

Senate Bill No. 1073

CHAPTER 39

An act to amend Section 65588 of the Government Code, relating to housing elements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1996. Filed with
Secretary of State May 6, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1073, Costa. Housing elements.

Existing law requires every city, county, and city and county to revise the housing element of its general plan as frequently as is appropriate, but not less than every 5 years, to reflect the results of the periodic review of the housing element. Existing law further provides that specified councils of governments must complete the third and fourth revisions of the housing elements of their general plans by specified dates.

This bill would extend the deadlines by which the specified councils of governments and other local governments must complete the third and fourth revisions of the housing elements of their general plans. The bill also would provide that these modifications shall not be construed to reinstate any state-mandated local program suspended by the Budget Act of 1992–93, 1993–94, 1994–95, or 1995–96, nor to limit any existing responsibility of any jurisdiction to adopt a housing element in accordance with existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

- (1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
- (2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.
- (3) The progress of the city, county, or city and county in implementation of the housing element.

(b) The housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review.

In order to facilitate effective review by the department of housing elements, the following local governments shall prepare and adopt the first two revisions of their housing elements no later than the dates specified in the following schedule, notwithstanding the date of adoption of the housing elements in existence on the effective date of the act which amended this section during the 1983–84 Session of the Legislature.

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: July 1, 1984, for the first revision and July 1, 1989, for the second revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: January 1, 1985, for the first revision, and July 1, 1990, for the second revision.

(3) Local governments within the regional jurisdiction of the San Diego Association of Governments, the Council of Fresno County Governments, the Kern County Council of Governments, the Sacramento Council of Governments, and the Association of Monterey Bay Area Governments: July 1, 1985, for the first revision, and July 1, 1991, for the second revision.

(4) All other local governments: January 1, 1986, for the first revision, and July 1, 1992, for the second revision.

(5) Subsequent revisions shall be completed not less often than at five-year intervals following the second revision.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.



(e) Notwithstanding the requirements of paragraph (5) of subdivision (b), the dates of revisions for the housing element shall be modified upon the effective date of this provision as follows:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 1998, for the third revision, and June 30, 2003, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments, and the San Diego Association of Governments: June 30, 1999, for the third revision, and June 30, 2004, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, the Sacramento Council of Governments, and the Association of Monterey Bay Area Governments: June 30, 2000, for the third revision, and June 30, 2005, for the fourth revision.

(4) All other local governments: June 30, 2001, for the third revision, and June 30, 2006, for the fourth revision.

(5) Subsequent revisions shall be completed not less often than at five-year intervals following the fourth revision.

(f) The amendments made to this section by Senate Bill 1073 of the 1995–96 Regular Session shall not be construed to reinstate any state-mandated local program suspended by the Budget Act of 1992–93, 1993–94, 1994–95, or 1995–96, nor to limit any existing responsibility, pursuant to subdivision (b), of any jurisdiction to adopt a housing element in accordance with this article.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The five-year revision of the housing element for local governments within the regional jurisdiction of the Southern California Association of Governments is currently due on June 30, 1996, and the state mandate requiring councils of governments to develop each local government's share of the regional housing need is suspended. Therefore, in the absence of funding for this mandate, it is necessary that this act take effect immediately.

