for that housing development that hinder the construction of a
2 locality's share of the regional housing need in accordance with
3 Section 65584. The analysis shall also demonstrate local efforts
4 to remove nongovernmental constraints that create a gap between
5 the locality's planning for the development of housing for all
6 income levels and the construction of that housing.

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

27 (B) For the seventh and subsequent revisions of the housing
28 element, the analysis required in subparagraph (A) shall also
29 include an analysis of the housing needs of acutely and extremely
30 low income households.

31 (8) An analysis of opportunities for energy conservation with
32 respect to residential development. Cities and counties are
33 encouraged to include weatherization and energy efficiency
34 improvements as part of publicly subsidized housing rehabilitation
35 projects. This may include energy efficiency measures that
36 encompass the building envelope, its heating and cooling systems,
37 and its electrical system.

38 (9) An analysis of existing assisted housing developments that
39 are eligible to change from low-income housing uses during the
40 next 10 years due to termination of subsidy contracts, mortgage

1 prepayment, or expiration of restrictions on use. “Assisted housing
2 developments,” for the purpose of this section, shall mean
3 multifamily rental housing that receives governmental assistance
4 under federal programs listed in subdivision (a) of Section
5 65863.10, state and local multifamily revenue bond programs,
6 local redevelopment programs, the federal Community
7 Development Block Grant Program, or local in-lieu fees. “Assisted
8 housing developments” shall also include multifamily rental units
9 that were developed pursuant to a local inclusionary housing
10 program or used to qualify for a density bonus pursuant to Section
11 65916.

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

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

27 (C) The analysis shall identify public and private nonprofit
28 corporations known to the local government that have legal and
29 managerial capacity to acquire and manage these housing
30 developments.

31 (D) The analysis shall identify and consider the use of all federal,
32 state, and local financing and subsidy programs that can be used
33 to preserve, for lower income households, the assisted housing
34 developments, identified in this paragraph, including, but not
35 limited to, federal Community Development Block Grant Program
36 funds, tax increment funds received by a redevelopment agency
37 of the community, and administrative fees received by a housing
38 authority operating within the community. In considering the use
39 of these financing and subsidy programs, the analysis shall identify
40 the amounts of funds under each available program that have not

1 been legally obligated for other purposes and that could be
2 available for use in preserving assisted housing developments.

3 (b) (1) A statement of the community's goals, quantified
4 objectives, and policies relative to affirmatively furthering fair
5 housing and to the maintenance, preservation, improvement, and
6 development of housing.

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

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

33 (1) Identify actions that will be taken to make sites available
34 during the planning period with appropriate zoning and
35 development standards and with services and facilities to
36 accommodate that portion of the city's or county's share of the
37 regional housing need for all income levels that could not be
38 accommodated on sites identified in the inventory completed
39 pursuant to paragraph (3) of subdivision (a) without rezoning, and
40 to comply with the requirements of Section 65584.09. Sites shall

1 be identified as needed to affirmatively further fair housing and
2 to facilitate and encourage the development of a variety of types
3 of housing for all income levels, including multifamily rental
4 housing, factory-built housing, mobilehomes, housing for
5 agricultural employees, supportive housing, single-room occupancy
6 units, emergency shelters, and transitional housing.

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

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

38 (ii) For adoption of the seventh and all subsequent revisions of
39 the housing element, rezonings shall be completed no later than

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

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

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

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

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

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

31 (C) Where the inventory of sites pursuant to paragraph (3) of
32 subdivision (a) does not identify adequate sites to accommodate
33 the need for farmworker housing, the program shall provide for
34 sufficient sites to meet the need with zoning that permits
35 farmworker housing use by right, including density and
36 development standards that could accommodate and facilitate the
37 feasibility of the development of farmworker housing for low- and
38 very low income households.

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

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

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

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

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

34 (6) Preserve for lower income households the assisted housing
35 developments identified pursuant to paragraph (9) of subdivision
36 (a). The program for preservation of the assisted housing
37 developments shall utilize, to the extent necessary, all available
38 federal, state, and local financing and subsidy programs identified
39 in paragraph (9) of subdivision (a), except where a community has
40 other urgent needs for which alternative funding sources are not

1 available. The program may include strategies that involve local
2 regulation and technical assistance.

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

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

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

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

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

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

37 (iii) An assessment of the contributing factors, including the
38 local and regional historical origins and current policies and
39 practices, for the fair housing issues identified under clauses (i)
40 and (ii).

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

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

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

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

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

32 (D) (i) ~~The~~ *On or before December 31, 2026, the* department
33 shall develop a standardized reporting format for programs and
34 actions taken pursuant to this paragraph. The standardized reporting
35 format shall enable the reporting of all of the assessment
36 components listed in subparagraph (A) and, at a minimum, include
37 all of the following fields:

38 (I) Timelines for implementation.

39 (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

1 standards, described in the program action required by that
2 subparagraph. Any subdivision of sites shall be subject to the
3 Subdivision Map Act (Division 2 (commencing with Section
4 66410)). Design review shall not constitute a “project” for purposes
5 of Division 13 (commencing with Section 21000) of the Public
6 Resources Code.

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

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

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

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

35 (4) For purposes of this subdivision, “housing development
36 project” means a project to construct residential units for which
37 the project developer provides sufficient legal commitments to the
38 appropriate local agency to ensure the continued availability and
39 use of at least 49 percent of the housing units for very low-, low-,
40 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.

24 *SEC. 1.3. Section 65583 of the Government Code is amended*
25 *to read:*

26 65583. The housing element shall consist of an identification
27 and analysis of existing and projected housing needs and a
28 statement of goals, policies, quantified objectives, financial
29 resources, and scheduled programs for the preservation,
30 improvement, and development of housing. The housing element
31 shall identify adequate sites for housing, including rental housing,
32 factory-built housing, mobilehomes, and emergency shelters, and
33 shall make adequate provision for the existing and projected needs
34 of all economic segments of the community. The housing element
35 shall contain all of the following:

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

- 1 (1) An analysis of population and employment trends and
2 documentation of projections and a quantification of the locality's
3 existing and projected housing needs for all income levels. These
4 existing and projected needs shall include the locality's share of
5 the regional housing need in accordance with Section 65584.
- 6 (2) An analysis and documentation of household characteristics,
7 including level of payment compared to ability to pay, housing
8 characteristics, including overcrowding, and housing stock
9 condition.
- 10 (3) An inventory of land suitable and available for residential
11 development, including vacant sites and sites having realistic and
12 demonstrated potential for redevelopment during the planning
13 period to meet the locality's housing need for a designated income
14 level, and an analysis of the relationship of zoning and public
15 facilities and services to these sites, and an analysis of the
16 relationship of the sites identified in the land inventory to the
17 jurisdiction's duty to affirmatively further fair housing.
- 18 (4) (A) The identification of one or more zoning designations
19 that allow residential uses, including mixed uses, where emergency
20 shelters are allowed as a permitted use without a conditional use
21 or other discretionary permit and that are suitable for residential
22 uses. The identified zoning designations shall include sufficient
23 sites meeting the requirements of subparagraph (H) with sufficient
24 capacity, as described in subparagraph (I), to accommodate the
25 need for emergency shelter identified in paragraph (7), except that
26 each local government shall identify a zoning designation or
27 designations that can accommodate at least one year-round
28 emergency shelter. If the local government cannot identify a zoning
29 designation or designations with sufficient capacity, the local
30 government shall include a program to amend its zoning ordinance
31 to meet the requirements of this paragraph within one year of the
32 adoption of the housing element. The local government may
33 identify additional zoning designations where emergency shelters
34 are permitted with a conditional use permit. The local government
35 shall also demonstrate that existing or proposed permit processing,
36 development, and management standards that apply to emergency
37 shelters are objective and encourage and facilitate the development
38 of, or conversion to, emergency shelters.
- 39 (B) Emergency shelters shall only be subject to the following
40 written, objective standards:

- 1 (i) The maximum number of beds or persons permitted to be
2 served nightly by the facility.
- 3 (ii) Sufficient parking to accommodate all staff working in the
4 emergency shelter, provided that the standards do not require more
5 parking for emergency shelters than other residential or commercial
6 uses within the same zone.
- 7 (iii) The size and location of exterior and interior onsite waiting
8 and client intake areas.
- 9 (iv) The provision of onsite management.
- 10 (v) The proximity to other emergency shelters, provided that
11 emergency shelters are not required to be more than 300 feet apart.
- 12 (vi) The length of stay.
- 13 (vii) Lighting.
- 14 (viii) Security during hours that the emergency shelter is in
15 operation.
- 16 (C) For purposes of this paragraph, “emergency shelter” shall
17 include other interim interventions, including, but not limited to,
18 a navigation center, bridge housing, and respite or recuperative
19 ~~care~~; *care, and all services provided onsite, including the addition*
20 *or expansion of services that are consistent with any written,*
21 *objective standards pursuant to subparagraph (B).*
- 22 (D) The permit processing, development, and management
23 standards applied under this paragraph shall not be deemed to be
24 discretionary acts within the meaning of the California
25 Environmental Quality Act (Division 13 (commencing with Section
26 21000) of the Public Resources Code).
- 27 (E) If a local government has adopted written, objective
28 standards pursuant to subparagraph (B), the local government shall
29 include an analysis of the standards in the analysis of constraints
30 pursuant to paragraph (5).
- 31 (F) A local government that can demonstrate, to the satisfaction
32 of the department, the existence of one or more emergency shelters
33 either within its jurisdiction or pursuant to a multijurisdictional
34 agreement that can accommodate that jurisdiction’s need and the
35 needs of the other jurisdictions that are a part of the agreement for
36 emergency shelter identified in paragraph (7) may comply with
37 the zoning requirements of subparagraph (A) by identifying a
38 zoning designation where new emergency shelters are allowed
39 with a conditional use permit.

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

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

10 (i) Vacant sites zoned for residential use.

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

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

29 (I) The zoning designation or designations shall have sufficient
30 sites meeting the requirements of subparagraph (H) to
31 accommodate the need for shelters identified pursuant to paragraph
32 (7). The number of people experiencing homelessness that can be
33 accommodated on any site shall be demonstrated by dividing the
34 square footage of the site by a minimum of 200 square feet per
35 person, unless the locality can demonstrate that one or more
36 shelters were developed on sites that have fewer square feet per
37 person during the prior planning period or the locality provides
38 similar evidence to the department demonstrating that the site can
39 accommodate more people experiencing homelessness. Any
40 standard applied pursuant to this subparagraph is intended only

1 for calculating site capacity pursuant to this section, and shall not
2 be construed as establishing a development standard applicable to
3 the siting, development, or approval of a shelter.

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

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

33 (A) *The analysis shall also demonstrate local efforts to remove
34 governmental constraints that hinder the locality from meeting its
35 share of the regional housing need in accordance with Section
36 65584 and from meeting the need for housing for persons with
37 disabilities, supportive housing, transitional housing, and
38 emergency shelters identified pursuant to paragraph (7).*

39 (B) (i) *For adoption of the seventh and all subsequent revisions
40 of the housing element, the analysis shall also include a potential*

1 *and actual governmental constraints disclosure statement*
2 *containing both of the following:*

3 *(I) An identification of each new or amended potential or actual*
4 *governmental constraint, or revision increasing the stringency of*
5 *a governmental constraint, adopted after the due date of the*
6 *previous housing element and before submittal of the current draft*
7 *housing element to the department.*

8 *(II) An identification of any new or amended potential or actual*
9 *governmental constraint, or revision increasing the stringency of*
10 *a governmental constraint, that the governing body of the local*
11 *government can anticipate adopting during the first three years*
12 *of the planning period commencing on the date that a local*
13 *agency's housing element is considered to be in substantial*
14 *compliance pursuant to Section 65585.03.*

15 *(ii) For the purposes of this subparagraph, "anticipate*
16 *adopting" means a legislative body of the local government had,*
17 *after the due date of the previous housing element and before*
18 *submittal of the current draft housing element, identified in an*
19 *agenda published by a legislative body of the local government*
20 *pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with*
21 *Section 54950) of Part 1 of Division 2 of Title 5) an action to*
22 *consider the adoption, amendment, or increase in the stringency*
23 *of a potential or actual governmental constraint.*

24 *(iii) This subparagraph shall not be construed to prohibit a*
25 *local government from adopting, amending, or increasing the*
26 *stringency of a potential or actual governmental constraint*
27 *regardless of whether it was included in a potential and actual*
28 *governmental constraints disclosure statement pursuant to this*
29 *subparagraph.*

30 *(6) An analysis of potential and actual nongovernmental*
31 *constraints upon the maintenance, improvement, or development*
32 *of housing for all income levels, including the availability of*
33 *financing, the price of land, the cost of construction, the requests*
34 *to develop housing at densities below those anticipated in the*
35 *analysis required by subdivision (c) of Section 65583.2, and the*
36 *length of time between receiving approval for a housing*
37 *development and submittal of an application for building permits*
38 *for that housing development that hinder the construction of a*
39 *locality's share of the regional housing need in accordance with*
40 *Section 65584. The analysis shall also demonstrate local efforts*

1 to remove nongovernmental constraints that create a gap between
2 the locality's planning for the development of housing for all
3 income levels and the construction of that housing.

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

24 (B) For the seventh and subsequent revisions of the housing
25 element, the analysis required in subparagraph (A) shall also
26 include an analysis of the housing needs of acutely and extremely
27 low income households.

28 (8) An analysis of opportunities for energy conservation with
29 respect to residential development. Cities and counties are
30 encouraged to include weatherization and energy efficiency
31 improvements as part of publicly subsidized housing rehabilitation
32 projects. This may include energy efficiency measures that
33 encompass the building envelope, its heating and cooling systems,
34 and its electrical system.

35 (9) An analysis of existing assisted housing developments that
36 are eligible to change from low-income housing uses during the
37 next 10 years due to termination of subsidy contracts, mortgage
38 prepayment, or expiration of restrictions on use. "Assisted housing
39 developments," for the purpose of this section, shall mean
40 multifamily rental housing that receives governmental assistance

1 under federal programs listed in subdivision (a) of Section
2 65863.10, state and local multifamily revenue bond programs,
3 local redevelopment programs, the federal Community
4 Development Block Grant Program, or local in-lieu fees. “Assisted
5 housing developments” shall also include multifamily rental units
6 that were developed pursuant to a local inclusionary housing
7 program or used to qualify for a density bonus pursuant to Section
8 65916.

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

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

24 (C) The analysis shall identify public and private nonprofit
25 corporations known to the local government that have legal and
26 managerial capacity to acquire and manage these housing
27 developments.

28 (D) The analysis shall identify and consider the use of all federal,
29 state, and local financing and subsidy programs that can be used
30 to preserve, for lower income households, the assisted housing
31 developments, identified in this paragraph, including, but not
32 limited to, federal Community Development Block Grant Program
33 funds, tax increment funds received by a redevelopment agency
34 of the community, and administrative fees received by a housing
35 authority operating within the community. In considering the use
36 of these financing and subsidy programs, the analysis shall identify
37 the amounts of funds under each available program that have not
38 been legally obligated for other purposes and that could be
39 available for use in preserving assisted housing developments.

1 (b) (1) A statement of the community’s goals, quantified
2 objectives, and policies relative to affirmatively furthering fair
3 housing and to the maintenance, preservation, improvement, and
4 development of housing.

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

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

31 (1) Identify actions that will be taken to make sites available
32 during the planning period with appropriate zoning and
33 development standards and with services and facilities to
34 accommodate that portion of the city’s or county’s share of the
35 regional housing need for all income levels that could not be
36 accommodated on sites identified in the inventory completed
37 pursuant to paragraph (3) of subdivision (a) without rezoning, and
38 to comply with the requirements of Section 65584.09. Sites shall
39 be identified as needed to affirmatively further fair housing and
40 to facilitate and encourage the development of a variety of types

1 of housing for all income levels, including multifamily rental
2 housing, factory-built housing, mobilehomes, housing for
3 agricultural employees, supportive housing, single-room occupancy
4 units, emergency shelters, and transitional housing.

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

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

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

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

8 (I) The local government submits a draft element or draft
9 amendment to the department for review pursuant to paragraph
10 (1) of subdivision (b) of Section 65585 at least 90 days before the
11 statutory deadline established in Section 65588 for adoption of the
12 housing element.

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

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

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

29 (C) Where the inventory of sites pursuant to paragraph (3) of
30 subdivision (a) does not identify adequate sites to accommodate
31 the need for farmworker housing, the program shall provide for
32 sufficient sites to meet the need with zoning that permits
33 farmworker housing use by right, including density and
34 development standards that could accommodate and facilitate the
35 feasibility of the development of farmworker housing for low- and
36 very low income households.

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

1 (B) For the seventh and subsequent revisions of the housing
2 element, the program shall also assist in the development of
3 adequate housing to meet the needs of acutely low income
4 households.

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

19 (4) Conserve and improve the condition of the existing
20 affordable housing stock, which may include addressing ways to
21 mitigate the loss of dwelling units demolished by public or private
22 action.

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

31 (6) Preserve for lower income households the assisted housing
32 developments identified pursuant to paragraph (9) of subdivision
33 (a). The program for preservation of the assisted housing
34 developments shall utilize, to the extent necessary, all available
35 federal, state, and local financing and subsidy programs identified
36 in paragraph (9) of subdivision (a), except where a community has
37 other urgent needs for which alternative funding sources are not
38 available. The program may include strategies that involve local
39 regulation and technical assistance.

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

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

12 (9) Include a diligent effort by the local government to achieve
13 public participation of all economic segments of the community
14 in the development of the housing element, and the program shall
15 describe this effort.

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

21 (i) A summary of fair housing issues in the jurisdiction and an
22 assessment of the jurisdiction’s fair housing enforcement and fair
23 housing outreach capacity.

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

35 (iii) An assessment of the contributing factors, including the
36 local and regional historical origins and current policies and
37 practices, for the fair housing issues identified under clauses (i)
38 and (ii).

39 (iv) An identification of the jurisdiction’s fair housing priorities
40 and goals, giving highest priority to those factors identified in

1 clause (iii) that limit or deny fair housing choice or access to
2 opportunity, or negatively impact fair housing or civil rights
3 compliance, and identifying the metrics and milestones for
4 determining what fair housing results will be achieved.

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

12 (B) A jurisdiction that completes or revises an assessment of
13 fair housing pursuant to Subpart A (commencing with Section
14 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal
15 Regulations, as published in Volume 80 of the Federal Register,
16 Number 136, page 42272, dated July 16, 2015, or an analysis of
17 impediments to fair housing choice in accordance with the
18 requirements of Section 91.225 of Title 24 of the Code of Federal
19 Regulations in effect before August 17, 2015, may incorporate
20 relevant portions of that assessment or revised assessment of fair
21 housing or analysis or revised analysis of impediments to fair
22 housing into its housing element.

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

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

30 (D) (i) ~~The~~ *On or before December 31, 2026, the* department
31 shall develop a standardized reporting format for programs and
32 actions taken pursuant to this paragraph. The standardized reporting
33 format shall enable the reporting of all of the assessment
34 components listed in subparagraph (A) and, at a minimum, include
35 all of the following fields:

- 36 (I) Timelines for implementation.
- 37 (II) Responsible party or parties.
- 38 (III) Resources committed from the local budget to affirmatively
39 further fair housing.
- 40 (IV) Action areas.

1 (V) Potential impacts of the program.

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

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

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

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

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

21 (B) The jurisdiction's contribution to the facility for both the
22 development and ongoing operation and management of the
23 facility.

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

26 (4) The aggregate capacity claimed by the participating
27 jurisdictions in their housing elements shall not exceed the actual
28 capacity of the shelter.

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

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

37 (2) Any housing element or housing element amendment
38 prepared pursuant to subdivision (e) of Section 65588 or Section
39 65584.02, when the city, county, or city and county fails to submit

1 the first draft to the department before the due date specified in
2 Section 65588 or 65584.02.

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

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

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

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

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

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

1 66410)). Design review shall not constitute a “project” for purposes
2 of Division 13 (commencing with Section 21000) of the Public
3 Resources Code.

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

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

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

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

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

1 (h) An action to enforce the program actions of the housing
2 element shall be brought pursuant to Section 1085 of the Code of
3 Civil Procedure.

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

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

21 SEC. 2. Section 65584 of the Government Code is amended
22 to read:

23 65584. (a) (1) For the fourth and subsequent revisions of the
24 housing element pursuant to Section 65588, the department shall
25 determine the existing and projected need for housing for each
26 region pursuant to this article. For purposes of subdivision (a) of
27 Section 65583, the share of a city or county of the regional housing
28 need shall include that share of the housing need of persons at all
29 income levels within the area significantly affected by the general
30 plan of the city or county.

31 (2) It is the intent of the Legislature that cities, counties, and
32 cities and counties should undertake all necessary actions to
33 encourage, promote, and facilitate the development of housing to
34 accommodate the entire regional housing need, and reasonable
35 actions should be taken by local and regional governments to
36 ensure that future housing production meets, at a minimum, the
37 regional housing need established for planning purposes. These
38 actions shall include applicable reforms and incentives in Section
39 65582.1.

1 (3) The Legislature finds and declares that insufficient housing
2 in job centers hinders the state’s environmental quality and runs
3 counter to the state’s environmental goals. In particular, when
4 Californians seeking affordable housing are forced to drive longer
5 distances to work, an increased amount of greenhouse gases and
6 other pollutants are released and puts in jeopardy the achievement
7 of the state’s climate goals, as established pursuant to Section
8 38566 of the Health and Safety Code, and clean air goals.

9 (b) (1) (A) The department, in consultation with each council
10 of governments, shall determine each region’s existing and
11 projected housing need pursuant to Section 65584.01 at least three
12 years prior to the scheduled revision required pursuant to Section
13 65588, except in the following circumstances:

14 (i) For regions with a scheduled housing element revision due
15 date in the 2027 calendar year, the department shall determine the
16 region’s housing need at least two years ~~before~~ *prior to* the
17 scheduled revision.

18 (ii) For regions with a scheduled housing element revision due
19 date in the 2028 calendar year or the first ~~six~~ 6 months of the 2029
20 calendar year, the department shall determine the region’s housing
21 need at least 32 months ~~before~~ *prior to* the scheduled revision.

22 (B) For cities and counties without a council of governments,
23 the department shall determine each region’s existing and projected
24 housing need pursuant to Section 65584.01 at least ~~30~~ 24 months
25 ~~before~~ *prior to* the scheduled revision required pursuant to Section
26 65588, ~~except for cities and counties with a scheduled housing~~
27 ~~element revision due date in the 2027 calendar year or the first six~~
28 ~~months of the 2028 calendar year, the department shall determine~~
29 ~~their existing and projected housing need at least two years before~~
30 ~~the scheduled revision.~~ 65588.

31 (2) The appropriate council of governments, or for cities and
32 counties without a council of governments, the department, shall
33 adopt a final regional housing need plan that allocates a share of
34 the regional housing need to each city, county, or city and county
35 at least one year prior to the scheduled revision for the region
36 required by Section 65588. The allocation plan prepared by a
37 council of governments shall be prepared pursuant to Sections
38 65584.04 and 65584.05.

39 (c) Notwithstanding any other provision of law, the due dates
40 for the determinations of the department or for the council of

1 governments, respectively, regarding the regional housing need
2 may be extended by the department by not more than 60 days if
3 the extension will enable access to more recent critical population
4 or housing data from a pending or recent release of the United
5 States Census Bureau or the Department of Finance. If the due
6 date for the determination of the department or the council of
7 governments is extended for this reason, the department shall
8 extend the corresponding housing element revision deadline
9 pursuant to Section 65588 by not more than 60 days.

10 (d) The regional housing needs allocation plan shall further all
11 of the following objectives:

12 (1) Increasing the housing supply and the mix of housing types,
13 tenure, and affordability in all cities and counties within the region
14 in an equitable manner, which shall result in each jurisdiction
15 receiving an allocation of units for low- and very low income
16 households. The regional housing needs allocation plan shall
17 allocate units for extremely low and acutely low income households
18 in a manner that is roughly proportional to, and within a range of
19 3 percent of, the housing need for very low income households.

20 (2) Promoting infill development and socioeconomic equity,
21 the protection of environmental and agricultural resources, the
22 encouragement of efficient development patterns, and the
23 achievement of the region's greenhouse gas reductions targets
24 provided by the State Air Resources Board pursuant to Section
25 65080.

26 (3) Promoting an improved intraregional relationship between
27 jobs and housing, including an improved balance between the
28 number of low-wage jobs and the number of housing units
29 affordable to low-wage workers in each jurisdiction.

30 (4) Allocating a lower proportion of housing need to an income
31 category when a jurisdiction already has a disproportionately high
32 share of households in that income category, as compared to the
33 countywide distribution of households in that category from the
34 most recent American Community Survey.

35 (5) Affirmatively furthering fair housing.

36 (e) For purposes of this section, "affirmatively furthering fair
37 housing" means taking meaningful actions, in addition to
38 combating discrimination, that overcome patterns of segregation
39 and foster inclusive communities free from barriers that restrict
40 access to opportunity based on protected characteristics.

1 Specifically, affirmatively furthering fair housing means taking
2 meaningful actions that, taken together, address significant
3 disparities in housing needs and in access to opportunity, replacing
4 segregated living patterns with truly integrated and balanced living
5 patterns, transforming racially and ethnically concentrated areas
6 of poverty into areas of opportunity, and fostering and maintaining
7 compliance with civil rights and fair housing laws.

8 (f) (1) Subject to paragraph (2), for purposes of this section
9 with respect to revisions of the housing element through the sixth
10 revision, “household income levels” are as determined by the
11 department pursuant to the following code sections:

12 (A) Very low incomes, as defined by Section 50105 of the
13 Health and Safety Code.

14 (B) Lower incomes, as defined by Section 50079.5 of the Health
15 and Safety Code.

16 (C) Moderate incomes, as defined by Section 50093 of the
17 Health and Safety Code.

18 (D) Above moderate incomes are those exceeding the
19 moderate-income level of Section 50093 of the Health and Safety
20 Code.

21 (2) For purposes of this section with respect to the seventh and
22 subsequent revisions of the housing element, “household income
23 levels” are as determined by the department in accordance with
24 the definitions of acutely low, extremely low, very low, low,
25 moderate, and above moderate income in Section 65582.

26 (g) Notwithstanding any other provision of law, determinations
27 made by the department, a council of governments, or a city or
28 county pursuant to this section or Section 65584.01, 65584.02,
29 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08
30 are exempt from the California Environmental Quality Act
31 (Division 13 (commencing with Section 21000) of the Public
32 Resources Code).

33 SEC. 3. Section 65584.01 of the Government Code is amended
34 to read:

35 65584.01. For the fourth and subsequent revision of the housing
36 element pursuant to Section 65588, the department, in consultation
37 with each council of governments, where applicable, shall
38 determine the existing and projected need for housing for each
39 region in the following manner:

1 (a) The department's determination shall be based upon
2 population projections produced by the Department of Finance
3 and regional population forecasts used in preparing regional
4 transportation plans, in consultation with each council of
5 governments. If the total regional population forecast for the
6 projection year, developed by the council of governments and used
7 for the preparation of the regional transportation plan, is within a
8 range of 1.5 percent of the total regional population forecast for
9 the projection year by the Department of Finance, then the
10 population forecast developed by the council of governments shall
11 be the basis from which the department determines the existing
12 and projected need for housing in the region. If the difference
13 between the total population projected by the council of
14 governments and the total population projected for the region by
15 the Department of Finance is greater than 1.5 percent, then the
16 department and the council of governments shall meet to discuss
17 variances in methodology used for population projections and seek
18 agreement on a population projection for the region to be used as
19 a basis for determining the existing and projected housing need
20 for the region. If agreement is not reached, then the population
21 projection for the region shall be the population projection for the
22 region prepared by the Department of Finance as may be modified
23 by the department as a result of discussions with the council of
24 governments.

25 (b) (1) Subject to the applicable deadline specified in paragraph
26 (2), and prior to developing the existing and projected housing
27 need for a region, the department shall meet and consult with the
28 council of governments regarding the assumptions and
29 methodology to be used by the department to determine the
30 region's housing needs. The council of governments shall provide
31 data assumptions from the council's projections, including, if
32 available, the following data for the region:

33 (A) Anticipated household growth associated with projected
34 population increases.

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

36 (C) The percentage of households that are overcrowded within
37 the region and the percentage of households that are overcrowded
38 throughout the nation. For purposes of this subparagraph, the term
39 "overcrowded" means more than one resident per room in each
40 room in a dwelling.

1 (D) The rate of household formation, or headship rates, based
2 on age, gender, ethnicity, or other established demographic
3 measures.

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

9 (F) Other characteristics of the composition of the projected
10 population.

11 (G) The relationship between jobs and housing, including any
12 imbalance between jobs and housing.

13 (H) The percentage of households that are cost burdened within
14 the region and the percentage of households that are cost burdened
15 throughout the nation. For the purposes of this subparagraph, the
16 term “cost burdened” means the share of very low, low-, moderate-,
17 and above moderate-income households that are paying more than
18 30 percent of household income on housing costs.

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

25 (J) The housing needs of individuals and families experiencing
26 homelessness.

27 (i) The data utilized by the council of governments shall align
28 with homelessness data best practices as determined by the
29 department.

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

34 (2) The deadline for the department to meet and consult with
35 each council of governments pursuant to paragraph (1) shall be as
36 follows:

37 (A) For the fourth, fifth, and sixth revisions of the housing
38 element, at least 26 months prior to the scheduled revision pursuant
39 to Section 65588.

1 (B) For the seventh revision of the housing element, the
2 applicable of the following:

3 (i) With respect to the following councils of governments, at
4 least 26 months prior to the scheduled revision pursuant to Section
5 65588:

6 (I) The Humboldt County Association of Governments.

7 (II) The Lake Area Planning Council.

8 (III) The Mendocino Council of Governments.

9 (IV) The County of Nevada.

10 (ii) With respect to the following councils of governments, at
11 least 34 months prior to the scheduled revision pursuant to Section
12 65588:

13 (I) The San Luis Obispo Council of Governments.

14 (II) The Sacramento Area Council of Governments.

15 (iii) With respect to all councils of governments other than those
16 specified in clauses (i) and (ii), at least 38 months prior to the
17 scheduled revision pursuant to Section 65588.

18 (C) For the eighth and subsequent revisions of the housing
19 element, at least 38 months prior to the scheduled revision pursuant
20 to Section 65588.

21 (3) The department may accept or reject the information
22 provided by the council of governments or modify its own
23 assumptions or methodology based on this information. After
24 consultation with the council of governments, the department shall
25 make determinations in writing on the assumptions for each of the
26 factors listed in subparagraphs (A) to (I), inclusive, of paragraph
27 (1) and the methodology it shall use and shall provide these
28 determinations to the council of governments. The methodology
29 submitted by the department may make adjustments based on the
30 region's total projected households, which includes existing
31 households as well as projected households.

32 (c) (1) After consultation with the council of governments, the
33 department shall make a determination of the region's existing
34 and projected housing need based upon the assumptions and
35 methodology determined pursuant to subdivision (b). The region's
36 existing and projected housing need shall reflect the achievement
37 of a feasible balance between jobs and housing within the region
38 using the regional employment projections in the applicable
39 regional transportation plan. Within 30 days following notice of
40 the determination from the department, the council of governments

1 may file an objection to the department’s determination of the
2 region’s existing and projected housing need with the department.

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

5 (A) The department failed to base its determination on the
6 population projection for the region established pursuant to
7 subdivision (a), and shall identify the population projection which
8 the council of governments believes should instead be used for the
9 determination and explain the basis for its rationale.

10 (B) The regional housing need determined by the department
11 is not a reasonable application of the methodology and assumptions
12 determined pursuant to subdivision (b). The objection shall include
13 a proposed alternative determination of its regional housing need
14 based upon the determinations made in subdivision (b), including
15 analysis of why the proposed alternative would be a more
16 reasonable application of the methodology and assumptions
17 determined pursuant to subdivision (b).

18 (3) If a council of governments files an objection pursuant to
19 this subdivision and includes with the objection a proposed
20 alternative determination of its regional housing need, it shall also
21 include documentation of its basis for the alternative determination.
22 Within 45 days of receiving an objection filed pursuant to this
23 section, the department shall consider the objection and make a
24 final written determination of the region’s existing and projected
25 housing need that includes an explanation of the information upon
26 which the determination was made.

27 (4) In regions in which the department is required to distribute
28 the regional housing need pursuant to Section 65584.06, no city
29 or county may file an objection to the regional housing need
30 determination.

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

34 *SEC. 3.5. Section 65584.01 of the Government Code is*
35 *amended to read:*

36 65584.01. For the fourth and subsequent revision of the housing
37 element pursuant to Section 65588, the department, in consultation
38 with each council of governments, where applicable, shall
39 determine the existing and projected need for housing for each
40 region in the following manner:

1 (a) The department's determination shall be based upon
2 population projections produced by the Department of Finance
3 and regional population forecasts used in preparing regional
4 transportation plans, in consultation with each council of
5 governments. If the total regional population forecast for the
6 projection year, developed by the council of governments and used
7 for the preparation of the regional transportation plan, is within a
8 range of 1.5 percent of the total regional population forecast for
9 the projection year by the Department of Finance, then the
10 population forecast developed by the council of governments shall
11 be the basis from which the department determines the existing
12 and projected need for housing in the region. If the difference
13 between the total population projected by the council of
14 governments and the total population projected for the region by
15 the Department of Finance is greater than 1.5 percent, then the
16 department and the council of governments shall meet to discuss
17 variances in methodology used for population projections and seek
18 agreement on a population projection for the region to be used as
19 a basis for determining the existing and projected housing need
20 for the region. If agreement is not reached, then the population
21 projection for the region shall be the population projection for the
22 region prepared by the Department of Finance as may be modified
23 by the department as a result of discussions with the council of
24 governments.

25 (b) (1) ~~At least 26 months prior to the scheduled revision~~
26 ~~pursuant to Section 65588-Subject to the applicable deadline~~
27 ~~specified in paragraph (2), and prior to before~~ developing the
28 existing and projected housing need for a region, the department
29 shall meet and consult with the council of governments regarding
30 the assumptions and methodology to be used by the department
31 to determine the region's housing needs. The council of
32 governments shall provide data assumptions from the council's
33 projections, including, if available, the following data for the
34 region:

35 (A) (i) Anticipated household growth associated with projected
36 population increases.

37 (ii) *The Department of Finance shall consider changes in*
38 *enrollment levels at campuses of the University of California or*
39 *the California State University in the region, as forecasted by the*
40 *University of California and the California State University*

1 *pursuant to paragraph (9) of subdivision (e) of Section 65584.04,*
2 *when preparing the anticipated household growth associated with*
3 *projected population increases.*

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

5 (C) The percentage of households that are overcrowded within
6 the region and the percentage of households that are overcrowded
7 throughout the nation. For purposes of this subparagraph, the term
8 “overcrowded” means more than one resident per room in each
9 room in a dwelling.

10 (D) The rate of household formation, or headship rates, based
11 on age, gender, ethnicity, or other established demographic
12 measures.

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

18 (F) Other characteristics of the composition of the projected
19 population.

20 (G) The relationship between jobs and housing, including any
21 imbalance between jobs and housing.

22 (H) The percentage of households that are cost burdened within
23 the region and the percentage of households that are cost burdened
24 throughout the nation. For the purposes of this subparagraph, the
25 term “cost burdened” means the share of very low, low-, moderate-,
26 and above moderate-income households that are paying more than
27 30 percent of household income on housing costs.

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

34 (J) The housing needs of individuals and families experiencing
35 homelessness.

36 (i) The data ~~utilized~~ *used* by the council of governments shall
37 align with homelessness data best practices as determined by the
38 department.

39 (ii) Sources of homelessness data may include the Homeless
40 Data Integration System administered by the Interagency Council

1 on Homelessness, the homeless point-in-time count, or other
 2 sources deemed appropriate by the department.
 3 (2) *The deadline for the department to meet and consult with*
 4 *each council of governments pursuant to paragraph (1) shall be*
 5 *as follows:*
 6 (A) *For the fourth, fifth, and sixth revisions of the housing*
 7 *element, at least 26 months prior to the scheduled revision pursuant*
 8 *to Section 65588.*
 9 (B) *For the seventh revision of the housing element, the*
 10 *applicable of the following:*
 11 (i) *With respect to the following councils of governments, at*
 12 *least 26 months prior to the scheduled revision pursuant to Section*
 13 *65588:*
 14 (I) *The Humboldt County Association of Governments.*
 15 (II) *The Lake Area Planning Council.*
 16 (III) *The Mendocino Council of Governments.*
 17 (IV) *The County of Nevada.*
 18 (ii) *With respect to the following councils of governments, at*
 19 *least 34 months prior to the scheduled revision pursuant to Section*
 20 *65588:*
 21 (I) *The San Luis Obispo Council of Governments.*
 22 (II) *The Sacramento Area Council of Governments.*
 23 (iii) *With respect to all councils of governments other than those*
 24 *specified in clauses (i) and (ii), at least 38 months prior to the*
 25 *scheduled revision pursuant to Section 65588.*
 26 (C) *For the eighth and subsequent revisions of the housing*
 27 *element, at least 38 months prior to the scheduled revision pursuant*
 28 *to Section 65588.*
 29 ~~(2)~~
 30 (3) The department may accept or reject the information
 31 provided by the council of governments or modify its own
 32 assumptions or methodology based on this information. After
 33 consultation with the council of governments, the department shall
 34 make determinations in writing on the assumptions for each of the
 35 factors listed in subparagraphs (A) to (I), inclusive, of paragraph
 36 (1) and the methodology it shall use and shall provide these
 37 determinations to the council of governments. The methodology
 38 submitted by the department may make adjustments based on the
 39 region’s total projected households, which includes existing
 40 households as well as projected households.

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

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

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

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

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

36 (4) In regions in which the department is required to distribute
37 the regional housing need pursuant to Section 65584.06, no city
38 or county may file an objection to the regional housing need
39 determination.

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

4 SEC. 4. Section 65584.03 of the Government Code is amended
5 to read:

6 65584.03. (a) At least 34 months prior to the scheduled housing
7 element update required by Section 65588, at least two or more
8 cities and a county, or counties, may form a subregional entity for
9 the purpose of allocation of the subregion's existing and projected
10 need for housing among its members in accordance with the
11 allocation methodology established pursuant to Section 65584.04.
12 The purpose of establishing a subregion shall be to recognize the
13 community of interest and mutual challenges and opportunities
14 for providing housing within a subregion. A subregion formed
15 pursuant to this section may include a single county and each of
16 the cities in that county or any other combination of geographically
17 contiguous local governments and shall be approved by the
18 adoption of a resolution by each of the local governments in the
19 subregion as well as by the council of governments. All decisions
20 of the subregion shall be approved by vote as provided for in rules
21 adopted by the local governments comprising the subregion or
22 shall be approved by vote of the county or counties, if any, and
23 the majority of the cities with the majority of population within a
24 county or counties.

25 (b) Upon formation of the subregional entity, the entity shall
26 notify the council of governments of this formation. If the council
27 of governments has not received notification from an eligible
28 subregional entity at least 34 months prior to the scheduled housing
29 element update required by Section 65588, the council of
30 governments shall implement the provisions of Sections 65584
31 and 65584.04. The delegate subregion and the council of
32 governments shall enter into an agreement that sets forth the
33 process, timing, and other terms and conditions of the delegation
34 of responsibility by the council of governments to the subregion.

35 (c) At least 31 months prior to the scheduled revision, the
36 council of governments shall determine the share of regional
37 housing need assigned to each delegate subregion. The share or
38 shares allocated to the delegate subregion or subregions by a
39 council of governments shall be in a proportion consistent with
40 the distribution of households assumed for the comparable time

1 period of the applicable regional transportation plan. Prior to
2 allocating the regional housing needs to any delegate subregion
3 or subregions, the council of governments shall hold at least one
4 public hearing, and may consider requests for revision of the
5 proposed allocation to a subregion. If a proposed revision is
6 rejected, the council of governments shall respond with a written
7 explanation of why the proposed revised share has not been
8 accepted.

9 (d) Each delegate subregion shall fully allocate its share of the
10 regional housing need to local governments within its subregion.
11 If a delegate subregion fails to complete the regional housing need
12 allocation process among its member jurisdictions in a manner
13 consistent with this article and with the delegation agreement
14 between the subregion and the council of governments, the
15 allocations to member jurisdictions shall be made by the council
16 of governments.

17 *SEC. 4.5. Section 65584.03 of the Government Code is*
18 *amended to read:*

19 65584.03. (a) At least ~~28~~ 34 months prior to the scheduled
20 housing element update required by Section 65588, at least two
21 or more cities and a county, or counties, may form a subregional
22 entity for the purpose of allocation of the subregion's existing and
23 projected need for housing among its members in accordance with
24 the allocation methodology established pursuant to Section
25 65584.04. The purpose of establishing a subregion shall be to
26 recognize the community of interest and mutual challenges and
27 opportunities for providing housing within a subregion. A
28 subregion formed pursuant to this section may include a single
29 county and each of the cities in that county or any other
30 combination of geographically contiguous local governments and
31 shall be approved by the adoption of a resolution by each of the
32 local governments in the subregion as well as by the council of
33 governments. All decisions of the subregion shall be approved by
34 vote as provided for in rules adopted by the local governments
35 comprising the subregion or shall be approved by vote of the
36 county or counties, if any, and the majority of the cities with the
37 majority of population within a county or counties.

38 (b) Upon formation of the subregional entity, the entity shall
39 notify the council of governments of this formation. If the council
40 of governments has not received notification from an eligible

1 subregional entity at least ~~28~~ 34 months prior to the scheduled
2 housing element update required by Section 65588, the council of
3 governments shall implement the provisions of Sections 65584
4 and 65584.04. The delegate subregion and the council of
5 governments shall enter into an agreement that sets forth the
6 process, timing, and other terms and conditions of the delegation
7 of responsibility by the council of governments to the subregion.

8 (c) At least ~~25~~ 31 months prior to the scheduled revision, the
9 council of governments shall determine the share of regional
10 housing need assigned to each delegate subregion. The share or
11 shares allocated to the delegate subregion or subregions by a
12 council of governments shall be in a proportion consistent with
13 ~~the distribution of households assumed for the comparable time~~
14 ~~period of the applicable regional transportation plan.~~ *subregion's*
15 *share of the current adopted final regional housing need allocation*
16 *plan.* Prior to allocating the regional housing needs to any delegate
17 subregion or subregions, the council of governments shall hold at
18 least one public hearing, and may consider requests for revision
19 of the proposed allocation to a subregion. If a proposed revision
20 is rejected, the council of governments shall respond with a written
21 explanation of why the proposed revised share has not been
22 accepted.

23 (d) Each delegate subregion shall fully allocate its share of the
24 regional housing need to local governments within its subregion.
25 If a delegate subregion fails to complete the regional housing need
26 allocation process among its member jurisdictions in a manner
27 consistent with this article and with the delegation agreement
28 between the subregion and the council of governments, the
29 allocations to member jurisdictions shall be made by the council
30 of governments.

31 SEC. 5. Section 65584.04 of the Government Code is amended
32 to read:

33 65584.04. (a) At least two and one-half years before a
34 scheduled revision required by Section 65588, each council of
35 governments, or delegate subregion as applicable, shall develop,
36 in consultation with the department, a proposed methodology for
37 distributing the existing and projected regional housing need to
38 cities, counties, and cities and counties within the region or within
39 the subregion, where applicable pursuant to this section. The

1 methodology shall further the objectives listed in subdivision (d)
2 of Section 65584.

3 (b) (1) No more than six months before the development of a
4 proposed methodology for distributing the existing and projected
5 housing need, each council of governments shall survey each of
6 its member jurisdictions to request, at a minimum, information
7 regarding the factors listed in subdivision (e) that will allow the
8 development of a methodology based upon the factors established
9 in subdivision (e).

10 (2) With respect to the objective in paragraph (5) of subdivision
11 (d) of Section 65584, the survey shall review and compile
12 information that will allow the development of a methodology
13 based upon the issues, strategies, and actions that are included, as
14 available, in an Analysis of Impediments to Fair Housing Choice
15 or an Assessment of Fair Housing completed by any city or county
16 or the department that covers communities within the area served
17 by the council of governments, and in housing elements adopted
18 pursuant to this article by cities and counties within the area served
19 by the council of governments.

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

23 (4) The information provided by a local government pursuant
24 to this section shall be used, to the extent possible, by the council
25 of governments, or delegate subregion as applicable, as source
26 information for the methodology developed pursuant to this section.
27 The survey shall state that none of the information received may
28 be used as a basis for reducing the total housing need established
29 for the region pursuant to Section 65584.01.

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

34 (c) The council of governments shall electronically report the
35 results of the survey of fair housing issues, strategies, and actions
36 compiled pursuant to paragraph (2) of subdivision (b). The report
37 shall describe common themes and effective strategies employed
38 by cities and counties within the area served by the council of
39 governments, including common themes and effective strategies
40 around avoiding the displacement of lower income households.

1 The council of governments shall also identify significant barriers
2 to affirmatively furthering fair housing at the regional level and
3 may recommend strategies or actions to overcome those barriers.
4 A council of governments or metropolitan planning organization,
5 as appropriate, may use this information for any other purpose,
6 including publication within a regional transportation plan adopted
7 pursuant to Section 65080 or to inform the land use assumptions
8 that are applied in the development of a regional transportation
9 plan.

10 (d) Public participation and access shall be required in the
11 development of the methodology and in the process of drafting
12 and adoption of the allocation of the regional housing needs.
13 Participation by organizations other than local jurisdictions and
14 councils of governments shall be solicited in a diligent effort to
15 achieve public participation of all economic segments of the
16 community as well as members of protected classes under Section
17 12955 and households with special housing needs under paragraph
18 (7) of subdivision (a) of Section 65583. The proposed
19 methodology, along with any relevant underlying data and
20 assumptions, an explanation of how information about local
21 government conditions gathered pursuant to subdivision (b) has
22 been used to develop the proposed methodology, how each of the
23 factors listed in subdivision (e) is incorporated into the
24 methodology, and how the proposed methodology furthers the
25 objectives listed in subdivision (d) of Section 65584, shall be
26 distributed to all cities, counties, any subregions, and members of
27 the public who have made a written or electronic request for the
28 proposed methodology and published on the council of
29 governments', or delegate subregion's, internet website. The
30 council of governments, or delegate subregion, as applicable, shall
31 conduct at least one public hearing to receive oral and written
32 comments on the proposed methodology.

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

38 (1) Each member jurisdiction's existing and projected jobs and
39 housing relationship. This shall include an estimate based on
40 readily available data on the number of low-wage jobs within the

1 jurisdiction and how many housing units within the jurisdiction
2 are affordable to low-wage workers as well as an estimate based
3 on readily available data, of projected job growth and projected
4 household growth by income level within each member jurisdiction
5 during the planning period.

6 (2) The opportunities and constraints to development of
7 additional housing in each member jurisdiction, including all of
8 the following:

9 (A) Lack of capacity for sewer or water service due to federal
10 or state laws, regulations or regulatory actions, or supply and
11 distribution decisions made by a sewer or water service provider
12 other than the local jurisdiction that preclude the jurisdiction from
13 providing necessary infrastructure for additional development
14 during the planning period.

15 (B) The availability of land suitable for urban development or
16 for conversion to residential use, the availability of underutilized
17 land, and opportunities for infill development and increased
18 residential densities. The council of governments may not limit
19 its consideration of suitable housing sites or land suitable for urban
20 development to existing zoning ordinances and land use restrictions
21 of a locality, but shall consider the potential for increased
22 residential development under alternative zoning ordinances and
23 land use restrictions. The determination of available land suitable
24 for urban development may exclude lands where the Federal
25 Emergency Management Agency (FEMA) or the Department of
26 Water Resources has determined that the flood management
27 infrastructure designed to protect that land is not adequate to avoid
28 the risk of flooding.

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

36 (D) County policies to preserve prime agricultural land, as
37 defined pursuant to Section 56064, within an unincorporated area
38 and land within an unincorporated area zoned or designated for
39 agricultural protection or preservation that is subject to a local

1 ballot measure that was approved by the voters of that jurisdiction
2 that prohibits or restricts its conversion to nonagricultural uses.

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

5 (3) The distribution of household growth assumed for purposes
6 of a comparable period of regional transportation plans and
7 opportunities to maximize the use of public transportation and
8 existing transportation infrastructure.

9 (4) Agreements between a county and cities in a county to direct
10 growth toward incorporated areas of the county and land within
11 an unincorporated area zoned or designated for agricultural
12 protection or preservation that is subject to a local ballot measure
13 that was approved by the voters of the jurisdiction that prohibits
14 or restricts conversion to nonagricultural uses.

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

19 (6) The percentage of existing households at each of the income
20 levels listed in subdivision (f) of Section 65584 that are paying
21 more than 30 percent and more than 50 percent of their income in
22 rent.

23 (7) The rate of overcrowding.

24 (8) The housing needs of farmworkers.

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

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

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

1 (12) The region’s greenhouse gas emissions targets provided
2 by the State Air Resources Board pursuant to Section 65080.

3 (13) Any other factors adopted by the council of governments,
4 that further the objectives listed in subdivision (d) of Section
5 65584, provided that the council of governments specifies which
6 of the objectives each additional factor is necessary to further. The
7 council of governments may include additional factors unrelated
8 to furthering the objectives listed in subdivision (d) of Section
9 65584 so long as the additional factors do not undermine the
10 objectives listed in subdivision (d) of Section 65584 and are applied
11 equally across all household income levels as described in
12 subdivision (f) of Section 65584 and the council of governments
13 makes a finding that the factor is necessary to address significant
14 health and safety conditions.

15 (f) The council of governments, or delegate subregion, as
16 applicable, shall explain in writing how each of the factors
17 described in subdivision (e) was incorporated into the methodology
18 and how the methodology furthers the objectives listed in
19 subdivision (d) of Section 65584. The methodology may include
20 numerical weighting. This information, and any other supporting
21 materials used in determining the methodology, shall be posted
22 on the council of governments’, or delegate subregion’s, internet
23 website.

24 (g) The following criteria shall not be a justification for a
25 determination or a reduction in a jurisdiction’s share of the regional
26 housing need:

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

30 (2) Prior underproduction of housing in a city or county from
31 the previous regional housing need allocation, as determined by
32 each jurisdiction’s annual production report submitted pursuant
33 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
34 65400.

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

37 (h) Following the conclusion of the public comment period
38 described in subdivision (d) on the proposed allocation
39 methodology, and after making any revisions deemed appropriate
40 by the council of governments, or delegate subregion, as applicable,

1 as a result of comments received during the public comment period,
2 and as a result of consultation with the department, each council
3 of governments, or delegate subregion, as applicable, shall publish
4 a draft allocation methodology on its internet website and submit
5 the draft allocation methodology, along with the information
6 required pursuant to subdivision (e), to the department.

7 (i) Within 60 days, the department shall review the draft
8 allocation methodology and report its written findings to the
9 council of governments, or delegate subregion, as applicable. In
10 its written findings the department shall determine whether the
11 methodology furthers the objectives listed in subdivision (d) of
12 Section 65584. If the department determines that the methodology
13 is not consistent with subdivision (d) of Section 65584, the council
14 of governments, or delegate subregion, as applicable, shall take
15 both of the following actions:

16 (1) Revise the methodology, in consultation with the department,
17 to further the objectives listed in subdivision (d) of Section 65584
18 within 45 days.

19 (2) Receive department acceptance that the revised methodology
20 furthers the objectives listed in subdivision (d) of Section 65584
21 and adopt a final regional, or subregional, housing need allocation
22 methodology.

23 (j) If the department's findings are not available within the time
24 limits set by subdivision (i), the council of governments, or delegate
25 subregion, may act without them.

26 (k) After taking action pursuant to subdivision (i), the council
27 of governments, or delegate subregion, shall provide notice of the
28 adoption of the methodology to the jurisdictions within the region,
29 or delegate subregion, as applicable, and to the department, and
30 shall publish the adopted allocation methodology, along with its
31 resolution and any adopted written findings, on its internet website.

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

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

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

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

10 (3) The resolution approving the final housing need allocation
11 plan shall demonstrate that the plan is consistent with the
12 sustainable communities strategy in the regional transportation
13 plan and furthers the objectives listed in subdivision (d) of Section
14 65584.

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

16 (o) For the seventh housing element cycle, the changes to this
17 section made by the act adding this subdivision shall not apply to
18 councils of governments with a housing element revision due date
19 during the 2027 calendar year.

20 *SEC. 5.1. Section 65584.04 of the Government Code is*
21 *amended to read:*

22 65584.04. (a) At least two *and one-half* years before a
23 scheduled revision required by Section 65588, each council of
24 governments, or delegate subregion as applicable, shall develop,
25 in consultation with the department, a proposed methodology for
26 distributing the existing and projected regional housing need to
27 cities, counties, and cities and counties within the region or within
28 the subregion, where applicable pursuant to this section. The
29 methodology shall further the objectives listed in subdivision (d)
30 of Section 65584.

31 (b) (1) No more than six months before the development of a
32 proposed methodology for distributing the existing and projected
33 housing need, each council of governments shall survey each of
34 its member jurisdictions to request, at a minimum, information
35 regarding the factors listed in subdivision (e) that will allow the
36 development of a methodology based upon the factors established
37 in subdivision (e).

38 (2) With respect to the objective in paragraph (5) of subdivision
39 (d) of Section 65584, the survey shall review and compile
40 information that will allow the development of a methodology

1 based upon the issues, strategies, and actions that are included, as
2 available, in an Analysis of Impediments to Fair Housing Choice
3 or an Assessment of Fair Housing completed by any city or county
4 or the department that covers communities within the area served
5 by the council of governments, and in housing elements adopted
6 pursuant to this article by cities and counties within the area served
7 by the council of governments.

8 (3) The council of governments shall seek to obtain the
9 information in a manner and format that is comparable throughout
10 the region and ~~utilize~~ *use* readily available data to the extent
11 possible.

12 (4) The information provided by a local government pursuant
13 to this section shall be used, to the extent possible, by the council
14 of governments, or delegate subregion as applicable, as source
15 information for the methodology developed pursuant to this section.
16 The survey shall state that none of the information received may
17 be used as a basis for reducing the total housing need established
18 for the region pursuant to Section 65584.01.

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

23 (c) The council of governments shall electronically report the
24 results of the survey of fair housing issues, strategies, and actions
25 compiled pursuant to paragraph (2) of subdivision (b). The report
26 shall describe common themes and effective strategies employed
27 by cities and counties within the area served by the council of
28 governments, including common themes and effective strategies
29 around avoiding the displacement of lower income households.
30 The council of governments shall also identify significant barriers
31 to affirmatively furthering fair housing at the regional level and
32 may recommend strategies or actions to overcome those barriers.
33 A council of governments or metropolitan planning organization,
34 as appropriate, may use this information for any other purpose,
35 including publication within a regional transportation plan adopted
36 pursuant to Section 65080 or to inform the land use assumptions
37 that are applied in the development of a regional transportation
38 plan.

39 (d) Public participation and access shall be required in the
40 development of the methodology and in the process of drafting

1 and adoption of the allocation of the regional housing needs.
2 Participation by organizations other than local jurisdictions and
3 councils of governments shall be solicited in a diligent effort to
4 achieve public participation of all economic segments of the
5 community as well as members of protected classes under Section
6 12955 and households with special housing needs under paragraph
7 (7) of subdivision (a) of Section 65583. The proposed
8 methodology, along with any relevant underlying data and
9 assumptions, an explanation of how information about local
10 government conditions gathered pursuant to subdivision (b) has
11 been used to develop the proposed methodology, how each of the
12 factors listed in subdivision (e) is incorporated into the
13 methodology, and how the proposed methodology furthers the
14 objectives listed in subdivision (d) of Section 65584, shall be
15 distributed to all cities, counties, any subregions, and members of
16 the public who have made a written or electronic request for the
17 proposed methodology and published on the council of
18 governments', or delegate subregion's, internet website. The
19 council of governments, or delegate subregion, as applicable, shall
20 conduct at least one public hearing to receive oral and written
21 comments on the proposed methodology.

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

27 (1) Each member jurisdiction's existing and projected jobs and
28 housing relationship. This shall include an estimate based on
29 readily available data on the number of low-wage jobs within the
30 jurisdiction and how many housing units within the jurisdiction
31 are affordable to low-wage workers as well as an estimate based
32 on readily available data, of projected job growth and projected
33 household growth by income level within each member jurisdiction
34 during the planning period.

35 (2) The opportunities and constraints to development of
36 additional housing in each member jurisdiction, including all of
37 the following:

38 (A) Lack of capacity for sewer or water service due to federal
39 or state laws, regulations or regulatory actions, or supply and
40 distribution decisions made by a sewer or water service provider

1 other than the local jurisdiction that preclude the jurisdiction from
 2 providing necessary infrastructure for additional development
 3 during the planning period.

4 (B) The availability of land suitable for urban development or
 5 for conversion to residential use, the availability of underutilized
 6 land, and opportunities for infill development and increased
 7 residential densities. The council of governments may not limit
 8 its consideration of suitable housing sites or land suitable for urban
 9 development to existing zoning ordinances and land use restrictions
 10 of a locality, but shall consider the potential for increased
 11 residential development under alternative zoning ordinances and
 12 land use restrictions. The determination of available land suitable
 13 for urban development may exclude lands where the Federal
 14 Emergency Management Agency (FEMA) or the Department of
 15 Water Resources has determined that the flood management
 16 infrastructure designed to protect that land is not adequate to avoid
 17 the risk of flooding.

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

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

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

33 (3) The distribution of household growth assumed for purposes
 34 of a comparable period of regional transportation plans and
 35 opportunities to maximize the use of public transportation and
 36 existing transportation infrastructure.

37 (4) Agreements between a county and cities in a county to direct
 38 growth toward incorporated areas of the county and land within
 39 an unincorporated area zoned or designated for agricultural
 40 protection or preservation that is subject to a local ballot measure

1 that was approved by the voters of the jurisdiction that prohibits
2 or restricts conversion to nonagricultural uses.

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

7 (6) The percentage of existing households at each of the income
8 levels listed in subdivision (f) of Section 65584 that are paying
9 more than 30 percent and more than 50 percent of their income in
10 rent.

11 (7) The rate of overcrowding.

12 (8) The housing needs of farmworkers.

13 (9) (A) The housing needs generated by the presence of a private
14 university or a campus of the California State University or the
15 University of California within any member—~~jurisdiction.~~
16 *jurisdiction, the distribution of those students among jurisdictions*
17 *within the region, and for a campus of the California State*
18 *University or the University of California, the optimization of*
19 *transit, pedestrian, and other nonvehicle trip efficiency by students*
20 *to the campus, including off-campus facilities.*

21 (B) (i) *No more than six months before the development of the*
22 *methodology, the Regents of the University of California are*
23 *requested to, and the Trustees of the California State University*
24 *shall, provide to each council of governments a forecast of changes*
25 *in enrollment levels at its campuses, including off-campus facilities,*
26 *within the region, based on factors including, but not limited to,*
27 *(I) cohort progression projections, (II) improvements in the*
28 *percentage of California residents meeting university admission*
29 *and transfer standards, and (III) improvements in degree*
30 *completion by noncohort students. The forecast shall not be limited*
31 *to students who will be recent high school graduates. The Regents*
32 *of the University of California are requested to, and the Trustees*
33 *of the California State University shall, provide copies of the*
34 *forecast to the Director of Finance, the Director of Housing and*
35 *Community Development, and the Chairperson of the Joint*
36 *Legislative Budget Committee.*

37 (ii) *Clause (i) shall apply to the seventh and each subsequent*
38 *housing element cycle, except as specified in clause (iii).*

1 (iii) *With respect to all of the following councils of governments,*
2 *clause (i) shall apply to the eighth and each subsequent housing*
3 *element cycles:*

4 (I) *The Humboldt County Association of Governments.*

5 (II) *The Lake Area Planning Council.*

6 (III) *The Mendocino Council of Governments.*

7 (C) *The Regents of the University of California are requested*
8 *to, and the Trustees of the California State University shall, provide*
9 *trip and travel data to the council of governments upon request.*

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

16 (11) 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 analysis.

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

24 (13) Any other factors adopted by the council of governments,
25 that further the objectives listed in subdivision (d) of Section
26 65584, provided that the council of governments specifies which
27 of the objectives each additional factor is necessary to further. The
28 council of governments may include additional factors unrelated
29 to furthering the objectives listed in subdivision (d) of Section
30 65584 so long as the additional factors do not undermine the
31 objectives listed in subdivision (d) of Section 65584 and are applied
32 equally across all household income levels as described in
33 subdivision (f) of Section 65584 and the council of governments
34 makes a finding that the factor is necessary to address significant
35 health and safety conditions.

36 (f) The council of governments, or delegate subregion, as
37 applicable, shall explain in writing how each of the factors
38 described in subdivision (e) was incorporated into the methodology
39 and how the methodology furthers the objectives listed in
40 subdivision (d) of Section 65584. The methodology may include

1 numerical weighting. This information, and any other supporting
2 materials used in determining the methodology, shall be posted
3 on the council of governments', or delegate subregion's, internet
4 website.

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

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

11 (2) Prior underproduction of housing in a city or county from
12 the previous regional housing need allocation, as determined by
13 each jurisdiction's annual production report submitted pursuant
14 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
15 65400.

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

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

28 (i) Within 60 days, the department shall review the draft
29 allocation methodology and report its written findings to the
30 council of governments, or delegate subregion, as applicable. In
31 its written findings the department shall determine whether the
32 methodology furthers the objectives listed in subdivision (d) of
33 Section 65584. If the department determines that the methodology
34 is not consistent with subdivision (d) of Section 65584, the council
35 of governments, or delegate subregion, as applicable, shall take
36 both of the following actions:

37 (1) Revise the methodology, in consultation with the department,
38 to further the objectives listed in subdivision (d) of Section 65584
39 within 45 days.

1 (2) Receive department acceptance that the revised methodology
2 furthers the objectives listed in subdivision (d) of Section 65584
3 and adopt a final regional, or subregional, housing need allocation
4 methodology.

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

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

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

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

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

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

31 (3) The resolution approving the final housing need allocation
32 plan shall demonstrate that the plan is consistent with the
33 sustainable communities strategy in the regional transportation
34 plan and furthers the objectives listed in subdivision (d) of Section
35 65584.

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

37 (o) *For the seventh housing element cycle, the changes to this*
38 *section made by the act adding this subdivision shall not apply to*
39 *councils of governments with a housing element revision due date*
40 *during the 2027 calendar year.*

1 *SEC. 5.2. Section 65584.04 of the Government Code is*
2 *amended to read:*

3 65584.04. (a) At least two *and one-half* years before a
4 scheduled revision required by Section 65588, each council of
5 governments, or delegate subregion as applicable, shall develop,
6 in consultation with the department, a proposed methodology for
7 distributing the existing and projected regional housing need to
8 cities, counties, and cities and counties within the region or within
9 the subregion, where applicable pursuant to this section. The
10 methodology shall further the objectives listed in subdivision (d)
11 of Section 65584.

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

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

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

32 (4) The information provided by a local government pursuant
33 to this section shall be used, to the extent possible, by the council
34 of governments, or delegate subregion as applicable, as source
35 information for the methodology developed pursuant to this section.
36 The survey shall state that none of the information received may
37 be used as a basis for reducing the total housing need established
38 for the region pursuant to Section 65584.01.

39 (5) If the council of governments fails to conduct a survey
40 pursuant to this subdivision, a city, county, or city and county may

1 submit information related to the items listed in subdivision (e)
2 before the public comment period provided for in subdivision (d).

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

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

1 conduct at least one public hearing to receive oral and written
2 comments on the proposed methodology.

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

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

16 (2) The opportunities and constraints to development of
17 additional housing in each member jurisdiction, including all of
18 the following:

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

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

39 (C) Lands preserved or protected from urban development under
40 existing federal or state programs, or both, designed to protect

- 1 open space, farmland, environmental habitats, and natural resources
- 2 on a long-term basis, including land zoned or designated for
- 3 agricultural protection or preservation that is subject to a local
- 4 ballot measure that was approved by the voters of that jurisdiction
- 5 that prohibits or restricts conversion to nonagricultural uses.
- 6 (D) County policies to preserve prime agricultural land, as
- 7 defined pursuant to Section 56064, within an unincorporated area
- 8 and land within an unincorporated area zoned or designated for
- 9 agricultural protection or preservation that is subject to a local
- 10 ballot measure that was approved by the voters of that jurisdiction
- 11 that prohibits or restricts its conversion to nonagricultural uses.
- 12 (E) Emergency evacuation route capacity, wildfire risk, sea
- 13 level rise, and other impacts caused by climate change.
- 14 (3) The distribution of household growth assumed for purposes
- 15 of a comparable period of regional transportation plans and
- 16 opportunities to maximize the use of public transportation and
- 17 existing transportation infrastructure.
- 18 (4) Agreements between a county and cities in a county to direct
- 19 growth toward incorporated areas of the county and land within
- 20 an unincorporated area zoned or designated for agricultural
- 21 protection or preservation that is subject to a local ballot measure
- 22 that was approved by the voters of the jurisdiction that prohibits
- 23 or restricts conversion to nonagricultural uses.
- 24 (5) The loss of units contained in assisted housing developments,
- 25 as defined in paragraph (9) of subdivision (a) of Section 65583,
- 26 that changed to non-low-income use through mortgage prepayment,
- 27 subsidy contract expirations, or termination of use restrictions.
- 28 (6) The percentage of existing households at each of the income
- 29 levels listed in subdivision (f) of Section 65584 that are paying
- 30 more than 30 percent and more than 50 percent of their income in
- 31 rent.
- 32 (7) The rate of overcrowding.
- 33 (8) The housing needs of farmworkers.
- 34 (9) The housing needs generated by the presence of a private
- 35 university or a campus of the California State University or the
- 36 University of California within any member jurisdiction.
- 37 (10) The housing needs of individuals and families experiencing
- 38 homelessness. If a council of governments has surveyed each of
- 39 its member jurisdictions pursuant to subdivision (b) on or before
- 40 January 1, 2020, this paragraph shall apply only to the development

1 of methodologies for the seventh and subsequent revisions of the
2 housing element.

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

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

11 *(13) The development pattern set forth in the region's*
12 *sustainable communities strategy of its regional transportation*
13 *plan.*

14 ~~(13)~~

15 (14) 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 both of the following actions:

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

33 (2) Receive department acceptance that the revised methodology
34 furthers the objectives listed in subdivision (d) of Section 65584
35 and adopt a final regional, or subregional, housing need allocation
36 methodology.

37 (j) If the department's findings are not available within the time
38 limits set by subdivision (i), the council of governments, or delegate
39 subregion, may act without them.

1 (k) After taking action pursuant to subdivision (i), the council
2 of governments, or delegate subregion, shall provide notice of the
3 adoption of the methodology to the jurisdictions within the region,
4 or delegate subregion, as applicable, and to the department, and
5 shall publish the adopted allocation methodology, along with its
6 resolution and any adopted written findings, on its internet website.

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

10 (m) (1) It is the intent of the Legislature that housing planning
11 be coordinated and integrated with the regional transportation plan.
12 To achieve this goal, the allocation plan shall ~~allocate housing~~
13 ~~units within the region consistent with~~ *be informed by* the
14 development pattern included in the sustainable communities
15 strategy.

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

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

25 (3) The resolution approving the final housing need allocation
26 plan shall demonstrate that the plan is ~~consistent with~~ *informed by*
27 the sustainable communities strategy in the regional transportation
28 plan and furthers the objectives listed in subdivision (d) of Section
29 65584.

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

31 (o) *For the seventh housing element cycle, the changes to this*
32 *section made by the act adding this subdivision shall not apply to*
33 *councils of governments with a housing element revision due date*
34 *during the 2027 calendar year.*

35 *SEC. 5.3. Section 65584.04 of the Government Code is*
36 *amended to read:*

37 65584.04. (a) At least two *and one-half* years before a
38 scheduled revision required by Section 65588, each council of
39 governments, or delegate subregion as applicable, shall develop,
40 in consultation with the department, a proposed methodology for

1 distributing the existing and projected regional housing need to
2 cities, counties, and cities and counties within the region or within
3 the subregion, where applicable pursuant to this section. The
4 methodology shall further the objectives listed in subdivision (d)
5 of Section 65584.

6 (b) (1) No more than six months before the development of a
7 proposed methodology for distributing the existing and projected
8 housing need, each council of governments shall survey each of
9 its member jurisdictions to request, at a minimum, information
10 regarding the factors listed in subdivision (e) that will allow the
11 development of a methodology based upon the factors established
12 in subdivision (e).

13 (2) With respect to the objective in paragraph (5) of subdivision
14 (d) of Section 65584, the survey shall review and compile
15 information that will allow the development of a methodology
16 based upon the issues, strategies, and actions that are included, as
17 available, in an Analysis of Impediments to Fair Housing Choice
18 or an Assessment of Fair Housing completed by any city or county
19 or the department that covers communities within the area served
20 by the council of governments, and in housing elements adopted
21 pursuant to this article by cities and counties within the area served
22 by the council of governments.

23 (3) The council of governments shall seek to obtain the
24 information in a manner and format that is comparable throughout
25 the region and ~~utilize~~ *use* readily available data to the extent
26 possible.

27 (4) The information provided by a local government pursuant
28 to this section shall be used, to the extent possible, by the council
29 of governments, or delegate subregion as applicable, as source
30 information for the methodology developed pursuant to this section.
31 The survey shall state that none of the information received may
32 be used as a basis for reducing the total housing need established
33 for the region pursuant to Section 65584.01.

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

38 (c) The council of governments shall electronically report the
39 results of the survey of fair housing issues, strategies, and actions
40 compiled pursuant to paragraph (2) of subdivision (b). The report

1 shall describe common themes and effective strategies employed
2 by cities and counties within the area served by the council of
3 governments, including common themes and effective strategies
4 around avoiding the displacement of lower income households.
5 The council of governments shall also identify significant barriers
6 to affirmatively furthering fair housing at the regional level and
7 may recommend strategies or actions to overcome those barriers.
8 A council of governments or metropolitan planning organization,
9 as appropriate, may use this information for any other purpose,
10 including publication within a regional transportation plan adopted
11 pursuant to Section 65080 or to inform the land use assumptions
12 that are applied in the development of a regional transportation
13 plan.

14 (d) Public participation and access shall be required in the
15 development of the methodology and in the process of drafting
16 and adoption of the allocation of the regional housing needs.
17 Participation by organizations other than local jurisdictions and
18 councils of governments shall be solicited in a diligent effort to
19 achieve public participation of all economic segments of the
20 community as well as members of protected classes under Section
21 12955 and households with special housing needs under paragraph
22 (7) of subdivision (a) of Section 65583. The proposed
23 methodology, along with any relevant underlying data and
24 assumptions, an explanation of how information about local
25 government conditions gathered pursuant to subdivision (b) has
26 been used to develop the proposed methodology, how each of the
27 factors listed in subdivision (e) is incorporated into the
28 methodology, and how the proposed methodology furthers the
29 objectives listed in subdivision (d) of Section 65584, shall be
30 distributed to all cities, counties, any subregions, and members of
31 the public who have made a written or electronic request for the
32 proposed methodology and published on the council of
33 governments', or delegate subregion's, internet website. The
34 council of governments, or delegate subregion, as applicable, shall
35 conduct at least one public hearing to receive oral and written
36 comments on the proposed methodology.

37 (e) To the extent that sufficient data is available from local
38 governments pursuant to subdivision (b) or other sources, each
39 council of governments, or delegate subregion as applicable, shall

1 consider including the following factors in developing the
2 methodology that allocates regional housing needs:

3 (1) Each member jurisdiction's existing and projected jobs and
4 housing relationship. This shall include an estimate based on
5 readily available data on the number of low-wage jobs within the
6 jurisdiction and how many housing units within the jurisdiction
7 are affordable to low-wage workers as well as an estimate based
8 on readily available data, of projected job growth and projected
9 household growth by income level within each member jurisdiction
10 during the planning period.

11 (2) The opportunities and constraints to development of
12 additional housing in each member jurisdiction, including all of
13 the following:

14 (A) Lack of capacity for sewer or water service due to federal
15 or state laws, regulations or regulatory actions, or supply and
16 distribution decisions made by a sewer or water service provider
17 other than the local jurisdiction that preclude the jurisdiction from
18 providing necessary infrastructure for additional development
19 during the planning period.

20 (B) The availability of land suitable for urban development or
21 for conversion to residential use, the availability of underutilized
22 land, and opportunities for infill development and increased
23 residential densities. The council of governments may not limit
24 its consideration of suitable housing sites or land suitable for urban
25 development to existing zoning ordinances and land use restrictions
26 of a locality, but shall consider the potential for increased
27 residential development under alternative zoning ordinances and
28 land use restrictions. The determination of available land suitable
29 for urban development may exclude lands where the Federal
30 Emergency Management Agency (FEMA) or the Department of
31 Water Resources has determined that the flood management
32 infrastructure designed to protect that land is not adequate to avoid
33 the risk of flooding.

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

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

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

9 (3) The distribution of household growth assumed for purposes
10 of a comparable period of regional transportation plans and
11 opportunities to maximize the use of public transportation and
12 existing transportation infrastructure.

13 (4) Agreements between a county and cities in a county to direct
14 growth toward incorporated areas of the county and land within
15 an unincorporated area zoned or designated for agricultural
16 protection or preservation that is subject to a local ballot measure
17 that was approved by the voters of the jurisdiction that prohibits
18 or restricts conversion to nonagricultural uses.

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

23 (6) The percentage of existing households at each of the income
24 levels listed in subdivision (f) of Section 65584 that are paying
25 more than 30 percent and more than 50 percent of their income in
26 rent.

27 (7) The rate of overcrowding.

28 (8) The housing needs of farmworkers.

29 (9) (A) The housing needs generated by the presence of a private
30 university or a campus of the California State University or the
31 University of California within any member—~~jurisdiction.~~
32 *jurisdiction, the distribution of those students among jurisdictions*
33 *within the region, and for a campus of the California State*
34 *University or the University of California, the optimization of*
35 *transit, pedestrian, and other nonvehicle trip efficiency by students*
36 *to the campus, including off-campus facilities.*

37 (B) (i) *No more than six months before the development of the*
38 *methodology, the Regents of the University of California are*
39 *requested to, and the Trustees of the California State University*
40 *shall, provide to each council of governments a forecast of changes*

1 *in enrollment levels at its campuses, including off-campus facilities,*
2 *within the region, based on factors including, but not limited to,*
3 *(I) cohort progression projections, (II) improvements in the*
4 *percentage of California residents meeting university admission*
5 *and transfer standards, and (III) improvements in degree*
6 *completion by noncohort students. The forecast shall not be limited*
7 *to students who will be recent high school graduates. The Regents*
8 *of the University of California are requested to, and the Trustees*
9 *of the California State University shall, provide copies of the*
10 *forecast to the Director of Finance, the Director of Housing and*
11 *Community Development, and the Chairperson of the Joint*
12 *Legislative Budget Committee.*

13 *(ii) Clause (i) shall apply to the seventh and each subsequent*
14 *housing element cycle, except as specified in clause (iii).*

15 *(iii) With respect to all of the following councils of governments,*
16 *clause (i) shall apply to the eighth and each subsequent housing*
17 *element cycles:*

18 *(I) The Humboldt County Association of Governments.*

19 *(II) The Lake Area Planning Council.*

20 *(III) The Mendocino Council of Governments.*

21 *(C) The Regents of the University of California are requested*
22 *to, and the Trustees of the California State University shall, provide*
23 *trip and travel data to the council of governments upon request.*

24 *(10) The housing needs of individuals and families experiencing*
25 *homelessness. If a council of governments has surveyed each of*
26 *its member jurisdictions pursuant to subdivision (b) on or before*
27 *January 1, 2020, this paragraph shall apply only to the development*
28 *of methodologies for the seventh and subsequent revisions of the*
29 *housing element.*

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

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

38 *(13) The development pattern set forth in the region's*
39 *sustainable communities strategy of its regional transportation*
40 *plan.*

1 ~~(13)~~

2 (14) Any other factors adopted by the council of governments,
3 that further the objectives listed in subdivision (d) of Section
4 65584, provided that the council of governments specifies which
5 of the objectives each additional factor is necessary to further. The
6 council of governments may include additional factors unrelated
7 to furthering the objectives listed in subdivision (d) of Section
8 65584 so long as the additional factors do not undermine the
9 objectives listed in subdivision (d) of Section 65584 and are applied
10 equally across all household income levels as described in
11 subdivision (f) of Section 65584 and the council of governments
12 makes a finding that the factor is necessary to address significant
13 health and safety conditions.

14 (f) The council of governments, or delegate subregion, as
15 applicable, shall explain in writing how each of the factors
16 described in subdivision (e) was incorporated into the methodology
17 and how the methodology furthers the objectives listed in
18 subdivision (d) of Section 65584. The methodology may include
19 numerical weighting. This information, and any other supporting
20 materials used in determining the methodology, shall be posted
21 on the council of governments', or delegate subregion's, internet
22 website.

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

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

29 (2) Prior underproduction of housing in a city or county from
30 the previous regional housing need allocation, as determined by
31 each jurisdiction's annual production report submitted pursuant
32 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
33 65400.

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

36 (h) Following the conclusion of the public comment period
37 described in subdivision (d) on the proposed allocation
38 methodology, and after making any revisions deemed appropriate
39 by the council of governments, or delegate subregion, as applicable,
40 as a result of comments received during the public comment period,

1 and as a result of consultation with the department, each council
2 of governments, or delegate subregion, as applicable, shall publish
3 a draft allocation methodology on its internet website and submit
4 the draft allocation methodology, along with the information
5 required pursuant to subdivision (e), to the department.

6 (i) Within 60 days, the department shall review the draft
7 allocation methodology and report its written findings to the
8 council of governments, or delegate subregion, as applicable. In
9 its written findings the department shall determine whether the
10 methodology furthers the objectives listed in subdivision (d) of
11 Section 65584. If the department determines that the methodology
12 is not consistent with subdivision (d) of Section 65584, the council
13 of governments, or delegate subregion, as applicable, shall take
14 both of the following actions:

15 (1) Revise the methodology, in consultation with the department,
16 to further the objectives listed in subdivision (d) of Section 65584
17 within 45 days.

18 (2) Receive department acceptance that the revised methodology
19 furthers the objectives listed in subdivision (d) of Section 65584
20 and adopt a final regional, or subregional, housing need allocation
21 methodology.

22 (j) If the department's findings are not available within the time
23 limits set by subdivision (i), the council of governments, or delegate
24 subregion, may act without them.

25 (k) After taking action pursuant to subdivision (i), the council
26 of governments, or delegate subregion, shall provide notice of the
27 adoption of the methodology to the jurisdictions within the region,
28 or delegate subregion, as applicable, and to the department, and
29 shall publish the adopted allocation methodology, along with its
30 resolution and any adopted written findings, on its internet website.

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

34 (m) (1) It is the intent of the Legislature that housing planning
35 be coordinated and integrated with the regional transportation plan.
36 To achieve this goal, the allocation plan shall ~~allocate housing~~
37 ~~units within the region consistent with~~ *be informed by* the
38 development pattern included in the sustainable communities
39 strategy.

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

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

10 (3) The resolution approving the final housing need allocation
11 plan shall demonstrate that the plan is ~~consistent with~~ *informed by*
12 the sustainable communities strategy in the regional transportation
13 plan and furthers the objectives listed in subdivision (d) of Section
14 65584.

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

16 (o) *For the seventh housing element cycle, the changes to this*
17 *section made by the act adding this subdivision shall not apply to*
18 *councils of governments with a housing element revision due date*
19 *during the 2027 calendar year.*

20 SEC. 6. Section 65584.05 of the Government Code is amended
21 to read:

22 65584.05. (a) At least two years before the scheduled revision
23 required by Section 65588, each council of governments and
24 delegate subregion, as applicable, shall distribute a draft allocation
25 of regional housing needs to each local government in the region
26 or subregion, where applicable, and the department, based on the
27 methodology adopted pursuant to Section 65584.04 and shall
28 publish the draft allocation on its internet website. The council of
29 governments may additionally distribute the draft allocation plan
30 upon adoption of the final methodology reviewed and accepted
31 by the department pursuant to paragraph (2) of subdivision (i) of
32 Section 65584.04. The draft allocation shall include the underlying
33 data and methodology on which the allocation is based, and a
34 statement as to how it furthers the objectives listed in subdivision
35 (d) of Section 65584. It is the intent of the Legislature that the draft
36 allocation should be distributed before the completion of the update
37 of the applicable regional transportation plan. The draft allocation
38 shall distribute to localities and subregions, if any, within the region
39 the entire regional housing need determined pursuant to Section
40 65584.01 or within subregions, as applicable, the subregion's entire

1 share of the regional housing need determined pursuant to Section
2 65584.03.

3 (b) Within 30 days following receipt of the draft allocation, a
4 local government within the region or the delegate subregion, as
5 applicable, or the department may appeal to the council of
6 governments or the delegate subregion for a revision of the share
7 of the regional housing need proposed to be allocated to one or
8 more local governments. Appeals shall be based upon comparable
9 data available for all affected jurisdictions and accepted planning
10 methodology, and supported by adequate documentation, and shall
11 include a statement as to why the revision is necessary to further
12 the intent of the objectives listed in subdivision (d) of Section
13 65584. An appeal pursuant to this subdivision shall be consistent
14 with, and not to the detriment of, the development pattern in an
15 applicable sustainable communities strategy developed pursuant
16 to paragraph (2) of subdivision (b) of Section 65080. Appeals shall
17 be limited to any of the following circumstances:

18 (1) The council of governments or delegate subregion, as
19 applicable, failed to adequately consider the information submitted
20 pursuant to subdivision (b) of Section 65584.04.

21 (2) The council of governments or delegate subregion, as
22 applicable, failed to determine the share of the regional housing
23 need in accordance with the information described in, and the
24 methodology established pursuant to, Section 65584.04, and in a
25 manner that furthers, and does not undermine, the intent of the
26 objectives listed in subdivision (d) of Section 65584.

27 (3) A significant and unforeseen change in circumstances has
28 occurred in the local jurisdiction or jurisdictions that merits a
29 revision of the information submitted pursuant to subdivision (b)
30 of Section 65584.04. Appeals on this basis shall only be made by
31 the jurisdiction or jurisdictions where the change in circumstances
32 has occurred.

33 (c) At the close of the period for filing appeals pursuant to
34 subdivision (b), the council of governments or delegate subregion,
35 as applicable, shall notify all other local governments within the
36 region or delegate subregion and the department of all appeals and
37 shall make all materials submitted in support of each appeal
38 available on a publicly available internet website. Local
39 governments and the department may, within 45 days, comment

1 on one or more appeals. If no appeals are filed, the draft allocation
2 may be adopted pursuant to subdivision (g).

3 (d) No later than 30 days after the close of the comment period,
4 and after providing all local governments within the region or
5 delegate subregion, as applicable, at least 10 days prior notice, the
6 council of governments or delegate subregion shall conduct one
7 public hearing to consider all appeals filed pursuant to subdivision
8 (b) and all comments received pursuant to subdivision (c).

9 (e) No later than 45 days after the public hearing pursuant to
10 subdivision (d), the council of governments or delegate subregion,
11 as applicable, shall do all of the following:

12 (1) Make a final determination that either accepts, rejects, or
13 modifies each appeal for a revised share filed pursuant to
14 subdivision (b). Final determinations shall be based upon the
15 information and methodology described in Section 65584.04 and
16 whether the revision is necessary to further the objectives listed
17 in subdivision (d) of Section 65584. The final determination shall
18 be in writing and shall include written findings as to how the
19 determination is consistent with this article. The final determination
20 on an appeal may require the council of governments or delegate
21 subregion, as applicable, to adjust the share of the regional housing
22 need allocated to one or more local governments that are not the
23 subject of an appeal.

24 (2) Issue a proposed final allocation plan.

25 (3) Submit the proposed final allocation plan to the department.

26 (4) Set a date for a public hearing to adopt a final allocation
27 plan pursuant to subdivision (g).

28 (f) In the proposed final allocation plan, the council of
29 governments or delegate subregion, as applicable, shall adjust
30 allocations to local governments based upon the results of the
31 appeals process. If the adjustments total 7 percent or less of the
32 regional housing need determined pursuant to Section 65584.01,
33 or, as applicable, total 7 percent or less of the subregion's share
34 of the regional housing need as determined pursuant to Section
35 65584.03, then the council of governments or delegate subregion,
36 as applicable, shall distribute the adjustments proportionally to all
37 local governments. If the adjustments total more than 7 percent of
38 the regional housing need, then the council of governments or
39 delegate subregion, as applicable, shall develop a methodology to
40 distribute the amount greater than the 7 percent to local

1 governments. The total distribution of housing need shall not equal
2 less than the regional housing need, as determined pursuant to
3 Section 65584.01, nor shall the subregional distribution of housing
4 need equal less than its share of the regional housing need as
5 determined pursuant to Section 65584.03.

6 (g) Within 45 days after the issuance of the proposed final
7 allocation plan by the council of governments and each delegate
8 subregion, as applicable, the council of governments shall hold a
9 public hearing to adopt a final allocation plan. To the extent that
10 the final allocation plan fully allocates the regional share of
11 statewide housing need, as determined pursuant to Section
12 65584.01 and has taken into account all appeals, the council of
13 governments shall have final authority to determine the distribution
14 of the region's existing and projected housing need as determined
15 pursuant to Section 65584.01. The council of governments shall
16 submit its final allocation plan to the department within three days
17 of adoption. Within 15 days after the department's receipt of the
18 final allocation plan adopted by the council of governments, the
19 department shall determine if the final allocation plan is consistent
20 with the existing and projected housing need for the region, as
21 determined pursuant to Section 65584.01. The department may
22 revise the determination of the council of governments if necessary
23 to obtain this consistency.

24 (h) Any authority of the council of governments to review and
25 revise the share of a city or county of the regional housing need
26 under this section shall not constitute authority to revise, approve,
27 or disapprove the manner in which the share of the city or county
28 of the regional housing need is implemented through its housing
29 program.

30 (i) Any time period in subdivision (d) or (e) may be extended
31 by a council of governments or delegate subregion, as applicable,
32 for up to 30 days. Any time period in subdivision (b), (c), (d), (e),
33 or (g) may be reduced by a council of governments or delegate
34 subregion, as applicable, to facilitate earlier adoption of the final
35 allocation plan. No time period shall be reduced to fewer than a
36 minimum of 10 days.

37 (j) The San Diego Association of Governments may follow the
38 process in this section for the draft and final allocation plan for
39 the sixth revision of the housing element notwithstanding such

1 actions being carried out before the adoption of an updated regional
2 transportation plan and sustainable communities strategy.

3 (k) For the seventh housing element cycle, the changes to this
4 section made by the act adding this subdivision shall not apply to
5 councils of governments with a housing element revision due date
6 during the 2027 calendar year.

7 SEC. 7. Section 65585 of the Government Code is amended
8 to read:

9 65585. (a) In the preparation of its housing element, each city
10 and county shall consider the guidelines adopted by the department
11 pursuant to Section 50459 of the Health and Safety Code. Those
12 guidelines shall be advisory to each city or county in the
13 preparation of its housing element.

14 (b) (1) (A) At least 90 days prior to adoption of a revision of
15 its housing element pursuant to subdivision (e) of Section 65588,
16 or at least 60 days prior to the adoption of a subsequent amendment
17 to this element, the planning agency shall submit a draft element
18 revision or draft amendment to the department. The local
19 government of the planning agency shall make the first draft
20 revision of a housing element available for public comment for at
21 least 30 days and, if any comments are received, the local
22 government shall take at least 10 business days after the 30-day
23 public comment period to consider and incorporate public
24 comments into the draft revision prior to submitting it to the
25 department. For any subsequent draft revision, the local
26 government shall post the draft revision on its internet website and
27 shall email a link to the draft revision to all individuals and
28 organizations that have previously requested notices relating to
29 the local government's housing element at least seven days before
30 submitting the draft revision to the department.

31 (B) The planning agency staff shall collect and compile the
32 public comments regarding the housing element received by the
33 city, county, or city and county and provide these comments to
34 each member of the legislative body before it adopts the housing
35 element.

36 (C) The department shall review the draft and report its written
37 findings to the planning agency within 90 days of its receipt of the
38 first draft submittal for each housing element revision pursuant to
39 subdivision (e) of Section 65588 or within 60 days of its receipt
40 of a subsequent draft amendment or an adopted revision or adopted

1 amendment to an element. The department shall not review the
 2 first draft submitted for each housing element revision pursuant
 3 to subdivision (e) of Section 65588 until the local government has
 4 made the draft available for public comment for at least 30 days
 5 and, if comments were received, has taken at least 10 business
 6 days to consider and incorporate public comments pursuant to
 7 paragraph (1).

8 (2) (A) At least 90 days prior to the initial adoption of a revision
 9 of its housing element pursuant to subdivision (e) of Section 65588,
 10 and at least 7 days prior to any subsequent adoption submittal if
 11 changes have occurred to the inventory of sites, a local government
 12 shall do both of the following:

13 (i) Make a draft of its inventory of sites required pursuant to
 14 paragraph (3) of subdivision (a) of Section 65583 available to the
 15 department and the public and post the draft inventory on its
 16 internet website.

17 (ii) Send an email to all individuals and organizations that have
 18 previously requested notices notifying them that the inventory has
 19 been updated that includes a link to the draft inventory on its
 20 website.

21 (B) The requirements of this paragraph shall apply to the seventh
 22 and each subsequent revision of the housing element.

23 (c) In the preparation of its findings, the department may consult
 24 with any public agency, group, or person. The department shall
 25 receive and consider any written comments from any public
 26 agency, group, or person regarding the draft or adopted element
 27 or amendment under review.

28 (d) In its written findings, the department shall determine
 29 whether the draft element or draft amendment substantially
 30 complies with this article. If the department finds that the draft
 31 element or draft amendment does not substantially comply with
 32 this article, the department shall in a written communication to the
 33 planning agency do both of the following:

34 (1) Identify and explain the specific deficiencies in the draft
 35 element or draft amendment, including a reference to each
 36 subdivision of Section 65583 that the draft element or draft
 37 amendment does not comply with.

38 (2) Provide the specific analysis or text that the department
 39 expects the planning agency to include in the draft element or draft
 40 amendment to remedy the deficiencies identified in paragraph (1).

1 (e) Prior to the adoption of its draft element or draft amendment,
2 the legislative body shall consider the findings made, and the
3 specific analysis or text required, by the department. If the
4 department's findings are not available within the time limits set
5 by this section, the legislative body may act without them.

6 (f) If the department finds that the draft element or draft
7 amendment does not substantially comply with this article, the
8 legislative body shall take one of the following actions:

9 (1) (A) Include the specific analysis or text in the draft element
10 or draft amendment to substantially comply with this article, as
11 required by the department pursuant to subdivision (d).

12 (B) Any change to a draft element or draft amendment pursuant
13 to subparagraph (A) shall be completed in accordance with
14 subdivision (b). This subparagraph does not constitute a change
15 in, but is declaratory of, existing law.

16 (2) Adopt the draft element or draft amendment without the
17 specific analysis or text required by the department pursuant to
18 subdivision (d). The legislative body shall include in its resolution
19 of adoption written findings that explain the reasons the legislative
20 body believes that the draft element or draft amendment
21 substantially complies with this article despite the findings of, and
22 specific analysis or text required by, the department.

23 (g) (1) Promptly following the adoption of its element or
24 amendment, the planning agency shall submit a copy of the adopted
25 element or amendment and any findings made pursuant to
26 paragraph (2) of subdivision (f) to the department.

27 (2) This subdivision shall not be construed to excuse a legislative
28 body from complying with subdivision (f). This paragraph does
29 not constitute a change in, but is declaratory of, existing law.

30 (h) The department shall, within 60 days, review adopted
31 housing elements or amendments and any findings pursuant to
32 paragraph (2) of subdivision (f), make a finding as to whether the
33 adopted element or amendment is in substantial compliance with
34 this article, and report its findings to the planning agency. If the
35 department finds that the adopted element or amendment is not in
36 substantial compliance with this article, the department shall
37 identify each subdivision of Section 65583 that the housing element
38 does not substantially comply with and provide the specific analysis
39 or text to the planning agency that, if adopted, would bring the
40 housing element or amendment into substantial compliance.

1 (i) (1) (A) The department shall review any action or failure
 2 to act by the city, county, or city and county that it determines is
 3 inconsistent with an adopted housing element or Section 65583,
 4 including any failure to implement any program actions included
 5 in the housing element pursuant to Section 65583. The department
 6 shall issue written findings to the city, county, or city and county
 7 as to whether the action or failure to act substantially complies
 8 with this article, and provide a reasonable time no longer than 30
 9 days for the city, county, or city and county to respond to the
 10 findings before taking any other action authorized by this section,
 11 including the action authorized by subparagraph (C).

12 (B) If the department finds that the city’s, county’s, or city and
 13 county’s action or failure to act does not substantially comply with
 14 its adopted housing element or its obligations pursuant to Section
 15 65583, there shall be a rebuttable presumption of invalidity in any
 16 legal action challenging that action or failure to act.

17 (C) If the department finds that the action or failure to act by
 18 the city, county, or city and county does not substantially comply
 19 with this article, and if it has issued findings pursuant to this section
 20 that an amendment to the housing element substantially complies
 21 with this article, the department may revoke its findings until it
 22 determines that the city, county, or city and county has come into
 23 compliance with this article.

24 (2) The department may consult with any local government,
 25 public agency, group, or person, and shall receive and consider
 26 any written comments from any public agency, group, or person,
 27 regarding the action or failure to act by the city, county, or city
 28 and county described in paragraph (1), in determining whether the
 29 housing element substantially complies with this article.

30 (j) The department shall notify the city, county, or city and
 31 county and may notify the office of the Attorney General that the
 32 city, county, or city and county is in violation of state law if the
 33 department finds that the housing element or an amendment to this
 34 element, or any action or failure to act described in subdivision
 35 (j); (i), does not substantially comply with this article or that any
 36 local government has taken an action in violation of the following:

- 37 (1) Housing Accountability Act (Section 65589.5).
- 38 (2) Section 65863.
- 39 (3) Chapter 4.3 (commencing with Section 65915).
- 40 (4) Section 65008.

- 1 (5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019,
- 2 Sections 65941.1, 65943, and 66300).
- 3 (6) Section 8899.50.
- 4 (7) Section 65913.4.
- 5 (8) Article 11 (commencing with Section 65650).
- 6 (9) Article 12 (commencing with Section 65660).
- 7 (10) Section 65913.11.
- 8 (11) Section 65400.
- 9 (12) Section 65863.2.
- 10 (13) Chapter 4.1 (commencing with Section 65912.100).
- 11 (14) Section 65905.5.
- 12 (15) Chapter 13 (commencing with Section 66310).
- 13 (16) Section 65852.21.
- 14 (17) Section 65852.24.
- 15 (18) Section 66411.7.
- 16 (19) Section 65913.16.
- 17 (20) Article 2 (commencing with Section 66300.5) of Chapter
- 18 12.
- 19 (21) Section 65852.28.
- 20 (22) Section 65913.4.5.
- 21 (23) Section 66499.41.
- 22 (24) Homeless Housing, Assistance, and Prevention program
- 23 (Chapter 6 (commencing with Section 50216) and Chapter 6.5
- 24 (commencing with Section 50230) of Part 1 of Division 31 of the
- 25 Health and Safety Code).
- 26 (25) Encampment Resolution Funding program (Chapter 7
- 27 (commencing with Section 50250) of Part 1 of Division 31 of the
- 28 Health and Safety Code).
- 29 (26) Family Homelessness Challenge Grants and Technical
- 30 Assistance Program (Chapter 8 (commencing with Section 50255)
- 31 of Part 1 of Division 31 of the Health and Safety Code).
- 32 (27) (A) Article 11.5 (commencing with Section 65658).
- 33 (B) This paragraph shall become operative only if Assembly
- 34 Bill 3068 of the 2023–24 Regular Session of the Legislature is
- 35 enacted and takes effect on or before January 1, 2025.
- 36 (k) Commencing July 1, 2019, prior to the Attorney General
- 37 bringing any suit for a violation of the provisions identified in
- 38 subdivision (j) related to housing element compliance and seeking
- 39 remedies available pursuant to this subdivision, the department
- 40 shall offer the jurisdiction the opportunity for two meetings in

1 person or via telephone to discuss the violation, and shall provide
2 the jurisdiction written findings regarding the violation. This
3 paragraph does not affect any action filed prior to the effective
4 date of this section. The requirements set forth in this subdivision
5 do not apply to any suits brought for a violation or violations of
6 paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

7 (l) In any action or special proceeding brought by the Attorney
8 General relating to housing element compliance pursuant to a
9 notice or referral under subdivision (j), the Attorney General may
10 request, upon a finding of the court that the housing element does
11 not substantially comply with the requirements of this article
12 pursuant to this section, that the court issue an order or judgment
13 directing the jurisdiction to bring its housing element into
14 substantial compliance with the requirements of this article. The
15 court shall retain jurisdiction to ensure that its order or judgment
16 is carried out. If a court determines that the housing element of
17 the jurisdiction substantially complies with this article, it shall
18 have the same force and effect, for purposes of eligibility for any
19 financial assistance that requires a housing element in substantial
20 compliance and for purposes of any incentives provided under
21 Section 65589.9, as a determination by the department that the
22 housing element substantially complies with this article.

23 (1) If the jurisdiction has not complied with the order or
24 judgment after 12 months, the court shall conduct a status
25 conference. Following the status conference, upon a determination
26 that the jurisdiction failed to comply with the order or judgment
27 compelling substantial compliance with the requirements of this
28 article, the court shall impose fines on the jurisdiction, which shall
29 be deposited into the Building Homes and Jobs Trust Fund. Any
30 fine levied pursuant to this paragraph shall be in a minimum
31 amount of ten thousand dollars (\$10,000) per month, but shall not
32 exceed one hundred thousand dollars (\$100,000) per month, except
33 as provided in paragraphs (2) and (3). In the event that the
34 jurisdiction fails to pay fines imposed by the court in full and on
35 time, the court may require the Controller to intercept any available
36 state and local funds and direct such funds to the Building Homes
37 and Jobs Trust Fund to correct the jurisdiction's failure to pay.
38 The intercept of the funds by the Controller for this purpose shall
39 not violate any provision of the California Constitution.

1 (2) If the jurisdiction has not complied with the order or
2 judgment after three months following the imposition of fees
3 described in paragraph (1), the court shall conduct a status
4 conference. Following the status conference, if the court finds that
5 the fees imposed pursuant to paragraph (1) are insufficient to bring
6 the jurisdiction into compliance with the order or judgment, the
7 court may multiply the fine determined pursuant to paragraph (1)
8 by a factor of three. In the event that the jurisdiction fails to pay
9 fines imposed by the court in full and on time, the court may
10 require the Controller to intercept any available state and local
11 funds and direct such funds to the Building Homes and Jobs Trust
12 Fund to correct the jurisdiction's failure to pay. The intercept of
13 the funds by the Controller for this purpose shall not violate any
14 provision of the California Constitution.

15 (3) If the jurisdiction has not complied with the order or
16 judgment six months following the imposition of fees described
17 in paragraph (1), the court shall conduct a status conference. Upon
18 a determination that the jurisdiction failed to comply with the order
19 or judgment, the court may impose the following:

20 (A) If the court finds that the fees imposed pursuant to
21 paragraphs (1) and (2) are insufficient to bring the jurisdiction into
22 compliance with the order or judgment, the court may multiply
23 the fine determined pursuant to paragraph (1) by a factor of six.
24 In the event that the jurisdiction fails to pay fines imposed by the
25 court in full and on time, the court may require the Controller to
26 intercept any available state and local funds and direct such funds
27 to the Building Homes and Jobs Trust Fund to correct the
28 jurisdiction's failure to pay. The intercept of the funds by the
29 Controller for this purpose shall not violate any provision of the
30 California Constitution.

31 (B) The court may order remedies available pursuant to Section
32 564 of the Code of Civil Procedure, under which the agent of the
33 court may take all governmental actions necessary to bring the
34 jurisdiction's housing element into substantial compliance pursuant
35 to this article in order to remedy identified deficiencies. The court
36 shall determine whether the housing element of the jurisdiction
37 substantially complies with this article and, once the court makes
38 that determination, it shall have the same force and effect, for all
39 purposes, as the department's determination that the housing
40 element substantially complies with this article. An agent appointed

1 pursuant to this paragraph shall have expertise in planning in
2 California.

3 (4) This subdivision does not limit a court's discretion to apply
4 any and all remedies in an action or special proceeding for a
5 violation of any law identified in subdivision (j).

6 (m) In determining the application of the remedies available
7 under subdivision (l), the court shall consider whether there are
8 any mitigating circumstances delaying the jurisdiction from coming
9 into compliance with state housing law. The court may consider
10 whether a city, county, or city and county is making a good faith
11 effort to come into substantial compliance or is facing substantial
12 undue hardships.

13 (n) Nothing in this section shall limit the authority of the office
14 of the Attorney General to bring a suit to enforce state law in an
15 independent capacity. The office of the Attorney General may seek
16 all remedies available under law including those set forth in this
17 section.

18 (o) Notwithstanding Sections 11040 and 11042, if the Attorney
19 General declines to represent the department in any action or
20 special proceeding brought pursuant to a notice or referral under
21 subdivision (j), the department may appoint or contract with other
22 counsel for purposes of representing the department in the action
23 or special proceeding.

24 (p) Notwithstanding any other provision of law, the statute of
25 limitations set forth in subdivision (a) of Section 338 of the Code
26 of Civil Procedure shall apply to any action or special proceeding
27 brought by the office of the Attorney General or pursuant to a
28 notice or referral under subdivision (j), or by the department
29 pursuant to subdivision (o).

30 (q) The amendments to this section made by the act adding this
31 subdivision shall not be construed to limit the department's ability
32 to enforce programmatic requirements or remedies against cities,
33 counties, and continuums of care pursuant to the Homeless
34 Housing, Assistance, and Prevention program (Chapter 6
35 (commencing with Section 50216) and Chapter 6.5 (commencing
36 with Section 50230) of Part 1 of Division 31 of the Health and
37 Safety Code), the Encampment Resolution Funding program
38 (Chapter 7 (commencing with Section 50250)), and the Family
39 Homelessness Challenge Grants and Technical Assistance Program
40 (Chapter 8 (commencing with Section 50255)).

1 *SEC. 7.5. Section 65585 of the Government Code is amended*
2 *to read:*

3 65585. (a) In the preparation of its housing element, each city
4 and county shall consider the guidelines adopted by the department
5 pursuant to Section 50459 of the Health and Safety Code. Those
6 guidelines shall be advisory to each city or county in the
7 preparation of its housing element.

8 (b) (1) (A) At least 90 days prior to adoption of a revision of
9 its housing element pursuant to subdivision (e) of Section 65588,
10 or at least 60 days prior to the adoption of a subsequent amendment
11 to this element, the planning agency shall submit a draft element
12 revision or draft amendment to the department. The local
13 government of the planning agency shall make the first draft
14 revision of a housing element available for public comment for at
15 least 30 days and, if any comments are received, the local
16 government shall take at least 10 business days after the 30-day
17 public comment period to consider and incorporate public
18 comments into the draft revision prior to submitting it to the
19 department. For any subsequent draft revision, the local
20 government shall post the draft revision on its internet website and
21 shall email a link to the draft revision to all individuals and
22 organizations that have previously requested notices relating to
23 the local government's housing element at least seven days before
24 submitting the draft revision to the department.

25 (B) The planning agency staff shall collect and compile the
26 public comments regarding the housing element received by the
27 city, county, or city and county and provide these comments to
28 each member of the legislative body before it adopts the housing
29 element.

30 (C) The department shall review the draft and report its written
31 findings to the planning agency within 90 days of its receipt of the
32 first draft submittal for each housing element revision pursuant to
33 subdivision (e) of Section 65588 or within 60 days of its receipt
34 of a subsequent draft amendment or an adopted revision or adopted
35 amendment to an element. The department shall not review the
36 first draft submitted for each housing element revision pursuant
37 to subdivision (e) of Section 65588 until the local government has
38 made the draft available for public comment for at least 30 days
39 and, if comments were received, has taken at least 10 business

1 days to consider and incorporate public comments pursuant to
2 paragraph (1).

3 (2) (A) At least 90 days prior to the initial adoption of a revision
4 of its housing element pursuant to subdivision (e) of Section 65588,
5 and at least 7 days prior to any subsequent adoption submittal if
6 changes have occurred to the inventory of sites, a local government
7 shall do both of the following:

8 (i) Make a draft of its inventory of sites required pursuant to
9 paragraph (3) of subdivision (a) of Section 65583 available to the
10 department and the public and post the draft inventory on its
11 internet website.

12 (ii) Send an email to all individuals and organizations that have
13 previously requested notices notifying them that the inventory has
14 been updated that includes a link to the draft inventory on its
15 website.

16 (B) The requirements of this paragraph shall apply to the seventh
17 and each subsequent revision of the housing element.

18 (c) In the preparation of its findings, the department may consult
19 with any public agency, group, or person. The department shall
20 receive and consider any written comments from any public
21 agency, group, or person regarding the draft or adopted element
22 or amendment under review.

23 (d) In its written findings, the department shall determine
24 whether the draft element or draft amendment substantially
25 complies with this article. *If the department finds that the draft
26 element or draft amendment does not substantially comply with
27 this article, the department shall in a written communication to
28 the planning agency do both of the following:*

29 (1) *Identify and explain the specific deficiencies in the draft
30 element or draft amendment, including a reference to each
31 subdivision of Section 65583 that the draft element or draft
32 amendment does not comply with.*

33 (2) *Provide the specific analysis or text that the department
34 expects the planning agency to include in the draft element or draft
35 amendment to remedy the deficiencies identified in paragraph (1).*

36 (e) Prior to the adoption of its draft element or draft amendment,
37 the legislative body shall consider the findings ~~made~~ *made, and
38 the specific analysis or text required,* by the department. If the
39 department's findings are not available within the time limits set
40 by this section, the legislative body may act without them.

1 (f) If the department finds that the draft element or draft
2 amendment does not substantially comply with this article, the
3 legislative body shall take one of the following actions:

4 (1) (A) ~~Change the~~ *Include the specific analysis or text in the*
5 *draft element or draft amendment to substantially comply with*
6 ~~this article.~~ *article, as required by the department pursuant to*
7 *subdivision (d).*

8 (B) Any change to a draft element or draft amendment pursuant
9 to subparagraph (A) shall be completed in accordance with
10 subdivision (b). This subparagraph does not constitute a change
11 in, but is declaratory of, existing law.

12 (2) Adopt the draft element or draft amendment without ~~changes.~~
13 *the specific analysis or text required by the department pursuant*
14 *to subdivision (d).* The legislative body shall include in its
15 resolution of adoption written findings that explain the reasons the
16 legislative body believes that the draft element or draft amendment
17 substantially complies with this article despite the findings ~~of~~ *of,*
18 *and specific analysis or text required by,* the department.

19 (g) (1) Promptly following the adoption of its element or
20 amendment, the planning agency shall submit a copy of the adopted
21 element or amendment and any findings made pursuant to
22 paragraph (2) of subdivision (f) to the department.

23 (2) This subdivision shall not be construed to excuse a legislative
24 body from complying with subdivision (f). This paragraph does
25 not constitute a change in, but is declaratory of, existing law.

26 (h) The department shall, within 60 days, review adopted
27 housing elements or amendments and any findings pursuant to
28 paragraph (2) of subdivision (f), make a finding as to whether the
29 adopted element or amendment is in substantial compliance with
30 this article, and report its findings to the planning agency. *If the*
31 *department finds that the adopted element or amendment is not in*
32 *substantial compliance with this article, the department shall*
33 *identify each subdivision of Section 65583 that the housing element*
34 *does not substantially comply with and provide the specific analysis*
35 *or text to the planning agency that, if adopted, would bring the*
36 *housing element or amendment into substantial compliance.*

37 (i) (1) (A) The department shall review any action or failure
38 to act by the city, county, or city and county that it determines is
39 inconsistent with an adopted housing element or Section 65583,
40 including any failure to implement any program actions included

1 in the housing element pursuant to Section 65583. The department
2 shall issue written findings to the city, county, or city and county
3 as to whether the action or failure to act substantially complies
4 with this article, and provide a reasonable time no longer than 30
5 days for the city, county, or city and county to respond to the
6 findings before taking any other action authorized by this section,
7 including the action authorized by subparagraph (C).

8 (B) If the department finds that the city's, county's, or city and
9 county's action or failure to act does not substantially comply with
10 its adopted housing element or its obligations pursuant to Section
11 65583, there shall be a rebuttable presumption of invalidity in any
12 legal action challenging that action or failure to act.

13 (C) If the department finds that the action or failure to act by
14 the city, county, or city and county does not substantially comply
15 with this article, and if it has issued findings pursuant to this section
16 that an amendment to the housing element substantially complies
17 with this article, the department may revoke its findings until it
18 determines that the city, county, or city and county has come into
19 compliance with this article.

20 (2) The department may consult with any local government,
21 public agency, group, or person, and shall receive and consider
22 any written comments from any public agency, group, or person,
23 regarding the action or failure to act by the city, county, or city
24 and county described in paragraph (1), in determining whether the
25 housing element substantially complies with this article.

26 (j) The department shall notify the city, county, or city and
27 county and may notify the office of the Attorney General that the
28 city, county, or city and county is in violation of state law if the
29 department finds that the housing element or an amendment to this
30 element, or any action or failure to act described in subdivision
31 (i), does not substantially comply with this article or that any local
32 government has taken an action in violation of the following:

- 33 (1) Housing Accountability Act (Section 65589.5).
- 34 (2) Section 65863.
- 35 (3) Chapter 4.3 (commencing with Section 65915).
- 36 (4) Section 65008.
- 37 (5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019,
38 Sections 65941.1, 65943, and 66300).
- 39 (6) Section 8899.50.
- 40 (7) Section 65913.4.

- 1 (8) Article 11 (commencing with Section 65650).
- 2 (9) Article 12 (commencing with Section 65660).
- 3 (10) Section 65913.11.
- 4 (11) Section 65400.
- 5 (12) Section 65863.2.
- 6 (13) Chapter 4.1 (commencing with Section 65912.100).
- 7 (14) Section 65905.5.
- 8 (15) Chapter 13 (commencing with Section 66310).
- 9 (16) Section 65852.21.
- 10 (17) Section 65852.24.
- 11 (18) Section 66411.7.
- 12 (19) Section 65913.16.
- 13 (20) Article 2 (commencing with Section 66300.5) of Chapter
- 14 12.
- 15 (21) Section 65852.28.
- 16 (22) Section 65913.4.5.
- 17 (23) Section 66499.41.
- 18 (24) Homeless Housing, Assistance, and Prevention program
- 19 (Chapter 6 (commencing with Section 50216) and Chapter 6.5
- 20 (commencing with Section 50230) of Part 1 of Division 31 of the
- 21 Health and Safety Code).
- 22 (25) Encampment Resolution Funding program (Chapter 7
- 23 (commencing with Section 50250) of Part 1 of Division 31 of the
- 24 Health and Safety Code).
- 25 (26) Family Homelessness Challenge Grants and Technical
- 26 Assistance Program (Chapter 8 (commencing with Section 50255)
- 27 of Part 1 of Division 31 of the Health and Safety Code).
- 28 (27) ~~(A)~~ Article 11.5 (commencing with Section 65658).
- 29 ~~(B) This paragraph shall become operative only if Assembly~~
- 30 ~~Bill 3068 of the 2023–24 Regular Session of the Legislature is~~
- 31 ~~enacted and takes effect on or before January 1, 2025.~~
- 32 (k) Commencing July 1, 2019, prior to the Attorney General
- 33 bringing any suit for a violation of the provisions identified in
- 34 subdivision (j) related to housing element compliance and seeking
- 35 remedies available pursuant to this subdivision, the department
- 36 shall offer the jurisdiction the opportunity for two meetings in
- 37 person or via telephone to discuss the violation, and shall provide
- 38 the jurisdiction written findings regarding the violation. This
- 39 paragraph does not affect any action filed prior to the effective
- 40 date of this section. The requirements set forth in this subdivision

1 do not apply to any suits brought for a violation or violations of
2 paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

3 (l) In any action or special proceeding brought by the Attorney
4 General relating to housing element compliance pursuant to a
5 notice or referral under subdivision (j), the Attorney General may
6 request, upon a finding of the court that the housing element does
7 not substantially comply with the requirements of this article
8 pursuant to this section, that the court issue an order or judgment
9 directing the jurisdiction to bring its housing element into
10 substantial compliance with the requirements of this article. The
11 court shall retain jurisdiction to ensure that its order or judgment
12 is carried out. If a court determines that the housing element of
13 the jurisdiction substantially complies with this article, it shall
14 have the same force and effect, for purposes of eligibility for any
15 financial assistance that requires a housing element in substantial
16 compliance and for purposes of any incentives provided under
17 Section 65589.9, as a determination by the department that the
18 housing element substantially complies with this article.

19 (1) If the jurisdiction has not complied with the order or
20 judgment after 12 months, the court shall conduct a status
21 conference. Following the status conference, upon a determination
22 that the jurisdiction failed to comply with the order or judgment
23 compelling substantial compliance with the requirements of this
24 article, the court shall impose fines on the jurisdiction, which shall
25 be deposited into the Building Homes and Jobs Trust Fund. Any
26 fine levied pursuant to this paragraph shall be in a minimum
27 amount of ten thousand dollars (\$10,000) per month, but shall not
28 exceed one hundred thousand dollars (\$100,000) per month, except
29 as provided in paragraphs (2) and (3). In the event that the
30 jurisdiction fails to pay fines imposed by the court in full and on
31 time, the court may require the Controller to intercept any available
32 state and local funds and direct such funds to the Building Homes
33 and Jobs Trust Fund to correct the jurisdiction's failure to pay.
34 The intercept of the funds by the Controller for this purpose shall
35 not violate any provision of the California Constitution.

36 (2) If the jurisdiction has not complied with the order or
37 judgment after three months following the imposition of fees
38 described in paragraph (1), the court shall conduct a status
39 conference. Following the status conference, if the court finds that
40 the fees imposed pursuant to paragraph (1) are insufficient to bring

1 the jurisdiction into compliance with the order or judgment, the
2 court may multiply the fine determined pursuant to paragraph (1)
3 by a factor of three. In the event that the jurisdiction fails to pay
4 fines imposed by the court in full and on time, the court may
5 require the Controller to intercept any available state and local
6 funds and direct such funds to the Building Homes and Jobs Trust
7 Fund to correct the jurisdiction's failure to pay. The intercept of
8 the funds by the Controller for this purpose shall not violate any
9 provision of the California Constitution.

10 (3) If the jurisdiction has not complied with the order or
11 judgment six months following the imposition of fees described
12 in paragraph (1), the court shall conduct a status conference. Upon
13 a determination that the jurisdiction failed to comply with the order
14 or judgment, the court may impose the following:

15 (A) If the court finds that the fees imposed pursuant to
16 paragraphs (1) and (2) are insufficient to bring the jurisdiction into
17 compliance with the order or judgment, the court may multiply
18 the fine determined pursuant to paragraph (1) by a factor of six.
19 In the event that the jurisdiction fails to pay fines imposed by the
20 court in full and on time, the court may require the Controller to
21 intercept any available state and local funds and direct such funds
22 to the Building Homes and Jobs Trust Fund to correct the
23 jurisdiction's failure to pay. The intercept of the funds by the
24 Controller for this purpose shall not violate any provision of the
25 California Constitution.

26 (B) The court may order remedies available pursuant to Section
27 564 of the Code of Civil Procedure, under which the agent of the
28 court may take all governmental actions necessary to bring the
29 jurisdiction's housing element into substantial compliance pursuant
30 to this article in order to remedy identified deficiencies. The court
31 shall determine whether the housing element of the jurisdiction
32 substantially complies with this article and, once the court makes
33 that determination, it shall have the same force and effect, for all
34 purposes, as the department's determination that the housing
35 element substantially complies with this article. An agent appointed
36 pursuant to this paragraph shall have expertise in planning in
37 California.

38 (4) This subdivision does not limit a court's discretion to apply
39 any and all remedies in an action or special proceeding for a
40 violation of any law identified in subdivision (j).

1 (m) In determining the application of the remedies available
2 under subdivision (l), the court shall consider whether there are
3 any mitigating circumstances delaying the jurisdiction from coming
4 into compliance with state housing law. The court may consider
5 whether a city, county, or city and county is making a good faith
6 effort to come into substantial compliance or is facing substantial
7 undue hardships.

8 (n) Nothing in this section shall limit the authority of the office
9 of the Attorney General to bring a suit to enforce state law in an
10 independent capacity. The office of the Attorney General may seek
11 all remedies available under law including those set forth in this
12 section.

13 (o) Notwithstanding Sections 11040 and 11042, if the Attorney
14 General declines to represent the department in any action or
15 special proceeding brought pursuant to a notice or referral under
16 subdivision (j), the department may appoint or contract with other
17 counsel for purposes of representing the department in the action
18 or special proceeding.

19 (p) Notwithstanding any other provision of law, the statute of
20 limitations set forth in subdivision (a) of Section 338 of the Code
21 of Civil Procedure shall apply to any action or special proceeding
22 brought by the office of the Attorney General or pursuant to a
23 notice or referral under subdivision (j), or by the department
24 pursuant to subdivision (o).

25 (q) The amendments to this section made by the act adding this
26 subdivision shall not be construed to limit the department's ability
27 to enforce programmatic requirements or remedies against cities,
28 counties, and continuums of care pursuant to the Homeless
29 Housing, Assistance, and Prevention program (Chapter 6
30 commencing with Section 50216) and Chapter 6.5 (commencing
31 with Section 50230) of Part 1 of Division 31 of the Health and
32 Safety Code), the Encampment Resolution Funding program
33 (Chapter 7 (commencing with Section ~~50250~~), 50250) of Part 1
34 of Division 31 of the Health and Safety Code), and the Family
35 Homelessness Challenge Grants and Technical Assistance Program
36 (Chapter 8 (commencing with Section ~~50255~~), 50255) of Part 1
37 of Division 31 of the Health and Safety Code).

38 *SEC. 8. (a) (1) Section 1.1 of this bill incorporates*
39 *amendments to Section 65583 of the Government Code proposed*
40 *by both this bill and Assembly Bill 610. That section of this bill*

1 shall only become operative if (A) both bills are enacted and
2 become effective on or before January 1, 2026, (B) each bill
3 amends Section 65583 of the Government Code, (C) Senate Bill
4 340 is not enacted or as enacted does not amend that section, and
5 (D) this bill is enacted after Assembly Bill 610, in which case
6 Sections 1, 1.2, and 1.3 of this bill shall not become operative.

7 (2) Section 1.2 of this bill incorporates amendments to Section
8 65583 of the Government Code proposed by both this bill and
9 Senate Bill 340. That section of this bill shall only become
10 operative if (A) both bills are enacted and become effective on or
11 before January 1, 2026, (B) each bill amends Section 65583 of the
12 Government Code, (C) Assembly Bill 610 is not enacted or as
13 enacted does not amend that section, and (D) this bill is enacted
14 after Senate Bill 340 in which case Sections 1, 1.1, and 1.3 of this
15 bill shall not become operative.

16 (3) Section 1.3 of this bill incorporates amendments to Section
17 65583 of the Government Code proposed by this bill, Assembly
18 Bill 610, and Senate Bill 340. That section of this bill shall only
19 become operative if (A) all three bills are enacted and become
20 effective on or before January 1, 2026, (B) all three bills amend
21 Section 65583 of the Government Code, and (C) this bill is enacted
22 after Assembly Bill 610 and Senate Bill 340, in which case Sections
23 1, 1.1, and 1.2 of this bill shall not become operative.

24 (b) Section 3.5 of this bill incorporates amendments to Section
25 65584.01 of the Government Code proposed by both this bill and
26 Senate Bill 486. That section of this bill shall only become
27 operative if (1) both bills are enacted and become effective on or
28 before January 1, 2026, (2) each bill amends Section 65584.01 of
29 the Government Code, and (3) this bill is enacted after Senate Bill
30 486, in which case Section 3 of this bill shall not become operative.

31 (c) Section 4.5 of this bill incorporates amendments to Section
32 65584.03 of the Government Code proposed by both this bill and
33 Assembly Bill 1275. That section of this bill shall only become
34 operative if (1) both bills are enacted and become effective on or
35 before January 1, 2026, (2) each bill amends Section 65584.03 of
36 the Government Code, and (3) this bill is enacted after Assembly
37 Bill 1275, in which case Section 4 of this bill shall not become
38 operative.

39 (d) (1) Section 5.1 of this bill incorporates amendments to
40 Section 65584.04 of the Government Code proposed by both this

1 *bill and Senate Bill 486. That section of this bill shall only become*
 2 *operative if (A) both bills are enacted and become effective on or*
 3 *before January 1, 2026, (B) each bill amends Section 65584.04 of*
 4 *the Government Code, (C) Assembly Bill 1275 is not enacted or*
 5 *as enacted does not amend that section, and (D) this bill is enacted*
 6 *after Senate Bill 486, in which case Sections 5, 5.2, and 5.3 of this*
 7 *bill shall not become operative.*

8 (2) *Section 5.2 of this bill incorporates amendments to Section*
 9 *65584.04 of the Government Code proposed by both this bill and*
 10 *Assembly Bill 1275. That section of this bill shall only become*
 11 *operative if (A) both bills are enacted and become effective on or*
 12 *before January 1, 2026, (B) each bill amends Section 65584.04 of*
 13 *the Government Code, (C) Senate Bill 486 is not enacted or as*
 14 *enacted does not amend that section, and (D) this bill is enacted*
 15 *after Assembly Bill 1275, in which case Sections 5, 5.1, and 5.3*
 16 *of this bill shall not become operative.*

17 (3) *Section 5.3 of this bill incorporates amendments to Section*
 18 *65584.04 of the Government Code proposed by this bill, Senate*
 19 *Bill 486, and Assembly Bill 1275. That section of this bill shall*
 20 *only become operative if (A) all three bills are enacted and become*
 21 *effective on or before January 1, 2026, (B) all three bills amend*
 22 *Section 65584.04 of the Government Code, and (C) this bill is*
 23 *enacted after Senate Bill 486 and Assembly Bill 1275, in which*
 24 *case Sections 5, 5.1, and 5.2 of this bill shall not become operative.*

25 (e) *Section 7.5 of this bill incorporates amendments to Section*
 26 *65585 of the Government Code proposed by both this bill and*
 27 *Assembly Bill 507. That section of this bill shall only become*
 28 *operative if (1) both bills are enacted and become effective on or*
 29 *before January 1, 2026, (2) each bill amends Section 65585 of the*
 30 *Government Code, and (3) this bill is enacted after Assembly Bill*
 31 *507, in which case Section 7 of this bill shall not become operative.*

32 ~~SEC. 8:~~

33 *SEC. 9.* No reimbursement is required by this act pursuant to
 34 Section 6 of Article XIII B of the California Constitution because
 35 a local agency or school district has the authority to levy service
 36 charges, fees, or assessments sufficient to pay for the program or
 37 level of service mandated by this act, within the meaning of Section
 38 17556 of the Government Code.

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