

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1483 (Grayson) – As Amended April 11, 2019

**SUBJECT:** Housing data: collection and reporting.

**SUMMARY:** Requires increased reporting of housing data from cities and counties. Specifically, **this bill:**

- 1) Requires each city and county to compile one or more lists that specify in detail all of the following information applicable to housing development projects in its jurisdiction:
  - a) All fees imposed by the city or county and any other local agency on a housing development project under the Mitigation Fee Act, as specified; and,
  - b) All special taxes and property assessments imposed on a development including charges by an assessment district, taxes for the payment of principal and interest on voter-approved bonds, and fees authorized by the Mello-Roos Community Facilities Act of 1982.
- 2) Requires a city or county to make both of the following available on its website:
  - a) The list required above in 1a). Provides that the city or county shall also make the list available upon request; and,
  - b) All zoning and planning standards. Requires the city or county to maintain and annually update a publicly accessible archive of its zoning and planning standards.
- 3) Requires each city or county to annually provide the lists of information above in 1), and 2), to the Department of Housing and Community Development (HCD) and any applicable metropolitan planning organization (MPO). Requires HCD to post the information on its internet website by January 1, 2022, and each year thereafter.
- 4) Allows HCD to require that the city or county provide these lists as part of the Annual Progress Report (APR).
- 5) Defines, for the provisions above, the term “housing development project” to mean any development project that includes residential units.
- 6) Requires each city or county to annually submit a report to HCD and any applicable MPO containing the following information:
  - a) The number of housing development project applications that the city or county has deemed complete, but has not been issued a certificate of occupancy;
  - b) The number of discretionary permits granted by the legislative body or planning commission of the city or county, including conditional use permits and zoning variances;

- c) The number of building permits issued by the city or county;
- d) The number of certificates of occupancy issued by the city or county;
- e) Information regarding each housing development project for which the city or county has deemed an application to be complete or issued a building permit or certificate of occupancy during the year covered by the report, including, but not limited to, all of the following:
  - i) The name of the applicant;
  - ii) The location of the housing development project;
  - iii) The number of units in the housing development project;
  - iv) The date the application was deemed complete;
  - v) The nature of any permits the housing development has already received; and,
  - vi) The nature of any additional permits needed to complete the housing development project.
- 7) Requires HCD to post the information submitted pursuant to 6), above, on its internet website by January 1, 2022, and each year thereafter.
- 8) Allows HCD to require a city or county to provide the information contained in 6), above, as part of the APR.
- 9) Requires the next revision of the California Statewide Housing Plan on or after January 1, 2020, and each subsequent revision thereafter, to contain a 10-year housing data strategy that defines suitable data to inform modern state housing policymaking in support of safe, sustainable and equitable housing that is sufficient to meet the housing needs of the state.
- 10) Requires HCD to establish a statewide, publicly accessible, geographic information system database of parcel boundaries, capable of linking to all parcel-level housing data available to the state. Requires HCD to develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms and decision support tools related to housing data. Requires HCD, no later than January 1, 2022, to submit to the Legislature a report describing these protocols. Requires HCD to coordinate and integrate existing housing data from local, state and federal agencies. Requires HCD, no later than January 1, 2023, to develop, and operate and maintain, a single publicly accessible, and machine-readable data portal for all nonpersonal housing data collected.
- 11) Allows a local public entity required to submit an APR to request technical assistance, as specified.
- 12) Allows HCD to require the above information compiled by the city or county to be submitted as part of the APR, including any other information HCD deems necessary or convenient for purposes of assessing progress toward the state's housing goals.

- 13) Allows an MPO, by a majority vote of its governing board, to submit a request to HCD to require that a planning agency for a county or a city within the MPO's boundaries to provide data regarding housing production within the city or county. Requires an MPO that requests housing data to collaborate with the city or county from which the data is sought to establish the scope of the requested data. Allows HCD to grant a request for housing data, and to require the planning agency of that city or county to provide that data to the MPO, if it determines that all of the following apply:
- a) The request is justified on the basis of furthering the state's housing goals;
  - b) The MPO has collaborated with the county or city to establish the scope of the data request;
  - c) The scope of the request data does not create an undue burden on the staff of the county or city; and,
  - d) The MPO has agreed to provide, or has proposed to enter into an agreement with HCD to provide technical assistance to the city or county to fulfill the request.
- 14) Allows HCD to assess the accuracy of the information submitted as part of the APR.
- 15) Provides that no reimbursement is required by this act because a local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

**EXISTING LAW:**

- 1) Requires every city and county to prepare and adopt a general plan containing seven mandatory elements, including a housing element.
- 2) Requires a housing element to identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development.
- 3) Requires local governments located within the territory of an MPO to revise their housing elements every eight years following the adoption of every other regional transportation plan. Local governments in rural non-MPO regions must revise their housing elements every five years.
- 4) Requires, prior to each housing element revision, that each council of governments (COG), in conjunction with HCD, prepare a regional housing needs assessment (RHNA) and allocate to each jurisdiction in the region its fair share of the housing need for all income categories. Where a COG does not exist, HCD determines the local share of the region's housing need.
- 5) Requires housing elements to include an inventory of land suitable for residential development that identifies enough sites that can be developed for housing within the planning period to accommodate the local government's entire share of the RHNA.

- 6) Requires all cities including charter cities to submit an annual general plan report that includes the following:
  - a) The number of housing development applications received in the prior year;
  - b) The number of units included in all development applications in the prior year;
  - c) The number of units approved and disapproved in the prior year; and,
  - d) A listing of sites rezoned to accommodate that portion of the local government's share of the regional housing need for each income level that could not be accommodated on sites identified in the housing element's site inventory. This shall also include any additional sites that may have been required to be identified under No Net Loss Zoning law.
- 7) Requires HCD to update and provide a revision of the California Statewide Housing Plan to the Legislature every four years thereafter. The revisions must contain a comparison of the housing need for the preceding four years with the amount of building permits issued in those fiscal years, the determination of the statewide need for housing development for the current year and projected four additional years ahead, and a revision of the housing assistance goals for the current year and projected four additional years ahead.

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

**COMMENTS:**

- 1) **Background.** In preparing its housing element, a local government must show how it plans to accommodate its share of the RHNA. The housing element must include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Included in this analysis is an assessment of both governmental and nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

Existing law requires all local jurisdictions to annually provide housing information to HCD, including the following information from the prior year and/or for the current eight-year housing element cycle:

- a) The number of housing development applications received;
- b) The number of units included in all development applications;
- c) The number of units approved and disapproved;
- d) For each income category, the number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy;
- e) A unique site identifier (such as assessor's parcel number) for each entitlement, building permit, or certificate of occupancy; and,
- f) The overall progress in meeting its share of regional housing needs.

2) **Bill Summary.** This bill would require local jurisdictions to provide the following information to the state:

- a) Information about the housing entitlement process, including all zoning and planning standards, fees, taxes, and property assessments; and,
- b) Information about applications received, including project-specific data and cumulative data on outcomes.

This bill requires HCD to provide technical assistance upon request of a city or county. The bill enables MPOs to request additional information from local jurisdictions with HCD's permission. The bill does not require the state to reimburse local jurisdictions for the cost of fulfilling these requirements.

This bill would help require that this data is accessible, standardized, and organized for public use by requiring that the following occur:

- a) By January 1, 2022, HCD must place on its internet website all data collected from local jurisdictions and develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms;
- b) By January 1, 2022, HCD must develop, and thereafter operate and maintain, a single, publicly accessible, and machine-readable data portal for all non-personal housing data collected by the department; and,
- c) That a 10-year housing data strategy to be included in each of HCD's subsequent California Statewide Housing Strategies.

This bill is an author-sponsored measure.

3) **Author's Statement.** According to the author, "California needs robust data for evidence-based housing policymaking. The Legislature has committed significant financial resources and new authorities to tackle the housing crisis over the last several years; these resources should be targeted to the places, populations, and strategies that deliver real solutions.

"Policymakers lack data needed to adequately understand housing programs and to make and track progress on housing solutions. Too much of the housing data that is currently collected is not accessible, standardized, or organized in a manner that leverages our current data investments. California has a rich community of housing researchers and advocates that support data-driven solutions – they could contribute far more if data were readily available.

"Better information is needed to guide action by cities, metropolitan planning organizations, elected officials, developers, community groups, academic researchers, and voters. AB 1483 will make housing development pipeline data open and available, leveraging California's dedicated community of housing researchers and advocates to implement smart, effective solutions to our housing affordability crisis."

4) **CASA.** From the middle of 2017 to the end of 2018, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) convened a series of structured discussions with certain local government officials, developers, major

employers, labor interests, housing and policy experts, social equity advocates and non-profit housing providers. This group was deemed the Committee to House the Bay Area, and nicknamed CASA. CASA identified that, to make housing in the region more affordable, 35,000 new housing units would need to be built annually, including 14,000 new subsidized affordable housing units. Additionally, the region has 30,000 units at risk of losing their affordability, and 300,000 lower-income households who are paying more than 50% of their income in rent.

Increasing availability of housing data is one of the items mentioned in the CASA Compact.

5) **Policy Considerations.** The Committee may wish to consider the following:

a) **Additional Information on Fees and Taxes Applicable to Housing Developments.**

This bill, in Section 2, requires each city and county to compile lists that specify in detail all of the information applicable to housing development projects, including all fees imposed by the city or county and any other *local agency* on a housing development project imposed pursuant to the Mitigation Fee Act, and all special taxes, property assessments, voter-approved bonds, and Mello-Roos fees. This section also requires cities and counties to include information on zoning and planning standards, including an archive of such standards. According to the American Planning Association, California Chapter, “the zoning and planning standards alone would result in an enormous amount of information that would not necessarily be applicable to every project, and many of the special taxes and assessments are not within the planning department’s jurisdiction.”

It is also unclear whether this section is intended to capture existing housing development projects or proposed housing development projects.

6) **Committee Amendments.** In order to address some of the issues raised above, and to take advantage of documents that most cities and counties already produce, the Committee may wish to consider amending the bill, as follows:

## **SEC. 2.**

*Section 65940.1 is added to the Government Code, to read:*

*65940.1.*

~~*(a) Each city and county shall compile one or more lists that specify in detail all of the following information applicable to housing development projects in its jurisdiction:*~~

~~*(1) All fees imposed by the city or county and any other local agency on a housing development project under the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).*~~

~~*(2) All special taxes and property assessments imposed on a development including charges by an assessment district, taxes for the payment of principal and interest on voter approved bonds, and fees authorized by the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5).*~~

*(a)* ~~*(b)*~~ *A city or county shall make both of the following available on its internet website:*

~~(1) The list required by subdivision (a). A current schedule of fees applicable to a proposed housing development project. The city or county shall also make the list be made available upon request.~~

~~(2) All zoning ordinances and planning development standards. The city or county shall also maintain and annually update a publicly accessible archive of its zoning and planning development standards.~~

~~(e) (b) (1) Each city and county shall annually provide the lists of information required by subdivision (a) and the information required by paragraph (2) of subdivision (b) to the Department of Housing and Community Development and any applicable metropolitan planning organization. The department shall post the information submitted pursuant to subdivision (a) on its internet website by January 1, 2022, and each year thereafter.~~

~~(2) The Department of Housing and Community development may require that the city or county provide the lists of information required by subdivision (a) as part of the annual report required by paragraph (2) of subdivision (a) of Section 65400.~~

~~(d) (c) For purposes of this section, "housing development project" means any development project that includes residential units.~~

- 7) **Arguments in Support.** Supporters argue that there is a lack of data to facilitate comprehensive housing policymaking, and that the state has a myriad of data that is ready to be collected, but lacks coordination, standardization, or accessibility to achieve full usefulness.
- 8) **Arguments in Opposition.** None on file.
- 9) **Double-Referral.** This bill was heard by the Housing and Community Development Committee on April 10, 2019, and passed on an 8-0 vote.

## REGISTERED SUPPORT / OPPOSITION:

### Support

American Planning Association, California Chapter (if amended)  
 Bay Area Council  
 Building Industry Association of the Bay Area  
 California Apartment Association  
 California Association of Realtors  
 California Building Industry Association  
 California Community Builders  
 Chan Zuckerberg Initiative  
 Eden Housing  
 Enterprise Community Partners, Inc.  
 Habitat for Humanity California  
 Habitat for Humanity East Bay/Silicon Valley  
 Hamilton Families  
 Leadingage California  
 Non-Profit Housing Association of Northern California  
 Oakland Metropolitan Chamber of Commerce  
 Related California

**Support (continued)**

San Francisco Foundation (if amended)  
Silicon Valley at Home (Sv@Home)  
Spur  
TMG Partners  
Transform  
Urban Displacement Project, UC-Berkeley  
Working Partnerships, USA (if amended)

**Opposition**

None on file

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