

AMENDED IN ASSEMBLY JULY 1, 2019
AMENDED IN ASSEMBLY JUNE 25, 2019
AMENDED IN ASSEMBLY JUNE 12, 2019
AMENDED IN SENATE MAY 21, 2019
AMENDED IN SENATE MAY 7, 2019
AMENDED IN SENATE APRIL 24, 2019
AMENDED IN SENATE APRIL 4, 2019
AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 330

Introduced by Senator Skinner

February 19, 2019

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65943 and 65950 of, to add and repeal Sections 65905.5, ~~65913.3~~, 65913.10, 65941.1, and 65950.2 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 330, as amended, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The

act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete.

This bill, until January 1, 2025, would specify that an application is deemed complete for these purposes if a preliminary application was submitted, as described below.

Existing law authorizes the applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization to bring an action to enforce the Housing Accountability Act. If, in that action, a court finds that a local agency failed to satisfy the requirement to make the specified findings described above, existing law requires the court to issue an order or judgment compelling compliance with the act within 60 days, as specified.

This bill, until January 1, 2025, would additionally require a court to issue the order or judgment previously described if the local agency required or attempted to require certain housing development projects to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

Existing law authorizes a local agency to require a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need, as specified.

This bill, until January 1, 2025, would, notwithstanding those provisions or any other law and with certain exceptions, require that a housing development project only be subject to the preconstruction

development ordinances, policies, and standards adopted and in effect when a preliminary application is submitted, except as specified.

(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.

This bill, until January 1, 2025, would prohibit a city or county from conducting more than 5 hearings, as defined, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, as defined. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act.

~~(3) The Planning and Zoning Law requires a county or city to designate and zone sufficient vacant land for residential use with appropriate standards, as provided. That law also authorizes a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies certain objective planning standards.~~

~~This bill, until January 1, 2025, with respect to land where housing is an allowable use on or after January 1, 2018, would prohibit a county or city in which specified conditions exist, determined by the Department of Housing and Community Development as provided, from imposing any new, increasing or enforcing any existing, requirement that a proposed housing development include parking in excess of specified amounts. If the city or county grants a conditional use permit approving a proposed housing development project and that project would have been eligible for a higher density under the city's or county's general plan land use designation and zoning ordinances as in effect on January 1, 2018, the bill would also require the city or county to allow the project at that higher density. The bill would require a project that requires the demolition of housing to comply with specified requirements, including the provision of relocation assistance~~

~~and a right of first refusal in the new housing to displaced occupants, as provided. The bill would require that any units for which a developer provides relocation assistance or a right of first refusal be considered in determining whether the housing development project satisfies the requirements, if applicable, of an inclusionary housing ordinance of the county or city.~~

~~The bill would state that these provisions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.~~

~~(4)~~

(3) The Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. That law requires the state or local agency to make copies of this information available to all applicants for development projects and to any persons who request the information.

The bill, until January 1, 2025, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development project is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the housing development, at the time the application is deemed complete, except as provided. The bill, until January 1, 2025, would also require that each local agency make copies of any above-described list with respect to information required from an applicant for a housing development project available both (A) in writing to those persons to whom the agency is required to make information available and (B) publicly available on the internet website of the local agency.

The Permit Streamlining Act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act requires a public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application. Existing law authorizes the applicant to submit the additional material to the public agency, requires the public agency to determine whether the submission of the application together with

the submitted materials is complete within 30 days of receipt, and provides for an appeal process from the public agency's determination. Existing law requires a final written determination by the agency on the appeal no later than 60 days after receipt of the applicant's written appeal.

This bill, until January 1, 2025, would provide that a housing development project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. The bill would require each local agency to compile a checklist and application form that applicants for housing development projects may use for that purpose and would require the Department of Housing and Community Development to adopt a standardized form for applicants seeking approval from a local agency that has not developed its own application form. After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a complete initial application under these provisions if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more until the development proponent resubmits the information required by the bill so that it reflects the revisions. The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application.

The bill, until January 1, 2025, would require the lead agency, as defined, if the application is determined to be incomplete, to provide the applicant with an exhaustive list of items that were not complete, as specified.

The bill, until January 1, 2025, would also provide that all deadlines in the Permit Streamlining Act are mandatory.

The Permit Streamlining Act generally requires that a public agency that is the lead agency for a development project approve or disapprove a project within 120 days from the date of certification by the lead agency of an environmental impact report prepared for certain development projects, but reduces this time period to 90 days from the certification of an environmental impact report for development projects meeting certain additional conditions relating to affordability. Existing law defines "development project" for these purposes to mean a use

consisting of either residential units only or mixed-use developments consisting of residential and nonresidential uses that satisfy certain other requirements.

This bill, until January 1, 2025, would reduce the time period in which a lead agency under these provisions is required to approve or disapprove a project from 120 days to 90 days, for a development project generally described above, and from 90 days to 60 days, for a development project that meets the above-described affordability conditions. The bill would recast the definition of “development project” for these purposes to mean a housing development project, as defined in the Housing Accountability Act.

(5)

(4) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, until January 1, 2025, with respect to land where housing is an allowable use ~~on or after January 1, 2018, use~~, except as specified, would prohibit a county or city, including the electorate exercising its local initiative or referendum power, in which specified conditions exist, determined by the Department of Housing and Community Development as provided, from enacting a development policy, standard, or condition, as defined, that would have the effect of (A) changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; (B) imposing or enforcing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing or enforcing new design standards established on or after January 1, 2018, that are not objective design standards, as defined; or (D) establishing or implementing certain limits on the number of permits issued by, or the population of, the county or city, unless the limit was approved prior

to January 1, 2005, in a predominantly agricultural county, as defined. The bill would, notwithstanding these prohibitions, allow a city or county to prohibit the commercial use of land zoned for residential use consistent with the authority of the city or county conferred by other law. The bill would state that these prohibitions would apply to any zoning ordinance adopted or amended on or after ~~January 1, 2018~~, *the effective date of these provisions*, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.

This bill would also require a project that requires the demolition of housing to comply with specified requirements, including the provision of relocation assistance and a right of first refusal in the new housing to displaced occupants, as provided. The bill would provide that these provisions do not supersede any provision of a locally adopted ordinance that places greater restrictions on the demolition of residential dwelling units or that requires greater relocation assistance to displaced households.

The bill would state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly. ~~The bill would also declare any requirement to obtain local voter approval or supermajority approval of any body of the county or city for specified purposes related to housing development against public policy and void.~~

(6)

(5) This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(7)

(6) By imposing various new requirements and duties on local planning officials with respect to housing development, and by changing the scope of a crime under the State Housing Law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

(8)

(7) This bill would provide that its provisions are severable.

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. This act shall be known, and may be cited, as the
2 Housing Crisis Act of 2019.

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

4 (1) California is experiencing a housing supply crisis, with
5 housing demand far outstripping supply. In 2018, California ranked
6 49th out of the 50 states in housing units per capita.

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

11 (3) California is also experiencing rapid year-over-year rent
12 growth with three cities in the state having had overall rent growth
13 of 10 percent or more year-over-year, and of the 50 United States
14 cities with the highest United States rents, 33 are cities in
15 California.

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

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

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

23 (A) Increased poverty and homelessness, especially first-time
24 homelessness.

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

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

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

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

12 (7) The housing crisis has been exacerbated by the additional
13 loss of units due to wildfires in 2017 and 2018, which impacts all
14 regions of the state. The Carr Fire in 2017 alone burned over 1,000
15 homes, and over 50,000 people have been displaced by the Camp
16 Fire and the Woolsey Fire in 2018. This temporary and permanent
17 displacement has placed additional demand on the housing market
18 and has resulted in fewer housing units available for rent by
19 low-income individuals.

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

23 (9) Costs for construction of new housing continue to increase.
24 According to the Turner Center for Housing Innovation at the
25 University of California, Berkeley, the cost of building a 100-unit
26 affordable housing project in the state was almost \$425,000 per
27 unit in 2016, up from \$265,000 per unit in 2000.

28 (10) Lengthy permitting processes and approval times, fees and
29 costs for parking, and other requirements further exacerbate cost
30 of residential construction.

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

33 (A) Employers face increasing difficulty in securing and
34 retaining a workforce.

35 (B) Schools, universities, nonprofits, and governments have
36 difficulty attracting and retaining teachers, students, and employees,
37 and our schools and critical services are suffering.

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

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

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

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

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

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

17 (b) In light of the foregoing, the Legislature hereby declares a
18 statewide housing emergency, to be in effect until January 1, 2025.

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

21 (1) Suspend certain restrictions on the development of new
22 housing during the period of the statewide emergency described
23 in subdivisions (a) and (b).

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

27 SEC. 3. Section 65589.5 of the Government Code is amended
28 to read:

29 65589.5. (a) (1) The Legislature finds and declares all of the
30 following:

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

34 (B) California housing has become the most expensive in the
35 nation. The excessive cost of the state's housing supply is partially
36 caused by activities and policies of many local governments that
37 limit the approval of housing, increase the cost of land for housing,
38 and require that high fees and exactions be paid by producers of
39 housing.

1 (C) Among the consequences of those actions are discrimination
2 against low-income and minority households, lack of housing to
3 support employment growth, imbalance in jobs and housing,
4 reduced mobility, urban sprawl, excessive commuting, and air
5 quality deterioration.

6 (D) Many local governments do not give adequate attention to
7 the economic, environmental, and social costs of decisions that
8 result in disapproval of housing development projects, reduction
9 in density of housing projects, and excessive standards for housing
10 development projects.

11 (2) In enacting the amendments made to this section by the act
12 adding this paragraph, the Legislature further finds and declares
13 the following:

14 (A) California has a housing supply and affordability crisis of
15 historic proportions. The consequences of failing to effectively
16 and aggressively confront this crisis are hurting millions of
17 Californians, robbing future generations of the chance to call
18 California home, stifling economic opportunities for workers and
19 businesses, worsening poverty and homelessness, and undermining
20 the state's environmental and climate objectives.

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

25 (C) The crisis has grown so acute in California that supply,
26 demand, and affordability fundamentals are characterized in the
27 negative: underserved demands, constrained supply, and protracted
28 unaffordability.

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

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

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

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

5 (H) When Californians have access to safe and affordable
6 housing, they have more money for food and health care; they are
7 less likely to become homeless and in need of
8 government-subsidized services; their children do better in school;
9 and businesses have an easier time recruiting and retaining
10 employees.

11 (I) An additional consequence of the state's cumulative housing
12 shortage is a significant increase in greenhouse gas emissions
13 caused by the displacement and redirection of populations to states
14 with greater housing opportunities, particularly working- and
15 middle-class households. California's cumulative housing shortfall
16 therefore has not only national but international environmental
17 consequences.

18 (J) California's housing picture has reached a crisis of historic
19 proportions despite the fact that, for decades, the Legislature has
20 enacted numerous statutes intended to significantly increase the
21 approval, development, and affordability of housing for all income
22 levels, including this section.

23 (K) The Legislature's intent in enacting this section in 1982 and
24 in expanding its provisions since then was to significantly increase
25 the approval and construction of new housing for all economic
26 segments of California's communities by meaningfully and
27 effectively curbing the capability of local governments to deny,
28 reduce the density for, or render infeasible housing development
29 projects and emergency shelters. That intent has not been fulfilled.

30 (L) It is the policy of the state that this section should be
31 interpreted and implemented in a manner to afford the fullest
32 possible weight to the interest of, and the approval and provision
33 of, housing.

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

38 (b) It is the policy of the state that a local government not reject
39 or make infeasible housing development projects, including
40 emergency shelters, that contribute to meeting the need determined

1 pursuant to this article without a thorough analysis of the economic,
2 social, and environmental effects of the action and without
3 complying with subdivision (d).

4 (c) The Legislature also recognizes that premature and
5 unnecessary development of agricultural lands for urban uses
6 continues to have adverse effects on the availability of those lands
7 for food and fiber production and on the economy of the state.
8 Furthermore, it is the policy of the state that development should
9 be guided away from prime agricultural lands; therefore, in
10 implementing this section, local jurisdictions should encourage,
11 to the maximum extent practicable, in filling existing urban areas.

12 (d) A local agency shall not disapprove a housing development
13 project, including farmworker housing as defined in subdivision
14 (h) of Section 50199.7 of the Health and Safety Code, for very
15 low, low-, or moderate-income households, or an emergency
16 shelter, or condition approval in a manner that renders the housing
17 development project infeasible for development for the use of very
18 low, low-, or moderate-income households, or an emergency
19 shelter, including through the use of design review standards,
20 unless it makes written findings, based upon a preponderance of
21 the evidence in the record, as to one of the following:

22 (1) The jurisdiction has adopted a housing element pursuant to
23 this article that has been revised in accordance with Section 65588,
24 is in substantial compliance with this article, and the jurisdiction
25 has met or exceeded its share of the regional housing need
26 allocation pursuant to Section 65584 for the planning period for
27 the income category proposed for the housing development project,
28 provided that any disapproval or conditional approval shall not be
29 based on any of the reasons prohibited by Section 65008. If the
30 housing development project includes a mix of income categories,
31 and the jurisdiction has not met or exceeded its share of the regional
32 housing need for one or more of those categories, then this
33 paragraph shall not be used to disapprove or conditionally approve
34 the housing development project. The share of the regional housing
35 need met by the jurisdiction shall be calculated consistently with
36 the forms and definitions that may be adopted by the Department
37 of Housing and Community Development pursuant to Section
38 65400. In the case of an emergency shelter, the jurisdiction shall
39 have met or exceeded the need for emergency shelter, as identified
40 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any

1 disapproval or conditional approval pursuant to this paragraph
2 shall be in accordance with applicable law, rule, or standards.

3 (2) The housing development project or emergency shelter as
4 proposed would have a specific, adverse impact upon the public
5 health or safety, and there is no feasible method to satisfactorily
6 mitigate or avoid the specific adverse impact without rendering
7 the development unaffordable to low- and moderate-income
8 households or rendering the development of the emergency shelter
9 financially infeasible. As used in this paragraph, a “specific,
10 adverse impact” means a significant, quantifiable, direct, and
11 unavoidable impact, based on objective, identified written public
12 health or safety standards, policies, or conditions as they existed
13 on the date the application was deemed complete. Inconsistency
14 with the zoning ordinance or general plan land use designation
15 shall not constitute a specific, adverse impact upon the public
16 health or safety.

17 (3) The denial of the housing development project or imposition
18 of conditions is required in order to comply with specific state or
19 federal law, and there is no feasible method to comply without
20 rendering the development unaffordable to low- and
21 moderate-income households or rendering the development of the
22 emergency shelter financially infeasible.

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

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

1 (A) This paragraph cannot be utilized to disapprove or
2 conditionally approve a housing development project if the housing
3 development project is proposed on a site that is identified as
4 suitable or available for very low, low-, or moderate-income
5 households in the jurisdiction's housing element, and consistent
6 with the density specified in the housing element, even though it
7 is inconsistent with both the jurisdiction's zoning ordinance and
8 general plan land use designation.

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

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

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

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

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

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

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance,

1 standard, requirement, or other similar provision if there is
2 substantial evidence that would allow a reasonable person to
3 conclude that the housing development project or emergency
4 shelter is consistent, compliant, or in conformity.

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

8 (h) The following definitions apply for the purposes of this
9 section:

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

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

15 (A) Residential units only.

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

19 (C) Transitional housing or supportive housing.

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

38 (4) “Area median income” means area median income as
39 periodically established by the Department of Housing and
40 Community Development pursuant to Section 50093 of the Health

1 and Safety Code. The developer shall provide sufficient legal
2 commitments to ensure continued availability of units for very low
3 or low-income households in accordance with the provisions of
4 this subdivision for 30 years.

5 (5) Notwithstanding any other law, until January 1, 2025,
6 “deemed complete” means that the applicant has submitted a
7 preliminary application pursuant to Section 65941.1.

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

10 (A) Votes on a proposed housing development project
11 application and the application is disapproved, including any
12 required land use approvals or entitlements necessary for the
13 issuance of a building permit.

14 (B) Fails to comply with the time periods specified in
15 subdivision (a) of Section 65950. An extension of time pursuant
16 to Article 5 (commencing with Section 65950) shall be deemed to
17 be an extension of time pursuant to this paragraph.

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

20 ~~(7)~~

21 (8) Until January 1, 2025, “objective” means involving no
22 personal or subjective judgment by a public official and being
23 uniformly verifiable by reference to an external and uniform
24 benchmark or criterion available and knowable by both the
25 development applicant or proponent and the public official.

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

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

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

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

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

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

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

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and

1 in conformity with the applicable plan, program, policy, ordinance,
2 standard, requirement, or other similar provision.

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

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

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

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

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

1 (III) (ia) Subject to sub-subclause (ib), the local agency, in
2 violation of subdivision (o), required or attempted to require a
3 housing development project to comply with an ordinance, policy,
4 or standard not adopted and in effect when a preliminary
5 application was submitted.

6 (ib) This subclause shall become inoperative on January 1, 2025.

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

22 (B) (i) Upon a determination that the local agency has failed
23 to comply with the order or judgment compelling compliance with
24 this section within 60 days issued pursuant to subparagraph (A),
25 the court shall impose fines on a local agency that has violated this
26 section and require the local agency to deposit any fine levied
27 pursuant to this subdivision into a local housing trust fund. The
28 local agency may elect to instead deposit the fine into the Building
29 Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
30 Session is enacted, or otherwise in the Housing Rehabilitation
31 Loan Fund. The fine shall be in a minimum amount of ten thousand
32 dollars (\$10,000) per housing unit in the housing development
33 project on the date the application was deemed complete pursuant
34 to Section 65943. In determining the amount of fine to impose,
35 the court shall consider the local agency's progress in attaining its
36 target allocation of the regional housing need pursuant to Section
37 65584 and any prior violations of this section. Fines shall not be
38 paid out of funds already dedicated to affordable housing,
39 including, but not limited to, Low and Moderate Income Housing
40 Asset Funds, funds dedicated to housing for very low, low-, and

1 moderate-income households, and federal HOME Investment
2 Partnerships Program and Community Development Block Grant
3 Program funds. The local agency shall commit and expend the
4 money in the local housing trust fund within five years for the sole
5 purpose of financing newly constructed housing units affordable
6 to extremely low, very low, or low-income households. After five
7 years, if the funds have not been expended, the money shall revert
8 to the state and be deposited in the Building Homes and Jobs Fund,
9 if Senate Bill 2 of the 2017–18 Regular Session is enacted, or
10 otherwise in the Housing Rehabilitation Loan Fund, for the sole
11 purpose of financing newly constructed housing units affordable
12 to extremely low, very low, or low-income households.

13 (ii) If any money derived from a fine imposed pursuant to this
14 subparagraph is deposited in the Housing Rehabilitation Loan
15 Fund, then, notwithstanding Section 50661 of the Health and Safety
16 Code, that money shall be available only upon appropriation by
17 the Legislature.

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

30 (2) For purposes of this subdivision, “housing organization”
31 means a trade or industry group whose local members are primarily
32 engaged in the construction or management of housing units or a
33 nonprofit organization whose mission includes providing or
34 advocating for increased access to housing for low-income
35 households and have filed written or oral comments with the local
36 agency prior to action on the housing development project. A
37 housing organization may only file an action pursuant to this
38 section to challenge the disapproval of a housing development by
39 a local agency. A housing organization shall be entitled to

1 reasonable attorney's fees and costs if it is the prevailing party in
2 an action to enforce this section.

3 (l) If the court finds that the local agency (1) acted in bad faith
4 when it disapproved or conditionally approved the housing
5 development or emergency shelter in violation of this section and
6 (2) failed to carry out the court's order or judgment within 60 days
7 as described in subdivision (k), the court, in addition to any other
8 remedies provided by this section, shall multiply the fine
9 determined pursuant to subparagraph (B) of paragraph (1) of
10 subdivision (k) by a factor of five. For purposes of this section,
11 "bad faith" includes, but is not limited to, an action that is frivolous
12 or otherwise entirely without merit.

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

37 (n) In any action, the record of the proceedings before the local
38 agency shall be filed as expeditiously as possible and,
39 notwithstanding Section 1094.6 of the Code of Civil Procedure or
40 subdivision (m) of this section, all or part of the record may be

1 prepared (1) by the petitioner with the petition or petitioner's points
2 and authorities, (2) by the respondent with respondent's points and
3 authorities, (3) after payment of costs by the petitioner, or (4) as
4 otherwise directed by the court. If the expense of preparing the
5 record has been borne by the petitioner and the petitioner is the
6 prevailing party, the expense shall be taxable as costs.

7 (o) (1) Subject to paragraphs (2), (6), and (7), and subdivision
8 (d) of Section 65941.1, a housing development project shall be
9 subject only to the preconstruction development ordinances,
10 policies, and standards adopted and in effect when a preliminary
11 application including all of the information required by subdivision
12 (a) of Section 65941.1 was submitted.

13 (2) Paragraph (1) shall not prohibit a housing development
14 project from being subject to preconstruction development
15 ordinances, policies, and standards adopted after the preliminary
16 application was submitted pursuant to Section 65941.1 in the
17 following circumstances:

18 (A) In the case of a fee, charge, or other monetary exaction, to
19 an increase resulting from an automatic annual adjustment based
20 on an independently published cost index that is referenced in the
21 ordinance or resolution establishing the fee or other monetary
22 exaction.

23 (B) A preponderance of the evidence in the record establishes
24 that subjecting the housing development project to an ordinance,
25 policy, or standard beyond those in effect when a preliminary
26 application was submitted is necessary to mitigate or avoid a
27 specific, adverse impact upon the public health or safety, as defined
28 in subparagraph (A) of paragraph (1) of subdivision (j), and there
29 is no feasible alternative method to satisfactorily mitigate or avoid
30 the adverse impact.

31 (C) Subjecting the housing development project to an ordinance,
32 policy, standard, or any other measure, beyond those in effect when
33 a preliminary application was submitted is necessary to avoid or
34 substantially lessen an impact of the project under the California
35 Environmental Quality Act (Division 13 (commencing with Section
36 21000) of the Public Resources Code).

37 (D) The housing development project has not commenced
38 construction within ~~three~~ *two and one-half* years following the
39 date that the project received final approval. For purposes of this
40 subparagraph, "final approval" means that the housing development

1 project has received all necessary approvals to be eligible to apply
2 for, and obtain, a building permit or permits and either of the
3 following is met:

4 (i) The expiration of all applicable appeal periods, petition
5 periods, reconsideration periods, or statute of limitations for
6 challenging that final approval without an appeal, petition, request
7 for reconsideration, or legal challenge having been filed.

8 (ii) If a challenge is filed, that challenge is fully resolved or
9 settled in favor of the housing development project.

10 (E) The housing development project is revised following
11 submittal of a preliminary application pursuant to Section 65941.1
12 such that the number of residential units or square footage of
13 construction changes by 20 percent or more, exclusive of any
14 increase resulting from the receipt of a density bonus, incentive,
15 concession, waiver, or similar provision. For purposes of this
16 subdivision, “square footage of construction” means the building
17 area, as defined by the California Building Standards Code (Title
18 24 of the California Code of Regulations).

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

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

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

37 (6) This subdivision shall not restrict the authority of a public
38 agency or local agency to require mitigation measures to lessen
39 the impacts of a housing development project under the California

1 Environmental Quality Act (Division 13 (commencing with Section
2 21000) of the Public Resources Code).

3 (7) This subdivision shall become inoperative on January 1,
4 2025.

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

7 SEC. 4. Section 65905.5 is added to the Government Code, to
8 read:

9 65905.5. (a) Notwithstanding any other law, if a proposed
10 housing development project complies with the applicable,
11 objective general plan and zoning standards in effect at the time
12 an application is deemed complete, a city, county, or city and
13 county shall not conduct more than five hearings pursuant to
14 Section 65905, or any other law, ordinance, or regulation requiring
15 a public hearing in connection with the approval of that housing
16 development project. If the city, county, or city and county
17 continues a hearing subject to this section to another date, the
18 continued hearing shall count as one of the five hearings allowed
19 under this section. The city, county, or city and county shall
20 consider and either approve or disapprove the application at any
21 of the five hearings allowed under this section consistent with the
22 applicable timelines under the Permit Streamlining Act (Chapter
23 4.5 (commencing with Section 65920)).

24 (b) For purposes of this section:

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

29 (2) “Hearing” includes any public hearing, workshop, or similar
30 meeting conducted by the city or county with respect to the housing
31 development project, whether by the legislative body of the city
32 or county, the planning agency established pursuant to Section
33 65100, or any other agency, department, board, commission, or
34 any other designated hearing officer or body of the city or county,
35 or any committee or subcommittee thereof. “Hearing” does not
36 include a hearing to review a legislative approval required for a
37 proposed housing development project, including, but not limited
38 to, a general plan amendment, a specific plan adoption or
39 amendment, or a zoning amendment, or any hearing arising from

1 a timely appeal of the approval or disapproval of a legislative
2 approval.

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

5 (c) (1) For purposes of this section, a housing development
6 project shall be deemed consistent, compliant, and in conformity
7 with an applicable plan, program, policy, ordinance, standard,
8 requirement, or other similar provision if there is substantial
9 evidence that would allow a reasonable person to conclude that
10 the housing development project is consistent, compliant, or in
11 conformity.

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

26 (d) Nothing in this section supersedes, limits, or otherwise
27 modifies the requirements of, or the standards of review pursuant
28 to, Division 13 (commencing with Section 21000) of the Public
29 Resources Code.

30 (e) This section shall remain in effect only until January 1, 2025,
31 and as of that date is repealed.

32 ~~SEC. 5. Section 65913.3 is added to the Government Code, to~~
33 ~~read:~~

34 ~~65913.3. (a) As used in this section:~~

35 ~~(1) (A) Except as otherwise provided in subparagraph (B),~~
36 ~~“affected city” means a city or city and county, including a charter~~
37 ~~city, for which the Department of Housing and Community~~
38 ~~Development determines, pursuant to subdivision (f), that the~~
39 ~~average of both of the following amounts is greater than zero:~~

~~(i) The percentage by which the city's average rate of rent differed from 130 percent of the national median rent in 2017, based on the federal 2013–2017 American Community Survey 5-year Estimates.~~

~~(ii) The percentage by which the vacancy rate for residential rental units differed from the national vacancy rate, based on the federal 2013–2017 American Community Survey 5-year Estimates.~~

~~(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urban core.~~

~~(2) “Affected county” means the unincorporated portions of a county that are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, for which the Department of Housing and Community Development determines, pursuant to subdivision (f), that the average of both of the following amounts is greater than zero:~~

~~(A) The percentage by which the average rate of rent for residential uses in the unincorporated portions of the county that are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, differed from 130 percent of the national median rent in 2017, based on the federal 2013–2017 American Community Survey 5-year Estimates.~~

~~(B) The percentage by which the vacancy rate for residential rental units in the unincorporated portions of the county that are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, differed from the national vacancy rate, based on the federal 2013–2017 American Community Survey 5-year Estimates.~~

~~(3) Notwithstanding any other law, for purposes of any action that this section prohibits an affected county or an affected city from doing, “affected county” and “affected city” includes the electorate of the affected county or affected city, as applicable, exercising its local initiative or referendum power with respect to any act that is subject to that power by other law, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or affected city.~~

~~(4) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.~~

1 ~~(b) Notwithstanding any other law, with respect to land where~~
2 ~~housing is an allowable use on or after January 1, 2018, an affected~~
3 ~~county or an affected city, as applicable, shall not impose any new,~~
4 ~~or increase or enforce any existing, requirement that a proposed~~
5 ~~housing development include parking, as applicable:~~

6 ~~(1) A minimum parking requirement if the proposed housing~~
7 ~~development is within one-quarter mile of a rail stop that is a major~~
8 ~~transit stop, as defined in subdivision (b) of Section 21155 of the~~
9 ~~Public Resources Code, there is unobstructed access to the major~~
10 ~~transit stop from the proposed housing development, and the~~
11 ~~proposed housing development is in an affected city that meets~~
12 ~~either of the following:~~

13 ~~(A) The affected city is located in a county with a population~~
14 ~~of greater than 700,000.~~

15 ~~(B) The affected city has a population of 100,000 or greater and~~
16 ~~is located in a county with a population of 700,000 or less.~~

17 ~~(2) A minimum parking requirement in excess of 0.5 spaces per~~
18 ~~unit in affected cities that are not subject to paragraph (1).~~

19 ~~(c) A proposed housing development project is not inconsistent~~
20 ~~with the applicable zoning standards and criteria, and shall not~~
21 ~~require a rezoning, if the housing development project is consistent~~
22 ~~with the objective general plan standards and criteria in effect as~~
23 ~~of January 1, 2018, but the zoning for the project site is inconsistent~~
24 ~~with the general plan. If the local agency complies with the written~~
25 ~~documentation requirements of paragraph (2) of subdivision (j) of~~
26 ~~Section 65589.5, the local agency may require the proposed~~
27 ~~housing development project to comply with the objective~~
28 ~~standards and criteria of the zoning that is consistent with the~~
29 ~~general plan, however, the standards and criteria shall be applied~~
30 ~~to facilitate and accommodate development at the density allowed~~
31 ~~on the site by the general plan and proposed by the proposed~~
32 ~~housing development project.~~

33 ~~(d) If the affected county or affected city approves an application~~
34 ~~for a conditional use permit for a proposed housing development~~
35 ~~project and that project would have been eligible for a higher~~
36 ~~density under the affected county's or affected city's general plan~~
37 ~~land use designation and zoning ordinances as in effect as of~~
38 ~~January 1, 2018, the affected county or affected city shall allow~~
39 ~~the project at that higher density.~~

~~(e) Notwithstanding any other provision of this section, both of the following shall apply:~~

~~(1) An affected city or an affected county shall not approve a housing development project subject to this section that will require the demolition of residential dwelling units unless both of the following requirements are met:~~

~~(A) The project will create at least as many residential dwelling units as will be demolished.~~

~~(B) The affected city or affected county is not prohibited from approving the demolition of the residential dwelling units pursuant to any local ordinance or other law.~~

~~(2) An affected city or an affected county shall not approve a housing development project subject to this section that will require the demolition of occupied or vacant protected units, unless all of the following apply:~~

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

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

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

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

~~(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each~~

1 unit is replaced. Unless otherwise required by the affected city or
2 affected county's rent or price control ordinance, these units shall
3 not be subject to a recorded affordability restriction.

4 (B) The housing development project will include at least as
5 many residential dwelling units as the greatest number of
6 residential dwelling units that existed on the project site within the
7 last five years, unless the project will be 100 percent affordable,
8 exclusive of a managers unit or units, to lower income or very
9 low income households.

10 (C) Any existing residents will be allowed to occupy their units
11 until six months before the start of construction activities with
12 proper notice, subject to Chapter 16 (commencing with Section
13 7260) of Division 7 of Title 1.

14 (D) The developer agrees to provide both of the following to
15 the occupants of any protected units:

16 (i) Relocation benefits, to the occupants of those affordable
17 residential rental units, subject to Chapter 16 (commencing with
18 Section 7260) of Division 7 of Title 1.

19 (ii) A right of first refusal for a comparable unit available in the
20 new housing development affordable to the household at an
21 affordable rent, as defined in Section 50053 of the Health and
22 Safety Code, or an affordable housing cost, as defined in 50052.5.

23 (E) The affected city or affected county is not prohibited from
24 approving the demolition of the residential dwelling units pursuant
25 to any local ordinance or other law.

26 (F) For purposes of this paragraph:

27 (i) "Equivalent size" means that the replacement units contain
28 at least the same total number of bedrooms as the units being
29 replaced.

30 (ii) "Protected units" means any of the following:

31 (I) Residential dwelling units that are or were subject to a
32 recorded covenant, ordinance, or law that restricts rents to levels
33 affordable to persons and families of lower or very low income
34 within the past five years.

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

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

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

~~(iii) “Replace” shall have the same meaning as provided in subparagraph (B) of paragraph (3) or subdivision (c) of Section 65915.~~

~~(3) This subdivision shall not supersede any provision of a locally adopted ordinance that places greater restrictions on the demolition of residential dwelling units or the subdivision of residential rental units, or that requires greater relocation assistance to displaced households.~~

~~(f) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a), by June 30, 2020. The department’s determination shall remain valid until January 1, 2025.~~

~~(g) (1) Except as provided in paragraphs (3) and (4) and in subdivision (h), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this state to the extent that this section more fully advances the intent specified in paragraph (2).~~

~~(2) It is the intent of the Legislature that this section be construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.~~

~~(3) This section shall not be construed as prohibiting planning standards that allow greater density in or reduce the costs to a housing development project or mitigation measures that are necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

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

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

1 ~~(2) Nothing in this section supersedes, limits, or otherwise~~
2 ~~modifies the requirements of the California Coastal Act of 1976~~
3 ~~(Division 20 (commencing with Section 30000) of the Public~~
4 ~~Resources Code).~~

5 ~~(i) This section shall remain in effect only until January 1,~~
6 ~~2025, and as of that date is repealed.~~

7 ~~SEC. 6.~~

8 SEC. 5. Section 65913.10 is added to the Government Code,
9 to read:

10 65913.10. (a) For purposes of any state or local law, ordinance,
11 or regulation that requires the city or county to determine whether
12 the site of a proposed housing development project is a historic
13 site, the city or county shall make that determination at the time
14 the application for the housing development project is deemed
15 complete. A determination as to whether a parcel of property is a
16 historic site shall remain valid during the pendency of the housing
17 development project for which the application was made unless
18 any archaeological, paleontological, or tribal cultural resources
19 are encountered during any grading, site disturbance, or building
20 alteration activities.

21 (b) For purposes of this section:

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

26 (2) “Housing development project” has the same meaning as
27 defined in paragraph (2) of subdivision (h) of Section 65589.5.

28 (c) (1) Nothing in this section supersedes, limits, or otherwise
29 modifies the requirements of, or the standards of review pursuant
30 to, Division 13 (commencing with Section 21000) of the Public
31 Resources Code.

32 (2) Nothing in this section supersedes, limits, or otherwise
33 modifies the requirements of the California Coastal Act of 1976
34 (Division 20 (commencing with Section 30000) of the Public
35 Resources Code).

36 (d) This section shall remain in effect only until January 1, 2025,
37 and as of that date is repealed.

38 ~~SEC. 7.~~

39 SEC. 6. Section 65941.1 is added to the Government Code, to
40 read:

65941.1. (a) An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee:

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

(2) The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

(3) A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

(4) The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

(5) The proposed number of parking spaces.

(6) Any proposed point sources of air or water pollutants.

(7) Any species of special concern known to occur on the property.

(8) Any portion of the property located within any of the following:

(A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

(E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic

1 protection building code standards adopted by the California
2 Building Standards Commission under the California Building
3 Standards Law (Part 2.5 (commencing with Section 18901) of
4 Division 13 of the Health and Safety Code), and by any local
5 building department under Chapter 12.2 (commencing with Section
6 8875) of Division 1 of Title 2.

7 (9) Any historic or cultural resources known to exist on the
8 property.

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

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

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

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

19 (b) (1) Each local agency shall compile a checklist and
20 application form that applicants for housing development projects
21 may use for the purpose of satisfying the requirements for submittal
22 of a preliminary application.

23 (2) The Department of Housing and Community Development
24 shall adopt a standardized form that applicants for housing
25 development projects may use for the purpose of satisfying the
26 requirements for submittal of a preliminary application if a local
27 agency has not developed its own application form pursuant to
28 paragraph (1). Adoption of the standardized form shall not be
29 subject to Chapter 3.5 (commencing with Section 11340) of Part
30 1 of Division 3 of Title 2 of the Government Code.

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

33 (c) After submittal of all of the information required by
34 subdivision (a), if the development proponent revises the project
35 such that the number of residential units or square footage of
36 construction changes by 20 percent or more, exclusive of any
37 increase resulting from the receipt of a density bonus, incentive,
38 concession, waiver, or similar provision, the housing development
39 project shall not be deemed to have submitted a preliminary
40 application that satisfies this section until the development

1 proponent resubmits the information required by subdivision (a)
2 so that it reflects the revisions. For purposes of this subdivision,
3 “square footage of construction” means the building area, as
4 defined by the California Building Standards Code (Title 24 of the
5 California Code of Regulations).

6 (d) (1) Within 180 calendar days after submitting a preliminary
7 application to a city, county, or city and county, the development
8 proponent shall submit an application for a development project
9 that includes all of the information required to process the
10 development application consistent with Sections 65940, 65941,
11 and 65941.5.

12 (2) If the public agency determines that the application for the
13 development project is not complete pursuant to Section 65943,
14 the development proponent shall submit the specific information
15 needed to complete the application within 90 days of receiving the
16 agency’s written identification of the necessary information. If the
17 development proponent does not submit this information within
18 the 90-day period, then the preliminary application shall expire
19 and have no further force or effect.

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

24 (e) This section shall remain in effect only until January 1, 2025,
25 and as of that date is repealed.

26 ~~SEC. 8.~~

27 *SEC. 7.* Section 65943 of the Government Code is amended
28 to read:

29 65943. (a) Not later than 30 calendar days after any public
30 agency has received an application for a development project, the
31 agency shall determine in writing whether the application is
32 complete and shall immediately transmit the determination to the
33 applicant for the development project. If the application is
34 determined to be incomplete, the lead agency shall provide the
35 applicant with an exhaustive list of items that were not complete.
36 That list shall be limited to those items actually required on the
37 lead agency’s submittal requirement checklist. In any subsequent
38 review of the application determined to be incomplete, the local
39 agency shall not request the applicant to provide any new
40 information that was not stated in the initial list of items that were

not complete. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

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

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

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is

1 not made within that 60-day period, the application with the
2 submitted materials shall be deemed complete for the purposes of
3 this chapter.

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

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

12 (f) Each city and each county shall make copies of any list
13 compiled pursuant to Section 65940 with respect to information
14 required from an applicant for a housing development project, as
15 that term is defined in paragraph (2) of subdivision (h) of Section
16 65589.5, available both (1) in writing to those persons to whom
17 the agency is required to make information available under
18 subdivision (a) of that section, and (2) publicly available on the
19 internet website of the city or county.

20 (g) This section shall remain in effect only until January 1, 2025,
21 and as of that date is repealed.

22 ~~SEC. 9.~~

23 *SEC. 8.* Section 65943 is added to the Government Code, to
24 read:

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

1 applicant shall submit materials to the public agency in response
2 to the list and description.

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

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

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

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

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

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

36 ~~SEC. 10.~~

37 *SEC. 9.* Section 65950 of the Government Code is amended
38 to read:

1 65950. (a) A public agency that is the lead agency for a
2 development project shall approve or disapprove the project within
3 whichever of the following periods is applicable:

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

8 (2) Ninety days from the date of certification by the lead agency
9 of the environmental impact report, if an environmental impact
10 report is prepared pursuant to Section 21100 or 21151 of the Public
11 Resources Code for a development project defined in subdivision
12 (c).

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

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

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

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

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

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

11 (b) This section does not preclude a project applicant and a
12 public agency from mutually agreeing in writing to an extension
13 of any time limit provided by this section pursuant to Section
14 65957.

15 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
16 and Section 65952, “development project” means a housing
17 development project, as that term is defined in paragraph (2) of
18 subdivision (h) of Section 65589.5.

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

22 (e) This section shall remain in effect only until January 1, 2025,
23 and as of that date is repealed.

24 ~~SEC. 11.~~

25 *SEC. 10.* Section 65950 is added to the Government Code, to
26 read:

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

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

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

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

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

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

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

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

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

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

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

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

(1) Residential units only.

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

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

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

~~SEC. 12.~~

SEC. 11. Section 65950.2 is added to the Government Code, to read:

65950.2. (a) Notwithstanding any other law, the deadlines specified in this article are mandatory.

(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

~~SEC. 13.~~

SEC. 12. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 12. HOUSING CRISIS ACT OF 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, for which the Department of Housing and Community Development determines, pursuant to subdivision (d), (e), that the average of both of the following amounts is greater than zero:

(i) The percentage by which the city’s average rate of rent differed from 130 percent of the national median rent in 2017, based on the federal 2013-2017 American Community Survey 5-year Estimates.

(ii) The percentage by which the vacancy rate for residential rental units differed from the national vacancy rate, based on the federal 2013-2017 American Community Survey 5-year Estimates.

(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urban core.

(2) “Affected county” means the unincorporated portions of a county that are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, for which the Department of Housing and Community Development determines, pursuant to subdivision (f), (g), that the average of both of the following amounts is greater than zero:

(A) The percentage by which the average rate of rent for residential uses in the unincorporated portions of the county that are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, differed from 130 percent of the national median rent in 2017, based on the federal 2013–2017 American Community Survey 5-year Estimates.

(B) The percentage by which the vacancy rate for residential rental units in the unincorporated portions of the county that are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, differed from the national vacancy rate, based on the federal 2013–2017 American Community Survey 5-year Estimates.

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

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

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

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

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

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

(D) A subdivision standard or criterion.

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

1 (7) “Objective design standard” means a design standard that
2 involve no personal or subjective judgment by a public official
3 and is uniformly verifiable by reference to an external and uniform
4 benchmark or criterion available and knowable by both the
5 development applicant or proponent and the public official before
6 submittal of an application.

7 (b) (1) Notwithstanding any other law except as provided in
8 subdivision (i), with respect to land where housing is an allowable
9 ~~use on or after January 1, 2018, use~~, an affected county or an
10 affected city shall not enact a development policy, standard, or
11 condition that would have any of the following effects:

12 (A) Changing the general plan land use designation, specific
13 plan land use designation, or zoning of a parcel or parcels of
14 property to a less intensive use or reducing the intensity of land
15 use within an existing general plan land use designation, specific
16 plan land use designation, or zoning district below what was
17 allowed under the land use designation and zoning ordinances of
18 the affected county or affected city, as applicable, as in effect on
19 January 1, 2018, except as otherwise provided in clause (ii) of
20 subparagraph (B). For purposes of this subparagraph, “less
21 intensive use” includes, but is not limited to, reductions to height,
22 density, or floor area ratio, new or increased open space or lot size
23 requirements, or new or increased setback requirements, minimum
24 frontage requirements, or maximum lot coverage limitations, or
25 anything that would lessen the intensity of housing, as defined in
26 paragraph (1) of subdivision ~~(f)~~: (g).

27 (B) (i) Imposing a moratorium or similar restriction or limitation
28 on housing development, including mixed-use development, within
29 all or a portion of the jurisdiction of the affected county or city,
30 other than to specifically protect against an imminent threat to the
31 health and safety of persons residing in, or within the immediate
32 vicinity of, the area subject to the moratorium or for projects
33 specifically identified as existing restricted affordable housing.

34 (ii) The affected county or affected city, as applicable, shall not
35 enforce a zoning ordinance imposing a moratorium or other similar
36 restriction on or limitation of housing development until it has
37 submitted the ordinance to, and received approval from, the
38 department. The department shall approve a zoning ordinance
39 submitted to it pursuant to this subparagraph only if it determines
40 that the zoning ordinance satisfies the requirements of this

1 subparagraph. If the department denies approval of a zoning
2 ordinance imposing a moratorium or similar restriction or limitation
3 on housing development as inconsistent with this subparagraph,
4 that ordinance shall be deemed void.

5 (C) Imposing or enforcing design standards established on or
6 after January 1, 2018, that are not objective design standards.

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

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

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

16 (iii) Limits the population of the affected county or affected
17 city, as applicable.

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

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

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

30 (2) Any development policy, standard, or condition enacted on
31 or after ~~January 1, 2018~~, *the effective date of this section* that does
32 not comply with this section shall be deemed void.

33 (c) Notwithstanding subdivisions (b) and ~~(e)~~, (f), an affected
34 county or affected city may enact a development policy, standard,
35 or condition to prohibit the commercial use of land that is
36 designated for residential use, including, but not limited to,
37 short-term occupancy of a residence, consistent with the authority
38 conferred on the county or city by other law.

39 (d) *Notwithstanding any other provision of this section, both of*
40 *the following shall apply:*

1 *(1) An affected city or an affected county shall not approve a*
2 *housing development project that will require the demolition of*
3 *residential dwelling units unless both of the following requirements*
4 *are met:*

5 *(A) The project will create at least as many residential dwelling*
6 *units as will be demolished.*

7 *(B) The affected city or affected county is not prohibited from*
8 *approving the demolition of the residential dwelling units pursuant*
9 *to any local ordinance or other law.*

10 *(2) An affected city or an affected county shall not approve a*
11 *housing development project that will require the demolition of*
12 *occupied or vacant protected units, unless all of the following*
13 *apply:*

14 *(A) (i) The project will replace all existing or demolished*
15 *protected units.*

16 *(ii) Any protected units replaced pursuant to this subparagraph*
17 *shall be considered in determining whether the housing*
18 *development project satisfies the requirements of Section 65915*
19 *or a locally adopted requirement that requires, as a condition of*
20 *the development of residential rental units, that the project provides*
21 *a certain percentage of residential rental units affordable to, and*
22 *occupied by, households with incomes that do not exceed the limits*
23 *for moderate-income, lower income, very low income, or extremely*
24 *low income households, as specified in Sections 50079.5, 50093,*
25 *50105, and 50106 of the Health and Safety Code.*

26 *(iii) Notwithstanding clause (i), a protected unit that is or was,*
27 *within the five-year period preceding the application, subject to*
28 *a form of rent or price control through a local government's valid*
29 *exercise of its police power, and that is or was occupied by persons*
30 *or families above lower income, the affected city or affected county*
31 *may do either of the following:*

32 *(I) Require that the replacement units be made available at*
33 *affordable rent or affordable housing cost to, and occupied by,*
34 *low-income persons or families. If the replacement units will be*
35 *rental dwelling units, these units shall be subject to a recorded*
36 *affordability restriction for at least 55 years.*

37 *(II) Require that the units be replaced in compliance with the*
38 *jurisdiction's rent or price control ordinance, provided that each*
39 *unit is replaced. Unless otherwise required by the affected city or*

1 *affected county's rent or price control ordinance, these units shall*
2 *not be subject to a recorded affordability restriction.*

3 *(B) The housing development project will include at least as*
4 *many residential dwelling units as the greatest number of*
5 *residential dwelling units that existed on the project site within*
6 *the last five years, unless the project will be 100 percent affordable,*
7 *exclusive of a manager's unit or units, to lower income or very*
8 *low income households.*

9 *(C) Any existing residents will be allowed to occupy their units*
10 *until six months before the start of construction activities with*
11 *proper notice, subject to Chapter 16 (commencing with Section*
12 *7260) of Division 7 of Title 1.*

13 *(D) The developer agrees to provide both of the following to*
14 *the occupants of any protected units:*

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

18 *(ii) A right of first refusal for a comparable unit available in*
19 *the new housing development affordable to the household at an*
20 *affordable rent, as defined in Section 50053 of the Health and*
21 *Safety Code, or an affordable housing cost, as defined in 50052.5.*

22 *(E) The affected city or affected county is not prohibited from*
23 *approving the demolition of the residential dwelling units pursuant*
24 *to any local ordinance or other law.*

25 *(F) For purposes of this paragraph:*

26 *(i) "Equivalent size" means that the replacement units contain*
27 *at least the same total number of bedrooms as the units being*
28 *replaced.*

29 *(ii) "Protected units" means any of the following:*

30 *(I) Residential dwelling units that are or were subject to a*
31 *recorded covenant, ordinance, or law that restricts rents to levels*
32 *affordable to persons and families of lower or very low income*
33 *within the past five years.*

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

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

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

4 ~~(iii) “Replace” shall have the same meaning as provided in~~
5 ~~subparagraph (B) of paragraph (3) of subdivision (c) of Section~~
6 ~~65915.~~

7 ~~(3) This subdivision shall not supersede any provision of a~~
8 ~~locally adopted ordinance that places greater restrictions on the~~
9 ~~demolition of residential dwelling units or the subdivision of~~
10 ~~residential rental units, or that requires greater relocation~~
11 ~~assistance to displaced households.~~

12 ~~(d)~~

13 ~~(e) The Department of Housing and Community Development~~
14 ~~shall determine those cities and counties in this state that are~~
15 ~~affected cities and affected counties, in accordance with subdivision~~
16 ~~(a) by June 30, 2020. The department’s determination shall remain~~
17 ~~valid until January 1, 2025.~~

18 ~~(e)~~

19 ~~(f) (1) Except as provided in paragraphs (3) and (4) and~~
20 ~~subdivisions ~~(g)~~ (h) and (i), this section shall prevail over any~~
21 ~~conflicting provision of this title or other law regulating housing~~
22 ~~development in this state to the extent that this section more fully~~
23 ~~advances the intent specified in paragraph (2).~~

24 ~~(2) It is the intent of the Legislature that this section be broadly~~
25 ~~construed so as to maximize the development of housing within~~
26 ~~this state. Any exception to the requirements of this section,~~
27 ~~including an exception for the health and safety of occupants of a~~
28 ~~housing development project, shall be construed narrowly.~~

29 ~~(3) This section shall not be construed as prohibiting the~~
30 ~~adoption or amendment of a development policy, standard, or~~
31 ~~condition in a manner that:~~

32 ~~(A) Allows greater density.~~

33 ~~(B) Facilitates the development of housing.~~

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

35 ~~(D) Imposes or implements mitigation measures as necessary~~
36 ~~to comply with the California Environmental Quality Act (Division~~
37 ~~13 (commencing with Section 21000) of the Public Resources~~
38 ~~Code).~~

39 ~~(4) This section shall not apply to a housing development project~~
40 ~~located within a very high fire hazard severity zone. For purposes~~

1 of this paragraph, “very high fire hazard severity zone” has the
2 same meaning as provided in Section 51177.

3 ~~(f) (1) Notwithstanding Section 9215, 9217, or 9323 of the~~
4 ~~Elections Code or any other provision of law, except the California~~
5 ~~Constitution and as provided in paragraph (2), any requirement~~
6 ~~that local voter approval, or the approval of a supermajority of any~~
7 ~~body of the affected county or the affected city, be obtained to~~
8 ~~increase the allowable intensity of housing, to establish housing~~
9 ~~as an allowable use, or to provide services and infrastructure~~
10 ~~necessary to develop housing, is hereby declared against public~~
11 ~~policy and void. For purposes of this subdivision, “intensity of~~
12 ~~housing” is broadly defined to include, but is not limited to, height,~~
13 ~~density, or floor area ratio, or open space or lot size requirements,~~
14 ~~or setback requirements, minimum frontage requirements, or~~
15 ~~maximum lot coverage limitations, or anything that would be a~~
16 ~~less intensive use or reduction in the intensity of land use as defined~~
17 ~~in this subdivision.~~

18 ~~(2)~~

19 ~~(g) This section shall not be construed to void a height limit,~~
20 ~~urban growth boundary, or urban limit established by the electorate~~
21 ~~of an affected county or an affected city on or before January 1,~~
22 ~~2018; city, provided that the height limit, urban growth boundary,~~
23 ~~or urban limit complies with subparagraph (A) of paragraph (1)~~
24 ~~of subdivision (b).~~

25 ~~(g)~~

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

30 ~~(2) Nothing in this section supersedes, limits, or otherwise~~
31 ~~modifies the requirements of the California Coastal Act of 1976~~
32 ~~(Division 20 (commencing with Section 30000) of the Public~~
33 ~~Resources Code).~~

34 ~~(h)~~

35 ~~(i) This section does not prohibit an affected county or an~~
36 ~~affected city from changing a land use designation or zoning~~
37 ~~ordinance to a less intensive use if the city or county concurrently~~
38 ~~changes the development standards, policies, and conditions~~
39 ~~applicable to other parcels within the jurisdiction to ensure that~~
40 ~~there is no net loss in residential capacity.~~

(i)

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

66301. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

~~SEC. 14.~~

SEC. 13. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the provisions of this act apply to all cities, including charter cities.

~~SEC. 15.~~

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

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

~~SEC. 16.~~

SEC. 15. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity

- 1 shall not affect other provisions or applications that can be given
- 2 effect without the invalid provision or application.

O