

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: December 10, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 10, 2019

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 10, 2019. This item was acted upon at the Committee Meeting on Monday, December 9, 2019, at 1:30 p.m., by the votes indicated.

Item No. 47 File No. 191107

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Matt Haney - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Jon Givner, Deputy City Attorney

File No. 191107 Committee Item No. 1
 Board Item No. 47

COMMITTEE/BOARD OF SUPERVISORS
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Board of Supervisors Meeting Date December 10, 2019

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OTHER (Use back side if additional space is needed)

- BOS Ordinance No. 93-18
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Completed by: Erica Major Date December 6, 2019
 Completed by: Erica Major Date December 10, 2019

1 [Business and Tax Regulations Code - Extending Temporary Suspension of Business
2 Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

3 **Ordinance amending the Business and Tax Regulations Code to extend through**
4 **FY2020-2021 the temporary suspension of the application of the business registration**
5 **and fee requirements to transportation network company drivers and taxi drivers.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Background, Purpose, and Findings.

15 (a) The California Constitution gives charter cities, including San Francisco, the power
16 to “make and enforce all ordinances and regulations in respect to municipal affairs, subject
17 only to restrictions and limitations” contained in their own charters. (Cal. Const., art. XI, § 5,
18 subd. (a).) This constitutional power of charter cities to regulate their own municipal affairs
19 without interference from the Legislature has long been held to encompass the power to
20 license and tax local businesses for revenue purposes.

21 (b) In 2017, the Legislature enacted Senate Bill 182 (“SB 182”), the effect of which is
22 to largely immunize automobile drivers who drive for online ride-hailing entities known as
23 transportation network companies (“TNCs”) from local business license requirements. (Cal.
24 Bus. & Prof. Code §§ 16550-16550.2.) Under SB 182, a city – purportedly including a charter
25 city – must allow such a driver to conduct business freely within its borders without obtaining

1 any locally-issued business license, and without paying any business license tax, unless that
2 driver is “domiciled” in that city.

3 (c) On February 8, 2018, the City filed a lawsuit in San Francisco Superior Court
4 challenging the application of SB 182 to San Francisco, as an unlawful violation of the City’s
5 power to regulate its own municipal affairs as guaranteed by the California Constitution. *City*
6 *and County of San Francisco v. State of California* (S.F. Sup. Ct. No. CPF-18-516041). But,
7 in deference to state law and the judicial process, pending the resolution of this litigation, the
8 City intends to ensure that it is not in violation of SB 182.

9 (d) In addition to making the City’s business registration and fee requirements very
10 difficult to administer, SB 182, as applied in San Francisco, would lead to anomalous and
11 unfair results. TNC drivers domiciled outside of the City but providing services in the City
12 would be exempt from the City’s business registration and fee requirements, but (1) TNC
13 drivers domiciled in the City and providing identical services in the City would have to register
14 and pay, and (2) taxi drivers providing very similar services in the City would have to register
15 and pay, regardless of where they were domiciled. To avoid such unfair results, it is in the
16 City’s best interests to temporarily suspend the application of the business registration and fee
17 requirements for all TNC drivers and taxi drivers, whose only business activity in the City is
18 TNC driving or taxi driving, even though this will significantly reduce the City’s business
19 registration fee revenues.

20 (e) Accordingly, in April 2018, the City enacted Ordinance 93-18, which instituted the
21 temporary suspension for fiscal years ending on or before June 30, 2020. The suspension
22 was intended to remain in place through the resolution of the City’s litigation challenging
23 SB 182.

24 (f) On October 18, 2019, the City filed a motion for summary judgment in the City’s
25 litigation challenging SB 182, and a hearing on this motion is currently scheduled for

1 February 4, 2020. Because the litigation challenging SB 182 is ongoing, and because the
2 fees for business registration certificates for the fiscal year ending June 30, 2021, are due by
3 June 1, 2020, this ordinance extends the temporary suspension for an additional year.

4 (g) In applying SB 182 and temporarily suspending the business registration and fee
5 requirements for TNC drivers and taxi drivers, the City is not conceding the validity of SB 182
6 in whole or in part, as applied to the City or as applied elsewhere.

7
8 Section 2. Article 12 of the Business and Tax Regulations Code is hereby amended by
9 revising Section 853, to read as follows:

10
11 **SEC. 853. REGISTRATION CERTIFICATE – REQUIRED.**

12 (a) Except as provided in subsections (d) and (e), no person may engage in business
13 within the City unless the person has obtained a current registration certificate pursuant to this
14 Article 12. Every person engaging in business within the City shall conspicuously display a
15 current registration certificate on the business premises, regardless of whether such person is
16 subject to tax pursuant to the provisions of the Business and Tax Regulations Code.

17 (b) Any organization having a formally recognized exemption from income taxation
18 pursuant to Section 501(c), 501(d), or 401(a) of the Internal Revenue Code of 1986, as
19 amended, as qualified by Sections 502, 503, 504, and 508 of Title 26 of the Internal Revenue
20 Code of 1986, as amended, and engaging in business within the City shall obtain a
21 registration certificate.

22 (c) Failure to obtain a registration certificate shall not absolve any person from
23 payment of any tax imposed or license required by the City.

1 (d) A person receiving rental income in connection with the operation of any of the
2 following shall not, by reason of that fact alone, be required to obtain a registration certificate
3 pursuant to this Article 12:

4 (1) a cooperative housing corporation, as defined in Section 216(b) of the
5 Internal Revenue Code of 1986, as amended;

6 (2) one residential structure consisting of fewer than four units; or

7 (3) one residential condominium.

8 (e) The requirements to obtain a registration certificate and pay a fee under this
9 Article 12 shall be suspended for any driver for a transportation network company and for any
10 taxi driver for registration years 2018-2019, ~~and 2019-2020~~, ~~and 2020-2021~~. Additionally, the
11 requirements to obtain a registration certificate and pay a fee under this Article 12 shall be
12 suspended for any driver for a transportation network company and for any taxi driver
13 commencing business in the City on or after January 1, 2018, for registration year 2017-2018.
14 The suspensions in this subsection (e) are further qualified and defined *solely for purposes of*
15 *this subsection (e)* as follows:

16 (1) The suspensions apply only to drivers whose business activity in the City is
17 limited to transportation network company driving and/or taxi driving.

18 (2) "Transportation network company" has the same meaning as in
19 Section 5431(c) of the California Public Utilities Code.

20 (3) "Taxi" has the same meaning as in Section 1102 of Article 1100 of the
21 Transportation Code.

22 (4) The Board of Supervisors may at any time, by ordinance, extend or
23 terminate the suspensions.

1 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 Section 4. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By:


16 SCOTT M. REIBER
Chief Tax Attorney

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LEGISLATIVE DIGEST

[Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

Existing Law

In general, the City requires each business operating within the City, including taxi drivers and persons who drive for ride-hailing entities known as transportation network companies (“TNCs”) that are independent contractors, to obtain a registration certificate and pay an annual registration fee. In April 2018, the Board of Supervisors passed Ordinance 93-18, which temporarily suspended these requirements for all TNC drivers and taxi drivers whose only business activity in the City is TNC driving or tax driving for registration years 2018-2019 and 2019-2020, and for registration year 2017-2018 for such TNC drivers and taxi drivers who commenced business in the City on or after January 1, 2018.

Amendments to Current Law

This ordinance would extend the temporary suspension described above to registration year 2020-2021.

Background Information

In 2017, the Legislature enacted Senate Bill 182 (“SB 182”), the effect of which is to largely immunize automobile drivers who drive for TNCs from local business license requirements. SB 182 requires a city, purportedly including a charter city, to allow such a driver to conduct business within its borders without obtaining any locally-issued business license or paying business license tax, unless that driver lives in that city. On February 8, 2018, the City filed a lawsuit in San Francisco Superior Court challenging the validity of SB 182. To ensure that drivers that live in the City are not treated less favorably than drivers that live outside the City, Ordinance 93-18 temporarily suspended the business registration and fee requirements for all TNC drivers pending the resolution of the City’s litigation challenging the validity of SB 182. Ordinance 93-18 also temporarily suspended the business registration and fee requirements for taxi drivers so that they are not treated less favorably than TNC drivers that live outside the City with respect to the City’s business registration and fee requirements.

On October 18, 2019, the City filed a motion for summary judgment in its lawsuit challenging the validity of SB 182. A hearing on that motion is currently scheduled for February 4, 2020.

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AMENDED IN ASSEMBLY SEPTEMBER 6, 2019

AMENDED IN ASSEMBLY SEPTEMBER 3, 2019

AMENDED IN ASSEMBLY JULY 3, 2019

AMENDED IN SENATE MAY 24, 2019

AMENDED IN SENATE APRIL 30, 2019

AMENDED IN SENATE MARCH 28, 2019

SENATE BILL

No. 182

Introduced by Senator Jackson

January 29, 2019

An act to repeal Section 815.11 of the Civil Code, to amend Sections 65007, 65302, 65584, 65584.04, and 65584.06 of, and to add Sections 65011, 65012, 65013, ~~65040.16~~, 65040.18, 65302.11, 65860.2, 65865.6, 65962.1, and 66474.03 to, the Government Code, to amend Section 13132.7 of the Health and Safety Code, and to add Section 4123.6 to, and to add Article 10 (commencing with Section 4751) to Chapter 10 of Part 2 of Division 4 of, the Public Resources Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 182, as amended, Jackson. Local government: planning and zoning: wildfires.

(1) The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and

seismic hazards, flooding, and wildland and urban fires. Existing law requires the housing element to be revised according to a specific schedule. Existing law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

Existing law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided.

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after January 1, 2020, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

(2) Existing law requires the general plan to include a land use element that designates the proposed general distribution and general location and extent of the uses of the land for, among other purposes, housing, business, and industry. Existing law additionally requires the general plan to include a housing element and requires each local government to review and revise its housing element, as specified.

This bill would require a city or county that contains a very high fire risk area, as defined, upon each revision of the housing element on or after January 1, 2021, to amend the land use element of its general plan to contain, among other things, the locations of all very high fire risk areas within the city or county and feasible implementation measures designed to carry out specified goals, objectives, and policies relating

to the protection of lives and property from unreasonable risk of wildfire. The bill would require the city or county to complete a review of, and make findings related to, wildfire risk reduction standards, as defined, upon each subsequent revision of the housing element, as provided. The bill would require the State Board of Forestry and Fire Protection to review the findings and make recommendations, as provided.

The bill would additionally require the Office of the State Fire Marshal, in consultation with the Office of Planning and Research and the Board of Forestry and Fire Protection, on or before January 1, 2022, to adopt wildfire risk reduction standards that meet certain requirements and reasonable standards for third-party inspection and certifications for a specified enforcement program. The bill would also require the Office of the State Fire Marshal to, on or before January 1, 2023, update the maps of the very high fire hazard severity zones, as specified. The bill would require the Office of the State Fire Marshal to convene a working group of stakeholders, as specified, to assist in this effort and to consider specified national standards.

Existing law requires county or city zoning ordinances to be consistent with the general plan of the county or city, as specified.

This bill would require a city or county that contains a very high fire risk area, within 12 months following the amendment of the city or county's land use element, to adopt a very high fire risk overlay zone or otherwise amend its zoning ordinance so that it is consistent with the general plan, as specified.

This bill would additionally prohibit the legislative body of a city or county that contains a very high fire risk area, upon the effective date of the revision of the city or county's land use element, from entering into a development agreement for property that is located within a very high fire risk area, approving specified discretionary permits or other discretionary entitlements for projects located within a very high fire risk area, or approving a tentative map or a parcel map for which a tentative map was not required for a subdivision that is located within a very high fire risk area, unless the city or county makes specified findings based on substantial evidence in the record.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law requires the Department of Housing and Community Development, in consultation with each council of governments, to determine each region's existing and projected housing need, as provided. Existing law requires each council of governments, or the

department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county and that furthers specified objectives.

This bill would require the regional housing needs allocation plan to additionally further the objective of reducing development pressure within very high fire risk areas.

(4) Existing law requires the council of governments, or delegate subregion, as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need and, to the extent that sufficient data is available as provided, to include specified factors to develop the methodology that allocates regional housing needs, including, among other factors, the rate of overcrowding.

This bill would additionally require the council of governments, or delegate subregion, as applicable, to include within those factors for any scheduled revision of the housing element required, as provided, on or after July 1, 2022, the amount of land in each member jurisdiction that is within a very high fire risk area, by allocating a lower proportion of housing if the council of governments or delegate subregion determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very fire risk area as adequate sites in order to meet its housing need allocation.

For cities and counties without a council of governments, existing law requires the Department of Housing and Community Development to determine and distribute the existing and projected housing need, unless that responsibility is delegated as provided to cities and counties, based upon available data and in consultation with the cities and counties, taking into consideration, among other things, the availability of suitable sites and public facilities.

This bill would also require the department, for any scheduled revision of the housing element required, as provided, on or after July 1, 2022, to take into consideration the amount of land in each city and each county that is within a very high fire risk area, as defined, by allocating a lower proportion of housing if the department determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very fire risk area as adequate sites in order to meet its housing need allocation.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(5) Existing law requires the Office of Planning and Research to implement various long-range planning and research policies and goals that are intended to, among other things, encourage the formation and proper functioning of local entities and, in connection with those responsibilities, to adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, on or before January 1, 2023, in collaboration with cities and counties, to identify local ordinances, policies, and best practices relating to land use planning in very high fire risk areas, wildfire risk reduction, and wildfire preparedness and publish these resources on the above-described clearinghouse, as specified.

(6) Existing law requires, until the 2023–24 fiscal year, the amount of \$165,000,000 to be appropriated from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.

This bill would establish the Wildfire Risk Reduction Planning Support Grants Program, administered by the Department of Forestry and Fire Protection, for the purpose of providing small jurisdictions, as defined, containing very high fire hazard risk areas with grants for specified planning activities to enable those jurisdictions to meet the requirements set forth in the bill, as described above. Upon appropriation, the bill would require the department to distribute \$3,000,000 under the program via a noncompetitive, over-the-counter process, as provided, to small jurisdictions. The bill would require a recipient small jurisdiction to use the allocation solely for wildfire risk reduction planning activities, as specified. The bill would authorize the department to set aside up to 5% of any amount appropriated for these purposes for program administration.

(7) Existing law requires a common interest development within a very high fire severity zone to allow an owner to install or repair a roof with at least one type of fire retardant roof covering material that meets specified requirements.

This bill would require the one type of fire retardant roof covering material to additionally meet, at a minimum, class B standards, as specified in the International Building Code.

(8) *Existing law requires, for any conservation easement purchased with state funds on or after January 1, 2019, wherein land subject to*

the easement includes some forest lands or consists completely of forest lands, to the extent not in conflict with federal law, the terms of any applicable bond, or the requirements of any other funding source, that the landowner agree, as part of the easement management plan, to maintain and improve forest health through promotion of a more natural tree density, species composition, structure, and habitat function, to make improvements that increase the land's ability to provide resilient, long-term carbon sequestration and net carbon stores, as well as watershed functions, to provide for the retention of larger trees and a natural range of age classes, and to ensure the growth and retention of those larger trees over time.

This bill would revise and recast this provision to instead require, for any conservation easement purchased with state funds on or after January 1, 2020, wherein land subject to the easement is comprised of specified forest land, to the extent not in conflict with federal law, with the terms of any applicable bond, or with the requirements of any other funding source, that the terms of the conservation easement address forest management to maintain and improve forest health and resiliency to disturbances in order to conserve and enhance the land's ability to provide long-term carbon sequestration, climate benefits, and watershed functions. The bill would also require the conservation easement, and any required management plan, to guide forest and other land management undertaken by the landowner to promote, among other things, native forest ecological structures and species composition, as specified.

(9) This bill would incorporate additional changes to Section 65302 of the Government Code proposed by SB 99 and AB 65 to be operative only if this bill and SB 99 or AB 65, or both, are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.04 of the Government Code proposed by AB 139 and AB 1730 to be operative only if this bill and AB 139 or AB 1730, or both, are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.06 of the Government Code proposed by AB 139 to be operative only if this bill and AB 139 are enacted and this bill is enacted last.

(8)

(10) 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 no reimbursement is required by this act for a specified reason.

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 815.11 of the Civil Code is repealed.~~
2 ~~815.11. For any conservation easement purchased with state~~
3 ~~funds on or after January 1, 2019, wherein land subject to the~~
4 ~~easement includes some forest lands, or consists completely of~~
5 ~~forest lands, to the extent not in conflict with federal law, the terms~~
6 ~~of any applicable bond, or the requirements of any other funding~~
7 ~~source, the landowner shall agree, as part of the easement~~
8 ~~management plan, to maintain and improve forest health through~~
9 ~~promotion of a more natural tree density, species composition,~~
10 ~~structure, and habitat function, to make improvements that increase~~
11 ~~the land's ability to provide resilient, long-term carbon~~
12 ~~sequestration and net carbon stores as well as watershed functions,~~
13 ~~to provide for the retention of larger trees and a natural range of~~
14 ~~age classes, and to ensure the growth and retention of these larger~~
15 ~~trees over time.~~

16 ~~SECTION 1.~~
17 ~~SEC. 2. Section 65007 of the Government Code is amended~~
18 ~~to read:~~

19 ~~65007. As used in Sections 65302.9, 65860.1, 65865.5, 65962,~~
20 ~~and 66474.5, the following terms have the following meanings,~~
21 ~~unless the context requires otherwise:~~

22 ~~(a) "Adequate progress" means all of the following:~~
23 ~~(1) The total project scope, schedule, and cost of the completed~~
24 ~~flood protection system have been developed to meet the~~
25 ~~appropriate standard of protection.~~

26 ~~(2) (A) Revenues that are sufficient to fund each year of the~~
27 ~~project schedule developed in paragraph (1) have been identified~~
28 ~~and, in any given year and consistent with that schedule, at least~~
29 ~~90 percent of the revenues scheduled to be received by that year~~
30 ~~have been appropriated and are currently being expended.~~

31 ~~(B) Notwithstanding subparagraph (A), for any year in which~~
32 ~~state funding is not appropriated consistent with an agreement~~
33 ~~between a state agency and a local flood management agency, the~~

1 Central Valley Flood Protection Board may find that the local
2 flood management agency is making adequate progress in working
3 toward the completion of the flood protection system.

4 (3) Critical features of the flood protection system are under
5 construction, and each critical feature is progressing as indicated
6 by the actual expenditure of the construction budget funds.

7 (4) The city or county has not been responsible for a significant
8 delay in the completion of the system.

9 (5) The local flood management agency shall provide the
10 Department of Water Resources and the Central Valley Flood
11 Protection Board with the information specified in this subdivision
12 sufficient to determine substantial completion of the required flood
13 protection. The local flood management agency shall annually
14 report to the Central Valley Flood Protection Board on the efforts
15 in working toward completion of the flood protection system.

16 (b) "Central Valley Flood Protection Plan" has the same
17 meaning as that set forth in Section 9612 of the Water Code.

18 (c) "Developed area" has the same meaning as that set forth in
19 Section 59.1 of Title 44 of the Code of Federal Regulations.

20 (d) "Flood hazard zone" means an area subject to flooding that
21 is delineated as either a special hazard area or an area of moderate
22 hazard on an official flood insurance rate map issued by the Federal
23 Emergency Management Agency. The identification of flood
24 hazard zones does not imply that areas outside the flood hazard
25 zones, or uses permitted within flood hazard zones, will be free
26 from flooding or flood damage.

27 (e) "National Federal Emergency Management Agency standard
28 of flood protection" means the level of flood protection that is
29 necessary to withstand flooding that has a 1-in-100 chance of
30 occurring in any given year using criteria developed by the Federal
31 Emergency Management Agency for application in the National
32 Flood Insurance Program.

33 (f) "Nonurbanized area" means a developed area or an area
34 outside a developed area in which there are fewer than 10,000
35 residents that is not an urbanizing area.

36 (g) "Project levee" means any levee that is part of the facilities
37 of the State Plan of Flood Control.

38 (h) "Sacramento-San Joaquin Valley" means lands in the bed
39 or along or near the banks of the Sacramento River or San Joaquin
40 River, or their tributaries or connected therewith, or upon any land

1 adjacent thereto, or within the overflow basins thereof, or upon
2 land susceptible to overflow therefrom. The Sacramento-San
3 Joaquin Valley does not include lands lying within the Tulare Lake
4 basin, including the Kings River.

5 (i) "State Plan of Flood Control" has the same meaning as that
6 set forth in subdivision (j) of Section 5096.805 of the Public
7 Resources Code.

8 (j) "Tulare Lake basin" means the Tulare Lake Hydrologic
9 Region as defined in the California Water Plan Update 2009,
10 prepared by the Department of Water Resources pursuant to
11 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division
12 6 of the Water Code.

13 (k) "Undetermined risk area" means an urban or urbanizing area
14 within a moderate flood hazard zone, as delineated on an official
15 flood insurance rate map issued by the Federal Emergency
16 Management Agency, which has not been determined to have an
17 urban level of protection.

18 (l) "Urban area" means a developed area in which there are
19 10,000 residents or more.

20 (m) "Urbanizing area" means a developed area or an area outside
21 a developed area that is planned or anticipated to have 10,000
22 residents or more within the next 10 years.

23 (n) "Urban level of flood protection" means the level of
24 protection that is necessary to withstand flooding that has a
25 1-in-200 chance of occurring in any given year using criteria
26 consistent with, or developed by, the Department of Water
27 Resources. "Urban level of flood protection" shall not mean
28 shallow flooding or flooding from local drainage that meets the
29 criteria of the national Federal Emergency Management Agency
30 standard of flood protection.

31 ~~SEC. 2.~~

32 *SEC. 3.* Section 65011 is added to the Government Code, to
33 read:

34 65011. For the purposes of Sections 65302.11, 65860.2,
35 65865.6, 65962.1, and 66474.03, unless the context requires
36 otherwise, the following terms have the following meanings:

37 (a) "Adequate progress" means the city or county is taking
38 concrete steps reasonably calculated to achieve funding and
39 implementation of the applicable standard with the timeframe
40 specified in subdivision (b) of Section 65012.

1 (b) “Very high fire risk area” means any lands located within a
2 very high fire hazard severity zone, as designated pursuant to
3 subdivisions (a) and (b) of Section 51179, or as indicated on maps
4 adopted by the Department of Forestry and Fire Protection pursuant
5 to Section 4202 of the Public Resources Code.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 65012 is added to the Government Code, to
8 read:

9 65012. (a) For the purposes of Sections 65302.11, 65860.2,
10 65865.6, 65962.1, and 66474.03, “wildfire risk reduction standard”
11 means the following:

12 (1) For a development of any size:

13 (A) The regulations adopted by the State Board of Forestry and
14 Fire Protection, the State Fire Marshal, and the California Building
15 Standards Commission regarding defensible space, vegetation
16 management, fuel modification, and materials and construction
17 methods for exterior wildfire exposure, including, but not limited
18 to, all of the following, or the successor provisions:

19 (i) Chapter 7A of the California Building Code.

20 (ii) Chapter 49 of the California Fire Code.

21 (iii) Section R337 of the California Residential Code.

22 (iv) Chapter 12-7A of the California Referenced Standards
23 Code.

24 (v) Subchapter 2 (commencing with Section 1270) of Chapter
25 7 of Division 1.5 of Title 14 of the California Code of Regulations.

26 (vi) Article 3 (commencing with Section 1299.01) of Subchapter
27 3 of Chapter 7 of Division 1.5 of Title 14 of the California Code
28 of Regulations.

29 (B) A wildland fire hazard assessment and wildfire hazard
30 mitigation plan approved by the enforcing agency in accordance
31 with regulations adopted by the State Fire Marshal pursuant to
32 Section 65013.

33 (C) An enforcement program established, funded, and
34 implemented to verify ongoing compliance of the defensible space,
35 vegetation management, and fuel modification requirements of
36 the regulations described in paragraph (1), and with any continuing
37 obligations imposed under a fire protection plan or wildfire hazard
38 mitigation plan established for the project. The enforcing agency
39 may charge a fee sufficient to cover the costs of administering the
40 program and providing any inspections conducted by the enforcing

1 agency. The program shall ensure that compliance is documented
2 for each affected property or structure at least once every three
3 years. Acceptable methods of compliance inspection and
4 documentation shall be determined by the enforcing agency and
5 may include any of the following:

6 (i) The local, state, or federal fire authority or designee
7 authorized to enforce vegetation management requirements.

8 (ii) The enforcing agency.

9 (iii) Third-party inspection and certification authorized in
10 accordance with the regulations adopted by the State Fire Marshal
11 pursuant to Section 65013.

12 (D) The regulations relating to the organization and deployment
13 of fire suppression operations, fire protection infrastructure, water
14 supplies for fire fighting, and reducing ignition hazards from
15 wildland fire adopted by the State Fire Marshal pursuant to Section
16 65013.

17 (2) For a development of nine units or more:

18 (A) All of the standards set forth in paragraph (1).

19 (B) A fire protection plan setting forth reasonable site-specific
20 safety measures to ensure that the development as a whole is
21 planned and constructed to resist the encroachment of uncontrolled
22 fire. The fire protection plan may be combined with the wildfire
23 hazard mitigation plan prepared for the development in accordance
24 with subparagraph (B) of paragraph (1). The plan shall include,
25 but not be limited to, all of the following:

26 (i) A development layout that reduces wildfire risk to the greatest
27 extent practicable, through measures that may include, but are not
28 limited to, clustering of structures in the lowest risk areas on the
29 property, while still requiring all structures to be separated by a
30 safe distance to avoid the spread of fires from structure to structure,
31 the use of natural and manmade features as fire breaks, and the
32 establishment of community protection fire breaks on the perimeter
33 of the property.

34 (ii) Identification of a low-risk fire safety area where community
35 members can evacuate to and wait until emergency service
36 providers can reach them.

37 (iii) Mechanisms, including funding, to maintain common areas
38 and open spaces within the development so that ground fuels do
39 not promote the spread of wildfire and aerial fuels do not allow
40 the spread of a fire through the tree canopy.

1 (C) A condition on the development that all parcels within the
2 development containing structures are subject to an ongoing,
3 permanent fee, tax, or assessment, an assessment through a
4 homeowners' association, or a similar funding mechanism
5 sufficient to ensure that defensible space maintenance is funded
6 and occurs on a schedule so as to comply with subparagraph (C)
7 of paragraph (1), and other requirements for maintaining defensible
8 space under law, including, but not limited to, Section 4291 of the
9 Public Resources Code.

10 (D) The development shall not be approved unless the city or
11 county finds, based on substantial evidence in the record, that the
12 development can be reasonably accessed and served in the case
13 of a wildfire, with adequate ingress, egress, and capacity for
14 evacuation and emergency response at the same time.

15 (3) For any development subject to this subdivision that includes
16 100 or more residential dwelling units:

17 (A) All of the standards set forth in paragraphs (1) and (2).

18 (B) The development shall be consistent with all applicable
19 recommendations included in the Office of Planning and
20 Research's most recent publication of "Fire Hazard
21 Planning—General Plan Technical Advice Series," or other
22 equivalent standards as adopted by the State Fire Marshal pursuant
23 to Section 65013, or conditions imposed by the city or county that
24 provide the same practical effect as the recommendations or other
25 standards and are at least the equivalent of the recommendations
26 or other standards in reducing the risk to life and property from
27 catastrophic wildfire.

28 (C) Additional wildfire risk reduction standards adopted by the
29 State Fire Marshal pursuant to Section 65013, or conditions
30 imposed by the city or county that provide the same practical effect
31 as the standards and are at least the equivalent of the standards in
32 reducing the risk to life and property from catastrophic wildfire.

33 (b) Until December 31, 2025, a development shall be deemed
34 in compliance with the wildfire risk reduction standards set forth
35 in subparagraphs (C) and (D) of paragraph (1) of subdivision (a)
36 if the city or county finds, based on substantial evidence in the
37 record, that the responsible state and local agencies have made
38 adequate progress toward providing protection from wildfire risk
39 to the level set forth in those standards, or wildfire protection

1 standards adopted by the city or county that meet or exceed those
2 standards.

3 (c) Nothing in this section shall be construed to limit the existing
4 authority of the State Fire Marshal or any other public agency
5 under any other law from adopting standards that are more
6 protective of life and property from the risk of wildfire.

7 ~~SEC. 4.~~

8 *SEC. 5.* Section 65013 is added to the Government Code, to
9 read:

10 65013. (a) On or before January 1, 2022, the Office of the
11 State Fire Marshal, in consultation with the Office of Planning and
12 Research and the State Board of Forestry and Fire Protection, shall
13 do all of the following:

14 (1) Adopt wildfire risk reduction standards that meet all of the
15 following requirements:

16 (A) Account for differences in the size of proposed
17 developments, consistent with the categories set forth in Section
18 65012.

19 (B) Include standards for organization and development of fire
20 suppression operations, fire protection infrastructure, water supplies
21 for fire fighting, and reducing structure ignition hazards from
22 wildland fire.

23 (C) Include any additional requirements for fire hardening or
24 similar building standards applicable to structures located in areas
25 without a secondary egress route that are identified in accordance
26 with subdivision (a) of Section 4290.5 of the Public Resources
27 Code.

28 (D) Establish community-scale risk reduction measures,
29 including, but not limited to, both of the following:

30 (i) Community design and layout.

31 (ii) Location and construction of infrastructure to reduce ignition
32 potential and ensure availability of water supplies essential for fire
33 suppression during a wildfire.

34 (E) Are designed to reduce the risk of catastrophic loss due to
35 wildfire based upon a risk model that uses current wildfire hazard
36 severity information known for the very high fire risk areas. The
37 Office of the State Fire Marshal shall utilize a risk model that meets
38 both of the following requirements:

- 1 (i) The risk model is able to quantify the risk for a community
2 or parcel in a very high fire risk area through the input of mitigating
3 factors into the model.
- 4 (ii) The model uses the best available science and objective
5 scientific methodologies.
- 6 (F) Are directly applicable to, and account for, California's
7 climate, weather, topography, and development patterns.
- 8 (2) Adopt standards for third-party inspection and certification
9 conducted pursuant to subparagraph (C) of paragraph (1) of
10 subdivision (a) of Section 65012.
- 11 (b) (1) On or before January 1, 2023, the Office of the State
12 Fire Marshal shall update the maps of the very high fire hazard
13 severity zones pursuant to Section 51178.
- 14 (2) In updating the maps pursuant to subparagraph (A), the State
15 Fire Marshal shall identify areas within very high fire hazard
16 severity zones where new residential development poses
17 exceptional risk to future occupants of the development and to fire
18 personnel and other public safety personnel that must access the
19 development during a wildfire.
- 20 (c) Standards adopted pursuant to this section, regulations and
21 rules of general applicability adopted pursuant to Section 65012,
22 and regulations and rules of general applicability adopted by state
23 or local agencies as necessary to implement those standards, shall
24 be reasonable, and shall be feasible and achievable for the majority
25 of developments in each category set forth in subdivision (a) of
26 Section 65012.
- 27 (d) In developing the standards required by this section, the
28 Office of the State Fire Marshal shall do both of the following:
- 29 (1) Convene a working group of stakeholders, including
30 representatives of urban, suburban, and rural counties and cities
31 to assist in this effort.
- 32 (2) Consider national standards, including, but not limited to,
33 the following:
- 34 (A) The ICC International Wildland-Urban Interface Code.
- 35 (B) NFPA 1141: Standard for Fire Protection Infrastructure for
36 Land Development and Wildland, Rural, and Suburban Areas.
- 37 (C) NFPA 1142: Standard on Water Supplies for Suburban and
38 Rural Fire Fighting.
- 39 (D) NFPA 1144: Standard for Reducing Structure Ignition
40 Hazards from Wildland Fire.

1 (E) NFPA 1720: Standards for the Organization and Deployment
2 of Fire Suppression Operations, Emergency Medical Operations
3 and Special Operations, to the Public by Volunteer Fire
4 Departments.

5 (e) The Office of the State Fire Marshal may incorporate some
6 or all of the wildfire risk reduction standards adopted pursuant to
7 this section into the building standards developed pursuant to
8 Section 13108.5 of the Health and Safety Code or the regulations
9 adopted pursuant to Section 4290 of the Public Resources Code.

10 (f) Standards adopted pursuant to this section shall be adopted
11 pursuant to the Administrative Procedure Act (Chapter 3.5
12 (commencing with Section 11340) of Part 1 of Division 3 of Title
13 2).

14 (g) Nothing in this section shall be construed to limit the existing
15 authority of the State Fire Marshal or any other state or local public
16 agency under any other law from adopting standards that are more
17 protective of life and property from the risk of wildfire.

18 ~~SEC. 5. Section 65040.16 is added to the Government Code,~~
19 ~~to read:~~

20 ~~65040.16.—~~

21 *SEC. 6. Section 65040.18 is added to the Government Code,*
22 *to read:*

23 *65040.18.* On or before January 1, 2023, the Office of Planning
24 and Research, in collaboration with cities and counties, shall
25 identify local ordinances, policies, and best practices relating to
26 land use planning in very high fire risk areas, wildfire risk
27 reduction, and wildfire preparedness and publish these resources
28 on the clearinghouse established pursuant to Section 71360 of the
29 Public Resources Code. The office shall include in the
30 clearinghouse any comprehensive retrofit strategies submitted
31 pursuant to subparagraph (E) of paragraph (5) of subdivision (g)
32 of Section 65302. The office shall regularly update the
33 clearinghouse materials made available pursuant to this section.

34 ~~SEC. 6.~~

35 *SEC. 7.* Section 65302 of the Government Code is amended
36 to read:

37 65302. The general plan shall consist of a statement of
38 development policies and shall include a diagram or diagrams and
39 text setting forth objectives, principles, standards, and plan
40 proposals. The plan shall include the following elements:

1 (a) A land use element that designates the proposed general
2 distribution and general location and extent of the uses of the land
3 for housing, business, industry, open space, including agriculture,
4 natural resources, recreation, and enjoyment of scenic beauty,
5 education, public buildings and grounds, solid and liquid waste
6 disposal facilities, greenways, as defined in Section 816.52 of the
7 Civil Code, and other categories of public and private uses of land.
8 The location and designation of the extent of the uses of the land
9 for public and private uses shall consider the identification of land
10 and natural resources pursuant to paragraph (3) of subdivision (d).
11 The land use element shall include a statement of the standards of
12 population density and building intensity recommended for the
13 various districts and other territory covered by the plan. The land
14 use element shall identify and annually review those areas covered
15 by the plan that are subject to flooding identified by flood plain
16 mapping prepared by the Federal Emergency Management Agency
17 (FEMA) or the Department of Water Resources. The land use
18 element shall also do both of the following:

19 (1) Designate in a land use category that provides for timber
20 production those parcels of real property zoned for timberland
21 production pursuant to the California Timberland Productivity Act
22 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
23 of Division 1 of Title 5).

24 (2) Consider the impact of new growth on military readiness
25 activities carried out on military bases, installations, and operating
26 and training areas, when proposing zoning ordinances or
27 designating land uses covered by the general plan for land, or other
28 territory adjacent to military facilities, or underlying designated
29 military aviation routes and airspace.

30 (A) In determining the impact of new growth on military
31 readiness activities, information provided by military facilities
32 shall be considered. Cities and counties shall address military
33 impacts based on information from the military and other sources.

34 (B) The following definitions govern this paragraph:

35 (i) "Military readiness activities" mean all of the following:

36 (I) Training, support, and operations that prepare the men and
37 women of the military for combat.

38 (II) Operation, maintenance, and security of any military
39 installation.

1 (III) Testing of military equipment, vehicles, weapons, and
2 sensors for proper operation or suitability for combat use.

3 (ii) “Military installation” means a base, camp, post, station,
4 yard, center, homeport facility for any ship, or other activity under
5 the jurisdiction of the United States Department of Defense as
6 defined in paragraph (1) of subsection (g) of Section 2687 of Title
7 10 of the United States Code.

8 (b) (1) A circulation element consisting of the general location
9 and extent of existing and proposed major thoroughfares,
10 transportation routes, terminals, any military airports and ports,
11 and other local public utilities and facilities, all correlated with the
12 land use element of the plan.

13 (2) (A) Commencing January 1, 2011, upon any substantive
14 revision of the circulation element, the legislative body shall
15 modify the circulation element to plan for a balanced, multimodal
16 transportation network that meets the needs of all users of streets,
17 roads, and highways for safe and convenient travel in a manner
18 that is suitable to the rural, suburban, or urban context of the
19 general plan.

20 (B) For purposes of this paragraph, “users of streets, roads, and
21 highways” mean bicyclists, children, persons with disabilities,
22 motorists, movers of commercial goods, pedestrians, users of public
23 transportation, and seniors.

24 (c) A housing element as provided in Article 10.6 (commencing
25 with Section 65580).

26 (d) (1) A conservation element for the conservation,
27 development, and utilization of natural resources including water
28 and its hydraulic force, forests, soils, rivers and other waters,
29 harbors, fisheries, wildlife, minerals, and other natural resources.
30 The conservation element shall consider the effect of development
31 within the jurisdiction, as described in the land use element, on
32 natural resources located on public lands, including military
33 installations. That portion of the conservation element including
34 waters shall be developed in coordination with any countywide
35 water agency and with all district and city agencies, including
36 flood management, water conservation, or groundwater agencies
37 that have developed, served, controlled, managed, or conserved
38 water of any type for any purpose in the county or city for which
39 the plan is prepared. Coordination shall include the discussion and
40 evaluation of any water supply and demand information described

1 in Section 65352.5, if that information has been submitted by the
2 water agency to the city or county.

3 (2) The conservation element may also cover all of the
4 following:

5 (A) The reclamation of land and waters.

6 (B) Prevention and control of the pollution of streams and other
7 waters.

8 (C) Regulation of the use of land in stream channels and other
9 areas required for the accomplishment of the conservation plan.

10 (D) Prevention, control, and correction of the erosion of soils,
11 beaches, and shores.

12 (E) Protection of watersheds.

13 (F) The location, quantity, and quality of the rock, sand, and
14 gravel resources.

15 (3) Upon the next revision of the housing element on or after
16 January 1, 2009, the conservation element shall identify rivers,
17 creeks, streams, flood corridors, riparian habitats, and land that
18 may accommodate floodwater for purposes of groundwater
19 recharge and stormwater management.

20 (e) An open-space element as provided in Article 10.5
21 (commencing with Section 65560).

22 (f) (1) A noise element that shall identify and appraise noise
23 problems in the community. The noise element shall analyze and
24 quantify, to the extent practicable, as determined by the legislative
25 body, current and projected noise levels for all of the following
26 sources:

27 (A) Highways and freeways.

28 (B) Primary arterials and major local streets.

29 (C) Passenger and freight online railroad operations and ground
30 rapid transit systems.

31 (D) Commercial, general aviation, heliport, helistop, and military
32 airport operations, aircraft overflights, jet engine test stands, and
33 all other ground facilities and maintenance functions related to
34 airport operation.

35 (E) Local industrial plants, including, but not limited to, railroad
36 classification yards.

37 (F) Other ground stationary noise sources, including, but not
38 limited to, military installations, identified by local agencies as
39 contributing to the community noise environment.

1 (2) Noise contours shall be shown for all of these sources and
2 stated in terms of community noise equivalent level (CNEL) or
3 day-night average sound level (L_{dn}). The noise contours shall be
4 prepared on the basis of noise monitoring or following generally
5 accepted noise modeling techniques for the various sources
6 identified in paragraphs (1) to (6), inclusive.

7 (3) The noise contours shall be used as a guide for establishing
8 a pattern of land uses in the land use element that minimizes the
9 exposure of community residents to excessive noise.

10 (4) The noise element shall include implementation measures
11 and possible solutions that address existing and foreseeable noise
12 problems, if any. The adopted noise element shall serve as a
13 guideline for compliance with the state's noise insulation standards.

14 (g) (1) A safety element for the protection of the community
15 from any unreasonable risks associated with the effects of
16 seismically induced surface rupture, ground shaking, ground
17 failure, tsunami, seiche, and dam failure; slope instability leading
18 to mudslides and landslides; subsidence; liquefaction; and other
19 seismic hazards identified pursuant to Chapter 7.8 (commencing
20 with Section 2690) of Division 2 of the Public Resources Code,
21 and other geologic hazards known to the legislative body; flooding;
22 and wildland and urban fires. The safety element shall include
23 mapping of known seismic and other geologic hazards. It shall
24 also address evacuation routes, military installations, peakload
25 water supply requirements, and minimum road widths and
26 clearances around structures, as those items relate to identified fire
27 and geologic hazards.

28 (2) The safety element, upon the next revision of the housing
29 element on or after January 1, 2009, shall also do the following:

30 (A) Identify information regarding flood hazards, including,
31 but not limited to, the following:

32 (i) Flood hazard zones. As used in this subdivision, "flood
33 hazard zone" means an area subject to flooding that is delineated
34 as either a special hazard area or an area of moderate or minimal
35 hazard on an official flood insurance rate map issued by FEMA.
36 The identification of a flood hazard zone does not imply that areas
37 outside the flood hazard zones or uses permitted within flood
38 hazard zones will be free from flooding or flood damage.

39 (ii) National Flood Insurance Program maps published by
40 FEMA.

- 1 (iii) Information about flood hazards that is available from the
2 United States Army Corps of Engineers.
- 3 (iv) Designated floodway maps that are available from the
4 Central Valley Flood Protection Board.
- 5 (v) Dam failure inundation maps prepared pursuant to Section
6 6161 of the Water Code that are available from the Department of
7 Water Resources.
- 8 (vi) Awareness Floodplain Mapping Program maps and 200-year
9 flood plain maps that are or may be available from, or accepted
10 by, the Department of Water Resources.
- 11 (vii) Maps of levee protection zones.
- 12 (viii) Areas subject to inundation in the event of the failure of
13 project or nonproject levees or floodwalls.
- 14 (ix) Historical data on flooding, including locally prepared maps
15 of areas that are subject to flooding, areas that are vulnerable to
16 flooding after wildfires, and sites that have been repeatedly
17 damaged by flooding.
- 18 (x) Existing and planned development in flood hazard zones,
19 including structures, roads, utilities, and essential public facilities.
- 20 (xi) Local, state, and federal agencies with responsibility for
21 flood protection, including special districts and local offices of
22 emergency services.
- 23 (B) Establish a set of comprehensive goals, policies, and
24 objectives based on the information identified pursuant to
25 subparagraph (A), for the protection of the community from the
26 unreasonable risks of flooding, including, but not limited to:
 - 27 (i) Avoiding or minimizing the risks of flooding to new
28 development.
 - 29 (ii) Evaluating whether new development should be located in
30 flood hazard zones, and identifying construction methods or other
31 methods to minimize damage if new development is located in
32 flood hazard zones.
 - 33 (iii) Maintaining the structural and operational integrity of
34 essential public facilities during flooding.
 - 35 (iv) Locating, when feasible, new essential public facilities
36 outside of flood hazard zones, including hospitals and health care
37 facilities, emergency shelters, fire stations, emergency command
38 centers, and emergency communications facilities or identifying
39 construction methods or other methods to minimize damage if
40 these facilities are located in flood hazard zones.

1 (v) Establishing cooperative working relationships among public
2 agencies with responsibility for flood protection.

3 (C) Establish a set of feasible implementation measures designed
4 to carry out the goals, policies, and objectives established pursuant
5 to this subdivision.

6 (3) Upon the next revision of the housing element on or after
7 January 1, 2014, the safety element shall be reviewed and updated
8 as necessary to address the risk of fire for land classified as state
9 responsibility areas, as defined in Section 4102 of the Public
10 Resources Code, and land classified as very high fire hazard
11 severity zones, as defined in Section 51177. This review shall
12 consider the advice included in the Office of Planning and
13 Research's most recent publication of "Fire Hazard Planning,
14 General Plan Technical Advice Series" and shall also include all
15 of the following:

16 (A) Information regarding fire hazards, including, but not limited
17 to, all of the following:

18 (i) Fire hazard severity zone maps available from the Department
19 of Forestry and Fire Protection.

20 (ii) Any historical data on wildfires available from local agencies
21 or a reference to where the data can be found.

22 (iii) Information about wildfire hazard areas that may be
23 available from the United States Geological Survey.

24 (iv) General location and distribution of existing and planned
25 uses of land in very high fire hazard severity zones and in state
26 responsibility areas, including structures, roads, utilities, and
27 essential public facilities. The location and distribution of planned
28 uses of land shall not require defensible space compliance measures
29 required by state law or local ordinance to occur on publicly owned
30 lands or open space designations of homeowner associations.

31 (v) Local, state, and federal agencies with responsibility for fire
32 protection, including special districts and local offices of
33 emergency services.

34 (B) A set of goals, policies, and objectives based on the
35 information identified pursuant to subparagraph (A) for the
36 protection of the community from the unreasonable risk of wildfire.

37 (C) A set of feasible implementation measures designed to carry
38 out the goals, policies, and objectives based on the information
39 identified pursuant to subparagraph (B) including, but not limited
40 to, all of the following:

- 1 (i) Avoiding or minimizing the wildfire hazards associated with
2 new uses of land.
- 3 (ii) Locating, when feasible, new essential public facilities
4 outside of high fire risk areas, including, but not limited to,
5 hospitals and health care facilities, emergency shelters, emergency
6 command centers, and emergency communications facilities, or
7 identifying construction methods or other methods to minimize
8 damage if these facilities are located in a state responsibility area
9 or very high fire hazard severity zone.
- 10 (iii) Designing adequate infrastructure if a new development is
11 located in a state responsibility area or in a very high fire hazard
12 severity zone, including safe access for emergency response
13 vehicles, visible street signs, and water supplies for structural fire
14 suppression.
- 15 (iv) Working cooperatively with public agencies with
16 responsibility for fire protection.
- 17 (D) If a city or county has adopted a fire safety plan or document
18 separate from the general plan, an attachment of, or reference to,
19 a city or county's adopted fire safety plan or document that fulfills
20 commensurate goals and objectives and contains information
21 required pursuant to this paragraph.
- 22 (4) Upon the next revision of a local hazard mitigation plan,
23 adopted in accordance with the federal Disaster Mitigation Act of
24 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
25 local jurisdiction has not adopted a local hazard mitigation plan,
26 beginning on or before January 1, 2022, the safety element shall
27 be reviewed and updated as necessary to address climate adaptation
28 and resiliency strategies applicable to the city or county. This
29 review shall consider advice provided in the Office of Planning
30 and Research's General Plan Guidelines and shall include all of
31 the following:
- 32 (A) (i) A vulnerability assessment that identifies the risks that
33 climate change poses to the local jurisdiction and the geographic
34 areas at risk from climate change impacts, including, but not limited
35 to, an assessment of how climate change may affect the risks
36 addressed pursuant to paragraphs (2) and (3).
- 37 (ii) Information that may be available from federal, state,
38 regional, and local agencies that will assist in developing the
39 vulnerability assessment and the adaptation policies and strategies

1 required pursuant to subparagraph (B), including, but not limited
2 to, all of the following:

3 (I) Information from the internet-based Cal-Adapt tool.

4 (II) Information from the most recent version of the California
5 Adaptation Planning Guide.

6 (III) Information from local agencies on the types of assets,
7 resources, and populations that will be sensitive to various climate
8 change exposures.

9 (IV) Information from local agencies on their current ability to
10 deal with the impacts of climate change.

11 (V) Historical data on natural events and hazards, including
12 locally prepared maps of areas subject to previous risk, areas that
13 are vulnerable, and sites that have been repeatedly damaged.

14 (VI) Existing and planned development in identified at-risk
15 areas, including structures, roads, utilities, and essential public
16 facilities.

17 (VII) Federal, state, regional, and local agencies with
18 responsibility for the protection of public health and safety and
19 the environment, including special districts and local offices of
20 emergency services.

21 (B) A set of adaptation and resilience goals, policies, and
22 objectives based on the information specified in subparagraph (A)
23 for the protection of the community.

24 (C) A set of feasible implementation measures designed to carry
25 out the goals, policies, and objectives identified pursuant to
26 subparagraph (B) including, but not limited to, all of the following:

27 (i) Feasible methods to avoid or minimize climate change
28 impacts associated with new uses of land.

29 (ii) The location, when feasible, of new essential public facilities
30 outside of at-risk areas, including, but not limited to, hospitals and
31 health care facilities, emergency shelters, emergency command
32 centers, and emergency communications facilities, or identifying
33 construction methods or other methods to minimize damage if
34 these facilities are located in at-risk areas.

35 (iii) The designation of adequate and feasible infrastructure
36 located in an at-risk area.

37 (iv) Guidelines for working cooperatively with relevant local,
38 regional, state, and federal agencies.

39 (v) The identification of natural infrastructure that may be used
40 in adaptation projects, where feasible. Where feasible, the plan

1 shall use existing natural features and ecosystem processes, or the
2 restoration of natural features and ecosystem processes, when
3 developing alternatives for consideration. For the purposes of this
4 clause, “natural infrastructure” means the preservation or
5 restoration of ecological systems, or utilization of engineered
6 systems that use ecological processes, to increase resiliency to
7 climate change, manage other environmental hazards, or both.
8 This may include, but is not limited to, flood plain and wetlands
9 restoration or preservation, combining levees with restored natural
10 systems to reduce flood risk, and urban tree planting to mitigate
11 high heat days.

12 (D) (i) If a city or county has adopted the local hazard
13 mitigation plan, or other climate adaptation plan or document that
14 fulfills commensurate goals and objectives and contains the
15 information required pursuant to this paragraph, separate from the
16 general plan, an attachment of, or reference to, the local hazard
17 mitigation plan or other climate adaptation plan or document.

18 (ii) Cities or counties that have an adopted hazard mitigation
19 plan, or other climate adaptation plan or document that substantially
20 complies with this section, or have substantially equivalent
21 provisions to this subdivision in their general plans, may use that
22 information in the safety element to comply with this subdivision,
23 and shall summarize and incorporate by reference into the safety
24 element the other general plan provisions, climate adaptation plan
25 or document, specifically showing how each requirement of this
26 subdivision has been met.

27 (5) Upon the next revision of the housing element or the hazard
28 mitigation plan, on or after January 1, 2020, whichever occurs
29 first, the safety element shall be reviewed and updated as necessary
30 to include a comprehensive retrofit strategy to reduce the risk of
31 property loss and damage during wildfires. The comprehensive
32 retrofit strategy shall include, but is not limited to, all of the
33 following:

34 (A) A list of the types of retrofits needed in an area based on
35 fire risk.

36 (B) A process for identifying and inventorying structures in
37 need of retrofit for fire hardening. The strategy shall prioritize the
38 identification and inventorying of residential structures in very
39 high fire risk areas.

40 (C) Goals and milestones for completing needed retrofit work.

1 (D) Potential funding sources and financing strategies to pay
2 for needed retrofits on public and private property.

3 (E) Once adopted, the planning agency shall submit the adopted
4 comprehensive retrofit strategy to the Office of Planning and
5 Research for inclusion in the clearinghouse established pursuant
6 to Section 71360 of the Public Resources Code.

7 (6) After the initial revision of the safety element pursuant to
8 paragraphs (2), (3), (4), and (5), the planning agency shall review
9 and, if necessary, revise the safety element upon each revision of
10 the housing element or local hazard mitigation plan, but not less
11 than once every eight years, to identify new information relating
12 to flood and fire hazards, climate adaptation and resiliency
13 strategies, and retrofit updates applicable to the city or county that
14 was not available during the previous revision of the safety
15 element.

16 (7) Cities and counties that have flood plain management
17 ordinances that have been approved by FEMA that substantially
18 comply with this section, or have substantially equivalent
19 provisions to this subdivision in their general plans, may use that
20 information in the safety element to comply with this subdivision,
21 and shall summarize and incorporate by reference into the safety
22 element the other general plan provisions or the flood plain
23 ordinance, specifically showing how each requirement of this
24 subdivision has been met.

25 (8) Before the periodic review of its general plan and before
26 preparing or revising its safety element, each city and county shall
27 consult the California Geological Survey of the Department of
28 Conservation, the Central Valley Flood Protection Board, if the
29 city or county is located within the boundaries of the Sacramento
30 and San Joaquin Drainage District, as set forth in Section 8501 of
31 the Water Code, and the Office of Emergency Services for the
32 purpose of including information known by and available to the
33 department, the agency, and the board required by this subdivision.

34 (9) To the extent that a county's safety element is sufficiently
35 detailed and contains appropriate policies and programs for
36 adoption by a city, a city may adopt that portion of the county's
37 safety element that pertains to the city's planning area in
38 satisfaction of the requirement imposed by this subdivision.

39 (h) (1) An environmental justice element, or related goals,
40 policies, and objectives integrated in other elements, that identifies

1 disadvantaged communities within the area covered by the general
2 plan of the city, county, or city and county, if the city, county, or
3 city and county has a disadvantaged community. The
4 environmental justice element, or related environmental justice
5 goals, policies, and objectives integrated in other elements, shall
6 do all of the following:

7 (A) Identify objectives and policies to reduce the unique or
8 compounded health risks in disadvantaged communities by means
9 that include, but are not limited to, the reduction of pollution
10 exposure, including the improvement of air quality, and the
11 promotion of public facilities, food access, safe and sanitary homes,
12 and physical activity.

13 (B) Identify objectives and policies to promote civil engagement
14 in the public decisionmaking process.

15 (C) Identify objectives and policies that prioritize improvements
16 and programs that address the needs of disadvantaged communities.

17 (2) A city, county, or city and county subject to this subdivision
18 shall adopt or review the environmental justice element, or the
19 environmental justice goals, policies, and objectives in other
20 elements, upon the adoption or next revision of two or more
21 elements concurrently on or after January 1, 2018.

22 (3) By adding this subdivision, the Legislature does not intend
23 to require a city, county, or city and county to take any action
24 prohibited by the United States Constitution or the California
25 Constitution.

26 (4) For purposes of this subdivision, the following terms shall
27 apply:

28 (A) “Disadvantaged communities” means an area identified by
29 the California Environmental Protection Agency pursuant to
30 Section 39711 of the Health and Safety Code or an area that is a
31 low-income area that is disproportionately affected by
32 environmental pollution and other hazards that can lead to negative
33 health effects, exposure, or environmental degradation.

34 (B) “Public facilities” includes public improvements, public
35 services, and community amenities, as defined in subdivision (d)
36 of Section 66000.

37 (C) “Low-income area” means an area with household incomes
38 at or below 80 percent of the statewide median income or with
39 household incomes at or below the threshold designated as low
40 income by the Department of Housing and Community

1 Development's list of state income limits adopted pursuant to
2 Section 50093 of the Health and Safety Code.

3 *SEC. 7.1. Section 65302 of the Government Code is amended*
4 *to read:*

5 65302. The general plan shall consist of a statement of
6 development policies and shall include a diagram or diagrams and
7 text setting forth objectives, principles, standards, and plan
8 proposals. The plan shall include the following elements:

9 (a) A land use element that designates the proposed general
10 distribution and general location and extent of the uses of the land
11 for housing, business, industry, open space, including agriculture,
12 natural resources, recreation, and enjoyment of scenic beauty,
13 education, public buildings and grounds, solid and liquid waste
14 disposal facilities, greenways, as defined in Section 816.52 of the
15 Civil Code, and other categories of public and private uses of land.
16 The location and designation of the extent of the uses of the land
17 for public and private uses shall consider the identification of land
18 and natural resources pursuant to paragraph (3) of subdivision (d).
19 The land use element shall include a statement of the standards of
20 population density and building intensity recommended for the
21 various districts and other territory covered by the plan. The land
22 use element shall identify and annually review those areas covered
23 by the plan that are subject to flooding identified by flood plain
24 mapping prepared by the Federal Emergency Management Agency
25 (FEMA) or the Department of Water Resources. The land use
26 element shall also do both of the following:

27 (1) Designate in a land use category that provides for timber
28 production those parcels of real property zoned for timberland
29 production pursuant to the California Timberland Productivity Act
30 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
31 of Division 1 of Title 5).

32 (2) Consider the impact of new growth on military readiness
33 activities carried out on military bases, installations, and operating
34 and training areas, when proposing zoning ordinances or
35 designating land uses covered by the general plan for land, or other
36 territory adjacent to military facilities, or underlying designated
37 military aviation routes and airspace.

38 (A) In determining the impact of new growth on military
39 readiness activities, information provided by military facilities

1 shall be considered. Cities and counties shall address military
2 impacts based on information from the military and other sources.

3 (B) The following definitions govern this paragraph:

4 (i) “Military readiness activities” mean all of the following:

5 (I) Training, support, and operations that prepare the ~~men and~~
6 ~~women~~ *members* of the military for combat.

7 (II) Operation, maintenance, and security of any military
8 installation.

9 (III) Testing of military equipment, vehicles, weapons, and
10 sensors for proper operation or suitability for combat use.

11 (ii) “Military installation” means a base, camp, post, station,
12 yard, center, homeport facility for any ship, or other activity under
13 the jurisdiction of the United States Department of Defense as
14 defined in paragraph (1) of subsection (g) of Section 2687 of Title
15 10 of the United States Code.

16 (b) (1) A circulation element consisting of the general location
17 and extent of existing and proposed major thoroughfares,
18 transportation routes, terminals, any military airports and ports,
19 and other local public utilities and facilities, all correlated with the
20 land use element of the plan.

21 (2) (A) Commencing January 1, 2011, upon any substantive
22 revision of the circulation element, the legislative body shall
23 modify the circulation element to plan for a balanced, multimodal
24 transportation network that meets the needs of all users of streets,
25 roads, and highways for safe and convenient travel in a manner
26 that is suitable to the rural, suburban, or urban context of the
27 general plan.

28 (B) For purposes of this paragraph, “users of streets, roads, and
29 highways” mean bicyclists, children, persons with disabilities,
30 motorists, movers of commercial goods, pedestrians, users of public
31 transportation, and seniors.

32 (c) A housing element as provided in Article 10.6 (commencing
33 with Section 65580).

34 (d) (1) A conservation element for the conservation,
35 development, and utilization of natural ~~resources~~ *resources*,
36 including water and its hydraulic force, forests, soils, rivers and
37 other waters, harbors, fisheries, wildlife, minerals, and other natural
38 resources. The conservation element shall consider the effect of
39 development within the jurisdiction, as described in the land use
40 element, on natural resources located on public lands, including

1 military installations. That portion of the conservation element
2 including waters shall be developed in coordination with any
3 countywide water agency and with all district and city agencies,
4 including flood management, water conservation, or groundwater
5 agencies that have developed, served, controlled, managed, or
6 conserved water of any type for any purpose in the county or city
7 for which the plan is prepared. Coordination shall include the
8 discussion and evaluation of any water supply and demand
9 information described in Section 65352.5, if that information has
10 been submitted by the water agency to the city or county.

11 (2) The conservation element may also cover all of the
12 following:

13 (A) The reclamation of land and waters.

14 (B) Prevention and control of the pollution of streams and other
15 waters.

16 (C) Regulation of the use of land in stream channels and other
17 areas required for the accomplishment of the conservation plan.

18 (D) Prevention, control, and correction of the erosion of soils,
19 beaches, and shores.

20 (E) Protection of watersheds.

21 (F) The location, quantity, and quality of the rock, sand, and
22 gravel resources.

23 (3) Upon the next revision of the housing element on or after
24 January 1, 2009, the conservation element shall identify rivers,
25 creeks, streams, flood corridors, riparian habitats, and land that
26 may accommodate floodwater for purposes of groundwater
27 recharge and stormwater management.

28 (e) An open-space element as provided in Article 10.5
29 (commencing with Section 65560).

30 (f) (1) A noise element that shall identify and appraise noise
31 problems in the community. The noise element shall analyze and
32 quantify, to the extent practicable, as determined by the legislative
33 body, current and projected noise levels for all of the following
34 sources:

35 (A) Highways and freeways.

36 (B) Primary arterials and major local streets.

37 (C) Passenger and freight online railroad operations and ground
38 rapid transit systems.

39 (D) Commercial, general aviation, heliport, helistop, and military
40 airport operations, aircraft overflights, jet engine test stands, and

1 all other ground facilities and maintenance functions related to
2 airport operation.

3 (E) Local industrial plants, including, but not limited to, railroad
4 classification yards.

5 (F) Other ground stationary noise sources, including, but not
6 limited to, military installations, identified by local agencies as
7 contributing to the community noise environment.

8 (2) Noise contours shall be shown for all of these sources and
9 stated in terms of community noise equivalent level (CNEL) or
10 day-night average sound level (L_{dn}). The noise contours shall be
11 prepared on the basis of noise monitoring or following generally
12 accepted noise modeling techniques for the various sources
13 identified in paragraphs (1) to (6), inclusive.

14 (3) The noise contours shall be used as a guide for establishing
15 a pattern of land uses in the land use element that minimizes the
16 exposure of community residents to excessive noise.

17 (4) The noise element shall include implementation measures
18 and possible solutions that address existing and foreseeable noise
19 problems, if any. The adopted noise element shall serve as a
20 guideline for compliance with the state's noise insulation standards.

21 (g) (1) A safety element for the protection of the community
22 from any unreasonable risks associated with the effects of
23 seismically induced surface rupture, ground shaking, ground
24 failure, tsunami, seiche, and dam failure; slope instability leading
25 to mudslides and landslides; subsidence; liquefaction; and other
26 seismic hazards identified pursuant to Chapter 7.8 (commencing
27 with Section 2690) of Division 2 of the Public Resources Code,
28 and other geologic hazards known to the legislative body; flooding;
29 and wildland and urban fires. The safety element shall include
30 mapping of known seismic and other geologic hazards. It shall
31 also address evacuation routes, military installations, peakload
32 water supply requirements, and minimum road widths and
33 clearances around structures, as those items relate to identified fire
34 and geologic hazards.

35 (2) The safety element, upon the next revision of the housing
36 element on or after January 1, 2009, shall also do the following:

37 (A) Identify information regarding flood hazards, including,
38 but not limited to, the following:

39 (i) Flood hazard zones. As used in this subdivision, "flood
40 hazard zone" means an area subject to flooding that is delineated

1 as either a special hazard area or an area of moderate or minimal
2 hazard on an official flood insurance rate map issued by the Federal
3 Emergency Management Agency (FEMA). *FEMA*. The
4 identification of a flood hazard zone does not imply that areas
5 outside the flood hazard zones or uses permitted within flood
6 hazard zones will be free from flooding or flood damage.

7 (ii) National Flood Insurance Program maps published by
8 FEMA.

9 (iii) Information about flood hazards that is available from the
10 United States Army Corps of Engineers.

11 (iv) Designated floodway maps that are available from the
12 Central Valley Flood Protection Board.

13 (v) Dam failure inundation maps prepared pursuant to Section
14 6161 of the Water Code that are available from the Department of
15 Water Resources.

16 (vi) Awareness Floodplain Mapping Program maps and 200-year
17 flood plain maps that are or may be available from, or accepted
18 by, the Department of Water Resources.

19 (vii) Maps of levee protection zones.

20 (viii) Areas subject to inundation in the event of the failure of
21 project or nonproject levees or floodwalls.

22 (ix) Historical data on flooding, including locally prepared maps
23 of areas that are subject to flooding, areas that are vulnerable to
24 flooding after wildfires, and sites that have been repeatedly
25 damaged by flooding.

26 (x) Existing and planned development in flood hazard zones,
27 including structures, roads, utilities, and essential public facilities.

28 (xi) Local, state, and federal agencies with responsibility for
29 flood protection, including special districts and local offices of
30 emergency services.

31 (B) Establish a set of comprehensive goals, policies, and
32 objectives based on the information identified pursuant to
33 subparagraph (A), for the protection of the community from the
34 unreasonable risks of flooding, including, but not limited to:

35 (i) Avoiding or minimizing the risks of flooding to new
36 development.

37 (ii) Evaluating whether new development should be located in
38 flood hazard zones, and identifying construction methods or other
39 methods to minimize damage if new development is located in
40 flood hazard zones.

- 1 (iii) Maintaining the structural and operational integrity of
2 essential public facilities during flooding.
- 3 (iv) Locating, when feasible, new essential public facilities
4 outside of flood hazard zones, including hospitals and health care
5 facilities, emergency shelters, fire stations, emergency command
6 centers, and emergency communications facilities or identifying
7 construction methods or other methods to minimize damage if
8 these facilities are located in flood hazard zones.
- 9 (v) Establishing cooperative working relationships among public
10 agencies with responsibility for flood protection.
- 11 (C) Establish a set of feasible implementation measures designed
12 to carry out the goals, policies, and objectives established pursuant
13 to ~~subparagraph (B)~~ *this subdivision*.
- 14 (3) Upon the next revision of the housing element on or after
15 January 1, 2014, the safety element shall be reviewed and updated
16 as necessary to address the risk of fire for land classified as state
17 responsibility areas, as defined in Section 4102 of the Public
18 Resources Code, and land classified as very high fire hazard
19 severity zones, as defined in Section 51177. This review shall
20 consider the advice included in the Office of Planning and
21 Research's most recent publication of "Fire Hazard Planning,
22 General Plan Technical Advice Series" and shall also include all
23 of the following:
- 24 (A) Information regarding fire hazards, including, but not limited
25 to, all of the following:
- 26 (i) Fire hazard severity zone maps available from the Department
27 of Forestry and Fire Protection.
- 28 (ii) Any historical data on wildfires available from local agencies
29 or a reference to where the data can be found.
- 30 (iii) Information about wildfire hazard areas that may be
31 available from the United States Geological Survey.
- 32 (iv) General location and distribution of existing and planned
33 uses of land in very high fire hazard severity zones and in state
34 responsibility areas, including structures, roads, utilities, and
35 essential public facilities. The location and distribution of planned
36 uses of land shall not require defensible space compliance measures
37 required by state law or local ordinance to occur on publicly owned
38 lands or open space designations of homeowner associations.

1 (v) Local, state, and federal agencies with responsibility for fire
2 protection, including special districts and local offices of
3 emergency services.

4 (B) A set of goals, policies, and objectives based on the
5 information identified pursuant to subparagraph (A) for the
6 protection of the community from the unreasonable risk of wildfire.

7 (C) A set of feasible implementation measures designed to carry
8 out the goals, policies, and objectives based on the information
9 identified pursuant to subparagraph (B) including, but not limited
10 to, all of the following:

11 (i) Avoiding or minimizing the wildfire hazards associated with
12 new uses of land.

13 (ii) Locating, when feasible, new essential public facilities
14 outside of high fire risk areas, including, but not limited to,
15 hospitals and health care facilities, emergency shelters, emergency
16 command centers, and emergency communications facilities, or
17 identifying construction methods or other methods to minimize
18 damage if these facilities are located in a state responsibility area
19 or very high fire hazard severity zone.

20 (iii) Designing adequate infrastructure if a new development is
21 located in a state responsibility area or in a very high fire hazard
22 severity zone, including safe access for emergency response
23 vehicles, visible street signs, and water supplies for structural fire
24 suppression.

25 (iv) Working cooperatively with public agencies with
26 responsibility for fire protection.

27 (D) If a city or county has adopted a fire safety plan or document
28 separate from the general plan, an attachment of, or reference to,
29 a city or county's adopted fire safety plan or document that fulfills
30 commensurate goals and objectives and contains information
31 required pursuant to this paragraph.

32 (4) Upon the next revision of a local hazard mitigation plan,
33 adopted in accordance with the federal Disaster Mitigation Act of
34 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
35 local jurisdiction has not adopted a local hazard mitigation plan,
36 beginning on or before January 1, 2022, the safety element shall
37 be reviewed and updated as necessary to address climate adaptation
38 and resiliency strategies applicable to the city or county. This
39 review shall consider advice provided in the Office of Planning

1 and Research's General Plan Guidelines and shall include all of
2 the following:

3 (A) (i) A vulnerability assessment that identifies the risks that
4 climate change poses to the local jurisdiction and the geographic
5 areas at risk from climate change impacts, including, but not limited
6 to, an assessment of how climate change may affect the risks
7 addressed pursuant to paragraphs (2) and (3).

8 (ii) Information that may be available from federal, state,
9 regional, and local agencies that will assist in developing the
10 vulnerability assessment and the adaptation policies and strategies
11 required pursuant to subparagraph (B), including, but not limited
12 to, all of the following:

13 (I) Information from the ~~Internet-based~~ *internet-based* Cal-Adapt
14 tool.

15 (II) Information from the most recent version of the California
16 Adaptation Planning Guide.

17 (III) Information from local agencies on the types of assets,
18 resources, and populations that will be sensitive to various climate
19 change exposures.

20 (IV) Information from local agencies on their current ability to
21 deal with the impacts of climate change.

22 (V) Historical data on natural events and hazards, including
23 locally prepared maps of areas subject to previous risk, areas that
24 are vulnerable, and sites that have been repeatedly damaged.

25 (VI) Existing and planned development in identified at-risk
26 areas, including structures, roads, utilities, and essential public
27 facilities.

28 (VII) Federal, state, regional, and local agencies with
29 responsibility for the protection of public health and safety and
30 the environment, including special districts and local offices of
31 emergency services.

32 (B) A set of adaptation and resilience goals, policies, and
33 objectives based on the information specified in subparagraph (A)
34 for the protection of the community.

35 (C) A set of feasible implementation measures designed to carry
36 out the goals, policies, and objectives identified pursuant to
37 subparagraph (B) including, but not limited to, all of the following:

38 (i) Feasible methods to avoid or minimize climate change
39 impacts associated with new uses of land.

1 (ii) The location, when feasible, of new essential public facilities
2 outside of at-risk areas, including, but not limited to, hospitals and
3 health care facilities, emergency shelters, emergency command
4 centers, and emergency communications facilities, or identifying
5 construction methods or other methods to minimize damage if
6 these facilities are located in at-risk areas.

7 (iii) The designation of adequate and feasible infrastructure
8 located in an at-risk area.

9 (iv) Guidelines for working cooperatively with relevant local,
10 regional, state, and federal agencies.

11 (v) The identification of natural infrastructure that may be used
12 in adaptation projects, where feasible. Where feasible, the plan
13 shall use existing natural features and ecosystem processes, or the
14 restoration of natural features and ecosystem processes, when
15 developing alternatives for consideration. For the purposes of this
16 clause, “natural infrastructure” means the preservation or
17 restoration of ecological systems, or utilization of engineered
18 systems that use ecological processes, to increase resiliency to
19 climate change, manage other environmental hazards, or both.
20 This may include, but is not limited to, flood plain and wetlands
21 restoration or preservation, combining levees with restored natural
22 systems to reduce flood risk, and urban tree planting to mitigate
23 high heat days.

24 (D) (i) If a city or county has adopted the local hazard
25 mitigation plan, or other climate adaptation plan or document that
26 fulfills commensurate goals and objectives and contains the
27 information required pursuant to this paragraph, separate from the
28 general plan, an attachment of, or reference to, the local hazard
29 mitigation plan or other climate adaptation plan or document.

30 (ii) Cities or counties that have an adopted hazard mitigation
31 plan, or other climate adaptation plan or document that substantially
32 complies with this section, or have substantially equivalent
33 provisions to this subdivision in their general plans, may use that
34 information in the safety element to comply with this subdivision,
35 and shall summarize and incorporate by reference into the safety
36 element the other general plan provisions, climate adaptation plan
37 or document, specifically showing how each requirement of this
38 subdivision has been met.

39 (5) *Upon the next revision of the housing element or the hazard*
40 *mitigation plan, on or after January 1, 2020, whichever occurs*

1 *first, the safety element shall be reviewed and updated as necessary*
2 *to include a comprehensive retrofit strategy to reduce the risk of*
3 *property loss and damage during wildfires. The comprehensive*
4 *retrofit strategy shall include, but is not limited to, all of the*
5 *following:*

6 *(A) A list of the types of retrofits needed in an area based on*
7 *fire risk.*

8 *(B) A process for identifying and inventorying structures in need*
9 *of retrofit for fire hardening. The strategy shall prioritize the*
10 *identification and inventorying of residential structures in very*
11 *high fire risk areas.*

12 *(C) Goals and milestones for completing needed retrofit work.*

13 *(D) Potential funding sources and financing strategies to pay*
14 *for needed retrofits on public and private property.*

15 *(E) Once adopted, the planning agency shall submit the adopted*
16 *comprehensive retrofit strategy to the Office of Planning and*
17 *Research for inclusion in the clearinghouse established pursuant*
18 *to Section 71360 of the Public Resources Code.*

19 *(6) Upon the next revision of the housing element on or after*
20 *January 1, 2020, the safety element shall be reviewed and updated*
21 *as necessary to identify residential developments in any hazard*
22 *area identified in the safety element that do not have at least two*
23 *emergency evacuation routes.*

24 ~~*(5)*~~

25 *(7) After the initial revision of the safety element pursuant to*
26 *paragraphs (2), (3), (4), (5), and ~~(4)~~, (6), the planning agency shall*
27 *review and, if necessary, revise the safety element upon each*
28 *revision of the housing element or local hazard mitigation plan,*
29 *but not less than once every eight years, to identify new information*
30 *relating to flood and fire ~~hazards and hazards~~, climate adaptation*
31 *and resiliency ~~strategies strategies~~, and retrofit updates applicable*
32 *to the city or county that was not available during the previous*
33 *revision of the safety element.*

34 ~~*(6)*~~

35 *(8) Cities and counties that have flood plain management*
36 *ordinances that have been approved by FEMA that substantially*
37 *comply with this section, or have substantially equivalent*
38 *provisions to this subdivision in their general plans, may use that*
39 *information in the safety element to comply with this subdivision,*
40 *and shall summarize and incorporate by reference into the safety*

1 element the other general plan provisions or the flood plain
2 ordinance, specifically showing how each requirement of this
3 subdivision has been met.

4 (7)

5 (9) ~~Prior~~Before to the periodic review of its general plan and
6 ~~prior to~~ before preparing or revising its safety element, each city
7 and county shall consult the California Geological Survey of the
8 Department of Conservation, the Central Valley Flood Protection
9 Board, if the city or county is located within the boundaries of the
10 Sacramento and San Joaquin Drainage District, as set forth in
11 Section 8501 of the Water Code, and the Office of Emergency
12 Services for the purpose of including information known by and
13 available to the department, the agency, and the board required by
14 this subdivision.

15 (8)

16 (10) To the extent that a county's safety element is sufficiently
17 detailed and contains appropriate policies and programs for
18 adoption by a city, a city may adopt that portion of the county's
19 safety element that pertains to the city's planning area in
20 satisfaction of the requirement imposed by this subdivision.

21 (h) (1) An environmental justice element, or related goals,
22 policies, and objectives integrated in other elements, that identifies
23 disadvantaged communities within the area covered by the general
24 plan of the city, county, or city and county, if the city, county, or
25 city and county has a disadvantaged community. The
26 environmental justice element, or related environmental justice
27 goals, policies, and objectives integrated in other elements, shall
28 do all of the following:

29 (A) Identify objectives and policies to reduce the unique or
30 compounded health risks in disadvantaged communities by means
31 that include, but are not limited to, the reduction of pollution
32 exposure, including the improvement of air quality, and the
33 promotion of public facilities, food access, safe and sanitary homes,
34 and physical activity.

35 (B) Identify objectives and policies to promote ~~civil~~ civic
36 engagement in the public decisionmaking process.

37 (C) Identify objectives and policies that prioritize improvements
38 and programs that address the needs of disadvantaged communities.

39 (2) A city, county, or city and county subject to this subdivision
40 shall adopt or review the environmental justice element, or the

1 environmental justice goals, policies, and objectives in other
2 elements, upon the adoption or next revision of two or more
3 elements concurrently on or after January 1, 2018.

4 (3) By adding this subdivision, the Legislature does not intend
5 to require a city, county, or city and county to take any action
6 prohibited by the United States Constitution or the California
7 Constitution.

8 (4) For purposes of this subdivision, the following terms shall
9 apply:

10 (A) "Disadvantaged communities" means an area identified by
11 the California Environmental Protection Agency pursuant to
12 Section 39711 of the Health and Safety Code or an area that is a
13 low-income area that is disproportionately affected by
14 environmental pollution and other hazards that can lead to negative
15 health effects, exposure, or environmental degradation.

16 (B) "Public facilities" includes public improvements, public
17 services, and community amenities, as defined in subdivision (d)
18 of Section 66000.

19 (C) "Low-income area" means an area with household incomes
20 at or below 80 percent of the statewide median income or with
21 household incomes at or below the threshold designated as low
22 income by the Department of Housing and Community
23 Development's list of state income limits adopted pursuant to
24 Section 50093 of the Health and Safety Code.

25 *SEC. 7.2. Section 65302 of the Government Code is amended*
26 *to read:*

27 65302. The general plan shall consist of a statement of
28 development policies and shall include a diagram or diagrams and
29 text setting forth objectives, principles, standards, and plan
30 proposals. The plan shall include the following elements:

31 (a) A land use element that designates the proposed general
32 distribution and general location and extent of the uses of the land
33 for housing, business, industry, open space, including agriculture,
34 natural resources, recreation, and enjoyment of scenic beauty,
35 education, public buildings and grounds, solid and liquid waste
36 disposal facilities, greenways, as defined in Section 816.52 of the
37 Civil Code, and other categories of public and private uses of land.
38 The location and designation of the extent of the uses of the land
39 for public and private uses shall consider the identification of land
40 and natural resources pursuant to paragraph (3) of subdivision (d).

1 The land use element shall include a statement of the standards of
2 population density and building intensity recommended for the
3 various districts and other territory covered by the plan. The land
4 use element shall identify and annually review those areas covered
5 by the plan that are subject to flooding identified by flood plain
6 mapping prepared by the Federal Emergency Management Agency
7 (FEMA) or the Department of Water Resources. The land use
8 element shall also do both of the following:

9 (1) Designate in a land use category that provides for timber
10 production those parcels of real property zoned for timberland
11 production pursuant to the California Timberland Productivity Act
12 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
13 of Division 1 of Title 5).

14 (2) Consider the impact of new growth on military readiness
15 activities carried out on military bases, installations, and operating
16 and training areas, when proposing zoning ordinances or
17 designating land uses covered by the general plan for land, or other
18 territory adjacent to military facilities, or underlying designated
19 military aviation routes and airspace.

20 (A) In determining the impact of new growth on military
21 readiness activities, information provided by military facilities
22 shall be considered. Cities and counties shall address military
23 impacts based on information from the military and other sources.

24 (B) The following definitions govern this paragraph:

25 (i) "Military readiness activities" mean all of the following:

26 (I) Training, support, and operations that prepare the men and
27 women of the military for combat.

28 (II) Operation, maintenance, and security of any military
29 installation.

30 (III) Testing of military equipment, vehicles, weapons, and
31 sensors for proper operation or suitability for combat use.

32 (ii) "Military installation" means a base, camp, post, station,
33 yard, center, homeport facility for any ship, or other activity under
34 the jurisdiction of the United States Department of Defense as
35 defined in paragraph (1) of subsection (g) of Section 2687 of Title
36 10 of the United States Code.

37 (b) (1) A circulation element consisting of the general location
38 and extent of existing and proposed major thoroughfares,
39 transportation routes, terminals, any military airports and ports,

1 and other local public utilities and facilities, all correlated with the
2 land use element of the plan.

3 (2) (A) Commencing January 1, 2011, upon any substantive
4 revision of the circulation element, the legislative body shall
5 modify the circulation element to plan for a balanced, multimodal
6 transportation network that meets the needs of all users of streets,
7 roads, and highways for safe and convenient travel in a manner
8 that is suitable to the rural, suburban, or urban context of the
9 general plan.

10 (B) For purposes of this paragraph, “users of streets, roads, and
11 highways” mean bicyclists, children, persons with disabilities,
12 motorists, movers of commercial goods, pedestrians, users of public
13 transportation, and seniors.

14 (c) A housing element as provided in Article 10.6 (commencing
15 with Section 65580).

16 (d) (1) A conservation element for the conservation,
17 development, and utilization of natural ~~resources~~ *resources*,
18 including water and its hydraulic force, forests, soils, rivers and
19 other waters, harbors, fisheries, wildlife, minerals, and other natural
20 resources. The conservation element shall consider the effect of
21 development within the jurisdiction, as described in the land use
22 element, on natural resources located on public lands, including
23 military installations. That portion of the conservation element
24 including waters shall be developed in coordination with any
25 countywide water agency and with all district and city agencies,
26 including flood management, water conservation, or groundwater
27 agencies that have developed, served, controlled, managed, or
28 conserved water of any type for any purpose in the county or city
29 for which the plan is prepared. Coordination shall include the
30 discussion and evaluation of any water supply and demand
31 information described in Section 65352.5, if that information has
32 been submitted by the water agency to the city or county.

33 (2) The conservation element may also cover all of the
34 following:

35 (A) The reclamation of land and waters.

36 (B) Prevention and control of the pollution of streams and other
37 waters.

38 (C) Regulation of the use of land in stream channels and other
39 areas required for the accomplishment of the conservation plan.

1 (D) Prevention, control, and correction of the erosion of soils,
2 beaches, and shores.

3 (E) Protection of watersheds.

4 (F) The location, quantity, and quality of the rock, sand, and
5 gravel resources.

6 (3) Upon the next revision of the housing element on or after
7 January 1, 2009, the conservation element shall identify rivers,
8 creeks, streams, flood corridors, riparian habitats, and land that
9 may accommodate floodwater for purposes of groundwater
10 recharge and stormwater management.

11 (e) An open-space element as provided in Article 10.5
12 (commencing with Section 65560).

13 (f) (1) A noise element that shall identify and appraise noise
14 problems in the community. The noise element shall analyze and
15 quantify, to the extent practicable, as determined by the legislative
16 body, current and projected noise levels for all of the following
17 sources:

18 (A) Highways and freeways.

19 (B) Primary arterials and major local streets.

20 (C) Passenger and freight online railroad operations and ground
21 rapid transit systems.

22 (D) Commercial, general aviation, heliport, helistop, and military
23 airport operations, aircraft overflights, jet engine test stands, and
24 all other ground facilities and maintenance functions related to
25 airport operation.

26 (E) Local industrial plants, including, but not limited to, railroad
27 classification yards.

28 (F) Other ground stationary noise sources, including, but not
29 limited to, military installations, identified by local agencies as
30 contributing to the community noise environment.

31 (2) Noise contours shall be shown for all of these sources and
32 stated in terms of community noise equivalent level (CNEL) or
33 day-night average sound level (L_{dn}). The noise contours shall be
34 prepared on the basis of noise monitoring or following generally
35 accepted noise modeling techniques for the various sources
36 identified in paragraphs (1) to (6), inclusive.

37 (3) The noise contours shall be used as a guide for establishing
38 a pattern of land uses in the land use element that minimizes the
39 exposure of community residents to excessive noise.

1 (4) The noise element shall include implementation measures
2 and possible solutions that address existing and foreseeable noise
3 problems, if any. The adopted noise element shall serve as a
4 guideline for compliance with the state's noise insulation standards.

5 (g) (1) A safety element for the protection of the community
6 from any unreasonable risks associated with the effects of
7 seismically induced surface rupture, ground shaking, ground
8 failure, tsunami, seiche, and dam failure; slope instability leading
9 to mudslides and landslides; subsidence; liquefaction; and other
10 seismic hazards identified pursuant to Chapter 7.8 (commencing
11 with Section 2690) of Division 2 of the Public Resources Code,
12 and other geologic hazards known to the legislative body; flooding;
13 and wildland and urban fires. The safety element shall include
14 mapping of known seismic and other geologic hazards. It shall
15 also address evacuation routes, military installations, peakload
16 water supply requirements, and minimum road widths and
17 clearances around structures, as those items relate to identified fire
18 and geologic hazards.

19 (2) The safety element, upon the next revision of the housing
20 element on or after January 1, 2009, shall also do the following:

21 (A) Identify information regarding flood hazards, including,
22 but not limited to, the following:

23 (i) Flood hazard zones. As used in this subdivision, "flood
24 hazard zone" means an area subject to flooding that is delineated
25 as either a special hazard area or an area of moderate or minimal
26 hazard on an official flood insurance rate map issued by the Federal
27 ~~Emergency Management Agency (FEMA)~~. *FEMA*. The
28 identification of a flood hazard zone does not imply that areas
29 outside the flood hazard zones or uses permitted within flood
30 hazard zones will be free from flooding or flood damage.

31 (ii) National Flood Insurance Program maps published by
32 FEMA.

33 (iii) Information about flood hazards that is available from the
34 United States Army Corps of Engineers.

35 (iv) Designated floodway maps that are available from the
36 Central Valley Flood Protection Board.

37 (v) Dam failure inundation maps prepared pursuant to Section
38 6161 of the Water Code that are available from the Department of
39 Water Resources.

1 (vi) Awareness Floodplain Mapping Program maps and 200-year
2 flood plain maps that are or may be available from, or accepted
3 by, the Department of Water Resources.

4 (vii) Maps of levee protection zones.

5 (viii) Areas subject to inundation in the event of the failure of
6 project or nonproject levees or floodwalls.

7 (ix) Historical data on flooding, including locally prepared maps
8 of areas that are subject to flooding, areas that are vulnerable to
9 flooding after wildfires, and sites that have been repeatedly
10 damaged by flooding.

11 (x) Existing and planned development in flood hazard zones,
12 including structures, roads, utilities, and essential public facilities.

13 (xi) Local, state, and federal agencies with responsibility for
14 flood protection, including special districts and local offices of
15 emergency services.

16 (B) Establish a set of comprehensive goals, policies, and
17 objectives based on the information identified pursuant to
18 subparagraph (A), for the protection of the community from the
19 unreasonable risks of flooding, including, but not limited to:

20 (i) Avoiding or minimizing the risks of flooding to new
21 development.

22 (ii) Evaluating whether new development should be located in
23 flood hazard zones, and identifying construction methods or other
24 methods to minimize damage if new development is located in
25 flood hazard zones.

26 (iii) Maintaining the structural and operational integrity of
27 essential public facilities during flooding.

28 (iv) Locating, when feasible, new essential public facilities
29 outside of flood hazard zones, including hospitals and health care
30 facilities, emergency shelters, fire stations, emergency command
31 centers, and emergency communications facilities or identifying
32 construction methods or other methods to minimize damage if
33 these facilities are located in flood hazard zones.

34 (v) Establishing cooperative working relationships among public
35 agencies with responsibility for flood protection.

36 (C) Establish a set of feasible implementation measures designed
37 to carry out the goals, policies, and objectives established pursuant
38 to ~~subparagraph (B)~~: *this subdivision*.

39 (3) Upon the next revision of the housing element on or after
40 January 1, 2014, the safety element shall be reviewed and updated

1 as necessary to address the risk of fire for land classified as state
2 responsibility areas, as defined in Section 4102 of the Public
3 Resources Code, and land classified as very high fire hazard
4 severity zones, as defined in Section 51177. This review shall
5 consider the advice included in the Office of Planning and
6 Research's most recent publication of "Fire Hazard Planning,
7 General Plan Technical Advice Series" and shall also include all
8 of the following:

9 (A) Information regarding fire hazards, including, but not limited
10 to, all of the following:

11 (i) Fire hazard severity zone maps available from the Department
12 of Forestry and Fire Protection.

13 (ii) Any historical data on wildfires available from local agencies
14 or a reference to where the data can be found.

15 (iii) Information about wildfire hazard areas that may be
16 available from the United States Geological Survey.

17 (iv) General location and distribution of existing and planned
18 uses of land in very high fire hazard severity zones and in state
19 responsibility areas, including structures, roads, utilities, and
20 essential public facilities. The location and distribution of planned
21 uses of land shall not require defensible space compliance measures
22 required by state law or local ordinance to occur on publicly owned
23 lands or open space designations of homeowner associations.

24 (v) Local, state, and federal agencies with responsibility for fire
25 protection, including special districts and local offices of
26 emergency services.

27 (B) A set of goals, policies, and objectives based on the
28 information identified pursuant to subparagraph (A) for the
29 protection of the community from the unreasonable risk of wildfire.

30 (C) A set of feasible implementation measures designed to carry
31 out the goals, policies, and objectives based on the information
32 identified pursuant to subparagraph (B) including, but not limited
33 to, all of the following:

34 (i) Avoiding or minimizing the wildfire hazards associated with
35 new uses of land.

36 (ii) Locating, when feasible, new essential public facilities
37 outside of high fire risk areas, including, but not limited to,
38 hospitals and health care facilities, emergency shelters, emergency
39 command centers, and emergency communications facilities, or
40 identifying construction methods or other methods to minimize

1 damage if these facilities are located in a state responsibility area
2 or very high fire hazard severity zone.

3 (iii) Designing adequate infrastructure if a new development is
4 located in a state responsibility area or in a very high fire hazard
5 severity zone, including safe access for emergency response
6 vehicles, visible street signs, and water supplies for structural fire
7 suppression.

8 (iv) Working cooperatively with public agencies with
9 responsibility for fire protection.

10 (D) If a city or county has adopted a fire safety plan or document
11 separate from the general plan, an attachment of, or reference to,
12 a city or county's adopted fire safety plan or document that fulfills
13 commensurate goals and objectives and contains information
14 required pursuant to this paragraph.

15 (4) Upon the next revision of a local hazard mitigation plan,
16 adopted in accordance with the federal Disaster Mitigation Act of
17 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
18 local jurisdiction has not adopted a local hazard mitigation plan,
19 beginning on or before January 1, 2022, the safety element shall
20 be reviewed and updated as necessary to address climate adaptation
21 and resiliency strategies applicable to the city or county. This
22 review shall consider advice provided in the Office of Planning
23 and Research's General Plan Guidelines and shall include all of
24 the following:

25 (A) (i) A vulnerability assessment that identifies the risks that
26 climate change poses to the local jurisdiction and the geographic
27 areas at risk from climate change impacts, including, but not limited
28 to, an assessment of how climate change may affect the risks
29 addressed pursuant to paragraphs (2) and (3).

30 (ii) Information that may be available from federal, state,
31 regional, and local agencies that will assist in developing the
32 vulnerability assessment and the adaptation policies and strategies
33 required pursuant to subparagraph (B), including, but not limited
34 to, all of the following:

35 (I) Information from the ~~Internet-based~~ *internet-based* Cal-Adapt
36 tool.

37 (II) Information from the most recent version of the California
38 Adaptation Planning Guide.

1 (III) Information from local agencies on the types of assets,
2 resources, and populations that will be sensitive to various climate
3 change exposures.

4 (IV) Information from local agencies on their current ability to
5 deal with the impacts of climate change.

6 (V) Historical data on natural events and hazards, including
7 locally prepared maps of areas subject to previous risk, areas that
8 are vulnerable, and sites that have been repeatedly damaged.

9 (VI) Existing and planned development in identified at-risk
10 areas, including structures, roads, utilities, and essential public
11 facilities.

12 (VII) Federal, state, regional, and local agencies with
13 responsibility for the protection of public health and safety and
14 the environment, including special districts and local offices of
15 emergency services.

16 (B) A set of adaptation and resilience goals, policies, and
17 objectives based on the information specified in subparagraph (A)
18 for the protection of the community.

19 (C) A set of feasible implementation measures designed to carry
20 out the goals, policies, and objectives identified pursuant to
21 subparagraph (B) including, but not limited to, all of the following:

22 (i) Feasible methods to avoid or minimize climate change
23 impacts associated with new uses of land.

24 (ii) The location, when feasible, of new essential public facilities
25 outside of at-risk areas, including, but not limited to, hospitals and
26 health care facilities, emergency shelters, emergency command
27 centers, and emergency communications facilities, or identifying
28 construction methods or other methods to minimize damage if
29 these facilities are located in at-risk areas.

30 (iii) The designation of adequate and feasible infrastructure
31 located in an at-risk area.

32 (iv) Guidelines for working cooperatively with relevant local,
33 regional, state, and federal agencies.

34 (v) The identification of natural infrastructure that may be used
35 in adaptation projects, where feasible. Where feasible, the plan
36 shall use existing natural features and ecosystem processes, or the
37 restoration of natural features and ecosystem processes, when
38 developing alternatives for consideration. For the purposes of this
39 clause, "natural infrastructure" means ~~the preservation or~~
40 ~~restoration of ecological systems, or utilization of engineered~~

1 ~~systems that use ecological processes, to increase resiliency to~~
2 ~~climate change, manage other environmental hazards, or both.~~
3 ~~This may include, using natural ecological systems or processes~~
4 ~~to reduce vulnerability to climate change related hazards, or other~~
5 ~~related climate change effects, while increasing the long-term~~
6 ~~adaptive capacity of coastal and inland areas by perpetuating or~~
7 ~~restoring ecosystem services. This includes, but is not limited to,~~
8 ~~flood plain and wetlands restoration or preservation, combining~~
9 ~~levees the conservation, preservation, or sustainable management~~
10 ~~of any form of aquatic or terrestrial vegetated open space, such~~
11 ~~as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain~~
12 ~~gardens, and urban tree canopies. It also includes systems and~~
13 ~~practices that use or mimic natural processes, such as permeable~~
14 ~~pavements, bioswales, and other engineered systems, such as levees~~
15 ~~that are combined with restored natural systems to reduce flood~~
16 ~~risk, and urban tree planting to mitigate high heat days. systems,~~
17 ~~to provide clean water, conserve ecosystem values and functions,~~
18 ~~and provide a wide array of benefits to people and wildlife.~~

19 (D) (i) If a city or county has adopted the local hazard
20 mitigation plan, or other climate adaptation plan or document that
21 fulfills commensurate goals and objectives and contains the
22 information required pursuant to this paragraph, separate from the
23 general plan, an attachment of, or reference to, the local hazard
24 mitigation plan or other climate adaptation plan or document.

25 (ii) Cities or counties that have an adopted hazard mitigation
26 plan, or other climate adaptation plan or document that substantially
27 complies with this section, or have substantially equivalent
28 provisions to this subdivision in their general plans, may use that
29 information in the safety element to comply with this subdivision,
30 and shall summarize and incorporate by reference into the safety
31 element the other general plan provisions, climate adaptation plan
32 or document, specifically showing how each requirement of this
33 subdivision has been met.

34 (5) *Upon the next revision of the housing element or the hazard*
35 *mitigation plan, on or after January 1, 2020, whichever occurs*
36 *first, the safety element shall be reviewed and updated as necessary*
37 *to include a comprehensive retrofit strategy to reduce the risk of*
38 *property loss and damage during wildfires. The comprehensive*
39 *retrofit strategy shall include, but is not limited to, all of the*
40 *following:*

1 (A) A list of the types of retrofits needed in an area based on
2 fire risk.

3 (B) A process for identifying and inventorying structures in need
4 of retrofit for fire hardening. The strategy shall prioritize the
5 identification and inventorying of residential structures in very
6 high fire risk areas.

7 (C) Goals and milestones for completing needed retrofit work.

8 (D) Potential funding sources and financing strategies to pay
9 for needed retrofits on public and private property.

10 (E) Once adopted, the planning agency shall submit the adopted
11 comprehensive retrofit strategy to the Office of Planning and
12 Research for inclusion in the clearinghouse established pursuant
13 to Section 71360 of the Public Resources Code.

14 ~~(5)~~

15 (6) After the initial revision of the safety element pursuant to
16 paragraphs (2), (3), (4), and ~~(4)~~; (5), the planning agency shall
17 review and, if necessary, revise the safety element upon each
18 revision of the housing element or local hazard mitigation plan,
19 but not less than once every eight years, to identify new information
20 relating to flood and fire ~~hazards and hazards~~, climate adaptation
21 and resiliency ~~strategies~~ strategies, and retrofit updates applicable
22 to the city or county that was not available during the previous
23 revision of the safety element.

24 ~~(6)~~

25 (7) Cities and counties that have flood plain management
26 ordinances that have been approved by FEMA that substantially
27 comply with this section, or have substantially equivalent
28 provisions to this subdivision in their general plans, may use that
29 information in the safety element to comply with this subdivision,
30 and shall summarize and incorporate by reference into the safety
31 element the other general plan provisions or the flood plain
32 ordinance, specifically showing how each requirement of this
33 subdivision has been met.

34 ~~(7)~~

35 ~~Prior~~Before to the periodic review of its general plan and
36 ~~prior to~~ before preparing or revising its safety element, each city
37 and county shall consult the California Geological Survey of the
38 Department of Conservation, the Central Valley Flood Protection
39 Board, if the city or county is located within the boundaries of the
40 Sacramento and San Joaquin Drainage District, as set forth in

1 Section 8501 of the Water Code, and the Office of Emergency
2 Services for the purpose of including information known by and
3 available to the department, the agency, and the board required by
4 this subdivision.

5 ~~(8)~~

6 (9) To the extent that a county’s safety element is sufficiently
7 detailed and contains appropriate policies and programs for
8 adoption by a city, a city may adopt that portion of the county’s
9 safety element that pertains to the city’s planning area in
10 satisfaction of the requirement imposed by this subdivision.

11 (h) (1) An environmental justice element, or related goals,
12 policies, and objectives integrated in other elements, that identifies
13 disadvantaged communities within the area covered by the general
14 plan of the city, county, or city and county, if the city, county, or
15 city and county has a disadvantaged community. The
16 environmental justice element, or related environmental justice
17 goals, policies, and objectives integrated in other elements, shall
18 do all of the following:

19 (A) Identify objectives and policies to reduce the unique or
20 compounded health risks in disadvantaged communities by means
21 that include, but are not limited to, the reduction of pollution
22 exposure, including the improvement of air quality, and the
23 promotion of public facilities, food access, safe and sanitary homes,
24 and physical activity.

25 (B) Identify objectives and policies to promote civil engagement
26 in the public decisionmaking process.

27 (C) Identify objectives and policies that prioritize improvements
28 and programs that address the needs of disadvantaged communities.

29 (2) A city, county, or city and county subject to this subdivision
30 shall adopt or review the environmental justice element, or the
31 environmental justice goals, policies, and objectives in other
32 elements, upon the adoption or next revision of two or more
33 elements concurrently on or after January 1, 2018.

34 (3) By adding this subdivision, the Legislature does not intend
35 to require a city, county, or city and county to take any action
36 prohibited by the United States Constitution or the California
37 Constitution.

38 (4) For purposes of this subdivision, the following terms shall
39 apply:

1 (A) “Disadvantaged communities” means an area identified by
2 the California Environmental Protection Agency pursuant to
3 Section 39711 of the Health and Safety Code or an area that is a
4 low-income area that is disproportionately affected by
5 environmental pollution and other hazards that can lead to negative
6 health effects, exposure, or environmental degradation.

7 (B) “Public facilities” includes public improvements, public
8 services, and community amenities, as defined in subdivision (d)
9 of Section 66000.

10 (C) “Low-income area” means an area with household incomes
11 at or below 80 percent of the statewide median income or with
12 household incomes at or below the threshold designated as low
13 income by the Department of Housing and Community
14 Development’s list of state income limits adopted pursuant to
15 Section 50093 of the Health and Safety Code.

16 *SEC. 7.3. Section 65302 of the Government Code is amended*
17 *to read:*

18 65302. The general plan shall consist of a statement of
19 development policies and shall include a diagram or diagrams and
20 text setting forth objectives, principles, standards, and plan
21 proposals. The plan shall include the following elements:

22 (a) A land use element that designates the proposed general
23 distribution and general location and extent of the uses of the land
24 for housing, business, industry, open space, including agriculture,
25 natural resources, recreation, and enjoyment of scenic beauty,
26 education, public buildings and grounds, solid and liquid waste
27 disposal facilities, greenways, as defined in Section 816.52 of the
28 Civil Code, and other categories of public and private uses of land.
29 The location and designation of the extent of the uses of the land
30 for public and private uses shall consider the identification of land
31 and natural resources pursuant to paragraph (3) of subdivision (d).
32 The land use element shall include a statement of the standards of
33 population density and building intensity recommended for the
34 various districts and other territory covered by the plan. The land
35 use element shall identify and annually review those areas covered
36 by the plan that are subject to flooding identified by flood plain
37 mapping prepared by the Federal Emergency Management Agency
38 (FEMA) or the Department of Water Resources. The land use
39 element shall also do both of the following:

1 (1) Designate in a land use category that provides for timber
2 production those parcels of real property zoned for timberland
3 production pursuant to the California Timberland Productivity Act
4 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
5 of Division 1 of Title 5).

6 (2) Consider the impact of new growth on military readiness
7 activities carried out on military bases, installations, and operating
8 and training areas, when proposing zoning ordinances or
9 designating land uses covered by the general plan for land, or other
10 territory adjacent to military facilities, or underlying designated
11 military aviation routes and airspace.

12 (A) In determining the impact of new growth on military
13 readiness activities, information provided by military facilities
14 shall be considered. Cities and counties shall address military
15 impacts based on information from the military and other sources.

16 (B) The following definitions govern this paragraph:

17 (i) "Military readiness activities" mean all of the following:

18 (I) Training, support, and operations that prepare the ~~men and~~
19 ~~women~~ *members* of the military for combat.

20 (II) Operation, maintenance, and security of any military
21 installation.

22 (III) Testing of military equipment, vehicles, weapons, and
23 sensors for proper operation or suitability for combat use.

24 (ii) "Military installation" means a base, camp, post, station,
25 yard, center, homeport facility for any ship, or other activity under
26 the jurisdiction of the United States Department of Defense as
27 defined in paragraph (1) of subsection (g) of Section 2687 of Title
28 10 of the United States Code.

29 (b) (1) A circulation element consisting of the general location
30 and extent of existing and proposed major thoroughfares,
31 transportation routes, terminals, any military airports and ports,
32 and other local public utilities and facilities, all correlated with the
33 land use element of the plan.

34 (2) (A) Commencing January 1, 2011, upon any substantive
35 revision of the circulation element, the legislative body shall
36 modify the circulation element to plan for a balanced, multimodal
37 transportation network that meets the needs of all users of streets,
38 roads, and highways for safe and convenient travel in a manner
39 that is suitable to the rural, suburban, or urban context of the
40 general plan.

1 (B) For purposes of this paragraph, “users of streets, roads, and
2 highways” mean bicyclists, children, persons with disabilities,
3 motorists, movers of commercial goods, pedestrians, users of public
4 transportation, and seniors.

5 (c) A housing element as provided in Article 10.6 (commencing
6 with Section 65580).

7 (d) (1) A conservation element for the conservation,
8 development, and utilization of natural ~~resources~~ *resources*,
9 including water and its hydraulic force, forests, soils, rivers and
10 other waters, harbors, fisheries, wildlife, minerals, and other natural
11 resources. The conservation element shall consider the effect of
12 development within the jurisdiction, as described in the land use
13 element, on natural resources located on public lands, including
14 military installations. That portion of the conservation element
15 including waters shall be developed in coordination with any
16 countywide water agency and with all district and city agencies,
17 including flood management, water conservation, or groundwater
18 agencies that have developed, served, controlled, managed, or
19 conserved water of any type for any purpose in the county or city
20 for which the plan is prepared. Coordination shall include the
21 discussion and evaluation of any water supply and demand
22 information described in Section 65352.5, if that information has
23 been submitted by the water agency to the city or county.

24 (2) The conservation element may also cover all of the
25 following:

26 (A) The reclamation of land and waters.

27 (B) Prevention and control of the pollution of streams and other
28 waters.

29 (C) Regulation of the use of land in stream channels and other
30 areas required for the accomplishment of the conservation plan.

31 (D) Prevention, control, and correction of the erosion of soils,
32 beaches, and shores.

33 (E) Protection of watersheds.

34 (F) The location, quantity, and quality of the rock, sand, and
35 gravel resources.

36 (3) Upon the next revision of the housing element on or after
37 January 1, 2009, the conservation element shall identify rivers,
38 creeks, streams, flood corridors, riparian habitats, and land that
39 may accommodate floodwater for purposes of groundwater
40 recharge and stormwater management.

1 (e) An open-space element as provided in Article 10.5
2 (commencing with Section 65560).

3 (f) (1) A noise element that shall identify and appraise noise
4 problems in the community. The noise element shall analyze and
5 quantify, to the extent practicable, as determined by the legislative
6 body, current and projected noise levels for all of the following
7 sources:

8 (A) Highways and freeways.

9 (B) Primary arterials and major local streets.

10 (C) Passenger and freight online railroad operations and ground
11 rapid transit systems.

12 (D) Commercial, general aviation, heliport, helistop, and military
13 airport operations, aircraft overflights, jet engine test stands, and
14 all other ground facilities and maintenance functions related to
15 airport operation.

16 (E) Local industrial plants, including, but not limited to, railroad
17 classification yards.

18 (F) Other ground stationary noise sources, including, but not
19 limited to, military installations, identified by local agencies as
20 contributing to the community noise environment.

21 (2) Noise contours shall be shown for all of these sources and
22 stated in terms of community noise equivalent level (CNEL) or
23 day-night average sound level (L_{dn}). The noise contours shall be
24 prepared on the basis of noise monitoring or following generally
25 accepted noise modeling techniques for the various sources
26 identified in paragraphs (1) to (6), inclusive.

27 (3) The noise contours shall be used as a guide for establishing
28 a pattern of land uses in the land use element that minimizes the
29 exposure of community residents to excessive noise.

30 (4) The noise element shall include implementation measures
31 and possible solutions that address existing and foreseeable noise
32 problems, if any. The adopted noise element shall serve as a
33 guideline for compliance with the state's noise insulation standards.

34 (g) (1) A safety element for the protection of the community
35 from any unreasonable risks associated with the effects of
36 seismically induced surface rupture, ground shaking, ground
37 failure, tsunami, seiche, and dam failure; slope instability leading
38 to mudslides and landslides; subsidence; liquefaction; and other
39 seismic hazards identified pursuant to Chapter 7.8 (commencing
40 with Section 2690) of Division 2 of the Public Resources Code,

1 and other geologic hazards known to the legislative body; flooding;
2 and wildland and urban fires. The safety element shall include
3 mapping of known seismic and other geologic hazards. It shall
4 also address evacuation routes, military installations, peakload
5 water supply requirements, and minimum road widths and
6 clearances around structures, as those items relate to identified fire
7 and geologic hazards.

8 (2) The safety element, upon the next revision of the housing
9 element on or after January 1, 2009, shall also do the following:

10 (A) Identify information regarding flood hazards, including,
11 but not limited to, the following:

12 (i) Flood hazard zones. As used in this subdivision, “flood
13 hazard zone” means an area subject to flooding that is delineated
14 as either a special hazard area or an area of moderate or minimal
15 hazard on an official flood insurance rate map issued by the Federal
16 Emergency Management Agency (FEMA). *FEMA*. The
17 identification of a flood hazard zone does not imply that areas
18 outside the flood hazard zones or uses permitted within flood
19 hazard zones will be free from flooding or flood damage.

20 (ii) National Flood Insurance Program maps published by
21 FEMA.

22 (iii) Information about flood hazards that is available from the
23 United States Army Corps of Engineers.

24 (iv) Designated floodway maps that are available from the
25 Central Valley Flood Protection Board.

26 (v) Dam failure inundation maps prepared pursuant to Section
27 6161 of the Water Code that are available from the Department of
28 Water Resources.

29 (vi) Awareness Floodplain Mapping Program maps and 200-year
30 flood plain maps that are or may be available from, or accepted
31 by, the Department of Water Resources.

32 (vii) Maps of levee protection zones.

33 (viii) Areas subject to inundation in the event of the failure of
34 project or nonproject levees or floodwalls.

35 (ix) Historical data on flooding, including locally prepared maps
36 of areas that are subject to flooding, areas that are vulnerable to
37 flooding after wildfires, and sites that have been repeatedly
38 damaged by flooding.

39 (x) Existing and planned development in flood hazard zones,
40 including structures, roads, utilities, and essential public facilities.

1 (xi) Local, state, and federal agencies with responsibility for
2 flood protection, including special districts and local offices of
3 emergency services.

4 (B) Establish a set of comprehensive goals, policies, and
5 objectives based on the information identified pursuant to
6 subparagraph (A), for the protection of the community from the
7 unreasonable risks of flooding, including, but not limited to:

8 (i) Avoiding or minimizing the risks of flooding to new
9 development.

10 (ii) Evaluating whether new development should be located in
11 flood hazard zones, and identifying construction methods or other
12 methods to minimize damage if new development is located in
13 flood hazard zones.

14 (iii) Maintaining the structural and operational integrity of
15 essential public facilities during flooding.

16 (iv) Locating, when feasible, new essential public facilities
17 outside of flood hazard zones, including hospitals and health care
18 facilities, emergency shelters, fire stations, emergency command
19 centers, and emergency communications facilities or identifying
20 construction methods or other methods to minimize damage if
21 these facilities are located in flood hazard zones.

22 (v) Establishing cooperative working relationships among public
23 agencies with responsibility for flood protection.

24 (C) Establish a set of feasible implementation measures designed
25 to carry out the goals, policies, and objectives established pursuant
26 to ~~subparagraph (B)~~: *this subdivision*.

27 (3) Upon the next revision of the housing element on or after
28 January 1, 2014, the safety element shall be reviewed and updated
29 as necessary to address the risk of fire for land classified as state
30 responsibility areas, as defined in Section 4102 of the Public
31 Resources Code, and land classified as very high fire hazard
32 severity zones, as defined in Section 51177. This review shall
33 consider the advice included in the Office of Planning and
34 Research's most recent publication of "Fire Hazard Planning,
35 General Plan Technical Advice Series" and shall also include all
36 of the following:

37 (A) Information regarding fire hazards, including, but not limited
38 to, all of the following:

39 (i) Fire hazard severity zone maps available from the Department
40 of Forestry and Fire Protection.

- 1 (ii) Any historical data on wildfires available from local agencies
2 or a reference to where the data can be found.
- 3 (iii) Information about wildfire hazard areas that may be
4 available from the United States Geological Survey.
- 5 (iv) General location and distribution of existing and planned
6 uses of land in very high fire hazard severity zones and in state
7 responsibility areas, including structures, roads, utilities, and
8 essential public facilities. The location and distribution of planned
9 uses of land shall not require defensible space compliance measures
10 required by state law or local ordinance to occur on publicly owned
11 lands or open space designations of homeowner associations.
- 12 (v) Local, state, and federal agencies with responsibility for fire
13 protection, including special districts and local offices of
14 emergency services.
- 15 (B) A set of goals, policies, and objectives based on the
16 information identified pursuant to subparagraph (A) for the
17 protection of the community from the unreasonable risk of wildfire.
- 18 (C) A set of feasible implementation measures designed to carry
19 out the goals, policies, and objectives based on the information
20 identified pursuant to subparagraph (B) including, but not limited
21 to, all of the following:
 - 22 (i) Avoiding or minimizing the wildfire hazards associated with
23 new uses of land.
 - 24 (ii) Locating, when feasible, new essential public facilities
25 outside of high fire risk areas, including, but not limited to,
26 hospitals and health care facilities, emergency shelters, emergency
27 command centers, and emergency communications facilities, or
28 identifying construction methods or other methods to minimize
29 damage if these facilities are located in a state responsibility area
30 or very high fire hazard severity zone.
 - 31 (iii) Designing adequate infrastructure if a new development is
32 located in a state responsibility area or in a very high fire hazard
33 severity zone, including safe access for emergency response
34 vehicles, visible street signs, and water supplies for structural fire
35 suppression.
 - 36 (iv) Working cooperatively with public agencies with
37 responsibility for fire protection.
- 38 (D) If a city or county has adopted a fire safety plan or document
39 separate from the general plan, an attachment of, or reference to,
40 a city or county's adopted fire safety plan or document that fulfills

1 commensurate goals and objectives and contains information
2 required pursuant to this paragraph.

3 (4) Upon the next revision of a local hazard mitigation plan,
4 adopted in accordance with the federal Disaster Mitigation Act of
5 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
6 local jurisdiction has not adopted a local hazard mitigation plan,
7 beginning on or before January 1, 2022, the safety element shall
8 be reviewed and updated as necessary to address climate adaptation
9 and resiliency strategies applicable to the city or county. This
10 review shall consider advice provided in the Office of Planning
11 and Research’s General Plan Guidelines and shall include all of
12 the following:

13 (A) (i) A vulnerability assessment that identifies the risks that
14 climate change poses to the local jurisdiction and the geographic
15 areas at risk from climate change impacts, including, but not limited
16 to, an assessment of how climate change may affect the risks
17 addressed pursuant to paragraphs (2) and (3).

18 (ii) Information that may be available from federal, state,
19 regional, and local agencies that will assist in developing the
20 vulnerability assessment and the adaptation policies and strategies
21 required pursuant to subparagraph (B), including, but not limited
22 to, all of the following:

23 (I) Information from the ~~Internet-based~~ *internet-based* Cal-Adapt
24 tool.

25 (II) Information from the most recent version of the California
26 Adaptation Planning Guide.

27 (III) Information from local agencies on the types of assets,
28 resources, and populations that will be sensitive to various climate
29 change exposures.

30 (IV) Information from local agencies on their current ability to
31 deal with the impacts of climate change.

32 (V) Historical data on natural events and hazards, including
33 locally prepared maps of areas subject to previous risk, areas that
34 are vulnerable, and sites that have been repeatedly damaged.

35 (VI) Existing and planned development in identified at-risk
36 areas, including structures, roads, utilities, and essential public
37 facilities.

38 (VII) Federal, state, regional, and local agencies with
39 responsibility for the protection of public health and safety and

1 the environment, including special districts and local offices of
2 emergency services.

3 (B) A set of adaptation and resilience goals, policies, and
4 objectives based on the information specified in subparagraph (A)
5 for the protection of the community.

6 (C) A set of feasible implementation measures designed to carry
7 out the goals, policies, and objectives identified pursuant to
8 subparagraph (B) including, but not limited to, all of the following:

9 (i) Feasible methods to avoid or minimize climate change
10 impacts associated with new uses of land.

11 (ii) The location, when feasible, of new essential public facilities
12 outside of at-risk areas, including, but not limited to, hospitals and
13 health care facilities, emergency shelters, emergency command
14 centers, and emergency communications facilities, or identifying
15 construction methods or other methods to minimize damage if
16 these facilities are located in at-risk areas.

17 (iii) The designation of adequate and feasible infrastructure
18 located in an at-risk area.

19 (iv) Guidelines for working cooperatively with relevant local,
20 regional, state, and federal agencies.

21 (v) The identification of natural infrastructure that may be used
22 in adaptation projects, where feasible. Where feasible, the plan
23 shall use existing natural features and ecosystem processes, or the
24 restoration of natural features and ecosystem processes, when
25 developing alternatives for consideration. For the purposes of this
26 clause, “natural infrastructure” means ~~the preservation or~~
27 ~~restoration of ecological systems, or utilization of engineered~~
28 ~~systems that use ecological processes, to increase resiliency to~~
29 ~~climate change, manage other environmental hazards, or both.~~
30 *This may include, using natural ecological systems or processes*
31 *to reduce vulnerability to climate change related hazards, or other*
32 *related climate change effects, while increasing the long-term*
33 *adaptive capacity of coastal and inland areas by perpetuating or*
34 *restoring ecosystem services. This includes, but is not limited to,*
35 *flood plain and wetlands restoration or preservation, combining*
36 *levees the conservation, preservation, or sustainable management*
37 *of any form of aquatic or terrestrial vegetated open space, such*
38 *as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain*
39 *gardens, and urban tree canopies. It also includes systems and*
40 *practices that use or mimic natural processes, such as permeable*

1 pavements, bioswales, and other engineered systems, such as levees
2 that are combined with restored natural systems to reduce flood
3 risk, and urban tree planting to mitigate high heat days. systems,
4 to provide clean water, conserve ecosystem values and functions,
5 and provide a wide array of benefits to people and wildlife.

6 (D) (i) If a city or county has adopted the local hazard
7 mitigation plan, or other climate adaptation plan or document that
8 fulfills commensurate goals and objectives and contains the
9 information required pursuant to this paragraph, separate from the
10 general plan, an attachment of, or reference to, the local hazard
11 mitigation plan or other climate adaptation plan or document.

12 (ii) Cities or counties that have an adopted hazard mitigation
13 plan, or other climate adaptation plan or document that substantially
14 complies with this section, or have substantially equivalent
15 provisions to this subdivision in their general plans, may use that
16 information in the safety element to comply with this subdivision,
17 and shall summarize and incorporate by reference into the safety
18 element the other general plan provisions, climate adaptation plan
19 or document, specifically showing how each requirement of this
20 subdivision has been met.

21 (5) *Upon the next revision of the housing element or the hazard*
22 *mitigation plan, on or after January 1, 2020, whichever occurs*
23 *first, the safety element shall be reviewed and updated as necessary*
24 *to include a comprehensive retrofit strategy to reduce the risk of*
25 *property loss and damage during wildfires. The comprehensive*
26 *retrofit strategy shall include, but is not limited to, all of the*
27 *following:*

28 (A) *A list of the types of retrofits needed in an area based on*
29 *fire risk.*

30 (B) *A process for identifying and inventorying structures in need*
31 *of retrofit for fire hardening. The strategy shall prioritize the*
32 *identification and inventorying of residential structures in very*
33 *high fire risk areas.*

34 (C) *Goals and milestones for completing needed retrofit work.*

35 (D) *Potential funding sources and financing strategies to pay*
36 *for needed retrofits on public and private property.*

37 (E) *Once adopted, the planning agency shall submit the adopted*
38 *comprehensive retrofit strategy to the Office of Planning and*
39 *Research for inclusion in the clearinghouse established pursuant*
40 *to Section 71360 of the Public Resources Code.*

1 (6) Upon the next revision of the housing element on or after
2 January 1, 2020, the safety element shall be reviewed and updated
3 as necessary to identify residential developments in any hazard
4 area identified in the safety element that do not have at least two
5 emergency evacuation routes.

6 ~~(5)~~

7 (7) After the initial revision of the safety element pursuant to
8 paragraphs (2), (3), (4), (5), and ~~(4)~~, (6), the planning agency shall
9 review and, if necessary, revise the safety element upon each
10 revision of the housing element or local hazard mitigation plan,
11 but not less than once every eight years, to identify new information
12 relating to flood and fire ~~hazards and hazards~~, climate adaptation
13 and resiliency ~~strategies strategies~~, and retrofit updates applicable
14 to the city or county that was not available during the previous
15 revision of the safety element.

16 ~~(6)~~

17 (8) Cities and counties that have flood plain management
18 ordinances that have been approved by FEMA that substantially
19 comply with this section, or have substantially equivalent
20 provisions to this subdivision in their general plans, may use that
21 information in the safety element to comply with this subdivision,
22 and shall summarize and incorporate by reference into the safety
23 element the other general plan provisions or the flood plain
24 ordinance, specifically showing how each requirement of this
25 subdivision has been met.

26 ~~(7)~~

27 ~~Prior~~Before to the periodic review of its general plan and
28 ~~prior to~~ before preparing or revising its safety element, each city
29 and county shall consult the California Geological Survey of the
30 Department of Conservation, the Central Valley Flood Protection
31 Board, if the city or county is located within the boundaries of the
32 Sacramento and San Joaquin Drainage District, as set forth in
33 Section 8501 of the Water Code, and the Office of Emergency
34 Services for the purpose of including information known by and
35 available to the department, the agency, and the board required by
36 this subdivision.

37 ~~(8)~~

38 (10) To the extent that a county's safety element is sufficiently
39 detailed and contains appropriate policies and programs for
40 adoption by a city, a city may adopt that portion of the county's

1 safety element that pertains to the city’s planning area in
2 satisfaction of the requirement imposed by this subdivision.

3 (h) (1) An environmental justice element, or related goals,
4 policies, and objectives integrated in other elements, that identifies
5 disadvantaged communities within the area covered by the general
6 plan of the city, county, or city and county, if the city, county, or
7 city and county has a disadvantaged community. The
8 environmental justice element, or related environmental justice
9 goals, policies, and objectives integrated in other elements, shall
10 do all of the following:

11 (A) Identify objectives and policies to reduce the unique or
12 compounded health risks in disadvantaged communities by means
13 that include, but are not limited to, the reduction of pollution
14 exposure, including the improvement of air quality, and the
15 promotion of public facilities, food access, safe and sanitary homes,
16 and physical activity.

17 (B) Identify objectives and policies to promote ~~civil~~ *civic*
18 engagement in the public decisionmaking process.

19 (C) Identify objectives and policies that prioritize improvements
20 and programs that address the needs of disadvantaged communities.

21 (2) A city, county, or city and county subject to this subdivision
22 shall adopt or review the environmental justice element, or the
23 environmental justice goals, policies, and objectives in other
24 elements, upon the adoption or next revision of two or more
25 elements concurrently on or after January 1, 2018.

26 (3) By adding this subdivision, the Legislature does not intend
27 to require a city, county, or city and county to take any action
28 prohibited by the United States Constitution or the California
29 Constitution.

30 (4) For purposes of this subdivision, the following terms shall
31 apply:

32 (A) “Disadvantaged communities” means an area identified by
33 the California Environmental Protection Agency pursuant to
34 Section 39711 of the Health and Safety Code or an area that is a
35 low-income area that is disproportionately affected by
36 environmental pollution and other hazards that can lead to negative
37 health effects, exposure, or environmental degradation.

38 (B) “Public facilities” includes public improvements, public
39 services, and community amenities, as defined in subdivision (d)
40 of Section 66000.

1 (C) “Low-income area” means an area with household incomes
2 at or below 80 percent of the statewide median income or with
3 household incomes at or below the threshold designated as low
4 income by the Department of Housing and Community
5 Development’s list of state income limits adopted pursuant to
6 Section 50093 of the Health and Safety Code.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 65302.11 is added to the Government Code,
9 to read:

10 65302.11. (a) Upon each revision of the housing element on
11 or after January 1, 2021, each city or county that contains a very
12 high fire risk area shall amend the land use element of its general
13 plan to contain all of the following with respect to lands located
14 within a very high fire risk area:

15 (1) (A) The goals contained in the most recent Strategic Fire
16 Plan for California prepared by the Department of Forestry and
17 Fire Protection.

18 (B) The locations of all very high fire risk areas within the city
19 or county.

20 (C) The data and analysis described in the Office of Planning
21 and Research’s most recent publication of “Fire Hazard
22 Planning—General Plan Technical Advice Series.”

23 (D) The goals of any local hazard mitigation plan, community
24 wildfire protection plan, and climate adaptation plan that has been
25 adopted by the governing body of the city or county.

26 (2) Objectives and policies, based on the goals, data, and
27 analysis identified pursuant to paragraph (1), for the protection of
28 lives and property from unreasonable risk of wildfire. These
29 objectives and policies shall take into consideration, and be
30 consistent with, the information, goals, policies, objectives, and
31 implementation measures included in the safety element in
32 accordance with paragraph (3) of subdivision (g) of Section 65302.

33 (3) Feasible implementation measures designed to carry out the
34 goals, objectives, and policies established pursuant to this
35 subdivision.

36 (b) (1) After the initial amendment of the land use element
37 pursuant to subdivision (a), the governing body of the city or
38 county shall review all of the following upon each subsequent
39 revision of the housing element, but not less than once every eight
40 years:

1 (A) The implementation of the wildfire risk reduction standards,
2 as defined in Section 65012, within the jurisdiction. The governing
3 body shall make written findings, based upon substantial evidence,
4 regarding whether the city or county has implemented the wildfire
5 risk reduction standards during the preceding planning period, or
6 made adequate progress toward implementing the wildfire risk
7 reduction standards as provided in subdivision (b) of Section
8 65012.

9 (B) The designation of lands within the jurisdiction as very high
10 fire hazard severity zones pursuant to subdivision (b) of Section
11 51179. The governing body shall make written findings, based
12 upon substantial evidence, supporting the determinations made in
13 accordance with that subdivision.

14 (2) The draft findings required under this subdivision shall be
15 submitted to the State Board of Forestry and Fire Protection and
16 to every local agency that provides fire protection to territory in
17 the city or county at least 90 days prior to adoption by the
18 governing body.

19 (A) The State Board of Forestry and Fire Protection shall, and
20 a local agency may, review the draft findings and recommend
21 changes to the city or county within 60 days of its receipt regarding
22 both of the following:

23 (i) Whether the city or county has implemented the wildfire risk
24 reduction standards during the preceding planning period, or made
25 adequate progress toward implementing the wildfire risk reduction
26 standards as provided in subdivision (b) of Section 65012.

27 (ii) Whether the designation of lands within the jurisdiction as
28 very high fire hazard severity zones is appropriate.

29 (B) (i) Prior to the adoption of its draft findings, the governing
30 body shall consider the recommendations, if any, made by the
31 State Board of Forestry and Fire Protection and any local agency
32 that provides fire protection to territory in the city or county. If
33 the governing body determines not to accept all or some of the
34 recommendations, if any, made by the State Board of Forestry and
35 Fire Protection or the local agency, the governing body shall
36 communicate in writing to the State Board of Forestry and Fire
37 Protection or the local agency, its reasons for not accepting the
38 recommendations.

39 (ii) If the governing body proposes not to adopt the State Board
40 of Forestry and Fire Protection's recommendations concerning its

1 draft findings, the State Board of Forestry and Fire Protection,
2 within 15 days of receipt of the governing body's written response,
3 may request in writing a consultation with the governing body to
4 discuss the State Board of Forestry and Fire Protection's
5 recommendations and the governing body's response. The
6 consultation may be conducted in person, electronically, or
7 telephonically. If the State Board of Forestry and Fire Protection
8 requests a consultation pursuant to this subparagraph, the governing
9 body shall not approve the draft element or draft amendment until
10 after consulting with the State Board of Forestry and Fire
11 Protection. The consultation shall occur no later than 30 days after
12 the State Board of Forestry and Fire Protection's request.

13 (C) The State Board of Forestry and Fire Protection shall notify
14 the city or county and may notify the Office of the Attorney
15 General that the city or county is in violation of state law if the
16 State Board of Forestry and Fire Protection finds that the written
17 findings do not substantially comply with this section, or that the
18 city or county has otherwise failed to substantially comply with
19 this section or with Section 65860.2.

20 (3) Any interested person may bring an action to compel
21 compliance with the requirements of this subdivision. The action
22 shall be brought pursuant to Section 1085 of the Code of Civil
23 Procedure.

24 ~~SEC. 8.~~

25 *SEC. 9.* Section 65584 of the Government Code is amended
26 to read:

27 65584. (a) (1) For the fourth and subsequent revisions of the
28 housing element pursuant to Section 65588, the department shall
29 determine the existing and projected need for housing for each
30 region pursuant to this article. For purposes of subdivision (a) of
31 Section 65583, the share of a city or county of the regional housing
32 need shall include that share of the housing need of persons at all
33 income levels within the area significantly affected by the general
34 plan of the city or county.

35 (2) It is the intent of the Legislature that cities, counties, and
36 cities and counties should undertake all necessary actions to
37 encourage, promote, and facilitate the development of housing to
38 accommodate the entire regional housing need, and reasonable
39 actions should be taken by local and regional governments to
40 ensure that future housing production meets, at a minimum, the

1 regional housing need established for planning purposes. These
2 actions shall include applicable reforms and incentives in Section
3 65582.1.

4 (3) The Legislature finds and declares that insufficient housing
5 in job centers hinders the state's environmental quality and runs
6 counter to the state's environmental goals. In particular, when
7 Californians seeking affordable housing are forced to drive longer
8 distances to work, an increased amount of greenhouse gases and
9 other pollutants is released and puts in jeopardy the achievement
10 of the state's climate goals, as established pursuant to Section
11 38566 of the Health and Safety Code, and clean air goals.

12 (b) The department, in consultation with each council of
13 governments, shall determine each region's existing and projected
14 housing need pursuant to Section 65584.01 at least two years prior
15 to the scheduled revision required pursuant to Section 65588. The
16 appropriate council of governments, or for cities and counties
17 without a council of governments, the department, shall adopt a
18 final regional housing need plan that allocates a share of the
19 regional housing need to each city, county, or city and county at
20 least one year prior to the scheduled revision for the region required
21 by Section 65588. The allocation plan prepared by a council of
22 governments shall be prepared pursuant to Sections 65584.04 and
23 65584.05.

24 (c) Notwithstanding any other provision of law, the due dates
25 for the determinations of the department or for the council of
26 governments, respectively, regarding the regional housing need
27 may be extended by the department by not more than 60 days if
28 the extension will enable access to more recent critical population
29 or housing data from a pending or recent release of the United
30 States Census Bureau or the Department of Finance. If the due
31 date for the determination of the department or the council of
32 governments is extended for this reason, the department shall
33 extend the corresponding housing element revision deadline
34 pursuant to Section 65588 by not more than 60 days.

35 (d) The regional housing needs allocation plan shall further all
36 of the following objectives:

37 (1) Increasing the housing supply and the mix of housing types,
38 tenure, and affordability in all cities and counties within the region
39 in an equitable manner, which shall result in each jurisdiction

1 receiving an allocation of units for low- and very low income
2 households.

3 (2) Promoting infill development and socioeconomic equity,
4 the protection of environmental and agricultural resources, the
5 encouragement of efficient development patterns, and the
6 achievement of the region's greenhouse gas reductions targets
7 provided by the State Air Resources Board pursuant to Section
8 65080.

9 (3) Promoting an improved intraregional relationship between
10 jobs and housing, including an improved balance between the
11 number of low-wage jobs and the number of housing units
12 affordable to low-wage workers in each jurisdiction.

13 (4) Allocating a lower proportion of housing need to an income
14 category when a jurisdiction already has a disproportionately high
15 share of households in that income category, as compared to the
16 countywide distribution of households in that category from the
17 most recent American Community Survey.

18 (5) Affirmatively furthering fair housing.

19 (6) Reducing development pressure within very high fire risk
20 areas.

21 (e) For purposes of this section, "affirmatively furthering fair
22 housing" means taking meaningful actions, in addition to
23 combating discrimination, that overcome patterns of segregation
24 and foster inclusive communities free from barriers that restrict
25 access to opportunity based on protected characteristics.
26 Specifically, affirmatively furthering fair housing means taking
27 meaningful actions that, taken together, address significant
28 disparities in housing needs and in access to opportunity, replacing
29 segregated living patterns with truly integrated and balanced living
30 patterns, transforming racially and ethnically concentrated areas
31 of poverty into areas of opportunity, and fostering and maintaining
32 compliance with civil rights and fair housing laws.

33 (f) For purposes of this section, "household income levels" are
34 as determined by the department as of the most recent American
35 Community Survey pursuant to the following code sections:

36 (1) Very low incomes, as defined by Section 50105 of the Health
37 and Safety Code.

38 (2) Lower incomes, as defined by Section 50079.5 of the Health
39 and Safety Code.

1 (3) Moderate incomes, as defined by Section 50093 of the Health
2 and Safety Code.

3 (4) Above moderate incomes are those exceeding the
4 moderate-income level of Section 50093 of the Health and Safety
5 Code.

6 (g) Notwithstanding any other provision of law, determinations
7 made by the department, a council of governments, or a city or
8 county pursuant to this section or Section 65584.01, 65584.02,
9 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08
10 are exempt from the California Environmental Quality Act
11 (Division 13 (commencing with Section 21000) of the Public
12 Resources Code).

13 ~~SEC. 9.~~

14 *SEC. 10.* Section 65584.04 of the Government Code is amended
15 to read:

16 65584.04. (a) At least two years prior to a scheduled revision
17 required by Section 65588, each council of governments, or
18 delegate subregion as applicable, shall develop, in consultation
19 with the department, a proposed methodology for distributing the
20 existing and projected regional housing need to cities, counties,
21 and cities and counties within the region or within the subregion,
22 where applicable pursuant to this section. The methodology shall
23 further the objectives listed in subdivision (d) of Section 65584.

24 (b) (1) No more than six months prior to the development of a
25 proposed methodology for distributing the existing and projected
26 housing need, each council of governments shall survey each of
27 its member jurisdictions to request, at a minimum, information
28 regarding the factors listed in subdivision (e) that will allow the
29 development of a methodology based upon the factors established
30 in subdivision (e).

31 (2) With respect to the objective in paragraph (5) of subdivision
32 (d) of Section 65584, the survey shall review and compile
33 information that will allow the development of a methodology
34 based upon the issues, strategies, and actions that are included, as
35 available, in an Analysis of Impediments to Fair Housing Choice
36 or an Assessment of Fair Housing completed by any city or county
37 or the department that covers communities within the area served
38 by the council of governments, and in housing elements adopted
39 pursuant to this article by cities and counties within the area served
40 by the council of governments.

1 (3) The council of governments shall seek to obtain the
2 information in a manner and format that is comparable throughout
3 the region and utilize readily available data to the extent possible.

4 (4) The information provided by a local government pursuant
5 to this section shall be used, to the extent possible, by the council
6 of governments, or delegate subregion as applicable, as source
7 information for the methodology developed pursuant to this section.
8 The survey shall state that none of the information received may
9 be used as a basis for reducing the total housing need established
10 for the region pursuant to Section 65584.01.

11 (5) If the council of governments fails to conduct a survey
12 pursuant to this subdivision, a city, county, or city and county may
13 submit information related to the items listed in subdivision (e)
14 prior to the public comment period provided for in subdivision
15 (d).

16 (c) The council of governments shall electronically report the
17 results of the survey of fair housing issues, strategies, and actions
18 compiled pursuant to paragraph (2) of subdivision (b). The report
19 shall describe common themes and effective strategies employed
20 by cities and counties within the area served by the council of
21 governments, including common themes and effective strategies
22 around avoiding the displacement of lower-income households.
23 The council of governments shall also identify significant barriers
24 to affirmatively furthering fair housing at the regional level and
25 may recommend strategies or actions to overcome those barriers.
26 A council of governments or metropolitan planning organization,
27 as appropriate, may use this information for any other purpose,
28 including publication within a regional transportation plan adopted
29 pursuant to Section 65080 or to inform the land use assumptions
30 that are applied in the development of a regional transportation
31 plan.

32 (d) Public participation and access shall be required in the
33 development of the methodology and in the process of drafting
34 and adoption of the allocation of the regional housing needs.
35 Participation by organizations other than local jurisdictions and
36 councils of governments shall be solicited in a diligent effort to
37 achieve public participation of all economic segments of the
38 community as well as members of protected classes under Section
39 12955. The proposed methodology, along with any relevant
40 underlying data and assumptions, an explanation of how

1 information about local government conditions gathered pursuant
2 to subdivision (b) has been used to develop the proposed
3 methodology, how each of the factors listed in subdivision (e) is
4 incorporated into the methodology, and how the proposed
5 methodology furthers the objectives listed in subdivision (e) of
6 Section 65584, shall be distributed to all cities, counties, any
7 subregions, and members of the public who have made a written
8 or electronic request for the proposed methodology and published
9 on the council of governments', or delegate subregion's, internet
10 website. The council of governments, or delegate subregion, as
11 applicable, shall conduct at least one public hearing to receive oral
12 and written comments on the proposed methodology.

13 (e) To the extent that sufficient data is available from local
14 governments pursuant to subdivision (b) or other sources, each
15 council of governments, or delegate subregion as applicable, shall
16 include the following factors to develop the methodology that
17 allocates regional housing needs:

18 (1) Each member jurisdiction's existing and projected jobs and
19 housing relationship. This shall include an estimate based on
20 readily available data on the number of low-wage jobs within the
21 jurisdiction and how many housing units within the jurisdiction
22 are affordable to low-wage workers as well as an estimate based
23 on readily available data, of projected job growth and projected
24 household growth by income level within each member jurisdiction
25 during the planning period.

26 (2) The opportunities and constraints to development of
27 additional housing in each member jurisdiction, including all of
28 the following:

29 (A) Lack of capacity for sewer or water service due to federal
30 or state laws, regulations or regulatory actions, or supply and
31 distribution decisions made by a sewer or water service provider
32 other than the local jurisdiction that preclude the jurisdiction from
33 providing necessary infrastructure for additional development
34 during the planning period.

35 (B) The availability of land suitable for urban development or
36 for conversion to residential use, the availability of underutilized
37 land, and opportunities for infill development and increased
38 residential densities. The council of governments may not limit
39 its consideration of suitable housing sites or land suitable for urban
40 development to existing zoning ordinances and land use restrictions

1 of a locality, but shall consider the potential for increased
2 residential development under alternative zoning ordinances and
3 land use restrictions. The determination of available land suitable
4 for urban development may exclude lands where the Federal
5 Emergency Management Agency (FEMA) or the Department of
6 Water Resources has determined that the flood management
7 infrastructure designed to protect that land is not adequate to avoid
8 the risk of flooding.

9 (C) Lands preserved or protected from urban development under
10 existing federal or state programs, or both, designed to protect
11 open space, farmland, environmental habitats, and natural resources
12 on a long-term basis, including land zoned or designated for
13 agricultural protection or preservation that is subject to a local
14 ballot measure that was approved by the voters of that jurisdiction
15 that prohibits or restricts conversion to nonagricultural uses.

16 (D) County policies to preserve prime agricultural land, as
17 defined pursuant to Section 56064, within an unincorporated and
18 land within an unincorporated area zoned or designated for
19 agricultural protection or preservation that is subject to a local
20 ballot measure that was approved by the voters of that jurisdiction
21 that prohibits or restricts its conversion to nonagricultural uses.

22 (3) The distribution of household growth assumed for purposes
23 of a comparable period of regional transportation plans and
24 opportunities to maximize the use of public transportation and
25 existing transportation infrastructure.

26 (4) Agreements between a county and cities in a county to direct
27 growth toward incorporated areas of the county and land within
28 an unincorporated area zoned or designated for agricultural
29 protection or preservation that is subject to a local ballot measure
30 that was approved by the voters of the jurisdiction that prohibits
31 or restricts conversion to nonagricultural uses.

32 (5) The loss of units contained in assisted housing developments,
33 as defined in paragraph (9) of subdivision (a) of Section 65583,
34 that changed to non-low-income use through mortgage prepayment,
35 subsidy contract expirations, or termination of use restrictions.

36 (6) The percentage of existing households at each of the income
37 levels listed in subdivision (f) of Section 65584 that are paying
38 more than 30 percent and more than 50 percent of their income in
39 rent.

40 (7) The rate of overcrowding.

1 (8) The housing needs of farmworkers.

2 (9) The housing needs generated by the presence of a private
3 university or a campus of the California State University or the
4 University of California within any member jurisdiction.

5 (10) The loss of units during a state of emergency that was
6 declared by the Governor pursuant to the California Emergency
7 Services Act (Chapter 7 (commencing with Section 8550) of
8 Division 1 of Title 2), during the planning period immediately
9 preceding the relevant revision pursuant to Section 65588 that
10 have yet to be rebuilt or replaced at the time of the analysis.

11 (11) The region’s greenhouse gas emissions targets provided
12 by the State Air Resources Board pursuant to Section 65080.

13 (12) For any scheduled revision required by Section 65588 on
14 or after July 1, 2022, the amount of land in each member
15 jurisdiction that is within a very high fire risk area, by allocating
16 a lower proportion of housing to a jurisdiction if it is likely that
17 the jurisdiction would otherwise need to identify lands within a
18 very high fire risk area as adequate sites pursuant to Section 65583
19 in order to meet its housing need allocation. In determining whether
20 it is likely the jurisdiction would otherwise need to identify lands
21 within a very high fire risk area as adequate sites pursuant to
22 Section 65583 in order to meet its housing need allocation, the
23 council of governments, or delegate subregion as applicable, shall
24 consider factors that include, but are not limited to, the following:

25 (A) The percentage of land described in subparagraph (B) of
26 paragraph (2) within the jurisdiction that is located with a very
27 high fire risk area.

28 (B) The percentage of the jurisdiction’s housing capacity located
29 on sites identified pursuant to Section 65583 in the prior housing
30 element for the jurisdiction that is within a very high fire risk area.

31 (C) Whether it is likely that compliance with the wildfire risk
32 reduction standards set forth in Section 65012 and the regulations
33 of the State Fire Marshal adopted pursuant to Section 65013 would
34 effectively reduce densities on lands within the jurisdiction that
35 are otherwise suitable for development.

36 (D) Whether suitable alternative sites exist outside the
37 jurisdiction, but within the region, to accommodate the remaining
38 regional housing need.

39 (13) Any other factors adopted by the council of governments,
40 that further the objectives listed in subdivision (d) of Section

1 65584, provided that the council of governments specifies which
2 of the objectives each additional factor is necessary to further. The
3 council of governments may include additional factors unrelated
4 to furthering the objectives listed in subdivision (d) of Section
5 65584 so long as the additional factors do not undermine the
6 objectives listed in subdivision (d) of Section 65584 and are applied
7 equally across all household income levels as described in
8 subdivision (f) of Section 65584 and the council of governments
9 makes a finding that the factor is necessary to address significant
10 health and safety conditions.

11 (f) The council of governments, or delegate subregion, as
12 applicable, shall explain in writing how each of the factors
13 described in subdivision (e) was incorporated into the methodology
14 and how the methodology furthers the objectives listed in
15 subdivision (d) of Section 65584. The methodology may include
16 numerical weighting. This information and any other supporting
17 materials used in determining the methodology, shall be posted
18 on the council of governments', or delegate subregion's, internet
19 website.

20 (g) The following criteria shall not be a justification for a
21 determination or a reduction in a jurisdiction's share of the regional
22 housing need:

23 (1) Any ordinance, policy, voter-approved measure, or standard
24 of a city or county that directly or indirectly limits the number of
25 residential building permits issued by a city or county.

26 (2) Prior underproduction of housing in a city or county from
27 the previous regional housing need allocation, as determined by
28 each jurisdiction's annual production report submitted pursuant
29 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
30 65400.

31 (3) Stable population numbers in a city or county from the
32 previous regional housing needs cycle.

33 (h) Following the conclusion of the public comment period
34 described in subdivision (d) on the proposed allocation
35 methodology, and after making any revisions deemed appropriate
36 by the council of governments, or delegate subregion, as applicable,
37 as a result of comments received during the public comment period,
38 and as a result of consultation with the department, each council
39 of governments, or delegate subregion, as applicable, shall publish
40 a draft allocation methodology on its internet website and submit

1 the draft allocation methodology, along with the information
2 required pursuant to subdivision (e), to the department.

3 (i) Within 60 days, the department shall review the draft
4 allocation methodology and report its written findings to the
5 council of governments, or delegate subregion, as applicable. In
6 its written findings the department shall determine whether the
7 methodology furthers the objectives listed in subdivision (d) of
8 Section 65584. If the department determines that the methodology
9 is not consistent with subdivision (d) of Section 65584, the council
10 of governments, or delegate subregion, as applicable, shall take
11 one of the following actions:

12 (1) Revise the methodology to further the objectives listed in
13 subdivision (d) of Section 65584 and adopt a final regional, or
14 subregional, housing need allocation methodology.

15 (2) Adopt the regional, or subregional, housing need allocation
16 methodology without revisions and include within its resolution
17 of adoption findings, supported by substantial evidence, as to why
18 the council of governments, or delegate subregion, believes that
19 the methodology furthers the objectives listed in subdivision (d)
20 of Section 65584 despite the findings of the department.

21 (j) If the department's findings are not available within the time
22 limits set by subdivision (i), the council of governments, or delegate
23 subregion, may act without them.

24 (k) Upon either action pursuant to subdivision (i), the council
25 of governments, or delegate subregion, shall provide notice of the
26 adoption of the methodology to the jurisdictions within the region,
27 or delegate subregion, as applicable, and to the department, and
28 shall publish the adopted allocation methodology, along with its
29 resolution and any adopted written findings, on its internet website.

30 (l) The department may, within 90 days, review the adopted
31 methodology and report its findings to the council of governments,
32 or delegate subregion.

33 (m) (1) It is the intent of the Legislature that housing planning
34 be coordinated and integrated with the regional transportation plan.
35 To achieve this goal, the allocation plan shall allocate housing
36 units within the region consistent with the development pattern
37 included in the sustainable communities strategy.

38 (2) The final allocation plan shall ensure that the total regional
39 housing need, by income category, as determined under Section
40 65584, is maintained, and that each jurisdiction in the region

1 receive an allocation of units for low- and very low income
2 households.

3 (3) The resolution approving the final housing need allocation
4 plan shall demonstrate that the plan is consistent with the
5 sustainable communities strategy in the regional transportation
6 plan and furthers the objectives listed in subdivision (d) of Section
7 65584.

8 *SEC. 10.1. Section 65584.04 of the Government Code is*
9 *amended to read:*

10 65584.04. (a) At least two years ~~prior to~~ *before* a scheduled
11 revision required by Section 65588, each council of governments,
12 or delegate subregion as applicable, shall develop, in consultation
13 with the department, a proposed methodology for distributing the
14 existing and projected regional housing need to cities, counties,
15 and cities and counties within the region or within the subregion,
16 where applicable pursuant to this section. The methodology shall
17 further the objectives listed in subdivision (d) of Section 65584.

18 (b) (1) No more than six months ~~prior to~~ *before* the development
19 of a proposed methodology for distributing the existing and
20 projected housing need, each council of governments shall survey
21 each of its member jurisdictions to request, at a minimum,
22 information regarding the factors listed in subdivision (e) that will
23 allow the development of a methodology based upon the factors
24 established in subdivision (e).

25 (2) With respect to the objective in paragraph (5) of subdivision
26 (d) of Section 65584, the survey shall review and compile
27 information that will allow the development of a methodology
28 based upon the issues, strategies, and actions that are included, as
29 available, in an Analysis of Impediments to Fair Housing Choice
30 or an Assessment of Fair Housing completed by any city or county
31 or the department that covers communities within the area served
32 by the council of governments, and in housing elements adopted
33 pursuant to this article by cities and counties within the area served
34 by the council of governments.

35 (3) The council of governments shall seek to obtain the
36 information in a manner and format that is comparable throughout
37 the region and utilize readily available data to the extent possible.

38 (4) The information provided by a local government pursuant
39 to this section shall be used, to the extent possible, by the council
40 of governments, or delegate subregion as applicable, as source

1 information for the methodology developed pursuant to this section.
2 The survey shall state that none of the information received may
3 be used as a basis for reducing the total housing need established
4 for the region pursuant to Section 65584.01.

5 (5) If the council of governments fails to conduct a survey
6 pursuant to this subdivision, a city, county, or city and county may
7 submit information related to the items listed in subdivision (e)
8 ~~prior to~~ *before* the public comment period provided for in
9 subdivision (d).

10 (c) The council of governments shall electronically report the
11 results of the survey of fair housing issues, strategies, and actions
12 compiled pursuant to paragraph (2) of subdivision (b). The report
13 shall describe common themes and effective strategies employed
14 by cities and counties within the area served by the council of
15 governments, including common themes and effective strategies
16 around avoiding the displacement of ~~lower-income~~ *lower income*
17 households. The council of governments shall also identify
18 significant barriers to affirmatively furthering fair housing at the
19 regional level and may recommend strategies or actions to
20 overcome those barriers. A council of governments or metropolitan
21 planning organization, as appropriate, may use this information
22 for any other purpose, including publication within a regional
23 transportation plan adopted pursuant to Section 65080 or to inform
24 the land use assumptions that are applied in the development of a
25 regional transportation plan.

26 (d) Public participation and access shall be required in the
27 development of the methodology and in the process of drafting
28 and adoption of the allocation of the regional housing needs.
29 Participation by organizations other than local jurisdictions and
30 councils of governments shall be solicited in a diligent effort to
31 achieve public participation of all economic segments of the
32 community as well as members of protected classes under Section
33 12955. The proposed methodology, along with any relevant
34 underlying data and assumptions, an explanation of how
35 information about local government conditions gathered pursuant
36 to subdivision (b) has been used to develop the proposed
37 methodology, how each of the factors listed in subdivision (e) is
38 incorporated into the methodology, and how the proposed
39 methodology furthers the objectives listed in subdivision (e) of
40 Section 65584, shall be distributed to all cities, counties, any

1 subregions, and members of the public who have made a written
2 or electronic request for the proposed methodology and published
3 on the council of governments', or delegate subregion's, ~~Internet~~
4 ~~Web site: internet website~~. The council of governments, or delegate
5 subregion, as applicable, shall conduct at least one public hearing
6 to receive oral and written comments on the proposed methodology.

7 (e) To the extent that sufficient data is available from local
8 governments pursuant to subdivision (b) or other sources, each
9 council of governments, or delegate subregion as applicable, shall
10 include the following factors to develop the methodology that
11 allocates regional housing needs:

12 (1) Each member jurisdiction's existing and projected jobs and
13 housing relationship. This shall include an estimate based on
14 readily available data on the number of low-wage jobs within the
15 jurisdiction and how many housing units within the jurisdiction
16 are affordable to low-wage workers as well as an estimate based
17 on readily available data, of projected job growth and projected
18 household growth by income level within each member jurisdiction
19 during the planning period.

20 (2) The opportunities and constraints to development of
21 additional housing in each member jurisdiction, including all of
22 the following:

23 (A) Lack of capacity for sewer or water service due to federal
24 or state laws, regulations or regulatory actions, or supply and
25 distribution decisions made by a sewer or water service provider
26 other than the local jurisdiction that preclude the jurisdiction from
27 providing necessary infrastructure for additional development
28 during the planning period.

29 (B) The availability of land suitable for urban development or
30 for conversion to residential use, the availability of underutilized
31 land, and opportunities for infill development and increased
32 residential densities. The council of governments may not limit
33 its consideration of suitable housing sites or land suitable for urban
34 development to existing zoning ordinances and land use restrictions
35 of a locality, but shall consider the potential for increased
36 residential development under alternative zoning ordinances and
37 land use restrictions. The determination of available land suitable
38 for urban development may exclude lands where the Federal
39 Emergency Management Agency (FEMA) or the Department of
40 Water Resources has determined that the flood management

1 infrastructure designed to protect that land is not adequate to avoid
2 the risk of flooding.

3 (C) Lands preserved or protected from urban development under
4 existing federal or state programs, or both, designed to protect
5 open space, farmland, environmental habitats, and natural resources
6 on a long-term basis, including land zoned or designated for
7 agricultural protection or preservation that is subject to a local
8 ballot measure that was approved by the voters of that jurisdiction
9 that prohibits or restricts conversion to ~~non-agricultural~~
10 *nonagricultural* uses.

11 (D) County policies to preserve prime agricultural land, as
12 defined pursuant to Section 56064, within an unincorporated *area*
13 and land within an unincorporated area zoned or designated for
14 agricultural protection or preservation that is subject to a local
15 ballot measure that was approved by the voters of that jurisdiction
16 that prohibits or restricts its conversion to ~~non-agricultural~~
17 *nonagricultural* uses.

18 (3) The distribution of household growth assumed for purposes
19 of a comparable period of regional transportation plans and
20 opportunities to maximize the use of public transportation and
21 existing transportation infrastructure.

22 (4) Agreements between a county and cities in a county to direct
23 growth toward incorporated areas of the county and land within
24 an unincorporated area zoned or designated for agricultural
25 protection or preservation that is subject to a local ballot measure
26 that was approved by the voters of the jurisdiction that prohibits
27 or restricts conversion to ~~non-agricultural~~ *nonagricultural* uses.

28 (5) The loss of units contained in assisted housing developments,
29 as defined in paragraph (9) of subdivision (a) of Section 65583,
30 that changed to non-low-income use through mortgage prepayment,
31 subsidy contract expirations, or termination of use restrictions.

32 (6) The percentage of existing households at each of the income
33 levels listed in subdivision ~~(e)~~ (f) of Section 65584 that are paying
34 more than 30 percent and more than 50 percent of their income in
35 rent.

36 (7) The rate of overcrowding.

37 (8) The housing needs of farmworkers.

38 (9) The housing needs generated by the presence of a private
39 university or a campus of the California State University or the
40 University of California within any member jurisdiction.

1 (10) *The housing needs of individuals and families experiencing*
2 *homelessness. If a council of governments has surveyed each of*
3 *its member jurisdictions pursuant to subdivision (b) on or before*
4 *January 1, 2020, this paragraph shall apply only to the*
5 *development of methodologies for the seventh and subsequent*
6 *revisions of the housing element.*

7 ~~(10)~~

8 (11) *The loss of units during a state of emergency that was*
9 *declared by the Governor pursuant to the California Emergency*
10 *Services Act (Chapter 7 (commencing with Section 8550) of*
11 *Division 1 of Title 2), during the planning period immediately*
12 *preceding the relevant revision pursuant to Section 65588 that*
13 *have yet to be rebuilt or replaced at the time of the analysis.*

14 ~~(11)~~

15 (12) *The region's greenhouse gas emissions targets provided*
16 *by the State Air Resources Board pursuant to Section 65080.*

17 (13) *For any scheduled revision required by Section 65588 on*
18 *or after July 1, 2022, the amount of land in each member*
19 *jurisdiction that is within a very high fire risk area, by allocating*
20 *a lower proportion of housing to a jurisdiction if it is likely that*
21 *the jurisdiction would otherwise need to identify lands within a*
22 *very high fire risk area as adequate sites pursuant to Section 65583*
23 *in order to meet its housing need allocation. In determining*
24 *whether it is likely the jurisdiction would otherwise need to identify*
25 *lands within a very high fire risk area as adequate sites pursuant*
26 *to Section 65583 in order to meet its housing need allocation, the*
27 *council of governments, or delegate subregion as applicable, shall*
28 *consider factors that include, but are not limited to, the following:*

29 (A) *The percentage of land described in subparagraph (B) of*
30 *paragraph (2) within the jurisdiction that is located with a very*
31 *high fire risk area.*

32 (B) *The percentage of the jurisdiction's housing capacity located*
33 *on sites identified pursuant to Section 65583 in the prior housing*
34 *element for the jurisdiction that is within a very high fire risk area.*

35 (C) *Whether it is likely that compliance with the wildfire risk*
36 *reduction standards set forth in Section 65012 and the regulations*
37 *of the State Fire Marshal adopted pursuant to Section 65013 would*
38 *effectively reduce densities on lands within the jurisdiction that*
39 *are otherwise suitable for development.*

1 (D) Whether suitable alternative sites exist outside the
2 jurisdiction, but within the region, to accommodate the remaining
3 regional housing need.

4 (12)

5 (14) Any other factors adopted by the council of governments,
6 that further the objectives listed in subdivision (d) of Section
7 65584, provided that the council of governments specifies which
8 of the objectives each additional factor is necessary to further. The
9 council of governments may include additional factors unrelated
10 to furthering the objectives listed in subdivision (d) of Section
11 65584 so long as the additional factors do not undermine the
12 objectives listed in subdivision (d) of Section 65584 and are applied
13 equally across all household income levels as described in
14 subdivision (f) of Section 65584 and the council of governments
15 makes a finding that the factor is necessary to address significant
16 health and safety conditions.

17 (f) The council of governments, or delegate subregion, as
18 applicable, shall explain in writing how each of the factors
19 described in subdivision (e) was incorporated into the methodology
20 and how the methodology furthers the objectives listed in
21 subdivision (d) of Section 65584. The methodology may include
22 numerical weighting. This ~~information~~ information, and any other
23 supporting materials used in determining the methodology, shall
24 be posted on the council of governments', or delegate subregion's,
25 ~~Internet Web site.~~ internet website.

26 (g) The following criteria shall not be a justification for a
27 determination or a reduction in a jurisdiction's share of the regional
28 housing need:

29 (1) Any ordinance, policy, voter-approved measure, or standard
30 of a city or county that directly or indirectly limits the number of
31 residential building permits issued by a city or county.

32 (2) Prior underproduction of housing in a city or county from
33 the previous regional housing need allocation, as determined by
34 each jurisdiction's annual production report submitted pursuant
35 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
36 65400.

37 (3) Stable population numbers in a city or county from the
38 previous regional housing needs cycle.

39 (h) Following the conclusion of the public comment period
40 described in subdivision (d) on the proposed allocation

1 methodology, and after making any revisions deemed appropriate
2 by the council of governments, or delegate subregion, as applicable,
3 as a result of comments received during the public comment period,
4 and as a result of consultation with the department, each council
5 of governments, or delegate subregion, as applicable, shall publish
6 a draft allocation methodology on its ~~Internet Web site~~ *internet*
7 *website* and submit the draft allocation methodology, along with
8 the information required pursuant to subdivision (e), to the
9 department.

10 (i) Within 60 days, the department shall review the draft
11 allocation methodology and report its written findings to the
12 council of governments, or delegate subregion, as applicable. In
13 its written findings the department shall determine whether the
14 methodology furthers the objectives listed in subdivision (d) of
15 Section 65584. If the department determines that the methodology
16 is not consistent with subdivision (d) of Section 65584, the council
17 of governments, or delegate subregion, as applicable, shall take
18 one of the following actions:

19 (1) Revise the methodology to further the objectives listed in
20 subdivision (d) of Section 65584 and adopt a final regional, or
21 subregional, housing need allocation methodology.

22 (2) Adopt the regional, or subregional, housing need allocation
23 methodology without revisions and include within its resolution
24 of adoption findings, supported by substantial evidence, as to why
25 the council of governments, or delegate subregion, believes that
26 the methodology furthers the objectives listed in subdivision (d)
27 of Section 65584 despite the findings of the department.

28 (j) If the department's findings are not available within the time
29 limits set by subdivision (i), the council of governments, or delegate
30 subregion, may act without them.

31 (k) Upon either action pursuant to subdivision (i), the council
32 of governments, or delegate subregion, shall provide notice of the
33 adoption of the methodology to the jurisdictions within the region,
34 or delegate subregion, as applicable, and to the department, and
35 shall publish the adopted allocation methodology, along with its
36 resolution and any adopted written findings, on its ~~Internet Web~~
37 *site: internet website*.

38 (l) The department may, within 90 days, review the adopted
39 methodology and report its findings to the council of governments,
40 or delegate subregion.

1 (m) (1) It is the intent of the Legislature that housing planning
2 be coordinated and integrated with the regional transportation plan.
3 To achieve this goal, the allocation plan shall allocate housing
4 units within the region consistent with the development pattern
5 included in the sustainable communities strategy.

6 (2) The final allocation plan shall ensure that the total regional
7 housing need, by income category, as determined under Section
8 65584, is maintained, and that each jurisdiction in the region
9 receive an allocation of units for low- and very low income
10 households.

11 (3) The resolution approving the final housing need allocation
12 plan shall demonstrate that the plan is consistent with the
13 sustainable communities strategy in the regional transportation
14 plan and furthers the objectives listed in subdivision (d) of Section
15 65584.

16 *SEC. 10.2. Section 65584.04 of the Government Code is*
17 *amended to read:*

18 65584.04. (a) At least two years ~~prior to~~ *before* a scheduled
19 revision required by Section 65588, each council of governments,
20 or delegate subregion as applicable, shall develop, in consultation
21 with the department, a proposed methodology for distributing the
22 existing and projected regional housing need to cities, counties,
23 and cities and counties within the region or within the subregion,
24 where applicable pursuant to this section. The methodology shall
25 further the objectives listed in subdivision (d) of Section 65584.

26 (b) (1) No more than six months ~~prior to~~ *before* the development
27 of a proposed methodology for distributing the existing and
28 projected housing need, each council of governments shall survey
29 each of its member jurisdictions to request, at a minimum,
30 information regarding the factors listed in subdivision (e) that will
31 allow the development of a methodology based upon the factors
32 established in subdivision (e).

33 (2) With respect to the objective in paragraph (5) of subdivision
34 (d) of Section 65584, the survey shall review and compile
35 information that will allow the development of a methodology
36 based upon the issues, strategies, and actions that are included, as
37 available, in an Analysis of Impediments to Fair Housing Choice
38 or an Assessment of Fair Housing completed by any city or county
39 or the department that covers communities within the area served
40 by the council of governments, and in housing elements adopted

1 pursuant to this article by cities and counties within the area served
2 by the council of governments.

3 (3) The council of governments shall seek to obtain the
4 information in a manner and format that is comparable throughout
5 the region and ~~utilize~~ *use* readily available data to the extent
6 possible.

7 (4) The information provided by a local government pursuant
8 to this section shall be used, to the extent possible, by the council
9 of governments, or delegate subregion as applicable, as source
10 information for the methodology developed pursuant to this section.
11 The survey shall state that none of the information received may
12 be used as a basis for reducing the total housing need established
13 for the region pursuant to Section 65584.01.

14 (5) If the council of governments fails to conduct a survey
15 pursuant to this subdivision, a city, county, or city and county may
16 submit information related to the items listed in subdivision (e)
17 ~~prior to~~ *before* the public comment period provided for in
18 subdivision (d).

19 (c) The council of governments shall electronically report the
20 results of the survey of fair housing issues, strategies, and actions
21 compiled pursuant to paragraph (2) of subdivision (b). The report
22 shall describe common themes and effective strategies employed
23 by cities and counties within the area served by the council of
24 governments, including common themes and effective strategies
25 around avoiding the displacement of lower-income households.
26 The council of governments shall also identify significant barriers
27 to affirmatively furthering fair housing at the regional level and
28 may recommend strategies or actions to overcome those barriers.
29 A council of governments or metropolitan planning organization,
30 as appropriate, may use this information for any other purpose,
31 including publication within a regional transportation plan adopted
32 pursuant to Section 65080 or to inform the land use assumptions
33 that are applied in the development of a regional transportation
34 plan.

35 (d) Public participation and access shall be required in the
36 development of the methodology and in the process of drafting
37 and adoption of the allocation of the regional housing needs.
38 Participation by organizations other than local jurisdictions and
39 councils of governments shall be solicited in a diligent effort to
40 achieve public participation of all economic segments of the

1 community as well as members of protected classes under Section
2 12955. The proposed methodology, along with any relevant
3 underlying data and assumptions, an explanation of how
4 information about local government conditions gathered pursuant
5 to subdivision (b) has been used to develop the proposed
6 methodology, how each of the factors listed in subdivision (e) is
7 incorporated into the methodology, and how the proposed
8 methodology furthers the objectives listed in subdivision ~~(e)~~ (d)
9 of Section 65584, shall be distributed to all cities, counties, any
10 subregions, and members of the public who have made a written
11 or electronic request for the proposed methodology and published
12 on the council of governments', or delegate subregion's, ~~Internet~~
13 ~~Web site: internet website~~. The council of governments, or delegate
14 subregion, as applicable, shall conduct at least one public hearing
15 to receive oral and written comments on the proposed methodology.

16 (e) To the extent that sufficient data is available from local
17 governments pursuant to subdivision (b) or other sources, each
18 council of governments, or delegate subregion as applicable, shall
19 include the following factors to develop the methodology that
20 allocates regional housing needs:

21 (1) Each member jurisdiction's existing and projected jobs and
22 housing relationship. This shall include an estimate based on
23 readily available data on the number of low-wage jobs within the
24 jurisdiction and how many housing units within the jurisdiction
25 are affordable to low-wage workers as well as an estimate based
26 on readily available data, of projected job growth and projected
27 household growth by income level within each member jurisdiction
28 during the planning period.

29 (2) The opportunities and constraints to development of
30 additional housing in each member jurisdiction, including all of
31 the following:

32 (A) Lack of capacity for sewer or water service due to federal
33 or state laws, regulations or regulatory actions, or supply and
34 distribution decisions made by a sewer or water service provider
35 other than the local jurisdiction that preclude the jurisdiction from
36 providing necessary infrastructure for additional development
37 during the planning period.

38 (B) The availability of land suitable for urban development or
39 for conversion to residential use, the availability of underutilized
40 land, and opportunities for infill development and increased

1 residential densities. The council of governments may not limit
2 its consideration of suitable housing sites or land suitable for urban
3 development to existing zoning ordinances and land use restrictions
4 of a locality, but shall consider the potential for increased
5 residential development under alternative zoning ordinances and
6 land use restrictions. The determination of available land suitable
7 for urban development may exclude lands where the Federal
8 Emergency Management Agency (~~FEMA~~) or the Department of
9 Water Resources has determined that the flood management
10 infrastructure designed to protect that land is not adequate to avoid
11 the risk of flooding.

12 (C) Lands preserved or protected from urban development under
13 existing federal or state programs, or both, designed to protect
14 open space, farmland, environmental habitats, and natural resources
15 on a long-term basis, including land zoned or designated for
16 agricultural protection or preservation that is subject to a local
17 ballot measure that was approved by the voters of that jurisdiction
18 that prohibits or restricts conversion to ~~non-agricultural~~
19 *nonagricultural* uses.

20 (D) County policies to preserve prime agricultural land, as
21 defined pursuant to Section 56064, within an unincorporated and
22 land within an unincorporated area zoned or designated for
23 agricultural protection or preservation that is subject to a local
24 ballot measure that was approved by the voters of that jurisdiction
25 that prohibits or restricts its conversion to ~~non-agricultural~~
26 *nonagricultural* uses.

27 (3) The distribution of household growth assumed for purposes
28 of a comparable period of regional transportation plans and
29 opportunities to maximize the use of public transportation and
30 existing transportation infrastructure.

31 (4) Agreements between a county and cities in a county to direct
32 growth toward incorporated areas of the county and land within
33 an unincorporated area zoned or designated for agricultural
34 protection or preservation that is subject to a local ballot measure
35 that was approved by the voters of the jurisdiction that prohibits
36 or restricts conversion to ~~non-agricultural~~ *nonagricultural* uses.

37 (5) The loss of units contained in assisted housing developments,
38 as defined in paragraph (9) of subdivision (a) of Section 65583,
39 that changed to non-low-income use through mortgage prepayment,
40 subsidy contract expirations, or termination of use restrictions.

1 (6) The percentage of existing households at each of the income
2 levels listed in subdivision ~~(e)~~ (f) of Section 65584 that are paying
3 more than 30 percent and more than 50 percent of their income in
4 rent.

5 (7) The rate of overcrowding.

6 (8) The housing needs of farmworkers.

7 (9) The housing needs generated by the presence of a private
8 university or a campus of the California State University or the
9 University of California within any member jurisdiction.

10 (10) The loss of units during a state of emergency that was
11 declared by the Governor pursuant to the California Emergency
12 Services Act (Chapter 7 (commencing with Section 8550) of
13 Division 1 of Title 2), during the planning period immediately
14 preceding the relevant revision pursuant to Section 65588 that
15 have yet to be rebuilt or replaced at the time of the analysis.

16 (11) The region's greenhouse gas emissions targets provided
17 by the State Air Resources Board pursuant to Section 65080.

18 (12) *For any scheduled revision required by Section 65588 on*
19 *or after July 1, 2022, the amount of land in each member*
20 *jurisdiction that is within a very high fire risk area. area, by*
21 *allocating a lower proportion of housing to a jurisdiction if it is*
22 *likely that the jurisdiction would otherwise need to identify lands*
23 *within a very high fire risk area as adequate sites pursuant to*
24 *Section 65583 in order to meet its housing need allocation. In*
25 *determining whether it is likely the jurisdiction would otherwise*
26 *need to identify lands within a very high fire risk area as adequate*
27 *sites pursuant to Section 65583 in order to meet its housing need*
28 *allocation, the council of governments, or delegate subregion as*
29 *applicable, shall consider factors that include, but are not limited*
30 *to, the following:*

31 (A) *The percentage of land described in subparagraph (B) of*
32 *paragraph (2) within the jurisdiction that is located with a very*
33 *high fire risk area.*

34 (B) *The percentage of the jurisdiction's housing capacity located*
35 *on sites identified pursuant to Section 65583 in the prior housing*
36 *element for the jurisdiction that is within a very high fire risk area.*

37 (C) *Whether it is likely that compliance with the wildfire risk*
38 *reduction standards set forth in Section 65012 and the regulations*
39 *of the State Fire Marshal adopted pursuant to Section 65013 would*

1 *effectively reduce densities on lands within the jurisdiction that*
2 *are otherwise suitable for development.*

3 *(D) Whether suitable alternative sites exist outside the*
4 *jurisdiction, but within the region, to accommodate the remaining*
5 *regional housing need.*

6 ~~(12)~~

7 (13) Any other factors adopted by the council of governments,
8 that further the objectives listed in subdivision (d) of Section
9 65584, provided that the council of governments specifies which
10 of the objectives each additional factor is necessary to further. The
11 council of governments may include additional factors unrelated
12 to furthering the objectives listed in subdivision (d) of Section
13 65584 so long as the additional factors do not undermine the
14 objectives listed in subdivision (d) of Section 65584 and are applied
15 equally across all household income levels as described in
16 subdivision (f) of Section 65584 and the council of governments
17 makes a finding that the factor is necessary to address significant
18 health and safety conditions.

19 (f) The council of governments, or delegate subregion, as
20 applicable, shall explain in writing how each of the factors
21 described in subdivision (e) was incorporated into the methodology
22 and how the methodology furthers the objectives listed in
23 subdivision (d) of Section 65584. The methodology may include
24 numerical weighting. This information and any other supporting
25 materials used in determining the methodology, shall be posted
26 on the council of governments', or delegate subregion's, ~~Internet~~
27 ~~Web site:~~ *internet website.*

28 (g) The following criteria shall not be a justification for a
29 determination or a reduction in a jurisdiction's share of the regional
30 housing need:

31 (1) Any ordinance, policy, voter-approved measure, or standard
32 of a city or county that directly or indirectly limits the number of
33 residential building permits issued by a city or county.

34 (2) Prior underproduction of housing in a city or county from
35 the previous regional housing need allocation, as determined by
36 each jurisdiction's annual production report submitted pursuant
37 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
38 65400.

39 (3) Stable population numbers in a city or county from the
40 previous regional housing needs cycle.

1 (h) Following the conclusion of the public comment period
2 described in subdivision (d) on the proposed allocation
3 methodology, and after making any revisions deemed appropriate
4 by the council of governments, or delegate subregion, as applicable,
5 as a result of comments received during the public comment period,
6 and as a result of consultation with the department, each council
7 of governments, or delegate subregion, as applicable, shall publish
8 a draft allocation methodology on its ~~Internet Web site~~ *internet*
9 *website* and submit the draft allocation methodology, along with
10 the information required pursuant to subdivision (e), to the
11 department.

12 (i) Within 60 days, the department shall review the draft
13 allocation methodology and report its written findings to the
14 council of governments, or delegate subregion, as applicable. In
15 its written findings the department shall determine ~~whether~~ *if* the
16 methodology furthers the objectives listed in subdivision (d) of
17 Section 65584. If the department determines that the methodology
18 is not consistent with subdivision (d) of Section 65584, the council
19 of governments, or delegate subregion, as applicable, shall take
20 one of the following actions:

21 (1) Revise the methodology to further the objectives listed in
22 subdivision (d) of Section 65584 and adopt a final regional, or
23 subregional, housing need allocation methodology.

24 (2) Adopt the regional, or subregional, housing need allocation
25 methodology without revisions and include within its resolution
26 of adoption findings, supported by substantial evidence, as to why
27 the council of governments, or delegate subregion, believes that
28 the methodology furthers the objectives listed in subdivision (d)
29 of Section 65584 despite the findings of the department.

30 (j) If the department's findings are not available within the time
31 limits set by subdivision (i), the council of governments, or delegate
32 subregion, may act without them.

33 (k) Upon either action pursuant to subdivision (i), the council
34 of governments, or delegate subregion, shall provide notice of the
35 adoption of the methodology to the jurisdictions within the region,
36 or delegate subregion, as applicable, and to the department, and
37 shall publish the adopted allocation methodology, along with its
38 resolution and any adopted written findings, on its ~~Internet Web~~
39 *site: internet website*.

1 (l) The department may, within 90 days, review the adopted
2 methodology and report its findings to the council of governments,
3 or delegate subregion.

4 (m) (1) It is the intent of the Legislature that housing planning
5 be coordinated and integrated with the regional transportation plan.
6 To achieve this goal, the allocation plan shall allocate housing
7 units within the region consistent with the development pattern
8 included in the sustainable communities strategy.

9 (2) The final allocation plan shall ensure that the total regional
10 housing need, by income category, as determined under Section
11 65584, is maintained, and that each jurisdiction in the region
12 receive an allocation of units for low- and very low income
13 households.

14 (3) The resolution approving the final housing need allocation
15 plan shall demonstrate that the plan is consistent with the
16 sustainable communities strategy in the regional transportation
17 plan and furthers the objectives listed in subdivision (d) of Section
18 65584.

19 (4) *Notwithstanding the requirements of this subdivision, the*
20 *resolution approving the final housing need allocation plan for*
21 *the San Diego Association of Governments' sixth revision shall*
22 *use the sustainable communities strategy in the regional*
23 *transportation plan adopted by the San Diego Association of*
24 *Governments on October 9, 2015, to demonstrate the consistency*
25 *determinations required in paragraphs (1) and (3).*

26 *SEC. 10.3. Section 65584.04 of the Government Code is*
27 *amended to read:*

28 65584.04. (a) At least two years ~~prior to~~ *before* a scheduled
29 revision required by Section 65588, each council of governments,
30 or delegate subregion as applicable, shall develop, in consultation
31 with the department, a proposed methodology for distributing the
32 existing and projected regional housing need to cities, counties,
33 and cities and counties within the region or within the subregion,
34 where applicable pursuant to this section. The methodology shall
35 further the objectives listed in subdivision (d) of Section 65584.

36 (b) (1) No more than six months ~~prior to~~ *before* the development
37 of a proposed methodology for distributing the existing and
38 projected housing need, each council of governments shall survey
39 each of its member jurisdictions to request, at a minimum,
40 information regarding the factors listed in subdivision (e) that will

1 allow the development of a methodology based upon the factors
2 established in subdivision (e).

3 (2) With respect to the objective in paragraph (5) of subdivision
4 (d) of Section 65584, the survey shall review and compile
5 information that will allow the development of a methodology
6 based upon the issues, strategies, and actions that are included, as
7 available, in an Analysis of Impediments to Fair Housing Choice
8 or an Assessment of Fair Housing completed by any city or county
9 or the department that covers communities within the area served
10 by the council of governments, and in housing elements adopted
11 pursuant to this article by cities and counties within the area served
12 by the council of governments.

13 (3) The council of governments shall seek to obtain the
14 information in a manner and format that is comparable throughout
15 the region and ~~utilize~~ *use* readily available data to the extent
16 possible.

17 (4) The information provided by a local government pursuant
18 to this section shall be used, to the extent possible, by the council
19 of governments, or delegate subregion as applicable, as source
20 information for the methodology developed pursuant to this section.
21 The survey shall state that none of the information received may
22 be used as a basis for reducing the total housing need established
23 for the region pursuant to Section 65584.01.

24 (5) If the council of governments fails to conduct a survey
25 pursuant to this subdivision, a city, county, or city and county may
26 submit information related to the items listed in subdivision (e)
27 ~~prior to~~ *before* the public comment period provided for in
28 subdivision (d).

29 (c) The council of governments shall electronically report the
30 results of the survey of fair housing issues, strategies, and actions
31 compiled pursuant to paragraph (2) of subdivision (b). The report
32 shall describe common themes and effective strategies employed
33 by cities and counties within the area served by the council of
34 governments, including common themes and effective strategies
35 around avoiding the displacement of ~~lower-income~~ *lower income*
36 households. The council of governments shall also identify
37 significant barriers to affirmatively furthering fair housing at the
38 regional level and may recommend strategies or actions to
39 overcome those barriers. A council of governments or metropolitan
40 planning organization, as appropriate, may use this information

1 for any other purpose, including publication within a regional
2 transportation plan adopted pursuant to Section 65080 or to inform
3 the land use assumptions that are applied in the development of a
4 regional transportation plan.

5 (d) Public participation and access shall be required in the
6 development of the methodology and in the process of drafting
7 and adoption of the allocation of the regional housing needs.
8 Participation by organizations other than local jurisdictions and
9 councils of governments shall be solicited in a diligent effort to
10 achieve public participation of all economic segments of the
11 community as well as members of protected classes under Section
12 12955. The proposed methodology, along with any relevant
13 underlying data and assumptions, an explanation of how
14 information about local government conditions gathered pursuant
15 to subdivision (b) has been used to develop the proposed
16 methodology, how each of the factors listed in subdivision (e) is
17 incorporated into the methodology, and how the proposed
18 methodology furthers the objectives listed in subdivision ~~(e)~~ (d)
19 of Section 65584, shall be distributed to all cities, counties, any
20 subregions, and members of the public who have made a written
21 or electronic request for the proposed methodology and published
22 on the council of governments', or delegate subregion's, ~~Internet~~
23 ~~Web site:~~ *internet website*. The council of governments, or delegate
24 subregion, as applicable, shall conduct at least one public hearing
25 to receive oral and written comments on the proposed methodology.

26 (e) To the extent that sufficient data is available from local
27 governments pursuant to subdivision (b) or other sources, each
28 council of governments, or delegate subregion as applicable, shall
29 include the following factors to develop the methodology that
30 allocates regional housing needs:

31 (1) Each member jurisdiction's existing and projected jobs and
32 housing relationship. This shall include an estimate based on
33 readily available data on the number of low-wage jobs within the
34 jurisdiction and how many housing units within the jurisdiction
35 are affordable to low-wage workers as well as an estimate based
36 on readily available data, of projected job growth and projected
37 household growth by income level within each member jurisdiction
38 during the planning period.

1 (2) The opportunities and constraints to development of
2 additional housing in each member jurisdiction, including all of
3 the following:

4 (A) Lack of capacity for sewer or water service due to federal
5 or state laws, regulations or regulatory actions, or supply and
6 distribution decisions made by a sewer or water service provider
7 other than the local jurisdiction that preclude the jurisdiction from
8 providing necessary infrastructure for additional development
9 during the planning period.

10 (B) The availability of land suitable for urban development or
11 for conversion to residential use, the availability of underutilized
12 land, and opportunities for infill development and increased
13 residential densities. The council of governments may not limit
14 its consideration of suitable housing sites or land suitable for urban
15 development to existing zoning ordinances and land use restrictions
16 of a locality, but shall consider the potential for increased
17 residential development under alternative zoning ordinances and
18 land use restrictions. The determination of available land suitable
19 for urban development may exclude lands where the Federal
20 Emergency Management Agency (~~FEMA~~) or the Department of
21 Water Resources has determined that the flood management
22 infrastructure designed to protect that land is not adequate to avoid
23 the risk of flooding.

24 (C) Lands preserved or protected from urban development under
25 existing federal or state programs, or both, designed to protect
26 open space, farmland, environmental habitats, and natural resources
27 on a long-term basis, including land zoned or designated for
28 agricultural protection or preservation that is subject to a local
29 ballot measure that was approved by the voters of that jurisdiction
30 that prohibits or restricts conversion to ~~non-agricultural~~
31 *nonagricultural* uses.

32 (D) County policies to preserve prime agricultural land, as
33 defined pursuant to Section 56064, within an unincorporated *area*
34 and land within an unincorporated area zoned or designated for
35 agricultural protection or preservation that is subject to a local
36 ballot measure that was approved by the voters of that jurisdiction
37 that prohibits or restricts its conversion to ~~non-agricultural~~
38 *nonagricultural* uses.

39 (3) The distribution of household growth assumed for purposes
40 of a comparable period of regional transportation plans and

1 opportunities to maximize the use of public transportation and
2 existing transportation infrastructure.

3 (4) Agreements between a county and cities in a county to direct
4 growth toward incorporated areas of the county and land within
5 an unincorporated area zoned or designated for agricultural
6 protection or preservation that is subject to a local ballot measure
7 that was approved by the voters of the jurisdiction that prohibits
8 or restricts conversion to ~~non-agricultural~~ *nonagricultural* uses.

9 (5) The loss of units contained in assisted housing developments,
10 as defined in paragraph (9) of subdivision (a) of Section 65583,
11 that changed to non-low-income use through mortgage prepayment,
12 subsidy contract expirations, or termination of use restrictions.

13 (6) The percentage of existing households at each of the income
14 levels listed in subdivision ~~(e)~~ (f) of Section 65584 that are paying
15 more than 30 percent and more than 50 percent of their income in
16 rent.

17 (7) The rate of overcrowding.

18 (8) The housing needs of farmworkers.

19 (9) The housing needs generated by the presence of a private
20 university or a campus of the California State University or the
21 University of California within any member jurisdiction.

22 *(10) The housing needs of individuals and families experiencing*
23 *homelessness. If a council of governments has surveyed each of*
24 *its member jurisdictions pursuant to subdivision (b) on or before*
25 *January 1, 2020, this paragraph shall apply only to the*
26 *development of methodologies for the seventh and subsequent*
27 *revisions of the housing element.*

28 ~~(10)~~

29 (11) The loss of units during a state of emergency that was
30 declared by the Governor pursuant to the California Emergency
31 Services Act (Chapter 7 (commencing with Section 8550) of
32 Division 1 of Title 2), during the planning period immediately
33 preceding the relevant revision pursuant to Section 65588 that
34 have yet to be rebuilt or replaced at the time of the analysis.

35 ~~(11)~~

36 (12) The region's greenhouse gas emissions targets provided
37 by the State Air Resources Board pursuant to Section 65080.

38 (13) *For any scheduled revision required by Section 65588 on*
39 *or after July 1, 2022, the amount of land in each member*
40 *jurisdiction that is within a very high fire risk area, by allocating*

1 a lower proportion of housing to a jurisdiction if it is likely that
2 the jurisdiction would otherwise need to identify lands within a
3 very high fire risk area as adequate sites pursuant to Section 65583
4 in order to meet its housing need allocation. In determining
5 whether it is likely the jurisdiction would otherwise need to identify
6 lands within a very high fire risk area as adequate sites pursuant
7 to Section 65583 in order to meet its housing need allocation, the
8 council of governments, or delegate subregion as applicable, shall
9 consider factors that include, but are not limited to, the following:

10 (A) The percentage of land described in subparagraph (B) of
11 paragraph (2) within the jurisdiction that is located with a very
12 high fire risk area.

13 (B) The percentage of the jurisdiction's housing capacity located
14 on sites identified pursuant to Section 65583 in the prior housing
15 element for the jurisdiction that is within a very high fire risk area.

16 (C) Whether it is likely that compliance with the wildfire risk
17 reduction standards set forth in Section 65012 and the regulations
18 of the State Fire Marshal adopted pursuant to Section 65013 would
19 effectively reduce densities on lands within the jurisdiction that
20 are otherwise suitable for development.

21 (D) Whether suitable alternative sites exist outside the
22 jurisdiction, but within the region, to accommodate the remaining
23 regional housing need.

24 ~~(12)~~

25 (14) Any other factors adopted by the council of governments,
26 that further the objectives listed in subdivision (d) of Section
27 65584, provided that the council of governments specifies which
28 of the objectives each additional factor is necessary to further. The
29 council of governments may include additional factors unrelated
30 to furthering the objectives listed in subdivision (d) of Section
31 65584 so long as the additional factors do not undermine the
32 objectives listed in subdivision (d) of Section 65584 and are applied
33 equally across all household income levels as described in
34 subdivision (f) of Section 65584 and the council of governments
35 makes a finding that the factor is necessary to address significant
36 health and safety conditions.

37 (f) The council of governments, or delegate subregion, as
38 applicable, shall explain in writing how each of the factors
39 described in subdivision (e) was incorporated into the methodology
40 and how the methodology furthers the objectives listed in

1 subdivision (d) of Section 65584. The methodology may include
2 numerical weighting. This ~~information~~ *information*, and any other
3 supporting materials used in determining the methodology, shall
4 be posted on the council of governments', or delegate subregion's,
5 ~~Internet Web site.~~ *internet website*.

6 (g) The following criteria shall not be a justification for a
7 determination or a reduction in a jurisdiction's share of the regional
8 housing need:

9 (1) Any ordinance, policy, voter-approved measure, or standard
10 of a city or county that directly or indirectly limits the number of
11 residential building permits issued by a city or county.

12 (2) Prior underproduction of housing in a city or county from
13 the previous regional housing need allocation, as determined by
14 each jurisdiction's annual production report submitted pursuant
15 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
16 65400.

17 (3) Stable population numbers in a city or county from the
18 previous regional housing needs cycle.

19 (h) Following the conclusion of the public comment period
20 described in subdivision (d) on the proposed allocation
21 methodology, and after making any revisions deemed appropriate
22 by the council of governments, or delegate subregion, as applicable,
23 as a result of comments received during the public comment period,
24 and as a result of consultation with the department, each council
25 of governments, or delegate subregion, as applicable, shall publish
26 a draft allocation methodology on its ~~Internet Web site~~ *internet*
27 *website* and submit the draft allocation methodology, along with
28 the information required pursuant to subdivision (e), to the
29 department.

30 (i) Within 60 days, the department shall review the draft
31 allocation methodology and report its written findings to the
32 council of governments, or delegate subregion, as applicable. In
33 its written findings the department shall determine ~~whether~~ *if* the
34 methodology furthers the objectives listed in subdivision (d) of
35 Section 65584. If the department determines that the methodology
36 is not consistent with subdivision (d) of Section 65584, the council
37 of governments, or delegate subregion, as applicable, shall take
38 one of the following actions:

1 (1) Revise the methodology to further the objectives listed in
2 subdivision (d) of Section 65584 and adopt a final regional, or
3 subregional, housing need allocation methodology.

4 (2) Adopt the regional, or subregional, housing need allocation
5 methodology without revisions and include within its resolution
6 of adoption findings, supported by substantial evidence, as to why
7 the council of governments, or delegate subregion, believes that
8 the methodology furthers the objectives listed in subdivision (d)
9 of Section 65584 despite the findings of the department.

10 (j) If the department's findings are not available within the time
11 limits set by subdivision (i), the council of governments, or delegate
12 subregion, may act without them.

13 (k) Upon either action pursuant to subdivision (i), the council
14 of governments, or delegate subregion, shall provide notice of the
15 adoption of the methodology to the jurisdictions within the region,
16 or delegate subregion, as applicable, and to the department, and
17 shall publish the adopted allocation methodology, along with its
18 resolution and any adopted written findings, on its ~~Internet Web~~
19 ~~site.~~ *internet website.*

20 (l) The department may, within 90 days, review the adopted
21 methodology and report its findings to the council of governments,
22 or delegate subregion.

23 (m) (1) It is the intent of the Legislature that housing planning
24 be coordinated and integrated with the regional transportation plan.
25 To achieve this goal, the allocation plan shall allocate housing
26 units within the region consistent with the development pattern
27 included in the sustainable communities strategy.

28 (2) The final allocation plan shall ensure that the total regional
29 housing need, by income category, as determined under Section
30 65584, is maintained, and that each jurisdiction in the region
31 receive an allocation of units for low- and very low income
32 households.

33 (3) The resolution approving the final housing need allocation
34 plan shall demonstrate that the plan is consistent with the
35 sustainable communities strategy in the regional transportation
36 plan and furthers the objectives listed in subdivision (d) of Section
37 65584.

38 (4) *Notwithstanding the requirements of this subdivision, the*
39 *resolution approving the final housing need allocation plan for*
40 *the San Diego Association of Governments' sixth revision shall*

1 *use the sustainable communities strategy in the regional*
2 *transportation plan adopted by the San Diego Association of*
3 *Governments on October 9, 2015, to demonstrate the consistency*
4 *determinations required in paragraphs (1) and (3).*

5 ~~SEC. 10.~~

6 *SEC. 11.* Section 65584.06 of the Government Code is amended
7 to read:

8 65584.06. (a) For cities and counties without a council of
9 governments, the department shall determine and distribute the
10 existing and projected housing need, in accordance with Section
11 65584 and this section. If the department determines that a county
12 or counties, supported by a resolution adopted by the board or
13 boards of supervisors, and a majority of cities within the county
14 or counties representing a majority of the population of the county
15 or counties, possess the capability and resources and has agreed
16 to accept the responsibility, with respect to its jurisdiction, for the
17 distribution of the regional housing need, the department shall
18 delegate this responsibility to the cities and county or counties.

19 (b) The distribution of regional housing need shall, based upon
20 available data and in consultation with the cities and counties, take
21 into consideration market demand for housing, the distribution of
22 household growth within the county assumed in the regional
23 transportation plan where applicable, employment opportunities
24 and commuting patterns, the availability of suitable sites and public
25 facilities, agreements between a county and cities in a county to
26 direct growth toward incorporated areas of the county, or other
27 considerations as may be requested by the affected cities or
28 counties and agreed to by the department. As part of the allocation
29 of the regional housing need, the department shall provide each
30 city and county with data describing the assumptions and
31 methodology used in calculating its share of the regional housing
32 need. Consideration of suitable housing sites or land suitable for
33 urban development is not limited to existing zoning ordinances
34 and land use restrictions of a locality, but shall include
35 consideration of the potential for increased residential development
36 under alternative zoning ordinances and land use restrictions. The
37 determination of available land suitable for urban development
38 may exclude lands where the Federal Emergency Management
39 Agency (FEMA) or the Department of Water Resources has

1 determined that the flood management infrastructure designed to
2 protect that land is not adequate to avoid the risk of flooding.

3 (c) For any scheduled revision required by Section 65588 on or
4 after July 1, 2022, the distribution of regional housing need
5 pursuant to this section shall also take into consideration the
6 amount of land in each city and each county that is within a very
7 high fire risk area, by allocating a lower proportion of housing to
8 a jurisdiction if it is likely that the jurisdiction would otherwise
9 need to identify lands within a very high fire risk area as adequate
10 sites pursuant to Section 65583 in order to meet its housing need
11 allocation. In determining whether it is likely the jurisdiction would
12 otherwise need to identify lands within a very high fire risk area
13 as adequate sites pursuant to Section 65583 in order to meet its
14 housing need allocation, the department shall consider factors that
15 include, but are not limited to, the following:

16 (1) The percentage of land described in subparagraph (B) of
17 paragraph (2) of subdivision (e) of Section 65584.04 within the
18 jurisdiction that is located with a very high fire risk area.

19 (2) The percentage of the jurisdiction's housing capacity located
20 on sites identified pursuant to Section 65583 in the prior housing
21 element for the jurisdiction that is within a very high fire risk area.

22 (3) Whether it is likely that compliance with the wildfire risk
23 reduction standards set forth in Section 65012 and the regulations
24 of the State Fire Marshal adopted pursuant to Section 65013 would
25 effectively reduce densities on lands within the jurisdiction that
26 are otherwise suitable for development.

27 (4) Whether suitable alternative sites exist outside the
28 jurisdiction, but within the region, to accommodate the remaining
29 regional housing need.

30 (d) Within 90 days following the department's determination
31 of a draft distribution of the regional housing need to the cities and
32 the county, a city or county may propose to revise the determination
33 of its share of the regional housing need in accordance with criteria
34 set forth in the draft distribution. The proposed revised share shall
35 be based upon comparable data available for all affected
36 jurisdictions, and accepted planning methodology, and shall be
37 supported by adequate documentation.

38 (e) (1) Within 60 days after the end of the 90-day time period
39 for the revision by the cities or county, the department shall accept
40 the proposed revision, modify its earlier determination, or indicate

1 why the proposed revision is inconsistent with the regional housing
2 need.

3 (2) If the department does not accept the proposed revision,
4 then, within 30 days, the city or county may request a public
5 hearing to review the determination.

6 (3) The city or county shall be notified within 30 days by
7 certified mail, return receipt requested, of at least one public
8 hearing regarding the determination.

9 (4) The date of the hearing shall be at least 10 but not more than
10 15 days from the date of the notification.

11 (5) Before making its final determination, the department shall
12 consider all comments received and shall include a written response
13 to each request for revision received from a city or county.

14 (f) If the department accepts the proposed revision or modifies
15 its earlier determination, the city or county shall use that share. If
16 the department grants a revised allocation pursuant to subdivision
17 (d), the department shall ensure that the total regional housing
18 need is maintained. The department's final determination shall be
19 in writing and shall include information explaining how its action
20 is consistent with this section. If the department indicates that the
21 proposed revision is inconsistent with the regional housing need,
22 the city or county shall use the share that was originally determined
23 by the department. The department, within its final determination,
24 may adjust the allocation of a city or county that was not the subject
25 of a request for revision of the draft distribution.

26 (g) The department shall issue a final regional housing need
27 allocation for all cities and counties within 45 days of the
28 completion of the local review period.

29 (h) Statutory changes enacted after the date the department
30 issued a final determination pursuant to this section shall not be a
31 basis for a revision of the final determination.

32 *SEC. 11.5. Section 65584.06 of the Government Code is*
33 *amended to read:*

34 65584.06. (a) For cities and counties without a council of
35 governments, the department shall determine and distribute the
36 existing and projected housing need, in accordance with Section
37 65584 and this section. If the department determines that a county
38 or counties, supported by a resolution adopted by the board or
39 boards of supervisors, and a majority of cities within the county
40 or counties representing a majority of the population of the county

1 or counties, possess the capability and resources and has agreed
2 to accept the responsibility, with respect to its jurisdiction, for the
3 distribution of the regional housing need, the department shall
4 delegate this responsibility to the cities and county or counties.

5 (b) The distribution of regional housing need shall, based upon
6 available data and in consultation with the cities and counties, take
7 into consideration market demand for housing, the distribution of
8 household growth within the county assumed in the regional
9 transportation plan where applicable, employment opportunities
10 and commuting patterns, the availability of suitable sites and public
11 facilities, *the needs of individuals and families experiencing*
12 *homelessness*, agreements between a county and cities in a county
13 to direct growth toward incorporated areas of the county, or other
14 considerations as may be requested by the affected cities or
15 counties and agreed to by the department. As part of the allocation
16 of the regional housing need, the department shall provide each
17 city and county with data describing the assumptions and
18 methodology used in calculating its share of the regional housing
19 need. Consideration of suitable housing sites or land suitable for
20 urban development is not limited to existing zoning ordinances
21 and land use restrictions of a locality, but shall include
22 consideration of the potential for increased residential development
23 under alternative zoning ordinances and land use restrictions. The
24 determination of available land suitable for urban development
25 may exclude lands where the Federal Emergency Management
26 Agency (FEMA) or the Department of Water Resources has
27 determined that the flood management infrastructure designed to
28 protect that land is not adequate to avoid the risk of flooding.

29 (c) *For any scheduled revision required by Section 65588 on*
30 *or after July 1, 2022, the distribution of regional housing need*
31 *pursuant to this section shall also take into consideration the*
32 *amount of land in each city and each county that is within a very*
33 *high fire risk area, by allocating a lower proportion of housing to*
34 *a jurisdiction if it is likely that the jurisdiction would otherwise*
35 *need to identify lands within a very high fire risk area as adequate*
36 *sites pursuant to Section 65583 in order to meet its housing need*
37 *allocation. In determining whether it is likely the jurisdiction would*
38 *otherwise need to identify lands within a very high fire risk area*
39 *as adequate sites pursuant to Section 65583 in order to meet its*

1 *housing need allocation, the department shall consider factors*
2 *that include, but are not limited to, the following:*

3 *(1) The percentage of land described in subparagraph (B) of*
4 *paragraph (2) of subdivision (e) of Section 65584.04 within the*
5 *jurisdiction that is located with a very high fire risk area.*

6 *(2) The percentage of the jurisdiction's housing capacity located*
7 *on sites identified pursuant to Section 65583 in the prior housing*
8 *element for the jurisdiction that is within a very high fire risk area.*

9 *(3) Whether it is likely that compliance with the wildfire risk*
10 *reduction standards set forth in Section 65012 and the regulations*
11 *of the State Fire Marshal adopted pursuant to Section 65013 would*
12 *effectively reduce densities on lands within the jurisdiction that*
13 *are otherwise suitable for development.*

14 *(4) Whether suitable alternative sites exist outside the*
15 *jurisdiction, but within the region, to accommodate the remaining*
16 *regional housing need.*

17 ~~(e)~~

18 *(d) Within 90 days following the department's determination*
19 *of a draft distribution of the regional housing need to the cities and*
20 *the county, a city or county may propose to revise the determination*
21 *of its share of the regional housing need in accordance with criteria*
22 *set forth in the draft distribution. The proposed revised share shall*
23 *be based upon comparable data available for all affected*
24 *jurisdictions, and accepted planning methodology, and shall be*
25 *supported by adequate documentation.*

26 ~~(d)~~

27 *(e) (1) Within 60 days after the end of the 90-day time period*
28 *for the revision by the cities or county, the department shall accept*
29 *the proposed revision, modify its earlier determination, or indicate*
30 *why the proposed revision is inconsistent with the regional housing*
31 *need.*

32 *(2) If the department does not accept the proposed revision,*
33 *then, within 30 days, the city or county may request a public*
34 *hearing to review the determination.*

35 *(3) The city or county shall be notified within 30 days by*
36 *certified mail, return receipt requested, of at least one public*
37 *hearing regarding the determination.*

38 *(4) The date of the hearing shall be at least 10 but not more than*
39 *15 days from the date of the notification.*

1 (5) Before making its final determination, the department shall
2 consider all comments received and shall include a written response
3 to each request for revision received from a city or county.

4 ~~(e)~~

5 (f) If the department accepts the proposed revision or modifies
6 its earlier determination, the city or county shall use that share. If
7 the department grants a revised allocation pursuant to subdivision
8 (d), the department shall ensure that the total regional housing
9 need is maintained. The department's final determination shall be
10 in writing and shall include information explaining how its action
11 is consistent with this section. If the department indicates that the
12 proposed revision is inconsistent with the regional housing need,
13 the city or county shall use the share that was originally determined
14 by the department. The department, within its final determination,
15 may adjust the allocation of a city or county that was not the subject
16 of a request for revision of the draft distribution.

17 ~~(f)~~

18 (g) The department shall issue a final regional housing need
19 allocation for all cities and counties within 45 days of the
20 completion of the local review period.

21 ~~(g)~~

22 (h) Statutory changes enacted after the date the department
23 issued a final determination pursuant to this section shall not be a
24 basis for a revision of the final determination.

25 ~~SEC. 11.~~

26 *SEC. 12.* Section 65860.2 is added to the Government Code,
27 to read:

28 65860.2. (a) Not more than 12 months following the
29 amendment of the land use element of a city's or county's general
30 plan pursuant to Section 65302.11, each city or county that contains
31 a very high fire risk area, as defined in Section 65011, shall adopt
32 a very high fire risk overlay zone or otherwise amend its zoning
33 ordinance so that it is consistent with the general plan, as amended.

34 (b) Notwithstanding any other law, the minimum requirements
35 set forth in this section shall apply to all cities, including charter
36 cities, and counties that contain a very high fire risk area. The
37 Legislature finds and declares that establishment of minimum
38 requirements for wildfire protection in very high fire risk areas is
39 a matter of statewide concern and not a municipal affair as that
40 term is used in Section 5 of Article XI of the California

1 Constitution. Except as expressly stated, it is not the intent of the
2 Legislature to limit the ordinances, rules, or regulations that a city
3 or county may otherwise adopt and enforce beyond the minimum
4 requirements outlined in this section.

5 ~~SEC. 12.~~

6 *SEC. 13.* Section 65865.6 is added to the Government Code,
7 to read:

8 65865.6. (a) Notwithstanding any other law and subject to
9 subdivision (b), after the amendments to the land use element of
10 the city's or county's general plan and zoning ordinances required
11 by Sections 65302.11 and 65860.2 have become effective, the
12 legislative body of a city or county that contains a very high fire
13 risk area, as defined in Section 65011, shall not enter into a
14 development agreement for property that is located within such a
15 very high fire risk area unless the city or county finds, based on
16 substantial evidence in the record that the project and all structures
17 within the project are protected from wildfire risk in accordance
18 with the wildfire risk reduction standards in effect at the time that
19 the development agreement is entered into, or wildfire protection
20 standards adopted by the city or county that meet or exceed the
21 wildfire risk reduction standards in effect at the time that the
22 development agreement is entered into.

23 (b) Subdivision (a) shall apply only to a development agreement
24 entered into on or after the date upon which the statutes of
25 limitation specified in subdivision (c) of Section 65009 have run
26 with respect to the amendments to a city's or county's general plan
27 and zoning ordinances required by Sections 65302.11 and 65860.2
28 or, if the amendments and any associated environmental documents
29 are challenged in court, the validity of the amendments and any
30 associated environmental documents has been upheld in a final
31 decision.

32 (c) For purposes of this section, "wildfire risk reduction
33 standards" means the wildfire risk reduction standards set forth in
34 Section 65012 that are adopted pursuant to Section 65013 or
35 implemented by the city or county pursuant to subparagraph (B)
36 or (C) of paragraph (1) or subparagraph (B), (C), or (D) of
37 paragraph (2) of subdivision (a) of Section 65012.

38 (d) This section shall not be interpreted to change or diminish
39 the requirements of any other law or ordinance relating to fire
40 protection. In the event of conflict among the wildfire risk

1 reduction standards, or between the wildfire risk reduction
2 standards and the requirements of any other law relating to fire
3 protection, such conflicts shall be resolved in a manner which on
4 balance is most protective against potential loss from wildfire
5 exposure. Nothing in this section shall be construed to limit the
6 existing authority of a city or county under any other law from
7 adopting ordinances, rules, or regulations beyond the minimum
8 requirements outlined in this section.

9 ~~SEC. 13.~~

10 *SEC. 14.* Section 65962.1 is added to the Government Code,
11 to read:

12 65962.1. (a) Notwithstanding any other law, and subject to
13 subdivision (b), after the amendments to the land use element of
14 the city's or county's general plan and zoning ordinances required
15 by Sections 65302.11 and 65860.2 have become effective, a city
16 or county that contains a very high fire risk area, as defined in
17 Section 65011, shall not approve a discretionary permit or other
18 discretionary entitlement that would result in the construction of
19 a new building or construction that would result in an increase in
20 allowed occupancy for an existing building, or a ministerial permit
21 that would result in the construction of a new residence, for a
22 project that is located within such a very high fire risk area unless
23 the city or county finds, based on substantial evidence in the record
24 that the project and all structures within the project are protected
25 from wildfire risk in accordance with the wildfire risk reduction
26 standards defined in Section 65012, or wildfire protection standards
27 in effect at the time the application for the permit or entitlement
28 is deemed complete, adopted by the city or county that meet or
29 exceed the wildfire risk reduction standards in effect at the time
30 the application for the permit or entitlement is deemed complete.
31 Approval of a final map or parcel map that conforms to a
32 previously approved tentative map pursuant to Section 66458 shall
33 not constitute approval of a ministerial permit for purposes of this
34 section.

35 (b) Subdivision (a) shall only apply to a discretionary permit,
36 discretionary entitlement, or ministerial permit issued on or after
37 the date upon which the statutes of limitation specified in
38 subdivision (c) of Section 65009 have run with respect to the
39 amendments to a city's or a county's general plan and zoning
40 ordinances required by Sections 65302.11 and 65860.2 or, if the

1 amendments and any associated environmental documents are
2 challenged in court, the validity of the amendments and any
3 associated environmental documents has been upheld in a final
4 decision.

5 (c) This section shall not be interpreted to waive or reduce a
6 city or county's obligation pursuant to Section 65863 to ensure
7 that its housing element inventory accommodates, at all times
8 throughout the housing element planning period, its remaining
9 share of its regional housing need.

10 (d) This section shall not be interpreted to change or diminish
11 the requirements of any other law or ordinance relating to fire
12 protection. In the event of conflict among the wildfire risk
13 reduction standards, or between the wildfire risk reduction
14 standards and the requirements of any other law relating to fire
15 protection, such conflicts shall be resolved in a manner which on
16 balance is most protective against potential loss from wildfire
17 exposure. Nothing in this section shall be construed to limit the
18 existing authority of a city or county under any other law from
19 adopting ordinances, rules, or regulations beyond the minimum
20 requirements outlined in this section.

21 (e) For purposes of this section, "wildfire risk reduction
22 standards" means those wildfire risk reduction standards set forth
23 in Section 65012 that are adopted pursuant to Section 65013 or
24 implemented by the city or county pursuant to subparagraph (B)
25 or (C) of paragraph (1) of or subparagraph (B), (C), or (D) of
26 paragraph (2) of subdivision (a) of Section 65012.

27 ~~SEC. 14.~~

28 *SEC. 15.* Section 66474.03 is added to the Government Code,
29 to read:

30 66474.03. (a) Notwithstanding any other law and subject to
31 subdivision (b), after the amendments to the land use element of
32 the city's or county's general plan and zoning ordinances required
33 by Sections 65302.11 and 65860.2 have become effective, each
34 city and each county that contains a very high fire risk area, as
35 defined in Section 65011, shall deny approval of a tentative map,
36 or a parcel map for which a tentative map was not required, for a
37 subdivision that is located within such a very high fire risk area
38 unless, in addition to any findings required under Section 66474.02,
39 the city or county finds, based on substantial evidence in the record
40 that the project and all structures within the project are protected

1 from wildfire risk in accordance with the wildfire risk reduction
2 standards in effect at the time the application for the tentative map
3 or parcel map is deemed complete, or wildfire protection standards
4 adopted by the city or county that meet or exceed the wildfire risk
5 reduction standards in effect at the time the application for the
6 tentative map or parcel map is deemed complete.

7 (b) Subdivision (a) shall only apply to an approval of a tentative
8 map, or a parcel map for which a tentative map was not required,
9 on or after the date upon which the statutes of limitation specified
10 in subdivision (c) of Section 65009 have run with respect to the
11 amendments to the land use element of the city's or county's
12 general plan and zoning ordinances required by Sections 65302.11
13 and 65860.2 or, if the amendments and any associated
14 environmental documents are challenged in court, the validity of
15 the amendments and any associated environmental documents has
16 been upheld in a final decision.

17 (c) For purposes of this section, "wildfire risk reduction
18 standards" means those wildfire risk reduction standards set forth
19 in Section 65012 that are adopted pursuant to Section 65013 or
20 implemented by the city or county pursuant to subparagraph (B)
21 or (C) of paragraph (1) of subdivision (a) of, or subparagraph (B),
22 (C), or (D) of paragraph (2) of, subdivision (a) of Section 65012.

23 (d) This section shall not be interpreted to change or diminish
24 the requirements of any other law or ordinance relating to fire
25 protection. In the event of conflict among the wildfire risk
26 reduction standards, or between the wildfire risk reduction
27 standards and the requirements of any other law relating to fire
28 protection, such conflicts shall be resolved in a manner which on
29 balance is most protective against potential loss from wildfire
30 exposure. Nothing in this section shall be construed to limit the
31 existing authority of a city or county under any other law from
32 adopting ordinances, rules, or regulations beyond the minimum
33 requirements outlined in this section.

34 ~~SEC. 15.~~

35 *SEC. 16.* Section 13132.7 of the Health and Safety Code is
36 amended to read:

37 13132.7. (a) Within a very high fire hazard severity zone
38 designated by the Director of Forestry and Fire Protection pursuant
39 to Article 9 (commencing with Section 4201) of Chapter 1 of Part
40 2 of Division 4 of the Public Resources Code and within a very

1 high hazard severity zone designated by a local agency pursuant
2 to Chapter 6.8 (commencing with Section 51175) of Part 1 of
3 Division 1 of Title 5 of the Government Code, the entire roof
4 covering of every existing structure where more than 50 percent
5 of the total roof area is replaced within any one-year period, every
6 new structure, and any roof covering applied in the alteration,
7 repair, or replacement of the roof of every existing structure, shall
8 be a fire retardant roof covering that is at least class B as defined
9 in the Uniform Building Code, as adopted and amended by the
10 State Building Standards Commission.

11 (b) In all other areas, the entire roof covering of every existing
12 structure where more than 50 percent of the total roof area is
13 replaced within any one-year period, every new structure, and any
14 roof covering applied in the alteration, repair, or replacement of
15 the roof of every existing structure, shall be a fire retardant roof
16 covering that is at least class C as defined in the Uniform Building
17 Code, as adopted and amended by the State Building Standards
18 Commission.

19 (c) Notwithstanding subdivision (b), within state responsibility
20 areas classified by the State Board of Forestry and Fire Protection
21 pursuant to Article 3 (commencing with Section 4125) of Chapter
22 1 of Part 2 of Division 4 of the Public Resources Code, except for
23 those state responsibility areas designated as moderate fire hazard
24 responsibility zones, the entire roof covering of every existing
25 structure where more than 50 percent of the total roof area is
26 replaced within any one-year period, every new structure, and any
27 roof covering applied in the alteration, repair, or replacement of
28 the roof of every existing structure, shall be a fire retardant roof
29 covering that is at least class B as defined in the Uniform Building
30 Code, as adopted and amended by the State Building Standards
31 Commission.

32 (d) (1) Notwithstanding subdivision (a), (b), or (c), within very
33 high fire hazard severity zones designated by the Director of
34 Forestry and Fire Protection pursuant to Article 9 (commencing
35 with Section 4201) of Chapter 1 of Part 2 of Division 4 of the
36 Public Resources Code or by a local agency pursuant to Chapter
37 6.8 (commencing with Section 51175) of Part 1 of Division 1 of
38 Title 5 of the Government Code, the entire roof covering of every
39 existing structure where more than 50 percent of the total roof area
40 is replaced within any one-year period, every new structure, and

1 any roof covering applied in the alteration, repair, or replacement
2 of the roof of every existing structure, shall be a fire retardant roof
3 covering that is at least class A as defined in the Uniform Building
4 Code, as adopted and amended by the State Building Standards
5 Commission.

6 (2) Paragraph (1) does not apply to any jurisdiction containing
7 a very high fire hazard severity zone if the jurisdiction fulfills both
8 of the following requirements:

9 (A) Adopts the model ordinance approved by the State Fire
10 Marshal pursuant to Section 51189 of the Government Code or an
11 ordinance that substantially conforms to the model ordinance of
12 the State Fire Marshal.

13 (B) Transmits, upon adoption, a copy of the ordinance to the
14 State Fire Marshal.

15 (e) The State Building Standards Commission shall incorporate
16 the requirements set forth in subdivisions (a), (b), and (c) by
17 publishing them as an amendment to the California Building
18 Standards Code in accordance with Chapter 4 (commencing with
19 Section 18935) of Part 2.5 of Division 13.

20 (f) Nothing in this section shall limit the authority of a city,
21 county, city and county, or fire protection district in establishing
22 more restrictive requirements, in accordance with current law, than
23 those specified in this section.

24 (g) This section shall not affect the validity of an ordinance,
25 adopted prior to the effective date for the relevant roofing standard
26 specified in subdivisions (a) and (b), by a city, county, city and
27 county, or fire protection district, unless the ordinance mandates
28 a standard that is less stringent than the standards set forth in
29 subdivision (a), in which case the ordinance shall not be valid on
30 or after the effective date for the relevant roofing standard specified
31 in subdivisions (a) and (b).

32 (h) Any qualified historical building or structure as defined in
33 Section 18955 may, on a case-by-case basis, utilize alternative
34 roof constructions as provided by the State Historical Building
35 Code.

36 (i) The installer of the roof covering shall provide certification
37 of the roof covering classification, as provided by the manufacturer
38 or supplier, to the building owner and, when requested, to the
39 agency responsible for enforcement of this part. The installer shall

1 also install the roof covering in accordance with the manufacturer's
2 listing.

3 (j) No wood roof covering materials shall be sold or applied in
4 this state unless both of the following conditions are met:

5 (1) The materials have been approved and listed by the State
6 Fire Marshal as complying with the requirements of this section.

7 (2) The materials have passed at least 5 years of the 10-year
8 natural weathering test. The 10-year natural weathering test
9 required by this subdivision shall be conducted in accordance with
10 standard 15-2 of the 1994 edition of the Uniform Building Code
11 at a testing facility recognized by the State Fire Marshal.

12 (k) The Insurance Commissioner shall accept the use of fire
13 retardant wood roof covering material that complies with the
14 requirements of this section, used in the partial repair or
15 replacement of nonfire retardant wood roof covering material, as
16 complying with the requirement in Section 2695.9 of Title 10 of
17 the California Code of Regulations relative to matching
18 replacement items in quality, color, and size.

19 (l) No common interest development, as defined in Section 4100
20 or 6534 of the Civil Code, may require an owner to install or repair
21 a roof in a manner that is in violation of this section. The governing
22 documents, as defined in Section 4150 or 6552 of the Civil Code,
23 of a common interest development within a very high fire severity
24 zone shall allow for at least one type of fire retardant roof covering
25 material that meets the requirements of this section and that is, at
26 a minimum, class B, as defined in the International Building Code.

27 ~~SEC. 16.~~

28 *SEC. 17.* Section 4123.6 is added to the Public Resources Code,
29 to read:

30 4123.6. (a) For purposes of this section:

31 (1) "Department" means the Department of Forestry and Fire
32 Protection.

33 (2) "Program" means the Wildfire Risk Reduction Planning
34 Support Grants Program established by this section.

35 (3) "Small jurisdiction" means either of the following:

36 (A) A county that had a population of less than 250,000 as of
37 January 1, 2019.

38 (B) A city located within a county described in subparagraph
39 (A) that contains a very high fire risk area.

1 (b) (1) The Wildfire Risk Reduction Planning Support Grants
2 Program is hereby established for the purpose of providing small
3 jurisdictions that contain very high fire risk areas with grants for
4 planning activities to enable those jurisdictions to meet the
5 requirements set forth in the act adding this section.

6 (2) Upon appropriation by the Legislature for purposes of this
7 section, the department shall distribute three million dollars
8 (\$3,000,000) under the program, in accordance with subdivision
9 (e).

10 (c) The department shall administer the program and, consistent
11 with the requirements of this section, provide grants to jurisdictions
12 for the purposes described in paragraph (1) of subdivision (b).

13 (d) A small jurisdiction that receives an allocation of grant funds
14 pursuant to this section shall use that allocation solely for wildfire
15 risk reduction planning activities, including, but not limited to,
16 one or more of the following:

17 (1) Updating planning documents and zoning ordinances,
18 including general plans, community plans, specific plans, local
19 hazard mitigation plans, community wildfire protection plans,
20 climate adaptation plans, and local coastal programs to implement
21 Sections 65302.11 and 65860.2 of the Government Code.

22 (2) Developing and adopting a comprehensive retrofit strategy
23 in accordance with paragraph (5) of subdivision (g) of Section
24 65302 of the Government Code.

25 (3) Reviewing and updating the local designation of lands within
26 the jurisdiction as very high fire hazard severity zones pursuant to
27 subdivision (b) of Section 51179 of the Government Code.

28 (4) Implementing the wildfire risk reduction standards set forth
29 in Sections 65012 and 65013 of the Government Code or local
30 wildfire protection standards that meet or exceed those wildfire
31 risk reduction standards, including development and adoption of
32 any appropriate local ordinances, rules, or regulations.

33 (5) Establishing and initial funding of an enforcement program
34 in accordance with subparagraph (C) of paragraph (1) of
35 subdivision (a) of Section 65012 of the Government Code.

36 (6) Performing infrastructure planning, including for access
37 roads, water supplies providing fire protection, or other public
38 facilities necessary to support the wildfire risk reduction standards
39 set forth in Sections 65012 and 65013 of the Government Code.

- 1 (7) Partnering with other local entities to implement wildfire
2 risk reduction.
- 3 (8) Updating local planning processes to otherwise support
4 wildfire risk reduction.
- 5 (9) Completing any environmental review associated with the
6 activities described in paragraphs (1) to (8), inclusive.
- 7 (10) Covering the costs of temporary staffing or consulting
8 needs associated with the activities described in paragraphs (1) to
9 (9), inclusive.
- 10 (e) (1) The amount described in paragraph (2) of subdivision
11 (b) shall be allocated in each year for which funding is made
12 available for the program to small jurisdictions in accordance with
13 this subdivision.
- 14 (2) The department shall administer a noncompetitive,
15 over-the-counter application process for grants funded by the
16 allocation specified in paragraph (1) for wildfire risk reduction
17 planning activities, as described in subdivision (d), for small
18 jurisdictions.
- 19 (3) The department shall award no more than three hundred
20 fifty thousand dollars (\$350,000), and no less than two hundred
21 fifty thousand dollars (\$250,000), to a qualifying small jurisdiction.
- 22 (4) Any qualifying small jurisdiction may submit an application
23 for funding, in the form and manner prescribed by the department,
24 in order to receive an allocation of funds pursuant to this
25 subdivision. An application submitted pursuant to this paragraph
26 shall include a description of the proposed uses of funds, in
27 accordance with subdivision (d). The department shall verify
28 whether each funding request meets the minimum criteria
29 established by this subdivision and make awards on a continuous
30 basis based on those criteria.
- 31 (f) Of any amount appropriated for purposes of this section, up
32 to 5 percent of those funds may be set aside for program
33 administration by the department.
- 34 *SEC. 18. Article 10 (commencing with Section 4751) is added*
35 *to Chapter 10 of Part 2 of Division 4 of the Public Resources Code,*
36 *to read:*

1
2 *Article 10. Conservation Easements on Forested Lands*
3

4 4751. (a) (1) *This article shall apply to any conservation*
5 *easement contracted for purchase with state funds on or after*
6 *January 1, 2020, wherein land subject to the easement is composed*
7 *of existing forest lands, as defined in subdivision (g) of Section*
8 *12220, covering at least 40 acres, except as provided in paragraph*
9 *(2).*

10 (2) *The 40-acre minimum in paragraph (1) shall not apply if*
11 *the land subject to the easement has been zoned as a timberland*
12 *production zone pursuant to Section 51112 or 51113 of, and as*
13 *defined in subdivision (g) of Section 51104 of, the Government*
14 *Code.*

15 (b) *To the extent not in conflict with federal law, with the terms*
16 *of any applicable bond, or with the requirements of any other*
17 *funding source, the terms of any conservation easement subject to*
18 *this article shall address forest management to maintain and*
19 *improve forest health and resiliency to disturbances in order to*
20 *conserve and enhance the land's ability to provide long-term*
21 *carbon sequestration, climate benefits, and watershed functions.*

22 (c) *The provisions in any conservation easement subject to this*
23 *article, and any required management plan, shall guide forest*
24 *management, and other land management undertaken by the*
25 *landowner, to promote native forest ecological structures and*
26 *species composition consistent with the forest type, including stand*
27 *canopy and density, and the development or retention of key*
28 *structural elements for climate adaptation, including, but not*
29 *limited to, larger, older trees that benefit vulnerable fish and*
30 *wildlife.*

31 SEC. 19. (a) *Section 7.1 of this bill incorporates amendments*
32 *to Section 65302 of the Government Code proposed by both this*
33 *bill and Senate Bill 99. That section of this bill shall only become*
34 *operative if (1) both bills are enacted and become effective on or*
35 *before January 1, 2020, (2) each bill amends Section 65302 of the*
36 *Government Code, (3) Assembly Bill 65 is not enacted or as*
37 *enacted does not amend that section, and (4) this bill is enacted*
38 *after Senate Bill 99, in which case Sections 7, 7.2, and 7.3 of this*
39 *bill shall not become operative.*

1 **(b)** Section 7.2 of this bill incorporates amendments to Section
2 65302 of the Government Code proposed by both this bill and
3 Assembly Bill 65. That section of this bill shall only become
4 operative if (1) both bills are enacted and become effective on or
5 before January 1, 2020, (2) each bill amends Section 65302 of the
6 Government Code, (3) Senate Bill 99 is not enacted or as enacted
7 does not amend that section, and (4) this bill is enacted after
8 Assembly Bill 65, in which case Sections 7, 7.1 and 7.3 of this bill
9 shall not become operative.

10 **(c)** Section 7.3 of this bill incorporates amendments to Section
11 65302 of the Government Code proposed by this bill, Senate Bill
12 99, and AB 65. That section of this bill shall only become operative
13 if (1) all three bills are enacted and become effective on or before
14 January 1, 2020, (2) all three bills amend Section 65302 of the
15 Government Code, and (3) this bill is enacted after Senate Bill 99
16 and AB 65, in which case Sections 7, 7.1, and 7.2 of this bill shall
17 not become operative.

18 **SEC. 20.** **(a)** Section 10.1 of this bill incorporates amendments
19 to Section 65584.04 of the Government Code proposed by both
20 this bill and Assembly Bill 139. That section shall only become
21 operative if (1) both bills are enacted and become effective on or
22 before January 1, 2020, (2) each bill amends Section 65584.04 of
23 the Government Code, (3) Assembly Bill 1730 is not enacted or
24 as enacted does not amend that section, and (4) this bill is enacted
25 after Assembly Bill 139, in which case Sections 10, 10.2 and 10.3
26 of this bill shall not become operative.

27 **(b)** Section 10.2 of this bill incorporates amendments to Section
28 65584.04 of the Government Code proposed by both this bill and
29 Assembly Bill 1730. That section of this bill shall only become
30 operative if (1) both bills are enacted and become effective on or
31 before January 1, 2020, (2) each bill amends Section 65584.04 of
32 the Government Code, (3) Assembly Bill 139 is not enacted or as
33 enacted does not amend that section, and (4) this bill is enacted
34 after Assembly Bill 1730, in which case Sections 10, 10.1 and 10.3
35 of this bill shall not become operative.

36 **(c)** Section 10.3 of this bill incorporates amendments to Section
37 65584.04 of the Government Code proposed by this bill, Assembly
38 Bill 139, and Assembly Bill 1730. That section of this bill shall
39 only become operative if (1) all three bills are enacted and become
40 effective on or before January 1, 2020, (2) all three bills amend

1 *Section 65584.04 of the Government Code, and (3) this bill is*
2 *enacted after Assembly Bill 139 and Assembly Bill 1730, in which*
3 *case Sections 10, 10.1, and 10.2 of this bill shall not become*
4 *operative.*

5 *SEC. 21. Section 11.5 of this bill incorporates amendments to*
6 *Section 65584.06 of the Government Code proposed by both this*
7 *bill and Assembly Bill 139. That section of this bill shall only*
8 *become operative if (1) both bills are enacted and become effective*
9 *on or before January 1, 2020, (2) each bill amends Section*
10 *65584.06 of the Government Code, and (3) this bill is enacted after*
11 *Assembly Bill 139, in which case Section 11 of this bill shall not*
12 *become operative.*

13 ~~SEC. 17.~~

14 *SEC. 22. No reimbursement is required by this act pursuant to*
15 *Section 6 of Article XIII B of the California Constitution because*
16 *a local agency or school district has the authority to levy service*
17 *charges, fees, or assessments sufficient to pay for the program or*
18 *level of service mandated by this act, within the meaning of Section*
19 *17556 of the Government Code.*

[Business and Tax Regulations Code - Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

Ordinance amending the Business and Tax Regulations Code to suspend temporarily the application of the business registration and fee requirements for transportation network company drivers and taxi drivers.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *strikethrough italics Times New Roman font*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background, Purpose, and Findings.

(a) The California Constitution gives charter cities, including San Francisco, the power to “make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations” contained in their own charters. (Cal. Const., art. XI, § 5, subd. (a).)

(b) This constitutional power of charter cities to regulate their own municipal affairs without interference from the Legislature has long been held to encompass the power to license and tax local businesses for revenue purposes.

(c) In 2017, the Legislature enacted Senate Bill 182 (“SB 182”), the effect of which is to largely immunize automobile drivers who drive for online ride-hailing entities known as transportation network companies (“TNCs”) from local business license requirements. (Cal. Bus. & Prof. Code §§ 16550-16550.2.) Under SB 182, a city – purportedly including a charter city – must allow such a driver to conduct business freely within its borders without obtaining

1 any locally-issued business license, and without paying any business license tax, unless that
2 driver is "domiciled" in that city.

3 (d) On February 8, 2018, the City filed a lawsuit in San Francisco Superior Court
4 challenging the application of SB 182 to San Francisco, as an unlawful violation of the City's
5 power to regulate its own municipal affairs as guaranteed by the California Constitution. City
6 and County of San Francisco v. State of California (S.F. Sup. Ct. No. CPF-18-516041).

7 (e) In deference to state law and the judicial process, pending the resolution of this
8 litigation, the City intends to ensure that it is not in violation of SB 182. In addition to making
9 the City's business registration and fee requirements very difficult to administer, SB 182, as
10 applied in San Francisco, would lead to anomalous and unfair results. TNC drivers domiciled
11 outside of the City but providing services in the City would be exempt from the City's business
12 registration and fee requirements, but (1) TNC drivers domiciled in the City and providing
13 identical services in the City would have to register and pay, and (2) taxi drivers providing very
14 similar services in the City would have to register and pay, regardless of where they were
15 domiciled.

16 (f) To remedy this unfairness created by SB 182, it is in the City's best interests to
17 temporarily suspend the application of the business registration and fee requirements for all
18 TNC drivers and taxi drivers, whose only business activity in the City is TNC driving or taxi
19 driving, even though this will significantly reduce the City's business registration fee revenues.
20 The suspension is intended to remain in place through the resolution of the City's litigation
21 challenging SB 182.

22 (g) In applying SB 182 and temporarily suspending the business registration and fee
23 requirements for TNC drivers and taxi drivers, the City is not conceding the validity of SB 182
24 in whole or in part, as applied to the City or as applied elsewhere.
25

1 Section 2. The Business and Tax Regulations Code is hereby amended by revising
2 Section 853, to read as follows:

3 **SEC. 853. REGISTRATION CERTIFICATE – REQUIRED.**

4 (a) Except as provided in ~~subsections~~ *Subsection* (d) *and* (e), no person may engage in
5 business within the City unless the person has obtained a current registration certificate
6 pursuant to this Article 12. Every person engaging in business within the City shall
7 conspicuously display a current registration certificate on the business premises, regardless of
8 whether such person is subject to tax pursuant to the provisions of the Business and Tax
9 Regulations Code.

10 (b) Any organization having a formally recognized exemption from income taxation
11 pursuant to Section 501(c), 501(d), or 401(a) of the Internal Revenue Code of 1986, as
12 amended, as qualified by Sections 502, 503, 504, and 508 of Title 26 of the Internal Revenue
13 Code of 1986, as amended, and engaging in business within the City shall obtain a
14 registration certificate.

15 (c) Failure to obtain a registration certificate shall not absolve any person from
16 payment of any tax imposed or license required by the City.

17 (d) A person receiving rental income in connection with the operation of any of the
18 following shall not, by reason of that fact alone, be required to obtain a registration certificate
19 pursuant to this Article 12:

20 (1) a cooperative housing corporation, as defined in Section 216(b) of the
21 Internal Revenue Code of 1986, as amended;

22 (2) one residential structure consisting of fewer than four units; or

23 (3) one residential condominium.

24 *(e) The requirements to obtain a registration certificate and pay a fee under this Article 12*
25 *shall be suspended for any driver for a transportation network company and for any taxi driver for*

1 registration years 2018-2019 and 2019-2020. Additionally, the requirements to obtain a registration
2 certificate and pay a fee under this Article 12 shall be suspended for any driver for a transportation
3 network company and for any taxi driver commencing business in the City on or after January 1, 2018,
4 for registration year 2017-2018. The suspensions in this subsection (e) are further qualified and
5 defined as follows:

6 (1) The suspensions apply only to drivers whose business activity in the City is limited
7 to transportation network company driving and/or taxi driving.

8 (2) "Transportation network company" has the same meaning as in Section 5431(c) of
9 the California Public Utilities Code.

10 (3) "Taxi" has the same meaning as in Section 1102 of Article 1100 of the
11 Transportation Code.

12 (4) The Board of Supervisors may at any time, by ordinance, extend or terminate the
13 suspensions.

14
15 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the "Note" that appears under
20 the official title of the ordinance.


21
22 Section 3. Effective Date; Retroactivity.

23 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
25

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor's veto of the ordinance.

3 (b) This ordinance shall be retroactive to January 1, 2018.
4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: 
8 KERNE H. O. MATSUBARA
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 180157

Date Passed: April 17, 2018

Ordinance amending the Business and Tax Regulations Code to suspend temporarily the application of the business registration and fee requirements for transportation network company drivers and taxi drivers.

April 02, 2018 Land Use and Transportation Committee - RECOMMENDED

April 10, 2018 Board of Supervisors - PASSED ON FIRST READING

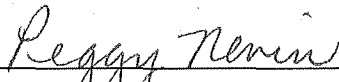
Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

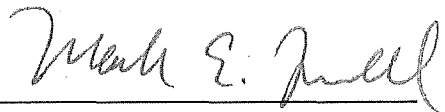
April 17, 2018 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

File No. 180157

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
4/17/2018 by the Board of Supervisors of
the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board


Mark E. Farrell
Mayor


Date Approved

Member, Board of Supervisors
District 3



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2019 DEC -5 AM 9:29

BY

A handwritten signature in black ink, appearing to be "A. Peskin", written over a horizontal line.

COR
LEG. DEP.
Committee clerk

AARON PESKIN
佩斯金市參事

DATE: December 2, 2019
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee
RE: Land Use and Transportation Committee
COMMITTEE REPORTS

A handwritten signature in black ink, appearing to be "A. Peskin", written to the right of the "FROM:" line.

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, December 10, 2019, as Committee Reports:

191085 Interim Zoning Controls - Conditional Use Authorization for Conversion of Unpermitted Residential Care Facilities

Resolution modifying interim zoning controls established in Resolution No. 430-19, which require a Conditional Use authorization for Residential Care Facilities, to clarify that those interim zoning controls apply to certain Residential Care Facilities, including facilities lacking required permits; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

191016 Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

191106 Administrative Code - Annual Report on Job Growth and Housing Production

Ordinance amending the Administrative Code to require an annual report analyzing the fit between housing needs associated with job growth by wages in San Francisco and housing production by affordability in the City.

COMMITTEE REPORT MEMORANDUM

Land Use and Transportation Committee

✓

191107 Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

191017 Housing Code - Heat Requirements in Residential Rental Units

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

190973 Health Code - Approving a New Location for a Permittee's Medical Cannabis Dispensary Permit

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department's determination under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 9, 2019, at 1:30 p.m.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Maguire, Interim Executive Director, Municipal Transportation Agency

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: November 5, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on October 29, 2019:

File No. 191107

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency

Introduction Form

By a Member of the Board of Supervisors or Mayor

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2019 OCT 29 11:40
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or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Peskin

Subject:

[Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

The text is listed:

Ordinance amending the Business and Tax Regulations Code to extend through fiscal year 2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

Signature of Sponsoring Supervisor:



For Clerk's Use Only