

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 852 (Grayson) – As Introduced February 16, 2017

SUBJECT: Planning and zoning: general plan: report.

SUMMARY: Requires cities and counties to include additional information in the annual general plan report. Specifically, **this bill:**

- 1) Requires a city or county to include the following information as part of the annual general plan report provided to the legislative body, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD):
 - 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; and,
 - c) The number of units approved and disapproved in the prior year.
- 2) Specifies that no reimbursement is required by the bill's provisions because a local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of serviced, 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, 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 petition 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 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: 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; and, c) The number of units approved and disapproved in the prior year.

This bill is sponsored by the League of California Cities.

- 2) **Author's Statement.** According to the author, "California is experiencing an acute shortage of new housing construction. According to the Legislative Analyst's Office, California needs to produce approximately 180,000 units of housing per year to keep up with population growth; we currently produce less than half that amount. This issue disproportionately affects working and middle class households. A recent report by the California Department of Housing and Community Development highlighted this fact, showing that California is short about 1.5 million rental units priced for very low- and extremely low-income households.

California's Planning and Zoning Law currently requires cities and counties to produce annual reports that contain information about the implementation of their general plans; however, these reports do not provide a full picture of the efforts local governments are making to address housing needs in their jurisdictions by approving projects that meet specified requirements. Given the crisis in housing availability that the state is currently facing, it is vitally important to know whether local governments are making reasonable efforts to approve new projects. AB 852 will require cities and counties to report the number of housing development applications received in the prior year, the number of units included in all development applications in the prior year, and units approved and disapproved in the prior year in their annual reports. This will allow regulatory agencies to better assess whether local governments are complying with applicable housing laws, and taking appropriate steps to address California's housing crisis."

- 3) **Arguments in Support.** The League of Cities argues that this bill will significantly help fill in key housing development data gaps at the local level, and that gathering accurate and timely data is essential.
- 4) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

League of California Cities [SPONSOR]
American Planning Association, California Chapter
City of Indian Wells
California Association of Realtors

Opposition

None on file

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