

AMENDMENTS TO SENATE BILL NO. 35

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 65582.1 of, and to add Sections 65589.9 and 65913.4 to, the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
 - (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
 - (c) Restrictions on disapproval of housing developments (Section 65589.5).
 - (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
 - (e) Least cost zoning law (Section 65913.1).
 - (f) Density bonus law (Section 65915).
 - (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
 - (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
 - (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).
 - (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
 - (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
 - (l) Limiting moratoriums on multifamily housing (Section 65858).
 - (m) Prohibiting discrimination against affordable housing (Section 65008).
 - (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
 - (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).
 - (p) Streamlining housing approvals during a housing shortage (Section 65913.4).
- SEC. 2. Section 65589.9 is added to the Government Code, to read:
- 65589.9. (a) On or before April 1, 2018, and on or before April 1 each year thereafter, a city, including a charter city, and a county or city and county, including



a charter city and county, shall submit a report to the Department of Housing and Community Development that includes both of the following:

(1) The number of units of housing that have completed construction in the housing element cycle.

(2) The income category, including very low income, low income, moderate income, and above moderate income, each unit of housing satisfies.

(b) The Department of Housing and Community Development shall post on its Internet Web site, within a reasonable time after receiving the information, the information reported pursuant to subdivision (a).

SEC. 3. Section 65913.4 is added to the Government Code, to read:

65913.4. (a) A development shall be subject to the streamlined, ministerial approval process provided by subdivision (b) and shall not be subject to a conditional use permit if it satisfies all of the following objective planning standards:

(1) The development is an accessory dwelling unit development or a multifamily housing development that contains two or more residential units.

(2) The development is located on a site that satisfies both of the following:

(A) Is an urban infill site as defined by Section 21061.3 of the Public Resources Code.

(B) Is a site zoned for residential use or residential mixed use development.

(3) If the development contains units that are subsidized, the development applicant or development proponent already has recorded, or is required by law to record, a land-use restriction that is:

(A) Fifty-five years for subsidized units that are rented.

(B) Forty-five years for subsidized units that are owned.

(4) The development satisfies both of the following:

(A) Is located in a locality that, according to its last annual production report to the Department of Housing and Community Development, completed construction of fewer units of housing by income category than was required for the regional housing needs assessment cycle for that year.

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

(i) The development constructed fewer units of above moderate income housing than was required for the regional housing needs assessment cycle for that year, and dedicates 10 percent of the total number of units to below market rate housing, unless the locality has adopted a local inclusionary zoning ordinance that requires that greater than 10 percent of the units be dedicated to below market rate housing, in which case that inclusionary zoning ordinance applies.

(ii) The development constructed fewer units of very low, low-, or moderate-income housing than was required for the regional housing needs assessment cycle for that year, and dedicates 15 percent of the total number of units to below market rate housing, unless the locality has adopted a local inclusionary zoning ordinance that requires that greater than 15 percent of the units be dedicated to below market rate housing, in which case that inclusionary zoning ordinance applies.

(5) The development is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective

zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official.

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

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

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation.

(C) Wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted sufficient fire hazard mitigation measures as may be determined by their local agency with land-use authority.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Sections 59 and 60 of Title 44 of the Code of Federal Regulations.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no rise certification in accordance with paragraph (3) of subdivision (d) of Section 60.3 of Title 44 of the Code of Federal Regulations.

(7) The development does not require the demolition of either of the following:

(A) Housing that is subject to rent control, housing that is subject to deed restrictions, or any housing that has been occupied by residents within the past 10 years.

(B) A historic structure that was placed on a national, state, or local historic register prior to December 31, 2016.

(8) It is the intent of the Legislature to amend this section to subject the development to enforceable wage requirements.

(b) (1) If the city, including a charter city, or the county or city and county, including a charter city and county, determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for

the reason or reasons the development conflicts with that standard or standards, as follows:

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

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

(2) If the city, including a charter city, or the county or city and county, including a charter city and county, fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review of the development shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

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

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

(d) A development approved pursuant to this section shall not be subject to any local or state parking minimum requirements.

SEC. 4. 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.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2