

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1156 (Ting) – As Introduced February 17, 2017

**SUBJECT:** Planning and zoning: general plan: report.

**SUMMARY:** Expands the information required in a city's or county's annual housing element report to the Department of Housing and Community Development (HCD) by requiring the inclusion of the number of housing units at each income level remaining to be accommodated within the planning period, and an update to the inventory of land suitable for residential development, as specified.

**EXISTING LAW:**

- 1) Requires cities and counties to adopt a general plan that includes seven mandatory elements: land use, open space, conservation, housing, circulation, noise, and safety.
- 2) Requires the planning agency, after the legislative body has adopted all or part of a general plan, to do both of the following:
  - a) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan; and,
  - b) Provide by April 1 of each year an annual report to the legislative body, the Governor's Office of Planning and Research (OPR), and HCD, that includes all of the following:
    - i) The status of the plan and progress in its implementation;
    - ii) The progress in meeting its share of regional housing needs, as specified; and,
    - iii) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.
- 3) Requires, as part of the annual report, a report on the housing element, which shall be prepared through the use of forms and definitions adopted by HCD.
- 4) Requires the housing element portion of the annual report to include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element.
- 5) Requires the housing element portion of the annual report to be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

- 6) Allows the housing element portion of the annual report to include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the specified standards.
- 7) Specifies that if a court finds, upon a motion to that effect, that a city, county or city and county failed to submit, within 60 days of the deadline, the housing element portion of the report that substantially complies with the requirements, as specified, the court shall issue an order or judgment compelling compliance within 60 days. Specifies that if the city or county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. Allows the court to issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, as specified.

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state-mandated local program.

**COMMENTS:**

- 1) **Bill Summary.** Existing law requires the planning agency of a city or county, after the legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, OPR, and HCD that includes various information on the progress and implementation of the general plan. As part of this annual reporting requirement, the planning agency must include various information on the housing element portion of the general plan.

This bill contains a new requirement to additionally include the number of housing units at each income level remaining to be accommodated within the planning period, and an update to the inventory of sites required by existing law listing the number of units at each income level that can realistically be accommodated on each site, including any additional sites that may have been required to be identified by existing law.

This bill is author-sponsored.

- 2) **Author's Statement.** According to author, "Housing costs are uprooting families and reducing access to high-wage jobs of the future. Across California, families overpay for housing and commute great distances from what they can afford. This bill will improve housing data so that policy makers can make informed decisions about encouraging housing development and affordability."
- 3) **Related Housing Data Legislation.** There are a number of bills dealing with increasing housing data, including the following:
  - a) AB 829 (Chiu) – This bill requires the annual progress report to additionally include the relationship between jobs and housing, including any imbalance between jobs and housing, including an assessment of any significant increases or decreases in employment since the date of the last annual report. This bill is pending in this Committee.
  - b) AB 852 (Grayson) – This bill requires, as part of the annual general plan report provided to the legislative body, to OPR, and to HCD, the planning agency of the city or county to include the following information: 1) The number of housing development applications received in the prior year; 2) The number of units included in all development

applications in the prior year; and, 3) The number of units approved and disapproved in the prior year. This bill is pending in the Assembly Appropriations Committee.

- c) AB 879 (Grayson) - This bill requires local governments to include, in their housing elements, an expanded analysis of nongovernmental constraints on housing development, as well as efforts to remove those constraints. This bill is pending in this Committee.
- d) AB 1423 (Chiu) - This bill requires charter cities to comply with requirements for the submittal of the annual progress report related to the housing element implementation. This bill is pending in this Committee.

Given that these bills are all related, the Committee may wish to ask the authors to work together on the bills to ensure consistency going forward.

- 4) **Clarifying Amendments.** In order to clarify the author's intent, the Committee may wish to adopt the following amendment to the bill:

*65400. (a)(2)(D) ~~The number of housing units at each income level remaining to be accommodated within the planning period, and an update to the inventory of sites required by Section 65583.2 listing the number of units at each income level that can realistically be accommodated on each site and,~~ Provide a listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Section 65583 and Section 65584.09. The listing of sites must also include any additional sites that may have been required to be identified by Section 65863.*

- 5) **Arguments in Support.** Supporters argue that this bill will help ensure that every city and county is maintaining an adequate supply of sites to accommodate the full range of housing needs.
- 6) **Arguments in Opposition.** None on file.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Rural Legal Assistance Foundation  
Western Center on Law & Policy

##### **Opposition**

None on file

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