

File No. 210620

Committee Item No. _____

Board Item No. 37

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: June 8, 2021

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- Assembly Bill 1584
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Prepared by: Jocelyn Wong
Prepared by: _____

Date: June 4, 2021
Date: _____

1 [Supporting California State Assembly Bill No. 1584 (Chiu) - Residential Certificate of
2 Preference]

3 **Resolution supporting California State Assembly Bill No. 1584, Residential Certificate**
4 **of Preference, authored by Assembly Member David Chiu, to prioritize descendants of**
5 **people displaced under redevelopment initiatives for city-funded affordable housing**
6 **lotteries.**

7
8 WHEREAS, In the 1960s and 1970s, thousands of people were displaced from their
9 homes as redevelopment agencies carried out urban renewal initiatives; and

10 WHEREAS, Prior to the dissolution of redevelopment agencies and particularly during
11 urban renewal efforts, some redevelopment agencies destroyed a substantial number of
12 residential dwelling units affordable to very low, low-, and moderate-income households; and

13 WHEREAS, The destruction of neighborhoods as part of redevelopment efforts caused
14 irreparable harm to the persons living in those neighborhoods and to entire communities,
15 which were disproportionately communities of color and lower income; and

16 WHEREAS, In San Francisco, this resulted in mass displacement of communities of
17 color in neighborhoods like the Western Addition and Bayview; and

18 WHEREAS, Displacement causes harm not only to the displacees, but also negatively
19 impacts the displacees' descendants who did not directly experience the displacement but
20 who continue to suffer from adverse economic conditions, as demonstrated by their lower
21 income; and

22 WHEREAS, Under current law, cities are allowed to issue "certificates of preference" to
23 residents who were displaced under redevelopment; and

24 WHEREAS, A certificate of preference gives a person the highest priority when
25 applying for housing that is funded or assisted by a redevelopment successor agency and

1 certificates of preference can be used in city-sponsored lotteries for both rental units and
2 homeownership opportunities; and

3 WHEREAS, In 2008, San Francisco enacted Ordinance 232-08, to establish a
4 preference in occupying units or receiving assistance under all City affordable housing
5 programs to Residential Certificate of Preference Holders under the San Francisco
6 Redevelopment Agency's Property Owner and Occupant Preference Program; and

7 WHEREAS, In 2013, the City enacted Ordinance 277-13, to establish a second
8 preference in occupying unites or receiving assistance under all City affordable housing
9 programs to certain San Francisco residents displaced by an eviction under the Ellis Act; and

10 WHEREAS, In 2015, the City amended the Residential Certificate of Preference
11 Program in Ordinance 204-15, to expand the definition of "Displaced Tenant" and added a
12 third "Neighborhood Preference" to include a half mile buffer for each unit or project that is
13 part of a City Affordable Housing Program; and

14 WHEREAS, San Francisco has a robust certificate of preference program administered
15 by the Mayor's Office of Housing and Community Development that prioritizes residents
16 impacted by redevelopment displacement for Office of Community Investment and
17 Infrastructure (OCII) projects or city-funded housing projects; and

18 WHEREAS, A preference in qualifying for affordable housing for residents who have
19 been, or are about to been displaced is necessary to achieve the important public purpose of
20 increasing opportunities for those residents to continue to live in San Francisco; and

21 WHEREAS, Assembly Bill No. 1584 (AB 1584), authored by Assembly Member David
22 Chiu, and co-authored by Assembly Members Kelly Seyarto, Jesse Gabriel, Ash Kalra, Kevin
23 Kiley, Brian Maienschein, Sharon Quirk-Silva, and Buffy Wicks, introduced by the Assembly
24 Housing and Community Development Committee's annual omnibus bill, would make
25 descendants of those displaced by redevelopment eligible for a certificate of preference; and

1 WHEREAS, Descendants are defined as children, grandchildren, or other lineal
2 descendants; and

3 WHEREAS, To mitigate some of the harm caused by the original displacement, a
4 person of low- or moderate-income who had a parent or grandparent displaced by a
5 redevelopment project, but who did not live in the household or had not been born at the time
6 of displacement should receive a preference in renting or buying affordable housing assisted
7 by a redevelopment agency or its successor; now, therefore, be it

8 RESOLVED, That the San Francisco Board of Supervisors hereby formally express
9 support for AB 1584, Residential Certificate of Preference, to prioritize descendants of people
10 displaced under redevelopment initiatives for city-funded affordable housing lotteries; and, be
11 it

12 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
13 Board to transmit a copy of this Resolution to the California State Senate, California State
14 Assembly, Governor Gavin Newsom, and the Bill's primary sponsor, Assembly Member David
15 Chiu.

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AMENDED IN ASSEMBLY APRIL 7, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1584

**Introduced by Committee on Housing and Community Development
(Assembly Members Chiu (Chair), Seyarto (Vice Chair), Gabriel,
Kalra, Kiley, Maienschein, Quirk-Silva, and Wicks)**

March 10, 2021

An act to amend Sections ~~798.56 and 2924.15~~ 798.56, 2924.15, and 4741 of, and to add Section 714.3 to, the Civil Code, to amend Section 1161.2 of the Code of Civil Procedure, to amend ~~Section 65913.4~~ Sections 65583.2, 65863.10, 65863.11, 65913.4, and 65915 of the Government Code, and to amend ~~Sections 18214 and~~ Section 50199.14 of, and to add Section 34178.8 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1584, as amended, Committee on Housing and Community Development. Housing omnibus.

(1) The Planning and Zoning Law authorizes a local agency to provide for the creation of accessory dwelling units in single-family and multifamily residential zones by ordinance, and sets forth standards the ordinance is required to impose with respect to certain matters, including, among others, maximum unit size, parking, and height standards. Existing law authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones and requires the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements.

Existing law, the Davis-Stirling Common Interest Development Act, which governs the management and operation of common interest developments, makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units. However, the Davis-Stirling Common Interest Development Act permits reasonable restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with those aforementioned minimum standards provisions.

This bill would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in real property that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units, but would permit reasonable restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with those aforementioned minimum standards provisions.

Existing law prohibits a common interest development from adopting or enforcing a provision in a governing document, or amendment to a governing document, that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. The act requires a common interest development to comply with the prohibition on rental restrictions regardless of whether the common interest development has revised its governing documents to comply with the act and requires a common interest development to amend its governing documents no later than December 31, 2021.

This bill would require the common interest development board, without approval of the members, to amend any declaration or other governing document no later than July 1, 2022, that includes a

prohibited restrictive covenant, as provided. The bill would require a board to provide general notice of the amendment at least 28 days before approving the amendment and would require any decision on the amendment to be made at a board meeting, after consideration of any comments made by association members.

(2) Existing law, the Mobilehome Residency Law, requires the management of a mobilehome park to comply with notice and specified other requirements in order to terminate a tenancy in a mobilehome park due to a change of use of the mobilehome park, including giving homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for the change of use.

This bill would instead require the management to give homeowners at least 60 days' written notice that the management will be appearing before a local governmental board, commission, or body to obtain local approval for the intended change of use of the mobilehome park.

(3) Existing law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust. In this regard, existing law requires that a notice of default and a notice of sale be recorded and that specified periods of time elapse between the recording and the sale. Existing law establishes certain requirements in connection with foreclosures on mortgages and deeds of trust, including restrictions on the actions mortgage servicers may take while a borrower is attempting to secure a loan modification or has submitted a loan modification application. Existing law, until January 1, 2023, applies those protections to a first lien mortgage or deed of trust that is secured by residential real property that is occupied by a tenant, contains no more than 4 dwelling units, and meets certain criteria, including that a tenant occupying the property is unable to pay rent due to a reduction in income resulting from COVID-19.

The bill, commencing January 1, 2023, would limit the extension of those protections to the above-described first lien mortgages and deeds of trust to instances in which the borrower has been approved for foreclosure prevention, as specified, or the borrower submitted a completed application for a first lien loan modification before January 1, 2023, and, as of January 1, 2023, either the mortgage servicer has not yet determined whether the applicant is eligible, or the appeal period for the mortgage servicer's denial of the application has not yet expired.

(4) Existing law requires the court clerk to allow access to limited civil case records filed, including the court file, index, and register of

actions, under specified provisions relating to real property proceedings, if specified provisions are met, including to any other person 60 days after the complaint has been filed if the plaintiff prevails in the action within 60 days of the filing of the complaint, as specified.

This bill would instead require access to be provided to any other person 60 days after the complaint has been filed if judgment against all defendants has been entered for the plaintiff within 60 days of the filing of the complaint, as specified.

(5) Existing law, the Planning and Zoning Law, requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element. Existing law requires that at least 25% of a metropolitan jurisdiction's share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 4 units of housing, but no more than 100 units per acre of housing, and requires that at least 25% of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 4 units of housing. Existing law exempts a housing element revision that is originally due on or before January 1, 2021, as provided.

This bill would recast that provision to state the exemption applies to a housing element revision that is originally due on or before January 1, 2022, as provided.

Existing law requires an owner of an assisted housing development, as defined, to give a 12-month notice prior to terminating prior to the anticipated date of the termination of a subsidy contract, the expiration of rental restrictions, or prepayment on an assisted housing development, to tenants and specified public entities, except as provided. Existing law requires specified information to be provided in the notice to tenants, including a statement of the possibility that the housing may remain in the federal or other program after the proposed date of subsidy termination or prepayment. Existing law prohibits an owner from terminating a subsidy contract or prepayment of a mortgage unless the owner or its agent has provided qualified entities an opportunity to submit an offer to purchase the development.

Existing law specifies requirements of an owner as to receipt and acceptance of a bona fide offer, including that if an owner has received a bona fide offer from a qualified entity within the first 180 days from the date of an owner's notice of the opportunity to submit an offer to purchase, the owner is prohibited from accepting an offer from another

entity and is required to accept the offer, or declare, in writing, to the qualified entity and the Department of Housing and Community Development that it will not sell the property for at least five years from the date of the declaration. Existing law authorizes the owner to, within a second 180-day period, accept an offer from a nonqualified entity, provided the owner offers each qualified entity that made a bona fide offer to purchase the development the first opportunity to purchase the development at the same terms and conditions as the pending offer, unless the terms and conditions are modified by mutual consent.

This bill would define an assisted housing development to consist of five or more units and would add a definition for an “owner.” The bill would revise the statement required to be made to tenants regarding whether or not the applicable federal or other program allows the owner to elect to keep the housing in the program after the proposed termination or prepayment date. The bill would specify that the owner may receive offers from one or more entities and would require the owner to notify the Department of Housing and Community Development of the offers and either accept a bona fide offer to purchase from a qualified entity or declare, in writing, to the qualified entity or entities and the department that, if the property is not sold during the first 180-day period or the second 180-day period, the owner will not sell the property for at least five years after the end of the second 180-day period. The bill would make conforming changes.

~~(5) The Planning and Zoning Law,~~

Existing law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, among other things, that the development and the site on which it is located that satisfy specified location, urbanization, and zoning requirements. Existing law authorizes a development proponent to request a modification to a development that has been approved under the streamlined, ministerial approval process if the request is submitted before the issuance of the final building permit required for construction of the development.

The bill would also update cross-references in those provisions.

Existing law requires a city, county, or city and county to adopt an ordinance that specifies how it will implement the Density Bonus Law. Existing law provides incentive and concession calculations, and

provides an exemption from the calculations, as adjusted in 2020, for a city, county, or city and county that has adopted an ordinance or a housing program, or both an ordinance and a housing program, that incentivizes the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the Density Bonus Law, as provided.

This bill would update the references in those provisions.

~~(6) Existing law, the Mobilehome Parks Act, sets forth regulations and enforcement standards for mobilehome parks. Under the act, a mobilehome park is defined as any area or tract of land where 2 or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation, except as provided. Existing law also provides that the rental paid for a manufactured home, a mobilehome, or a recreational vehicle includes rental for the lot it occupies.~~

~~This bill would provide that an area or tract of land is not a mobilehome park due to the rental or lease of an accessory dwelling unit.~~

~~(7)~~

~~(6) Existing law dissolved redevelopment agencies and the redevelopment components of community development agencies as of February 1, 2012, and provides for the designation of successor agencies for specified purposes. Existing law authorizes a city or county that created a subsequently dissolved redevelopment agency to elect to retain the housing assets and functions previously performed by the agency, which entity is referred to as a housing successor. When a redevelopment project is developed with low- or moderate-income housing units, existing law requires that housing be made available for rent or purchase to persons and families of low or moderate income who were displaced by the project, as specified.~~

~~This bill would specify that a redevelopment agency's successor is required to offer displaced persons and families the opportunity to rent or purchase in housing projects, as described above. The bill would further require that the opportunity to rent or purchase also be extended to a person of low or moderate income whose parent was displaced by the redevelopment project and would require the housing successor to maintain a list of people who are eligible for this priority. The bill would~~

prescribe a definition of “parent” “descendant” for these purposes. The bill would make conforming changes. By requiring local officials to perform additional duties, this bill would impose a state-mandated local program.

(8)

(7) Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee (CTCAC) provides procedures and requirements for the allocation, in modified conformity with federal law, of state insurance, personal income, and corporation tax credit amounts to qualified low-income housing projects that have been allocated, or qualify for, a federal low-income housing tax credit, and farmworker housing.

This bill would correct a cross-reference in the provision setting forth CTCAC’s procedures and requirements for the allocation for those credits.

(9)

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 714.3 is added to the Civil Code, to read:
- 2 714.3. (a) Any covenant, restriction, or condition contained
- 3 in any deed, contract, security instrument, or other instrument
- 4 affecting the transfer or sale of any interest in real property that
- 5 either effectively prohibits or unreasonably restricts the
- 6 construction or use of an accessory dwelling unit or junior
- 7 accessory dwelling unit on a lot zoned for single-family residential
- 8 use that meets the requirements of Section 65852.2 or 65852.22
- 9 of the Government Code is void and unenforceable.
- 10 (b) This section does not apply to provisions that impose
- 11 reasonable restrictions on accessory dwelling units or junior
- 12 accessory dwelling units. For purposes of this subdivision,

1 “reasonable restrictions” means restrictions that do not
2 unreasonably increase the cost to construct, effectively prohibit
3 the construction of, or extinguish the ability to otherwise construct,
4 an accessory dwelling unit or junior accessory dwelling unit
5 consistent with the provisions of Section 65852.2 or 65852.22 of
6 the Government Code.

7 SEC. 2. Section 798.56 of the Civil Code, as amended by
8 Section 4 of Chapter 37 of the Statutes of 2020, is amended to
9 read:

10 798.56. A tenancy shall be terminated by the management only
11 for one or more of the following reasons:

12 (a) Failure of the homeowner or resident to comply with a local
13 ordinance or state law or regulation relating to mobilehomes within
14 a reasonable time after the homeowner receives a notice of
15 noncompliance from the appropriate governmental agency.

16 (b) Conduct by the homeowner or resident, upon the park
17 premises, that constitutes a substantial annoyance to other
18 homeowners or residents.

19 (c) (1) Conviction of the homeowner or resident for prostitution,
20 for a violation of subdivision (d) of Section 243, paragraph (2) of
21 subdivision (a), or subdivision (b), of Section 245, Section 288,
22 or Section 451, of the Penal Code, or a felony controlled substance
23 offense, if the act resulting in the conviction was committed
24 anywhere on the premises of the mobilehome park, including, but
25 not limited to, within the homeowner’s mobilehome.

26 (2) However, the tenancy may not be terminated for the reason
27 specified in this subdivision if the person convicted of the offense
28 has permanently vacated, and does not subsequently reoccupy, the
29 mobilehome.

30 (d) Failure of the homeowner or resident to comply with a
31 reasonable rule or regulation of the park that is part of the rental
32 agreement or any amendment thereto.

33 No act or omission of the homeowner or resident shall constitute
34 a failure to comply with a reasonable rule or regulation unless and
35 until the management has given the homeowner written notice of
36 the alleged rule or regulation violation and the homeowner or
37 resident has failed to adhere to the rule or regulation within seven
38 days. However, if a homeowner has been given a written notice
39 of an alleged violation of the same rule or regulation on three or
40 more occasions within a 12-month period after the homeowner or

1 resident has violated that rule or regulation, no written notice shall
2 be required for a subsequent violation of the same rule or
3 regulation.

4 Nothing in this subdivision shall relieve the management from
5 its obligation to demonstrate that a rule or regulation has in fact
6 been violated.

7 (e) (1) Except as provided for in the COVID-19 Tenant Relief
8 Act of 2020 (Chapter 5 (commencing with Section 1179.01) of
9 Title 3 of Part 3 of the Code of Civil Procedure), nonpayment of
10 rent, utility charges, or reasonable incidental service charges;
11 provided that the amount due has been unpaid for a period of at
12 least five days from its due date, and provided that the homeowner
13 shall be given a three-day written notice subsequent to that five-day
14 period to pay the amount due or to vacate the tenancy. For purposes
15 of this subdivision, the five-day period does not include the date
16 the payment is due. The three-day written notice shall be given to
17 the homeowner in the manner prescribed by Section 1162 of the
18 Code of Civil Procedure. A copy of this notice shall be sent to the
19 persons or entities specified in subdivision (b) of Section 798.55
20 within 10 days after notice is delivered to the homeowner. If the
21 homeowner cures the default, the notice need not be sent. The
22 notice may be given at the same time as the 60 days' notice
23 required for termination of the tenancy. A three-day notice given
24 pursuant to this subdivision shall contain the following provisions
25 printed in at least 12-point boldface type at the top of the notice,
26 with the appropriate number written in the blank:

27 “Warning: This notice is the (insert number) three-day notice for
28 nonpayment of rent, utility charges, or other reasonable incidental
29 services that has been served upon you in the last 12 months.
30 Pursuant to Civil Code Section 798.56 (e) (5), if you have been
31 given a three-day notice to either pay rent, utility charges, or other
32 reasonable incidental services or to vacate your tenancy on three
33 or more occasions within a 12-month period, management is not
34 required to give you a further three-day period to pay rent or vacate
35 the tenancy before your tenancy can be terminated.”

36 (2) Payment by the homeowner prior to the expiration of the
37 three-day notice period shall cure a default under this subdivision.
38 If the homeowner does not pay prior to the expiration of the
39 three-day notice period, the homeowner shall remain liable for all
40 payments due up until the time the tenancy is vacated.

1 (3) Payment by the legal owner, as defined in Section 18005.8
2 of the Health and Safety Code, any junior lienholder, as defined
3 in Section 18005.3 of the Health and Safety Code, or the registered
4 owner, as defined in Section 18009.5 of the Health and Safety
5 Code, if other than the homeowner, on behalf of the homeowner
6 prior to the expiration of 30 calendar days following the mailing
7 of the notice to the legal owner, each junior lienholder, and the
8 registered owner provided in subdivision (b) of Section 798.55,
9 shall cure a default under this subdivision with respect to that
10 payment.

11 (4) Cure of a default of rent, utility charges, or reasonable
12 incidental service charges by the legal owner, any junior lienholder,
13 or the registered owner, if other than the homeowner, as provided
14 by this subdivision, may not be exercised more than twice during
15 a 12-month period.

16 (5) If a homeowner has been given a three-day notice to pay
17 the amount due or to vacate the tenancy on three or more occasions
18 within the preceding 12-month period and each notice includes
19 the provisions specified in paragraph (1), no written three-day
20 notice shall be required in the case of a subsequent nonpayment
21 of rent, utility charges, or reasonable incidental service charges.

22 In that event, the management shall give written notice to the
23 homeowner in the manner prescribed by Section 1162 of the Code
24 of Civil Procedure to remove the mobilehome from the park within
25 a period of not less than 60 days, which period shall be specified
26 in the notice. A copy of this notice shall be sent to the legal owner,
27 each junior lienholder, and the registered owner of the mobilehome,
28 if other than the homeowner, as specified in paragraph (b) of
29 Section 798.55, by certified or registered mail, return receipt
30 requested, within 10 days after notice is sent to the homeowner.

31 (6) When a copy of the 60 days' notice described in paragraph
32 (5) is sent to the legal owner, each junior lienholder, and the
33 registered owner of the mobilehome, if other than the homeowner,
34 the default may be cured by any of them on behalf of the
35 homeowner prior to the expiration of 30 calendar days following
36 the mailing of the notice, if all of the following conditions exist:

37 (A) A copy of a three-day notice sent pursuant to subdivision
38 (b) of Section 798.55 to a homeowner for the nonpayment of rent,
39 utility charges, or reasonable incidental service charges was not
40 sent to the legal owner, junior lienholder, or registered owner, of

1 the mobilehome, if other than the homeowner, during the preceding
2 12-month period.

3 (B) The legal owner, junior lienholder, or registered owner of
4 the mobilehome, if other than the homeowner, has not previously
5 cured a default of the homeowner during the preceding 12-month
6 period.

7 (C) The legal owner, junior lienholder, or registered owner, if
8 other than the homeowner, is not a financial institution or
9 mobilehome dealer.

10 If the default is cured by the legal owner, junior lienholder, or
11 registered owner within the 30-day period, the notice to remove
12 the mobilehome from the park described in paragraph (5) shall be
13 rescinded.

14 (f) Condemnation of the park.

15 (g) Change of use of the park or any portion thereof, provided:

16 (1) The management gives the homeowners at least 60 days'
17 written notice that the management will be appearing before a
18 local governmental board, commission, or body to request permits
19 for a change of use of the mobilehome park.

20 (2) (A) After all required permits requesting a change of use
21 have been approved by the local governmental board, commission,
22 or body, the management shall give the homeowners six months'
23 or more written notice of termination of tenancy.

24 (B) If the change of use requires no local governmental permits,
25 then notice shall be given 12 months or more prior to the
26 management's determination that a change of use will occur. The
27 management in the notice shall disclose and describe in detail the
28 nature of the change of use.

29 (3) The management gives each proposed homeowner written
30 notice thereof prior to the inception of the proposed homeowner's
31 tenancy that the management is requesting a change of use before
32 local governmental bodies or that a change of use request has been
33 granted.

34 (4) The notice requirements for termination of tenancy set forth
35 in this section and Section 798.57 shall be followed if the proposed
36 change actually occurs.

37 (5) A notice of a proposed change of use given prior to January
38 1, 1980, that conforms to the requirements in effect at that time
39 shall be valid. The requirements for a notice of a proposed change

1 of use imposed by this subdivision shall be governed by the law
2 in effect at the time the notice was given.

3 (h) The report required pursuant to subdivisions (b) and (i) of
4 Section 65863.7 of the Government Code shall be given to the
5 homeowners or residents at the same time that notice is required
6 pursuant to subdivision (g) of this section.

7 (i) For purposes of this section, “financial institution” means a
8 state or national bank, state or federal savings and loan association
9 or credit union, or similar organization, and mobilehome dealer
10 as defined in Section 18002.6 of the Health and Safety Code or
11 any other organization that, as part of its usual course of business,
12 originates, owns, or provides loan servicing for loans secured by
13 a mobilehome.

14 (j) This section remain in effect until February 1, 2025, and as
15 of that date is repealed.

16 SEC. 3. Section 798.56 of the Civil Code, as added by Section
17 5 of Chapter 37 of the Statutes of 2020, is amended to read:

18 798.56. A tenancy shall be terminated by the management only
19 for one or more of the following reasons:

20 (a) Failure of the homeowner or resident to comply with a local
21 ordinance or state law or regulation relating to mobilehomes within
22 a reasonable time after the homeowner receives a notice of
23 noncompliance from the appropriate governmental agency.

24 (b) Conduct by the homeowner or resident, upon the park
25 premises, that constitutes a substantial annoyance to other
26 homeowners or residents.

27 (c) (1) Conviction of the homeowner or resident for prostitution,
28 for a violation of subdivision (d) of Section 243, paragraph (2) of
29 subdivision (a), or subdivision (b), of Section 245, Section 288,
30 or Section 451, of the Penal Code, or a felony controlled substance
31 offense, if the act resulting in the conviction was committed
32 anywhere on the premises of the mobilehome park, including, but
33 not limited to, within the homeowner’s mobilehome.

34 (2) However, the tenancy may not be terminated for the reason
35 specified in this subdivision if the person convicted of the offense
36 has permanently vacated, and does not subsequently reoccupy, the
37 mobilehome.

38 (d) Failure of the homeowner or resident to comply with a
39 reasonable rule or regulation of the park that is part of the rental
40 agreement or any amendment thereto.

1 No act or omission of the homeowner or resident shall constitute
2 a failure to comply with a reasonable rule or regulation unless and
3 until the management has given the homeowner written notice of
4 the alleged rule or regulation violation and the homeowner or
5 resident has failed to adhere to the rule or regulation within seven
6 days. However, if a homeowner has been given a written notice
7 of an alleged violation of the same rule or regulation on three or
8 more occasions within a 12-month period after the homeowner or
9 resident has violated that rule or regulation, no written notice shall
10 be required for a subsequent violation of the same rule or
11 regulation.

12 Nothing in this subdivision shall relieve the management from
13 its obligation to demonstrate that a rule or regulation has in fact
14 been violated.

15 (e) (1) Nonpayment of rent, utility charges, or reasonable
16 incidental service charges; provided that the amount due has been
17 unpaid for a period of at least five days from its due date, and
18 provided that the homeowner shall be given a three-day written
19 notice subsequent to that five-day period to pay the amount due
20 or to vacate the tenancy. For purposes of this subdivision, the
21 five-day period does not include the date the payment is due. The
22 three-day written notice shall be given to the homeowner in the
23 manner prescribed by Section 1162 of the Code of Civil Procedure.
24 A copy of this notice shall be sent to the persons or entities
25 specified in subdivision (b) of Section 798.55 within 10 days after
26 notice is delivered to the homeowner. If the homeowner cures the
27 default, the notice need not be sent. The notice may be given at
28 the same time as the 60 days' notice required for termination of
29 the tenancy. A three-day notice given pursuant to this subdivision
30 shall contain the following provisions printed in at least 12-point
31 boldface type at the top of the notice, with the appropriate number
32 written in the blank:

33 “Warning: This notice is the (insert number) three-day notice
34 for nonpayment of rent, utility charges, or other reasonable
35 incidental services that has been served upon you in the last 12
36 months. Pursuant to Civil Code Section 798.56 (e) (5), if you have
37 been given a three-day notice to either pay rent, utility charges, or
38 other reasonable incidental services or to vacate your tenancy on
39 three or more occasions within a 12-month period, management

1 is not required to give you a further three-day period to pay rent
2 or vacate the tenancy before your tenancy can be terminated.”

3 (2) Payment by the homeowner prior to the expiration of the
4 three-day notice period shall cure a default under this subdivision.
5 If the homeowner does not pay prior to the expiration of the
6 three-day notice period, the homeowner shall remain liable for all
7 payments due up until the time the tenancy is vacated.

8 (3) Payment by the legal owner, as defined in Section 18005.8
9 of the Health and Safety Code, any junior lienholder, as defined
10 in Section 18005.3 of the Health and Safety Code, or the registered
11 owner, as defined in Section 18009.5 of the Health and Safety
12 Code, if other than the homeowner, on behalf of the homeowner
13 prior to the expiration of 30 calendar days following the mailing
14 of the notice to the legal owner, each junior lienholder, and the
15 registered owner provided in subdivision (b) of Section 798.55,
16 shall cure a default under this subdivision with respect to that
17 payment.

18 (4) Cure of a default of rent, utility charges, or reasonable
19 incidental service charges by the legal owner, any junior lienholder,
20 or the registered owner, if other than the homeowner, as provided
21 by this subdivision, may not be exercised more than twice during
22 a 12-month period.

23 (5) If a homeowner has been given a three-day notice to pay
24 the amount due or to vacate the tenancy on three or more occasions
25 within the preceding 12-month period and each notice includes
26 the provisions specified in paragraph (1), no written three-day
27 notice shall be required in the case of a subsequent nonpayment
28 of rent, utility charges, or reasonable incidental service charges.

29 In that event, the management shall give written notice to the
30 homeowner in the manner prescribed by Section 1162 of the Code
31 of Civil Procedure to remove the mobilehome from the park within
32 a period of not less than 60 days, which period shall be specified
33 in the notice. A copy of this notice shall be sent to the legal owner,
34 each junior lienholder, and the registered owner of the mobilehome,
35 if other than the homeowner, as specified in paragraph (b) of
36 Section 798.55, by certified or registered mail, return receipt
37 requested, within 10 days after notice is sent to the homeowner.

38 (6) When a copy of the 60 days' notice described in paragraph
39 (5) is sent to the legal owner, each junior lienholder, and the
40 registered owner of the mobilehome, if other than the homeowner,

1 the default may be cured by any of them on behalf of the
2 homeowner prior to the expiration of 30 calendar days following
3 the mailing of the notice, if all of the following conditions exist:

4 (A) A copy of a three-day notice sent pursuant to subdivision
5 (b) of Section 798.55 to a homeowner for the nonpayment of rent,
6 utility charges, or reasonable incidental service charges was not
7 sent to the legal owner, junior lienholder, or registered owner, of
8 the mobilehome, if other than the homeowner, during the preceding
9 12-month period.

10 (B) The legal owner, junior lienholder, or registered owner of
11 the mobilehome, if other than the homeowner, has not previously
12 cured a default of the homeowner during the preceding 12-month
13 period.

14 (C) The legal owner, junior lienholder, or registered owner, if
15 other than the homeowner, is not a financial institution or
16 mobilehome dealer.

17 If the default is cured by the legal owner, junior lienholder, or
18 registered owner within the 30-day period, the notice to remove
19 the mobilehome from the park described in paragraph (5) shall be
20 rescinded.

21 (f) Condemnation of the park.

22 (g) Change of use of the park or any portion thereof, provided:

23 (1) The management gives the homeowners at least 60 days'
24 written notice that the management will be appearing before a
25 local governmental board, commission, or body to request permits
26 for a change of use of the mobilehome park.

27 (2) (A) After all required permits requesting a change of use
28 have been approved by the local governmental board, commission,
29 or body, the management shall give the homeowners six months'
30 or more written notice of termination of tenancy.

31 (B) If the change of use requires no local governmental permits,
32 then notice shall be given 12 months or more prior to the
33 management's determination that a change of use will occur. The
34 management in the notice shall disclose and describe in detail the
35 nature of the change of use.

36 (3) The management gives each proposed homeowner written
37 notice thereof prior to the inception of the proposed homeowner's
38 tenancy that the management is requesting a change of use before
39 local governmental bodies or that a change of use request has been
40 granted.

1 (4) The notice requirements for termination of tenancy set forth
2 in Sections 798.56 and 798.57 shall be followed if the proposed
3 change actually occurs.

4 (5) A notice of a proposed change of use given prior to January
5 1, 1980, that conforms to the requirements in effect at that time
6 shall be valid. The requirements for a notice of a proposed change
7 of use imposed by this subdivision shall be governed by the law
8 in effect at the time the notice was given.

9 (h) The report required pursuant to subdivisions (b) and (i) of
10 Section 65863.7 of the Government Code shall be given to the
11 homeowners or residents at the same time that notice is required
12 pursuant to subdivision (g) of this section.

13 (i) For purposes of this section, “financial institution” means a
14 state or national bank, state or federal savings and loan association
15 or credit union, or similar organization, and mobilehome dealer
16 as defined in Section 18002.6 of the Health and Safety Code or
17 any other organization that, as part of its usual course of business,
18 originates, owns, or provides loan servicing for loans secured by
19 a mobilehome.

20 (j) This section shall become operative on February 1, 2025.

21 SEC. 4. Section 2924.15 of the Civil Code, as amended by
22 Section 11 of Chapter 37 of the Statutes of 2020, is amended to
23 read:

24 2924.15. (a) Unless otherwise provided, paragraph (5) of
25 subdivision (a) of Section 2924, and Sections 2923.5, 2923.55,
26 2923.6, 2923.7, 2924.9, 2924.10, 2924.11, and 2924.18 shall apply
27 only to a first lien mortgage or deed of trust that meets either of
28 the following criteria:

29 (1) (A) The first lien mortgage or deed of trust is secured by
30 owner-occupied residential real property containing no more than
31 four dwelling units.

32 (B) For purposes of this paragraph, “owner-occupied” means
33 that the property is the principal residence of the borrower and is
34 security for a loan made for personal, family, or household
35 purposes.

36 (2) The first lien mortgage or deed of trust is secured by
37 residential real property that is occupied by a tenant, contains no
38 more than four dwelling units, and meets all of the conditions
39 described in subparagraph (B).

40 (A) For the purposes of this paragraph:

1 (i) “Applicable lease” means a lease entered pursuant to an
2 arm’s length transaction before, and in effect on, March 4, 2020.

3 (ii) “Arm’s length transaction” means a lease entered into in
4 good faith and for valuable consideration that reflects the fair
5 market value in the open market between informed and willing
6 parties.

7 (iii) “Occupied by a tenant” means that the property is the
8 principal residence of a tenant.

9 (B) To meet the conditions of this subparagraph, a first lien
10 mortgage or deed of trust shall have all of the following
11 characteristics:

12 (i) The property is owned by an individual who owns no more
13 than three residential real properties, or by one or more individuals
14 who together own no more than three residential real properties,
15 each of which contains no more than four dwelling units.

16 (ii) The property is occupied by a tenant pursuant to an
17 applicable lease.

18 (iii) A tenant occupying the property is unable to pay rent due
19 to a reduction in income resulting from the novel coronavirus.

20 (C) Relief shall be available pursuant to subdivision (a) of
21 Section 2924 and Sections 2923.5, 2923.55, 2923.6, 2923.7,
22 2924.9, 2924.10, 2924.11, and 2924.18 for so long as the property
23 remains occupied by a tenant pursuant to a lease entered in an
24 arm’s length transaction.

25 (b) This section shall remain in effect until January 1, 2023, and
26 as of that date is repealed.

27 SEC. 5. Section 2924.15 of the Civil Code, as added by Section
28 12 of Chapter 37 of the Statutes of 2020, is amended to read:

29 2924.15. (a) Unless otherwise provided, paragraph (5) of
30 subdivision (a) of Section 2924 and Sections 2923.5, 2923.55,
31 2923.6, 2923.7, 2924.9, 2924.10, 2924.11, and 2924.18 shall apply
32 only to a first lien mortgage or deed of trust that meets either of
33 the following conditions:

34 (1) (A) The first lien mortgage or deed of trust is secured by
35 owner-occupied residential real property containing no more than
36 four dwelling units.

37 (B) For purposes of this paragraph, “owner-occupied” means
38 that the property is the principal residence of the borrower and is
39 security for a loan made for personal, family, or household
40 purposes.

1 (2) The first lien mortgage or deed of trust is secured by
2 residential real property that is occupied by a tenant and that
3 contains no more than four dwelling units and meets all of the
4 conditions described in subparagraph (B) and one of the conditions
5 described in subparagraph (C).

6 (A) For purposes of this paragraph:

7 (i) “Applicable lease” means a lease entered pursuant to an
8 arm’s length transaction before, and in effect on, March 4, 2020.

9 (ii) “Arm’s length transaction” means a lease entered into in
10 good faith and for valuable consideration that reflects the fair
11 market value in the open market between informed and willing
12 parties.

13 (iii) “Occupied by a tenant” means that the property is the
14 principal residence of a tenant.

15 (B) To meet the conditions of this paragraph, a first lien
16 mortgage or deed of trust shall have all of the following
17 characteristics:

18 (i) The property is owned by an individual who owns no more
19 than three residential real properties, each of which contains no
20 more than four dwelling units.

21 (ii) The property shall have been occupied by a tenant pursuant
22 to an applicable lease.

23 (iii) A tenant occupying the property shall have been unable to
24 pay rent due to a reduction in income resulting from COVID-19.

25 (C) For a first lien mortgage or deed of trust to meet the
26 conditions of this paragraph, the borrower shall satisfy either of
27 the following characteristics:

28 (i) The borrower has been approved in writing for a first lien
29 loan modification or other foreclosure prevention alternative.

30 (ii) The borrower submits a completed application for a first
31 lien loan modification before January 1, 2023, and, as of January
32 1, 2023, either the mortgage servicer has not yet determined
33 whether the applicant is eligible for a first lien loan modification,
34 or the appeal period for the mortgage servicer’s denial of the
35 application has not yet expired.

36 (D) Relief shall be available pursuant to subdivision (a) of
37 Section 2924 and Sections 2923.5, 2923.55, 2923.6, 2923.7,
38 2924.9, 2924.10, 2924.11, and 2924.18 for so long as the property
39 remains occupied by a tenant pursuant to a lease entered into an
40 arm’s length transaction.

1 (b) This section shall become operative on January 1, 2023.

2 *SEC. 6. Section 4741 of the Civil Code is amended to read:*

3 4741. (a) An owner of a separate interest in a common interest
4 development shall not be subject to a provision in a governing
5 document or an amendment to a governing document that prohibits,
6 has the effect of prohibiting, or unreasonably restricts the rental
7 or leasing of any of the separate interests, accessory dwelling units,
8 or junior accessory dwelling units in that common interest
9 development to a renter, lessee, or tenant.

10 (b) A common interest development shall not adopt or enforce
11 a provision in a governing document or amendment to a governing
12 document that restricts the rental or lease of separate interests
13 within a common interest to less than 25 percent of the separate
14 interests. Nothing in this subdivision prohibits a common interest
15 development from adopting or enforcing a provision authorizing
16 a higher percentage of separate interests to be rented or leased.

17 (c) This section does not prohibit a common interest
18 development from adopting and enforcing a provision in a
19 governing document that prohibits transient or short-term rental
20 of a separate property interest for a period of 30 days or less.

21 (d) For purposes of this section, an accessory dwelling unit or
22 junior accessory dwelling unit shall not be construed as a separate
23 interest.

24 (e) For purposes of this section, a separate interest shall not be
25 counted as occupied by a renter if the separate interest, or the
26 accessory dwelling unit or junior accessory dwelling unit of the
27 separate interest, is occupied by the owner.

28 (f) A common interest development shall comply with the
29 prohibition on rental restrictions specified in this section on and
30 after January 1, 2021, regardless of whether the common interest
31 development has revised their governing documents to comply
32 with this section. ~~However, a common interest development shall~~
33 ~~amend their governing documents to conform to the requirements~~
34 ~~of this section no later than December 31, 2021. Notwithstanding~~
35 ~~any other provision of law or provision of the governing~~
36 ~~documents, the board, without approval of the members, shall~~
37 ~~amend any declaration or other governing document no later than~~
38 ~~July 1, 2022, that includes a restrictive covenant prohibited by~~
39 ~~this section by either deleting or restating the restrictive covenant~~
40 ~~to be compliant with this section, and shall restate the declaration~~

1 *or other governing document without the restrictive covenant but*
 2 *with no other change to the declaration or governing document.*
 3 *A board shall provide general notice pursuant to Section 4045 of*
 4 *the amendment at least 28 days before approving the amendment.*
 5 *The notice shall include the text of the amendment and a*
 6 *description of the purpose and effect of the amendment. The*
 7 *decision on the amendment shall be made at a board meeting, after*
 8 *consideration of any comments made by association members.*

9 (g) A common interest development that willfully violates this
 10 section shall be liable to the applicant or other party for actual
 11 damages, and shall pay a civil penalty to the applicant or other
 12 party in an amount not to exceed one thousand dollars (\$1,000).

13 (h) In accordance with Section 4740, this section does not
 14 change the right of an owner of a separate interest who acquired
 15 title to their separate interest before the effective date of this section
 16 to rent or lease their property.

17 ~~SEC. 6.~~

18 SEC. 7. Section 1161.2 of the Code of Civil Procedure, as
 19 amended by Section 12 of Chapter 2 of the Statutes of 2021, is
 20 amended to read:

21 1161.2. (a) (1) The clerk shall allow access to limited civil
 22 case records filed under this chapter, including the court file, index,
 23 and register of actions, only as follows:

24 (A) To a party to the action, including a party’s attorney.

25 (B) To a person who provides the clerk with the names of at
 26 least one plaintiff and one defendant and the address of the
 27 premises, including the apartment or unit number, if any.

28 (C) To a resident of the premises who provides the clerk with
 29 the name of one of the parties or the case number and shows proof
 30 of residency.

31 (D) To a person by order of the court, which may be granted ex
 32 parte, on a showing of good cause.

33 (E) To any person by order of the court if judgment is entered
 34 for the plaintiff after trial more than 60 days since the filing of the
 35 complaint. The court shall issue the order upon issuing judgment
 36 for the plaintiff.

37 (F) Except as provided in subparagraph (G), to any other person
 38 60 days after the complaint has been filed if judgment against all
 39 defendants has been entered for the plaintiff within 60 days of the
 40 filing of the complaint, in which case the clerk shall allow access

1 to any court records in the action. If a default or default judgment
2 is set aside more than 60 days after the complaint has been filed,
3 this section shall apply as if the complaint had been filed on the
4 date the default or default judgment is set aside.

5 (G) In the case of a complaint involving residential property
6 based on Section 1161a as indicated in the caption of the complaint,
7 as required in subdivision (c) of Section 1166, to any other person,
8 if 60 days have elapsed since the complaint was filed with the
9 court, and, as of that date, judgment against all defendants has
10 been entered for the plaintiff, after a trial.

11 (2) This section shall not be construed to prohibit the court from
12 issuing an order that bars access to the court record in an action
13 filed under this chapter if the parties to the action so stipulate.

14 (b) (1) For purposes of this section, “good cause” includes, but
15 is not limited to, both of the following:

16 (A) The gathering of newsworthy facts by a person described
17 in Section 1070 of the Evidence Code.

18 (B) The gathering of evidence by a party to an unlawful detainer
19 action solely for the purpose of making a request for judicial notice
20 pursuant to subdivision (d) of Section 452 of the Evidence Code.

21 (2) It is the intent of the Legislature that a simple procedure be
22 established to request the ex parte order described in subparagraph
23 (D) of paragraph (1) of subdivision (a).

24 (c) Upon the filing of a case so restricted, the court clerk shall
25 mail notice to each defendant named in the action. The notice shall
26 be mailed to the address provided in the complaint. The notice
27 shall contain a statement that an unlawful detainer complaint
28 (eviction action) has been filed naming that party as a defendant,
29 and that access to the court file will be delayed for 60 days except
30 to a party, an attorney for one of the parties, or any other person
31 who (1) provides to the clerk the names of at least one plaintiff
32 and one defendant in the action and provides to the clerk the
33 address, including any applicable apartment, unit, or space number,
34 of the subject premises, or (2) provides to the clerk the name of
35 one of the parties in the action or the case number and can establish
36 through proper identification that the person lives at the subject
37 premises. The notice shall also contain a statement that access to
38 the court index, register of actions, or other records is not permitted
39 until 60 days after the complaint is filed, except pursuant to an

1 order upon a showing of good cause for access. The notice shall
2 contain on its face the following information:

3 (1) The name and telephone number of the county bar
4 association.

5 (2) The name and telephone number of any entity that requests
6 inclusion on the notice and demonstrates to the satisfaction of the
7 court that it has been certified by the State Bar of California as a
8 lawyer referral service and maintains a panel of attorneys qualified
9 in the practice of landlord-tenant law pursuant to the minimum
10 standards for a lawyer referral service established by the State Bar
11 of California and Section 6155 of the Business and Professions
12 Code.

13 (3) The following statement:

14 “The State Bar of California certifies lawyer referral services in
15 California and publishes a list of certified lawyer referral services
16 organized by county. To locate a lawyer referral service in your
17 county, go to the State Bar’s internet website at www.calbar.ca.gov
18 or call 1-866-442-2529.”

19 (4) The name and telephone number of an office or offices
20 funded by the federal Legal Services Corporation or qualified legal
21 services projects that receive funds distributed pursuant to Section
22 6216 of the Business and Professions Code that provide legal
23 services to low-income persons in the county in which the action
24 is filed. The notice shall state that these telephone numbers may
25 be called for legal advice regarding the case. The notice shall be
26 issued between 24 and 48 hours of the filing of the complaint,
27 excluding weekends and holidays. One copy of the notice shall be
28 addressed to “all occupants” and mailed separately to the subject
29 premises. The notice shall not constitute service of the summons
30 and complaint.

31 (d) Notwithstanding any other law, the court shall charge an
32 additional fee of fifteen dollars (\$15) for filing a first appearance
33 by the plaintiff. This fee shall be added to the uniform filing fee
34 for actions filed under this chapter.

35 (e) This section does not apply to a case that seeks to terminate
36 a mobilehome park tenancy if the statement of the character of the
37 proceeding in the caption of the complaint clearly indicates that
38 the complaint seeks termination of a mobilehome park tenancy.

39 (f) This section does not alter any provision of the Evidence
40 Code.

1 (g) This section shall become operative on July 1, 2021.

2 *SEC. 8. Section 65583.2 of the Government Code, as amended*
3 *by Section 2 of Chapter 193 of the Statutes of 2020, is amended*
4 *to read:*

5 65583.2. (a) A city's or county's inventory of land suitable
6 for residential development pursuant to paragraph (3) of
7 subdivision (a) of Section 65583 shall be used to identify sites
8 throughout the community, consistent with paragraph (10) of
9 subdivision (c) of Section 65583, that can be developed for housing
10 within the planning period and that are sufficient to provide for
11 the jurisdiction's share of the regional housing need for all income
12 levels pursuant to Section 65584. As used in this section, "land
13 suitable for residential development" includes all of the following
14 sites that meet the standards set forth in subdivisions (c) and (g):

15 (1) Vacant sites zoned for residential use.

16 (2) Vacant sites zoned for nonresidential use that allows
17 residential development.

18 (3) Residentially zoned sites that are capable of being developed
19 at a higher density, including sites owned or leased by a city,
20 county, or city and county.

21 (4) Sites zoned for nonresidential use that can be redeveloped
22 for residential use, and for which the housing element includes a
23 program to rezone the site, as necessary, rezoned for, to permit
24 residential use, including sites owned or leased by a city, county,
25 or city and county.

26 (b) The inventory of land shall include all of the following:

27 (1) A listing of properties by assessor parcel number.

28 (2) The size of each property listed pursuant to paragraph (1),
29 and the general plan designation and zoning of each property.

30 (3) For nonvacant sites, a description of the existing use of each
31 property. If a site subject to this paragraph is owned by the city or
32 county, the description shall also include whether there are any
33 plans to dispose of the property during the planning period and
34 how the city or county will comply with Article 8 (commencing
35 with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title
36 5.

37 (4) A general description of any environmental constraints to
38 the development of housing within the jurisdiction, the
39 documentation for which has been made available to the

1 jurisdiction. This information need not be identified on a
2 site-specific basis.

3 (5) (A) A description of existing or planned water, sewer, and
4 other dry utilities supply, including the availability and access to
5 distribution facilities.

6 (B) Parcels included in the inventory must have sufficient water,
7 sewer, and dry utilities supply available and accessible to support
8 housing development or be included in an existing general plan
9 program or other mandatory program or plan, including a program
10 or plan of a public or private entity providing water or sewer
11 service, to secure sufficient water, sewer, and dry utilities supply
12 to support housing development. This paragraph does not impose
13 any additional duty on the city or county to construct, finance, or
14 otherwise provide water, sewer, or dry utilities to parcels included
15 in the inventory.

16 (6) Sites identified as available for housing for above
17 moderate-income households in areas not served by public sewer
18 systems. This information need not be identified on a site-specific
19 basis.

20 (7) A map that shows the location of the sites included in the
21 inventory, such as the land use map from the jurisdiction's general
22 plan, for reference purposes only.

23 (c) Based on the information provided in subdivision (b), a city
24 or county shall determine whether each site in the inventory can
25 accommodate the development of some portion of its share of the
26 regional housing need by income level during the planning period,
27 as determined pursuant to Section 65584. The inventory shall
28 specify for each site the number of units that can realistically be
29 accommodated on that site and whether the site is adequate to
30 accommodate lower income housing, moderate-income housing,
31 or above moderate-income housing. A nonvacant site identified
32 pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing
33 element and a vacant site that has been included in two or more
34 consecutive planning periods that was not approved to develop a
35 portion of the locality's housing need shall not be deemed adequate
36 to accommodate a portion of the housing need for lower income
37 households that must be accommodated in the current housing
38 element planning period unless the site is zoned at residential
39 densities consistent with paragraph (3) of this subdivision and the
40 site is subject to a program in the housing element requiring

1 rezoning within three years of the beginning of the planning period
2 to allow residential use by right for housing developments in which
3 at least 20 percent of the units are affordable to lower income
4 households. An unincorporated area in a nonmetropolitan county
5 pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall
6 not be subject to the requirements of this subdivision to allow
7 residential use by right. The analysis shall determine whether the
8 inventory can provide for a variety of types of housing, including
9 multifamily rental housing, factory-built housing, mobilehomes,
10 housing for agricultural employees, supportive housing,
11 single-room occupancy units, emergency shelters, and transitional
12 housing. The city or county shall determine the number of housing
13 units that can be accommodated on each site as follows:

14 (1) If local law or regulations require the development of a site
15 at a minimum density, the department shall accept the planning
16 agency's calculation of the total housing unit capacity on that site
17 based on the established minimum density. If the city or county
18 does not adopt a law or regulation requiring the development of a
19 site at a minimum density, then it shall demonstrate how the
20 number of units determined for that site pursuant to this subdivision
21 will be accommodated.

22 (2) The number of units calculated pursuant to paragraph (1)
23 shall be adjusted as necessary, based on the land use controls and
24 site improvements requirement identified in paragraph (5) of
25 subdivision (a) of Section 65583, the realistic development capacity
26 for the site, typical densities of existing or approved residential
27 developments at a similar affordability level in that jurisdiction,
28 and on the current or planned availability and accessibility of
29 sufficient water, sewer, and dry utilities.

30 (A) A site smaller than half an acre shall not be deemed adequate
31 to accommodate lower income housing need unless the locality
32 can demonstrate that sites of equivalent size were successfully
33 developed during the prior planning period for an equivalent
34 number of lower income housing units as projected for the site or
35 unless the locality provides other evidence to the department that
36 the site is adequate to accommodate lower income housing.

37 (B) A site larger than 10 acres shall not be deemed adequate to
38 accommodate lower income housing need unless the locality can
39 demonstrate that sites of equivalent size were successfully
40 developed during the prior planning period for an equivalent

1 number of lower income housing units as projected for the site or
 2 unless the locality provides other evidence to the department that
 3 the site can be developed as lower income housing. For purposes
 4 of this subparagraph, “site” means that portion of a parcel or parcels
 5 designated to accommodate lower income housing needs pursuant
 6 to this subdivision.

7 (C) A site may be presumed to be realistic for development to
 8 accommodate lower income housing need if, at the time of the
 9 adoption of the housing element, a development affordable to
 10 lower income households has been proposed and approved for
 11 development on the site.

12 (3) For the number of units calculated to accommodate its share
 13 of the regional housing need for lower income households pursuant
 14 to paragraph (2), a city or county shall do either of the following:

15 (A) Provide an analysis demonstrating how the adopted densities
 16 accommodate this need. The analysis shall include, but is not
 17 limited to, factors such as market demand, financial feasibility, or
 18 information based on development project experience within a
 19 zone or zones that provide housing for lower income households.

20 (B) The following densities shall be deemed appropriate to
 21 accommodate housing for lower income households:

22 (i) For an incorporated city within a nonmetropolitan county
 23 and for a nonmetropolitan county that has a micropolitan area:
 24 sites allowing at least 15 units per acre.

25 (ii) For an unincorporated area in a nonmetropolitan county not
 26 included in clause (i): sites allowing at least 10 units per acre.

27 (iii) For a suburban jurisdiction: sites allowing at least 20 units
 28 per acre.

29 (iv) For a jurisdiction in a metropolitan county: sites allowing
 30 at least 30 units per acre.

31 (4) (A) For a metropolitan jurisdiction:

32 (i) At least 25 percent of the jurisdiction’s share of the regional
 33 housing need for moderate-income housing shall be allocated to
 34 sites with zoning that allows at least 4 units of housing, but not
 35 more than 100 units per acre of housing.

36 (ii) At least 25 percent of the jurisdiction’s share of the regional
 37 housing need for above moderate-income housing shall be allocated
 38 to sites with zoning that allows at least 4 units of housing.

1 (B) The allocation of moderate-income and above
2 moderate-income housing to sites pursuant to this paragraph shall
3 not be a basis for the jurisdiction to do either of the following:

4 (i) Deny a project that does not comply with the allocation.

5 (ii) Impose a price minimum, price maximum, price control, or
6 any other exaction or condition of approval in lieu thereof. This
7 clause does not prohibit a jurisdiction from imposing any price
8 minimum, price maximum, price control, exaction, or condition
9 in lieu thereof, pursuant to any other law.

10 (iii) The provisions of this subparagraph do not constitute a
11 change in, but are declaratory of, existing law with regard to the
12 allocation of sites pursuant to this section.

13 (C) This paragraph does not apply to an unincorporated area.

14 (D) For purposes of this paragraph:

15 (i) “Housing development project” has the same meaning as
16 defined in paragraph (2) of subdivision (h) of Section 65589.5.

17 (ii) “Unit of housing” does not include an accessory dwelling
18 unit or junior accessory dwelling unit that could be approved
19 pursuant to Section 65852.2 or Section 65852.22 or through a local
20 ordinance or other provision implementing either of those sections.
21 This paragraph shall not limit the ability of a local government to
22 count the actual production of accessory dwelling units or junior
23 accessory dwelling units in an annual progress report submitted
24 pursuant to Section 65400 or other progress report as determined
25 by the department.

26 (E) Nothing in this subdivision shall preclude the subdivision
27 of a parcel, provided that the subdivision is subject to the
28 Subdivision Map Act (Division 2 (commencing with Section
29 66410)) or any other applicable law authorizing the subdivision
30 of land.

31 ~~(F) This paragraph shall not apply to a housing element revision
32 that is originally due on or before January 1, 2021, regardless of
33 the date of adoption by the local agency.~~

34 (d) For purposes of this section, a metropolitan county,
35 nonmetropolitan county, and nonmetropolitan county with a
36 micropolitan area shall be as determined by the United States
37 Census Bureau. A nonmetropolitan county with a micropolitan
38 area includes the following counties: Del Norte, Humboldt, Lake,
39 Mendocino, Nevada, Tehama, and Tuolumne and other counties

1 as may be determined by the United States Census Bureau to be
2 nonmetropolitan counties with micropolitan areas in the future.

3 (e) (1) Except as provided in paragraph (2), a jurisdiction shall
4 be considered suburban if the jurisdiction does not meet the
5 requirements of clauses (i) and (ii) of subparagraph (B) of
6 paragraph (3) of subdivision (c) and is located in a Metropolitan
7 Statistical Area (MSA) of less than 2,000,000 in population, unless
8 that jurisdiction's population is greater than 100,000, in which
9 case it shall be considered metropolitan. A county, not including
10 the City and County of San Francisco, shall be considered suburban
11 unless the county is in an MSA of 2,000,000 or greater in
12 population in which case the county shall be considered
13 metropolitan.

14 (2) (A) (i) Notwithstanding paragraph (1), if a county that is
15 in the San Francisco-Oakland-Fremont California MSA has a
16 population of less than 400,000, that county shall be considered
17 suburban. If this county includes an incorporated city that has a
18 population of less than 100,000, this city shall also be considered
19 suburban. This paragraph shall apply to a housing element revision
20 cycle, as described in subparagraph (A) of paragraph (3) of
21 subdivision (e) of Section 65588, that is in effect from July 1,
22 2014, to December 31, 2028, inclusive.

23 (ii) A county subject to this subparagraph shall utilize the sum
24 existing in the county's housing trust fund as of June 30, 2013, for
25 the development and preservation of housing affordable to low- and
26 very low income households.

27 (B) A jurisdiction that is classified as suburban pursuant to this
28 paragraph shall report to the Assembly Committee on Housing
29 and Community Development, the Senate Committee on Housing,
30 and the Department of Housing and Community Development
31 regarding its progress in developing low- and very low income
32 housing consistent with the requirements of Section 65400. The
33 report shall be provided three times: once, on or before December
34 31, 2019, which report shall address the initial four years of the
35 housing element cycle, a second time, on or before December 31,
36 2023, which report shall address the subsequent four years of the
37 housing element cycle, and a third time, on or before December
38 31, 2027, which report shall address the subsequent four years of
39 the housing element cycle and the cycle as a whole. The reports
40 shall be provided consistent with the requirements of Section 9795.

1 (f) A jurisdiction shall be considered metropolitan if the
2 jurisdiction does not meet the requirements for “suburban area”
3 above and is located in an MSA of 2,000,000 or greater in
4 population, unless that jurisdiction’s population is less than 25,000
5 in which case it shall be considered suburban.

6 (g) (1) For sites described in paragraph (3) of subdivision (b),
7 the city or county shall specify the additional development potential
8 for each site within the planning period and shall provide an
9 explanation of the methodology used to determine the development
10 potential. The methodology shall consider factors including the
11 extent to which existing uses may constitute an impediment to
12 additional residential development, the city’s or county’s past
13 experience with converting existing uses to higher density
14 residential development, the current market demand for the existing
15 use, an analysis of any existing leases or other contracts that would
16 perpetuate the existing use or prevent redevelopment of the site
17 for additional residential development, development trends, market
18 conditions, and regulatory or other incentives or standards to
19 encourage additional residential development on these sites.

20 (2) In addition to the analysis required in paragraph (1), when
21 a city or county is relying on nonvacant sites described in paragraph
22 (3) of subdivision (b) to accommodate 50 percent or more of its
23 housing need for lower income households, the methodology used
24 to determine additional development potential shall demonstrate
25 that the existing use identified pursuant to paragraph (3) of
26 subdivision (b) does not constitute an impediment to additional
27 residential development during the period covered by the housing
28 element. An existing use shall be presumed to impede additional
29 residential development, absent findings based on substantial
30 evidence that the use is likely to be discontinued during the
31 planning period.

32 (3) Notwithstanding any other law, and in addition to the
33 requirements in paragraphs (1) and (2), sites that currently have
34 residential uses, or within the past five years have had residential
35 uses that have been vacated or demolished, that are or were subject
36 to a recorded covenant, ordinance, or law that restricts rents to
37 levels affordable to persons and families of low or very low
38 income, subject to any other form of rent or price control through
39 a public entity’s valid exercise of its police power, or occupied by
40 low- or very low income households, shall be subject to a policy

1 requiring the replacement of all those units affordable to the same
2 or lower income level as a condition of any development on the
3 site. Replacement requirements shall be consistent with those set
4 forth in paragraph (3) of subdivision (c) of Section 65915.

5 (h) The program required by subparagraph (A) of paragraph (1)
6 of subdivision (c) of Section 65583 shall accommodate 100 percent
7 of the need for housing for very low and low-income households
8 allocated pursuant to Section 65584 for which site capacity has
9 not been identified in the inventory of sites pursuant to paragraph
10 (3) of subdivision (a) on sites that shall be zoned to permit
11 owner-occupied and rental multifamily residential use by right for
12 developments in which at least 20 percent of the units are
13 affordable to lower income households during the planning period.
14 These sites shall be zoned with minimum density and development
15 standards that permit at least 16 units per site at a density of at
16 least 16 units per acre in jurisdictions described in clause (i) of
17 subparagraph (B) of paragraph (3) of subdivision (c), shall be at
18 least 20 units per acre in jurisdictions described in clauses (iii) and
19 (iv) of subparagraph (B) of paragraph (3) of subdivision (c) and
20 shall meet the standards set forth in subparagraph (B) of paragraph
21 (5) of subdivision (b). At least 50 percent of the very low and
22 low-income housing need shall be accommodated on sites
23 designated for residential use and for which nonresidential uses
24 or mixed uses are not permitted, except that a city or county may
25 accommodate all of the very low and low-income housing need
26 on sites designated for mixed use if those sites allow 100 percent
27 residential use and require that residential use occupy 50 percent
28 of the total floor area of a mixed-use project.

29 (i) For purposes of this section and Section 65583, the phrase
30 “use by right” shall mean that the local government’s review of
31 the owner-occupied or multifamily residential use may not require
32 a conditional use permit, planned unit development permit, or other
33 discretionary local government review or approval that would
34 constitute a “project” for purposes of Division 13 (commencing
35 with Section 21000) of the Public Resources Code. Any subdivision
36 of the sites shall be subject to all laws, including, but not limited
37 to, the local government ordinance implementing the Subdivision
38 Map Act. A local ordinance may provide that “use by right” does
39 not exempt the use from design review. However, that design
40 review shall not constitute a “project” for purposes of Division 13

1 (commencing with Section 21000) of the Public Resources Code.
2 Use by right for all rental multifamily residential housing shall be
3 provided in accordance with subdivision (f) of Section 65589.5.

4 (j) Notwithstanding any other provision of this section, within
5 one-half mile of a Sonoma-Marín Area Rail Transit station, housing
6 density requirements in place on June 30, 2014, shall apply.

7 (k) For purposes of subdivisions (a) and (b), the department
8 shall provide guidance to local governments to properly survey,
9 detail, and account for sites listed pursuant to Section 65585.

10 (l) This section shall remain in effect only until December 31,
11 2028, and as of that date is repealed.

12 (m) The changes to this section made by the act adding this
13 subdivision shall become operative on January 1, 2022. *The*
14 *changes to this section shall not apply to a housing element*
15 *revision that is originally due on or before January 1, 2022,*
16 *regardless of the date of adoption by the local agency.*

17 *SEC. 9. Section 65863.10 of the Government Code is amended*
18 *to read:*

19 65863.10. (a) As used in this section, the following terms have
20 the following meanings:

21 (1) “Affected public entities” means the mayor of the city in
22 which the assisted housing development is located, or, if located
23 in an unincorporated area, the chair of the board of supervisors of
24 the county; the appropriate local public housing authority, if any;
25 and the Department of Housing and Community Development.

26 (2) “Affected tenant” means a tenant household residing in an
27 assisted housing development, as defined in paragraph (3), at the
28 time notice is required to be provided pursuant to this section, that
29 benefits from the government assistance.

30 (3) “Assisted housing development” means a multifamily rental
31 housing development *of five or more units* that receives
32 governmental assistance under any of the following programs:

33 (A) New construction, substantial rehabilitation, moderate
34 rehabilitation, property disposition, and loan management set-aside
35 programs, or any other program providing project-based assistance,
36 under Section 8 of the United States Housing Act of 1937, as
37 amended (42 U.S.C. Sec. 1437f).

38 (B) The following federal programs:

- 1 (i) The Below-Market-Interest-Rate Program under Section
2 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715 l(d)(3)
3 and (5)).
- 4 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.
5 1715z-1).
- 6 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.
7 1701q).
- 8 (C) Programs for rent supplement assistance under Section 101
9 of the Housing and Urban Development Act of 1965, as amended
10 (12 U.S.C. Sec. 1701s).
- 11 (D) Programs under Sections 514, 515, 516, 533, and 538 of
12 the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).
- 13 (E) Section 42 of the Internal Revenue Code.
- 14 (F) Section 142(d) of the Internal Revenue Code or its
15 predecessors (tax-exempt private activity mortgage revenue bonds).
- 16 (G) Section 147 of the Internal Revenue Code (Section 501(c)(3)
17 bonds).
- 18 (H) Title I of the Housing and Community Development Act
19 of 1974, as amended (Community Development Block Grant
20 Program).
- 21 (I) Title II of the Cranston-Gonzalez National Affordable
22 Housing Act of 1990, as amended (HOME Investment Partnership
23 Program).
- 24 (J) Titles IV and V of the McKinney-Vento Homeless Assistance
25 Act of 1987, as amended, including the Department of Housing
26 and Urban Development's Supportive Housing Program, Shelter
27 Plus Care Program, and surplus federal property disposition
28 program.
- 29 (K) Grants and loans made by the Department of Housing and
30 Community Development, including the Rental Housing
31 Construction Program, CHRP-R, and other rental housing finance
32 programs.
- 33 (L) Chapter 1138 of the Statutes of 1987.
- 34 (M) The following assistance provided by counties or cities in
35 exchange for restrictions on the maximum rents that may be
36 charged for units within a multifamily rental housing development
37 and on the maximum tenant income as a condition of eligibility
38 for occupancy of the unit subject to the rent restriction, as reflected
39 by a recorded agreement with a county or city:

1 (i) Loans or grants provided using tax increment financing
2 pursuant to the Community Redevelopment Law (Part 1
3 (commencing with Section 33000) of Division 24 of the Health
4 and Safety Code).

5 (ii) Local housing trust funds, as referred to in paragraph (3) of
6 subdivision (a) of Section 50843 of the Health and Safety Code.

7 (iii) The sale or lease of public property at or below market
8 rates.

9 (iv) The granting of density bonuses, or concessions or
10 incentives, including fee waivers, parking variances, or
11 amendments to general plans, zoning, or redevelopment project
12 area plans, pursuant to Chapter 4.3 (commencing with Section
13 65915).

14 Assistance pursuant to this subparagraph shall not include the
15 use of tenant-based Housing Choice Vouchers (Section 8(o) of the
16 United States Housing Act of 1937, 42 U.S.C. Sec. 1437f(o),
17 excluding subparagraph (13) relating to project-based assistance).
18 Restrictions shall not include any rent control or rent stabilization
19 ordinance imposed by a county, city, or city and county.

20 (4) “City” means a general law city, a charter city, or a city and
21 county.

22 (5) “Expiration of rental restrictions” means the expiration of
23 rental restrictions for an assisted housing development described
24 in paragraph (3) unless the development has other recorded
25 agreements restricting the rent to the same or lesser levels for at
26 least 50 percent of the units.

27 (6) “Low or moderate income” means having an income as
28 defined in Section 50093 of the Health and Safety Code.

29 (7) “Owner” means an individual, corporation, association,
30 partnership, joint venture, or business entity that holds title to the
31 land on which an assisted housing development is located. If the
32 assisted housing development is the subject of a leasehold interest,
33 “owner” also means an individual, corporation, association,
34 partnership, joint venture, or business entity that holds a leasehold
35 interest in the assisted housing development, and the owner holding
36 title to the land and the owner with a leasehold interest in the
37 assisted housing development shall be jointly responsible for
38 compliance.

39 (7)

1 (8) “Prepayment” means the payment in full or refinancing of
2 the federally insured or federally held mortgage indebtedness prior
3 to its original maturity date, or the voluntary cancellation of
4 mortgage insurance, on an assisted housing development described
5 in paragraph (3) that would have the effect of removing the current
6 rent or occupancy or rent and occupancy restrictions contained in
7 the applicable laws and the regulatory agreement.

8 (8)

9 (9) “Termination” means an owner’s decision not to extend or
10 renew its participation in a federal, state, or local government
11 subsidy program or private, nongovernmental subsidy program
12 for an assisted housing development described in paragraph (3),
13 either at or prior to the scheduled date of the expiration of the
14 contract, that may result in an increase in tenant rents or a change
15 in the form of the subsidy from project-based to tenant-based.

16 ~~(9) “Very low income” means having an income as defined in~~
17 ~~Section 50052.5 of the Health and Safety Code.~~

18 (b) (1) At least 12 months prior to the anticipated date of the
19 termination of a subsidy contract, the expiration of rental
20 restrictions, or prepayment on an assisted housing development,
21 the owner proposing the termination or prepayment of
22 governmental assistance or the owner of an assisted housing
23 development in which there will be the expiration of rental
24 restrictions shall provide a notice of the proposed change to each
25 affected tenant household residing in the assisted housing
26 development at the time the notice is provided and to the affected
27 public entities. An owner who meets the requirements of Section
28 65863.13 shall be exempt from providing that notice. The notice
29 shall contain all of the following:

30 (A) In the event of termination, a statement that the owner
31 intends to terminate the subsidy contract or rental restrictions upon
32 its expiration date, or the expiration date of any contract extension
33 thereto.

34 (B) In the event of the expiration of rental restrictions, a
35 statement that the restrictions will expire, and in the event of
36 prepayment, termination, or the expiration of rental restrictions
37 whether the owner intends to increase rents during the 12 months
38 following prepayment, termination, or the expiration of rental
39 restrictions to a level greater than permitted under Section 42 of
40 the Internal Revenue Code.

1 (C) In the event of prepayment, a statement that the owner
2 intends to pay in full or refinance the federally insured or federally
3 held mortgage indebtedness prior to its original maturity date, or
4 voluntarily cancel the mortgage insurance.

5 (D) The anticipated date of the termination, prepayment of the
6 federal or other program or expiration of rental restrictions, and
7 the identity of the federal or other program described in subdivision
8 (a).

9 (E) A statement that the proposed change would have the effect
10 of removing the current low-income affordability restrictions in
11 the applicable contract or regulatory agreement.

12 (F) A statement ~~of the possibility that the housing may remain~~
13 ~~in the federal or other program after the proposed date of~~
14 ~~termination of the subsidy contract or prepayment if the owner~~
15 ~~elects to do so under the terms of the federal government's or other~~
16 ~~program operator's offer. whether or not the applicable program~~
17 ~~allows the owner to elect to keep the housing in the program after~~
18 ~~the proposed termination or prepayment date and, if so, a statement~~
19 ~~as to whether the owner expects to elect to keep the housing in the~~
20 ~~program after such date if allowed.~~

21 (G) A statement whether other governmental assistance will be
22 provided to tenants residing in the development at the time of the
23 termination of the subsidy contract or prepayment.

24 (H) A statement that a subsequent notice of the proposed change,
25 including anticipated changes in rents, if any, for the development,
26 will be provided at least six months prior to the anticipated date
27 of termination of the subsidy contract, or expiration of rental
28 restrictions, or prepayment.

29 (I) A statement ~~of that the~~ notice of opportunity to submit an
30 offer to ~~purchase, purchase has been sent to qualified entities, is~~
31 ~~attached to or included in the notice, and is posted in the common~~
32 ~~area of the development, as required in Section 65863.11.~~

33 (2) Notwithstanding paragraph (1), if an owner provides a copy
34 of a federally required notice of termination of a subsidy contract
35 or prepayment at least 12 months prior to the proposed change to
36 each affected tenant household residing in the assisted housing
37 development at the time the notice is provided and to the affected
38 public entities, the owner shall be deemed in compliance with this
39 subdivision, if the notice is in compliance with all federal laws.

1 However, the federally required notice does not satisfy the
2 requirements of Section 65863.11.

3 (c) (1) At least six months prior to the anticipated date of
4 termination of a subsidy contract, expiration of rental restrictions
5 or prepayment on an assisted housing development, the owner
6 proposing the termination or prepayment of governmental
7 assistance or the owner of an assisted housing development in
8 which there will be the expiration of rental restrictions shall provide
9 a notice of the proposed change to each affected tenant household
10 residing in the assisted housing development at the time the notice
11 is provided and to the affected public entities. An owner who meets
12 the requirements of Section 65863.13 shall be exempt from
13 providing that notice.

14 (2) The notice to the tenants shall contain all of the following:

15 (A) The anticipated date of the termination or prepayment of
16 the federal or other program, or the expiration of rental restrictions,
17 and the identity of the federal or other program, as described in
18 subdivision (a).

19 (B) The current rent and rent anticipated for the unit during the
20 12 months immediately following the date of the prepayment or
21 termination of the federal or other program, or expiration of rental
22 restrictions.

23 (C) A statement that a copy of the notice will be sent to the city,
24 county, or city and county, where the assisted housing development
25 is located, to the appropriate local public housing authority, if any,
26 and to the Department of Housing and Community Development.

27 (D) A statement of the possibility that the housing may remain
28 in the federal or other program after the proposed date of subsidy
29 termination or prepayment if the owner elects to do so under the
30 terms of the federal government's or other program administrator's
31 offer or that a rent increase may not take place due to the expiration
32 of rental restrictions.

33 (E) A statement of the owner's intention to participate in any
34 current replacement subsidy program made available to the affected
35 tenants.

36 (F) The name and telephone number of the city, county, or city
37 and county, the appropriate local public housing authority, if any,
38 the Department of Housing and Community Development, and a
39 legal services organization, that can be contacted to request

1 additional written information about an owner’s responsibilities
2 and the rights and options of an affected tenant.

3 (3) In addition to the information provided in the notice to the
4 affected tenant, the notice to the affected public entities shall
5 contain information regarding the number of affected tenants in
6 the project, the number of units that are government assisted and
7 the type of assistance, the number of the units that are not
8 government assisted, the number of bedrooms in each unit that is
9 government assisted, and the ages and income of the affected
10 tenants. The notice shall briefly describe the owner’s plans for the
11 project, including any timetables or deadlines for actions to be
12 taken and specific governmental approvals that are required to be
13 obtained, the reason the owner seeks to terminate the subsidy
14 contract or prepay the mortgage, and any contacts the owner has
15 made or is making with other governmental agencies or other
16 interested parties in connection with the notice. The owner shall
17 also attach a copy of any federally required notice of the
18 termination of the subsidy contract or prepayment that was
19 provided at least six months prior to the proposed change. The
20 information contained in the notice shall be based on data that is
21 reasonably available from existing written tenant and project
22 records.

23 (d) The owner proposing the termination or prepayment of
24 governmental assistance or the owner of an assisted housing
25 development in which there will be the expiration of rental
26 restrictions shall provide additional notice of any significant
27 changes to the notice required by subdivision (c) within seven
28 business days to each affected tenant household residing in the
29 assisted housing development at the time the notice is provided
30 and to the affected public entities. “Significant changes” shall
31 include, but not be limited to, any changes to the date of
32 termination or prepayment, or expiration of rental restrictions or
33 the anticipated new rent.

34 (e) (1) An owner who is subject to the requirements of this
35 section shall also provide a copy of any notices issued to existing
36 tenants pursuant to subdivision (b), (c), or (d) to any prospective
37 tenant at the time ~~he or she~~ *the tenant* is interviewed for eligibility.

38 (2) The owner of an assisted housing development that is within
39 three years of a scheduled expiration of rental restrictions shall
40 also provide notice of the scheduled expiration of rental restrictions

1 to any prospective tenant at the time ~~he or she~~ *the tenant* is
2 interviewed for eligibility, and to existing tenants by posting the
3 notice in an accessible location of the property. This notice shall
4 also be provided to affected public entities. This paragraph is
5 applicable only to owners of assisted housing developments where
6 the rental restrictions are scheduled to expire after January 1, 2021.

7 (f) This section shall not require the owner to obtain or acquire
8 additional information that is not contained in the existing tenant
9 and project records, or to update any information in ~~his or her~~ *the*
10 *owner's* records. The owner shall not be held liable for any
11 inaccuracies contained in these records or from other sources, nor
12 shall the owner be liable to any party for providing this information.

13 (g) (1) For purposes of this section, service of the notice to the
14 affected tenants shall be made by first-class mail postage prepaid.

15 (2) For purposes of this section, service of notice to the city,
16 county, city and county, appropriate local public housing authority,
17 if any, and the Department of Housing and Community
18 Development shall be made by either first-class mail postage
19 prepaid or electronically to any public entity that has provided an
20 email address for that purpose.

21 (h) Nothing in this section shall enlarge or diminish the
22 authority, if any, that a city, county, city and county, affected
23 tenant, or owner may have, independent of this section.

24 (i) If, prior to January 1, 2001, the owner has already accepted
25 a bona fide offer from a qualified entity, as defined in subdivision
26 (c) of Section 65863.11, and has complied with this section as it
27 existed prior to January 1, 2001, at the time the owner decides to
28 sell or otherwise dispose of the development, the owner shall be
29 deemed in compliance with this section.

30 (j) Injunctive relief shall be available to any party identified in
31 paragraph (1) or (2) of subdivision (a) who is aggrieved by a
32 violation of this section. Injunctive relief pursuant to this
33 subdivision may include, but is not limited to, reimposition of the
34 prior restrictions until any required notice is provided and the
35 required period has elapsed, and restitution of any rent increases
36 collected without compliance with this section. In a judicial action
37 brought pursuant to this subdivision, the court may award
38 attorney's fees and costs to a prevailing plaintiff.

39 (k) The Director of Housing and Community Development shall
40 approve forms to be used by owners to comply with subdivisions

1 ~~(b) and (e):~~ (b), (c), and (e). Once the director has approved the
2 forms, an owner shall use the approved forms to comply with
3 subdivisions ~~(b) and (e):~~ (b), (c), and (e).

4 SEC. 10. Section 65863.11 of the Government Code is amended
5 to read:

6 65863.11. (a) Terms used in this section shall be defined as
7 follows:

8 (1) “Assisted housing development” and “development” ~~mean~~
9 ~~a multifamily rental housing development of five or more units as~~
10 ~~defined in~~ shall have the same meaning as paragraph (3) of
11 subdivision (a) of Section 65863.10.

12 (2) “Owner” ~~means an individual, corporation, association,~~
13 ~~partnership, joint venture, or business entity that holds title to an~~
14 ~~assisted housing development.~~ shall have the same meaning as in
15 paragraph (7) of subdivision (a) of Section 65863.10.

16 (3) “Tenant” means a tenant, subtenant, lessee, sublessee, or
17 other person legally in possession or occupying the assisted housing
18 development.

19 (4) “Tenant association” means a group of tenants who have
20 formed a nonprofit corporation, cooperative corporation, or other
21 entity or organization, or a local nonprofit, regional, or national
22 organization whose purpose includes the acquisition of an assisted
23 housing development and that represents the interest of at least a
24 majority of the tenants in the assisted housing development.

25 (5) “Low or moderate income” means having an income as
26 defined in Section 50093 of the Health and Safety Code.

27 (6) “Very low income” means having an income as defined in
28 Section 50105 of the Health and Safety Code.

29 (7) “Local nonprofit organizations” means not-for-profit
30 corporations organized pursuant to Division 2 (commencing with
31 Section 5000) of Title 1 of the Corporations Code that have as
32 their principal purpose the ownership, development, or
33 management of housing or community development projects for
34 persons and families of low or moderate income and very low
35 income, and which have a broadly representative board, a majority
36 of whose members are community based and have a proven track
37 record of local community service.

38 (8) “Local public agencies” means housing authorities,
39 redevelopment agencies, or any other agency of a city, county, or
40 city and county, whether general law or chartered, which are

1 authorized to own, develop, or manage housing or community
2 development projects for persons and families of low or moderate
3 income and very low income.

4 (9) “Regional or national organizations” means not-for-profit,
5 charitable corporations organized on a multicounty, state, or
6 multistate basis that have as their principal purpose the ownership,
7 development, or management of housing or community
8 development projects for persons and families of low or moderate
9 income and very low income and own and operate at least three
10 comparable rent- and income-restricted affordable rental properties
11 governed under a regulatory agreement with a department or
12 agency of the State of California or the United States, either directly
13 or by serving as the managing general partner of limited
14 partnerships or managing member of limited liability corporations.

15 (10) “Regional or national public agencies” means multicounty,
16 state, or multistate agencies that are authorized to own, develop,
17 or manage housing or community development projects for persons
18 and families of low or moderate income and very low income and
19 own and operate at least three comparable rent- and
20 income-restricted affordable rental properties governed under a
21 regulatory agreement with a department or agency of the State of
22 California or the United States, either directly or by serving as the
23 managing general partner of limited partnerships or managing
24 member of limited liability corporations.

25 (11) “Use restriction” means any federal, state, or local statute,
26 regulation, ordinance, or contract that, as a condition of receipt of
27 any housing assistance, including a rental subsidy, mortgage
28 subsidy, or mortgage insurance, to an assisted housing
29 development, establishes maximum limitations on tenant income
30 as a condition of eligibility for occupancy of the units within a
31 development, imposes any restrictions on the maximum rents that
32 could be charged for any of the units within a development; or
33 requires that rents for any of the units within a development be
34 reviewed by any governmental body or agency before the rents
35 are implemented.

36 (12) “Profit-motivated housing organizations and individuals”
37 means individuals or two or more persons organized pursuant to
38 Division 1 (commencing with Section 100) of Title 1 of, Division
39 3 (commencing with Section 1200) of Title 1 of, or Chapter 5
40 (commencing with Section 16100) of Title 2 of, the Corporations

1 Code, that carry on as a business for profit and own and operate
2 at least three comparable rent- and income-restricted affordable
3 rental properties governed under a regulatory agreement with a
4 department or agency of the State of California or the United States,
5 either directly or by serving as the managing general partner of
6 limited partnerships or managing member of limited liability
7 corporations.

8 (13) “Department” means the Department of Housing and
9 Community Development.

10 (14) “Offer to purchase” means an offer from a qualified or
11 nonqualified entity that is nonbinding on the owner.

12 (15) “Expiration of rental restrictions” has the meaning given
13 in paragraph (5) of subdivision (a) of Section 65863.10.

14 (b) An owner of an assisted housing development shall not
15 terminate a subsidy contract or prepay the mortgage pursuant to
16 Section 65863.10, unless the owner or its agent shall first have
17 provided each of the entities listed in subdivision (d) an opportunity
18 to submit an offer to purchase the development, in compliance
19 with subdivisions (g) and (h). An owner of an assisted housing
20 development in which there will be the expiration of rental
21 restrictions shall also provide each of the entities listed in
22 subdivision (d) an opportunity to submit an offer to purchase the
23 development, in compliance with subdivisions (g) and (h). An
24 owner who meets the requirements of Section 65863.13 shall be
25 exempt from this requirement.

26 (c) An owner of an assisted housing development shall not sell,
27 or otherwise dispose of, the development at any time within the
28 five years before the expiration of rental restrictions or at any time
29 if the owner is eligible for prepayment or termination within five
30 years unless the owner or its agent shall first have provided each
31 of the entities listed in subdivision (d) an opportunity to submit
32 an offer to purchase the development, in compliance with this
33 section. An owner who meets the requirements of Section 65863.13
34 shall be exempt from this requirement.

35 (d) The entities to whom an opportunity to purchase shall be
36 provided include only the following:

37 (1) The tenant association of the development.

38 (2) Local nonprofit organizations and public agencies.

39 (3) Regional or national nonprofit organizations and regional
40 or national public agencies.

1 (4) Profit-motivated housing organizations or individuals.

2 (e) For the purposes of this section, to qualify as a purchaser of
3 an assisted housing development, an entity listed in subdivision
4 (d) shall do all of the following:

5 (1) Be certified by the department, based on demonstrated
6 relevant prior experience in California and current capacity, as
7 capable of operating the housing and related facilities for its
8 remaining useful life, either by itself or through a management
9 agent. The department shall establish a process for certifying
10 qualified entities and maintain a list of entities that are certified,
11 which list shall be updated at least annually.

12 (2) Agree to obligate itself and any successors in interest to
13 maintain the affordability of the assisted housing development for
14 households of very low, low, or moderate income for either a
15 30-year period from the date that the purchaser took legal
16 possession of the housing or the remaining term of the existing
17 federal government assistance specified in subdivision (a) of
18 Section 65863.10, whichever is greater. The development shall be
19 continuously occupied in the approximate percentages that those
20 households who have occupied that development on the date the
21 owner gave notice of intent or the approximate percentages
22 specified in existing use restrictions, whichever is higher. This
23 obligation shall be recorded before the close of escrow in the office
24 of the county recorder of the county in which the development is
25 located and shall contain a legal description of the property,
26 indexed to the name of the owner as grantor. An owner that
27 obligates itself to an enforceable regulatory agreement that will
28 ensure for a period of not less than 30 years that rents for units
29 occupied by low- and very low income households or that are
30 vacant at the time of executing a purchase agreement will conform
31 with restrictions imposed by Section 42(f) of the Internal Revenue
32 Code shall be deemed in compliance with this paragraph. In
33 addition, the regulatory agreement shall contain provisions
34 requiring the renewal of rental subsidies, should they be available,
35 provided that assistance is at a level to maintain the project's fiscal
36 viability.

37 (3) Local nonprofit organizations and public agencies shall have
38 no member among their officers or directorate with a financial
39 interest in assisted housing developments that have terminated a

1 subsidy contract or prepaid a mortgage on the development without
2 continuing the low-income restrictions.

3 (f) If an assisted housing development is not economically
4 feasible, as determined by all entities with regulatory agreements
5 and deed-restrictions on the development, a purchaser shall be
6 entitled to remove one or more units from the rent and occupancy
7 requirements as is necessary for the development to become
8 economically feasible, provided that once the development is again
9 economically feasible, the purchaser shall designate the next
10 available units as low-income units up to the original number of
11 those units.

12 (g) If an owner decides to terminate a subsidy contract, or prepay
13 the mortgage pursuant to Section 65863.10, or sell or otherwise
14 dispose of the assisted housing development pursuant to
15 subdivision (b) or (c), or if the owner has an assisted housing
16 development in which there will be the expiration of rental
17 restrictions, the owner shall first give notice of the opportunity to
18 offer to purchase to each qualified entity on the list provided to
19 the owner by the department, in accordance with subdivision (o),
20 as well as to those qualified entities that directly contact the owner.
21 The notice of the opportunity to offer to purchase must be given
22 before or concurrently with the notice required pursuant to Section
23 65863.10 for a period of at least 12 months. The owner shall
24 contact the department to obtain the list of qualified entities. The
25 notice shall conform to the requirements of subdivision (h) and
26 shall be sent to the entities by registered or certified mail, return
27 receipt requested. The owner shall also post a copy of the notice
28 in a conspicuous place in the common area of the development.

29 (h) The initial notice of a bona fide opportunity to submit an
30 offer to purchase shall contain all of the following:

31 (1) A statement addressing all of the following:

32 (A) Whether the owner intends to maintain the current number
33 of affordable units and level of affordability.

34 (B) Whether the owner has an interest in selling the property.

35 (C) Whether the owner has executed a contract or agreement
36 of at least five years' duration with a public entity to continue or
37 replace subsidies to the property and to maintain an equal or greater
38 number of units at an equal or deeper level of affordability and, if
39 so, the length of the contract or agreement.

1 (2) A statement that each of the type of entities listed in
 2 subdivision (d), or any combination of them, has the right to
 3 purchase the development under this section.

4 (3) (A) Except as provided in subparagraph (B), a statement
 5 that the owner will make available to each of the types of entities
 6 listed in subdivision (d), within 15 business days of receiving a
 7 request therefor, that includes all of the following:

8 (i) Itemized lists of monthly operating expenses for the property.
 9 (ii) Capital improvements, as determined by the owner, made
 10 within each of the two preceding calendar years at the property.
 11 (iii) The amount of project property reserves.
 12 (iv) Copies of the two most recent financial and physical
 13 inspection reports on the property, if any, filed with a federal, state,
 14 or local agency.
 15 (v) The most recent rent roll for the property listing the rent
 16 paid for each unit and the subsidy, if any, paid by a governmental
 17 agency as of the date the notice of ~~intent~~ *offer to purchase* was
 18 made pursuant to ~~Section 65863.10~~. *subdivision (g)*.

19 (vi) A statement of the vacancy rate at the property for each of
 20 the two preceding calendar years.
 21 (vii) The terms of assumable financing, if any, the terms of the
 22 subsidy contract, if any, and proposed improvements to the
 23 property to be made by the owner in connection with the sale, if
 24 any.

25 (B) Subparagraph (A) shall not apply if 25 percent or less of
 26 the units on the property are subject to affordability restrictions or
 27 a rent or mortgage subsidy contract.

28 (C) A corporation authorized pursuant to Section 52550 of the
 29 Health and Safety Code or a public entity may share information
 30 obtained pursuant to subparagraph (A) with other prospective
 31 purchasers, and shall not be required to sign a confidentiality
 32 agreement as a condition of receiving or sharing this information,
 33 provided that the information is used for the purpose of attempting
 34 to preserve the affordability of the property.

35 (4) A statement that the owner has satisfied all notice
 36 requirements pursuant to subdivision (b) of Section 65863.10,
 37 unless the notice of opportunity to submit an offer to purchase is
 38 delivered more than 12 months before the anticipated date of
 39 termination, prepayment, or expiration of rental restrictions.

1 (i) If a qualified entity elects to purchase an assisted housing
2 development, it shall make a bona fide offer to purchase the
3 development at the market value determined pursuant to
4 subdivision (k), subject to the requirements of this subdivision. A
5 qualified entity's bona fide offer to purchase shall be submitted
6 within 180 days of the owner's notice of the opportunity to submit
7 an offer pursuant to subdivision (g), identify whether it is a tenant
8 association, nonprofit organization, public agency, or
9 profit-motivated organizations or individuals, and certify, under
10 penalty of perjury, that it is qualified pursuant to subdivision (e).
11 If an owner has received a bona fide offer from ~~a one or more~~
12 ~~qualified entity~~ *entities* within the first 180 days from the date of
13 an owner's bona fide notice of the opportunity to submit an offer
14 to purchase, the owner ~~shall not accept offers from any other entity~~
15 ~~and shall notify the department of all such offers and either accept~~
16 ~~the a bona fide offer from a qualified entity to purchase or declare~~
17 ~~under penalty of perjury in writing to the qualified entity or entities~~
18 ~~and the department on a form approved by the department that~~
19 ~~that, if the property is not sold pursuant to this section during the~~
20 ~~first 180-day period described in this subdivision or the second~~
21 ~~180-day period described in subdivision (l) it will not sell the~~
22 ~~property for at least five years from the date of the declaration.~~
23 ~~after the end of the second 180-day period described in subdivision~~
24 ~~(l). Once a bona fide offer is made, the owner shall take all steps~~
25 ~~reasonably required to renew any expiring housing assistance~~
26 ~~contract, or extend any available subsidies or use restrictions, if~~
27 ~~feasible, before the effective date of any expiration or termination.~~
28 ~~In the event that the owner declines to sell the property to the a~~
29 ~~qualified entity, the owner shall record the declaration with the~~
30 ~~county in which the property is located. Once the owner has~~
31 ~~recorded the declaration, the owner shall be deemed to have~~
32 ~~fulfilled all obligations under this section. located immediately~~
33 ~~after the end of the second 180-day period described in subdivision~~
34 ~~(l).~~
35 (j) ~~When a one or more bona fide offer offers to purchase has~~
36 ~~have been made that meets the requirements of this section and~~
37 ~~the owner wishes to sell, the owner shall accept the bona fide offer~~
38 ~~that meets the requirements of this section and execute a purchase~~
39 ~~agreement within 90 days of receipt of the offer.~~

1 (k) The market value of the property shall be determined by
2 negotiation and agreement between the parties. If the parties fail
3 to reach an agreement regarding the market value, the market value
4 shall be determined by an appraisal process initiated by the owner's
5 receipt of the bona fide offer, which shall specifically reference
6 the appraisal process provided by this subdivision as the means
7 for determining the final purchase price. Either the owner or the
8 qualified entity, or both, may request that the fair market value of
9 the property's highest and best use, based on current zoning, be
10 determined by an independent appraiser qualified to perform
11 multifamily housing appraisals, who shall be selected and paid by
12 the requesting party. All appraisers shall possess qualifications
13 equivalent to those required by the members of the Appraisal
14 Institute and shall be certified by the department as having
15 sufficient experience in appraising comparable rental properties
16 in California. If the appraisals differ by less than 5 percent, the
17 market value and sales price shall be set at the higher appraised
18 value. If the appraisals differ by more than 5 percent, the parties
19 may elect to have the appraisers negotiate a mutually agreeable
20 market value and sales price, or to jointly select a third appraiser,
21 whose determination of market value and the sales price shall be
22 binding.

23 (l) During the 180-day period following the initial 180-day
24 period required pursuant to subdivision (i), an owner may accept
25 an offer from a person or an entity that does not qualify under
26 subdivision (e). This acceptance shall be made subject to the
27 owner's providing each qualified entity that made a bona fide offer
28 to purchase the first opportunity to purchase the development at
29 the same terms and conditions as the pending offer to purchase,
30 unless these terms and conditions are modified by mutual consent.
31 The owner shall notify in writing *the department and* those
32 qualified entities of the terms and conditions of the pending offer
33 to purchase, sent by registered or certified mail, return receipt
34 requested. ~~The~~ A qualified entity shall have 30 days from the date
35 the notice is mailed to submit a bona fide offer to purchase and
36 that offer shall be accepted by the owner. The owner shall not be
37 required to comply with the provisions of this subdivision if the
38 person or the entity making the offer during this time period agrees
39 to maintain the development for persons and families of very low,
40 low, and moderate income in accordance with paragraph (2) of

1 subdivision (e). The owner shall notify the department regarding
2 how the buyer is meeting the requirements of paragraph (2) of
3 subdivision (e).

4 (m) This section does not apply to any of the following: a
5 government taking by eminent domain or negotiated purchase; a
6 forced sale pursuant to a foreclosure; a transfer by gift, devise, or
7 operation of law; a sale to a person who would be included within
8 the table of descent and distribution if there were to be a death
9 intestate of an owner; or an owner who certifies, under penalty of
10 perjury, the existence of a financial emergency during the period
11 covered by the ~~first right of refusal~~ *offer to purchase* requiring
12 immediate access to the proceeds of the sale of the development.
13 The certification shall be made pursuant to subdivision (p).

14 (n) Prior to the close of escrow, an owner selling, leasing, or
15 otherwise disposing of a development to a purchaser who does not
16 qualify under subdivision (e) shall certify under penalty of perjury
17 that the owner has complied with all provisions of this section and
18 Section 65863.10. This certification shall be recorded and shall
19 contain a legal description of the property, shall be indexed to the
20 name of the owner as grantor, and may be relied upon by good
21 faith purchasers and encumbrances for value and without notice
22 of a failure to comply with the provisions of this section.

23 A person or entity acting solely in the capacity of an escrow
24 agent for the transfer of real property subject to this section shall
25 not be liable for any failure to comply with this section unless the
26 escrow agent either had actual knowledge of the requirements of
27 this section or acted contrary to written escrow instructions
28 concerning the provisions of this section.

29 (o) The department shall undertake the following responsibilities
30 and duties:

31 (1) Maintain a form containing a summary of rights and
32 obligations under this section and make that information available
33 to owners of assisted housing developments as well as to tenant
34 associations, local nonprofit organizations, regional or national
35 nonprofit organizations, public agencies, and other entities with
36 an interest in preserving the state's subsidized housing.

37 (2) Compile, maintain, and update a list of entities in subdivision
38 (d) that have either contacted the department with an expressed
39 interest in purchasing a development in the subject area or have
40 been identified by the department as potentially having an interest

1 in participating in a right-of-first-refusal program. The department
2 shall publicize the existence of the list statewide. Upon receipt of
3 a notice of intent under Section 65863.10, the department shall
4 make the list available to the owner proposing the termination,
5 prepayment, or removal of government assistance or to the owner
6 of an assisted housing development in which there will be the
7 expiration of rental restrictions. If the department does not make
8 the list available at any time, the owner shall only be required to
9 send a written copy of the opportunity to submit an offer to
10 purchase notice to the qualified entities which directly contact the
11 owner and to post a copy of the notice in the common area pursuant
12 to subdivision (g).

13 (3) (A) Monitor compliance with this section and Sections
14 65863.10 and 65863.13 by owners of assisted housing
15 developments and, notwithstanding Section 10231.5, provide a
16 report to the Legislature, on or before March 31, 2019, and on or
17 before March 31 each year thereafter, containing information for
18 the previous year that includes, but is not limited to, the following:

19 (i) The number of properties and rental units subject to this
20 section and Sections 65863.10 and 65863.13.

21 (ii) The number of properties and units that did any of the
22 following:

23 (I) Complied with the requirements of this section and Sections
24 65863.10 and 65863.13.

25 (II) Failed to comply with the requirements of this section and
26 Sections 65863.10 and 65863.13.

27 (III) Were offered for sale and therefore subject to the purchase
28 right provisions of this section.

29 (IV) Were offered for sale and complied with the purchase right
30 provisions of this section and the outcomes of the purchase right
31 actions, including whether the property changed hands, to whom,
32 and with what impact on affordability protections.

33 (V) Were offered for sale and failed to comply with the purchase
34 right provisions of this section, the reason for their failure to
35 comply, and the impact of their failure to comply on the
36 affordability protections and the tenants who were residing in the
37 property at the time of the failure.

38 (VI) Claimed exemptions from the obligations of this section
39 pursuant to Section 65863.13 by category of reason for exemption.

1 (VII) Claimed exemptions from the obligations of this section
2 and lost affordability protections and the impact on the tenants of
3 the loss of the affordability protections.

4 (VIII) Were not offered for sale and complied with the
5 requirement to properly execute and record a declaration.

6 (IX) Were not for sale and failed to comply with the requirement
7 to properly execute and record a declaration.

8 (B) To facilitate the department's compliance monitoring owners
9 of assisted housing developments in which at least 25 percent of
10 the units on the property are subject to affordability restrictions or
11 a rent or mortgage subsidy contract shall certify compliance with
12 this section and Sections 65863.10 and 65863.13 to the department
13 annually, under penalty of perjury, in a form as required by the
14 department.

15 (C) The report required to be submitted pursuant to this
16 paragraph shall be submitted in compliance with Section 9795.

17 (4) Refer violations of this section and Sections 65863.10 and
18 65863.13 to the Attorney General for appropriate enforcement
19 action.

20 (p) (1) The provisions of this section may be enforced either
21 in law or in equity by any qualified entity entitled to exercise the
22 opportunity to purchase and right of first refusal under this section
23 or any tenant association at the property or any affected public
24 entity that has been adversely affected by an owner's failure to
25 comply with this section. In any judicial action brought pursuant
26 to this subdivision, the court may waive any bond requirement and
27 may award attorney's fees and costs to a prevailing plaintiff.

28 (2) An owner may rely on the statements, claims, or
29 representations of any person or entity that the person or entity is
30 a qualified entity as specified in subdivision (d), unless the owner
31 has actual knowledge that the purchaser is not a qualified entity.

32 (3) If the person or entity is not an entity as specified in
33 subdivision (d), that fact, in the absence of actual knowledge as
34 described in paragraph (2), shall not give rise to any claim against
35 the owner for a violation of this section.

36 (q) It is the intent of the Legislature that the provisions of this
37 section are in addition to, but not preemptive of, applicable federal
38 laws governing the sale or other disposition of a development that
39 would result in either (1) a discontinuance of its use as an assisted

1 housing development or (2) the termination or expiration of any
2 low-income use restrictions that apply to the development.

3 (r) This section does not apply to either of the following:

4 (1) An assisted housing development as described in clause (iv)
5 of subparagraph (M) of paragraph (3) of subdivision (a) of Section
6 65863.10 in which 25 percent or less of the units are subject to
7 affordability restrictions.

8 (2) An assisted housing development in which 25 percent or
9 less of the units are subject to affordability restrictions that was
10 developed in compliance with a local ordinance, charter
11 amendment, specific plan, resolution, or other land use policy or
12 regulation requiring that a housing development contain a fixed
13 percentage of units affordable to extremely low, very low, low-,
14 or moderate-income households.

15 (s) The department shall comply with any obligations under this
16 section through the use of standards, forms, and definitions adopted
17 by the department. The department may review, adopt, amend,
18 and repeal the standards, forms, or definitions to implement this
19 section. Any standards, forms, or definitions adopted to implement
20 this section shall not be subject to Chapter 3.5 (commencing with
21 Section 11340) of Part 1 of Division 3 of Title 2.

22 ~~SEC. 7.~~

23 *SEC. 11.* Section 65913.4 of the Government Code is amended
24 to read:

25 65913.4. (a) A development proponent may submit an
26 application for a development that is subject to the streamlined,
27 ministerial approval process provided by subdivision (c) and is
28 not subject to a conditional use permit if the development complies
29 with subdivision (b) and satisfies all of the following objective
30 planning standards:

31 (1) The development is a multifamily housing development that
32 contains two or more residential units.

33 (2) The development and the site on which it is located satisfy
34 all of the following:

35 (A) It is a legal parcel or parcels located in a city if, and only
36 if, the city boundaries include some portion of either an urbanized
37 area or urban cluster, as designated by the United States Census
38 Bureau, or, for unincorporated areas, a legal parcel or parcels
39 wholly within the boundaries of an urbanized area or urban cluster,
40 as designated by the United States Census Bureau.

1 (B) At least 75 percent of the perimeter of the site adjoins parcels
2 that are developed with urban uses. For the purposes of this section,
3 parcels that are only separated by a street or highway shall be
4 considered to be adjoined.

5 (C) It is zoned for residential use or residential mixed-use
6 development, or has a general plan designation that allows
7 residential use or a mix of residential and nonresidential uses, and
8 at least two-thirds of the square footage of the development is
9 designated for residential use. Additional density, floor area, and
10 units, and any other concession, incentive, or waiver of
11 development standards granted pursuant to the Density Bonus Law
12 in Section 65915 shall be included in the square footage
13 calculation. The square footage of the development shall not
14 include underground space, such as basements or underground
15 parking garages.

16 (3) (A) The development proponent has committed to record,
17 prior to the issuance of the first building permit, a land use
18 restriction or covenant providing that any lower or moderate
19 income housing units required pursuant to subparagraph (B) of
20 paragraph (4) shall remain available at affordable housing costs
21 or rent to persons and families of lower or moderate income for
22 no less than the following periods of time:

23 (i) Fifty-five years for units that are rented.

24 (ii) Forty-five years for units that are owned.

25 (B) The city or county shall require the recording of covenants
26 or restrictions implementing this paragraph for each parcel or unit
27 of real property included in the development.

28 (4) The development satisfies subparagraphs (A) and (B) below:

29 (A) Is located in a locality that the department has determined
30 is subject to this subparagraph on the basis that the number of units
31 that have been issued building permits, as shown on the most recent
32 production report received by the department, is less than the
33 locality's share of the regional housing needs, by income category,
34 for that reporting period. A locality shall remain eligible under
35 this subparagraph until the department's determination for the next
36 reporting period.

37 (B) The development is subject to a requirement mandating a
38 minimum percentage of below market rate housing based on one
39 of the following:

1 (i) The locality did not submit its latest production report to the
2 department by the time period required by Section 65400, or that
3 production report reflects that there were fewer units of above
4 moderate-income housing issued building permits than were
5 required for the regional housing needs assessment cycle for that
6 reporting period. In addition, if the project contains more than 10
7 units of housing, the project does either of the following:

8 (I) The project dedicates a minimum of 10 percent of the total
9 number of units to housing affordable to households making at or
10 below 80 percent of the area median income. However, if the
11 locality has adopted a local ordinance that requires that greater
12 than 10 percent of the units be dedicated to housing affordable to
13 households making below 80 percent of the area median income,
14 that local ordinance applies.

15 (II) (ia) If the project is located within the San Francisco Bay
16 area, the project, in lieu of complying with subclause (I), dedicates
17 20 percent of the total number of units to housing affordable to
18 households making below 120 percent of the area median income
19 with the average income of the units at or below 100 percent of
20 the area median income. However, a local ordinance adopted by
21 the locality applies if it requires greater than 20 percent of the units
22 be dedicated to housing affordable to households making at or
23 below 120 percent of the area median income, or requires that any
24 of the units be dedicated at a level deeper than 120 percent. In
25 order to comply with this subclause, the rent or sale price charged
26 for units that are dedicated to housing affordable to households
27 between 80 percent and 120 percent of the area median income
28 shall not exceed 30 percent of the gross income of the household.

29 (ib) For purposes of this subclause, “San Francisco Bay area”
30 means the entire area within the territorial boundaries of the
31 Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,
32 Santa Clara, Solano, and Sonoma, and the City and County of San
33 Francisco.

34 (ii) The locality’s latest production report reflects that there
35 were fewer units of housing issued building permits affordable to
36 either very low income or low-income households by income
37 category than were required for the regional housing needs
38 assessment cycle for that reporting period, and the project seeking
39 approval dedicates 50 percent of the total number of units to
40 housing affordable to households making at or below 80 percent

1 of the area median income. However, if the locality has adopted
2 a local ordinance that requires that greater than 50 percent of the
3 units be dedicated to housing affordable to households making at
4 or below 80 percent of the area median income, that local ordinance
5 applies.

6 (iii) The locality did not submit its latest production report to
7 the department by the time period required by Section 65400, or
8 if the production report reflects that there were fewer units of
9 housing affordable to both income levels described in clauses (i)
10 and (ii) that were issued building permits than were required for
11 the regional housing needs assessment cycle for that reporting
12 period, the project seeking approval may choose between utilizing
13 clause (i) or (ii).

14 (C) (i) A development proponent that uses a unit of affordable
15 housing to satisfy the requirements of subparagraph (B) may also
16 satisfy any other local or state requirement for affordable housing,
17 including local ordinances or the Density Bonus Law in Section
18 65915, provided that the development proponent complies with
19 the applicable requirements in the state or local law.

20 (ii) A development proponent that uses a unit of affordable
21 housing to satisfy any other state or local affordability requirement
22 may also satisfy the requirements of subparagraph (B), provided
23 that the development proponent complies with applicable
24 requirements of subparagraph (B).

25 (iii) A development proponent may satisfy the affordability
26 requirements of subparagraph (B) with a unit that is restricted to
27 households with incomes lower than the applicable income limits
28 required in subparagraph (B).

29 (5) The development, excluding any additional density or any
30 other concessions, incentives, or waivers of development standards
31 granted pursuant to the Density Bonus Law in Section 65915, is
32 consistent with objective zoning standards, objective subdivision
33 standards, and objective design review standards in effect at the
34 time that the development is submitted to the local government
35 pursuant to this section, or at the time a notice of intent is submitted
36 pursuant to subdivision (b), whichever occurs earlier. For purposes
37 of this paragraph, “objective zoning standards,” “objective
38 subdivision standards,” and “objective design review standards”
39 mean standards that involve no personal or subjective judgment
40 by a public official and are uniformly verifiable by reference to

1 an external and uniform benchmark or criterion available and
2 knowable by both the development applicant or proponent and the
3 public official before submittal. These standards may be embodied
4 in alternative objective land use specifications adopted by a city
5 or county, and may include, but are not limited to, housing overlay
6 zones, specific plans, inclusionary zoning ordinances, and density
7 bonus ordinances, subject to the following:

8 (A) A development shall be deemed consistent with the objective
9 zoning standards related to housing density, as applicable, if the
10 density proposed is compliant with the maximum density allowed
11 within that land use designation, notwithstanding any specified
12 maximum unit allocation that may result in fewer units of housing
13 being permitted.

14 (B) In the event that objective zoning, general plan, subdivision,
15 or design review standards are mutually inconsistent, a
16 development shall be deemed consistent with the objective zoning
17 and subdivision standards pursuant to this subdivision if the
18 development is consistent with the standards set forth in the general
19 plan.

20 (C) It is the intent of the Legislature that the objective zoning
21 standards, objective subdivision standards, and objective design
22 review standards described in this paragraph be adopted or
23 amended in compliance with the requirements of Chapter 905 of
24 the Statutes of 2004.

25 (D) The amendments to this subdivision made by the act adding
26 this subparagraph do not constitute a change in, but are declaratory
27 of, existing law.

28 (6) The development is not located on a site that is any of the
29 following:

30 (A) A coastal zone, as defined in Division 20 (commencing
31 with Section 30000) of the Public Resources Code.

32 (B) Either prime farmland or farmland of statewide importance,
33 as defined pursuant to United States Department of Agriculture
34 land inventory and monitoring criteria, as modified for California,
35 and designated on the maps prepared by the Farmland Mapping
36 and Monitoring Program of the Department of Conservation, or
37 land zoned or designated for agricultural protection or preservation
38 by a local ballot measure that was approved by the voters of that
39 jurisdiction.

1 (C) Wetlands, as defined in the United States Fish and Wildlife
2 Service Manual, Part 660 FW 2 (June 21, 1993).

3 (D) Within a very high fire hazard severity zone, as determined
4 by the Department of Forestry and Fire Protection pursuant to
5 Section 51178, or within a high or very high fire hazard severity
6 zone as indicated on maps adopted by the Department of Forestry
7 and Fire Protection pursuant to Section 4202 of the Public
8 Resources Code. This subparagraph does not apply to sites
9 excluded from the specified hazard zones by a local agency,
10 pursuant to subdivision (b) of Section 51179, or sites that have
11 adopted fire hazard mitigation measures pursuant to existing
12 building standards or state fire mitigation measures applicable to
13 the development.

14 (E) A hazardous waste site that is listed pursuant to Section
15 65962.5 or a hazardous waste site designated by the Department
16 of Toxic Substances Control pursuant to Section 25356 of the
17 Health and Safety Code, unless the State Department of Public
18 Health, State Water Resources Control Board, or Department of
19 Toxic Substances Control has cleared the site for residential use
20 or residential mixed uses.

21 (F) Within a delineated earthquake fault zone as determined by
22 the State Geologist in any official maps published by the State
23 Geologist, unless the development complies with applicable seismic
24 protection building code standards adopted by the California
25 Building Standards Commission under the California Building
26 Standards Law (Part 2.5 (commencing with Section 18901) of
27 Division 13 of the Health and Safety Code), and by any local
28 building department under Chapter 12.2 (commencing with Section
29 8875) of Division 1 of Title 2.

30 (G) Within a special flood hazard area subject to inundation by
31 the 1 percent annual chance flood (100-year flood) as determined
32 by the Federal Emergency Management Agency in any official
33 maps published by the Federal Emergency Management Agency.
34 If a development proponent is able to satisfy all applicable federal
35 qualifying criteria in order to provide that the site satisfies this
36 subparagraph and is otherwise eligible for streamlined approval
37 under this section, a local government shall not deny the application
38 on the basis that the development proponent did not comply with
39 any additional permit requirement, standard, or action adopted by
40 that local government that is applicable to that site. A development

1 may be located on a site described in this subparagraph if either
2 of the following are met:

3 (i) The site has been subject to a Letter of Map Revision
4 prepared by the Federal Emergency Management Agency and
5 issued to the local jurisdiction.

6 (ii) The site meets Federal Emergency Management Agency
7 requirements necessary to meet minimum flood plain management
8 criteria of the National Flood Insurance Program pursuant to Part
9 59 (commencing with Section 59.1) and Part 60 (commencing
10 with Section 60.1) of Subchapter B of Chapter I of Title 44 of the
11 Code of Federal Regulations.

12 (H) Within a regulatory floodway as determined by the Federal
13 Emergency Management Agency in any official maps published
14 by the Federal Emergency Management Agency, unless the
15 development has received a no-rise certification in accordance
16 with Section 60.3(d)(3) of Title 44 of the Code of Federal
17 Regulations. If a development proponent is able to satisfy all
18 applicable federal qualifying criteria in order to provide that the
19 site satisfies this subparagraph and is otherwise eligible for
20 streamlined approval under this section, a local government shall
21 not deny the application on the basis that the development
22 proponent did not comply with any additional permit requirement,
23 standard, or action adopted by that local government that is
24 applicable to that site.

25 (I) Lands identified for conservation in an adopted natural
26 community conservation plan pursuant to the Natural Community
27 Conservation Planning Act (Chapter 10 (commencing with Section
28 2800) of Division 3 of the Fish and Game Code), habitat
29 conservation plan pursuant to the federal Endangered Species Act
30 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural
31 resource protection plan.

32 (J) Habitat for protected species identified as candidate,
33 sensitive, or species of special status by state or federal agencies,
34 fully protected species, or species protected by the federal
35 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.),
36 the California Endangered Species Act (Chapter 1.5 (commencing
37 with Section 2050) of Division 3 of the Fish and Game Code), or
38 the Native Plant Protection Act (Chapter 10 (commencing with
39 Section 1900) of Division 2 of the Fish and Game Code).

40 (K) Lands under conservation easement.

1 (7) The development is not located on a site where any of the
2 following apply:

3 (A) The development would require the demolition of the
4 following types of housing:

5 (i) Housing that is subject to a recorded covenant, ordinance,
6 or law that restricts rents to levels affordable to persons and
7 families of moderate, low, or very low income.

8 (ii) Housing that is subject to any form of rent or price control
9 through a public entity's valid exercise of its police power.

10 (iii) Housing that has been occupied by tenants within the past
11 10 years.

12 (B) The site was previously used for housing that was occupied
13 by tenants that was demolished within 10 years before the
14 development proponent submits an application under this section.

15 (C) The development would require the demolition of a historic
16 structure that was placed on a national, state, or local historic
17 register.

18 (D) The property contains housing units that are occupied by
19 tenants, and units at the property are, or were, subsequently offered
20 for sale to the general public by the subdivider or subsequent owner
21 of the property.

22 (8) The development proponent has done both of the following,
23 as applicable:

24 (A) Certified to the locality that either of the following is true,
25 as applicable:

26 (i) The entirety of the development is a public work for purposes
27 of Chapter 1 (commencing with Section 1720) of Part 7 of Division
28 2 of the Labor Code.

29 (ii) If the development is not in its entirety a public work, that
30 all construction workers employed in the execution of the
31 development will be paid at least the general prevailing rate of per
32 diem wages for the type of work and geographic area, as
33 determined by the Director of Industrial Relations pursuant to
34 Sections 1773 and 1773.9 of the Labor Code, except that
35 apprentices registered in programs approved by the Chief of the
36 Division of Apprenticeship Standards may be paid at least the
37 applicable apprentice prevailing rate. If the development is subject
38 to this subparagraph, then for those portions of the development
39 that are not a public work all of the following shall apply:

1 (I) The development proponent shall ensure that the prevailing
2 wage requirement is included in all contracts for the performance
3 of the work.

4 (II) All contractors and subcontractors shall pay to all
5 construction workers employed in the execution of the work at
6 least the general prevailing rate of per diem wages, except that
7 apprentices registered in programs approved by the Chief of the
8 Division of Apprenticeship Standards may be paid at least the
9 applicable apprentice prevailing rate.

10 (III) Except as provided in subclause (V), all contractors and
11 subcontractors shall maintain and verify payroll records pursuant
12 to Section 1776 of the Labor Code and make those records
13 available for inspection and copying as provided therein.

14 (IV) Except as provided in subclause (V), the obligation of the
15 contractors and subcontractors to pay prevailing wages may be
16 enforced by the Labor Commissioner through the issuance of a
17 civil wage and penalty assessment pursuant to Section 1741 of the
18 Labor Code, which may be reviewed pursuant to Section 1742 of
19 the Labor Code, within 18 months after the completion of the
20 development, by an underpaid worker through an administrative
21 complaint or civil action, or by a joint labor-management
22 committee through a civil action under Section 1771.2 of the Labor
23 Code. If a civil wage and penalty assessment is issued, the
24 contractor, subcontractor, and surety on a bond or bonds issued to
25 secure the payment of wages covered by the assessment shall be
26 liable for liquidated damages pursuant to Section 1742.1 of the
27 Labor Code.

28 (V) Subclauses (III) and (IV) shall not apply if all contractors
29 and subcontractors performing work on the development are subject
30 to a project labor agreement that requires the payment of prevailing
31 wages to all construction workers employed in the execution of
32 the development and provides for enforcement of that obligation
33 through an arbitration procedure. For purposes of this clause,
34 “project labor agreement” has the same meaning as set forth in
35 paragraph (1) of subdivision (b) of Section 2500 of the Public
36 Contract Code.

37 (VI) Notwithstanding subdivision (c) of Section 1773.1 of the
38 Labor Code, the requirement that employer payments not reduce
39 the obligation to pay the hourly straight time or overtime wages
40 found to be prevailing shall not apply if otherwise provided in a

1 bona fide collective bargaining agreement covering the worker.
2 The requirement to pay at least the general prevailing rate of per
3 diem wages does not preclude use of an alternative workweek
4 schedule adopted pursuant to Section 511 or 514 of the Labor
5 Code.

6 (B) (i) For developments for which any of the following
7 conditions apply, certified that a skilled and trained workforce
8 shall be used to complete the development if the application is
9 approved:

10 (I) On and after January 1, 2018, until December 31, 2021, the
11 development consists of 75 or more units with a residential
12 component that is not 100 percent subsidized affordable housing
13 and will be located within a jurisdiction located in a coastal or bay
14 county with a population of 225,000 or more.

15 (II) On and after January 1, 2022, until December 31, 2025, the
16 development consists of 50 or more units with a residential
17 component that is not 100 percent subsidized affordable housing
18 and will be located within a jurisdiction located in a coastal or bay
19 county with a population of 225,000 or more.

20 (III) On and after January 1, 2018, until December 31, 2019,
21 the development consists of 75 or more units with a residential
22 component that is not 100 percent subsidized affordable housing
23 and will be located within a jurisdiction with a population of fewer
24 than 550,000 and that is not located in a coastal or bay county.

25 (IV) On and after January 1, 2020, until December 31, 2021,
26 the development consists of more than 50 units with a residential
27 component that is not 100 percent subsidized affordable housing
28 and will be located within a jurisdiction with a population of fewer
29 than 550,000 and that is not located in a coastal or bay county.

30 (V) On and after January 1, 2022, until December 31, 2025, the
31 development consists of more than 25 units with a residential
32 component that is not 100 percent subsidized affordable housing
33 and will be located within a jurisdiction with a population of fewer
34 than 550,000 and that is not located in a coastal or bay county.

35 (ii) For purposes of this section, “skilled and trained workforce”
36 has the same meaning as provided in Chapter 2.9 (commencing
37 with Section 2600) of Part 1 of Division 2 of the Public Contract
38 Code.

1 (iii) If the development proponent has certified that a skilled
2 and trained workforce will be used to complete the development
3 and the application is approved, the following shall apply:

4 (I) The applicant shall require in all contracts for the
5 performance of work that every contractor and subcontractor at
6 every tier will individually use a skilled and trained workforce to
7 complete the development.

8 (II) Every contractor and subcontractor shall use a skilled and
9 trained workforce to complete the development.

10 (III) Except as provided in subclause (IV), the applicant shall
11 provide to the locality, on a monthly basis while the development
12 or contract is being performed, a report demonstrating compliance
13 with Chapter 2.9 (commencing with Section 2600) of Part 1 of
14 Division 2 of the Public Contract Code. A monthly report provided
15 to the locality pursuant to this subclause shall be a public record
16 under the California Public Records Act (Chapter 3.5 (commencing
17 with Section 6250) of Division 7 of Title 1) and shall be open to
18 public inspection. An applicant that fails to provide a monthly
19 report demonstrating compliance with Chapter 2.9 (commencing
20 with Section 2600) of Part 1 of Division 2 of the Public Contract
21 Code shall be subject to a civil penalty of ten thousand dollars
22 (\$10,000) per month for each month for which the report has not
23 been provided. Any contractor or subcontractor that fails to use a
24 skilled and trained workforce shall be subject to a civil penalty of
25 two hundred dollars (\$200) per day for each worker employed in
26 contravention of the skilled and trained workforce requirement.
27 Penalties may be assessed by the Labor Commissioner within 18
28 months of completion of the development using the same
29 procedures for issuance of civil wage and penalty assessments
30 pursuant to Section 1741 of the Labor Code, and may be reviewed
31 pursuant to the same procedures in Section 1742 of the Labor
32 Code. Penalties shall be paid to the State Public Works
33 Enforcement Fund.

34 (IV) Subclause (III) shall not apply if all contractors and
35 subcontractors performing work on the development are subject
36 to a project labor agreement that requires compliance with the
37 skilled and trained workforce requirement and provides for
38 enforcement of that obligation through an arbitration procedure.
39 For purposes of this subparagraph, “project labor agreement” has

1 the same meaning as set forth in paragraph (1) of subdivision (b)
2 of Section 2500 of the Public Contract Code.

3 (C) Notwithstanding subparagraphs (A) and (B), a development
4 that is subject to approval pursuant to this section is exempt from
5 any requirement to pay prevailing wages or use a skilled and
6 trained workforce if it meets both of the following:

7 (i) The project includes 10 or fewer units.

8 (ii) The project is not a public work for purposes of Chapter 1
9 (commencing with Section 1720) of Part 7 of Division 2 of the
10 Labor Code.

11 (9) The development did not or does not involve a subdivision
12 of a parcel that is, or, notwithstanding this section, would otherwise
13 be, subject to the Subdivision Map Act (Division 2 (commencing
14 with Section 66410)) or any other applicable law authorizing the
15 subdivision of land, unless the development is consistent with all
16 objective subdivision standards in the local subdivision ordinance,
17 and either of the following apply:

18 (A) The development has received or will receive financing or
19 funding by means of a low-income housing tax credit and is subject
20 to the requirement that prevailing wages be paid pursuant to
21 subparagraph (A) of paragraph (8).

22 (B) The development is subject to the requirement that
23 prevailing wages be paid, and a skilled and trained workforce used,
24 pursuant to paragraph (8).

25 (10) The development shall not be upon an existing parcel of
26 land or site that is governed under the Mobilehome Residency Law
27 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2
28 of Division 2 of the Civil Code), the Recreational Vehicle Park
29 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)
30 of Title 2 of Part 2 of Division 2 of the Civil Code), the
31 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)
32 of Division 13 of the Health and Safety Code), or the Special
33 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)
34 of Division 13 of the Health and Safety Code).

35 (b) (1) (A) (i) Before submitting an application for a
36 development subject to the streamlined, ministerial approval
37 process described in subdivision (c), the development proponent
38 shall submit to the local government a notice of its intent to submit
39 an application. The notice of intent shall be in the form of a
40 preliminary application that includes all of the information

1 described in Section 65941.1, as that section read on January 1,
2 2020.

3 (ii) Upon receipt of a notice of intent to submit an application
4 described in clause (i), the local government shall engage in a
5 scoping consultation regarding the proposed development with
6 any California Native American tribe that is traditionally and
7 culturally affiliated with the geographic area, as described in
8 Section 21080.3.1 of the Public Resources Code, of the proposed
9 development. In order to expedite compliance with this subdivision,
10 the local government shall contact the Native American Heritage
11 Commission for assistance in identifying any California Native
12 American tribe that is traditionally and culturally affiliated with
13 the geographic area of the proposed development.

14 (iii) The timeline for noticing and commencing a scoping
15 consultation in accordance with this subdivision shall be as follows:

16 (I) The local government shall provide a formal notice of a
17 development proponent’s notice of intent to submit an application
18 described in clause (i) to each California Native American tribe
19 that is traditionally and culturally affiliated with the geographic
20 area of the proposed development within 30 days of receiving that
21 notice of intent. The formal notice provided pursuant to this
22 subclause shall include all of the following:

23 (ia) A description of the proposed development.

24 (ib) The location of the proposed development.

25 (ic) An invitation to engage in a scoping consultation in
26 accordance with this subdivision.

27 (II) Each California Native American tribe that receives a formal
28 notice pursuant to this clause shall have 30 days from the receipt
29 of that notice to accept the invitation to engage in a scoping
30 consultation.

31 (III) If the local government receives a response accepting an
32 invitation to engage in a scoping consultation pursuant to this
33 subdivision, the local government shall commence the scoping
34 consultation within 30 days of receiving that response.

35 (B) The scoping consultation shall recognize that California
36 Native American tribes traditionally and culturally affiliated with
37 a geographic area have knowledge and expertise concerning the
38 resources at issue and shall take into account the cultural
39 significance of the resource to the culturally affiliated California
40 Native American tribe.

1 (C) The parties to a scoping consultation conducted pursuant
2 to this subdivision shall be the local government and any California
3 Native American tribe traditionally and culturally affiliated with
4 the geographic area of the proposed development. More than one
5 California Native American tribe traditionally and culturally
6 affiliated with the geographic area of the proposed development
7 may participate in the scoping consultation. However, the local
8 government, upon the request of any California Native American
9 tribe traditionally and culturally affiliated with the geographic area
10 of the proposed development, shall engage in a separate scoping
11 consultation with that California Native American tribe. The
12 development proponent and its consultants may participate in a
13 scoping consultation process conducted pursuant to this subdivision
14 if all of the following conditions are met:

15 (i) The development proponent and its consultants agree to
16 respect the principles set forth in this subdivision.

17 (ii) The development proponent and its consultants engage in
18 the scoping consultation in good faith.

19 (iii) The California Native American tribe participating in the
20 scoping consultation approves the participation of the development
21 proponent and its consultants. The California Native American
22 tribe may rescind its approval at any time during the scoping
23 consultation, either for the duration of the scoping consultation or
24 with respect to any particular meeting or discussion held as part
25 of the scoping consultation.

26 (D) The participants to a scoping consultation pursuant to this
27 subdivision shall comply with all of the following confidentiality
28 requirements:

29 (i) Subdivision (r) of Section 6254.

30 (ii) Section 6254.10.

31 (iii) Subdivision (c) of Section 21082.3 of the Public Resources
32 Code.

33 (iv) Subdivision (d) of Section 15120 of Title 14 of the
34 California Code of Regulations.

35 (v) Any additional confidentiality standards adopted by the
36 California Native American tribe participating in the scoping
37 consultation.

38 (E) The California Environmental Quality Act (Division 13
39 (commencing with Section 21000) of the Public Resources Code)

1 shall not apply to a scoping consultation conducted pursuant to
2 this subdivision.

3 (2) (A) If, after concluding the scoping consultation, the parties
4 find that no potential tribal cultural resource would be affected by
5 the proposed development, the development proponent may submit
6 an application for the proposed development that is subject to the
7 streamlined, ministerial approval process described in subdivision
8 (c).

9 (B) If, after concluding the scoping consultation, the parties
10 find that a potential tribal cultural resource could be affected by
11 the proposed development and an enforceable agreement is
12 documented between the California Native American tribe and the
13 local government on methods, measures, and conditions for tribal
14 cultural resource treatment, the development proponent may submit
15 the application for a development subject to the streamlined,
16 ministerial approval process described in subdivision (c). The local
17 government shall ensure that the enforceable agreement is included
18 in the requirements and conditions for the proposed development.

19 (C) If, after concluding the scoping consultation, the parties
20 find that a potential tribal cultural resource could be affected by
21 the proposed development and an enforceable agreement is not
22 documented between the California Native American tribe and the
23 local government regarding methods, measures, and conditions
24 for tribal cultural resource treatment, the development shall not
25 be eligible for the streamlined, ministerial approval process
26 described in subdivision (c).

27 (D) For purposes of this paragraph, a scoping consultation shall
28 be deemed to be concluded if either of the following occur:

29 (i) The parties to the scoping consultation document an
30 enforceable agreement concerning methods, measures, and
31 conditions to avoid or address potential impacts to tribal cultural
32 resources that are or may be present.

33 (ii) One or more parties to the scoping consultation, acting in
34 good faith and after reasonable effort, conclude that a mutual
35 agreement on methods, measures, and conditions to avoid or
36 address impacts to tribal cultural resources that are or may be
37 present cannot be reached.

38 (E) If the development or environmental setting substantially
39 changes after the completion of the scoping consultation, the local
40 government shall notify the California Native American tribe of

1 the changes and engage in a subsequent scoping consultation if
2 requested by the California Native American tribe.

3 (3) A local government may only accept an application for
4 streamlined, ministerial approval pursuant to this section if one of
5 the following applies:

6 (A) A California Native American tribe that received a formal
7 notice of the development proponent's notice of intent to submit
8 an application pursuant to subclause (I) of clause (iii) of
9 subparagraph (A) of paragraph (1) did not accept the invitation to
10 engage in a scoping consultation.

11 (B) The California Native American tribe accepted an invitation
12 to engage in a scoping consultation pursuant to subclause (II) of
13 clause (iii) of subparagraph (A) of paragraph (1) but substantially
14 failed to engage in the scoping consultation after repeated
15 documented attempts by the local government to engage the
16 California Native American tribe.

17 (C) The parties to a scoping consultation pursuant to this
18 subdivision find that no potential tribal cultural resource will be
19 affected by the proposed development pursuant to subparagraph
20 (A) of paragraph (2).

21 (D) A scoping consultation between a California Native
22 American tribe and the local government has occurred in
23 accordance with this subdivision and resulted in agreement
24 pursuant to subparagraph (B) of paragraph (2).

25 (4) A project shall not be eligible for the streamlined, ministerial
26 process described in subdivision (c) if any of the following apply:

27 (A) There is a tribal cultural resource that is on a national, state,
28 tribal, or local historic register list located on the site of the project.

29 (B) There is a potential tribal cultural resource that could be
30 affected by the proposed development and the parties to a scoping
31 consultation conducted pursuant to this subdivision do not
32 document an enforceable agreement on methods, measures, and
33 conditions for tribal cultural resource treatment, as described in
34 subparagraph (C) of paragraph (2).

35 (C) The parties to a scoping consultation conducted pursuant
36 to this subdivision do not agree as to whether a potential tribal
37 cultural resource will be affected by the proposed development.

38 (5) (A) If, after a scoping consultation conducted pursuant to
39 this subdivision, a project is not eligible for the streamlined,
40 ministerial process described in subdivision (c) for any or all of

1 the following reasons, the local government shall provide written
2 documentation of that fact, and an explanation of the reason for
3 which the project is not eligible, to the development proponent
4 and to any California Native American tribe that is a party to that
5 scoping consultation:

6 (i) There is a tribal cultural resource that is on a national, state,
7 tribal, or local historic register list located on the site of the project,
8 as described in subparagraph (A) of paragraph (4).

9 (ii) The parties to the scoping consultation have not documented
10 an enforceable agreement on methods, measures, and conditions
11 for tribal cultural resource treatment, as described in subparagraph
12 (C) of paragraph (2) and subparagraph (B) of paragraph (4).

13 (iii) The parties to the scoping consultation do not agree as to
14 whether a potential tribal cultural resource will be affected by the
15 proposed development, as described in subparagraph (C) of
16 paragraph (4).

17 (B) The written documentation provided to a development
18 proponent pursuant to this paragraph shall include information on
19 how the development proponent may seek a conditional use permit
20 or other discretionary approval of the development from the local
21 government.

22 (6) This section is not intended, and shall not be construed, to
23 limit consultation and discussion between a local government and
24 a California Native American tribe pursuant to other applicable
25 law, confidentiality provisions under other applicable law, the
26 protection of religious exercise to the fullest extent permitted under
27 state and federal law, or the ability of a California Native American
28 tribe to submit information to the local government or participate
29 in any process of the local government.

30 (7) For purposes of this subdivision:

31 (A) “Consultation” means the meaningful and timely process
32 of seeking, discussing, and considering carefully the views of
33 others, in a manner that is cognizant of all parties’ cultural values
34 and, where feasible, seeking agreement. Consultation between
35 local governments and Native American tribes shall be conducted
36 in a way that is mutually respectful of each party’s sovereignty.
37 Consultation shall also recognize the tribes’ potential needs for
38 confidentiality with respect to places that have traditional tribal
39 cultural importance. A lead agency shall consult the tribal
40 consultation best practices described in the “State of California

1 Tribal Consultation Guidelines: Supplement to the General Plan
2 Guidelines” prepared by the Office of Planning and Research.

3 (B) “Scoping” means the act of participating in early discussions
4 or investigations between the local government and California
5 Native American tribe, and the development proponent if
6 authorized by the California Native American tribe, regarding the
7 potential effects a proposed development could have on a potential
8 tribal cultural resource, as defined in Section 21074 of the Public
9 Resources Code, or California Native American tribe, as defined
10 in Section 21073 of the Public Resources Code.

11 (8) This subdivision shall not apply to any project that has been
12 approved under the streamlined, ministerial approval process
13 provided under this section before the effective date of the act
14 adding this subdivision.

15 (c) (1) If a local government determines that a development
16 submitted pursuant to this section is in conflict with any of the
17 objective planning standards specified in subdivision (a), it shall
18 provide the development proponent written documentation of
19 which standard or standards the development conflicts with, and
20 an explanation for the reason or reasons the development conflicts
21 with that standard or standards, as follows:

22 (A) Within 60 days of submittal of the development to the local
23 government pursuant to this section if the development contains
24 150 or fewer housing units.

25 (B) Within 90 days of submittal of the development to the local
26 government pursuant to this section if the development contains
27 more than 150 housing units.

28 (2) If the local government fails to provide the required
29 documentation pursuant to paragraph (1), the development shall
30 be deemed to satisfy the objective planning standards specified in
31 subdivision (a).

32 (3) For purposes of this section, a development is consistent
33 with the objective planning standards specified in subdivision (a)
34 if there is substantial evidence that would allow a reasonable person
35 to conclude that the development is consistent with the objective
36 planning standards.

37 (d) (1) Any design review or public oversight of the
38 development may be conducted by the local government’s planning
39 commission or any equivalent board or commission responsible
40 for review and approval of development projects, or the city council

1 or board of supervisors, as appropriate. That design review or
2 public oversight shall be objective and be strictly focused on
3 assessing compliance with criteria required for streamlined projects,
4 as well as any reasonable objective design standards published
5 and adopted by ordinance or resolution by a local jurisdiction
6 before submission of a development application, and shall be
7 broadly applicable to development within the jurisdiction. That
8 design review or public oversight shall be completed as follows
9 and shall not in any way inhibit, chill, or preclude the ministerial
10 approval provided by this section or its effect, as applicable:

11 (A) Within 90 days of submittal of the development to the local
12 government pursuant to this section if the development contains
13 150 or fewer housing units.

14 (B) Within 180 days of submittal of the development to the
15 local government pursuant to this section if the development
16 contains more than 150 housing units.

17 (2) If the development is consistent with the requirements of
18 subparagraph (A) or (B) of paragraph (9) of subdivision (a) and
19 is consistent with all objective subdivision standards in the local
20 subdivision ordinance, an application for a subdivision pursuant
21 to the Subdivision Map Act (Division 2 (commencing with Section
22 66410)) shall be exempt from the requirements of the California
23 Environmental Quality Act (Division 13 (commencing with Section
24 21000) of the Public Resources Code) and shall be subject to the
25 public oversight timelines set forth in paragraph (1).

26 (e) (1) Notwithstanding any other law, a local government,
27 whether or not it has adopted an ordinance governing automobile
28 parking requirements in multifamily developments, shall not
29 impose automobile parking standards for a streamlined
30 development that was approved pursuant to this section in any of
31 the following instances:

32 (A) The development is located within one-half mile of public
33 transit.

34 (B) The development is located within an architecturally and
35 historically significant historic district.

36 (C) When on-street parking permits are required but not offered
37 to the occupants of the development.

38 (D) When there is a car share vehicle located within one block
39 of the development.

1 (2) If the development does not fall within any of the categories
2 described in paragraph (1), the local government shall not impose
3 automobile parking requirements for streamlined developments
4 approved pursuant to this section that exceed one parking space
5 per unit.

6 (f) (1) If a local government approves a development pursuant
7 to this section, then, notwithstanding any other law, that approval
8 shall not expire if the project includes public investment in housing
9 affordability, beyond tax credits, where 50 percent of the units are
10 affordable to households making at or below 80 percent of the area
11 median income.

12 (2) (A) If a local government approves a development pursuant
13 to this section and the project does not include 50 percent of the
14 units affordable to households making at or below 80 percent of the
15 area median income, that approval shall remain valid for three
16 years from the date of the final action establishing that approval,
17 or if litigation is filed challenging that approval, from the date of
18 the final judgment upholding that approval. Approval shall remain
19 valid for a project provided that vertical construction of the
20 development has begun and is in progress. For purposes of this
21 subdivision, “in progress” means one of the following:

22 (i) The construction has begun and has not ceased for more than
23 180 days.

24 (ii) If the development requires multiple building permits, an
25 initial phase has been completed, and the project proponent has
26 applied for and is diligently pursuing a building permit for a
27 subsequent phase, provided that once it has been issued, the
28 building permit for the subsequent phase does not lapse.

29 (B) Notwithstanding subparagraph (A), a local government may
30 grant a project a one-time, one-year extension if the project
31 proponent can provide documentation that there has been
32 significant progress toward getting the development construction
33 ready, such as filing a building permit application.

34 (3) If a local government approves a development pursuant to
35 this section, that approval shall remain valid for three years from
36 the date of the final action establishing that approval and shall
37 remain valid thereafter for a project so long as vertical construction
38 of the development has begun and is in progress. Additionally, the
39 development proponent may request, and the local government
40 shall have discretion to grant, an additional one-year extension to

1 the original three-year period. The local government’s action and
 2 discretion in determining whether to grant the foregoing extension
 3 shall be limited to considerations and processes set forth in this
 4 section.

5 (g) (1) (A) A development proponent may request a
 6 modification to a development that has been approved under the
 7 streamlined, ministerial approval process provided in subdivision
 8 (c) if that request is submitted to the local government before the
 9 issuance of the final building permit required for construction of
 10 the development.

11 (B) Except as provided in paragraph (3), the local government
 12 shall approve a modification if it determines that the modification
 13 is consistent with the objective planning standards specified in
 14 subdivision (a) that were in effect when the original development
 15 application was first submitted.

16 (C) The local government shall evaluate any modifications
 17 requested pursuant to this subdivision for consistency with the
 18 objective planning standards using the same assumptions and
 19 analytical methodology that the local government originally used
 20 to assess consistency for the development that was approved for
 21 streamlined, ministerial approval pursuant to subdivision (c).

22 (D) A guideline that was adopted or amended by the department
 23 pursuant to subdivision (l) after a development was approved
 24 through the streamlined ministerial approval process described in
 25 subdivision (c) shall not be used as a basis to deny proposed
 26 modifications.

27 (2) Upon receipt of the developmental proponent’s application
 28 requesting a modification, the local government shall determine
 29 if the requested modification is consistent with the objective
 30 planning standard and either approve or deny the modification
 31 request within 60 days after submission of the modification, or
 32 within 90 days if design review is required.

33 (3) Notwithstanding paragraph (1), the local government may
 34 apply objective planning standards adopted after the development
 35 application was first submitted to the requested modification in
 36 any of the following instances:

37 (A) The development is revised such that the total number of
 38 residential units or total square footage of construction changes
 39 by 15 percent or more.

1 (B) The development is revised such that the total number of
2 residential units or total square footage of construction changes
3 by 5 percent or more and it is necessary to subject the development
4 to an objective standard beyond those in effect when the
5 development application was submitted in order to mitigate or
6 avoid a specific, adverse impact, as that term is defined in
7 subparagraph (A) of paragraph (1) of subdivision (j) of Section
8 65589.5, upon the public health or safety and there is no feasible
9 alternative method to satisfactorily mitigate or avoid the adverse
10 impact.

11 (C) Objective building standards contained in the California
12 Building Standards Code (Title 24 of the California Code of
13 Regulations), including, but not limited to, building plumbing,
14 electrical, fire, and grading codes, may be applied to all
15 modifications.

16 (4) The local government's review of a modification request
17 pursuant to this subdivision shall be strictly limited to determining
18 whether the modification, including any modification to previously
19 approved density bonus concessions or waivers, modify the
20 development's consistency with the objective planning standards
21 and shall not reconsider prior determinations that are not affected
22 by the modification.

23 (h) (1) A local government shall not adopt or impose any
24 requirement, including, but not limited to, increased fees or
25 inclusionary housing requirements, that applies to a project solely
26 or partially on the basis that the project is eligible to receive
27 ministerial or streamlined approval pursuant to this section.

28 (2) A local government shall issue a subsequent permit required
29 for a development approved under this section if the application
30 substantially complies with the development as it was approved
31 pursuant to subdivision (c). Upon receipt of an application for a
32 subsequent permit, the local government shall process the permit
33 without unreasonable delay and shall not impose any procedure
34 or requirement that is not imposed on projects that are not approved
35 pursuant to this section. Issuance of subsequent permits shall
36 implement the approved development, and review of the permit
37 application shall not inhibit, chill, or preclude the development.
38 For purposes of this paragraph, a "subsequent permit" means a
39 permit required subsequent to receiving approval under subdivision

1 (c), and includes, but is not limited to, demolition, grading,
2 encroachment, and building permits and final maps, if necessary.

3 (3) (A) If a public improvement is necessary to implement a
4 development that is subject to the streamlined, ministerial approval
5 pursuant to this section, including, but not limited to, a bicycle
6 lane, sidewalk or walkway, public transit stop, driveway, street
7 paving or overlay, a curb or gutter, a modified intersection, a street
8 sign or street light, landscape or hardscape, an above-ground or
9 underground utility connection, a water line, fire hydrant, storm
10 or sanitary sewer connection, retaining wall, and any related work,
11 and that public improvement is located on land owned by the local
12 government, to the extent that the public improvement requires
13 approval from the local government, the local government shall
14 not exercise its discretion over any approval relating to the public
15 improvement in a manner that would inhibit, chill, or preclude the
16 development.

17 (B) If an application for a public improvement described in
18 subparagraph (A) is submitted to a local government, the local
19 government shall do all of the following:

20 (i) Consider the application based upon any objective standards
21 specified in any state or local laws that were in effect when the
22 original development application was submitted.

23 (ii) Conduct its review and approval in the same manner as it
24 would evaluate the public improvement if required by a project
25 that is not eligible to receive ministerial or streamlined approval
26 pursuant to this section.

27 (C) If an application for a public improvement described in
28 subparagraph (A) is submitted to a local government, the local
29 government shall not do either of the following:

30 (i) Adopt or impose any requirement that applies to a project
31 solely or partially on the basis that the project is eligible to receive
32 ministerial or streamlined approval pursuant to this section.

33 (ii) Unreasonably delay in its consideration, review, or approval
34 of the application.

35 (i) (1) This section shall not affect a development proponent's
36 ability to use any alternative streamlined by right permit processing
37 adopted by a local government, including the provisions of
38 subdivision (i) of Section 65583.2.

39 (2) This section shall not prevent a development from also
40 qualifying as a housing development project entitled to the

1 protections of Section 65589.5. This paragraph does not constitute
2 a change in, but is declaratory of, existing law.

3 (j) The California Environmental Quality Act (Division 13
4 (commencing with Section 21000) of the Public Resources Code)
5 does not apply to actions taken by a state agency, local government,
6 or the San Francisco Bay Area Rapid Transit District to:

7 (1) Lease, convey, or encumber land owned by the local
8 government or the San Francisco Bay Area Rapid Transit District
9 or to facilitate the lease, conveyance, or encumbrance of land
10 owned by the local government, or for the lease of land owned by
11 the San Francisco Bay Area Rapid Transit District in association
12 with an eligible TOD project, as defined pursuant to Section
13 29010.1 of the Public Utilities Code, nor to any decisions
14 associated with that lease, or to provide financial assistance to a
15 development that receives streamlined approval pursuant to this
16 section that is to be used for housing for persons and families of
17 very low, low, or moderate income, as defined in Section 50093
18 of the Health and Safety Code.

19 (2) Approve improvements located on land owned by the local
20 government or the San Francisco Bay Area Rapid Transit District
21 that are necessary to implement a development that receives
22 streamlined approval pursuant to this section that is to be used for
23 housing for persons and families of very low, low, or moderate
24 income, as defined in Section 50093 of the Health and Safety Code.

25 (k) For purposes of this section, the following terms have the
26 following meanings:

27 (1) “Affordable housing cost” has the same meaning as set forth
28 in Section 50052.5 of the Health and Safety Code.

29 (2) “Affordable rent” has the same meaning as set forth in
30 Section 50053 of the Health and Safety Code.

31 (3) “Department” means the Department of Housing and
32 Community Development.

33 (4) “Development proponent” means the developer who submits
34 an application for streamlined approval pursuant to this section.

35 (5) “Completed entitlements” means a housing development
36 that has received all the required land use approvals or entitlements
37 necessary for the issuance of a building permit.

38 (6) “Locality” or “local government” means a city, including a
39 charter city, a county, including a charter county, or a city and
40 county, including a charter city and county.

1 (7) “Moderate income housing units” means housing units with
2 an affordable housing cost or affordable rent for persons and
3 families of moderate income, as that term is defined in Section
4 50093 of the Health and Safety Code.

5 (8) “Production report” means the information reported pursuant
6 to subparagraph (H) of paragraph (2) of subdivision (a) of Section
7 65400.

8 (9) “State agency” includes every state office, officer,
9 department, division, bureau, board, and commission, but does not
10 include the California State University or the University of
11 California.

12 (10) “Subsidized” means units that are price or rent restricted
13 such that the units are affordable to households meeting the
14 definitions of very low and lower income, as defined in Sections
15 50079.5 and 50105 of the Health and Safety Code.

16 (11) “Reporting period” means either of the following:

17 (A) The first half of the regional housing needs assessment
18 cycle.

19 (B) The last half of the regional housing needs assessment cycle.

20 (12) “Urban uses” means any current or former residential,
21 commercial, public institutional, transit or transportation passenger
22 facility, or retail use, or any combination of those uses.

23 (l) The department may review, adopt, amend, and repeal
24 guidelines to implement uniform standards or criteria that
25 supplement or clarify the terms, references, or standards set forth
26 in this section. Any guidelines or terms adopted pursuant to this
27 subdivision shall not be subject to Chapter 3.5 (commencing with
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
29 Code.

30 (m) The determination of whether an application for a
31 development is subject to the streamlined ministerial approval
32 process provided by subdivision (c) is not a “project” as defined
33 in Section 21065 of the Public Resources Code.

34 (n) It is the policy of the state that this section be interpreted
35 and implemented in a manner to afford the fullest possible weight
36 to the interest of, and the approval and provision of, increased
37 housing supply.

38 (o) This section shall remain in effect only until January 1, 2026,
39 and as of that date is repealed.

1 *SEC. 12. Section 65915 of the Government Code is amended*
2 *to read:*

3 65915. (a) (1) When an applicant seeks a density bonus for
4 a housing development within, or for the donation of land for
5 housing within, the jurisdiction of a city, county, or city and county,
6 that local government shall comply with this section. A city,
7 county, or city and county shall adopt an ordinance that specifies
8 how compliance with this section will be implemented. Except as
9 otherwise provided in subdivision (s), failure to adopt an ordinance
10 shall not relieve a city, county, or city and county from complying
11 with this section.

12 (2) A local government shall not condition the submission,
13 review, or approval of an application pursuant to this chapter on
14 the preparation of an additional report or study that is not otherwise
15 required by state law, including this section. This subdivision does
16 not prohibit a local government from requiring an applicant to
17 provide reasonable documentation to establish eligibility for a
18 requested density bonus, incentives or concessions, as described
19 in subdivision (d), waivers or reductions of development standards,
20 as described in subdivision (e), and parking ratios, as described in
21 subdivision (p).

22 (3) In order to provide for the expeditious processing of a density
23 bonus application, the local government shall do all of the
24 following:

25 (A) Adopt procedures and timelines for processing a density
26 bonus application.

27 (B) Provide a list of all documents and information required to
28 be submitted with the density bonus application in order for the
29 density bonus application to be deemed complete. This list shall
30 be consistent with this chapter.

31 (C) Notify the applicant for a density bonus whether the
32 application is complete in a manner consistent with the timelines
33 specified in Section 65943.

34 (D) (i) If the local government notifies the applicant that the
35 application is deemed complete pursuant to subparagraph (C),
36 provide the applicant with a determination as to the following
37 matters:

38 (I) The amount of density bonus, calculated pursuant to
39 subdivision (f), for which the applicant is eligible.

1 (II) If the applicant requests a parking ratio pursuant to
2 subdivision (p), the parking ratio for which the applicant is eligible.

3 (III) If the applicant requests incentives or concessions pursuant
4 to subdivision (d) or waivers or reductions of development
5 standards pursuant to subdivision (e), whether the applicant has
6 provided adequate information for the local government to make
7 a determination as to those incentives, concessions, or waivers or
8 reductions of development standards.

9 (ii) Any determination required by this subparagraph shall be
10 based on the development project at the time the application is
11 deemed complete. The local government shall adjust the amount
12 of density bonus and parking ratios awarded pursuant to this section
13 based on any changes to the project during the course of
14 development.

15 (b) (1) A city, county, or city and county shall grant one density
16 bonus, the amount of which shall be as specified in subdivision
17 (f), and, if requested by the applicant and consistent with the
18 applicable requirements of this section, incentives or concessions,
19 as described in subdivision (d), waivers or reductions of
20 development standards, as described in subdivision (e), and parking
21 ratios, as described in subdivision (p), when an applicant for a
22 housing development seeks and agrees to construct a housing
23 development, excluding any units permitted by the density bonus
24 awarded pursuant to this section, that will contain at least any one
25 of the following:

26 (A) Ten percent of the total units of a housing development for
27 lower income households, as defined in Section 50079.5 of the
28 Health and Safety Code.

29 (B) Five percent of the total units of a housing development for
30 very low income households, as defined in Section 50105 of the
31 Health and Safety Code.

32 (C) A senior citizen housing development, as defined in Sections
33 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits
34 residency based on age requirements for housing for older persons
35 pursuant to Section 798.76 or 799.5 of the Civil Code.

36 (D) Ten percent of the total dwelling units in a common interest
37 development, as defined in Section 4100 of the Civil Code, for
38 persons and families of moderate income, as defined in Section
39 50093 of the Health and Safety Code, provided that all units in the
40 development are offered to the public for purchase.

1 (E) Ten percent of the total units of a housing development for
2 transitional foster youth, as defined in Section 66025.9 of the
3 Education Code, disabled veterans, as defined in Section 18541,
4 or homeless persons, as defined in the federal McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units
6 described in this subparagraph shall be subject to a recorded
7 affordability restriction of 55 years and shall be provided at the
8 same affordability level as very low income units.

9 (F) (i) Twenty percent of the total units for lower income
10 students in a student housing development that meets the following
11 requirements:

12 (I) All units in the student housing development will be used
13 exclusively for undergraduate, graduate, or professional students
14 enrolled full time at an institution of higher education accredited
15 by the Western Association of Schools and Colleges or the
16 Accrediting Commission for Community and Junior Colleges. In
17 order to be eligible under this subclause, the developer shall, as a
18 condition of receiving a certificate of occupancy, provide evidence
19 to the city, county, or city and county that the developer has entered
20 into an operating agreement or master lease with one or more
21 institutions of higher education for the institution or institutions
22 to occupy all units of the student housing development with
23 students from that institution or institutions. An operating
24 agreement or master lease entered into pursuant to this subclause
25 is not violated or breached if, in any subsequent year, there are not
26 sufficient students enrolled in an institution of higher education
27 to fill all units in the student housing development.

28 (II) The applicable 20-percent units will be used for lower
29 income students. For purposes of this clause, “lower income
30 students” means students who have a household income and asset
31 level that does not exceed the level for Cal Grant A or Cal Grant
32 B award recipients as set forth in paragraph (1) of subdivision (k)
33 of Section 69432.7 of the Education Code. The eligibility of a
34 student under this clause shall be verified by an affidavit, award
35 letter, or letter of eligibility provided by the institution of higher
36 education that the student is enrolled in, as described in subclause
37 (I), or by the California Student Aid Commission that the student
38 receives or is eligible for financial aid, including an institutional
39 grant or fee waiver, from the college or university, the California

1 Student Aid Commission, or the federal government shall be
2 sufficient to satisfy this subclause.

3 (III) The rent provided in the applicable units of the development
4 for lower income students shall be calculated at 30 percent of 65
5 percent of the area median income for a single-room occupancy
6 unit type.

7 (IV) The development will provide priority for the applicable
8 affordable units for lower income students experiencing
9 homelessness. A homeless service provider, as defined in paragraph
10 (3) of subdivision (e) of Section 103577 of the Health and Safety
11 Code, or institution of higher education that has knowledge of a
12 person's homeless status may verify a person's status as homeless
13 for purposes of this subclause.

14 (ii) For purposes of calculating a density bonus granted pursuant
15 to this subparagraph, the term "unit" as used in this section means
16 one rental bed and its pro rata share of associated common area
17 facilities. The units described in this subparagraph shall be subject
18 to a recorded affordability restriction of 55 years.

19 (G) One hundred percent of all units in the development,
20 including total units and density bonus units, but exclusive of a
21 manager's unit or units, are for lower income households, as
22 defined by Section 50079.5 of the Health and Safety Code, except
23 that up to 20 percent of the units in the development, including
24 total units and density bonus units, may be for moderate-income
25 households, as defined in Section 50053 of the Health and Safety
26 Code.

27 (2) For purposes of calculating the amount of the density bonus
28 pursuant to subdivision (f), an applicant who requests a density
29 bonus pursuant to this subdivision shall elect whether the bonus
30 shall be awarded on the basis of subparagraph (A), (B), (C), (D),
31 (E), (F), or (G) of paragraph (1).

32 (3) For the purposes of this section, "total units," "total dwelling
33 units," or "total rental beds" does not include units added by a
34 density bonus awarded pursuant to this section or any local law
35 granting a greater density bonus.

36 (c) (1) (A) An applicant shall agree to, and the city, county,
37 or city and county shall ensure, the continued affordability of all
38 very low and low-income rental units that qualified the applicant
39 for the award of the density bonus for 55 years or a longer period
40 of time if required by the construction or mortgage financing

1 assistance program, mortgage insurance program, or rental subsidy
2 program.

3 (B) (i) Except as otherwise provided in clause (ii), rents for the
4 lower income density bonus units shall be set at an affordable rent,
5 as defined in Section 50053 of the Health and Safety Code.

6 (ii) For housing developments meeting the criteria of
7 subparagraph (G) of paragraph (1) of subdivision (b), rents for all
8 units in the development, including both base density and density
9 bonus units, shall be as follows:

10 (I) The rent for at least 20 percent of the units in the
11 development shall be set at an affordable rent, as defined in Section
12 50053 of the Health and Safety Code.

13 (II) The rent for the remaining units in the development shall
14 be set at an amount consistent with the maximum rent levels for
15 a housing development that receives an allocation of state or federal
16 low-income housing tax credits from the California Tax Credit
17 Allocation Committee.

18 (2) An applicant shall agree to, and the city, county, or city and
19 county shall ensure that, the initial occupant of all for-sale units
20 that qualified the applicant for the award of the density bonus are
21 persons and families of very low, low, or moderate income, as
22 required, and that the units are offered at an affordable housing
23 cost, as that cost is defined in Section 50052.5 of the Health and
24 Safety Code. The local government shall enforce an equity sharing
25 agreement, unless it is in conflict with the requirements of another
26 public funding source or law. The following apply to the equity
27 sharing agreement:

28 (A) Upon resale, the seller of the unit shall retain the value of
29 any improvements, the downpayment, and the seller's proportionate
30 share of appreciation. The local government shall recapture any
31 initial subsidy, as defined in subparagraph (B), and its proportionate
32 share of appreciation, as defined in subparagraph (C), which
33 amount shall be used within five years for any of the purposes
34 described in subdivision (e) of Section 33334.2 of the Health and
35 Safety Code that promote home ownership.

36 (B) For purposes of this subdivision, the local government's
37 initial subsidy shall be equal to the fair market value of the home
38 at the time of initial sale minus the initial sale price to the
39 moderate-income household, plus the amount of any downpayment
40 assistance or mortgage assistance. If upon resale the market value

1 is lower than the initial market value, then the value at the time of
2 the resale shall be used as the initial market value.

3 (C) For purposes of this subdivision, the local government’s
4 proportionate share of appreciation shall be equal to the ratio of
5 the local government’s initial subsidy to the fair market value of
6 the home at the time of initial sale.

7 (3) (A) An applicant shall be ineligible for a density bonus or
8 any other incentives or concessions under this section if the housing
9 development is proposed on any property that includes a parcel or
10 parcels on which rental dwelling units are or, if the dwelling units
11 have been vacated or demolished in the five-year period preceding
12 the application, have been subject to a recorded covenant,
13 ordinance, or law that restricts rents to levels affordable to persons
14 and families of lower or very low income; subject to any other
15 form of rent or price control through a public entity’s valid exercise
16 of its police power; or occupied by lower or very low income
17 households, unless the proposed housing development replaces
18 those units, and either of the following applies:

19 (i) The proposed housing development, inclusive of the units
20 replaced pursuant to this paragraph, contains affordable units at
21 the percentages set forth in subdivision (b).

22 (ii) Each unit in the development, exclusive of a manager’s unit
23 or units, is affordable to, and occupied by, either a lower or very
24 low income household.

25 (B) For the purposes of this paragraph, “replace” shall mean
26 either of the following:

27 (i) If any dwelling units described in subparagraph (A) are
28 occupied on the date of application, the proposed housing
29 development shall provide at least the same number of units of
30 equivalent size to be made available at affordable rent or affordable
31 housing cost to, and occupied by, persons and families in the same
32 or lower income category as those households in occupancy. If
33 the income category of the household in occupancy is not known,
34 it shall be rebuttably presumed that lower income renter households
35 occupied these units in the same proportion of lower income renter
36 households to all renter households within the jurisdiction, as
37 determined by the most recently available data from the United
38 States Department of Housing and Urban Development’s
39 Comprehensive Housing Affordability Strategy database. For
40 unoccupied dwelling units described in subparagraph (A) in a

1 development with occupied units, the proposed housing
2 development shall provide units of equivalent size to be made
3 available at affordable rent or affordable housing cost to, and
4 occupied by, persons and families in the same or lower income
5 category as the last household in occupancy. If the income category
6 of the last household in occupancy is not known, it shall be
7 rebuttably presumed that lower income renter households occupied
8 these units in the same proportion of lower income renter
9 households to all renter households within the jurisdiction, as
10 determined by the most recently available data from the United
11 States Department of Housing and Urban Development's
12 Comprehensive Housing Affordability Strategy database. All
13 replacement calculations resulting in fractional units shall be
14 rounded up to the next whole number. If the replacement units will
15 be rental dwelling units, these units shall be subject to a recorded
16 affordability restriction for at least 55 years. If the proposed
17 development is for-sale units, the units replaced shall be subject
18 to paragraph (2).

19 (ii) If all dwelling units described in subparagraph (A) have
20 been vacated or demolished within the five-year period preceding
21 the application, the proposed housing development shall provide
22 at least the same number of units of equivalent size as existed at
23 the highpoint of those units in the five-year period preceding the
24 application to be made available at affordable rent or affordable
25 housing cost to, and occupied by, persons and families in the same
26 or lower income category as those persons and families in
27 occupancy at that time, if known. If the incomes of the persons
28 and families in occupancy at the highpoint is not known, it shall
29 be rebuttably presumed that low-income and very low income
30 renter households occupied these units in the same proportion of
31 low-income and very low income renter households to all renter
32 households within the jurisdiction, as determined by the most
33 recently available data from the United States Department of
34 Housing and Urban Development's Comprehensive Housing
35 Affordability Strategy database. All replacement calculations
36 resulting in fractional units shall be rounded up to the next whole
37 number. If the replacement units will be rental dwelling units,
38 these units shall be subject to a recorded affordability restriction
39 for at least 55 years. If the proposed development is for-sale units,
40 the units replaced shall be subject to paragraph (2).

1 (C) Notwithstanding subparagraph (B), for any dwelling unit
2 described in subparagraph (A) that is or was, within the five-year
3 period preceding the application, subject to a form of rent or price
4 control through a local government’s valid exercise of its police
5 power and that is or was occupied by persons or families above
6 lower income, the city, county, or city and county may do either
7 of the following:

8 (i) Require that the replacement units be made available at
9 affordable rent or affordable housing cost to, and occupied by,
10 low-income persons or families. If the replacement units will be
11 rental dwelling units, these units shall be subject to a recorded
12 affordability restriction for at least 55 years. If the proposed
13 development is for-sale units, the units replaced shall be subject
14 to paragraph (2).

15 (ii) Require that the units be replaced in compliance with the
16 jurisdiction’s rent or price control ordinance, provided that each
17 unit described in subparagraph (A) is replaced. Unless otherwise
18 required by the jurisdiction’s rent or price control ordinance, these
19 units shall not be subject to a recorded affordability restriction.

20 (D) For purposes of this paragraph, “equivalent size” means
21 that the replacement units contain at least the same total number
22 of bedrooms as the units being replaced.

23 (E) Subparagraph (A) does not apply to an applicant seeking a
24 density bonus for a proposed housing development if the
25 applicant’s application was submitted to, or processed by, a city,
26 county, or city and county before January 1, 2015.

27 (d) (1) An applicant for a density bonus pursuant to subdivision
28 (b) may submit to a city, county, or city and county a proposal for
29 the specific incentives or concessions that the applicant requests
30 pursuant to this section, and may request a meeting with the city,
31 county, or city and county. The city, county, or city and county
32 shall grant the concession or incentive requested by the applicant
33 unless the city, county, or city and county makes a written finding,
34 based upon substantial evidence, of any of the following:

35 (A) The concession or incentive does not result in identifiable
36 and actual cost reductions, consistent with subdivision (k), to
37 provide for affordable housing costs, as defined in Section 50052.5
38 of the Health and Safety Code, or for rents for the targeted units
39 to be set as specified in subdivision (c).

1 (B) The concession or incentive would have a specific, adverse
2 impact, as defined in paragraph (2) of subdivision (d) of Section
3 65589.5, upon public health and safety or the physical environment
4 or on any real property that is listed in the California Register of
5 Historical Resources and for which there is no feasible method to
6 satisfactorily mitigate or avoid the specific, adverse impact without
7 rendering the development unaffordable to low-income and
8 moderate-income households.

9 (C) The concession or incentive would be contrary to state or
10 federal law.

11 (2) The applicant shall receive the following number of
12 incentives or concessions:

13 (A) One incentive or concession for projects that include at least
14 10 percent of the total units for lower income households, at least
15 5 percent for very low income households, or at least 10 percent
16 for persons and families of moderate income in a common interest
17 development.

18 (B) Two incentives or concessions for projects that include at
19 least 17 percent of the total units for lower income households, at
20 least 10 percent for very low income households, or at least 20
21 percent for persons and families of moderate income in a common
22 interest development.

23 (C) Three incentives or concessions for projects that include at
24 least 24 percent of the total units for lower income households, at
25 least 15 percent for very low income households, or at least 30
26 percent for persons and families of moderate income in a common
27 interest development.

28 (D) Four incentives or concessions for projects meeting the
29 criteria of subparagraph (G) of paragraph (1) of subdivision (b).
30 If the project is located within one-half mile of a major transit stop,
31 the applicant shall also receive a height increase of up to three
32 additional stories, or 33 feet.

33 (3) The applicant may initiate judicial proceedings if the city,
34 county, or city and county refuses to grant a requested density
35 bonus, incentive, or concession. If a court finds that the refusal to
36 grant a requested density bonus, incentive, or concession is in
37 violation of this section, the court shall award the plaintiff
38 reasonable attorney's fees and costs of suit. Nothing in this
39 subdivision shall be interpreted to require a local government to
40 grant an incentive or concession that has a specific, adverse impact,

1 as defined in paragraph (2) of subdivision (d) of Section 65589.5,
2 upon health, safety, or the physical environment, and for which
3 there is no feasible method to satisfactorily mitigate or avoid the
4 specific adverse impact. Nothing in this subdivision shall be
5 interpreted to require a local government to grant an incentive or
6 concession that would have an adverse impact on any real property
7 that is listed in the California Register of Historical Resources.
8 The city, county, or city and county shall establish procedures for
9 carrying out this section that shall include legislative body approval
10 of the means of compliance with this section.

11 (4) The city, county, or city and county shall bear the burden
12 of proof for the denial of a requested concession or incentive.

13 (e) (1) In no case may a city, county, or city and county apply
14 any development standard that will have the effect of physically
15 precluding the construction of a development meeting the criteria
16 of subdivision (b) at the densities or with the concessions or
17 incentives permitted by this section. Subject to paragraph (3), an
18 applicant may submit to a city, county, or city and county a
19 proposal for the waiver or reduction of development standards that
20 will have the effect of physically precluding the construction of a
21 development meeting the criteria of subdivision (b) at the densities
22 or with the concessions or incentives permitted under this section,
23 and may request a meeting with the city, county, or city and county.
24 If a court finds that the refusal to grant a waiver or reduction of
25 development standards is in violation of this section, the court
26 shall award the plaintiff reasonable attorney's fees and costs of
27 suit. Nothing in this subdivision shall be interpreted to require a
28 local government to waive or reduce development standards if the
29 waiver or reduction would have a specific, adverse impact, as
30 defined in paragraph (2) of subdivision (d) of Section 65589.5,
31 upon health, safety, or the physical environment, and for which
32 there is no feasible method to satisfactorily mitigate or avoid the
33 specific adverse impact. Nothing in this subdivision shall be
34 interpreted to require a local government to waive or reduce
35 development standards that would have an adverse impact on any
36 real property that is listed in the California Register of Historical
37 Resources, or to grant any waiver or reduction that would be
38 contrary to state or federal law.

39 (2) A proposal for the waiver or reduction of development
40 standards pursuant to this subdivision shall neither reduce nor

1 increase the number of incentives or concessions to which the
2 applicant is entitled pursuant to subdivision (d).

3 (3) A housing development that receives a waiver from any
4 maximum controls on density pursuant to clause (ii) of
5 subparagraph (D) of paragraph (3) of subdivision (f) shall only be
6 eligible for a waiver or reduction of development standards as
7 provided in subparagraph (D) of paragraph (2) of subdivision (d)
8 and clause (ii) of subparagraph (D) of paragraph (3) of subdivision
9 (f), unless the city, county, or city and county agrees to additional
10 waivers or reductions of development standards.

11 (f) For the purposes of this chapter, “density bonus” means a
12 density increase over the otherwise maximum allowable gross
13 residential density as of the date of application by the applicant to
14 the city, county, or city and county, or, if elected by the applicant,
15 a lesser percentage of density increase, including, but not limited
16 to, no increase in density. The amount of density increase to which
17 the applicant is entitled shall vary according to the amount by
18 which the percentage of affordable housing units exceeds the
19 percentage established in subdivision (b).

20 (1) For housing developments meeting the criteria of
21 subparagraph (A) of paragraph (1) of subdivision (b), the density
22 bonus shall be calculated as follows:

23	Percentage Low-Income Units	Percentage Density
24		Bonus
25	10	20
26	11	21.5
27	12	23
28	13	24.5
29	14	26
30	15	27.5
31	16	29
32	17	30.5
33	18	32
34	19	33.5
35	20	35
36	21	38.75
37	22	42.5
38	23	46.25
39	24	50
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(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

1 (3) (A) For housing developments meeting the criteria of
2 subparagraph (C) of paragraph (1) of subdivision (b), the density
3 bonus shall be 20 percent of the number of senior housing units.

4 (B) For housing developments meeting the criteria of
5 subparagraph (E) of paragraph (1) of subdivision (b), the density
6 bonus shall be 20 percent of the number of the type of units giving
7 rise to a density bonus under that subparagraph.

8 (C) For housing developments meeting the criteria of
9 subparagraph (F) of paragraph (1) of subdivision (b), the density
10 bonus shall be 35 percent of the student housing units.

11 (D) For housing developments meeting the criteria of
12 subparagraph (G) of paragraph (1) of subdivision (b), the following
13 shall apply:

14 (i) Except as otherwise provided in clause (ii), the density bonus
15 shall be 80 percent of the number of units for lower income
16 households.

17 (ii) If the housing development is located within one-half mile
18 of a major transit stop, the city, county, or city and county shall
19 not impose any maximum controls on density.

20 (4) For housing developments meeting the criteria of
21 subparagraph (D) of paragraph (1) of subdivision (b), the density
22 bonus shall be calculated as follows:

23	Percentage Moderate-Income Units	Percentage Density Bonus
24		
25	10	5
26	11	6
27	12	7
28	13	8
29	14	9
30	15	10
31	16	11
32	17	12
33	18	13
34	19	14
35	20	15
36	21	16
37	22	17
38	23	18
39	24	19
40	25	20

1	26	21
2	27	22
3	28	23
4	29	24
5	30	25
6	31	26
7	32	27
8	33	28
9	34	29
10	35	30
11	36	31
12	37	32
13	38	33
14	39	34
15	40	35
16	41	38.75
17	42	42.5
18	43	46.25
19	44	50
20		

21 (5) All density calculations resulting in fractional units shall be
 22 rounded up to the next whole number. The granting of a density
 23 bonus shall not require, or be interpreted, in and of itself, to require
 24 a general plan amendment, local coastal plan amendment, zoning
 25 change, or other discretionary approval.

26 (g) (1) When an applicant for a tentative subdivision map,
 27 parcel map, or other residential development approval donates
 28 land to a city, county, or city and county in accordance with this
 29 subdivision, the applicant shall be entitled to a 15-percent increase
 30 above the otherwise maximum allowable residential density for
 31 the entire development, as follows:

32	Percentage Very Low Income	Percentage Density Bonus
33		
34	10	15
35	11	16
36	12	17
37	13	18
38	14	19
39	15	20
40	16	21

1	17	22
2	18	23
3	19	24
4	20	25
5	21	26
6	22	27
7	23	28
8	24	29
9	25	30
10	26	31
11	27	32
12	28	33
13	29	34
14	30	35
15		

16 (2) This increase shall be in addition to any increase in density
17 mandated by subdivision (b), up to a maximum combined mandated
18 density increase of 35 percent if an applicant seeks an increase
19 pursuant to both this subdivision and subdivision (b). All density
20 calculations resulting in fractional units shall be rounded up to the
21 next whole number. Nothing in this subdivision shall be construed
22 to enlarge or diminish the authority of a city, county, or city and
23 county to require a developer to donate land as a condition of
24 development. An applicant shall be eligible for the increased
25 density bonus described in this subdivision if all of the following
26 conditions are met:

27 (A) The applicant donates and transfers the land no later than
28 the date of approval of the final subdivision map, parcel map, or
29 residential development application.

30 (B) The developable acreage and zoning classification of the
31 land being transferred are sufficient to permit construction of units
32 affordable to very low income households in an amount not less
33 than 10 percent of the number of residential units of the proposed
34 development.

35 (C) The transferred land is at least one acre in size or of
36 sufficient size to permit development of at least 40 units, has the
37 appropriate general plan designation, is appropriately zoned with
38 appropriate development standards for development at the density
39 described in paragraph (3) of subdivision (c) of Section 65583.2,

1 and is or will be served by adequate public facilities and
2 infrastructure.

3 (D) The transferred land shall have all of the permits and
4 approvals, other than building permits, necessary for the
5 development of the very low income housing units on the
6 transferred land, not later than the date of approval of the final
7 subdivision map, parcel map, or residential development
8 application, except that the local government may subject the
9 proposed development to subsequent design review to the extent
10 authorized by subdivision (i) of Section 65583.2 if the design is
11 not reviewed by the local government before the time of transfer.

12 (E) The transferred land and the affordable units shall be subject
13 to a deed restriction ensuring continued affordability of the units
14 consistent with paragraphs (1) and (2) of subdivision (c), which
15 shall be recorded on the property at the time of the transfer.

16 (F) The land is transferred to the local agency or to a housing
17 developer approved by the local agency. The local agency may
18 require the applicant to identify and transfer the land to the
19 developer.

20 (G) The transferred land shall be within the boundary of the
21 proposed development or, if the local agency agrees, within
22 one-quarter mile of the boundary of the proposed development.

23 (H) A proposed source of funding for the very low income units
24 shall be identified not later than the date of approval of the final
25 subdivision map, parcel map, or residential development
26 application.

27 (h) (1) When an applicant proposes to construct a housing
28 development that conforms to the requirements of subdivision (b)
29 and includes a childcare facility that will be located on the premises
30 of, as part of, or adjacent to, the project, the city, county, or city
31 and county shall grant either of the following:

32 (A) An additional density bonus that is an amount of square
33 feet of residential space that is equal to or greater than the amount
34 of square feet in the childcare facility.

35 (B) An additional concession or incentive that contributes
36 significantly to the economic feasibility of the construction of the
37 childcare facility.

38 (2) The city, county, or city and county shall require, as a
39 condition of approving the housing development, that the following
40 occur:

1 (A) The childcare facility shall remain in operation for a period
2 of time that is as long as or longer than the period of time during
3 which the density bonus units are required to remain affordable
4 pursuant to subdivision (c).

5 (B) Of the children who attend the childcare facility, the children
6 of very low income households, lower income households, or
7 families of moderate income shall equal a percentage that is equal
8 to or greater than the percentage of dwelling units that are required
9 for very low income households, lower income households, or
10 families of moderate income pursuant to subdivision (b).

11 (3) Notwithstanding any requirement of this subdivision, a city,
12 county, or city and county shall not be required to provide a density
13 bonus or concession for a childcare facility if it finds, based upon
14 substantial evidence, that the community has adequate childcare
15 facilities.

16 (4) “Childcare facility,” as used in this section, means a child
17 daycare facility other than a family daycare home, including, but
18 not limited to, infant centers, preschools, extended daycare
19 facilities, and schoolage childcare centers.

20 (i) “Housing development,” as used in this section, means a
21 development project for five or more residential units, including
22 mixed-use developments. For the purposes of this section, “housing
23 development” also includes a subdivision or common interest
24 development, as defined in Section 4100 of the Civil Code,
25 approved by a city, county, or city and county and consists of
26 residential units or unimproved residential lots and either a project
27 to substantially rehabilitate and convert an existing commercial
28 building to residential use or the substantial rehabilitation of an
29 existing multifamily dwelling, as defined in subdivision (d) of
30 Section 65863.4, where the result of the rehabilitation would be a
31 net increase in available residential units. For the purpose of
32 calculating a density bonus, the residential units shall be on
33 contiguous sites that are the subject of one development
34 application, but do not have to be based upon individual
35 subdivision maps or parcels. The density bonus shall be permitted
36 in geographic areas of the housing development other than the
37 areas where the units for the lower income households are located.

38 (j) (1) The granting of a concession or incentive shall not require
39 or be interpreted, in and of itself, to require a general plan
40 amendment, local coastal plan amendment, zoning change, study,

1 or other discretionary approval. For purposes of this subdivision,
2 “study” does not include reasonable documentation to establish
3 eligibility for the concession or incentive or to demonstrate that
4 the incentive or concession meets the definition set forth in
5 subdivision (k). This provision is declaratory of existing law.

6 (2) Except as provided in subdivisions (d) and (e), the granting
7 of a density bonus shall not require or be interpreted to require the
8 waiver of a local ordinance or provisions of a local ordinance
9 unrelated to development standards.

10 (k) For the purposes of this chapter, concession or incentive
11 means any of the following:

12 (1) A reduction in site development standards or a modification
13 of zoning code requirements or architectural design requirements
14 that exceed the minimum building standards approved by the
15 California Building Standards Commission as provided in Part 2.5
16 (commencing with Section 18901) of Division 13 of the Health
17 and Safety Code, including, but not limited to, a reduction in
18 setback and square footage requirements and in the ratio of
19 vehicular parking spaces that would otherwise be required that
20 results in identifiable and actual cost reductions, to provide for
21 affordable housing costs, as defined in Section 50052.5 of the
22 Health and Safety Code, or for rents for the targeted units to be
23 set as specified in subdivision (c).

24 (2) Approval of mixed-use zoning in conjunction with the
25 housing project if commercial, office, industrial, or other land uses
26 will reduce the cost of the housing development and if the
27 commercial, office, industrial, or other land uses are compatible
28 with the housing project and the existing or planned development
29 in the area where the proposed housing project will be located.

30 (3) Other regulatory incentives or concessions proposed by the
31 developer or the city, county, or city and county that result in
32 identifiable and actual cost reductions to provide for affordable
33 housing costs, as defined in Section 50052.5 of the Health and
34 Safety Code, or for rents for the targeted units to be set as specified
35 in subdivision (c).

36 (l) Subdivision (k) does not limit or require the provision of
37 direct financial incentives for the housing development, including
38 the provision of publicly owned land, by the city, county, or city
39 and county, or the waiver of fees or dedication requirements.

1 (m) This section does not supersede or in any way alter or lessen
2 the effect or application of the California Coastal Act of 1976
3 (Division 20 (commencing with Section 30000) of the Public
4 Resources Code). Any density bonus, concessions, incentives,
5 waivers or reductions of development standards, and parking ratios
6 to which the applicant is entitled under this section shall be
7 permitted in a manner that is consistent with this section and
8 Division 20 (commencing with Section 30000) of the Public
9 Resources Code.

10 (n) If permitted by local ordinance, nothing in this section shall
11 be construed to prohibit a city, county, or city and county from
12 granting a density bonus greater than what is described in this
13 section for a development that meets the requirements of this
14 section or from granting a proportionately lower density bonus
15 than what is required by this section for developments that do not
16 meet the requirements of this section.

17 (o) For purposes of this section, the following definitions shall
18 apply:

19 (1) “Development standard” includes a site or construction
20 condition, including, but not limited to, a height limitation, a
21 setback requirement, a floor area ratio, an onsite open-space
22 requirement, or a parking ratio that applies to a residential
23 development pursuant to any ordinance, general plan element,
24 specific plan, charter, or other local condition, law, policy,
25 resolution, or regulation.

26 (2) “Located within one-half mile of a major transit stop” means
27 that any point on a proposed development, for which an applicant
28 seeks a density bonus, other incentives or concessions, waivers or
29 reductions of development standards, or a vehicular parking ratio
30 pursuant to this section, is within one-half mile of any point on
31 the property on which a major transit stop is located, including
32 any parking lot owned by the transit authority or other local agency
33 operating the major transit stop.

34 (3) “Major transit stop” has the same meaning as defined in
35 subdivision (b) of Section 21155 of the Public Resources Code.

36 (4) “Maximum allowable residential density” means the density
37 allowed under the zoning ordinance and land use element of the
38 general plan, or, if a range of density is permitted, means the
39 maximum allowable density for the specific zoning range and land
40 use element of the general plan applicable to the project. If the

1 density allowed under the zoning ordinance is inconsistent with
2 the density allowed under the land use element of the general plan,
3 the general plan density shall prevail.

4 (p) (1) Except as provided in paragraphs (2), (3), and (4), upon
5 the request of the developer, a city, county, or city and county shall
6 not require a vehicular parking ratio, inclusive of parking for
7 persons with a disability and guests, of a development meeting the
8 criteria of subdivisions (b) and (c), that exceeds the following
9 ratios:

10 (A) Zero to one bedroom: one onsite parking space.

11 (B) Two to three bedrooms: one and one-half onsite parking
12 spaces.

13 (C) Four and more bedrooms: two and one-half parking spaces.

14 (2) (A) Notwithstanding paragraph (1), if a development
15 includes at least 20 percent low-income units for housing
16 developments meeting the criteria of subparagraph (A) of paragraph
17 (1) of subdivision (b) or at least 11 percent very low income units
18 for housing developments meeting the criteria of subparagraph
19 (B) of paragraph (1) of subdivision (b), is located within one-half
20 mile of a major transit stop, and there is unobstructed access to
21 the major transit stop from the development, then, upon the request
22 of the developer, a city, county, or city and county shall not impose
23 a vehicular parking ratio, inclusive of parking for persons with a
24 disability and guests, that exceeds 0.5 spaces per unit.

25 (B) For purposes of this subdivision, a development shall have
26 unobstructed access to a major transit stop if a resident is able to
27 access the major transit stop without encountering natural or
28 constructed impediments. For purposes of this subparagraph,
29 “natural or constructed impediments” includes, but is not limited
30 to, freeways, rivers, mountains, and bodies of water, but does not
31 include residential structures, shopping centers, parking lots, or
32 rails used for transit.

33 (3) Notwithstanding paragraph (1), if a development consists
34 solely of rental units, exclusive of a manager’s unit or units, with
35 an affordable housing cost to lower income families, as provided
36 in Section 50052.5 of the Health and Safety Code, then, upon the
37 request of the developer, a city, county, or city and county shall
38 not impose vehicular parking standards if the development meets
39 either of the following criteria:

1 (A) The development is located within one-half mile of a major
2 transit stop and there is unobstructed access to the major transit
3 stop from the development.

4 (B) The development is a for-rent housing development for
5 individuals who are 62 years of age or older that complies with
6 Sections 51.2 and 51.3 of the Civil Code and the development has
7 either paratransit service or unobstructed access, within one-half
8 mile, to fixed bus route service that operates at least eight times
9 per day.

10 (4) Notwithstanding paragraphs (1) and (8), if a development
11 consists solely of rental units, exclusive of a manager's unit or
12 units, with an affordable housing cost to lower income families,
13 as provided in Section 50052.5 of the Health and Safety Code, and
14 the development is either a special needs housing development,
15 as defined in Section 51312 of the Health and Safety Code, or a
16 supportive housing development, as defined in Section 50675.14
17 of the Health and Safety Code, then, upon the request of the
18 developer, a city, county, or city and county shall not impose any
19 minimum vehicular parking requirement. A development that is
20 a special needs housing development shall have either paratransit
21 service or unobstructed access, within one-half mile, to fixed bus
22 route service that operates at least eight times per day.

23 (5) If the total number of parking spaces required for a
24 development is other than a whole number, the number shall be
25 rounded up to the next whole number. For purposes of this
26 subdivision, a development may provide onsite parking through
27 tandem parking or uncovered parking, but not through onstreet
28 parking.

29 (6) This subdivision shall apply to a development that meets
30 the requirements of subdivisions (b) and (c), but only at the request
31 of the applicant. An applicant may request parking incentives or
32 concessions beyond those provided in this subdivision pursuant
33 to subdivision (d).

34 (7) This subdivision does not preclude a city, county, or city
35 and county from reducing or eliminating a parking requirement
36 for development projects of any type in any location.

37 (8) Notwithstanding paragraphs (2) and (3), if a city, county,
38 city and county, or an independent consultant has conducted an
39 areawide or jurisdictionwide parking study in the last seven years,
40 then the city, county, or city and county may impose a higher

1 vehicular parking ratio not to exceed the ratio described in
2 paragraph (1), based upon substantial evidence found in the parking
3 study, that includes, but is not limited to, an analysis of parking
4 availability, differing levels of transit access, walkability access
5 to transit services, the potential for shared parking, the effect of
6 parking requirements on the cost of market-rate and subsidized
7 developments, and the lower rates of car ownership for low-income
8 and very low income individuals, including seniors and special
9 needs individuals. The city, county, or city and county shall pay
10 the costs of any new study. The city, county, or city and county
11 shall make findings, based on a parking study completed in
12 conformity with this paragraph, supporting the need for the higher
13 parking ratio.

14 (9) A request pursuant to this subdivision shall neither reduce
15 nor increase the number of incentives or concessions to which the
16 applicant is entitled pursuant to subdivision (d).

17 (q) Each component of any density calculation, including base
18 density and bonus density, resulting in fractional units shall be
19 separately rounded up to the next whole number. The Legislature
20 finds and declares that this provision is declaratory of existing law.

21 (r) This chapter shall be interpreted liberally in favor of
22 producing the maximum number of total housing units.

23 (s) Notwithstanding any other law, if a city, including a charter
24 city, county, or city and county has adopted an ordinance or a
25 housing program, or both an ordinance and a housing program,
26 that incentivizes the development of affordable housing that allows
27 for density bonuses that exceed the density bonuses required by
28 the version of this section effective through December 31, 2020,
29 that city, county, or city and county is not required to amend or
30 otherwise update its ordinance or corresponding affordable housing
31 incentive program to comply with the amendments made to this
32 section by the act adding this subdivision, and is exempt from
33 complying with the incentive and concession calculation
34 amendments made to this section by the act adding this subdivision
35 as set forth in subdivision (d), particularly subparagraphs (B) and
36 (C)—and—(D) of paragraph (2) of that subdivision, and the
37 amendments made to the density tables under subdivision (f).

38 ~~SEC. 8.—Section 18214 of the Health and Safety Code is~~
39 ~~amended to read:~~

1 18214. ~~(a) “Mobilehome park” is any area or tract of land~~
2 ~~where two or more lots are rented or leased, held out for rent or~~
3 ~~lease, or were formerly held out for rent or lease and later converted~~
4 ~~to a subdivision, cooperative, condominium, or other form of~~
5 ~~resident ownership, to accommodate manufactured homes,~~
6 ~~mobilehomes, or recreational vehicles used for human habitation.~~
7 ~~The rental paid for a manufactured home, a mobilehome, or a~~
8 ~~recreational vehicle shall be deemed to include rental for the lot~~
9 ~~it occupies. This subdivision shall not be construed to authorize~~
10 ~~the rental of a mobilehome park space for the accommodation of~~
11 ~~a recreational vehicle in violation of Section 798.22 of the Civil~~
12 ~~Code.~~

13 ~~(b) Notwithstanding subdivision (a), employee housing that has~~
14 ~~obtained a permit to operate pursuant to the Employee Housing~~
15 ~~Act (Part 1 (commencing with Section 17000)) and that both meets~~
16 ~~the criteria of Section 17021.6 and is comprised of two or more~~
17 ~~lots or units held out for lease or rent or provided as a term or~~
18 ~~condition of employment shall not be deemed a mobilehome park~~
19 ~~for the purposes of the requirement to obtain an initial or annual~~
20 ~~permit to operate or pay any related fees required by this part.~~

21 ~~(c) Notwithstanding subdivision (a), an area or tract of land~~
22 ~~shall not be deemed a mobilehome park if the structures on it~~
23 ~~consist of residential structures that are rented or leased, or held~~
24 ~~out for rent or lease, if those residential structures meet both of~~
25 ~~the following requirements:~~

26 ~~(1) The residential structures are manufactured homes~~
27 ~~constructed pursuant to the National Manufactured Housing~~
28 ~~Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et seq.)~~
29 ~~or mobilehomes containing two or more dwelling units for human~~
30 ~~habitation.~~

31 ~~(2) Those manufactured homes or mobilehomes have been~~
32 ~~approved by a city, county, or city and county pursuant to~~
33 ~~subdivision (c) of Section 17951 as an alternate which is at least~~
34 ~~the equivalent to the requirements prescribed in the California~~
35 ~~Building Standards Code or Part 1.5 (commencing with Section~~
36 ~~17910) in performance, safety, and for the protection of life and~~
37 ~~health.~~

38 ~~(d) Notwithstanding subdivision (a), an area or tract of land~~
39 ~~shall not be deemed a mobilehome park due to the rental or lease~~

1 of an accessory dwelling unit, as defined in Section 65852.2 of
2 the Government Code.

3 ~~SEC. 9.~~

4 *SEC. 13.* Section 34178.8 is added to the Health and Safety
5 Code, to read:

6 34178.8. (a) Notwithstanding Section 33411.3, whenever all
7 or any portion of a redevelopment project was developed with
8 low- or moderate-income housing units and whenever any low-
9 or moderate-income housing units were developed with any
10 redevelopment agency assistance or pursuant to Section 33413,
11 the redevelopment agency’s housing successor designated under
12 Section 34176 shall require by contract or other appropriate means
13 that the housing be made available for rent or purchase to the
14 persons and families of low or moderate income displaced by the
15 redevelopment project and to a person of low or moderate income
16 who had a parent *is a descendant of the person* displaced by the
17 redevelopment project and who, at the time of ~~the parent’s~~
18 displacement, was not living in the household or had not yet been
19 born. Those persons and families shall be given priority in renting
20 or buying that housing. However, failure to give that priority shall
21 not affect the validity of title to real property. The redevelopment
22 agency’s housing successor shall keep a list of persons and families
23 of low and moderate income who are to be given priority pursuant
24 to this section, and may establish reasonable rules for determining
25 the order or priority on the list.

26 (b) For purposes of this section, ~~“parent” includes any of the~~
27 ~~following:~~ *“descendant” shall have the meaning provided in*
28 *Section 6205 of the Probate Code.*

29 ~~(1) A person who had the care and legal custody of a minor.~~

30 ~~(2) A person who had been given care and custody of a minor~~
31 ~~by a state or local governmental entity that was responsible for the~~
32 ~~welfare of children.~~

33 ~~(3) The designee of the parent or other person with legal custody~~
34 ~~of the minor by written consent of the parent or designated~~
35 ~~custodian.~~

36 ~~SEC. 10.~~

37 *SEC. 14.* Section 50199.14 of the Health and Safety Code is
38 amended to read:

39 50199.14. (a) The committee shall allocate the housing credit
40 on a regular basis consisting of two or more periods in each

1 calendar year during which applications may be filed and
2 considered. The committee shall establish application filing
3 deadlines, the maximum percentage of federal and state low-income
4 housing tax credit ceiling that may be allocated by the committee
5 in that period, and the approximate date on which allocations shall
6 be made. If the enactment of federal or state law, or the adoption
7 of rules or regulations, or other similar events prevent the use of
8 two allocation periods, the committee may reduce the number of
9 periods and adjust the filing deadlines, maximum percentage of
10 credit allocated, and the allocation dates.

11 (b) The committee shall adopt a qualified allocation plan, as
12 provided in paragraph (1) of subsection (m) of Section 42 of Title
13 26 of the United States Code. In adopting this plan, the committee
14 shall comply with the provisions of subparagraphs (B) and (C) of
15 paragraph (1) of subsection (m) of Section 42 of Title 26 of the
16 United States Code.

17 (c) In order to promote the provision of affordable low-income
18 housing within and throughout the state, the committee shall
19 allocate housing credits in accordance with the qualified allocation
20 plan and regulations, which shall include the following provisions:

21 (1) All housing credit applicants shall demonstrate at the time
22 the application is filed with the committee, that the project meets
23 the following threshold requirements:

24 (A) The housing credit applicant shall demonstrate there is a
25 need and demand for low-income housing in the community or
26 region for which it is proposed.

27 (B) The project's proposed financing, including tax credit
28 proceeds, shall be sufficient to complete the project and that the
29 proposed operating income shall be adequate to operate the project
30 for the extended use period.

31 (C) The project shall have enforceable financing commitments,
32 either construction or permanent financing, for at least 50 percent
33 of the total estimated financing of the project.

34 (D) The housing credit applicant shall have and maintain control
35 of the site for the project.

36 (E) The housing sponsor shall demonstrate that the project
37 complies with all applicable local land use and zoning ordinances.

38 (F) The housing credit applicant shall demonstrate that the
39 project development team has the experience and the financial

1 capacity to ensure project completion and operation for the
2 extended use period.

3 (G) The housing credit applicant shall demonstrate the amount
4 of tax credit that is necessary for the financial feasibility of the
5 project and its viability as a qualified low-income housing project
6 throughout the extended use period, taking into account operating
7 expenses, supportable debt service, reserves, funds set aside for
8 rental subsidies, and required equity, and a development fee that
9 does not exceed a specified percentage of the eligible basis of the
10 project prior to inclusion of the development fee in the basis, as
11 determined by the committee.

12 (2) The committee shall give a preference to those projects
13 satisfying all of the threshold requirements of paragraph (1) if:

14 (A) The project serves the lowest income tenants at rents
15 affordable to those tenants; and

16 (B) The project is obligated to serve qualified tenants for the
17 longest period.

18 (3) In addition to the provisions of paragraphs (1) and (2) of
19 subdivision (c), the committee shall use the following criteria in
20 allocating housing credits:

21 (A) Projects serving large families in which a substantial
22 number, as defined by the committee, of all residential units are
23 comprised of low-income units with three and more bedrooms.

24 (B) Projects providing single room occupancy units serving
25 very low income tenants.

26 (C) Existing projects that are “at risk of conversion,” as defined
27 by paragraph (6) of subdivision (c) of Section 17058 of the
28 Revenue and Taxation Code.

29 (D) Projects for which a public agency provides direct or indirect
30 long-term financial support for at least 15 percent of the total
31 project development costs or projects for which the owner’s equity
32 constitutes at least 30 percent of the total project development
33 costs.

34 (E) Projects that provide tenant amenities not generally available
35 to residents of low-income housing projects.

36 (d) For purposes of allocating credits pursuant to this section,
37 the committee shall not give preference to any project by virtue
38 of the date of submission of its application, except to break a tie
39 when two or more of the projects have the same rating.

1 (e) The committee shall allocate credits to a project under this
2 section prior to allocating credit to that project under Sections
3 12206, 17058, and 23610.5 of the Revenue and Taxation Code.

4 (f) The committee shall allocate credits to a project only if the
5 housing sponsor enters into a regulatory agreement that provides
6 for an “extended use period” as defined in subparagraph (D) of
7 paragraph (6) of subsection (h) of Section 42 of the Internal
8 Revenue Code, which shall terminate on the date specified in the
9 regulatory agreement or the date the project is acquired in
10 foreclosure, including any instrument in lieu of foreclosure,
11 whichever occurs first, and subclause (II) of subparagraph (E) of
12 clause (i) of paragraph (6) of subsection (h) of Section 42 shall
13 not apply.

14 ~~SEC. 11.~~

15 *SEC. 15.* If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#)
Subject: Walton - Introduction - Resolution Supporting AB 1584
Date: Tuesday, May 25, 2021 3:39:43 PM
Attachments: [Walton - Reso - AB 1584 Chiu.doc](#)
[20210AB1584_98.pdf](#)
[Walton - Introduction Form - AB 1584.pdf](#)

Good afternoon Clerk Team,

Attached is President Walton's introduction form, resolution supporting AB 1584 (Chiu), and the text of AB 1584. Confirming that this resolution pertains to matters that are routine, not contentious in nature, and of no special interest.

Both the California State Association of Counties and the League of California Cities have not yet taken a position on the bill.

I've CC'ed President Walton to confirm his signature.

Thanks,
Natalie

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
President, Board of Supervisors
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
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):

Walton, Mandelman, Safai, Peskin, Chan

Subject:

Supporting Assembly Bill No. 1584 – Residential Certificate of Preference

The text is listed:

Resolution supporting California State Assembly Bill No. 1584 (Chiu) – Residential Certificate of Preference, authored by Assembly Member David Chiu, to prioritize descendants of people displaced under redevelopment initiatives for city-funded affordable housing lotteries.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only