

AMENDED IN ASSEMBLY AUGUST 12, 2019

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~~ 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, ~~65941.1~~, and ~~65950.2 and 65941.1~~ 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 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~~ preliminary 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.

(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, 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~~, 2020, 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 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 require a county or city subject to these provisions to include information necessary to determine compliance with these provisions in the list or lists that specify the information that will be required from any applicant for a development project under the Permit Streamlining Act.*

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.

(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.

(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.

(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.

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

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

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

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

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

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

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

33 (10) Lengthy permitting processes and approval times, fees and
34 costs for parking, and other requirements further exacerbate cost
35 of residential construction.

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

38 (A) Employers face increasing difficulty in securing and
39 retaining a workforce.

1 (B) Schools, universities, nonprofits, and governments have
2 difficulty attracting and retaining teachers, students, and employees,
3 and our schools and critical services are suffering.

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

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

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

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

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

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

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

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

27 (1) Suspend certain restrictions on the development of new
28 housing during the period of the statewide emergency described
29 in subdivisions (a) and (b).

30 (2) Work with local governments to expedite the permitting of
31 housing in regions suffering the worst housing shortages and
32 highest rates of displacement.

33 SEC. 3. Section 65589.5 of the Government Code is amended
34 to read:

35 65589.5. (a) (1) The Legislature finds and declares all of the
36 following:

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

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

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

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

17 (2) In enacting the amendments made to this section by the act
18 adding this paragraph, the Legislature further finds and declares
19 the following:

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

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

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

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

39 (E) California's overall homeownership rate is at its lowest level
40 since the 1940s. The state ranks 49th out of the 50 states in

1 homeownership rates as well as in the supply of housing per capita.
2 Only one-half of California's households are able to afford the
3 cost of housing in their local regions.

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

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

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

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

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

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

35 (L) It is the policy of the state that this section ~~should~~ be
36 interpreted and implemented in a manner to afford the fullest
37 possible weight to the interest of, and the approval and provision
38 of, housing.

39 (3) It is the intent of the Legislature that the conditions that
40 would have a specific, adverse impact upon the public health and

1 safety, as described in paragraph (2) of subdivision (d) and
2 paragraph (1) of subdivision (j), arise infrequently.

3 (b) It is the policy of the state that a local government not reject
4 or make infeasible housing development projects, including
5 emergency shelters, that contribute to meeting the need determined
6 pursuant to this article without a thorough analysis of the economic,
7 social, and environmental effects of the action and without
8 complying with subdivision (d).

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

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

27 (1) The jurisdiction has adopted a housing element pursuant to
28 this article that has been revised in accordance with Section 65588,
29 is in substantial compliance with this article, and the jurisdiction
30 has met or exceeded its share of the regional housing need
31 allocation pursuant to Section 65584 for the planning period for
32 the income category proposed for the housing development project,
33 provided that any disapproval or conditional approval shall not be
34 based on any of the reasons prohibited by Section 65008. If the
35 housing development project includes a mix of income categories,
36 and the jurisdiction has not met or exceeded its share of the regional
37 housing need for one or more of those categories, then this
38 paragraph shall not be used to disapprove or conditionally approve
39 the housing development project. The share of the regional housing
40 need met by the jurisdiction shall be calculated consistently with

1 the forms and definitions that may be adopted by the Department
2 of Housing and Community Development pursuant to Section
3 65400. In the case of an emergency shelter, the jurisdiction shall
4 have met or exceeded the need for emergency shelter, as identified
5 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
6 disapproval or conditional approval pursuant to this paragraph
7 shall be in accordance with applicable law, rule, or standards.

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

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

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

33 (5) The housing development project or emergency shelter is
34 inconsistent with both the jurisdiction’s zoning ordinance and
35 general plan land use designation as specified in any element of
36 the general plan as it existed on the date the application was
37 deemed complete, and the jurisdiction has adopted a revised
38 housing element in accordance with Section 65588 that is in
39 substantial compliance with this article. For purposes of this
40 section, a change to the zoning ordinance or general plan land use

1 designation subsequent to the date the application was deemed
2 complete shall not constitute a valid basis to disapprove or
3 condition approval of the housing development project or
4 emergency shelter.

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

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

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

1 any action in court, the burden of proof shall be on the local agency
2 to show that its housing element does satisfy the requirements of
3 paragraph (4) of subdivision (a) of Section 65583.

4 (e) Nothing in this section shall be construed to relieve the local
5 agency from complying with the congestion management program
6 required by Chapter 2.6 (commencing with Section 65088) of
7 Division 1 of Title 7 or the California Coastal Act of 1976
8 (Division 20 (commencing with Section 30000) of the Public
9 Resources Code). Neither shall anything in this section be
10 construed to relieve the local agency from making one or more of
11 the findings required pursuant to Section 21081 of the Public
12 Resources Code or otherwise complying with the California
13 Environmental Quality Act (Division 13 (commencing with Section
14 21000) of the Public Resources Code).

15 (f) (1) Except as provided in subdivision (o), nothing in this
16 section shall be construed to prohibit a local agency from requiring
17 the housing development project to comply with objective,
18 quantifiable, written development standards, conditions, and
19 policies appropriate to, and consistent with, meeting the
20 jurisdiction's share of the regional housing need pursuant to Section
21 65584. However, the development standards, conditions, and
22 policies shall be applied to facilitate and accommodate
23 development at the density permitted on the site and proposed by
24 the development.

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

36 (3) Except as provided in subdivision (o), nothing in this section
37 shall be construed to prohibit a local agency from imposing fees
38 and other exactions otherwise authorized by law that are essential
39 to provide necessary public services and facilities to the housing
40 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, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

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

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

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

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

(A) Residential units only.

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

(C) Transitional housing or supportive housing.

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

1 (4) “Area median income” means area median income as
2 periodically established by the Department of Housing and
3 Community Development pursuant to Section 50093 of the Health
4 and Safety Code. The developer shall provide sufficient legal
5 commitments to ensure continued availability of units for very low
6 or low-income households in accordance with the provisions of
7 this subdivision for 30 years.

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

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

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

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

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

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

28 (9) *Notwithstanding any other law, until January 1, 2025,*
29 *“determined to be complete” means that the applicant has*
30 *submitted a complete application pursuant to Section 65943.*

31 (i) If any city, county, or city and county denies approval or
32 imposes conditions, including design changes, lower density, or
33 a reduction of the percentage of a lot that may be occupied by a
34 building or structure under the applicable planning and zoning in
35 force at the time the housing development project’s application is
36 deemed complete, that have a substantial adverse effect on the
37 viability or affordability of a housing development for very low,
38 low-, or moderate-income households, and the denial of the
39 development or the imposition of conditions on the development
40 is the subject of a court action which challenges the denial or the

1 imposition of conditions, then the burden of proof shall be on the
2 local legislative body to show that its decision is consistent with
3 the findings as described in subdivision (d), and that the findings
4 are supported by a preponderance of the evidence in the record,
5 and with the requirements of subdivision (o).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (B) (i) Upon a determination that the local agency has failed
29 to comply with the order or judgment compelling compliance with
30 this section within 60 days issued pursuant to subparagraph (A),
31 the court shall impose fines on a local agency that has violated this
32 section and require the local agency to deposit any fine levied
33 pursuant to this subdivision into a local housing trust fund. The
34 local agency may elect to instead deposit the fine into the Building
35 Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
36 Session is enacted, or otherwise in the Housing Rehabilitation
37 Loan Fund. The fine shall be in a minimum amount of ten thousand
38 dollars (\$10,000) per housing unit in the housing development
39 project on the date the application was deemed complete pursuant
40 to Section 65943. In determining the amount of fine to impose,

the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

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

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

(2) For purposes of this subdivision, "housing organization" means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income

1 households and have filed written or oral comments with the local
2 agency prior to action on the housing development project. A
3 housing organization may only file an action pursuant to this
4 section to challenge the disapproval of a housing development by
5 a local agency. A housing organization shall be entitled to
6 reasonable attorney's fees and costs if it is the prevailing party in
7 an action to enforce this section.

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

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

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

3 (n) In any action, the record of the proceedings before the local
4 agency shall be filed as expeditiously as possible and,
5 notwithstanding Section 1094.6 of the Code of Civil Procedure or
6 subdivision (m) of this section, all or part of the record may be
7 prepared (1) by the petitioner with the petition or petitioner's points
8 and authorities, (2) by the respondent with respondent's points and
9 authorities, (3) after payment of costs by the petitioner, or (4) as
10 otherwise directed by the court. If the expense of preparing the
11 record has been borne by the petitioner and the petitioner is the
12 prevailing party, the expense shall be taxable as costs.

13 (o) (1) Subject to paragraphs (2), (6), and (7), and subdivision
14 (d) of Section 65941.1, a housing development project shall be
15 subject only to the ~~preconstruction development~~ ordinances,
16 policies, and standards adopted and in effect when a preliminary
17 application including all of the information required by subdivision
18 (a) of Section 65941.1 was submitted.

19 (2) Paragraph (1) shall not prohibit a housing development
20 project from being subject to ~~preconstruction development~~
21 ordinances, policies, and standards adopted after the preliminary
22 application was submitted pursuant to Section 65941.1 in the
23 following circumstances:

24 (A) In the case of a fee, charge, or other monetary exaction, to
25 an increase resulting from an automatic annual adjustment based
26 on an independently published cost index that is referenced in the
27 ordinance or resolution establishing the fee or other monetary
28 exaction.

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

37 (C) Subjecting the housing development project to an ordinance,
38 policy, standard, or any other measure, beyond those in effect when
39 a preliminary application was submitted is necessary to avoid or
40 substantially lessen an impact of the project under the California

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

3 (D) The housing development project has not commenced
4 construction within two and one-half years following the date that
5 the project received final approval. For purposes of this
6 subparagraph, “final approval” means that the housing development
7 project has received all necessary approvals to be eligible to apply
8 for, and obtain, a building permit or permits and either of the
9 following is met:

10 (i) The expiration of all applicable appeal periods, petition
11 periods, reconsideration periods, or statute of limitations for
12 challenging that final approval without an appeal, petition, request
13 for reconsideration, or legal challenge having been filed.

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

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

25 (3) This subdivision does not prevent a local agency from
26 subjecting the additional units or square footage of construction
27 that result from project revisions occurring after a preliminary
28 application is submitted pursuant to Section 65941.1 to the
29 ordinances, policies, and standards adopted and in effect when the
30 ~~complete initial~~ *preliminary* application was submitted.

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

38 (5) This subdivision shall not be construed in a manner that
39 would lessen the restrictions imposed on a local agency, or lessen
40 the protections afforded to a housing development project, that are

1 established by any other law, including any other part of this
2 section.

3 (6) This subdivision shall not restrict the authority of a public
4 agency or local agency to require mitigation measures to lessen
5 the impacts of a housing development project under the California
6 Environmental Quality Act (Division 13 (commencing with Section
7 21000) of the Public Resources Code).

8 *(7) With respect to completed residential units for which the*
9 *project approval process is complete and a certificate of occupancy*
10 *has been issued, nothing in this subdivision shall limit the*
11 *application of later enacted ordinances, policies, and standards*
12 *that regulate the use and occupancy of those residential units, such*
13 *as ordinances relating to rental housing inspection, rent*
14 *stabilization, restrictions on short-term renting, and business*
15 *licensing requirements for owners of rental housing.*

16 ~~(7)~~

17 (8) This subdivision shall become inoperative on January 1,
18 2025.

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

21 SEC. 4. Section 65905.5 is added to the Government Code, to
22 read:

23 65905.5. (a) Notwithstanding any other law, if a proposed
24 housing development project complies with the applicable,
25 objective general plan and zoning standards in effect at the time
26 an application is deemed complete, *after the application is deemed*
27 *complete*, a city, county, or city and county shall not conduct more
28 than five hearings pursuant to Section 65905, or any other law,
29 ordinance, or regulation requiring a public hearing in connection
30 with the approval of that housing development project. If the city,
31 county, or city and county continues a hearing subject to this
32 section to another date, the continued hearing shall count as one
33 of the five hearings allowed under this section. The city, county,
34 or city and county shall consider and either approve or disapprove
35 the application at any of the five hearings allowed under this
36 section consistent with the applicable timelines under the Permit
37 Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

38 (b) For purposes of this section:

39 (1) “Deemed complete” means that the application has met all
40 of the requirements specified in the relevant list compiled pursuant

1 to Section 65940 that was available at the time when the application
2 was submitted.

3 (2) “Hearing” includes any public hearing, workshop, or similar
4 meeting conducted by the city or county with respect to the housing
5 development project, whether by the legislative body of the city
6 or county, the planning agency established pursuant to Section
7 65100, or any other agency, department, board, commission, or
8 any other designated hearing officer or body of the city or county,
9 or any committee or subcommittee thereof. “Hearing” does not
10 include a hearing to review a legislative approval required for a
11 proposed housing development project, including, but not limited
12 to, a general plan amendment, a specific plan adoption or
13 amendment, or a zoning amendment, or any hearing arising from
14 a timely appeal of the approval or disapproval of a legislative
15 approval.

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

18 (c) (1) For purposes of this section, a housing development
19 project shall be deemed consistent, compliant, and in conformity
20 with an applicable plan, program, policy, ordinance, standard,
21 requirement, or other similar provision if there is substantial
22 evidence that would allow a reasonable person to conclude that
23 the housing development project is consistent, compliant, or in
24 conformity.

25 (2) A proposed housing development project is not inconsistent
26 with the applicable zoning standards and criteria, and shall not
27 require a rezoning, if the housing development project is consistent
28 with the objective general plan standards and criteria, but the
29 zoning for the project site is inconsistent with the general plan. If
30 the local agency complies with the written documentation
31 requirements of paragraph (2) of subdivision (j) of Section 65589.5,
32 the local agency may require the proposed housing development
33 project to comply with the objective standards and criteria of the
34 zoning that is consistent with the general plan; however, the
35 standards and criteria shall be applied to facilitate and
36 accommodate development at the density allowed on the site by
37 the general plan and proposed by the proposed housing
38 development project.

39 (d) Nothing in this section supersedes, limits, or otherwise
40 modifies the requirements of, or the standards of review pursuant

1 to, Division 13 (commencing with Section 21000) of the Public
2 Resources Code.

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

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

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

18 (b) For purposes of this section:

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

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

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

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

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

35 SEC. 6. *Section 65940 of the Government Code is amended to*
36 *read:*

37 65940. (a) (1) Each public agency shall compile one or more
38 lists that shall specify in detail the information that will be required
39 from any applicant for a development project. Each public agency
40 shall revise the list of information required from an applicant to

1 include a certification of compliance with Section 65962.5, and
2 the statement of application required by Section 65943. Copies of
3 the information, including the statement of application required
4 by Section 65943, shall be made available to all applicants for
5 development projects and to any person who requests the
6 information.

7 (2) *An affected city or affected county, as defined in Section*
8 *66300, shall include the information necessary to determine*
9 *compliance with the requirements of subdivision (d) of Section*
10 *66300 in the list compiled pursuant to paragraph (1).*

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

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

21 (2) A public agency that is entirely urbanized, as defined in
22 subdivision (e) of Section 65944, with the exception of a
23 jurisdiction that contains a military installation, is not required to
24 change its list of information required from applicants to comply
25 with subdivision (b).

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

28 SEC. 7. *Section 65940 is added to the Government Code, to*
29 *read:*

30 65940. (a) *Each public agency shall compile one or more lists*
31 *that shall specify in detail the information that will be required*
32 *from any applicant for a development project. Each public agency*
33 *shall revise the list of information required from an applicant to*
34 *include a certification of compliance with Section 65962.5, and*
35 *the statement of application required by Section 65943. Copies of*
36 *the information, including the statement of application required*
37 *by Section 65943, shall be made available to all applicants for*
38 *development projects and to any person who requests the*
39 *information.*

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

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

11 ***(2) A public agency that is entirely urbanized, as defined in***
12 ***subdivision (e) of Section 65944, with the exception of a***
13 ***jurisdiction that contains a military installation, is not required***
14 ***to change its list of information required from applicants to comply***
15 ***with subdivision (b).***

16 ***(d) This section shall become operative on January 1, 2025.***

17 ~~SEC. 6.~~

18 **SEC. 8.** Section 65941.1 is added to the Government Code, to
19 read:

20 65941.1. (a) An applicant for a housing development project,
21 as defined in paragraph (2) of subdivision (h) of Section 65589.5,
22 shall be deemed to have submitted a preliminary application upon
23 providing all of the following information about the proposed
24 project to the city, county, or city and county from which approval
25 for the project is being sought and upon payment of the permit
26 processing fee:

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

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

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

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

38 (5) The proposed number of parking spaces.

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

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

3 (8) ~~Any~~ *Whether* a portion of the property is located within any
4 of the following:

5 (A) A very high fire hazard severity zone, as determined by the
6 Department of Forestry and Fire Protection pursuant to Section
7 51178.

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

10 (C) A hazardous waste site that is listed pursuant to Section
11 65962.5 or a hazardous waste site designated by the Department
12 of Toxic Substances Control pursuant to Section 25356 of the
13 Health and Safety Code.

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

18 (E) A delineated earthquake fault zone as determined by the
19 State Geologist in any official maps published by the State
20 Geologist, unless the development complies with applicable seismic
21 protection building code standards adopted by the California
22 Building Standards Commission under the California Building
23 Standards Law (Part 2.5 (commencing with Section 18901) of
24 Division 13 of the Health and Safety Code), and by any local
25 building department under Chapter 12.2 (commencing with Section
26 8875) of Division 1 of Title 2.

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

31 (9) Any historic or cultural resources known to exist on the
32 property.

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

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

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

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

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

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

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

(C) A tsunami run-up zone.

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

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

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

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

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

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

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

(c) After submittal of all of the information required by subdivision (a), if the development proponent revises the project

1 such that the number of residential units or square footage of
2 construction changes by 20 percent or more, exclusive of any
3 increase resulting from the receipt of a density bonus, incentive,
4 concession, waiver, or similar provision, the housing development
5 project shall not be deemed to have submitted a preliminary
6 application that satisfies this section until the development
7 proponent resubmits the information required by subdivision (a)
8 so that it reflects the revisions. For purposes of this subdivision,
9 “square footage of construction” means the building area, as
10 defined by the California Building Standards Code (Title 24 of the
11 California Code of Regulations).

12 (d) (1) Within 180 calendar days after submitting a preliminary
13 application *with all of the information required by subdivision (a)*
14 to a city, county, or city and county, the development proponent
15 shall submit an application for a development project that includes
16 all of the information required to process the development
17 application consistent with Sections 65940, 65941, and 65941.5.

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

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

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

32 ~~SEC. 7.~~

33 *SEC. 9.* Section 65943 of the Government Code is amended
34 to read:

35 65943. (a) Not later than 30 calendar days after any public
36 agency has received an application for a development project, the
37 agency shall determine in writing whether the application is
38 complete and shall immediately transmit the determination to the
39 applicant for the development project. If the application is
40 determined to be incomplete, the lead agency shall provide the

1 applicant with an exhaustive list of items that were not complete.
2 That list shall be limited to those items actually required on the
3 lead agency's submittal requirement checklist. In any subsequent
4 review of the application determined to be incomplete, the local
5 agency shall not request the applicant to provide any new
6 information that was not stated in the initial list of items that were
7 not complete. If the written determination is not made within 30
8 days after receipt of the application, and the application includes
9 a statement that it is an application for a development permit, the
10 application shall be deemed complete for purposes of this chapter.
11 Upon receipt of any resubmittal of the application, a new 30-day
12 period shall begin, during which the public agency shall determine
13 the completeness of the application. If the application is determined
14 not to be complete, the agency's determination shall specify those
15 parts of the application which are incomplete and shall indicate
16 the manner in which they can be made complete, including a list
17 and thorough description of the specific information needed to
18 complete the application. The applicant shall submit materials to
19 the public agency in response to the list and description.

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

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

1 There shall be a final written determination by the agency on
2 the appeal not later than 60 calendar days after receipt of the
3 applicant's written appeal. The fact that an appeal is permitted to
4 both the planning commission and to the governing body does not
5 extend the 60-day period. Notwithstanding a decision pursuant to
6 subdivision (b) that the application and submitted materials are
7 not complete, if the final written determination on the appeal is
8 not made within that 60-day period, the application with the
9 submitted materials shall be deemed complete for the purposes of
10 this chapter.

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

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

19 (f) Each city and each county shall make copies of any list
20 compiled pursuant to Section 65940 with respect to information
21 required from an applicant for a housing development project, as
22 that term is defined in paragraph (2) of subdivision (h) of Section
23 65589.5, available both (1) in writing to those persons to whom
24 the agency is required to make information available under
25 subdivision (a) of that section, and (2) publicly available on the
26 internet website of the city or county.

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

29 ~~SEC. 8.~~

30 *SEC. 10.* Section 65943 is added to the Government Code, to
31 read:

32 65943. (a) Not later than 30 calendar days after any public
33 agency has received an application for a development project, the
34 agency shall determine in writing whether the application is
35 complete and shall immediately transmit the determination to the
36 applicant for the development project. If the written determination
37 is not made within 30 days after receipt of the application, and the
38 application includes a statement that it is an application for a
39 development permit, the application shall be deemed complete for
40 purposes of this chapter. Upon receipt of any resubmittal of the

1 application, a new 30-day period shall begin, during which the
2 public agency shall determine the completeness of the application.
3 If the application is determined not to be complete, the agency's
4 determination shall specify those parts of the application which
5 are incomplete and shall indicate the manner in which they can be
6 made complete, including a list and thorough description of the
7 specific information needed to complete the application. The
8 applicant shall submit materials to the public agency in response
9 to the list and description.

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

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

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

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

37 (e) A public agency may charge applicants a fee not to exceed
38 the amount reasonably necessary to provide the service required
39 by this section. If a fee is charged pursuant to this section, the fee

1 shall be collected as part of the application fee charged for the
2 development permit.

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

4 ~~SEC. 9.~~

5 *SEC. 11.* Section 65950 of the Government Code is amended
6 to read:

7 65950. (a) A public agency that is the lead agency for a
8 development project shall approve or disapprove the project within
9 whichever of the following periods is applicable:

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

14 (2) Ninety days from the date of certification by the lead agency
15 of the environmental impact report, if an environmental impact
16 report is prepared pursuant to Section 21100 or 21151 of the Public
17 Resources Code for a development project defined in subdivision
18 (c).

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

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

32 (B) Prior to the application being deemed complete for the
33 development project pursuant to Article 3 (commencing with
34 Section 65940), the lead agency received written notice from the
35 project applicant that an application has been made or will be made
36 for an allocation or commitment of financing, tax credits, bond
37 authority, or other financial assistance from a public agency or
38 federal agency, and the notice specifies the financial assistance
39 that has been applied for or will be applied for and the deadline
40 for application for that assistance, the requirement that one of the

1 approvals of the development project by the lead agency is a
2 prerequisite to the application for or approval of the application
3 for financial assistance, and that the financial assistance is
4 necessary for the project to be affordable as required pursuant to
5 subparagraph (A).

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

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

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

16 (b) This section does not preclude a project applicant and a
17 public agency from mutually agreeing in writing to an extension
18 of any time limit provided by this section pursuant to Section
19 65957.

20 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
21 and Section 65952, “development project” means a housing
22 development project, as that term is defined in paragraph (2) of
23 subdivision (h) of Section 65589.5.

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

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

29 ~~SEC. 10.~~

30 *SEC. 12.* Section 65950 is added to the Government Code, to
31 read:

32 65950. (a) A public agency that is the lead agency for a
33 development project shall approve or disapprove the project within
34 whichever of the following periods is applicable:

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

39 (2) One hundred twenty days from the date of certification by
40 the lead agency of the environmental impact report, if an

1 environmental impact report is prepared pursuant to Section 21100
2 or 21151 of the Public Resources Code for a development project
3 defined in subdivision (c).

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

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

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

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

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

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

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

~~SEC. 13. 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 that the Department of Housing and Community Development determines, pursuant to subdivision (e), that the average of both of the following amounts is greater than zero:~~ *is in an urbanized area or urban cluster, as designated by the United States Census Bureau.*

1 ~~(i) The percentage by which the city's average rate of rent~~
2 ~~differed from 130 percent of the national median rent in 2017,~~
3 ~~based on the federal 2013-2017 American Community Survey~~
4 ~~5-year Estimates.~~

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

8 (B) Notwithstanding subparagraph (A), "affected city" does not
9 include any city that has a population of 5,000 or less and is not
10 located within an ~~urban core~~; *urbanized area, as designated by the*
11 *United States Census Bureau.*

12 (2) "Affected county" means ~~the unincorporated portions of a~~
13 ~~county~~ *a census designated place, based on the 2013-2017*
14 *American Community Survey 5-year Estimates*, that ~~are~~ *is* wholly
15 *located* within the boundaries of an urbanized area or urban cluster,
16 *area*, as designated by the United States Census Bureau, for which
17 the Department of Housing and Community Development
18 determines, pursuant to subdivision (g), that the average of both
19 of the following amounts is greater than zero: *Bureau.*

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

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

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

38 (4) "Department" means the Department of Housing and
39 Community Development.

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

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

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

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

6 (D) A subdivision standard or criterion.

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

9 (7) “Objective design standard” means a design standard that
10 involve no personal or subjective judgment by a public official
11 and is uniformly verifiable by reference to an external and uniform
12 benchmark or criterion available and knowable by both the
13 development applicant or proponent and the public official before
14 submittal of an application.

15 (b) (1) Notwithstanding any other law except as provided in
16 subdivision (i), with respect to land where housing is an allowable
17 use, an affected county or an affected city shall not enact a
18 development policy, standard, or condition that would have any
19 of the following effects:

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

35 (B) (i) Imposing a moratorium or similar restriction or limitation
36 on housing development, including mixed-use development, within
37 all or a portion of the jurisdiction of the affected county or city,
38 other than to specifically protect against an imminent threat to the
39 health and safety of persons residing in, or within the immediate

vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, ~~2018~~, 2020, that are not objective design standards.

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

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

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

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

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

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

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

1 (2) Any development policy, standard, or condition enacted on
2 or after the effective date of this section that does not comply with
3 this section shall be deemed void.

4 (c) Notwithstanding subdivisions (b) and (f), an affected county
5 or affected city may enact a development policy, standard, or
6 condition to prohibit the commercial use of land that is designated
7 for residential use, including, but not limited to, short-term
8 occupancy of a residence, consistent with the authority conferred
9 on the county or city by other law.

10 (d) Notwithstanding any other provision of this section, both of
11 the following shall apply:

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

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

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

21 (2) An affected city or an affected county shall not approve a
22 housing development project that will require the demolition of
23 occupied or vacant protected units, unless all of the following
24 apply:

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

27 (ii) Any protected units replaced pursuant to this subparagraph
28 shall be considered in determining whether the housing
29 development project satisfies the requirements of Section 65915
30 or a locally adopted requirement that requires, as a condition of
31 the development of residential rental units, that the project ~~provides~~
32 *provide* a certain percentage of residential rental units affordable
33 to, and occupied by, households with incomes that do not exceed
34 the limits for moderate-income, lower income, very low income,
35 or extremely low income households, as specified in Sections
36 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

37 (iii) Notwithstanding clause (i), *in the case of* a protected unit
38 that is or was, within the five-year period preceding the application,
39 subject to a form of rent or price control through a local
40 government's valid exercise of its police power, and that is or was

1 occupied by persons or families above lower income, the affected
2 city or affected county may do either of the following:

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

8 (II) Require that the units be replaced in compliance with the
9 jurisdiction's rent or price control ordinance, provided that each
10 unit is replaced. Unless otherwise required by the affected city or
11 affected county's rent or price control ordinance, these units shall
12 not be subject to a recorded affordability restriction.

13 (B) The housing development project will include at least as
14 many residential dwelling units as the greatest number of
15 residential dwelling units that existed on the project site within the
16 last five years, ~~unless the project will be 100 percent affordable,~~
17 ~~exclusive of a manager's unit or units, to lower income or very~~
18 ~~low income households, years.~~

19 (C) Any existing residents will be allowed to occupy their units
20 until six months before the start of construction activities with
21 proper notice, subject to Chapter 16 (commencing with Section
22 7260) of Division 7 of Title 1.

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

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

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

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

35 ~~(F)~~

36 (E) For purposes of this paragraph:

37 (i) "Equivalent size" means that the replacement units contain
38 at least the same total number of bedrooms as the units being
39 replaced.

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

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

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

(III) Residential dwelling units that are or were occupied by 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 10 years.

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

(3) This subdivision shall not supersede any *objective* provision of a locally adopted ordinance that places ~~greater~~ restrictions on the demolition of residential dwelling units or the subdivision of residential rental ~~units~~; *units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.*

(4) *This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.*

(e) 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 may update the list of affected cities and affected counties once on or after January 1, 2021, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census.* The department's determination shall remain valid until January 1, 2025.

(f) (1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), 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 broadly construed so as to maximize the development of housing within

1 this state. Any exception to the requirements of this section,
2 including an exception for the health and safety of occupants of a
3 housing development project, shall be construed narrowly.

4 (3) This section shall not be construed as prohibiting the
5 adoption or amendment of a development policy, standard, or
6 condition in a manner that:

7 (A) Allows greater density.

8 (B) Facilitates the development of housing.

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

10 (D) Imposes or implements mitigation measures as necessary
11 to comply with the California Environmental Quality Act (Division
12 13 (commencing with Section 21000) of the Public Resources
13 Code).

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

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

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

27 (2) Nothing in this section supersedes, limits, or otherwise
28 modifies the requirements of the California Coastal Act of 1976
29 (Division 20 (commencing with Section 30000) of the Public
30 Resources Code). *For a housing development project proposed*
31 *within the coastal zone, nothing in this section shall be construed*
32 *to prohibit an affected county or an affected city from enacting a*
33 *development policy, standard, or condition necessary to implement*
34 *or amend a certified local coastal program consistent with the*
35 *California Coastal Act of 1976 (Division 20 (commencing with*
36 *Section 30000) of the Public Resources Code).*

37 (i) (1) This section does not prohibit an affected county or an
38 affected city from changing a land use designation or zoning
39 ordinance to a less intensive use if the city or county concurrently
40 changes the development standards, policies, and conditions

1 applicable to other parcels within the jurisdiction to ensure that
2 there is no net loss in residential capacity.

3 *(2) This section does not prohibit an affected county or an*
4 *affected city from changing a land use designation or zoning*
5 *ordinance to a less intensive use on a site that is a mobilehome*
6 *park, as defined in Section 18214 of the Health and Safety Code,*
7 *as of the effective date of this section, and the no net loss*
8 *requirement in paragraph (1) shall not apply.*

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

18 66301. This chapter shall remain in effect only until January
19 1, 2025, and as of that date is repealed.

20 ~~SEC. 13.~~

21 *SEC. 14.* The Legislature finds and declares that the provision
22 of adequate housing, in light of the severe shortage of housing at
23 all income levels in this state, is a matter of statewide concern and
24 is not a municipal affair as that term is used in Section 5 of Article
25 XI of the California Constitution. Therefore, the provisions of this
26 act apply to all cities, including charter cities.

27 ~~SEC. 14.~~

28 *SEC. 15.* No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution for certain
30 costs that may be incurred by a local agency or school district
31 because, in that regard, this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty for a crime
33 or infraction, within the meaning of Section 17556 of the
34 Government Code, or changes the definition of a crime within the
35 meaning of Section 6 of Article XIII B of the California
36 Constitution.

37 However, if the Commission on State Mandates determines that
38 this act contains other costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

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

3 ~~SEC. 15.~~

4 *SEC. 16.* The provisions of this act are severable. If any
5 provision of this act or its application is held invalid, that invalidity
6 shall not affect other provisions or applications that can be given
7 effect without the invalid provision or application.