

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 2023 (Quirk-Silva)
Version: June 26, 2024
Hearing Date: July 2, 2024
Fiscal: Yes
Urgency: No
ID

SUBJECT

Housing element: inventory of land: rebuttable presumptions

DIGEST

This bill creates a rebuttable presumption that a local government's housing element or amendment is invalid if the Department of Housing and Community Development found that the housing element or amendment is not substantially in compliance with housing element law, and makes various changes to the housing element process.

EXECUTIVE SUMMARY

State law requires each city and county to develop and adopt a comprehensive, long-term housing element as part of its general plan. The housing element is an essential tool for local governments and the state to ensure the state is providing sufficient affordable housing. The Department of Housing and Community Development (HCD) must review and approve every city and county's housing element as in compliance with the law, and the law contains a schedule with specified penalties for this process and cities and counties' compliance with it. In litigation challenging the validity of the housing element, there is a rebuttable presumption that the housing element or an amendment is valid if HCD has found that the housing element substantially complies with its legal requirements. However, no rebuttable presumption exists for a determination by HCD that a city or county's housing element or amendment does not comply with the housing element law. This bill proposes to create such a rebuttable presumption, as well as a rebuttable presumption for actions or failures to act by the local government that HCD determines does not comply with the city or county's housing element or the law. This bill also makes various changes to the housing element review process. AB 2023 is sponsored by the California Rural Legal Assistance Foundation, the Public Interest Law Project, and YIMBY Action and YIMBY Law. It is supported by a variety of organizations, and is opposed by a number of cities, Livable California, and the League of California Cities. AB 2023 previously passed out of the Senate Housing Committee by a vote of 8 to 2.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires each city and county to prepare, adopt, and administer a general plan for their jurisdiction, which must include a housing element, to shape the future growth of its community. (Gov. Code §§ 65300 – 65404.)
- 2) Enables the legislative body of any county or city to adopt zoning ordinances that regulate the use of land and the size, shape, location, and intensity of any buildings and structures on that land. (Gov. Code § 65850.)
- 3) Requires each city and county to adopt a housing element, which must contain specified information, programs, and objectives, including but not limited to:
 - a) an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs, including a quantification of the locality’s existing and projected housing needs for all income levels and an inventory of land suitable and available for residential development;
 - b) a statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing;
 - c) a program that sets forth a schedule of actions during the planning period, and timelines for implementation, including actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the local government’s share of the regional housing need for each income level that could not be accommodated on sites identified in the sites inventory without rezoning, among other things. (Gov. Code §§ 65583(a)-(c).)
- 4) Requires a local government’s inventory of land suitable for residential development to be used to identify sites throughout the community that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels. (Gov. Code § 65583.2(a).)
- 5) Requires a planning agency to submit a draft housing element revision to HCD at least 90 days prior to adoption of a revision of its housing element pursuant to statutory deadlines, or at least 60 days prior for a subsequent draft amendment. Requires the local government to make the first draft revision of the housing element available for public comment for at least 30 days and, if any comments are received, requires the local government to take at least 10 business days after the 30-

day public comment period to consider and incorporate public comments into the draft revision prior to submitting it to HCD. (Gov. Code § 65585(b)(1).)

- 6) Requires HCD to review the draft and report its written findings to the planning agency within 90 days of its receipt of the first draft submittal for each housing element revision or within 60 days of receipt of a subsequent draft amendment or an adopted revision or adopted amendment to a housing element. Prohibits HCD from reviewing the first draft submitted for each housing element revision until the local government has made the draft available for public comment for at least 30 days and, if comments were received, has taken at least 10 business days to consider and incorporate public comments. (Gov. Code § 65585(b)(3).)
- 7) Requires HCD, in its written findings, to determine whether the draft element or draft amendment substantially complies with housing element law. (Gov. Code § 65585(d).)
- 8) Requires a local government's legislative body to consider HCD's findings prior to the adoption of its draft element or draft amendment, and provides that if HCD's findings are not available within the time limits specified, the legislative body may act without them. (Gov. Code § 65585(e).)
- 9) Requires a legislative body to take one of the following actions, if HCD finds that the draft element or draft amendment does not substantially comply:
 - a) change the draft element or draft amendment to substantially comply; or
 - b) adopt the draft element or draft amendment without changes, in which case the legislative body must include in its resolution of adoption written findings that explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with housing element law despite HCD's findings. (Gov. Code § 65585(f).)
- 10) Requires the planning agency to submit a copy of an adopted housing element or amendment promptly to HCD following adoption. Requires HCD to review adopted housing elements or amendments and report its findings to the planning agency within 60 days. (Gov. Code § 65585(g).)
- 11) Requires HCD to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law, including any failure to implement any program actions included in the housing element. Requires HCD to issue written findings to the local government as to whether the action or failure to act substantially complies with housing element law, and provide a reasonable time no longer than 30 days for the local government to respond to the findings before taking any other action, including revocation of substantial compliance. (Gov. Code § 65585(i)(1)(A).)

- 12) Authorizes HCD, if it finds that an action or failure to act under 9) does not substantially comply with housing element law, and if it has issued findings that an amendment to the housing element substantially complies with this article, to revoke its findings until it determines that the local government has come into compliance. (Gov. Code § 65585(i)(2)(B).)
- 13) Requires HCD to notify the local government and authorizes HCD to notify the office of the Attorney General that the local government is in violation of state law if HCD finds that the housing element or an amendment to the element, or any action or failure to act under 9), does not substantially comply with housing element law or that any local government has taken an action in violation of various specified housing laws. (Gov. Code § 65585(j).)
- 14) Requires local governments on an eight-year housing element cycle with insufficient sites inventories to complete the rezoning of sites, including adoption of minimum density and development standards, no later than three years after either the date the housing element is adopted, as specified, or the date that is 90 days after the receipt of comments from HCD, whichever is earlier, unless the deadline is extended pursuant to existing law. (Gov. Code § 65583(c)(1)(A).)
- 15) Notwithstanding 14), above, requires a local government that fails to adopt a housing element that HCD has found to be in substantial compliance with the law within 120 days of the statutory deadline for adoption of the housing element to complete the rezoning of sites no later than one year from the statutory deadline for adoption of the housing element. (Gov. Code §§ 65583(c)(1)(A) & 65588(e)(4)(C)(i).)
- 16) Establishes a rebuttable presumption of the validity of a housing element or amendment in any action filed on or after January 1, 1991, taken to challenge the validity of a housing element, if HCD has found that the element or amendment substantially complies with housing element law. (Gov. Code § 65589.3.)

This bill:

- 1) Creates a rebuttable presumption of invalidity in any legal action challenging a local government's action or failure to act if HCD finds that the action or failure to act does not substantially comply with the local government's adopted housing element or its housing element obligations.
- 2) Establishes that in any action filed on or after January 1, 1991, taken to challenge the validity of a housing element, there is a rebuttable presumption of the invalidity of the housing element or amendment if HCD has found that the element or amendment *does not* substantially comply with housing element law.

- 3) Requires, for adoption of the seventh and all subsequent revisions of the housing element, rezonings to be completed no later than one year from the statutory deadline for adoption of the housing element.
- 4) Requires, notwithstanding 3), above, for adoption of the seventh and all subsequent revisions of the housing element, rezonings to be completed no later than three years after either the date the housing element is adopted or the date that is 90 days after receipt of comments from HCD, whichever is earlier, unless the deadline is extended pursuant to existing law, if the local government complies with all of the following:
 - a) the local government submits a draft element or draft amendment to HCD for review at least 90 days before the statutory deadline for adoption of the housing element;
 - b) the local government receives from HCD findings that the draft element or draft amendment substantially complies with housing element law on or before the statutory deadline for adoption of the housing element; and
 - c) the local government adopts the draft element or draft amendment that HCD found to substantially comply with housing element law no later than 120 days after the statutory deadline.
- 5) Requires any change to a draft element or draft amendment, made by a legislative body due to a lack of substantial compliance with housing element law, to conform to existing law timelines for public comment, HCD and stakeholder review, and consultation, as specified. Provides that this does not constitute a change in, but is declaratory of, existing law.
- 6) Provides that the existing law requirement for a planning agency to promptly submit a copy of its housing element or amendment to HCD following adoption shall not be construed to excuse a legislative body from complying with the existing law requirement for the legislative body to take certain actions if HCD finds that the draft element or draft amendment does not substantially comply with housing element law. Provides that this does not constitute a change in, but is declaratory of, existing law.
- 7) Makes conforming and technical changes.

COMMENTS

1. Author's statement

According to the author:

California's Housing Element laws were created to ensure all cities and counties are addressing our states housing needs. By establishing equitable standards in

the housing review process, we can foster greater adherence to state housing laws, urging even reluctant jurisdictions to fulfill their essential role in addressing our collective housing challenges.

2. California's housing affordability crisis

California is experiencing a serious affordable housing crisis. About 44% of all individuals in the state, or 17 million Californians, rent their apartments or homes.¹ For these Californians, rents have increased dramatically in the past decade. In 2022, the median gross rent in the state was \$1,870, which represented about an eight percent increase per year from the median gross rent in 2019.² As a result of these high rents, significant numbers of California renters pay a disproportionate amount of their income toward rent and struggle to make ends meet. In 2019, 51.8 percent of California renters were cost-burdened, in which their rent costs exceeded 30 percent of their household income, and 27.3 percent were severely cost-burdened, in which their rent costs exceeded 50 percent of their household income.³ Moreover, 78 percent of extremely low-income households are severely cost burdened, meaning that they spend more than half of their income on housing costs, and 52 percent of low-income households are severely cost burdened.⁴ Data and multiple studies also have demonstrated a strong link between homelessness and the cost of housing, suggesting that California's increases in residential rental rates contributes directly to the state's growing population of individuals experiencing homelessness.⁵ The state's high rents significantly affects people of color, who disproportionately account for the state's renters.⁶

A contributor to these high rents is the state's lack of affordable housing, as the state is experiencing a record shortfall of affordable housing. It is estimated that the state is experiencing a shortfall of 1,283,734 affordable homes.⁷ At the same time, the state is

¹ Monica Davalos et al, California's 17 Million Renters Face Housing Instability and Inequity Before and After COVID-19, California Budget & Policy Center (Jan. 2021), available at <https://calbudgetcenter.org/resources/renters-face-housing-instability-and-inequity-before-and-after-covid-19/>.

² U.S. Census Bureau, Table: Median Gross Rent by Bedroom, American Community Survey (multiple years) (accessed May 29, 2024), available at <https://data.census.gov/>.

³ Davalos *supra* note 1, p. 3.

⁴ California Housing Partnership, "Housing Needs Dashboard," Mar. 2024, available at <https://chpc.net/housingneeds/>.

⁵ Margot Kushel et al, "California Statewide Study of People Experiencing Homelessness, UCSF Benioff Homelessness and Housing Initiative (Jun. 2023), available at <https://homelessness.ucsf.edu/our-impact/studies/california-statewide-study-people-experiencing-homelessness>; Alex Horowitz et al, "How housing costs drive levels of homelessness: data from metro areas highlights strong connection," The APew Charitable Trusts (ug. 22, 2023), available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/08/22/how-housing-costs-drive-levels-of-homelessness>.

⁶ Davalos *supra* note 1, p. 6.

⁷ California Housing Partnership, "Housing Needs Dashboard," Mar. 2024, available at <https://chpc.net/housingneeds/>.

currently losing affordable housing every year. Between 1997 and 2022, California lost 22,078 affordable homes due to expiring regulatory restrictions on government-assisted multifamily developments.⁸ It is estimated that 31,309 affordable homes are at risk of losing their affordability restrictions in the next 10 years.⁹

3. Housing elements

State law requires each city and county to develop and adopt a comprehensive, long-term general plan for the physical development of the county or city and any lands outside that bear relation to the city or county's planning. (Gov. Code § 65300.) This plan must include a statement of development policies and a description of the objectives, principles, standards, and plan proposals. (Gov. Code § 65302.) It must also include certain elements, including transportation, housing, conservation, open-space, noise, safety, environmental justice, and land use elements. The planning agency can include additional elements to the plan, and the general plan may address each element to the extent to which that element exists in the planning area. How a city can adopt or amend a city or county's general plan is likewise described by statute. The statute requires that the planning body drafting the general plan, share it with numerous stakeholders, and consult a variety of groups and related planning documents (like a groundwater sustainability plan). (Gov. Code § 65350.5.)

The housing element is an essential part of tackling housing affordability. The law specifies a variety of components that must be included in the housing element, such as a statement of the community's goals, objectives, and policies for furthering fair housing and the maintenance, preservation, improvement, and development of housing. (Gov. Code § 65583.) The housing element must also include an assessment of the housing needs and inventory and resources of the city or county, a projection of the locality's existing and projected housing needs, and an inventory of land suitable and available for residential development. (Gov. Code §§ 65583(a)-(c).) Housing elements must also include a schedule of actions and timelines for implementation. Housing elements must be revised on a staggered schedule, in which localities within a federally-designated metropolitan planning organization (MPO) classified as non-attainment for specified air pollutants under the federal Clean Air Act must revise their housing elements every eight years, while localities within MPO's classified as attainment must revise their housing elements every five years.

HCD plays an essential role in cities' and counties' creation of their housing elements and the creation of affordable housing. HCD must review and approve every city and county's housing element as in compliance with the law, and a specific schedule with specified penalties is set for this process and cities and counties' compliance with it.

⁸ Danielle Mazzella et al, *Report 2023: Affordable Homes At Risk*, California Housing Partnership (Apr. 2023), available at <https://chpc.net/resources/2023-subsidized-affordable-housing-at-risk-report/>.

⁹ *Id.*

Cities and counties must submit a draft housing element to HCD at least 90 days before adopting a revision of the housing element, and the city or county must first make the draft available for public comment at least 30 days before submitting it to HCD. (Gov. Code § 65585(b)(1).) HCD must review the draft and report its written findings to the city or agency within 90 days, including a finding of whether the draft element substantially complies with housing element law. (Gov. Code § 65585(d).) The city or county must consider HCD's findings prior to adopting its housing element; if HCD's findings are not available within the time limits for adoption, the city or county may adopt the housing element without the findings. (Gov. Code § 65585(e).)

If HCD finds that a city or county's draft housing element does not substantially comply, the city or county must either change the draft element to substantially comply, or adopt the draft element with written findings explaining why it believes the draft element does substantially comply despite HCD's findings. (Gov. Code § 65585(f).) Once a housing element is adopted, the city or county must submit a copy of the adopted housing element to HCD, and HCD must again review the element and report its findings regarding the adopted housing element within 60 days. (Gov. Code § 65585(h).) Every city or county must adopt a housing element within 120 days of the statutory deadline.

If the locality does not have a sufficient inventory of sites suitable for development of housing, the city or county must rezone sites and adopt density or development standards to obtain sufficient inventory, and it must do so no later than three years after the date of adoption of the housing element or 90 days after receipt of comments from HCD regarding the housing element. (Gov. Code § 65583(c)(1)(A).) However, if the local government fails to adopt a compliant housing element within 120 days of the statutory deadline for adoption, it must complete the rezoning of sites within one year of the statutory deadline. (Gov. Code §§ 65583(c)(1)(A), 65588(e)(4)(C)(i).) Thus, missing the statutory deadlines for adopting a compliant housing element triggers an advanced timeline for the city or county to act to rezone for more housing.

4. HCD's rebuttable presumption

Through this framework, HCD has a significant role in ensuring that cities and counties adopt timely housing elements, and that these housing elements comply with the law and requirements for local jurisdictions to provide their fair share of regional housing needs. However, because cities and local stakeholders may disagree with HCD or the city or county's housing element, questions of whether the housing element complies with state law can end up in litigation. Additionally, if HCD determines that the city or county's housing element or an action of the city or county is in violation of the housing element law, it may notify the Attorney General, and the Attorney General may bring an enforcement action against the non-compliant city or county. (Gov. Code § 65585(j).) In litigation challenging the validity of the housing element, there is a rebuttable presumption that the housing element or an amendment of the housing element is valid

if HCD has found that the housing element substantially complies with its legal requirements. (Gov. Code 65589.3.)

5. AB 2023 proposes a rebuttable presumption for HCD determinations that a local government's housing element or amendment is not substantially in compliance

However, no rebuttable presumption currently exists for the inverse – when HCD finds that a city or county's housing element is not substantially in compliance with housing element law. AB 2023 proposes to change this by adding such a rebuttable presumption in the law. Specifically, it states that there shall be a rebuttable presumption that the housing element or amendment is invalid if HCD has found it to be not substantially in compliance with the housing element law. AB 2023 also provides a rebuttable presumption to a city or county's action or failure to act when HCD finds that the city's action or failure to act does not substantially comply with the housing element law. These two rebuttable presumptions would provide significant weight in any legal case challenging a city or county's housing element or actions of the city or county to implement or not implement its housing element. However, both presumptions are rebuttable, meaning that the city or county defendant holds the burden of overcoming the presumption with additional evidence. It is not absolute, and a city or county may nonetheless overcome the presumption. But the rebuttable presumption would place the burden on the city or county to show why their housing element or amendment, or action or failure to act, is in compliance with the housing element law when HCD has said it is not.

The author argues that this rebuttable presumption would provide parity in the law with the rebuttable presumption for HCD findings of validity. It certainly would provide parity in the sense that a finding of compliance by HCD also receives a rebuttable presumption. Thus, HCD's determinations in general, under current law and this bill, would be presumed correct, and the burden would be on the party challenging HCD's finding to prove why it is wrong. It should be noted that, currently, HCD's determinations, like those of other administrative agencies, are generally given deference in court, and are only overruled by the court if they are "clearly erroneous or unauthorized." (*Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193, 243; *Kern v. County of Imperial* (1990) 226 Cal. App. 3d 391, 397.) However, this deference is also not a statutory rule, but rather a judicial one. AB 2023 provides a specific rebuttable presumption equal to the statutory rebuttable presumption currently in law for a determination by HCD that a local government's housing element is compliant.

The author also argues that AB 2023's rebuttable presumption would encourage jurisdictions to adopt stronger housing elements that incorporate the changes sought by HCD when HCD finds that the housing element is not in compliance. Practically, if HCD's findings of noncompliance are given a rebuttable presumption, then a city would have a more difficult time succeeding in any challenge to an adopted housing element if the city did not change the housing element to address HCD's concerns.

Thus, AB 2023 may well encourage cities to more thoroughly consider and adopt HCD's recommended changes. Accordingly, these provisions would provide HCD with a greater ability to enforce the housing element law, and would help ensure that cities comply and plan for and build more affordable housing.

6. AB 2023 proposes a number of other changes to housing element law

AB 2023 also proposes to change a number of the rules and timelines for cities or counties to act on their housing elements. These changes include requiring that, for the seventh and all subsequent revisions of the housing element, that cities and counties complete rezoning of sites to accommodate sufficient inventory for housing within one year of the deadline for adoption of the housing element. AB 2303 allows for rezoning of sites on the three-year timeline currently allowed only if the local government has: submitted a draft element or amendment to HCD at least 90 days before the statutory deadline to adopt a housing element; the local government receives from HCD findings that the draft element or amendment substantially complies on or before the statutory deadline; and the local government adopts the draft element or amendment within 120 days of the statutory deadline.

Lastly, AB 2023 specifies that local governments must still comply with the procedural requirements on them when they make changes to a draft housing element or amendment in response to HCD finding that the element or amendment is not in compliance. It specifies that, if the city or county changes the draft element or amendment in response to HCD finding it is not substantially in compliance, it must complete this change through the same process for the original draft element or amendment. That means it must submit the amended draft to HCD, and must first make the draft available to the public for at least 30 days. AB 2032 also specifies that, if a local government adopts a housing element and submits a copy of that adopted element to HCD, doing so does not excuse it from still having to comply with the requirements that it either change the housing element, or make findings explaining why the city or county believes the element or amendment is in compliance, when HCD finds that the draft element or amendment is not in substantial compliance with the law. AB 2023 declares that these two changes are declarative of existing law.

7. Arguments in support

According to the California Rural Legal Assistance Foundation and the National Housing Law Project, which are sponsors of AB 2023:

Under existing law, HCD is charged with reviewing local housing elements for compliance with the law and issuing findings as to whether the housing element meets the law's detailed requirements. Once HCD finds that a housing element complies with the law, the housing element has a rebuttable presumption of validity in a legal challenge. This means that HCD's finding receives deference in

court and a party challenging the element has a high bar to prove that HCD got it wrong. Unfortunately, there is no comparable provision that establishes a rebuttable presumption of invalidity for a housing element that HCD has found does not meet legal requirements. The absence of a presumption invites cities to ignore HCD's expert findings and sidestep HCD's recommendations to strengthen their housing elements and bring them into compliance because HCD's noncompliance finding is easier to overcome in court than it would be if it had a legal presumption of noncompliance.

In addition, under current law, jurisdictions that adopt a housing element that HCD has found complies with the law within 120 days of the statutory adoption deadline are allowed up to three years to complete any required rezoning; otherwise, they must complete rezoning within a year. The goal of this scheme is to encourage jurisdiction to adopt in a timely manner. Unfortunately, some jurisdictions have argued that as long as they adopt the housing element within 120 days of the adoption deadline and HCD eventually finds that the adopted element complies with the law, they have met the requirement to qualify for the three-year rezoning period. This interpretation led to numerous jurisdictions continuing to draft sixth cycle housing elements well past the adoption deadline and then adopting without first getting compliance findings from HCD to avoid the one-year rezone period.

AB 2023 would address these issues in two ways. First, it would create a rebuttable presumption of invalidity for housing elements that HCD finds are noncompliant, setting a higher standard for jurisdictions to dispute or disregard HCD's noncompliance determination. This change will bring parity to the system and encourage jurisdictions to adopt and implement stronger housing elements that incorporate changes sought by HCD. It will also discourage attempts by jurisdictions to resort to the courts to challenge HCD's efforts to get them to follow the specific obligations of Housing Element Law. Second, it will require jurisdictions to get HCD sign-off on their draft housing element by the statutory adoption deadline in order to be allowed up to three years to complete rezonings. If they meet this deadline, they will still have the existing 120-day "grace period" to complete the process of formally adopting the housing element.

8. Arguments in opposition

According to Livable California, which is opposed to AB 2023:

Section 65585 of the Government Code provides that if a local agency housing element is challenged, the local agency will have the benefit of a rebuttable presumption that a HCD certified housing element is in compliance with law.

AB 2023 creates a rebuttable presumption of invalidity for housing elements deemed non-compliant by HCD. In her fact sheet Assembly Member Quirk Silva asserts that this bill brings parity to the system. However, HCD, as an administrative agency of the State, already enjoys a long-standing standard of review by a court that makes it very difficult for a court to reverse an HCD decision. It can only be reversed for an abuse of discretion which only occurs when it fails to support its decision by substantial evidence in the light of the whole record.

SUPPORT

California Rural Legal Assistance Foundation (sponsor)
Public Interest Law Project (sponsor)
YIMBY Action (sponsor)
YIMBY Law (sponsor)
California Apartment Association
California Housing Partnership
Construction Employers' Association
Inner City Law Center
LeadingAge California

OPPOSITION

City of Eastvale
City of Thousand Oaks
City of Rancho Cucamonga
League of California Cities
Livable California
Mission Street Neighbors

RELATED LEGISLATION

Pending Legislation:

SB 1037 (Weiner, 2024) subjects a city, county, or local agency to specified remedies, including a \$10,000 per month civil penalty, in any action brought by the Attorney General on behalf of HCD or independently to enforce the adoption of housing element revisions. SB 1037 is currently pending in the Assembly Appropriations Committee.

AB 2667 (Santiago, 2024) requires a planning agency to make a draft of its inventory of sites required under the housing element law available to HCD and the public for the seventh cycle and each subsequent housing element cycle. AB 2667 is currently pending in the Senate Appropriations Committee.

AB 1886 (Alvarez, 2024) provides that a housing element or amendment is considered to be substantially compliant with housing element law when the local agency has adopted a housing element or amendment and HCD or a court of competent jurisdiction determines the adopted housing element or amendment to be in substantial compliance, as specified. AB 1886 is currently pending in the Senate Appropriations Committee.

Prior Legislation:

AB 434 (Grayson, Ch. 434, Stats. 2023) required HCD to review an adopted housing element or amendment and report its findings within 60 days, and authorized HCD to notify a city, county, or the Attorney General when a planning agency fails to comply with various requirements.

AB 1398 (Bloom, Ch. 358, Stats. 2021) required a local government that has failed to adopt a substantially compliant housing element within 120 days of the statutory deadline to complete a rezoning program no later than one year from the statutory deadline for adoption of the housing element, among other things.

PRIOR VOTES:

Senate Housing Committee (Ayes 8, Noes 2)

Assembly Floor (Ayes 56, Noes 7)

Assembly Appropriations Committee (Ayes 11, Noes 3)

Assembly Local Government Committee (Ayes 7, Noes 1)

Assembly Housing and Community Development Committee (Ayes 6, Noes 0)
