

AMENDED IN SENATE JUNE 28, 2017
AMENDED IN ASSEMBLY MAY 25, 2017
AMENDED IN ASSEMBLY MAY 11, 2017
AMENDED IN ASSEMBLY MAY 4, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 943

Introduced by Assembly Member Santiago
(Coauthors: Assembly Members Burke, Daly, Gloria, McCarty,
and Steinorth)
(Coauthor: Senator Wilk)

February 16, 2017

An act to add Section 65863.15 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 943, as amended, Santiago. Land use regulations: local initiatives: voter approval.

The Planning and Zoning Law, among other things, authorizes the legislative body of any county or city to adopt ordinances to regulate land use. Existing law also establishes procedures by which city or county ordinances may be enacted or amended by initiative, including requiring that an ordinance proposed by the voters of the city or county be approved by a majority of the votes cast on the ordinance.

This bill, in the case of an ordinance or an amendment of an ordinance that would reduce density or stop development or construction of any parcels located less than one mile from a major transit stop, as defined, within a city, county, or city and county that is proposed by the voters

of the city, county, or city and county in accordance with specified law, would require that the proposed ordinance or amendment of an ordinance receive 55% of the votes cast on the ordinance in order to become effective. *The bill would exclude from this requirement the proposal and submission to the voters of an ordinance or amendment of an ordinance by the legislative body of the city, county, or city and county and the adoption or amendment of a city, county, or city and county charter, and would limit application of this requirement to a county or city and county that had a population of 750,000 or more, or a city located within such a county, as of January 1, 2017.* The bill would require the county counsel for the county or city and county in which the proposed ordinance or amendment of an ordinance would apply, or the city attorney of the city in which the proposed ordinance or amendment of an ordinance would apply, to determine whether the proposed ordinance or amendment of an ordinance would reduce density or stop development or construction of any parcels located less than one mile from a major transit stop within the city, county, or city and county. The bill would declare that it addresses a matter of statewide concern and would therefore apply to charter cities and charter counties.

By requiring local officials to determine whether a proposed ordinance or amendment of an ordinance would reduce density or stop development or construction of any parcels located less than one mile from a major transit stop within a city, county, or city and county, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Section 65863.15 is added to the Government
- 2 Code, to read:
- 3 65863.15. (a) (1) Notwithstanding any other law, including
- 4 Sections 9122 and 9217 of the Elections Code, and except as

1 otherwise provided in paragraph (2), if an ordinance or amendment
2 of an ordinance proposed by the voters of a city, county, or city
3 and county pursuant to Article 1 (commencing with Section 9100)
4 of Chapter 2 of Division 9 of the Elections Code, Article 1
5 (commencing with Section 9200) of Chapter 3 of Division 9 of
6 the Elections Code, or procedures adopted by a city, county, or
7 city and county organized under a charter pursuant to Article XI
8 of the California Constitution, that are consistent with any
9 applicable statutes governing local initiatives, would reduce density
10 or stop development or construction of any parcels located less
11 than one mile from a major transit stop, as defined by Section
12 21064.3 of the Public Resources Code, within a city, county, or
13 city and county, the proposed ordinance or amendment of an
14 ordinance shall be enacted only if it is approved by at least 55
15 percent of the votes cast on it at the election.

16 (2) (A) This section shall not apply in either of the following
17 circumstances:

18 ~~(A)~~

19 (i) The proposal and submission to the voters of an ordinance
20 or amendment of an ordinance by the legislative body of the city,
21 county, or city and county.

22 ~~(B)~~

23 (ii) The adoption or amendment of a city, county, or city and
24 county charter.

25 (B) *This section shall only apply to a county or city and county*
26 *that had a population of 750,000 or more, or a city located within*
27 *a county that had a population of 750,000 or more, as of January*
28 *1, 2017.*

29 (b) The county counsel for the county or city and county in
30 which the proposed ordinance or amendment of an ordinance would
31 apply, or the city attorney of the city in which the proposed
32 ordinance or amendment of an ordinance would apply, shall
33 determine whether the proposed ordinance or amendment of an
34 ordinance would reduce density or stop development or
35 construction of any parcels located less than one mile from a major
36 transit stop, as defined by Section 21064.3 of the Public Resources
37 Code, within the city, county, or city and county.

38 (c) Notwithstanding any other law, including Section 9247 of
39 the Elections Code, the Legislature finds and declares that this
40 section addresses a matter of statewide concern and shall therefore

1 apply equally to all cities and counties, including charter cities and
2 charter counties.

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

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