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MEETING OF THE

TECHNICAL WORKING GROUP

***Thursday, October 18, 2018
10:00 a.m. – 12:00 p.m.***

SCAG OFFICES

**900 Wilshire Blvd., Ste. 1700
Room Policy B
Los Angeles, CA 90017
(213) 236-1800**

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Technical Working Group

October 18, 2018

10:00 a.m. – 12:00 p.m.

SCAG Downtown Office – Policy Room B

900 Wilshire Blvd., 17th Floor

Los Angeles 90017

Agenda

Introductions

Discussion Items

- | | | | |
|----|----------------------------------------------------------------|------------------------------------------|------------|
| 1. | 2019 Local Profiles Data Update | M. Gainor | Attachment |
| 2. | Discuss RHNA Legislation: SB 828 & AB 1771 | P. Chang
Ma'Ayn Johnson
Kevin Kane | Attachment |
| 3. | Update on SCAG's Bottom-Up Local Input and Envisioning Process | Kimberley Clark | Attachment |



Technical Working Group

Agenda Item 1

Attachment 2: 2019 Local Profiles: Potential New Data Items

Data Item	Local Profiles Section	Definition	Data Required	Data Source
Travel distance distribution	Transportation	Commute distance travelled (by range)	Commute travel distance data at jurisdictional level.	U.S. Census American Community Survey (ACS)
Average travel distance	Transportation	Average commute distance travelled	Commute travel distance data at jurisdictional level.	U.S. Census American Community Survey (ACS)
English language fluency	Population	Share of population with limited English language fluency	Share of population 5+ years of age with limited English language fluency	U.S. Census American Community Survey (ACS)

Attachment 1: 2019 Local Profiles: Data Items Continuing from 2017

Category	Data Type	Data Source
Population	Total Population: 2017 & 2018	California Department of Finance
	Population: % Hispanic: 2018	US Census, Nielsen Co
	Population: % Non-Hispanic White: 2018	US Census, Nielsen Co
	Population: % Non-Hispanic Asian: 2018	US Census, Nielsen Co
	Population: % Non-Hispanic Black: 2018	US Census, Nielsen Co
	Population: % Non-Hispanic American Indian: 2018	US Census, Nielsen Co
	Population: % All Other Non-Hispanic: 2018	US Census, Nielsen Co
	Population by Age: 2017 & 2018	US Census, Nielsen Co
	Median Age: 2018	US Census, Nielsen Co
	Population Density: 2018	SCAG
Households	Number of Households: 2017 & 2018	California Department of Finance
	Average Household Size: 2017 & 2018	California Department of Finance
	Share of Households by Household Size: 2018	US Census, Nielsen Co
	Median Household Income: 2018	US Census, Nielsen Co
	Share of Households by Household Income: 2018	US Census, Nielsen Co
Housing	Homeownership Rate: 2018	US Census, Nielsen Co
	Median Existing Home Sales Price: 2017 & 2018	Dataquick (CoreLogic)
	Number of Foreclosures	Dataquick (CoreLogic)
	Share of Housing Stock by Decade Built	US Census, Nielsen Co
	Number of Housing Units: 2017 & 2018	California Department of Finance
	Number of Housing Units by Housing Type: 2018	California Department of Finance
	Total Housing Building Permits Issued: 2017 & 2018	Construction Industry Research Board
	Single-Family Housing Building Permits Issued: 2017 & 2018	Construction Industry Research Board
	Multi-Family Housing Building Permits Issued: 2017 & 2018	Construction Industry Research Board
Housing Cost Share of Household Income: Homeowners	American Community Survey (ACS)	
Housing Cost Share of Household Income: Renters	American Community Survey (ACS)	
Transportation	Transportation Mode Share: 2018	US Census, Nielsen Co
	Average Travel Time to Work: 2018	US Census, Nielsen Co
	Top 10 Commuter Work Destination Cities: Table	LEHD O/D Employment Statistics
	Top 10 Commuter Work Destination Cities: Map	SCAG
	Vehicles per Household: 2000, 2010, 2018	American Community Survey (ACS)
	Travel Time to Work Distribution (by range of minutes): 2000-2018	US Census, Nielsen Co
Active Transportation	Miles of Bicycle Lanes by Class (by county): 2016	County Transportation Commissions
Employment	Total Number of Jobs: 2016 & 2017	California Employment Development Dept
	Number of Jobs by Sector: 2017	California Employment Development Dept
	Number of Manufacturing Jobs: 2016 & 2017	California Employment Development Dept
	Number of Construction Jobs: 2016 & 2017	California Employment Development Dept
	Number of Retail Trade Jobs: 2016 & 2017	California Employment Development Dept
	Number of Professional & Management Jobs: 2016 & 2017	California Employment Development Dept
	Average Annual Salary: 2017	California Employment Development Dept
	Average Annual Salary by Sector: 2017	California Employment Development Dept
Public Health	Obesity Rate	California Health Interview Survey
	Physical Activity Rate (Walking)	California Health Interview Survey
Retail Sales	Real Retail Sales: 2016 & 2017	California Board of Equalization
Education	% Completed High School or Higher: 2018	US Census, Nielsen Co
	% Completed Bachelor Degree or Higher: 2018	US Census, Nielsen Co
	K-12 Public School Enrollment: 2017 & 2018	California Department of Education
	K-6 Public School Student Enrollment: 2017 & 2018	California Department of Education
	Grades 7-9 Public School Student Enrollment: 2017 & 2018	California Department of Education
Grades 10-12 Public School Student Enrollment: 2017 & 2018	California Department of Education	



Technical Working Group

Agenda Item 2


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SB-828 Land use: housing element. (2017-2018)

SECTION 1. Section 65584 of the Government Code is amended to read:

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) ~~While it~~ *It* is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, ~~it is recognized, however, and reasonable actions should be taken by local and regional governments to ensure~~ that future housing production ~~may not equal~~ *meet, at a minimum,* the regional housing need established for planning purposes. *These actions shall include applicable reforms and incentives in Section 65582.1.*

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall be consistent with all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

(3) Promoting an improved intraregional relationship between jobs and housing.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census.

(e) For purposes of this section, "household income levels" are as determined by the department as of the most recent decennial census pursuant to the following code sections:

- (1) Very low incomes as defined by Section 50105 of the Health and Safety Code.
- (2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.
- (3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.
- (4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

(f) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 1.5. Section 65584 of the Government Code is amended to read:

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) ~~While it~~ *It* is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, ~~it is recognized, however, and reasonable actions should be taken by local and regional governments to ensure~~ that future housing production ~~may not equal~~ *meets, at a minimum,* the regional housing need established for planning purposes. *These actions shall include applicable reforms and incentives in Section 65582.1.*

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and ~~65584.05 with the advice of the department.~~ *65584.05.*

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall ~~be consistent with~~ *further* all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, ~~and~~ the encouragement of efficient development ~~patterns.~~ *patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

(3) Promoting an improved intraregional relationship between jobs and ~~housing-~~ *housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent ~~decennial United States census-~~ *American Community Survey.*

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

~~(e)~~ *(f) For purposes of this section, "household income levels" are as determined by the department as of the most recent ~~decennial census-~~ American Community Survey pursuant to the following code sections:*

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

~~(f)~~ *(g) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).*

SEC. 2. Section 65584.01 of the Government Code is amended to read:

65584.01. For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market. For purposes of this subparagraph:

~~(C) (i) The percentage of renters' households that are overcrowded. For purposes of this subparagraph, the term "overcrowded" means more than one resident per room in each room in a dwelling.~~

(ii) The term "overcrowded rate for a comparable housing market" means that the overcrowding rate is no more than the average overcrowding rate in comparable regions throughout the nation, as determined by the council of governments.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs. *For purposes of this subparagraph, the vacancy rate for a healthy rental housing market shall be considered no less than 5 percent.*

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. For the purposes of this subparagraph:

(i) The term "cost burdened" means the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.

(ii) The term "rate of housing cost burden for a healthy housing market" means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to ~~(G)~~ (H), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments. *The methodology submitted by the department may make adjustments based on the region's total projected households, which includes existing households as well as projected households.*

(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the

department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 2.3. Section 65584.01 of the Government Code is amended to read:

65584.01. For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market. For purposes of this subparagraph:

~~*(C) (i) The percentage of renters' households that are overcrowded. For purposes of this subparagraph, the term "overcrowded" means more than one resident per room in each room in a dwelling.*~~

(ii) The term "overcrowded rate for a comparable housing market" means that the overcrowding rate is no more than the average overcrowding rate in comparable regions throughout the nation, as determined by the council of governments.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs. *For purposes of this subparagraph, the vacancy rate for a healthy rental housing market shall be considered no less than 5 percent.*

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. For the purposes of this subparagraph:

(i) The term "cost burdened" means the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.

(ii) The term "rate of housing cost burden for a healthy housing market" means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.

(1) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the data request.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to ~~(G)~~ (I), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments. *The methodology submitted by the department may make adjustments based on the region's total projected households, which includes existing households as well as projected households.*

(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 2.5. Section 65584.01 of the Government Code is amended to read:

65584.01. For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the

region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market. For purposes of this subparagraph:

~~(C) (i) The percentage of renters' households that are overcrowded. For purposes of this subparagraph, the term "overcrowded" means more than one resident per room in each room in a dwelling.~~

(ii) The term "overcrowded rate for a comparable housing market" means that the overcrowding rate is no more than the average overcrowding rate in comparable regions throughout the nation, as determined by the council of governments.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs. *For purposes of this subparagraph, the vacancy rate for a healthy rental housing market shall be considered no less than 5 percent.*

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. For the purposes of this subparagraph:

(i) The term "cost burdened" means the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.

(ii) The term "rate of housing cost burden for a healthy housing market" means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.

(I) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the data request.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to ~~(G)~~ (I), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments. *The methodology submitted by the department may make adjustments based on the region's total projected households, which includes existing households as well as projected households.*

(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 2.7. Section 65584.01 of the Government Code is amended to read:

65584.01. For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market. For purposes of this subparagraph:

~~(C) (i) The percentage of renters' households that are overcrowded. For purposes of this subparagraph, the term "overcrowded" means more than one resident per room in each room in a dwelling.~~

(ii) The term "overcrowded rate for a comparable housing market" means that the overcrowding rate is no more than the average overcrowding rate in comparable regions throughout the nation, as determined by the council of governments.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs. *For purposes of this subparagraph, the vacancy rate for a healthy rental housing market shall be considered no less than 5 percent.*

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. For the purposes of this subparagraph:

(i) The term "cost burdened" means the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.

(ii) The term "rate of housing cost burden for a healthy housing market" means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.

(I) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the data request.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to ~~(G)~~ (I), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments. *The methodology submitted by the department may make adjustments based on the region's total projected households, which includes existing households as well as projected households.*

(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 3. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the

existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term ~~basis~~ *basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.*

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

~~(1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need. county.~~

(2) Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

(i) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

SEC. 3.3. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall ~~develop~~ *develop, in consultation with the department,* a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall ~~be consistent with~~ *further* the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision ~~(d)~~ *(e)* that will allow the development of a methodology based upon the factors established in subdivision ~~(d)~~ *(e)*.

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

~~(2)~~ (3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

~~(3)~~ (4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

~~(4)~~ (5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision ~~(d)~~ *(e)* prior to the public comment period provided for in subdivision ~~(e)~~ *(d)*.

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower-income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

~~(e)~~ (d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the ~~community~~ *community as well as members of protected classes under Section 12955*. The proposed methodology, along with any relevant underlying data and assumptions, ~~and~~ an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, ~~and~~ how each of the factors listed in subdivision ~~(d)~~ *(e)* is incorporated into the methodology, *and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584*, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written *or electronic* request for the proposed ~~methodology~~ *methodology and published on the council of governments', or delegate subregion's, Internet Web site*. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

~~(d)~~ (e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. *This shall include an estimate based on readily available data of the number of low-wage jobs within the jurisdiction and how many*

housing units within the jurisdiction are affordable to low-wage workers, as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term ~~basis-~~ *basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.*

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated ~~area-~~ *and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.*

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

~~(4) The market demand for housing-~~

~~(5) (4)~~ *Agreements between a county and cities in a county to direct growth toward incorporated areas of the ~~county-~~ county, and land within an unincorporated area zoned or designated for agricultural protection or presentation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.*

~~(6) (5)~~ *The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.*

(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

~~(7) High-housing-cost burdens-~~ *The rate of overcrowding.*

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(11) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.

~~(10)~~ (12) Any other factors adopted by the council of ~~governments;~~ *governments, that furthers the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.*

~~(e)~~ (f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision ~~(d)~~ (e) was incorporated into the methodology and how the methodology ~~is consistent with~~ *furthers the objectives listed in* subdivision (d) of Section 65584. The methodology may include numerical weighting. *This information and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, Internet Web site.*

(g) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

~~(f)~~ (1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or ~~county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.~~ *county.*

~~(g)~~ (2) ~~In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05. Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.~~

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the ~~60-day~~ public comment period described in subdivision ~~(e)~~ (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, *and as a result of consultation with the department,* each council of governments, or delegate subregion, as applicable, shall ~~adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and~~ *publish a draft allocation methodology on its Internet Web site and submit the draft allocation methodology, along with the information required pursuant to subdivision (e),* to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(3) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(j) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its Internet Web site.

(k) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

~~(j)~~ *(l)* (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation ~~plan.~~ *plan and furthers the objectives listed in subdivision (d) of Section 65584.*

SEC. 3.5. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that

preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The loss of units during a state of emergency, that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

~~(10)~~ (11) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

~~(f)~~ (1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or ~~county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.~~ *county.*

(2) Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than

proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

(i) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

SEC. 3.7. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall ~~develop~~ *develop, in consultation with the department,* a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall ~~be consistent with~~ *further* the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision ~~(d)~~ *(e)* that will allow the development of a methodology based upon the factors established in subdivision ~~(d)~~ *(e)*.

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

~~(2)~~ (3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

~~(3)~~ (4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

~~(4)~~ (5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision ~~(d)~~ *(e)* prior to the public comment period provided for in subdivision ~~(e)~~ *(d)*.

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower-income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

~~(e)~~ (d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the ~~community~~ *community as well as members of protected classes under Section 12955*. The proposed methodology, along with any relevant underlying data and assumptions, ~~and~~ an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, ~~and~~ how each of the factors listed in subdivision ~~(d)~~ (e) is incorporated into the methodology, *and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584*, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written *or electronic* request for the proposed ~~methodology~~ *methodology and published on the council of governments', or delegate subregion's, Internet Web site*. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

~~(d)~~ (e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. *This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.*

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term ~~basis~~ *basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.*

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated ~~area~~ *and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.*

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

~~(4) The market demand for housing.~~

~~(5)~~ (4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the ~~county~~ *county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to non-agricultural uses.*

~~(6)~~ (5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

~~(7) High housing cost burdens. The rate of overcrowding.~~

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(11) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.

~~(10)~~ (12) Any other factors adopted by the council of ~~governments. governments,~~ that furthers the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.

~~(e)~~ (f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision ~~(d)~~ (e) was incorporated into the methodology and how the methodology ~~is consistent with~~ furthers the objectives listed in subdivision (d) of Section 65584. The methodology may include numerical weighting. *This information and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, Internet Web site.*

(g) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

~~(f)~~ (1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or ~~county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.~~ *county.*

~~(g)~~ (2) ~~In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05. Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.~~

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the ~~60-day~~ public comment period described in subdivision ~~(e)~~ (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, *and as a result of consultation with the department,* each council of governments, or delegate subregion, as applicable, shall ~~adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and~~ *publish a draft allocation methodology on its Internet Web site and submit the draft allocation methodology, along with the information required pursuant to subdivision (e),* to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall

determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(3) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(j) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its Internet Web site.

(k) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

(+) (l) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

*(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation ~~plan.~~ *plan and furthers the objectives listed in subdivision (d) of Section 65584.**

SEC. 4. *(a) Section 1.5 of this bill incorporates amendments to Section 65584 of the Government Code proposed by both this bill and Assembly Bill 1771. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584 of the Government Code, and (3) this bill is enacted after Assembly Bill 1771, in which case Section 1 of this bill shall not become operative.*

(b) (1) Section 2.3 of this bill incorporates amendments to Section 65584.01 of the Government Code proposed by both this bill and Assembly Bill 1771. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the Government Code, and (3) this bill is enacted after Assembly Bill 1771, in which case Sections 2, 2.5, and 2.7 of this bill shall not become operative.

(2) Section 2.5 of this bill incorporates amendments to Section 65584.01 of the Government Code proposed by both this bill and Assembly Bill 2238. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the Government Code, and (3) this bill is enacted after Assembly Bill 2238, in which case Sections 2, 2.3, and 2.7 of this bill shall not become operative.

(3) Section 2.7 of this bill incorporates amendments to Section 65584.01 of the Government Code proposed by this bill, Assembly Bill 1771, and Assembly Bill 2238. That section of this bill shall only become operative if (1) this bill, Assembly Bill 1771, and Assembly Bill 2238 are all enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the Government Code, and (3) this bill is enacted after both Assembly Bill 1771 and Assembly Bill 2238, in which case Sections 2, 2.3, and 2.5 of this bill shall not become operative.

(c) (1) Section 3.3 of this bill incorporates amendments to Section 65584.04 of the Government Code proposed by both this bill and Assembly Bill 1771. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the

Government Code, and (3) this bill is enacted after Assembly Bill 1771, in which case Sections 3, 3.5, and 3.7 of this bill shall not become operative.

(2) Section 3.5 of this bill incorporates amendments to Section 65584.04 of the Government Code proposed by both this bill and Assembly Bill 2238. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the Government Code, and (3) this bill is enacted after Assembly Bill 2238, in which case Sections 3, 3.3, and 3.7 of this bill shall not become operative.

(3) Section 3.7 of this bill incorporates amendments to Section 65584.04 of the Government Code proposed by this bill, Assembly Bill 1771, and Assembly Bill 2238. That section of this bill shall only become operative if (1) this bill, Assembly Bill 1771, and Assembly Bill 2238 are all enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the Government Code, and (3) this bill is enacted after both Assembly Bill 1771 and Assembly Bill 2238, in which case Sections 3, 3.3, and 3.5 of this bill shall not become operative.

SEC. 5. *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.*


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AB-1771 Planning and zoning: regional housing needs assessment. (2017-2018)

SECTION 1. Section 65584 of the Government Code is amended to read:

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and ~~65584.05 with the advice of the department.~~ *65584.05.*

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall ~~be consistent with~~ *further* all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, ~~and~~ the encouragement of efficient development ~~patterns:~~ *patterns, and the achievement of the region's greenhouse gas reductions targets provided by the Air Resources Board pursuant to Section 65080.*

(3) Promoting an improved intraregional relationship between jobs and ~~housing:~~ *housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution

of households in that category from the most recent ~~decennial United States census~~; *American Community Survey*.

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

~~(e)~~ *(f) For purposes of this section, "household income levels" are as determined by the department as of the most recent ~~decennial census pursuant~~ *American Community Survey* to the following code sections:*

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

~~(f)~~ *(g) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).*

SEC. 1.5. Section 65584 of the Government Code is amended to read:

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) ~~While it~~ *It* is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, ~~it is recognized, however, and reasonable actions should be taken by local and regional governments to ensure~~ that future housing production ~~may not equal~~ *meets, at a minimum,* the regional housing need established for planning purposes. *These actions shall include applicable reforms and incentives in Section 65582.1.*

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and ~~65584.05 with the advice of the department~~; *65584.05.*

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the ~~59~~ council of governments is extended for this reason, the

department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall ~~be consistent with~~ *further* all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, ~~and~~ the encouragement of efficient development ~~patterns~~ *patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

(3) Promoting an improved intraregional relationship between jobs and ~~housing~~ *housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent ~~decennial United States census~~ *American Community Survey.*

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

~~(e)~~ *(f)* For purposes of this section, "household income levels" are as determined by the department as of the most recent ~~decennial census~~ *American Community Survey* pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

~~(f)~~ *(g)* Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 2. Section 65584.01 of the Government Code is amended to read:

65584.01. For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the

Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of ~~renters'~~ households that are overcrowded. For purposes of this subparagraph, the term "overcrowded" means more than one resident per room in each room in a dwelling.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs.

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the data request.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (G), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments.

(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the

department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 2.5. Section 65584.01 of the Government Code is amended to read:

65584.01. For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market. For purposes of this subparagraph:

~~*(C) (i) The percentage of renters' households that are overcrowded. For purposes of this subparagraph, the term "overcrowded" means more than one resident per room in each room in a dwelling.*~~

(ii) The term "overcrowded rate for a comparable housing market" means that the overcrowding rate is no more than the average overcrowding rate in comparable regions throughout the nation, as determined by the council of governments.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs. *For purposes of this subparagraph, the vacancy rate for a healthy rental housing market shall be considered no less than 5 percent.*

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. For the purposes of this subparagraph:

(i) The term "cost burdened" means the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.

(ii) The term "rate of housing cost burden for a healthy housing market" means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.

(1) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the data request.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to ~~(G)~~ (I), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments. *The methodology submitted by the department may make adjustments based on the region's total projected households, which includes existing households as well as projected households.*

(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 3. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall ~~develop~~ *develop, in consultation with the department,* a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall ~~be consistent with~~ *further* the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision ~~(d)~~ (e) that will allow the development of a methodology based upon the factors established in subdivision ~~(d)~~ (e).

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served

by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

~~(2)~~ (3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

~~(3)~~ (4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

~~(4)~~ (5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision ~~(d)~~ (e) prior to the public comment period provided for in subdivision ~~(e)~~ (d).

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower-income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

~~(e)~~ (d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the ~~community~~— *community as well as members of protected classes under Section 12955*. The proposed methodology, along with any relevant underlying data and assumptions, ~~and~~ an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, ~~and~~ how each of the factors listed in subdivision ~~(d)~~ (e) is incorporated into the methodology, *and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584*, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written *or electronic* request for the proposed ~~methodology~~— *methodology and published on the council of governments', or delegate subregion's, Internet Web site*. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

~~(d)~~ (e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. *This shall include an estimate, based on readily available data, of the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate, based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.*

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of

available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated ~~area~~ *area, and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.*

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

~~(4) The market demand for housing.~~

~~(5)~~ (4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

~~(6)~~ (5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

~~(7) High housing cost burdens. The rate of overcrowding.~~

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(11) The region's greenhouse gas emissions targets provided by the Air Resources Board pursuant to Section 65080.

~~(10)~~ (12) Any other factors adopted by the council of ~~governments~~ *governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.*

~~(e)~~ (f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision ~~(d)~~ (e) was incorporated into the methodology and how the methodology ~~is consistent with~~ *further the objectives listed in* subdivision (d) of Section 65584. The methodology may include numerical weighting. *This information and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, Internet Web site.*

~~(f)~~ (g) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

~~(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.~~

(h) Following the conclusion of the ~~60-day~~ public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, *and as a result of consultation with the department*, each council of governments, or delegate subregion, as applicable, shall ~~adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and publish a draft allocation methodology on its Internet Web site and submit the draft allocation methodology, along with the information required pursuant to subdivision (f),~~ to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology does not further the objectives listed in subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall consider the findings made by the department and take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption written findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(j) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(k) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its Internet Web site.

(l) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

(+) *(m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.*

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

*(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation ~~plan~~ *plan and furthers the objectives listed in subdivision (d) of Section 65584.**

SEC. 3.5. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall ~~develop~~ *develop, in consultation with the department*, a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall ~~be consistent with~~ *further* the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision ~~(d)~~ *(e)* that will allow the development of a methodology based upon the factors established in subdivision ~~(d)~~ *(e)*.

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of

Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

~~(2)~~ (3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

~~(3)~~ (4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

~~(4)~~ (5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision ~~(d)~~ (e) prior to the public comment period provided for in subdivision ~~(e)~~ (d).

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower-income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

~~(e)~~ (d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the ~~community~~ *community as well as members of protected classes under Section 12955*. The proposed methodology, along with any relevant underlying data and assumptions, ~~and~~ an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, ~~and~~ how each of the factors listed in subdivision ~~(d)~~ (e) is incorporated into the methodology, *and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584*, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written *or electronic* request for the proposed ~~methodology~~ *methodology and published on the council of governments', or delegate subregion's, Internet Web site*. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

~~(d)~~ (e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. *This shall include an estimate, based on readily available data, of the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers, as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.*

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of ~~37~~ locality, but shall consider the potential for increased

residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term ~~basis~~: *basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to non-agricultural uses.*

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated ~~area~~: *area, and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.*

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

~~(4) The market demand for housing.~~

~~(5)~~ (4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the ~~county~~: *county, and land within an unincorporated area zoned or designated for agricultural protection or presentation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.*

~~(6)~~ (5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

~~(6)~~ *(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.*

~~(7) High-housing-cost burdens. The rate of overcrowding.~~

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

~~(10) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.~~

~~(11) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.~~

~~(10)~~ (12) Any other factors adopted by the council of ~~governments~~: *governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.*

~~(e)~~ (f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision ~~(d)~~ (e) was incorporated into the methodology and how the methodology ~~is consistent with~~ *further the objectives listed in* subdivision (d) of Section 65584. The methodology may include numerical weighting. *This information and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, Internet Web site.*

~~(g) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:~~

~~(f) (1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need. county.~~

~~(g) (2) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05. Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.~~

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the ~~60-day~~ public comment period described in subdivision ~~(e)~~ (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, *and as a result of consultation with the department*, each council of governments, or delegate subregion, as applicable, shall ~~adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and~~ *publish a draft allocation methodology on its Internet Web site and submit the draft allocation methodology, along with the information required pursuant to subdivision (e)*, to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(j) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(k) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its Internet Web site.

(l) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

~~(f) (m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.~~

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation ~~plan. plan and furthers the objectives listed in subdivision (d) of Section 65584.~~

SEC. 4. Section 65584.05 of the Government Code is amended to read:

65584.05. (a) At least one and one-half years prior to the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional

housing needs to each local government in the region or subregion, where applicable, *and the department*, based on the methodology adopted pursuant to Section ~~65584.04.~~ *65584.04 and shall publish the draft allocation on its Internet Web site.* The draft allocation shall include the underlying data and methodology on which the allocation is ~~based-~~ *based, and a statement as to how it furthers the objectives listed in subdivision (d) of Section 65584.* It is the intent of the Legislature that the draft allocation should be distributed prior to the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within ~~60~~ *45* days following receipt of the draft allocation, a local government ~~may request from within the region or the delegate subregion, as applicable, or the department may appeal to~~ the council of governments or the delegate ~~subregion, as applicable,~~ *subregion for* a revision of ~~its the~~ share of the regional housing need ~~in accordance with the factors described in paragraphs (1) to (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government to the council of governments pursuant to subdivision (b) of that section. The request for a revised share-~~ *proposed to be allocated to one or more local governments. Appeals* shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate ~~documentation.~~ *A request for a revised share documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584. An appeal* pursuant to this subdivision shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Section 65080. *Appeals shall be limited to any of the following circumstances:*

~~(c) Within 60 days after the request submitted pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall accept the proposed revision, modify its earlier determination, or indicate, based upon the information and methodology described in Section 65584.04, why the proposed revision is inconsistent with the regional housing need.~~

~~(d) If the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government may appeal its draft allocation based upon either or both of the following criteria:~~

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section ~~65584.04,~~ *or a significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted pursuant to that subdivision.* *65584.04.*

(2) The council of governments or delegate subregion, as applicable, failed to determine ~~its the~~ share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section ~~65584.04.~~ *65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.*

(3) A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant to subdivision (b) of Section 65584.04. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

(c) At the close of the period for filing appeals pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall notify all other local governments within the region or delegate subregion and the department of all appeals and shall make all materials submitted in support of each appeal available on a publicly available Internet Web site. Local governments and the department may, within 45 days, comment on one or more appeals. If no appeals are filed, the draft allocation shall be issued as the proposed final allocation plan pursuant to paragraph (2) of subdivision (e).

(d) No later than 30 days after the close of the comment period, and after providing all local governments within the region or delegate subregion, as applicable, at least 21 days prior notice, the council of governments or delegate subregion shall conduct one public hearing to consider all appeals filed pursuant to subdivision (b) and all comments received pursuant to subdivision (c).

(e) No later than 45 days after the public hearing pursuant to subdivision (d), the council of governments or delegate subregion, as applicable, shall do both of the following:

~~(e) (1) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days after the date established to file appeals. The local government shall be notified within 10 days by certified mail, return receipt requested, of at least one public hearing on its appeal. The date of the hearing shall be at least 30 days and not more than 35 days after the date of the notification. Before taking action on an appeal, the council of governments or delegate subregion, as applicable, shall consider all comments, recommendations, and available data based on accepted planning methodologies submitted by the appellant. The final action of the council of governments or delegate subregion, as applicable, on an appeal~~

Make a final determination that either accepts, rejects, or modifies each appeal for a revised share filed pursuant to subdivision (b). Final determinations shall be based upon the information and methodology described in Section 65584.04 and whether the revision is necessary to further the objectives listed in subdivision (d) of Section 65584. The final determination shall be in writing and shall include information and other evidence explaining how its action written findings as to how the determination is consistent with this article. The final action determination on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is share of the regional housing need allocated to one or more local governments that are not the subject of an appeal.

~~(f) (2) The council of governments or delegate subregion, as applicable, shall issue Issue a proposed final allocation within 45 days after the completion of the 60 day period for hearing appeals. The proposed final allocation plan shall include responses to all comments received on the proposed draft allocation and reasons for any significant revisions included in the final allocation. plan.~~

~~(g) (f) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the revision request process and the appeals process specified in this section. appeals process. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. In no event shall the total distribution of housing need equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03. Two or more local governments may agree to an alternate distribution of appealed housing allocations between the affected local governments. If two or more local governments agree to an alternative distribution of appealed housing allocations that maintains the total housing need originally assigned to these communities, then the council of governments shall include the alternative distribution in the final allocation plan.~~

~~(h) (g) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, 65584.01 and has taken into account all appeals, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 60 30 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.~~

~~(i) (h) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.~~

(i) Any time period in subdivision (d) or (e) may be extended by a council of governments or delegate subregion, as applicable, for up to 30 days.

SEC. 5. Section 65584.06 of the Government Code is amended to read:

65584.06. (a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the

department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(c) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.

(d) (1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.

(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.

(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.

(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision (d), the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

(g) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

SEC. 6. *Nothing in this act shall be read to change a jurisdiction's obligations, discretion, or flexibility under existing law related to the preparation and adoption of a housing element, nor shall it be read to compel a jurisdiction to take any one particular action that is not already required by law or prohibit a jurisdiction from taking any one particular action that is not already prohibited by law in implementing a housing element.*

SEC. 7. *(a) Section 1.5 of this bill incorporates amendments to Section 65584 of the Government Code proposed by both this bill and Senate Bill 828. That section in this bill shall only become operative if (1) both bills are*

enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584 of the Government Code, and (3) this bill is enacted after Senate Bill 828, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 65584.01 of the Government Code proposed by both this bill and Senate Bill 828. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.01 of the Government Code, and (3) this bill is enacted after Senate Bill 828, in which case Section 2 of this bill shall not become operative.

(c) (1) Section 3.5 of this bill incorporates amendments to Section 65584.04 of the Government Code proposed by both this bill and Senate Bill 828. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65584.04 of the Government Code, and (3) this bill is enacted after Senate Bill 828, in which case Section 3 of this bill shall not become operative.

SEC. 8. *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.*



Technical Working Group

Agenda Item 3

**Input Received by Jurisdiction for SCAG's Bottom-Up Local Input and Envisioning Process
October 15, 2018**

ID	COUNTY	SUBREGION*	JURISDICTION	Input Received on One of More Data Elements**	Input on Geographic Data within GIS Data/Map Book	Input on Growth Forecast (Jurisdictional Level and/or TAZ Level) within GIS Data/Map Book	Input on Survey (PDF or Survey Monkey Submission)
1	Imperial	ICTC	Brawley	Input Received	Input Received	Input Received	-
2	Imperial	ICTC	Calexico	-	-	-	-
3	Imperial	ICTC	Calipatria	Input Received	Input Received	-	-
4	Imperial	ICTC	El Centro	Input Received	Input Received	Input Received	-
5	Imperial	ICTC	Holtville	Input Received	Input Received	-	-
6	Imperial	ICTC	Imperial	Input Received	Input Received	-	-
7	Imperial	ICTC	Unincorporated	-	-	-	-
8	Imperial	ICTC	Westmorland	Input Received	Input Received	Input Received	-
9	Los Angeles	Arroyo Verdugo	Burbank	-	-	-	-
10	Los Angeles	Arroyo Verdugo	Glendale	Input Received	Input Received	Input Received	Input Received
11	Los Angeles	Arroyo Verdugo	La Canada Flintridge	Input Received	Input Received	Input Received	Input Received
12	Los Angeles	City of Los Angeles	Los Angeles	Input Received	Input Received	-	Input Received
13	Los Angeles	City of Los Angeles	San Fernando	Input Received	Input Received	Input Received	Input Received
14	Los Angeles	City of Los Angeles	Unincorporated	Input Received	Input Received	Input Received	Input Received
15	Los Angeles	GCCOG	Artesia	-	-	-	-
16	Los Angeles	GCCOG	Avalon	Input Received	Input Received	-	Input Received
17	Los Angeles	GCCOG	Bell	Input Received	Input Received	-	-
18	Los Angeles	GCCOG	Bell Gardens	-	-	-	-
19	Los Angeles	GCCOG	Bellflower	Input Received	Input Received	Input Received	Input Received
20	Los Angeles	GCCOG	Cerritos	Input Received	Input Received	Input Received	Input Received
21	Los Angeles	GCCOG	Commerce	Input Received	Input Received	Input Received	Input Received
22	Los Angeles	GCCOG	Compton	Input Received	-	-	Input Received
23	Los Angeles	GCCOG	Cudahy	-	-	-	-
24	Los Angeles	GCCOG	Downey	Input Received	Input Received	Input Received	Input Received
25	Los Angeles	GCCOG	Hawaiian Gardens	Input Received	Input Received	Input Received	-
26	Los Angeles	GCCOG	Huntington Park	-	-	-	-
27	Los Angeles	GCCOG	La Habra Heights	-	-	-	-
28	Los Angeles	GCCOG	La Mirada	Input Received	-	-	Input Received
29	Los Angeles	GCCOG	Lakewood	Input Received	Input Received	-	Input Received
30	Los Angeles	GCCOG	Long Beach	Input Received	Input Received	Input Received	Input Received
31	Los Angeles	GCCOG	Lynwood	-	-	-	-
32	Los Angeles	GCCOG	Maywood	-	-	-	-
33	Los Angeles	GCCOG	Norwalk	Input Received	Input Received	Input Received	Input Received
34	Los Angeles	GCCOG	Paramount	Input Received	Input Received	Input Received	-
35	Los Angeles	GCCOG	Pico Rivera	Extension Requested	-	-	-
36	Los Angeles	GCCOG	Santa Fe Springs	Input Received	Input Received	Input Received	-
37	Los Angeles	GCCOG	Signal Hill	Input Received	Input Received	Input Received	-
38	Los Angeles	GCCOG	South Gate	Input Received	-	-	Input Received
39	Los Angeles	GCCOG	Vernon	Input Received	Input Received	Input Received	Input Received
40	Los Angeles	GCCOG	Whittier	-	-	-	-
41	Los Angeles	Las Virgenes Malibu COG	Agoura Hills	Input Received	Input Received	Input Received	Input Received
42	Los Angeles	Las Virgenes Malibu COG	Calabasas	Input Received	Input Received	Input Received	Input Received
43	Los Angeles	Las Virgenes Malibu COG	Hidden Hills	-	-	-	-
44	Los Angeles	Las Virgenes Malibu COG	Malibu	Input Received	Input Received	Input Received	Input Received
45	Los Angeles	Las Virgenes Malibu COG	Westlake Village	Input Received	Input Received	Input Received	Input Received
46	Los Angeles	North Los Angeles County	Lancaster	-	-	-	-
47	Los Angeles	North Los Angeles County	Palmdale	Input Received	Input Received	Input Received	Input Received
48	Los Angeles	North Los Angeles County	Santa Clarita	Extension Requested	-	-	-
49	Los Angeles	SBCCOG	Carson	-	-	-	-
50	Los Angeles	SBCCOG	El Segundo	Input Received	Input Received	-	Input Received
51	Los Angeles	SBCCOG	Gardena	Input Received	Input Received	Input Received	Input Received
52	Los Angeles	SBCCOG	Hawthorne	Input Received	Input Received	Input Received	Input Received
53	Los Angeles	SBCCOG	Hermosa Beach	Input Received	Input Received	Input Received	Input Received
54	Los Angeles	SBCCOG	Inglewood	Extension Requested	-	-	-
55	Los Angeles	SBCCOG	Lawndale	Input Received	-	-	Input Received
56	Los Angeles	SBCCOG	Lomita	Input Received	Input Received	Input Received	Input Received
57	Los Angeles	SBCCOG	Manhattan Beach	Input Received	Input Received	Input Received	Input Received
58	Los Angeles	SBCCOG	Palos Verdes Estates	Input Received	-	-	Input Received
59	Los Angeles	SBCCOG	Rancho Palos Verdes	Input Received	Input Received	Input Received	-
60	Los Angeles	SBCCOG	Redondo Beach	Input Received	Input Received	Input Received	Input Received
61	Los Angeles	SBCCOG	Rolling Hills	Input Received	Input Received	-	-
62	Los Angeles	SBCCOG	Rolling Hills Estates	Input Received	-	-	Input Received
63	Los Angeles	SBCCOG	Torrance	Input Received	Input Received	Input Received	Input Received
64	Los Angeles	SGVCOG	Alhambra	Input Received	-	Input Received	Input Received
65	Los Angeles	SGVCOG	Arcadia	-	-	-	-
66	Los Angeles	SGVCOG	Azusa	-	-	-	-
67	Los Angeles	SGVCOG	Baldwin Park	Input Received	Input Received	Input Received	Input Received
68	Los Angeles	SGVCOG	Bradbury	Input Received	Input Received	Input Received	Input Received
69	Los Angeles	SGVCOG	Claremont	Input Received	Input Received	-	-
70	Los Angeles	SGVCOG	Covina	Input Received	Input Received	Input Received	-
71	Los Angeles	SGVCOG	Diamond Bar	Input Received	Input Received	Input Received	-
72	Los Angeles	SGVCOG	Duarte	Input Received	Input Received	-	-
73	Los Angeles	SGVCOG	El Monte	Input Received	Input Received	Input Received	Input Received
74	Los Angeles	SGVCOG	Glendora	Input Received	Input Received	Input Received	Input Received
75	Los Angeles	SGVCOG	Industry	Extension Requested	-	-	-
76	Los Angeles	SGVCOG	Irwindale	Input Received	Input Received	Input Received	Input Received
77	Los Angeles	SGVCOG	La Puente	Input Received	-	Input Received	-
78	Los Angeles	SGVCOG	La Verne	Input Received	Input Received	Input Received	Input Received
79	Los Angeles	SGVCOG	Monrovia	Input Received	Input Received	Input Received	-
80	Los Angeles	SGVCOG	Montebello	-	-	-	-
81	Los Angeles	SGVCOG	Monterey Park	-	-	-	-
82	Los Angeles	SGVCOG	Pasadena	Input Received	Input Received	-	Input Received
83	Los Angeles	SGVCOG	Pomona	Input Received	Input Received	-	-
84	Los Angeles	SGVCOG	Rosemead	Input Received	Input Received	-	-
85	Los Angeles	SGVCOG	San Dimas	Input Received	Input Received	Input Received	-
86	Los Angeles	SGVCOG	San Gabriel	Extension Requested	-	-	-
87	Los Angeles	SGVCOG	San Marino	Input Received	Input Received	-	Input Received
88	Los Angeles	SGVCOG	Sierra Madre	Input Received	Input Received	Input Received	Input Received
89	Los Angeles	SGVCOG	South El Monte	Input Received	Input Received	Input Received	Input Received
90	Los Angeles	SGVCOG	South Pasadena	Input Received	-	-	Input Received
91	Los Angeles	SGVCOG	Temple City	Input Received	Input Received	Input Received	Input Received
92	Los Angeles	SGVCOG	Walnut	Input Received	Input Received	Input Received	Input Received
93	Los Angeles	SGVCOG	West Covina	Input Received	Input Received	Input Received	Input Received
94	Los Angeles	WCCOG	Beverly Hills	Input Received	Input Received	-	Input Received
95	Los Angeles	WCCOG	Culver City	Input Received	Input Received	Input Received	Input Received

**Input Received by Jurisdiction for SCAG's Bottom-Up Local Input and Envisioning Process
October 15, 2018**

ID	COUNTY	SUBREGION*	JURISDICTION	Input Received on One of More Data Elements**	Input on Geographic Data within GIS Data/Map Book	Input on Growth Forecast (Jurisdictional Level and/or TAZ Level) within GIS Data/Map Book	Input on Survey (PDF or Survey Monkey Submission)
96	Los Angeles	WCCOG	Santa Monica	Extension Requested	-	-	-
97	Los Angeles	WCCOG	West Hollywood	-	-	-	-
98	Orange	OCCOG	Aliso Viejo	Input Received	Input Received	Input Received	Input Received
99	Orange	OCCOG	Anaheim	Input Received	Input Received	Input Received	Input Received
100	Orange	OCCOG	Brea	Input Received	Input Received	Input Received	Input Received
101	Orange	OCCOG	Buena Park	Input Received	Input Received	Input Received	Input Received
102	Orange	OCCOG	Costa Mesa	Input Received	Input Received	Input Received	Input Received
103	Orange	OCCOG	Cypress	Input Received	Input Received	Input Received	Input Received
104	Orange	OCCOG	Dana Point	Input Received	Input Received	Input Received	Input Received
105	Orange	OCCOG	Fountain Valley	Input Received	Input Received	Input Received	-
106	Orange	OCCOG	Fullerton	Input Received	Input Received	Input Received	Input Received
107	Orange	OCCOG	Garden Grove	Input Received	Input Received	Input Received	Input Received
108	Orange	OCCOG	Huntington Beach	Input Received	Input Received	Input Received	Input Received
109	Orange	OCCOG	Irvine	Input Received	Input Received	Input Received	Input Received
110	Orange	OCCOG	La Habra	Input Received	Input Received	Input Received	Input Received
111	Orange	OCCOG	La Palma	Input Received	Input Received	Input Received	Input Received
112	Orange	OCCOG	Laguna Beach	Input Received	Input Received	Input Received	Input Received
113	Orange	OCCOG	Laguna Hills	Input Received	Input Received	Input Received	-
114	Orange	OCCOG	Laguna Niguel	Input Received	Input Received	Input Received	Input Received
115	Orange	OCCOG	Laguna Woods	Input Received	Input Received	Input Received	-
116	Orange	OCCOG	Lake Forest	Input Received	Input Received	Input Received	Input Received
117	Orange	OCCOG	Los Alamitos	Input Received	Input Received	Input Received	-
118	Orange	OCCOG	Mission Viejo	Input Received	Input Received	Input Received	Input Received
119	Orange	OCCOG	Newport Beach	Input Received	Input Received	Input Received	-
120	Orange	OCCOG	Orange	Input Received	Input Received	Input Received	Input Received
121	Orange	OCCOG	Placentia	Input Received	Input Received	Input Received	Input Received
122	Orange	OCCOG	Rancho Santa Margarita	Input Received	Input Received	Input Received	Input Received
123	Orange	OCCOG	San Clemente	Input Received	Input Received	Input Received	Input Received
124	Orange	OCCOG	San Juan Capistrano	Input Received	Input Received	Input Received	Input Received
125	Orange	OCCOG	Santa Ana	Input Received	Input Received	Input Received	Input Received
126	Orange	OCCOG	Seal Beach	Input Received	Input Received	Input Received	Input Received
127	Orange	OCCOG	Stanton	Input Received	Input Received	Input Received	Input Received
128	Orange	OCCOG	Tustin	Input Received	Input Received	Input Received	Input Received
129	Orange	OCCOG	Unincorporated	Input Received	Input Received	Input Received	Input Received
130	Orange	OCCOG	Villa Park	Input Received	-	Input Received	-
131	Orange	OCCOG	Westminster	Input Received	Input Received	Input Received	Input Received
132	Orange	OCCOG	Yorba Linda	Input Received	Input Received	Input Received	Input Received
133	Riverside	CVAG	Blythe	-	-	-	-
134	Riverside	CVAG	Cathedral City	Input Received	-	-	Input Received
135	Riverside	CVAG	Coachella	-	-	-	-
136	Riverside	CVAG	Desert Hot Springs	-	-	-	-
137	Riverside	CVAG	Indian Wells	Input Received	Input Received	Input Received	Input Received
138	Riverside	CVAG	Indio	Input Received	-	Input Received	Input Received
139	Riverside	CVAG	La Quinta	Input Received	Input Received	Input Received	-
140	Riverside	CVAG	Palm Desert	Input Received	Input Received	Input Received	Input Received
141	Riverside	CVAG	Palm Springs	Input Received	Input Received	-	Input Received
142	Riverside	CVAG	Rancho Mirage	Input Received	Input Received	Input Received	Input Received
143	Riverside	WRCOG	Banning	Input Received	Input Received	-	-
144	Riverside	WRCOG	Beaumont	Input Received	Input Received	Input Received	-
145	Riverside	WRCOG	Calimesa	Input Received	Input Received	Input Received	Input Received
146	Riverside	WRCOG	Canyon Lake	-	-	-	-
147	Riverside	WRCOG	Corona	Input Received	Input Received	Input Received	-
148	Riverside	WRCOG	Eastvale	-	-	-	-
149	Riverside	WRCOG	Hemet	Input Received	Input Received	-	-
150	Riverside	WRCOG	Jurupa Valley	Input Received	Input Received	-	Input Received
151	Riverside	WRCOG	Lake Elsinore	Input Received	Input Received	-	Input Received
152	Riverside	WRCOG	Menifee	Input Received	-	Input Received	Input Received
153	Riverside	WRCOG	Moreno Valley	Input Received	Input Received	Input Received	Input Received
154	Riverside	WRCOG	Murrieta	Input Received	Input Received	Input Received	Input Received
155	Riverside	WRCOG	Norco	Input Received	-	Input Received	-
156	Riverside	WRCOG	Perris	-	-	-	-
157	Riverside	WRCOG	Riverside	Extension Requested	-	-	-
158	Riverside	WRCOG	San Jacinto	Extension Requested	-	-	-
159	Riverside	WRCOG	Temecula	Input Received	Input Received	Input Received	Input Received
160	Riverside	WRCOG	Unincorporated	-	-	-	-
161	Riverside	WRCOG	Wildomar	Input Received	Input Received	Input Received	Input Received
162	San Bernardino	SBCTA	Adelanto	Input Received	Input Received	Input Received	Input Received
163	San Bernardino	SBCTA	Apple Valley	Input Received	-	Input Received	-
164	San Bernardino	SBCTA	Barstow	Input Received	Input Received	Input Received	-
165	San Bernardino	SBCTA	Big Bear Lake	Input Received	Input Received	Input Received	-
166	San Bernardino	SBCTA	Chino	Input Received	Input Received	Input Received	Input Received
167	San Bernardino	SBCTA	Chino Hills	Input Received	-	Input Received	-
168	San Bernardino	SBCTA	Colton	Input Received	Input Received	Input Received	-
169	San Bernardino	SBCTA	Fontana	Input Received	Input Received	Input Received	Input Received
170	San Bernardino	SBCTA	Grand Terrace	Input Received	Input Received	Input Received	Input Received
171	San Bernardino	SBCTA	Hesperia	Input Received	Input Received	Input Received	Input Received
172	San Bernardino	SBCTA	Highland	Input Received	Input Received	Input Received	-
173	San Bernardino	SBCTA	Loma Linda	Input Received	-	Input Received	-
174	San Bernardino	SBCTA	Montclair	Input Received	Input Received	Input Received	Input Received
175	San Bernardino	SBCTA	Needles	Input Received	-	Input Received	-
176	San Bernardino	SBCTA	Ontario	Input Received	Input Received	Input Received	Input Received
177	San Bernardino	SBCTA	Rancho Cucamonga	Input Received	-	Input Received	-
178	San Bernardino	SBCTA	Redlands	Input Received	Input Received	Input Received	Input Received
179	San Bernardino	SBCTA	Rialto	Input Received	Input Received	Input Received	-
180	San Bernardino	SBCTA	San Bernardino	Input Received	-	Input Received	Input Received
181	San Bernardino	SBCTA	Twentynine Palms	Input Received	Input Received	Input Received	Input Received
182	San Bernardino	SBCTA	Unincorporated	Input Received	Input Received	Input Received	Input Received
183	San Bernardino	SBCTA	Upland	Input Received	Input Received	Input Received	-
184	San Bernardino	SBCTA	Victorville	Input Received	Input Received	Input Received	-
185	San Bernardino	SBCTA	Yucaipa	Input Received	Input Received	Input Received	Input Received
186	San Bernardino	SBCTA	Yucca Valley	Input Received	Input Received	Input Received	-
187	Ventura	VCOG	Camarillo	Input Received	Input Received	Input Received	-
188	Ventura	VCOG	Fillmore	-	-	-	-
189	Ventura	VCOG	Moorpark	Input Received	Input Received	Input Received	Input Received
190	Ventura	VCOG	Ojai	Input Received	Input Received	Input Received	Input Received

**Input Received by Jurisdiction for SCAG's Bottom-Up Local Input and Envisioning Process
October 15, 2018**

ID	COUNTY	SUBREGION*	JURISDICTION	Input Received on One of More Data Elements**	Input on Geographic Data within GIS Data/Map Book	Input on Growth Forecast (Jurisdictional Level and/or TAZ Level) within GIS Data/Map Book	Input on Survey (PDF or Survey Monkey Submission)
191	Ventura	VCOG	Oxnard	Input Received	Input Received	Input Received	-
192	Ventura	VCOG	Port Hueneme	Input Received	Input Received	Input Received	Input Received
193	Ventura	VCOG	San Buenaventura	Input Received	Input Received	Input Received	Input Received
194	Ventura	VCOG	Santa Paula	Input Received	Input Received	Input Received	Input Received
195	Ventura	VCOG	Simi Valley	Input Received	Input Received	Input Received	Input Received
196	Ventura	VCOG	Thousand Oaks	Input Received	Input Received	Input Received	Input Received
197	Ventura	VCOG	Unincorporated	Input Received	Input Received	Input Received	Input Received
			Input	170	142	133	113
			Remaining Jurisdictions	27	55	64	84
			Percent Completed	86%	72%	68%	57%

KEY

STATUS	Input Received	Extension Requested
	Input was received from local jurisdiction on one or more data elements	Local jurisdiction has requested additional time to provide feedback on one or more datasets

* Note: Many jurisdictions belong to more than one subregion. For the purposes of tracking input and avoiding double-counting, SCAG assigns a primary subregion for each jurisdiction
 ** Extension request not noted unless input has not been received on any single data element to date