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AB-68 Department of Housing and Community Development: California Statewide Housing Plan: annual reports. (2021-2022)

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Date Published: 09/29/2021 10:00 AM

Assembly Bill No. 68

CHAPTER 341

An act to add Section 50408.1 to, to add Chapter 1.5 (commencing with Section 50420) to Part 2 of Division 31 of, and to repeal Sections 50450, 50451, 50452, 50453, and 50454 of, the Health and Safety Code, relating to housing.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 68, Quirk-Silva. Department of Housing and Community Development: California Statewide Housing Plan: annual reports.

(1) Existing law establishes the California Statewide Housing Plan, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as well as specified segments. Existing law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years, as provided.

This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. The bill would require the department to publish and make the plan available to the public on the department's internet website.

(2) Existing law requires the department, on or before December 31 of each year, to submit an annual report containing specified information to the Governor and both houses of the Legislature on the operations and accomplishments during the previous fiscal year of the housing programs administered by the department.

This bill would require the department to develop and publish on its internet website an annual report by December 31 of each year that includes specified information regarding grant programs that are administered by the department, including the time between the issuance of award letters and the delivery of the standard agreement to the awardee and a comparison of how the time between the issuance of the award letters, delivery of the standard agreement, and execution of the standard agreement varies across department-administered programs.

(3) Existing 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 Department of Housing and Community Development to determine whether the housing element is in substantial compliance with specified provisions of that law. That law also requires the department to notify a city, county, or city and county that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to the housing element does not substantially comply with specified provisions of the law.

This bill would require the department to develop and publish on its internet website an annual report by December 31 of each year that includes specified information regarding land use oversight actions related to housing, including the number of land use oversight actions related to housing taken against cities and counties, outcomes of those oversight actions, and the median time between the initiation of each oversight action and its resolution.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 50408.1 is added to the Health and Safety Code, to read:

50408.1. (a) The department shall develop and publish an annual report by December 31 of each year that provides all of the following information regarding grant programs administered by the department during the previous fiscal year:

- (1) The time between the issuance of award letters and the delivery of the standard agreement to the awardee.
- (2) The time between the delivery of the standard agreement to the awardee and its execution.
- (3) A comparison of how the time between award letter, standard agreement, and standard agreement execution varies across department-administered programs.
- (4) Changes to the information reported in this section for each program since the previous annual report.
- (5) For purposes of this subdivision, "time" means the median number of days and a description of the range of days, which includes the 25th percentile and the 75th percentile, for each program.

(b) The department shall develop and publish an annual report by December 31 of each year that includes information regarding land use oversight actions related to housing that were active during the previous fiscal year pursuant to Section 65585 of the Government Code, including, but not limited to, all of the following:

- (1) The number of land use oversight actions related to housing taken against cities and counties.
- (2) The outcomes of those oversight actions.
- (3) The median time between the initiation of each oversight action and its resolution.

(c) The reports required under this section and under Section 50408 shall be published and made available to the public on the department's internet website.

SEC. 2. Chapter 1.5 (commencing with Section 50420) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 1.5. Statewide Housing Plan

50420. For purposes of this chapter:

- (a) "Department" means the Department of Housing and Community Development.
- (b) "Plan" means the California Statewide Housing Plan described in Section 50421.
- (c) "Plan period" means the year the plan is revised and at least the four additional years ahead.

50421. There is a California Statewide Housing Plan that was developed in cooperation with the private housing industry as well as regional and local housing and planning agencies and other agencies of the state. The plan serves as a state housing plan for all relevant purposes.

50422. The plan shall incorporate a statement of housing goals, policies, and objectives, as well as all of the following segments:

- (a) An evaluation and summary of housing conditions throughout the state, with particular emphasis upon the availability of housing for all economic segments of the state. The evaluation shall include summary statistics for all counties, all multicounty metropolitan areas, and rural areas, as defined and designated by the Bureau of the Census of the United States Department of Commerce, rather than as defined in Section 50101. The evaluation shall include the existing distribution of housing by type, size, gross rent, value, and, to the extent data is available, condition, and the existing distribution of households by gross income, size, and ethnic character for each of those areas.
- (b) A determination of the statewide need for housing development for the plan period. The determination of statewide need shall be established as the minimum number of units necessary to be built or rehabilitated in order to provide sufficient housing to

house all residents of the state in standard, uncrowded units in suitable locations.

(c) Goals for the provision of housing assistance for the plan period. The goals shall be established as the minimum number of households to be assisted that will result in achieving, by the fourth subsequent year, a substantial reduction in the number of very low income households and other persons and families of low or moderate income constrained to pay more than 30 percent of their gross income for housing. Income groups to be considered in establishing the goals shall be designated by the department and shall include households a significant number of which are required to pay more than 30 percent of their gross income for housing in the fiscal year the plan is revised, as determined by the department.

(d) An identification of governmental and nongovernmental constraints and obstacles and specific recommendations for their removal.

(e) An analysis of state and local housing and building codes and their enforcement. The analysis shall include consideration of whether those codes contain sufficient flexibility to respond to new methods of construction and new materials.

(f) Recommendations for actions by federal, state, and local governments and the private sector that will contribute to the attainment of the housing goals established for California.

(g) A housing strategy that coordinates the housing assistance and activities of state and local agencies, including the provision of housing assistance for various population groups, including, but not limited to, elderly persons, persons with disabilities, large families, families where a female is the head of the household, farmworker households, and other specific population groups as deemed appropriate by the department. To inform the strategy, the department shall, to the extent possible, do the following:

(1) Consider information compiled by relevant state and local agencies on aging, and from provider and consumer organizations as available.

(2) Consult with various state departments, including the California Department of Aging, the State Department of Social Services, the State Department of Health Care Services, the Employment Development Department, the State Department of Developmental Services, and other state departments or agencies to obtain information deemed relevant to the housing needs of populations addressed in the housing strategy. This paragraph shall not be construed to require activity beyond the customary scope of the department's planning process.

(h) A review of housing assistance policies, goals, and objectives affecting the homeless.

50423. (a) The department shall update and provide a revision of the plan to the Legislature by January 1, 2006, by January 1, 2009, and every four years thereafter. The revisions shall contain all of the following segments:

(1) A comparison of the housing need for the preceding plan period with the amount of building permits issued and mobilehome spaces created in those fiscal years.

(2) A revision of the determination of the statewide need for housing development specified in subdivision (b) of Section 50422 for the plan period.

(3) A revision of the housing assistance goals specified in subdivision (c) of Section 50422 for the plan period.

(4) A revision of the evaluation required by subdivision (a) of Section 50422 as new census or other survey data become available. The revision shall contain an evaluation and summary of housing conditions throughout the state and may highlight data for multicounty or regional areas, as determined by the department. The revision shall include a discussion of the housing needs of various population groups, including, but not limited to, elderly persons, disabled persons, large families, families where a female is the head of the household, and farmworker households.

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

(6) For the next revision of the plan on or after January 1, 2020, and each subsequent revision thereafter, a 10-year housing data strategy that identifies the data useful to enforce existing housing laws and inform state housing policymaking. In developing this data strategy, the department shall establish a workgroup that includes, but is not limited to, representatives from the Department of Technology, metropolitan planning organizations, local governments, relevant academic institutions, and nonprofit organizations with relevant expertise selected by the department. The strategy shall include, but is not limited to, the following:

(A) An evaluation of data priorities.

(B) A strategy for how to achieve more consistent terminology for housing data across the state.

(C) An evaluation of the costs and benefits of, and the ways the department could support, a more integrated digital land use management system, building permit application management system, and other tools that would minimize resources needed for jurisdictions to submit required data.

(D) Information that must be reported under paragraph (2) of subdivision (a) of Section 65400, including, but not limited to, information that:

- (i) Supports enforcement of laws, policies, and informs efforts to preserve existing affordable housing stock.
- (ii) Supports enforcement of laws, policies, and informs efforts to protect tenants, and ensure habitability of existing housing stock.
- (iii) Provides a better understanding of housing project appeals, approvals, delays, and denials, including any relevant data from courts and other state departments.
- (iv) Provides an understanding of the process, certainty, cost, and time to approve housing and affordable housing projects.

(E) An assessment of the quality of data submitted by annual reports and recommended changes to annual report requirements and technical assistance based on this assessment.

(F) An assessment of the nature and cost of staffing and technology required for the department and local governments to meet data goals and requirements over the 10-year strategy period.

(G) Information that is useful to enforce state and local housing law and policy, including, but not limited to, enforcement of anti-rent gouging and just cause for eviction policies and ordinances.

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

50424. The plan developed pursuant to Section 50421 shall provide a reference guide for local housing market studies and for local housing elements required by Section 65302 of the Government Code. It is also intended to provide a framework for local housing plans.

50425. The goals and recommendations adopted for the plan shall be published once adopted, and shall be republished as revisions are adopted. The plan shall be published and made available to the public on the department's internet website.

50426. (a) Each update and revision to the plan occurring on or after January 1, 2023, shall incorporate both of the following:

- (1) The plan shall include an inventory of the number of affordable units needed to meet the state's affordable housing needs for the plan period.
- (2) The plan shall incorporate technical updates and provide technical recommendations, including, but not limited to, both of the following:
 - (A) Recommendations for modernizing statutory and regulatory terminology.
 - (B) Updating cross references to relevant reports and studies relied on in the plan and used in this part.

(b) The department may use data collected by the Homeless Coordinating and Financing Council to meet the requirements of paragraph (2) of subdivision (a).

SEC. 3. Section 50450 of the Health and Safety Code is repealed.

SEC. 4. Section 50451 of the Health and Safety Code is repealed.

SEC. 5. Section 50452 of the Health and Safety Code is repealed.

SEC. 6. Section 50453 of the Health and Safety Code is repealed.

SEC. 7. Section 50454 of the Health and Safety Code is repealed.