

AMENDED IN SENATE JUNE 26, 1996
AMENDED IN ASSEMBLY MAY 14, 1996
AMENDED IN ASSEMBLY MAY 2, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3125

Introduced by Assembly Member Hawkins

February 23, 1996

An act to amend Section 65583.1 of the ~~Health and Safety~~ *Government Code*, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3125, as amended, Hawkins. Housing elements: identification of adequate housing sites.

Existing law requires each city, county, and city and county to adopt for its jurisdiction, according to specified deadlines, a general plan that includes certain mandatory elements, including a housing element.

Existing law requires the Department of Housing and Community Development to evaluate each housing element for consistency with state law including, among other things, a program setting forth a 5-year schedule of actions the local government is undertaking or intends to undertake to achieve the goals of the housing element that includes the identification of sites to be made available to encourage the development of a variety of types of housing for all income levels. It permits the department to allow a local government

to identify adequate sites for this purpose by a variety of methods, as specified.

This bill would authorize a locality to identify up to 50% of its site identification requirements for any income category from sites converted from nonaffordable to affordable housing due to committed assistance from the local government, sites in need of substantial rehabilitation, as specified, and sites providing housing for certain households, as specified.

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

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

1 SECTION 1. Section 65583.1 of the Government
2 Code is amended to read:

3 65583.1. (a) The Department of Housing and
4 Community Development, in evaluating a proposed or
5 adopted housing element for consistency with state law,
6 may allow a local government to identify adequate sites,
7 as required pursuant to Section 65583, by a variety of
8 methods, including, but not limited to, redesignation of
9 property to a more intense land use category and
10 increasing the density allowed within one or more
11 categories. Nothing in this section reduces a local
12 government's responsibility to identify, by income
13 category, the total number of sites for residential
14 development as required by this article.

15 (b) (1) To meet its requirement to identify adequate
16 sites pursuant to paragraph (3) of subdivision (a) of, and
17 paragraph (1) of subdivision (c) of, Section 65583, a
18 locality may also identify up to 50 percent of its site
19 identification requirements for any income category
20 within one or more of the following categories:

21 (A) *Sites Units* located within the jurisdiction of the
22 local government that shall be converted through direct
23 financial or rental assistance from nonaffordable to
24 affordable housing, due to committed assistance from the
25 local government. No existing housing units identified
26 pursuant to this subparagraph shall be occupied by very



1 low and low-income households. For the purpose of this
2 paragraph, “rental assistance” shall mean a net increase
3 in housing units within the jurisdiction made available by
4 reason of that assistance at affordable housing cost to low-
5 and very low income households through the provision of
6 rental assistance, provided that the units are not presently
7 available at affordable housing cost to lower income
8 households, the units are in decent, safe, and sanitary
9 condition, and the rental charged on these units is not in
10 excess of 120 percent of the median of the rents charged
11 in that city or county.

12 For the ~~purpose~~ *purposes* of this paragraph, “direct
13 financial assistance” shall mean a net increase in
14 ownership housing made available *at affordable housing*
15 *costs* to low- and moderate-income households by reason
16 of the assistance, provided that the housing does not
17 exceed 140 percent of the median price for housing in
18 that city or county ~~at the time the assistance is made.~~

19 *For the purposes of providing rental assistance*
20 *pursuant to this section, federal Section 8 voucher rental*
21 *assistance shall not be used for committed assistance.*

22 (B) ~~Sites~~ *Units* located within the jurisdiction of the
23 local government, that are in need of substantial
24 rehabilitation, and that shall be *substantially*
25 rehabilitated due to committed assistance from the local
26 government. The rehabilitation shall not require a public
27 subsidy that exceeds 150 percent of the average cost per
28 unit of rehabilitating comparable units elsewhere in the
29 jurisdiction. For purposes of this subparagraph,
30 “substantial rehabilitation” shall mean a net increase in
31 the rehabilitation of existing housing units that are
32 determined by the local government to be vacant and
33 unfit for human habitation because violations are so
34 extensive and of such a nature that the health and safety
35 of a resident is substantially endangered and have existed
36 for at least 90 continuous days, and which the jurisdiction
37 causes, through committed assistance, to be rehabilitated
38 and made available at affordable housing cost to low- and
39 very low income households.



1 (C) ~~Sites~~ *Units* located within the jurisdiction of the
2 local government that shall be converted from
3 nonaffordable to affordable due to acquisition. For the
4 purposes of this subparagraph, “acquisition” shall mean
5 the purchase of housing units, due to committed
6 assistance, to be made available at affordable housing
7 costs to very low income households, provided that the
8 units are not presently available at affordable housing
9 cost to low- or very low income households, the units are
10 not presently occupied by low- or very low income
11 households, the units are in decent, safe, and sanitary
12 condition, and the acquisition price is not greater than 120
13 percent of the median price for housing units.

14 ~~(D) If, at the end of the five-year housing element~~
15 ~~planning period, any sites have not been assisted through~~
16 ~~substantial rehabilitation, acquisition, direct financial~~
17 ~~assistance, or rental assistance, the council of~~
18 ~~governments, or the department where there is no~~
19 ~~council of governments, shall add the number of sites~~
20 ~~identified to be substantially rehabilitated, acquired, or~~
21 ~~the subject of direct financial assistance or rental~~
22 ~~assistance but that were not rehabilitated, acquired, or~~
23 ~~provided with direct financial assistance or rental~~
24 ~~assistance to that jurisdiction’s regional fair share~~
25 ~~allocation in the next five-year planning period of the~~
26 ~~jurisdiction, and, unless this failure was beyond the~~
27 ~~reasonable control of the jurisdiction, the jurisdiction~~
28 ~~shall be precluded from identifying the percentage of~~
29 ~~sites pursuant to subdivision (b) in the next five-year~~
30 ~~planning period of the jurisdiction equal to the~~
31 ~~percentage the nonrehabilitated units, nonacquired~~
32 ~~units, or units not provided direct financial assistance or~~
33 ~~rental assistance constituted of the total obligation in the~~
34 ~~existing five-year plan.~~

35 *(D) If at the end of the five-year housing element*
36 *planning period, any of the units identified pursuant to*
37 *subdivision (b) have not been assisted through*
38 *substantial rehabilitation, acquisition, direct financial*
39 *assistance, or locally based rental assistance, the*
40 *jurisdiction shall be prohibited from identifying sites*



1 *pursuant to subdivision (b) in the next five-year housing*
2 *element planning period greater than that percentage of*
3 *units actually assisted pursuant to subdivision (b), in*
4 *proportion to the total sites identified pursuant to*
5 *subdivision (b) in the past five-year housing element*
6 *planning period.*

7 (2) (A) For purposes of paragraph (1) of subdivision
8 (b), “committed assistance” shall include direct financial
9 assistance, rental assistance, substantial rehabilitation, or
10 acquisition of existing housing, and shall mean the
11 jurisdiction has identified specific units for assistance, and
12 entered into a legally enforceable obligation, ~~and~~
13 ~~allocated funds pursuant to an adopted resolution by the~~
14 ~~to provide available funds that the local agency has~~
15 ~~identified as adequate for the necessary assistance to the~~
16 ~~identified units pursuant to a resolution adopted by the~~
17 local government for the purpose of providing the
18 required affordable housing. Identification of specific
19 units for assistance, in the case of rental assistance, shall
20 mean identification of at least as many specific potential
21 units as there are households receiving rental assistance.

22 (B) Any rental assistance, acquired units, or
23 substantially rehabilitated units shall be made available at
24 affordable housing cost to lower income households, or in
25 the case of direct financial assistance to low- and
26 moderate-income households, throughout the duration of
27 the five-year planning cycle, or if the assistance or units
28 are proposed to be made available for a period less than
29 the entire duration of the five-year planning cycle, the
30 site shall qualify only in the proportion that its duration
31 bears to the cycle.

32 (C) To identify sites pursuant to subparagraphs (A),
33 (B), and (C) of paragraph (1) of subdivision (b), a city
34 or county shall show a net increase in the total number of
35 units assisted by these programs from the previous
36 planning period.

37 *For the purposes of this section, “affordable housing*
38 *cost” shall be as defined in Sections 50052.5 and 50053 of*
39 *the Health and Safety Code, or at standards required by*
40 *any state or federal housing assistance program.*



1 ~~(3) Sites that would qualify as permanent housing for~~
2 ~~households that are available for occupancy by~~
3 ~~households within the planning period and are not~~
4 ~~scheduled within the planning period to be demolished~~
5 ~~or converted to nonresidential use, shall not be~~
6 ~~disqualified from being designated as an adequate site~~
7 ~~because the site is located on a military base that is~~
8 ~~undergoing closure or conversion as a result of action~~
9 ~~pursuant to the Defense Authorization Amendments and~~
10 ~~Base Closure and Realignment Act (Public Law 100-526),~~
11 ~~the Defense Base Closure and Realignment Act of 1990~~
12 ~~(Public Law 101-510), or any subsequent act requiring~~
13 ~~the closure or conversion of a military base.~~

14 *(3) Sites that contain permanent housing units located*
15 *on a military base undergoing closure or conversion as a*
16 *result of action pursuant to the Defense Authorization*
17 *Amendments and Base Closure and Realignment Act*
18 *(Public Law 100-526), the Defense Base Closure and*
19 *Realignment Act of 1990 (Public Law 101-510), or any*
20 *subsequent act requiring the closure or conversion of a*
21 *military base may be identified as an adequate site*
22 *provided the housing element demonstrates that the*
23 *housing units will be available for occupancy by*
24 *households within the planning period of the element. No*
25 *sites containing housing units scheduled or planned for*
26 *demolition or conversion to nonresidential uses shall*
27 *qualify as an adequate site.*

28 *Any city, city and county, or county using this*
29 *subdivision shall address the progress in meeting this*
30 *section in the reports provided pursuant to paragraph (1)*
31 *of subdivision (b) of Section 65400.*

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