

AMENDED IN ASSEMBLY APRIL 11, 2019

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1483

Introduced by Assembly Member Grayson

February 22, 2019

An act to amend Section 65400 of, and to add Sections 65940.1 and 65940.2 to, the Government Code, and to amend Section 50452 of, and to add Sections 50457.5, 50469, and 50515 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1483, as amended, Grayson. Housing data: collection and reporting.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development (department) that includes, among other specified information, the number of net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, as provided.

This bill would authorize the department to require a planning agency to include in that annual report specified additional information that this bill would require, as described below. The bill would require the department, if requested, to provide technical assistance in providing this additional information to the local public entity that is required to

include this additional information in the annual report. The bill would also authorize the department to assess the accuracy of the information submitted as part of the annual report and, if it determines that any report submitted to it by a planning agency contains inaccurate information, require that the planning agency correct that inaccuracy.

This bill would authorize a metropolitan planning organization to request that the department require the planning agency for a county or a city located within its territorial boundaries to provide data regarding housing production within the county or city. The bill would require the department to grant this request if it determines that the metropolitan planning organization has complied with specified requirements and the request is justified on the basis of furthering the state's housing goals. The bill would require the metropolitan planning organization to provide, or enter into an agreement with the department 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.

(2) The Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. Existing law prohibits a local agency from requiring additional information from an applicant that was not specified in that list.

The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

This bill would require a city or county to compile a list that provides ~~zoning and planning standards~~, fees imposed under the Mitigation Fee Act, special taxes, and assessments applicable to housing development projects in the jurisdiction. *The bill would also require a city or county to make all zoning and planning standards available on its internet website and to maintain and annually update an archive of those standards.* This bill would require each local agency to post the list on its internet website and provide the list to the department and any applicable metropolitan planning organization. The bill would require the department to post the information submitted pursuant to these provisions on its internet website by January 1, ~~2021~~, 2022, and each year thereafter.

This bill would require each city and county to annually submit specified information concerning pending housing development projects with completed applications within the city or county, the number of applications deemed complete, and the number of discretionary permits, building permits, ~~and~~ certificates of occupancy issued by the city or ~~county~~ county, *and specified information regarding each housing development project for which the city or county deemed an application to be complete or issued a building permit or certificate of occupancy* to the department and any applicable metropolitan planning organization. The bill would require the department to post the information submitted pursuant to these provisions on its internet website by January 1, ~~2021~~, 2022, and each year thereafter.

(3) Existing law requires the department to update and provide a revision of the California Statewide Housing Plan to the Legislature every 4 years, as provided. Existing law requires that these revisions contain specified segments, including a comparison of the housing need for the preceding 4 years with the amount of building permits issued and mobilehome units sold in those fiscal years.

This bill, for the next revision of the plan on or after January 1, 2020, and each subsequent revision thereafter, would require that revisions of the plan include a 10-year housing data strategy, as provided.

(4) Existing law requires the department to make available to the public information about federal, state, and local laws regarding housing and community development and to develop specifications for the structure, functions, and organization of a housing and community development information system for this state, as provided.

This bill would require the department to establish a statewide, publicly accessible, geographic information system database of parcel boundaries. The bill would also require the department to develop specified protocols relating to housing data and submit a report to the Legislature on those protocols by January 1, ~~2021~~, 2022. The bill would require a recipient of state funds through a grant or contract for research or a project relating to housing to adhere to these protocols as a condition of receiving state funds. The bill would require the department to coordinate and integrate existing housing data from local, state, and federal agencies and to develop, operate, and maintain a data portal for all nonpersonal housing data collected by the department.

(5) By requiring each city and county to report on, and post on its internet website, specified information regarding housing development, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 65400 of the Government Code is
2 amended to read:

3 65400. (a) After the legislative body has adopted all or part
4 of a general plan, the planning agency shall do both of the
5 following:

6 (1) Investigate and make recommendations to the legislative
7 body regarding reasonable and practical means for implementing
8 the general plan or element of the general plan, so that it will serve
9 as an effective guide for orderly growth and development,
10 preservation and conservation of open-space land and natural
11 resources, and the efficient expenditure of public funds relating to
12 the subjects addressed in the general plan.

13 (2) Provide by April 1 of each year an annual report to the
14 legislative body, the Office of Planning and Research, and the
15 Department of Housing and Community Development that includes
16 all of the following:

17 (A) The status of the plan and progress in its implementation.

18 (B) The progress in meeting its share of regional housing needs
19 determined pursuant to Section 65584 and local efforts to remove
20 governmental constraints to the maintenance, improvement, and
21 development of housing pursuant to paragraph (3) of subdivision
22 (c) of Section 65583.

23 The housing element portion of the annual report, as required
24 by this paragraph, shall be prepared through the use of standards,
25 forms, and definitions adopted by the Department of Housing and
26 Community Development. The department may review, adopt,
27 amend, and repeal the standards, forms, or definitions, to
28 implement this article. Any standards, forms, or definitions adopted
29 to implement this article shall not be subject to Chapter 3.5
30 (commencing with Section 11340) of Part 1 of Division 3 of Title

2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The number of housing development applications received in the prior year.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Section 65583 and Section 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) 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, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of

1 occupancy, a unique site identifier which must include the
2 assessor's parcel number, but may include street address, or other
3 identifiers.

4 (I) The number of applications submitted pursuant to subdivision
5 (a) of Section 65913.4, the location and the total number of
6 developments approved pursuant to subdivision (b) of Section
7 65913.4, the total number of building permits issued pursuant to
8 subdivision (b) of Section 65913.4, the total number of units
9 including both rental housing and for-sale housing by area median
10 income category constructed using the process provided for in
11 subdivision (b) of Section 65913.4.

12 (J) Any additional information required by the Department of
13 Housing and Community Development pursuant to subdivision
14 (b).

15 (K) The Department of Housing and Community Development
16 shall post a report submitted pursuant to this paragraph on its
17 ~~Internet Web site~~ *internet website* within a reasonable time of
18 receiving the report.

19 (b) As part of the annual report submitted to it pursuant to
20 paragraph (2) of subdivision (a), the Department of Housing and
21 Community Development may require the planning agency to
22 include the following additional information:

23 (1) The information concerning ~~zoning and planning standards,~~
24 fees, special taxes, and property assessments required pursuant to
25 Section 65940.1.

26 (2) The information concerning the number of housing
27 development applications deemed complete, pursuant to Section
28 65943, and the number of discretionary permits, building permits,
29 and certificates of occupancy issued by the city or county required
30 pursuant to Section 65940.2.

31 (3) Any other information the Department of Housing and
32 Community deems necessary or convenient for purposes of
33 assessing progress toward the state's housing goals.

34 (c) (1) (A) A metropolitan planning organization, by a majority
35 vote of its governing board, may submit a request to the
36 Department of Housing and Community Development to require
37 that a planning agency for a county or a city located within the
38 territorial boundaries of the metropolitan planning organization
39 provide data regarding housing production within the county or
40 city. The request shall be in the form and manner required by the

1 department and shall demonstrate that the request for housing data
2 is justified on the basis of furthering the state's housing goals.

3 (B) A metropolitan planning organization that requests housing
4 data pursuant to this subdivision shall collaborate with the county
5 or city from which the data is sought to establish the scope of the
6 requested data, so as to ensure that the request does not create an
7 undue burden on the staff of the county or city.

8 (C) The Department of Housing and Community Development
9 shall grant a request for housing data pursuant to this subdivision,
10 and shall require the planning agency of the county or city that is
11 the subject of the request to provide that data to the metropolitan
12 planning organization, if it determines that all of the following
13 apply:

14 (i) The request is justified on the basis of furthering the state's
15 housing goals.

16 (ii) The metropolitan planning organization has collaborated
17 with the county or city to establish the scope of the requested data.

18 (iii) The scope of the requested data does not create an undue
19 burden on the staff of the county or city.

20 (iv) The metropolitan planning organization has agreed to
21 provide, or has proposed to enter into an agreement with the
22 department to provide, technical assistance to the county or city
23 to fulfill the request, in accordance with paragraph (2).

24 (2) If the Department of Housing and Community Development
25 grants a request for housing data pursuant to this subdivision, the
26 metropolitan planning organization shall provide, or enter into an
27 agreement with the department to provide, technical assistance to
28 the planning agency of the county or city that was the subject of
29 the request in order to fulfill that request.

30 (d) The Department of Housing and Community Development
31 may assess the accuracy of the information submitted as part of
32 the annual report required pursuant to paragraph (2) of subdivision
33 (a). If the department determines that any report submitted to it by
34 a planning agency pursuant to this section contains inaccurate
35 information, the department may require that the planning agency
36 correct that inaccuracy.

37 (e) If a court finds, upon a motion to that effect, that a city,
38 county, or city and county failed to submit, within 60 days of the
39 deadline established in this section, the housing element portion
40 of the report required pursuant to subparagraph (B) of paragraph

(2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

SEC. 2. Section 65940.1 is added to the Government Code, to read:

65940.1. (a) Each city and county shall compile one or more lists that specify in detail all of the following information applicable to housing development projects in its jurisdiction:

~~(1) All zoning and planning standards.~~

~~(2)~~

(1) All fees imposed by the city or county and any other local agency on a housing development project under the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

~~(3)~~

(2) 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 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5).

(b) A city or county shall make the list required by subdivision (a) both of the following available on its internet website and available upon request: website:

1 (1) *The list required by subdivision (a). The city or county shall*
2 *also make the list be made available upon request.*

3 (2) *All zoning and planning standards. The city or county shall*
4 *also maintain and annually update a publicly accessible archive*
5 *of its zoning and planning standards.*

6 (c) (1) Each city and county shall annually provide the lists of
7 information required by subdivision (a) *and the information*
8 *required by paragraph (2) of subdivision (b)* to the Department of
9 Housing and Community Development and any applicable
10 metropolitan planning organization. The department shall post the
11 information submitted pursuant to subdivision (a) on its internet
12 website by January 1, ~~2021~~, 2022, and each year thereafter.

13 (2) The Department of Housing and Community development
14 may require that the city or county provide the lists of information
15 required by subdivision (a) as part of the annual report required
16 by paragraph (2) of subdivision (a) of Section 65400.

17 (d) For purposes of this section, “housing development project”
18 means ~~a use consisting of any of the following:~~ *any development*
19 *project that includes residential units.*

20 ~~(1) Residential units only.~~

21 ~~(2) Mixed-use developments consisting of residential and~~
22 ~~nonresidential uses with at least two-thirds of the square footage~~
23 ~~designated for residential use.~~

24 SEC. 3. Section 65940.2 is added to the Government Code, to
25 read:

26 65940.2. (a) Each city and county shall annually submit a
27 report to the Department of Housing and Community Development
28 and any applicable metropolitan planning organization containing
29 the following information:

30 (1) The number of housing development project applications
31 that the city or county has deemed complete pursuant to Section
32 65943, but have not been issued a certificate of occupancy. ~~This~~
33 ~~report shall include all of the following information for each~~
34 ~~application:~~

35 ~~(A) The name of the applicant.~~

36 ~~(B) The location of the proposed project.~~

37 ~~(C) The date the application was deemed complete.~~

38 ~~(D) The nature of the additional permits needed to complete the~~
39 ~~housing development project.~~

1 (2) The number of discretionary permits granted by the
2 legislative body or planning commission of the city or county,
3 including conditional use permits and zoning variances.

4 (3) The number of building permits issued by the city or county.

5 (4) The number of certificates of occupancy issued by the city
6 or county.

7 (5) *Information regarding each housing development project*
8 *for which the city or county has deemed an application to be*
9 *complete pursuant to Section 65943 or issued a building permit*
10 *or certificate of occupancy during the year covered by the report,*
11 *including, but not limited to, all of the following:*

12 (A) *The name of the applicant.*

13 (B) *The location of the housing development project.*

14 (C) *The number of units in the housing development project.*

15 (D) *The date the application was deemed complete.*

16 (E) *The nature of any permits the housing development project*
17 *has already received.*

18 (F) *The nature of any additional permits needed to complete*
19 *the housing development project.*

20 (b) The department shall post the information submitted pursuant
21 to subdivision (a) on its internet website by January 1, ~~2021~~, 2022,
22 and each year thereafter.

23 (c) ~~The Department of Housing and Community development~~
24 ~~department~~ may require the city or county to provide the
25 information required to be submitted to it by subdivision (a) as
26 part of the annual report required by paragraph (2) of subdivision
27 (a) of Section 65400.

28 (d) For purposes of this section, “housing development project”
29 means ~~a use consisting of any of the following:~~ *any development*
30 *project that includes residential units.*

31 ~~(1) Residential units only.~~

32 ~~(2) Mixed-use developments consisting of residential and~~
33 ~~nonresidential uses with at least two-thirds of the square footage~~
34 ~~designated for residential use.~~

35 SEC. 4. Section 50452 of the Health and Safety Code is
36 amended to read:

37 50452. (a) The department shall update and provide a revision
38 of the California Statewide Housing Plan to the Legislature by
39 January 1, 2006, by January 1, 2009, and every four years
40 thereafter. The revisions shall contain all of the following segments:

1 (1) A comparison of the housing need for the preceding four
2 years with the amount of building permits issued and mobilehome
3 units sold in those fiscal years.

4 (2) A revision of the determination of the statewide need for
5 housing development specified in subdivision (b) of Section 50451
6 for the current year and projected four additional years ahead.

7 (3) A revision of the housing assistance goals specified in
8 subdivision (c) of Section 50451 for the current year and projected
9 four additional years ahead.

10 (4) A revision of the evaluation required by subdivision (a) of
11 Section 50451 as new census or other survey data become
12 available. The revision shall contain an evaluation and summary
13 of housing conditions throughout the state and may highlight data
14 for multicounty or regional areas, as determined by the department.
15 The revision shall include a discussion of the housing needs of
16 various population groups, including, but not limited to, the elderly
17 persons, disabled persons, large families, families where a female
18 is the head of the household, and farmworker households.

19 (5) An updating of recommendations for actions by federal,
20 state, and local governments and the private sector which will
21 facilitate the attainment of housing goals established for California.

22 (6) For the next revision of the plan on or after January 1, 2020,
23 and each subsequent revision thereafter, a 10-year housing data
24 strategy that defines suitable data to inform modern state housing
25 policymaking in support of safe, sustainable, and equitable housing
26 that is sufficient to meet the housing needs of this state.

27 (b) The Legislature may review the plan and the updates of the
28 plan and transmit its comments on the plan or updates of the plan
29 to the Governor, the Secretary of Business, Consumer Services
30 and Housing, and the Director of Housing and Community
31 Development.

32 SEC. 5. Section 50457.5 is added to the Health and Safety
33 Code, to read:

34 50457.5. The department shall establish a statewide, publicly
35 accessible, geographic information system database of parcel
36 boundaries, capable of linking to all parcel-level housing data
37 available to the state.

38 SEC. 6. Section 50469 is added to the Health and Safety Code,
39 to read:

1 50469. (a) (1) The department shall develop protocols for
2 data sharing, documentation, quality control, public access, and
3 promotion of open-source platforms and decision support tools
4 related to housing data. No later than January 1, ~~2021~~, 2022, the
5 department shall submit to the Legislature a report describing these
6 protocols.

7 (2) The report required to be submitted pursuant to this
8 subdivision shall be submitted in compliance with Section 9795
9 of the Government Code.

10 (b) (1) The department shall coordinate and integrate existing
11 housing data from local, state, and federal agencies.

12 (2) No later than January 1, ~~2022~~, 2023, the department shall
13 develop, and shall thereafter operate and maintain, a single,
14 publicly accessible, and machine-readable data portal for all
15 nonpersonal housing data collected by the department.

16 (c) The department shall require, as a condition of providing
17 funds through grants or contracts for research or projects relating
18 to housing pursuant to this part, that fund recipients adhere to the
19 protocols developed pursuant to subdivision (b) for data sharing,
20 transparency, documentation, and quality control.

21 SEC. 7. Section 50515 is added to the Health and Safety Code,
22 to read:

23 50515. Upon request of a local public entity required to submit
24 an annual report to the department pursuant to paragraph (2) of
25 subdivision (a) of Section 65400 of the Government Code, the
26 department shall provide technical assistance to that local public
27 entity in providing the information required pursuant to subdivision
28 (b) of Section 65400 of the Government Code.

29 SEC. 8. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 a local agency or school district has the authority to levy service
32 charges, fees, or assessments sufficient to pay for the program or
33 level of service mandated by this act, within the meaning of Section
34 17556 of the Government Code.

O