

BILL ANALYSIS

575 |

SENATE RULES COMMITTEE	SB
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520	Fax: (916)
327-4478	

THIRD READING

Bill No: SB 575
 Author: Steinberg (D)
 Amended: 5/4/09
 Vote: 21

SENATE TRANSPORTATION & HOUSING COMM. : 6-3, 4/28/09
AYES: Lowenthal, DeSaulnier, Kehoe, Pavley, Simitian, Wolk
NOES: Huff, Ashburn, Harman
NO VOTE RECORDED: Hollingsworth, Oropeza

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8

SUBJECT : Local planning: housing element

SOURCE : Author

DIGEST : This bill cleans up provisions of last years SB 375 (Steinberg), Chapter 728, by clarifying the rezoning requirement under housing element law, housing elements due dates generally, and allows the Department of Housing and Community Development to adjust the deadlines for adoption of the 6th and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that the planning period, as defined, for the housing element is not less than 90 months and not more than 102 months. The bill also clarifies a provision of last year's SB 732 (Steinberg), Chapter 729, regarding the open meeting requirements applicable to the Strategic Growth Council.

ANALYSIS : SB 375 (Steinberg), Chapter 728, Statutes of 2008, required the Air Resources Board (ARB), by September 30, 2010, to provide each region that has a metropolitan planning organization (MPO) with a greenhouse gas emission reduction target for the automobile and light truck sector for 2020 and 2035, respectively. Each MPO, in turn, is required to include within its regional transportation plan (RTP) a sustainable communities strategy designed to achieve the ARB targets for greenhouse gas emission reduction. The sustainable communities strategy and all other elements of the RTP, including the programming of funding to transportation projects, must be internally consistent. SB 375 provides that the internal consistency requirement does not affect any transportation project programmed for funding by the California Transportation Commission on or before December 31, 2011, if it is contained in the 2007 or 2009 State Transportation Improvement Program, funded through the Transportation Congestion Relief Program, or specifically listed in a local transportation sales tax ballot measure approved prior to December 31, 2008. Nor does it require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted prior to December 31, 2010.

The Planning and Zoning Law requires cities and counties to prepare and adopt a general plan, including a housing element to guide the future growth of a community. A housing element must identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet its fair share of the regional housing need, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development. The Department of Housing and Community Development (HCD) reviews both draft and adopted housing elements to determine whether or not they are in substantial compliance with the law.

Cities and counties are required to revise their housing elements on a regular basis. Before each revision, each city and county is assigned its fair share of the regional housing need for four separate income categories through a two-step process known as the regional housing needs

assessment (RHNA). In the first step, HCD determines the aggregate housing need for the region during the planning period to be covered by the housing element. Depending on whether or not subregions are involved in the RHNA process, this step begins 26 or 24 months prior to the regional housing element due date, when HCD is required to meet and consult with the council of governments regarding the assumptions and methodology HCD will use to determine the region's housing need. In the second step, the council of governments allocates the regional housing need to each city and county within the region.

Prior to the enactment of SB 375, cities and counties were required to revise their housing elements every five years according to a staggered schedule by region. All regions have now completed the fourth revision cycle to the housing element, and some regions are about to begin the fifth revision cycle. In order to align the population projections used in the RHNA process with those used for transportation planning and to coordinate the RHNA allocation with the sustainable communities strategy of the RTP that an MPO adopts every four years, SB 375 put housing elements in regions with an MPO on an eight-year cycle. SB 375 established the due date for the fifth revision of housing elements within each region at eighteen months after the date of the first RTP adopted after September 30, 2010 and the due date for the sixth and subsequent revision every eight years thereafter. Pursuant to SB 375, housing elements within the region of the San Diego Association of Governments for the fifth revision are due on June 30, 2010, and housing elements for the sixth revision are due around May of 2013.

SB 732 (Steinberg), Chapter 729, Statutes of 2008, established the Strategic Growth Council, comprised of the Director of the Office of Planning and Research; the Secretary of the Resources Agency; the Secretary for Environmental Protection; the Secretary of Business, Transportation and Housing; the Secretary of California Health and Human Services; and one member of the public to be appointed by the Governor. The bill further required the Council to coordinate specified programs of member state agencies and to award grants and loans to support the planning and development of sustainable communities. The

Strategic Growth Council is required to comply with the Bagley-Keene Open Meeting Act. All but the public member of the council are also members of the Governor's Cabinet. The concern has been raised that the presence of these members at a cabinet meeting may inadvertently require that the cabinet meeting comply with the Bagley-Keene Act.

This bill:

1. Allows the deadline to complete required rezonings to be extended by one year if the local government has completed rezonings at densities sufficient to accommodate at least 75% of the "units," as opposed to sites, for very low and low-income housing.
2. Clarifies that a meeting of the Governor's cabinet does not qualify as a meeting of the Strategic Growth Council for purposes of the Bagley-Keene Act.
3. Clarifies the start time of the RHNA process for local governments within MPOs.
4. Requires a MPO or a regional transportation planning agency for a region that has an eight-year revision interval to notify HCD and the Department of Transportation (Caltrans) in writing of the estimated adoption date for its next regional transportation plan at least 12 months prior to the estimated adoption date.
5. Requires Caltrans to maintain and publish on its Internet Web site a current schedule of the estimated regional transportation plan adoption dates. For purposes of determining the existing and projected need for housing a region, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan described in the notice plus 18 months.
6. Allow HCD to adjust the deadlines for adoption of the sixth and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that

the planning period for the housing element is not less than 90 months and not more than 102 months.

7. Specifies the regional housing need for the new projection period shall begin on the date of December 31 or June 30 that most closely precedes the end of the previous projection period.
8. Redefines "planning period" as the time period between the due date for one housing element and the due date for the next housing element.
9. Defines "projection period" as the time period for which the regional housing need is calculated.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

JA:n1 5/20/09 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

**** END ****