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HEALTH AND SAFETY CODE - HSC

DIVISION 31. HOUSING AND HOME FINANCE [50000 - 54913] (*Division 31 repealed and added by Stats. 1977, Ch. 610.*)

PART 2. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT [50400 - 50899.7] (*Heading of Part 2 amended by Stats. 1981, Ch. 996.*)

CHAPTER 2. Policy Activities of the Department [50455 - 50469] (*Chapter 2 added by Stats. 1977, Ch. 610.*)

50455. (a) The department shall develop a statewide farm labor housing assistance plan and related policies, goals, and objectives for inclusion in the California Statewide Housing Plan.

(b) The farm labor housing assistance plan shall include, but not be limited to, an identification of impediments to the production of housing affordable to farm laborers, federal, state, and local sources of financing, private sources of funding, innovative approaches to financing that could be used as a model, the analysis of the need for permanent and migrant housing, and measures that need to be implemented to address the need for farm labor housing.

(c) The department shall establish a task force to assist in the development of the farm labor housing assistance plan. The task force shall include representatives of state housing departments and agencies involved in the planning and production of housing, infrastructure, and services to farm laborers and representatives from local government, agricultural organizations, organizations of farm laborers, and organizations serving farm laborers and low-income residents in rural areas.

(d) The department shall develop or revise the farm labor housing assistance plan on or before July 1, 2002. In the event the department does not update or provide the next revision of the California Statewide Housing Plan pursuant to Section 50452 on or before July 1, 2002, the department shall release the farm labor housing assistance plan separately from the California Statewide Housing Plan.

(Amended by Stats. 2000, Ch. 312, Sec. 2. Effective September 7, 2000.)

50455.6. The Legislature finds and declares that a severe shortage of affordable housing exists for low- and moderate-income households, including the elderly, disabled persons, and other special needs populations. It is the intent of the Legislature that housing designed especially for low- and moderate-income elderly, disabled persons, and other special needs populations be given due consideration in the administration of the development, preservation, and rehabilitation of housing, and other housing programs, including encouraging the inclusion of supportive services to meet the unique housing needs of these populations.

(Added by Stats. 2001, Ch. 577, Sec. 3. Effective January 1, 2002.)

50456. (a) The department shall collect, publish, and make available to the public information about federal, state, and local laws regarding housing and community development. The department may provide a statistics and research service for the collection and dissemination of information affecting housing and community development.

(b) By June 30, 2019, the department shall complete a study to evaluate the reasonableness of local fees charged to new developments as defined by subdivision (b) of Section 66000 of the Government Code. The study shall include findings and recommendations regarding potential amendments to the Mitigation Fee Act to substantially reduce fees for residential development.

(Amended by Stats. 2017, Ch. 374, Sec. 4. (AB 879) Effective January 1, 2018.)

50457. The department shall develop specifications for the structure, functions, and organization of a housing and community development information system for this state. Such system shall include statistical, demographic, and community development data which will be of assistance to local public entities in the planning and implementation of housing and community development programs.

The department shall, subject to the availability of moneys therefor, establish prototype housing and community development information systems in two or more counties or multiple-county areas. The department shall operate the prototype systems, or it may

contract with one or more counties, or with one or more counties and with one or more cities, or with a regional agency including one or more counties for operation of one or more prototype systems and shall report to the Legislature thereon.

(Added by Stats. 1977, Ch. 610.)

50458. The department shall assist and advise the Office of Planning and Research on the performance of functions specified in Section 65040.3 of the Government Code.

(Added by Stats. 1977, Ch. 610.)

50459. (a) The department may adopt, and from time to time, revise, guidelines for any of the following:

(1) The preparation of housing elements required by Section 65302 and Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.

(2) The preparation of a document that meets both of the following sets of requirements:

(A) Requirements for housing elements pursuant to Section 65302 and Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.

(B) Requirements for the Consolidated Submissions for Community Planning and Development Programs required by Part 91 of Title 24 of the Code of Federal Regulations.

(b) The department shall review housing elements and amendments for substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code and report its findings pursuant to Section 65585 of the Government Code.

(c) On or before April 1, 1995, and annually thereafter, the department shall include in the annual report required by Section 50408 a report on the status of housing elements and the extent to which they comply with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. The department shall also make this report available to any other public agency, group, or person who requests a copy.

(d) The department may, in connection with any loan or grant application submitted to the agency, require submission to the department for review of any housing element and any local housing assistance plan adopted pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383).

(Amended by Stats. 2023, Ch. 770, Sec. 17. (AB 1764) Effective January 1, 2024.)

50460. The department shall adopt guidelines relating to relocation assistance by public entities, as defined in Section 7260 of the Government Code, pursuant to the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. The department may provide consulting and technical assistance to these public entities in drafting and amending rules and regulations relating to relocation assistance. The department may require these public entities to reimburse the department for any assistance the department provides.

The department shall, at intervals of two years, review relocation plans prepared pursuant to Section 33411, and the progress in implementation of the plans.

(Amended by Stats. 1983, Ch. 323, Sec. 60.32. Effective July 1, 1983.)

50461. The department shall establish a tracking system for all programs established under this part and administered by the department. The tracking system shall, at a minimum, include the deadlines for each step of a program application. The tracking system shall be published on the department's internet website.

(Added by Stats. 2022, Ch. 644, Sec. 2. (AB 1978) Effective January 1, 2023.)

50462. The department may initiate, develop, and propose regulations for adoption by the agency and review regulations proposed by the board prior to their taking effect, with respect to the following:

(a) Standards for affirmative marketing programs of housing sponsors seeking financial assistance from the agency.

(b) Criteria for certifying that the sale or conveyance of real property pursuant to Section 51061 or Section 51251 will primarily benefit persons and families of low or moderate income living in a housing development or a residential structure.

(c) Regulations permitting grants to be made by the agency to housing sponsors for the purpose of attaining affordable rents in housing developments financed by the agency. Such grants shall not be made with moneys derived from the sale of bonds.

(d) Regulations governing payments, procedures, and eligibility for relocation assistance for individuals and families displaced by actions of the agency or of housing sponsors of housing developments or neighborhood improvement loans.

(e) Criteria for qualification of persons, families, and households as persons and families of low or moderate income, lower income households, or very low income households.

(f) Regulations establishing the maximum percentage of income which may be paid by persons and families of low or moderate income for housing cost within the meaning of the term affordable housing cost, as defined in Section 50052.5.

(g) Regulations designating geographical areas of need throughout the state for housing construction or rehabilitation, as identified in the California Statewide Housing Plan, identifying housing markets in which insufficient financing is available for purchase or rehabilitation of existing housing, identifying types of households with particularly severe housing needs, or establishing priority criteria for the selection of homes and projects to be financed as housing developments or neighborhood improvement loans.

(h) Criteria for inclusion of nonhousing facilities in housing developments financed by the agency.

Regulations proposed by the agency in such areas of responsibility shall not take effect without concurrence of the director, the Secretary of Business, Consumer Services and Housing, or a representative of the secretary specifically designated for such review and approval.

(Amended by Stats. 2013, Ch. 352, Sec. 377. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

50463. The department may certify local housing agents, and may periodically review, recertify, and decertify such local housing agents as provided in Section 51252.

(Added by Stats. 1977, Ch. 610.)

50464. The department may:

(a) Make investigations of housing and community development in California.

(b) Call conferences of representatives of all levels of government, industry, and private groups, to discuss housing and community development problems of California.

(c) Investigate and report upon substandard housing and the problems resulting therefrom and the work being done to remedy such conditions.

(d) Study the operation and enforcement of housing, building, zoning, and subdivision laws and regulations, of housing finance, taxes, redevelopment programs and public housing projects, as related to housing and community development.

(e) Examine the records of housing authorities and redevelopment agencies, and secure from them reports and copies of their records at any time.

(f) Promote the formation of organizations intended to increase the supply of adequate housing and the proper living environment for all the people of the state.

(g) With the Department of Transportation, investigate and report upon the consistency between state, local, and federal housing plans and programs and state, local, and federal transportation plans and programs.

(Amended by Stats. 1978, Ch. 1351.)

50465. (a) On or before January 1, 2009, the Department of Water Resources shall propose for adoption and approval by the California Building Standards Commission updated requirements to the California Building Standards Code for construction in areas protected by the facilities of the Central Valley Flood Protection Plan where flood levels are anticipated to exceed three feet for the 200-year flood event. The amendments to the California Building Standards Code shall be sufficient to reduce the risk of flood damage and to protect life, safety, and the construction in those areas.

(b) Before the department proposes the amendments to the California Building Standards Code required pursuant to subdivision (a), the department shall consult with the Central Valley Flood Protection Board, the Division of the State Architect, and the Office of the State Fire Marshal.

(Added by Stats. 2007, Ch. 364, Sec. 7. Effective January 1, 2008.)

50466. (a) (1) The department shall require each housing development that is financed on or after January 1, 2018, pursuant to this division, to authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

(2) (A) (i) Notwithstanding paragraph (1), the department shall require each housing development that is financed on or after January 1, 2023, pursuant to this division or by any moneys administered or otherwise provided by the department to authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty, and subject to other reasonable conditions.

(ii) Notwithstanding paragraph (1), any housing development that is the basis for the receipt, on or after January 1, 2023, of any low-income housing tax credit under Section 12206, 17058, or 23610.5 of the Revenue and Taxation Code shall authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty, and subject to other reasonable conditions.

(B) This paragraph shall not be construed to interfere with the ability to charge a refundable deposit pursuant to Section 1950.5 of the Civil Code. However, a monthly fee for the ownership or maintenance of common household pets in the housing development shall not be imposed.

(C) For purposes of this paragraph, "reasonable conditions" include, but are not limited to, policies on nuisance behaviors, leashing requirements, requirements to carry liability insurance coverage, limitations on the number of animals in a unit based on the unit's size, and prohibitions on potentially dangerous or vicious dogs, as determined pursuant to Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agricultural Code. A "reasonable condition" does not include a prohibition on a breed of common household pets or a limitation on the weight of the common household pet.

(b) For purposes of this section, "common household pet" means a domesticated animal, including, but not limited to, a dog or cat, that is commonly kept in the home for pleasure rather than for commercial purposes.

(c) (1) This section shall not limit or otherwise affect eligibility for, or be included as a matter during the compliance period of, any credit under Section 12206, 17058, or 23610.5 of the Revenue and Taxation Code.

(2) This section shall not be construed to limit or otherwise affect applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty, or other statutes or laws that require reasonable accommodations to be made for an individual with a disability who maintains an animal to provide assistance, service, or support.

(3) This section does not alter or affect the rights and duties of a landlord with respect to control or preventing harm to third parties caused by a resident's pet.

(Amended by Stats. 2022, Ch. 241, Sec. 2. (SB 971) Effective January 1, 2023.)

50466.5. (a) On or before January 1, 2024, the department shall create an impact fee nexus study template that may be used by local jurisdictions. The template shall include a method of calculating the feasibility of housing being built with a given fee level.

(b) The department may contract with nonprofit or academic institutions to complete the template.

(Added by Stats. 2021, Ch. 347, Sec. 4. (AB 602) Effective January 1, 2022.)

50466.6. (a) On or before July 1, 2028, the department shall create both of the following:

(1) A fee schedule template for proposed housing development projects that may be used by cities and counties.

(A) The template shall, at a minimum, contain the following:

(i) A list of the fees and exactions described in subparagraph (B) with the approximate cost per unit or per square foot.

(ii) The districts or neighborhoods where each fee applies.

(iii) The uses that each fee applies to.

(iv) Who should be contacted in order to calculate total fees.

(B) To the extent practicable, the template shall include, but not be limited to, the following:

(i) A fee or charge described in 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) of Division 1 of Title 7 of the Government Code).

(ii) In-lieu fees for affordability requirements.

(iii) A construction excise tax.

(iv) In lieu fees for a requirement that the housing development project provide public art.

(v) In-lieu fees for dedications of parkland imposed pursuant to Section 66477 of the Government Code.

(vi) A special tax levied on new housing units pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) A list of best practices regarding presenting information for fees and exactions levied by local jurisdictions.

(b) The department may create a fee estimate tool that may be used by cities and counties for the purpose of meeting the requirements of Section 65940.2 of the Government Code.

(c) The department may contract with nonprofit or academic institutions to complete the fee schedule template, list of best practices, and fee estimate tool.

(d) For purposes of this section, the following definitions apply:

(1) "Affordability requirement" means a requirement imposed as a condition of a development of residential units, that the development include a certain percentage of the units affordable for rent or sale to households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households specified in Sections 50079.5, 50093, 50105, and 50106.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(Added by Stats. 2024, Ch. 752, Sec. 2. (AB 3012) Effective January 1, 2025.)

50467. (a) Any notice of funding availability issued by the department for an affordable multifamily housing loan program shall state that adaptive reuse of a property for affordable housing purposes is an eligible activity.

(b) To the extent any affordable multifamily housing loan program also allows for home ownership, this section shall also apply.

(c) Except as provided in subdivision (d), for purposes of this section, "adaptive reuse" means the retrofitting and repurposing of an existing building to create new residential units.

(d) Subdivision (c) shall only apply to an affordable multifamily housing loan program if the program does not define adaptive reuse in statute, agency guideline, or regulation.

(Added by Stats. 2022, Ch. 639, Sec. 1. (AB 1695) Effective January 1, 2023.)

50468. (a) The department shall not require a project-specific transition reserve for any unit subject to a qualified project rental or operating subsidy.

(b) The Pooled Transition Reserve Fund is hereby created within the State Treasury and, notwithstanding Section 13340 of the Government Code, is continuously appropriated to the department for the purpose of establishing and maintaining a pooled transition reserve. The fund shall consist of all of the following:

(1) Fees charged by the department to projects that receive qualified project rental or operating subsidies at the time of permanent loan closing.

(2) Upon appropriation by the Legislature, moneys from the General Fund or other funds.

(3) Moneys from any other source, including from any private donation or grant made for the purposes of this part.

(c) The department may charge a fee to each project that receives qualified project rental or operating subsidies at the time of permanent loan closing, not to exceed the reasonable costs of the department to capitalize the reserve fund and cover administrative costs. All fees shall be deposited in the Pooled Transition Reserve Fund and used for the purposes of this section. The department may capitalize the fees authorized by this subdivision as necessary to ensure the financial feasibility and long-term affordability of the multifamily housing project, in which case funds may be transferred to the Pooled Transition Reserve Fund at the time of permanent loan closing.

(d) (1) "Project-specific transition reserve" means a reserve account or a set aside of funds accruing to the benefit of a particular affordable rental housing development to address the impacts on tenants of a loss or exhaustion of a rental or operating subsidy.

(2) "Pooled transition reserve" means a fund or account established and maintained by the department to mitigate, with respect to residential dwelling units described in subdivision (e), the impacts on tenant rents from the loss or exhaustion of a qualified project rental or an operating subsidy.

(3) "Qualified project rental or operating subsidy" means federally originated rental assistance or operating subsidies, a local rental housing subsidy program operated by the City and County of San Francisco or the County of Los Angeles, or other means of rental assistance or operating assistance identified by the department.

(e) This section shall apply to units of a multifamily housing project financed by any program administered by the department, for which permanent loan closing has not occurred prior to January 1, 2023, including, but not limited to, all of the following:

- (1) The competitive component of the Building Homes and Jobs Act (Chapter 2.5 (commencing with Section 50470)).
- (2) The Joe Serna, Jr. Farmworker Housing Grant Program (Chapter 3.2 (commencing with Section 50515.2)).
- (3) The Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).
- (4) The Transit-Oriented Development Implementation Program (Part 13 (commencing with Section 53560)).
- (5) Housing for a Healthy California Program (Part 14.2 (commencing with Section 53590)).
- (6) The Veterans Housing and Homeless Prevention Act of 2014 (Article 3.2 (commencing with Section 987.001) of Chapter 6 of Division 4 of the Military and Veterans Code).
- (7) The Affordable Housing and Sustainable Communities Program (Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code).
- (8) The No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code).
- (9) The federal Community Development Block Grant Program (42 U.S.C. Sec. 5301 et seq.).
- (10) The federal HOME Investment Partnership Program (42 U.S.C. Sec. 12721 et seq.).
- (11) The National Housing Trust Fund established pursuant to the federal Housing and Economic Recovery Act of 2008 (Public Law 110-289), and implementing federal regulations.

(f) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section, including adopting fees as set forth in subdivision (c). The guidelines may address participation in the pooled transition reserve by projects with existing project-based transition reserves, including disposition of the existing project-based transition reserve funds. The adoption, amendment, or repeal of any guidelines or terms pursuant to this subdivision is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(Amended by Stats. 2023, Ch. 770, Sec. 18. (AB 1764) Effective January 1, 2024.)

50469. (a) The department shall not require a tribe that is an eligible recipient of state funding to waive tribal sovereign immunity in order to access state or federal funds, as long as not requiring the waiver is not in conflict with applicable law. This subdivision does not apply to Sections 50237, 50244, 50675.1.1, or 50675.1.3, or any affordable housing programs administered by the department under those sections.

(b) (1) In order to facilitate better coordination between the department and the tribes that are eligible recipients of state funds, the department shall, to the extent practicable, include its designated tribal liaison or their designee in all discussions with tribes that are eligible recipients.

(2) The department's designated tribal liaison and their designee shall complete a culturally competent training course before engaging in these discussions with tribes to equip the tribal liaison and their designee with the knowledge, skills, and mindsets necessary to interact effectively with tribes.

(Added by Stats. 2024, Ch. 266, Sec. 3. (AB 1878) Effective January 1, 2025.)