

Date of Hearing: April 10, 2019

**ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

David Chiu, Chair

AB 1483 (Grayson) – As Amended April 1, 2019

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

**SUMMARY:** Requires increased reporting of housing data from local jurisdictions, compilation of data by the state, and dissemination of the data by both local jurisdictions and the state.

Specifically, **this bill**:

- 1) Requires the compilation of information concerning city and county zoning and planning standards, fees, special taxes, and property assessments for housing development projects as follows:
  - a) Requires each city and county to compile one or more lists that specify in detail all of the following information applicable to housing development projects in its jurisdiction:
    - i. All zoning and planning standards;
    - ii. All fees imposed by the city or county and any other local agency on a housing development project under the Mitigation Fee Act; and,
    - iii. All special taxes and property assessments imposed on a development including charges by an assessment district, taxes for the payment of principal and interest on voter-approved bonds, and fees authorized by the Mello-Roos Community Facilities Act of 1982;
  - b) Requires each city and county to make this information available by:
    - i. Posting the lists its internet website and making available upon request; and,
    - ii. Annually providing the lists to the Department of Housing and Community Development (HCD) and any applicable metropolitan planning organization (MPO).
  - c) Requires HCD to post this information on its internet website by January 1, 2021, and each year thereafter;
  - d) Enables HCD to require the city or county submit this information to as part of the annual housing element production report; and
  - e) Requires, upon request of a local public entity, that HCD must provide technical assistance to that local public entity in providing this information.
- 2) Requires the compilation of information concerning housing development projects in cities and counties as follows:
  - a) Each city and county must annually compile the following information:

- i. The number of housing development project applications that the city or county has deemed complete, but have not been issued a certificate of occupancy, including:
  1. The name of the applicant;
  2. The location of the proposed project;
  3. The date the application was deemed complete; and
  4. The nature of the additional permits needed to complete the housing development project.
- ii. The number of discretionary permits granted by the legislative body or planning commission of the city or county, including conditional use permits and zoning variances;
- iii. The number of building permits issued by the city or county;
- iv. The number of certificates of occupancy issued by the city or county.
- b) Each city and county must annually submit a report with this information to HCD and any applicable MPO;
- c) Requires HCD to post this information on its internet website by January 1, 2021, and each year thereafter;
- d) Enables HCD to require the city or county submit this information to as part of the annual housing element production report; and
- e) Requires, upon request of a local public entity, that HCD must provide technical assistance to that local public entity in providing this information.
- 3) Defines, for purposes of this section, “housing development project” to mean a use consisting of residential units only or mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
- 4) Requires that, as part of the annual housing element report submitted to HCD, HCD may require a city or county planning agency to include any other they deem necessary or convenient for purposes of assessing progress toward the state’s housing goals.
- 5) Enables HCD to assess the accuracy of the information submitted as part of the annual housing element production report. If HCD determines that any report submitted to it by a planning agency pursuant to this section contains inaccurate information, HCD may require that the planning agency correct that inaccuracy.

- 6) Enables a metropolitan planning organization (MPO) to receive data regarding housing production within a county or city located within the territorial boundaries of the MPO, as follows:
  - a) The MPO must submit a request for the data to HCD by a majority vote of its governing board. The request shall be in the form and manner required by HCD and shall demonstrate that the request for housing data is justified on the basis of furthering the state's housing goals;
  - b) An MPO that requests this housing data must collaborate with the county or city from which the data is sought to establish the scope of the requested data, so as to ensure that the request does not create an undue burden on the staff of the county or city;
  - c) HCD must grant a request for this housing data, and must require the planning agency of the county or city that is the subject of the request to provide that data to the MPO, if it determines that all of the following apply:
    - i. The request is justified on the basis of furthering the state's housing goals;
    - ii. The MPO has collaborated with the county or city to establish the scope of the requested data;
    - iii. The scope of the requested data does not create an undue burden on the staff of the county or city;
    - iv. The MPO has agreed to provide, or has proposed to enter into an agreement with the department to provide, technical assistance to the county or city to fulfill the request.
  - d) If HCD grants a request for housing data pursuant to this subdivision, the MPO shall provide, or enter into an agreement with HCD to provide, technical assistance to the planning agency of the county or city that was the subject of the request in order to fulfill that request.
- 7) Establishes requirements for the collection as dissemination of data as follows:
  - a) Requires a 10-year housing data strategy to be included in each of HCD's subsequent California Statewide Housing Strategy. This strategy must discuss the data suitable to inform modern state housing policymaking in support of safe, sustainable, and equitable housing that is sufficient to meet the housing needs of this state.
  - b) Requires HCD to establish a statewide, publicly accessible, geographic information system database of parcel boundaries, capable of linking to all parcel-level housing data available to the state.
  - c) Requires HCD to develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms and decision support tools related to housing data. No later than January 1, 2021, HCD shall submit to the Legislature a report describing these protocols.

- d) Requires HCD to coordinate and integrate existing housing data from local, state, and federal agencies.
  - e) Requires that, no later than January 1, 2022, HCD must develop, and thereafter operate and maintain, a single, publicly accessible, and machine-readable data portal for all nonpersonal housing data collected by the department.
  - f) Requires HCD to require, as a condition of providing funds through grants or contracts for research or projects relating to housing pursuant to this part, that fund recipients adhere to their protocols for data sharing, transparency, documentation, and quality control.
- 8) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**EXISTING LAW:**

- 1) Requires every city and county to prepare and adopt a general plan containing seven mandatory elements, including a housing element (Govt. Code Sections 65300 and 65302).
- 2) Requires a housing element to identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development (Govt. Code Section 65583).
- 3) Requires local governments located within the territory of a metropolitan planning organization (MPO) to revise their housing elements every eight years following the adoption of every other regional transportation plan. Local governments in rural non-MPO regions must revise their housing elements every five years (Govt. Code Section 65588).
- 4) Requires, prior to each housing element revision, that each council of governments (COG), in conjunction with the Department of Housing and Community Development (HCD), prepare a regional housing needs assessment (RHNA) and allocate to each jurisdiction in the region its fair share of the housing need for all income categories. Where a COG does not exist, HCD determines the local share of the region's housing need (Govt. Code Sections 65584-65584.09).
- 5) Requires housing elements to include an inventory of land suitable for residential development that identifies enough sites that can be developed for housing within the planning period to accommodate the local government's entire share of the RHNA (Govt. Code Sections 65583 and 65583.2).
- 6) Requires all cities including charter cities to submit an annual general plan report that the includes the following (Govt. Code Sections 65400):

- a) The number of housing development applications received in the prior year;
  - b) The number of units included in all development applications in the prior year;
  - c) The number of units approved and disapproved in the prior year; and
  - d) A listing of sites rezoned to accommodate that portion of the local government's share of the regional housing need for each income level that could not be accommodated on sites identified in the housing element's site inventory. This shall also include any additional sites that may have been required to be identified under No Net Loss Zoning law.
- 7) Requires HCD to update and provide a revision of the California Statewide Housing Plan to the Legislature every four years thereafter. The revisions must contain a comparison of the housing need for the preceding four years with the amount of building permits issued in those fiscal years, the determination of the statewide need for housing development for the current year and projected four additional years ahead, and a revision of the housing assistance goals for the current year and projected four additional years ahead (Health and Safety Section 50452).

**FISCAL EFFECT:** Unknown

**COMMENTS:**

*Purpose of the Bill:* According to the author, “Better information is needed to guide action by cities, metropolitan planning organizations, elected officials, developers, community groups, academic researchers, and voters. By making housing development pipeline data open and available, we can leverage California’s dedicated community of housing researchers and advocates to implement smart, effective solutions to our housing affordability crisis.”

*Background:* Every local government is required to prepare a housing element as part of its general plan. The housing element process starts when HCD determines the number of new housing units a region is projected to need at all income levels (very low-, low-, moderate-, and above-moderate income) over the course of the next housing element planning period to accommodate population growth and overcome existing deficiencies in the housing supply. This number is known as the RHNA. The Council of Governments (COG) for the region, or HCD for areas with no COG, then assigns a share of the RHNA number to every city and county in the region based on a variety of factors.

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

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

- The number of housing development applications received;

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

*Addressing Housing Data Deficiencies:* While the state collects a wealth of housing data, much of it is not accessible in a standardized or organized manner that facilitates research and analysis. As such, policy makers and housing researchers often lack the data needed to adequately understand housing problems and to make and track progress on housing solutions. Additionally, there are substantial gaps in the data, particularly around zoning, standards, and fees that further impedes research and analysis.

This bill would help fill in gaps in the data by requiring local jurisdictions to provide the following information to the state:

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

To help local jurisdictions provide this information, the bill requires that HCD must provide them technical assistance upon request. The bill enables MPOs to request additional information from local jurisdictions with HCD's permission. The bill does not require the state to reimburse local jurisdictions for the cost of fulfilling these requirements.

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

- By January 1, 2021, HCD must place on its internet website all data collected from local jurisdictions and develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms;
- By January 1, 2022, HCD must develop, and thereafter operate and maintain, a single, publicly accessible, and machine-readable data portal for all non-personal housing data collected by the department; and
- That a 10-year housing data strategy to be included in each of HCD's subsequent California Statewide Housing Strategies.

*Staff Comments:* This bill would increase the collection, standardization, and dissemination of housing data, which in turn could greatly benefit the policymaking at the local, regional, and state levels. However, this process is likely to be substantially challenging to both local jurisdictions and HCD, given that each of the state's 540 local jurisdictions has its own set of rules, definitions, and data collection process. Recognizing this, the Committee may wish to consider amending the bill to extend the timeframe for the implementation of this program by

one year. This would give HCD and local jurisdictions more time to develop data standards and to organize data for dissemination.

The bill requires each city and county to annually submit a report to HCD and any applicable MPO containing a summary of information about the housing development projects they have received, as well as specific information about projects that have not received a certificate of occupancy. Given the intent of the bill is to collect data about all housing projects for further analysis, it potentially makes more sense to have detailed data about all housing projects. As such, the Committee may wish to consider amending the bill to require the local jurisdictions to submit to HCD more complete data on individual projects, including the number of units proposed in the project, and the permits that have already been received.

The bill requires local jurisdictions to collect and share information on housing development projects, and defines those to mean a use consisting of residential units only or mixed-use developments with at least two-thirds of the square footage designated for residential use. Given that this bill is about housing data, it does not seem appropriate to eliminate projects that include any housing – especially as some of the largest housing developments in the state contain more than one-third non-residential uses. As such, the Committee may wish to consider amending the bill define housing development project to mean any development project containing residential units.

The bill requires local jurisdictions to compile lists that specify all zoning and planning standards, to post these lists to their internet website, and provide this information to HCD. However, zoning and planning standards are typically quite complex and layered, and compiling them into “lists” could potential be both time consuming and of limited value. This is particularly true of relevant zoning maps. For purposes of data collection, it is likely more useful for the public, researchers, and policymakers to ensure that these zoning and planning standards are available, and that it is relatively easy to understood how they evolve over time. As such, the Committee may wish to amend the legislation to not require lists of zoning and planning standards, but instead require that all zoning and planning standards be posted to the internet websites of local jurisdictions, that annually the jurisdiction archives this information, and that this information is what is shared annually with HCD and relevant MPOs.

*Committee Amendments:* To address the issues raised above, the Committee may wish to consider the following amendments:

- Extending the timeframe for the implementation of this program by one year;
- Require the local jurisdictions to submit to HCD more complete data on individual projects, including the number of units proposed in the project, and the permits that have already been received;
- Define “housing development project” to mean any development project containing residential units; and
- Require that all zoning and planning standards be posted to the internet websites of local jurisdictions, that annually the jurisdiction archives this information, and that this information is what is shared annually with HCD and relevant MPOs. Do not require lists of zoning and planning standards.

*Related Legislation:*

AB 1484 (Grayson) (2019) would freeze specified impact and development fees on housing developments at an application for a housing development is deemed complete. *This bill is pending in the Local Government Committee.*

*Double referred:* This bill was also referred to the Assembly Committee on Local Government where it will be heard should it pass out of this committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Bay Area Council  
Building Industry Association of the Bay Area  
California Apartment Association  
California Association of Realtors  
California Building Industry Association  
California Community Builders  
Chan Zuckerberg Initiative  
Eden Housing  
Enterprise Community Partners, Inc.  
Habitat for Humanity East Bay/Silicon Valley  
Leading Age California  
Non-Profit Housing Association of Northern California  
North Bay Leadership Council  
Related California  
SV@Home  
SPUR  
TMG Partners  
Urban Displacement Project, UC-Berkeley

### *Support if Amended*

American Planning Association, California Chapter  
The San Francisco Foundation  
Working Partnerships USA

### **Opposition**

None on file.

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