SB-423 Land use: streamlined housing approvals: multifamily hous

(2023-2024)

Date Published:

Senate Bill No. 423

CHAPTER 778

An act to amend Section 65913.4 of the Government Code, relating t

[Approved by Governor October 11, 2023. Filed with Secreta October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 423, Wiener. Land use: streamlined housing approvals: multifamily housing developr

Existing law, the Planning and Zoning Law, authorizes a development proponent to su multifamily housing development that is subject to a streamlined, ministerial approval not subject to a conditional use permit, if the development satisfies specified obje including, among others, that the development proponent has committed to record, pr first building permit, a land use restriction or covenant providing that any lower or r units required, as specified, remain available at affordable housing costs, as defined families of lower or moderate income for no less than specified periods of time. E provisions on January 1, 2026.

This bill would authorize the Department of General Services to act in the place of a loc at the discretion of that department, for purposes of the ministerial, streamlined re

compliance with the above-described requirements on property owned by or leased to extend the operation of the streamlined, ministerial approval process to January 1, 20 that the streamlined, ministerial approval process does not apply to applications for d qualified sites, defined as a site that is located within an equine or equestrian district requirements, that are submitted on or after January 1, 2024, but before July 1, 2025.

This bill would modify the above-described objective planning standards, including by r prohibits a multifamily housing development from being subject to the streamlined, mi if the development is located in a coastal zone to apply only if the development that zone meets any one of specified conditions. The bill would require a development that is that satisfies the specified conditions to obtain a coastal development permit. The b agency with coastal development permitting authority to approve a coastal developme that the development is consistent with all objective standards of the local governme program, as specified. The bill would provide that the changes made by this act would a or after January 1, 2025.

This bill would modify the objective planning standard that prohibits a development su ministerial approval process from being located in a high fire severity zone by dele development to be located within a high or very high fire hazard severity zone as indic the Department of Forestry and Fire Protection, and would instead prohibit a develop with the state responsibility area, as defined, unless the site has adopted specified stan remove an exception for sites excluded from specified hazard zones by a local agency, a

This bill would also provide an alternative definition for "affordable rent" for a developn of units, exclusive of a manager's unit or units, to lower income households. The modifications, delete the objective planning standards requiring development propor general prevailing rate of per diem wages and utilize a skilled and trained workforce an development proponent to certify to the local government that certain wage and labo including a requirement that all construction workers be paid at least the general pre specified. The bill would require the Labor Commissioner to enforce the obligation to expanding the crime of perjury, the bill would impose a state-mandated local progra that the requirements to pay prevailing wages, use a workforce participating in an a health care expenditures do not apply to a project that consists of 10 or fewer units and work.

Existing law requires a local government to approve a development if the local gov development is consistent with the objective planning standards. Existing law requires determines a submitted development is in conflict with any of the objective planr government to provide the development proponent written documentation of the sta conflicts with and an explanation for the conflict within certain timelines depend development. Existing law, the Housing Accountability Act, prohibits a local agency fro development project, as described, unless it makes specified written findings.

This bill would instead require approval if a local government's planning directo determines the development is consistent with the objective planning standards. The bi

changes. The bill would require all departments of the local government that are requir the development prior to the granting of an entitlement to also comply with the abc approval requirements within specified time periods. The bill would prohibit a local go prior to approving a development that meets the requirements of the above-describe compliance with any standards necessary to receive a postentitlement permit or stud materials that do not pertain directly to determining whether the development is con planning standards applicable to the development.

The bill would, for purposes of these provisions, establish that the total number of includes (1) all projects developed on a site, regardless of when those developments developed on sites adjacent to a site developed pursuant to these provisions if, aft adjacent site had been subdivided from the site developed pursuant to these provisions

Existing law requires, before submitting an application for a development subject streamlined, ministerial approval process, the development proponent to submit to the of its intent to submit an application, as described.

For developments proposed in a census tract that is designated either as a moderate re area, or an area of high segregation and poverty, as described, this bill would requ provide, within 45 days of receiving a notice of intent and before the developme application for the proposed development that is subject to the streamlined, ministeri public meeting, as described, to provide an opportunity for the public and the local go the development. The bill would require this public meeting to be held by the jurisdicti if the development proposal is located within a city with a population greater than 250, area of a county with a population of greater than 250,000.

Existing law authorizes the local government's planning commission or any equivale responsible for review and approval of development projects, or as otherwise specifie review or public oversight of the development.

This bill would remove the above-described authorization to conduct public oversight would only authorize design review to be conducted by the local government's plar equivalent board or commission responsible for design review.

By imposing additional duties on local officials, the bill would impose a state-mandated

The bill would include findings that changes proposed by this bill address a matter of than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school mandated by the state. Statutory provisions establish procedures for making that reimb

This bill would provide that no reimbursement is required by this act for specified reaso Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLL

SECTION 1. The Legislature finds and declares that it has provided reforms and in expedite the construction of affordable housing. Those reforms and incentives can b provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3 the Government Code).

(b) Extension of statute of limitations in actions challenging the housing element a affordable housing (subdivision (d) of Section 65009 of the Government Code).

(c) Restrictions on disapproval of housing developments (Section 65589.5 of the Goverr

(d) Priority for affordable housing in the allocation of water and sewer hookups Government Code).

(e) Least cost zoning law (Section 65913.1 of the Government Code).

(f) Density Bonus Law (Section 65915 of the Government Code).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2 of the Government Code

(h) By-right housing, in which certain multifamily housing is designated a permitted us Government Code).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions Government Code).

(j) Requiring persons who sue to halt affordable housing to pay attorney's fees Government Code) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval process (Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of T Code).

(l) Limiting moratoriums on multifamily housing (Section 65858 of the Government Cod

(m) Prohibiting discrimination against affordable housing (Section 65008 of the Governr

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12 2 of the Government Code).

(o) Community Redevelopment Law (Part 1 (commencing with Section 33000) of Divis Safety Code, and in particular Sections 33334.2 and 33413 of the Health and Safety Co

(p) Streamlining housing approvals during a housing shortage (Section 65913.4 of the C

(q) Housing sustainability districts (Chapter 11 (commencing with Section 66200) of D Government Code).

(r) Streamlining agricultural employee housing development approvals (Section 17(Safety Code).

(s) The Housing Crisis Act of 2019 (Senate Bill 330 (Chapter 654 of the Statutes of 201

(t) Allowing four units to be built on single-family parcels statewide (Senate Bill 9 (Ch of 2021)).

(u) The Middle Class Housing Act of 2022 (Section 65852.24 of the Government Code).

(v) Affordable Housing and High Road Jobs Act of 2022 (Chapter 4.1 (commencing wi Division 1 of Title 7 of the Government Code).

SEC. 2. Section 65913.4 of the Government Code is amended to read:

65913.4. (a) Except as provided in subdivision (r), a development proponent may su development that is subject to the streamlined, ministerial approval process provided not subject to a conditional use permit or any other nonlegislative discretionary app complies with subdivision (b) and satisfies all of the following objective planning standa

(1) The development is a multifamily housing development that contains two or more

(2) The development and the site on which it is located satisfy all of the following:

(A) It is a legal parcel or parcels located in a city if, and only if, the city boundarie either an urbanized area or urban cluster, as designated by the United State unincorporated areas, a legal parcel or parcels wholly within the boundaries of ar cluster, as designated by the United States Census Bureau.

(B) At least 75 percent of the perimeter of the site adjoins parcels that are develc the purposes of this section, parcels that are only separated by a street or highw be adjoined.

(C) (i) A site that meets the requirements of clause (ii) and satisfies any of the foll

(I) The site is zoned for residential use or residential mixed-use development

(II) The site has a general plan designation that allows residential use or nonresidential uses.

(III) The site meets the requirements of Section 65852.24.

(ii) At least two-thirds of the square footage of the development is desigr Additional density, floor area, and units, and any other concession, incentive, standards granted pursuant to the Density Bonus Law in Section 65915 shall footage calculation. The square footage of the development shall not include un basements or underground parking garages.

(3) (A) The development proponent has committed to record, prior to the issuance o a land use restriction or covenant providing that any lower or moderate incom pursuant to subparagraph (B) of paragraph (4) shall remain available at affordable persons and families of lower or moderate income for no less than the following perio

(i) Fifty-five years for units that are rented.

(ii) Forty-five years for units that are owned.

(B) The city or county shall require the recording of covenants or restrictions imp for each parcel or unit of real property included in the development.

(4) The development satisfies clause (i) or (ii) of subparagraph (A) and satisfies subp

(A) (i) For a development located in a locality that is in its sixth or earlier ho development is located in either of the following:

(I) In a locality that the department has determined is subject to this cla number of units that have been issued building permits, as shown on th report received by the department, is less than the locality's share of the re income category, for that reporting period. A locality shall remain eligible u the department's determination for the next reporting period.

(II) In a locality that the department has determined is subject to this cla locality did not adopt a housing element that has been found in substantial element law (Article 10.6 (commencing with Section 65580) of Chapter locality shall remain eligible under this subclause until such time as the element that has been found in substantial compliance with housing e (commencing with Section 65580) of Chapter 3) by the department.

(ii) For a development located in a locality that is in its seventh or later housing in a locality that the department has determined is subject to this clause on the not adopt a housing element that has been found in substantial compliance v (Article 10.6 (commencing with Section 65580) of Chapter 3) by the depa deadline, or that the number of units that have been issued building permit recent production report received by the department, is less than the localit housing needs, by income category, for that reporting period. A locality shall subparagraph until the department's determination for the next reporting perio

(B) The development is subject to a requirement mandating a minimum percent housing based on one of the following:

(i) The locality did not adopt a housing element pursuant to Section 6558 substantial compliance with the housing element law (Article 10.6 (commencir Chapter 3) by the department, did not submit its latest production report to th period required by Section 65400, or that production report submitted to the

there were fewer units of above moderate-income housing issued building perm
the regional housing needs assessment cycle for that reporting period. In additi
more than 10 units of housing, the project does one of the following:

(I) For for-rent projects, the project dedicates a minimum of 10 percent of t
before calculating any density bonus, to housing affordable to household
percent of the area median income. However, if the locality has adopte
requires that greater than 10 percent of the units be dedicated to housing
making below 50 percent of the area median income, that local ordinance ap

(II) For for-sale projects, the project dedicates a minimum of 10 percent of
before calculating any density bonus, to housing affordable to household
percent of the area median income. However, if the locality has adopte
requires that greater than 10 percent of the units be dedicated to housing
making below 80 percent of the area median income, that local ordinance ap

(III) (ia) If the project is located within the San Francisco Bay area, the pro
with subclause (I) or (II), may opt to abide by this subclause. Projects uti
dedicate 20 percent of the total number of units, before calculating any d
affordable to households making below 100 percent of the area median
income of the units at or below 80 percent of the area median income. H
adopted by the locality applies if it requires greater than 20 percent of t
housing affordable to households making at or below 100 percent of the
requires that any of the units be dedicated at a level deeper than 100 per
with this subclause, the rent or sale price charged for units that are dedicate
households between 80 percent and 100 percent of the area median inc
percent of the gross income of the household.

(ib) For purposes of this subclause, "San Francisco Bay area" means t
territorial boundaries of the Counties of Alameda, Contra Costa, Marin,
Clara, Solano, and Sonoma, and the City and County of San Francisco.

(ii) The locality's latest production report reflects that there were fewer units c
permits affordable to either very low income or low-income households by inc
required for the regional housing needs assessment cycle for that reporting
seeking approval dedicates 50 percent of the total number of units, before calcu
to housing affordable to households making at or below 80 percent of the area
if the locality has adopted a local ordinance that requires that greater than 5
dedicated to housing affordable to households making at or below 80 percent of
that local ordinance applies.

(iii) The locality did not submit its latest production report to the department by
by Section 65400, or if the production report reflects that there were fewer unit
both income levels described in clauses (i) and (ii) that were issued building pe

for the regional housing needs assessment cycle for that reporting period, the may choose between utilizing clause (i) or (ii).

(C) (i) A development proponent that uses a unit of affordable housing to sat subparagraph (B) may also satisfy any other local or state requirement for affo local ordinances or the Density Bonus Law in Section 65915, provided that the complies with the applicable requirements in the state or local law. If a local re housing requires units that are restricted to households with incomes higher th limits required in subparagraph (B), then units that meet the applicable ir subparagraph (B) shall be deemed to satisfy those local requirements for higher in

(ii) A development proponent that uses a unit of affordable housing to satisfy affordability requirement may also satisfy the requirements of subparagrapl development proponent complies with applicable requirements of subparagraph

(iii) A development proponent may satisfy the affordability requirements of sub that is restricted to households with incomes lower than the applicable ir subparagraph (B).

(D) The amendments to this subdivision made by the act adding this subparag change in, but are declaratory of, existing law.

(5) The development, excluding any additional density or any other concessions, development standards for which the development is eligible pursuant to the Dens 65915, is consistent with objective zoning standards, objective subdivision standar review standards in effect at the time that the development is submitted to the loca this section, or at the time a notice of intent is submitted pursuant to subdivision (b), For purposes of this paragraph, "objective zoning standards," "objective subdivision s design review standards" mean standards that involve no personal or subjective jud and are uniformly verifiable by reference to an external and uniform benchmark knowable by both the development applicant or proponent and the public official standards may be embodied in alternative objective land use specifications adopted may include, but are not limited to, housing overlay zones, specific plans, inclusionar density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning stan density, as applicable, if the density proposed is compliant with the maximum de land use designation, notwithstanding any specified maximum unit allocation that of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design revie inconsistent, a development shall be deemed consistent with the objective zoning pursuant to this subdivision if the development is consistent with the standards plan.

(C) It is the intent of the Legislature that the objective zoning standards, objecti and objective design review standards described in this paragraph be adopted o with the requirements of Chapter 905 of the Statutes of 2004.

(D) The amendments to this subdivision made by the act adding this subparag change in, but are declaratory of, existing law.

(E) A project that satisfies the requirements of Section 65852.24 shall be deemed zoning standards, objective design standards, and objective subdivision sta consistent with the provisions of subdivision (b) of Section 65852.24 and if none the project is designated for hotel, motel, bed and breakfast inn, or other transient residential hotel. For purposes of this subdivision, "residential hotel" shall hav defined in Section 50519 of the Health and Safety Code.

(6) The development is not located on a site that is any of the following:

(A) (i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a Public Resources Code.

(ii) An area of the coastal zone that is not subject to a certified local coastal p use plan.

(iii) An area of the coastal zone that is vulnerable to five feet of sea level ri National Oceanic and Atmospheric Administration, the Ocean Protection Co Geological Survey, the University of California, or a local government's coa assessment.

(iv) In a parcel within the coastal zone that is not zoned for multifamily housing

(v) In a parcel in the coastal zone and located on either of the following:

(I) On, or within a 100-foot radius of, a wetland, as defined in Section 3012 Code.

(II) On prime agricultural land, as defined in Sections 30113 and 30241 of th

(B) Either prime farmland or farmland of statewide importance, as defined pu Department of Agriculture land inventory and monitoring criteria, as modified for C on the maps prepared by the Farmland Mapping and Monitoring Program Conservation, or land zoned or designated for agricultural protection or prese measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Departm Protection pursuant to Section 51178, or within the state responsibility area, as d

the Public Resources Code. This subparagraph does not apply to sites that h mitigation measures pursuant to existing building standards or state fire mitigatic the development, including, but not limited to, standards established under all successor provisions:

(i) Section 4291 of the Public Resources Code or Section 51182, as applicable.

(ii) Section 4290 of the Public Resources Code.

(iii) Chapter 7A of the California Building Code (Title 24 of the California Code of

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazard by the Department of Toxic Substances Control pursuant to Section 25356 of the unless either of the following apply:

(i) The site is an underground storage tank site that received a uniform closure subdivision (g) of Section 25296.10 of the Health and Safety Code based on c by the State Water Resources Control Board for residential use or residential does not alter or change the conditions to remove a site from the list of haz pursuant to Section 65962.5.

(ii) The State Department of Public Health, State Water Resources Control Bo Substances Control, or a local agency making a determination pursuant to s 25296.10 of the Health and Safety Code, has otherwise determined that residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geol published by the State Geologist, unless the development complies with appl building code standards adopted by the California Building Standards Commis Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 Code), and by any local building department under Chapter 12.2 (commencin Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annu flood) as determined by the Federal Emergency Management Agency in any offici Federal Emergency Management Agency. If a development proponent is able to sa qualifying criteria in order to provide that the site satisfies this subparagraph an streamlined approval under this section, a local government shall not deny the ap the development proponent did not comply with any additional permit requiren adopted by that local government that is applicable to that site. A development described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements nec flood plain management criteria of the National Flood Insurance Progra (commencing with Section 59.1) and Part 60 (commencing with Section 6 Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Ma official maps published by the Federal Emergency Management Agency, unle received a no-rise certification in accordance with Section 60.3(d)(3) of Title 4 Regulations. If a development proponent is able to satisfy all applicable federal qua provide that the site satisfies this subparagraph and is otherwise eligible for strean section, a local government shall not deny the application on the basis that the de not comply with any additional permit requirement, standard, or action adopted that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservat Natural Community Conservation Planning Act (Chapter 10 (commencing with Sect the Fish and Game Code), habitat conservation plan pursuant to the federal En 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection p

(J) Habitat for protected species identified as candidate, sensitive, or species of federal agencies, fully protected species, or species protected by the federal En 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapt Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Pr (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing

(i) Housing that is subject to a recorded covenant, ordinance, or law that affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that w years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that w state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and unit were, subsequently offered for sale to the general public by the subdivider or

property.

(8) Except as provided in paragraph (9), a proponent of a development proje government pursuant to this section shall require in contracts with construction contra the local government, that the following standards specified in this paragraph construction, as applicable:

(A) A development that is not in its entirety a public work for purposes of Cha Section 1720) of Part 7 of Division 2 of the Labor Code and approved by a local Article 2 (commencing with Section 65912.110) or Article 3 (commencing with Se subject to all of the following:

(i) All construction workers employed in the execution of the development s general prevailing rate of per diem wages for the type of work and geographi the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of th apprentices registered in programs approved by the Chief of the Division of may be paid at least the applicable apprentice prevailing rate.

(ii) The development proponent shall ensure that the prevailing wage requi contracts for the performance of the work for those portions of the developm work.

(iii) All contractors and subcontractors for those portions of the development t shall comply with both of the following:

(I) Pay to all construction workers employed in the execution of the w prevailing rate of per diem wages, except that apprentices registered in p Chief of the Division of Apprenticeship Standards may be paid at least prevailing rate.

(II) Maintain and verify payroll records pursuant to Section 1776 of the Lab records available for inspection and copying as provided in that section. This if all contractors and subcontractors performing work on the development labor agreement that requires the payment of prevailing wages to all consti in the execution of the development and provides for enforcement of th arbitration procedure. For purposes of this subclause, "project labor ag meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of th

(B) (i) The obligation of the contractors and subcontractors to pay prevailing paragraph may be enforced by any of the following:

(I) The Labor Commissioner through the issuance of a civil wage and penalt Section 1741 of the Labor Code, which may be reviewed pursuant to Sectior within 18 months after the completion of the development.

(II) An underpaid worker through an administrative complaint or civil action.

(III) A joint labor-management committee through a civil action under Sec Code.

(ii) If a civil wage and penalty assessment is issued pursuant to this pa subcontractor, and surety on a bond or bonds issued to secure the payment assessment shall be liable for liquidated damages pursuant to Section 1742.1 of

(iii) This paragraph does not apply if all contractors and subcontractors development are subject to a project labor agreement that requires the payme all construction workers employed in the execution of the development and pr that obligation through an arbitration procedure. For purposes of this clause, " has the same meaning as set forth in paragraph (1) of subdivision (b) of Se Contract Code.

(C) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the re payments not reduce the obligation to pay the hourly straight time or overtime wa does not apply to those portions of development that are not a public work if othe fide collective bargaining agreement covering the worker.

(D) The requirement of this paragraph to pay at least the general prevailing rate not preclude use of an alternative workweek schedule adopted pursuant to Sectio Code.

(E) A development of 50 or more housing units approved by a local governmen shall meet all of the following labor standards:

(i) The development proponent shall require in contracts with construction contr the local government that each contractor of any tier who will employ constr will let subcontracts for at least 1,000 hours shall satisfy the requirements i construction contractor is deemed in compliance with clauses (ii) and (iii) if collective bargaining agreement that requires utilization of registered apprent health care for employees and dependents.

(ii) A contractor with construction craft employees shall either participate in a approved by the California Division of Apprenticeship Standards pursuant to S Code, or request the dispatch of apprentices from a state-approved apprentic terms and conditions set forth in Section 1777.5 of the Labor Code. A contra craft employees shall show a contractual obligation that its subcontractors comp

(iii) Each contractor with construction craft employees shall make health ca employee in an amount per hour worked on the development equivalent to at cost of a Covered California Platinum level plan for two adults 40 years of age 14 years of age for the Covered California rating area in which the developme without construction craft employees shall show a contractual obligation that with this clause. Qualifying expenditures shall be credited toward compliar payment requirements set forth in this paragraph.

(iv) (I) The development proponent shall provide to the local government, on construction contracts on the development are being performed, a report demo clauses (ii) and (iii). The reports shall be considered public records under the Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be op

(II) A development proponent that fails to provide the monthly report sl penalty for each month for which the report has not been provided, in the the dollar value of construction work performed by that contractor on the d in question, up to a maximum of ten thousand dollars ($10,000). Any contra fails to comply with clauses (ii) and (iii) shall be subject to a civil penalt ($200) per day for each worker employed in contravention of clauses (ii) and

(III) Penalties may be assessed by the Labor Commissioner within 18 mor development using the procedures for issuance of civil wage and penalty Section 1741 of the Labor Code, and may be reviewed pursuant to Section Penalties shall be deposited in the State Public Works Enforcement Fund Section 1771.3 of the Labor Code.

(v) Each construction contractor shall maintain and verify payroll records pursua Labor Code. Each construction contractor shall submit payroll records directly to at least monthly in a format prescribed by the Labor Commissioner in accordan of paragraph (3) of subdivision (a) of Section 1771.4 of the Labor Code. Th statement of fringe benefits. Upon request by a joint labor-management established pursuant to the federal Labor Management Cooperation Act of 197 the records shall be provided pursuant to subdivision (e) of Section 1776 of the

(vi) All construction contractors shall report any change in apprenticeship progr care expenditures to the local government within 10 business days, and shall the monthly report. The reports shall be considered public records pursuan Records Act (Division 10 (commencing with Section 7920.000) of Title 1) an inspection.

(vii) A joint labor-management cooperation committee established pursua Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) shall have stand contractor for failure to make health care expenditures pursuant to clause (iii) i 218.7 or 218.8 of the Labor Code.

(F) For any project over 85 feet in height above grade, the following skilled and tra apply:

(i) Except as provided in clause (ii), the developer shall enter into construct contractors only if all of the following are satisfied:

(I) The contract contains an enforceable commitment that the prime contrac every tier will use a skilled and trained workforce, as defined in Section 26 Code, to perform work on the project that falls within an apprenticeable occu

construction trades. However, this enforceable commitment requirement sha
of work where new bids are accepted pursuant to subclause (I) of clause (ii).

(II) The developer or prime contractor shall establish minimum bi
subcontractors that are objective to the maximum extent possible. The deve
shall not impose any obstacles in the bid process for subcontractors
reasonable and commercially customary. The developer or prime cont
submitted by any bidder that meets the minimum criteria set forth in the bid

(III) The prime contractor has provided an affidavit under penalty of perjury
this subparagraph, it will use a skilled and trained workforce and will obtain f
enforceable commitment to use a skilled and trained workforce for each s
receives at least three bids attesting to satisfaction of the skilled and trained

(IV) When a prime contractor or subcontractor is required to provide an enfo
a skilled and trained workforce will be used to complete a contract or proje
be made in an enforceable agreement with the developer that provides the fo

(ia) The prime contractor and subcontractors at every tier will comply with

(ib) The prime contractor will provide the developer, on a monthly ba
contract is being performed, a report demonstrating compliance by the pr

(ic) The prime contractor shall provide the developer, on a monthly b
contract is being performed, the monthly reports demonstrating complian
contractor by the affected subcontractors.

(ii) (I) If a prime contractor fails to receive at least three bids in a scope o
subcontractors that attest to satisfying the skilled and trained workforce requ
this subparagraph, the prime contractor may accept new bids for that sc
contractor need not require that a skilled and trained workforce be used by th
scope of work.

(II) The requirements of this subparagraph shall not apply if all contractors,
unions performing work on the development are subject to a multicraft proj
requires the payment of prevailing wages to all construction workers employ
development and provides for enforcement of that obligation through an a
multicraft project labor agreement shall include all construction crafts
determinations for the specified scopes of work on the project pursuant to S
Code and shall be executed by all applicable labor organizations regardless o
of this clause, "project labor agreement" means a prehire collective ba
establishes terms and conditions of employment for a specific construction
an agreement described in Section 158(f) of Title 29 of the United States Co

(III) Requirements set forth in this subparagraph shall not apply to projects
units, exclusive of a manager's unit or units, are dedicated to lower income h

Section 50079.5 of the Health and Safety Code.

(iii) If the skilled and trained workforce requirements of this subparagraph ap shall require subcontractors to provide, and subcontractors on the project shal the prime contractor:

(I) An affidavit signed under penalty of perjury that a skilled and trained wo on the project.

(II) Reports on a monthly basis, while the project or contract is being p compliance with this chapter.

(iv) Upon issuing any invitation or bid solicitation for the project, but no less th bid is due, the developer shall send a notice of the invitation or solicitation tha the following entities within the jurisdiction of the proposed project site:

(I) Any bona fide labor organization representing workers in the building an may perform work necessary to complete the project and the local buildin council.

(II) Any organization representing contractors that may perform work ne project, including any contractors' association or regional builders' exchange.

(v) The developer or prime contractor shall, within three business days of a request by a cooperation committee established pursuant to the federal Labor Management Coope U.S.C. Sec. 175a), provide all of the following:

(I) The names and Contractors State License Board numbers of the p subcontractors that submitted a proposal or bid for the development project.

(II) The names and Contractors State License Board numbers of contractor are under contract to perform construction work.

(vi) (I) For all projects subject to this subparagraph, the development propo locality, on a monthly basis while the project or contract is being performed, a the self-performing prime contractor and all subcontractors used a skilled a defined in Section 2601 of the Public Contract Code, unless otherwise exempt u monthly report provided to the locality pursuant to this subclause shall be a California Public Records Act Division 10 (commencing with Section 7920.00 open to public inspection. A developer that fails to provide a complete monthly a civil penalty of 10 percent of the dollar value of construction work performed project in the month in question, up to a maximum of ten thousand dollars each month for which the report has not been provided.

(II) Any subcontractors or prime contractor self-performing work subject t workforce requirements under this subparagraph that fail to use a skilled ar be subject to a civil penalty of two hundred dollars ($200) per day for e

contravention of the skilled and trained workforce requirement. Penalties Labor Commissioner within 18 months of completion of the project using t wage and penalty assessments pursuant to Section 1741 of the Labor Co pursuant to the same procedures in Section 1742 of the Labor Code. Prime jointly liable for violations of this subparagraph by subcontractors. Penalties Public Works Enforcement Fund or the locality or its labor standards enforc on the lead entity performing the enforcement work.

(III) Any provision of a contract or agreement of any kind between a contractor that purports to delegate, transfer, or assign to a prime contrac penalties incurred by a developer shall be deemed contrary to public poli unenforceable.

(G) A locality, and any labor standards enforcement agency the locality lawfu standing to take administrative action or sue a construction contractor for fai paragraph. A prevailing locality or labor standards enforcement agency shall c penalties to workers in accordance with law and retain any fees, additional penaltie

(9) Notwithstanding paragraph (8), a development that is subject to approval pu exempt from any requirement to pay prevailing wages, use a workforce participating provide health care expenditures if it satisfies both of the following:

(A) The project consists of 10 or fewer units.

(B) The project is not a public work for purposes of Chapter 1 (commencing with S Division 2 of the Labor Code.

(10) The development shall not be upon an existing parcel of land or site tha Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (18200) of Division 13 of the Health and Safety Code), or the Special Occupa (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) (A) (i) Before submitting an application for a development subject to the approval process described in subdivision (c), the development proponent shall submit notice of its intent to submit an application. The notice of intent shall be in the form of that includes all of the information described in Section 65941.1, as that section read on

(ii) Upon receipt of a notice of intent to submit an application described government shall engage in a scoping consultation regarding the propose California Native American tribe that is traditionally and culturally affiliated with described in Section 21080.3.1 of the Public Resources Code, of the proposed expedite compliance with this subdivision, the local government shall cont Heritage Commission for assistance in identifying any California Native American and culturally affiliated with the geographic area of the proposed development.

(iii) The timeline for noticing and commencing a scoping consultation in accord shall be as follows:

(I) The local government shall provide a formal notice of a development pr to submit an application described in clause (i) to each California Nativ traditionally and culturally affiliated with the geographic area of the propose days of receiving that notice of intent. The formal notice provided pursua include all of the following:

(ia) A description of the proposed development.

(ib) The location of the proposed development.

(ic) An invitation to engage in a scoping consultation in accordance with th

(II) Each California Native American tribe that receives a formal notice pur have 30 days from the receipt of that notice to accept the invitation consultation.

(III) If the local government receives a response accepting an invitation consultation pursuant to this subdivision, the local government shall consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American culturally affiliated with a geographic area have knowledge and expertise concerni and shall take into account the cultural significance of the resource to the cult Native American tribe.

(C) The parties to a scoping consultation conducted pursuant to this subdiv government and any California Native American tribe traditionally and cultu geographic area of the proposed development. More than one California Native A and culturally affiliated with the geographic area of the proposed developmen scoping consultation. However, the local government, upon the request of any C tribe traditionally and culturally affiliated with the geographic area of the prop engage in a separate scoping consultation with that California Native American proponent and its consultants may participate in a scoping consultation process c subdivision if all of the following conditions are met:

(i) The development proponent and its consultants agree to respect the pr subdivision.

(ii) The development proponent and its consultants engage in the scoping consu

(iii) The California Native American tribe participating in the scoping co participation of the development proponent and its consultants. The California N rescind its approval at any time during the scoping consultation, either for th

consultation or with respect to any particular meeting or discussion held consultation.

(D) The participants to a scoping consultation pursuant to this subdivision sha following confidentiality requirements:

(i) Section 7927.000.

(ii) Section 7927.005.

(iii) Subdivision (c) of Section 21082.3 of the Public Resources Code.

(iv) Subdivision (d) of Section 15120 of Title 14 of the California Code of Regula

(v) Any additional confidentiality standards adopted by the California Native Ar in the scoping consultation.

(E) The California Environmental Quality Act (Division 13 (commencing with Sec Resources Code) shall not apply to a scoping consultation conducted pursuant to th

(2) (A) If, after concluding the scoping consultation, the parties find that no potenti would be affected by the proposed development, the development proponent may the proposed development that is subject to the streamlined, ministerial appro subdivision (c).

(B) If, after concluding the scoping consultation, the parties find that a potenti could be affected by the proposed development and an enforceable agreement is California Native American tribe and the local government on methods, measures cultural resource treatment, the development proponent may submit the applic subject to the streamlined, ministerial approval process described in subdivision (shall ensure that the enforceable agreement is included in the requirements and co development.

(C) If, after concluding the scoping consultation, the parties find that a potenti could be affected by the proposed development and an enforceable agreement is the California Native American tribe and the local government regarding methods, for tribal cultural resource treatment, the development shall not be eligible for th approval process described in subdivision (c).

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be following occur:

(i) The parties to the scoping consultation document an enforceable agreem measures, and conditions to avoid or address potential impacts to tribal cultu may be present.

(ii) One or more parties to the scoping consultation, acting in good faith an conclude that a mutual agreement on methods, measures, and conditions to av tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the consultation, the local government shall notify the California Native American t engage in a subsequent scoping consultation if requested by the California Native A

(3) A local government may only accept an application for streamlined, ministerial section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the develo of intent to submit an application pursuant to subclause (I) of clause (iii) of subpa (1) did not accept the invitation to engage in a scoping consultation.

(B) The California Native American tribe accepted an invitation to engage in a scop to subclause (II) of clause (iii) of subparagraph (A) of paragraph (1) but substa the scoping consultation after repeated documented attempts by the local go California Native American tribe.

(C) The parties to a scoping consultation pursuant to this subdivision find that r resource will be affected by the proposed development pursuant to subparagraph (

(D) A scoping consultation between a California Native American tribe and th occurred in accordance with this subdivision and resulted in agreement pursuan paragraph (2).

(4) A project shall not be eligible for the streamlined, ministerial process described i the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local hi on the site of the project.

(B) There is a potential tribal cultural resource that could be affected by the propc parties to a scoping consultation conducted pursuant to this subdivision do not agreement on methods, measures, and conditions for tribal cultural resource tr subparagraph (C) of paragraph (2).

(C) The parties to a scoping consultation conducted pursuant to this subdivision d a potential tribal cultural resource will be affected by the proposed development.

(5) (A) If, after a scoping consultation conducted pursuant to this subdivision, a pro streamlined, ministerial process described in subdivision (c) for any or all of the fo government shall provide written documentation of that fact, and an explanation of project is not eligible, to the development proponent and to any California Native Am to that scoping consultation:

(i) There is a tribal cultural resource that is on a national, state, tribal, or
located on the site of the project, as described in subparagraph (A) of paragrapl

(ii) The parties to the scoping consultation have not documented an enforceabl
measures, and conditions for tribal cultural resource treatment, as describec
paragraph (2) and subparagraph (B) of paragraph (4).

(iii) The parties to the scoping consultation do not agree as to whether a potent
will be affected by the proposed development, as described in subparagraph (C)

(B) The written documentation provided to a development proponent pursuan
include information on how the development proponent may seek a conditio
discretionary approval of the development from the local government.

(6) This section is not intended, and shall not be construed, to limit consultation a
local government and a California Native American tribe pursuant to other appli
provisions under other applicable law, the protection of religious exercise to the fulle
state and federal law, or the ability of a California Native American tribe to submi
government or participate in any process of the local government.

(7) For purposes of this subdivision:

(A) "Consultation" means the meaningful and timely process of seeking, dis
carefully the views of others, in a manner that is cognizant of all parties' cultural va
seeking agreement. Consultation between local governments and Native American
in a way that is mutually respectful of each party's sovereignty. Consultation shall
potential needs for confidentiality with respect to places that have traditional trib
lead agency shall consult the tribal consultation best practices described in the
Consultation Guidelines: Supplement to the General Plan Guidelines" prepared by
Research.

(B) "Scoping" means the act of participating in early discussions or investiga
government and California Native American tribe, and the development propor
California Native American tribe, regarding the potential effects a proposed deve
potential tribal cultural resource, as defined in Section 21074 of the Public Resc
Native American tribe, as defined in Section 21073 of the Public Resources Code.

(8) This subdivision shall not apply to any project that has been approved under th
approval process provided under this section before the effective date of the act addir

(c) (1) Notwithstanding any local law, if a local government's planning director or equiv
that a development submitted pursuant to this section is consistent with the obje
specified in subdivision (a) and pursuant to paragraph (3) of this subdivision, the local
the development. Upon a determination that a development submitted pursuant to this
any of the objective planning standards specified in subdivision (a), the local governm
planning and permitting department that made the determination shall provide the

written documentation of which standard or standards the development conflicts with, a reason or reasons the development conflicts with that standard or standards, as follows

(A) Within 60 days of submittal of the development to the local government purs development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government purs development contains more than 150 housing units.

(2) If the local government's planning director or equivalent position fails t documentation pursuant to paragraph (1), the development shall be deemed to satis standards specified in subdivision (a).

(3) For purposes of this section, a development is consistent with the objective plann subdivision (a) if there is substantial evidence that would allow a reasonable per development is consistent with the objective planning standards. The local governi that a development, including an application for a modification under subdivision (objective planning standards on the basis that application materials are not included, substantial evidence that would allow a reasonable person to conclude that the devel the objective planning standards.

(4) Upon submittal of an application for streamlined, ministerial approval pursuant t government, all departments of the local government that are required to is development prior to the granting of an entitlement shall comply with the requireme the time periods specified in paragraph (1).

(d) (1) Any design review of the development may be conducted by the local governme or any equivalent board or commission responsible for design review. That design revi be strictly focused on assessing compliance with criteria required for streamlined reasonable objective design standards published and adopted by ordinance or resolut before submission of a development application, and shall be broadly applicable to jurisdiction. That design review shall be completed, and if the development is con standards, the local government shall approve the development as follows and shall no or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) Within 90 days of submittal of the development to the local government purs development contains 150 or fewer housing units.

(B) Within 180 days of submittal of the development to the local government purs development contains more than 150 housing units.

(2) If the development is consistent with the requirements of subparagraph (A) or subdivision (a) and is consistent with all objective subdivision standards in the local application for a subdivision pursuant to the Subdivision Map Act (Division 2 (c 66410)) shall be exempt from the requirements of the California Environmental

(commencing with Section 21000) of the Public Resources Code) and shall be subje timelines set forth in paragraph (1).

(3) If a local government determines that a development submitted pursuant to this any of the standards imposed pursuant to paragraph (1), it shall provide the develc documentation of which objective standard or standards the development conflicts wi the reason or reasons the development conflicts with that objective standard or stan timelines described in paragraph (1) of subdivision (c).

(e) (1) Notwithstanding any other law, a local government, whether or not it ha governing automobile parking requirements in multifamily developments, shall not im standards for a streamlined development that was approved pursuant to this sectio instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant

(C) When on-street parking permits are required but not offered to the occupants c

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in government shall not impose automobile parking requirements for streamlined pursuant to this section that exceed one parking space per unit.

(f) Notwithstanding any law, a local government shall not require any of the follow development that meets the requirements of this section:

(1) Studies, information, or other materials that do not pertain directly to c development is consistent with the objective planning standards applicable to the dev

(2) (A) Compliance with any standards necessary to receive a postentitlement permit.

(B) This paragraph does not prohibit a local agency from requiring compliance with to receive a postentitlement permit after a permit has been issued pursuant to this

(C) For purposes of this paragraph, "postentitlement permit" has the same subparagraph (A) of paragraph (3) of subdivision (j) of Section 65913.3.

(g) (1) If a local government approves a development pursuant to this section, then, r law, that approval shall not expire if the project satisfies both of the following requireme

(A) The project includes public investment in housing affordability, beyond tax cred

(B) At least 50 percent of the units are affordable to households making at or belc median income.

(2) (A) If a local government approves a development pursuant to this section, and th the requirements of subparagraphs (A) and (B) of paragraph (1), that approval sh years from the date of the final action establishing that approval, or if litigation approval, from the date of the final judgment upholding that approval. Approval shall provided construction activity, including demolition and grading activity, on the dev pursuant to a permit issued by the local jurisdiction and is in progress. For purpos progress" means one of the following:

(i) The construction has begun and has not ceased for more than 180 days.

(ii) If the development requires multiple building permits, an initial phase has project proponent has applied for and is diligently pursuing a building permit provided that once it has been issued, the building permit for the subsequent ph

(B) Notwithstanding subparagraph (A), a local government may grant a proje extension if the project proponent can provide documentation that there has toward getting the development construction ready, such as filing a building permit

(3) If the development proponent requests a modification pursuant to subdivision (which the approval shall remain valid shall be extended for the number of days be modification request and the date of its final approval, plus an additional 180 days building permit. If litigation is filed relating to the modification request, the time s during the pendency of the litigation. The extension required by this paragraph sh request for a modification submitted by the development proponent.

(4) The amendments made to this subdivision by the act that added this paragraph applied to developments approved prior to January 1, 2022.

(h) (1) (A) A development proponent may request a modification to a development under the streamlined, ministerial approval process provided in subdivision (c) if that re local government before the issuance of the final building permit required for constructi

(B) Except as provided in paragraph (3), the local government shall approve a mo that the modification is consistent with the objective planning standards specifie were in effect when the original development application was first submitted.

(C) The local government shall evaluate any modifications requested pursuan consistency with the objective planning standards using the same assumptions ar that the local government originally used to assess consistency for the developme streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to development was approved through the streamlined, ministerial approval process (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modificati shall determine if the requested modification is consistent with the objective plan approve or deny the modification request within 60 days after submission of the r days if design review is required.

(3) Notwithstanding paragraph (1), the local government may apply objective pla after the development application was first submitted to the requested modificatio instances:

(A) The development is revised such that the total number of residential units c construction changes by 15 percent or more. The calculation of the square footag shall not include underground space.

(B) The development is revised such that the total number of residential units c construction changes by 5 percent or more and it is necessary to subject the dev standard beyond those in effect when the development application was submitte avoid a specific, adverse impact, as that term is defined in subparagraph (A) of pa (j) of Section 65589.5, upon the public health or safety and there is no feasib satisfactorily mitigate or avoid the adverse impact. The calculation of the squar changes shall not include underground space.

(C) (i) Objective building standards contained in the California Building Standar California Code of Regulations), including, but not limited to, building plumbing, e codes, may be applied to all modification applications that are submitted prior to application. Those standards may be applied to modification applications submitt permit application if agreed to by the development proponent.

(ii) The amendments made to clause (i) by the act that added clause (i) s applied to modification applications submitted prior to January 1, 2022.

(4) The local government's review of a modification request pursuant to this subdivisi to determining whether the modification, including any modification to previously concessions or waivers, modify the development's consistency with the objective pla not reconsider prior determinations that are not affected by the modification.

(i) (1) A local government shall not adopt or impose any requirement, including, but fees or inclusionary housing requirements, that applies to a project solely or partia project is eligible to receive ministerial or streamlined approval pursuant to this section.

(2) (A) A local government shall issue a subsequent permit required for a developr section if the application substantially complies with the development as it wa subdivision (c). Upon receipt of an application for a subsequent permit, the local gov permit without unreasonable delay and shall not impose any procedure or requireme projects that are not approved pursuant to this section. The local government shall c subsequent permits based upon the objective standards specified in any state or loca when the original development application was submitted, unless the developmen

change in objective standards. Issuance of subsequent permits shall implement th and review of the permit application shall not inhibit, chill, or preclude the developn paragraph, a "subsequent permit" means a permit required subsequent to receiving a (c), and includes, but is not limited to, demolition, grading, encroachment, and b maps, if necessary.

(B) The amendments made to subparagraph (A) by the act that added this su retroactively applied to subsequent permit applications submitted prior to January

(3) (A) If a public improvement is necessary to implement a development that is su ministerial approval pursuant to this section, including, but not limited to, a bicycle la public transit stop, driveway, street paving or overlay, a curb or gutter, a modified int street light, landscape or hardscape, an above-ground or underground utility conn hydrant, storm or sanitary sewer connection, retaining wall, and any related improvement is located on land owned by the local government, to the extent that requires approval from the local government, the local government shall not exerci approval relating to the public improvement in a manner that would inhibit, chill, or p

(B) If an application for a public improvement described in subparagraph (A) government, the local government shall do all of the following:

(i) Consider the application based upon any objective standards specified in ar were in effect when the original development application was submitted.

(ii) Conduct its review and approval in the same manner as it would evaluate required by a project that is not eligible to receive ministerial or streamlined section.

(C) If an application for a public improvement described in subparagraph (A) government, the local government shall not do either of the following:

(i) Adopt or impose any requirement that applies to a project solely or partia project is eligible to receive ministerial or streamlined approval pursuant to this

(ii) Unreasonably delay in its consideration, review, or approval of the applicatio

(j) (1) This section shall not affect a development proponent's ability to use any altern permit processing adopted by a local government, including the provisions of subdivisio

(2) This section shall not prevent a development from also qualifying as a hous entitled to the protections of Section 65589.5. This paragraph does not constit declaratory of, existing law.

(k) The California Environmental Quality Act (Division 13 (commencing with Secti Resources Code) does not apply to actions taken by a state agency, local government, Area Rapid Transit District to:

(1) Lease, convey, or encumber land owned by the local government or the San I Transit District or to facilitate the lease, conveyance, or encumbrance of land owned or for the lease of land owned by the San Francisco Bay Area Rapid Transit Distri eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities C associated with that lease, or to provide financial assistance to a development t approval pursuant to this section that is to be used for housing for persons and far moderate income, as defined in Section 50093 of the Health and Safety Code.

(2) Approve improvements located on land owned by the local government or the Rapid Transit District that are necessary to implement a development that recei pursuant to this section that is to be used for housing for persons and families of ve income, as defined in Section 50093 of the Health and Safety Code.

(l) For purposes of establishing the total number of units in a development under this c development project includes both of the following:

(1) All projects developed on a site, regardless of when those developments occur.

(2) All projects developed on sites adjacent to a site developed pursuant to this ch 2023, the adjacent site had been subdivided from the site developed pursuant to this

(m) For purposes of this section, the following terms have the following meanings:

(1) "Affordable housing cost" has the same meaning as set forth in Section 50052.5 Code.

(2) (A) Subject to the qualification provided by subparagraphs (B) and (C), "afford meaning as set forth in Section 50053 of the Health and Safety Code.

(B) For a development for which an application pursuant to this section was subr 2019, that includes 500 units or more of housing, and that dedicates 50 percer units, before calculating any density bonus, to housing affordable to households percent of the area median income, affordable rent for at least 30 percent of thes affordable rent as defined in subparagraph (A) and "affordable rent" for the rema mean a rent that is consistent with the maximum rent levels for a housing deve allocation of state or federal low-income housing tax credits from the Califor Committee.

(C) For a development that dedicates 100 percent of units, exclusive of a manage income households, "affordable rent" shall mean a rent that is consistent with stipulated by the public program providing financing for the development.

(3) "Department" means the Department of Housing and Community Development.

(4) "Development proponent" means the developer who submits a housing developm a local government under the streamlined ministerial review process pursuant to this

(5) "Completed entitlements" means a housing development that has received a approvals or entitlements necessary for the issuance of a building permit.

(6) "Health care expenditures" include contributions under Section 401(a), 501(c), Revenue Code and payments toward "medical care," as defined in Section 213(d)(1 Code.

(7) "Housing development project" has the same meaning as in Section 65589.5.

(8) "Locality" or "local government" means a city, including a charter city, a county, i or a city and county, including a charter city and county.

(9) "Moderate-income housing units" means housing units with an affordable housi for persons and families of moderate income, as that term is defined in Section 5009 Code.

(10) "Production report" means the information reported pursuant to subparagraph subdivision (a) of Section 65400.

(11) "State agency" includes every state office, officer, department, division, bureau but does not include the California State University or the University of California.

(12) (A) "Reporting period" means either of the following:

(i) The first half of the regional housing needs assessment cycle.

(ii) The last half of the regional housing needs assessment cycle.

(B) Notwithstanding subparagraph (A), "reporting period" means annually for the Francisco.

(13) "Urban uses" means any current or former residential, commercial, public transportation passenger facility, or retail use, or any combination of those uses.

(n) The department may review, adopt, amend, and repeal guidelines to implement uni that supplement or clarify the terms, references, or standards set forth in this section adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencin Part 1 of Division 3 of Title 2 of the Government Code.

(o) The determination of whether an application for a development is subject to th approval process provided by subdivision (c) is not a "project" as defined in Sect Resources Code.

(p) Notwithstanding any law, for purposes of this section and for development requirements of this section on property owned by or leased to the state, the Depart may act in the place of a locality or local government, at the discretion of the departme

(q) (1) For developments proposed in a census tract that is designated either as a mo resource area, or an area of high segregation and poverty on the most recent "CTCA published by the California Tax Credit Allocation Committee and the Department of Development, within 45 days after receiving a notice of intent, as described in subdiv development proponent submits an application for the proposed development that is su ministerial approval process described in subdivision (c), the local government shall pro to be held by the city council or county board of supervisors to provide an opportunity fo government to comment on the development.

(2) The public meeting shall be held at a regular meeting and be subject to the Ralph (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(3) If the development proposal is located within a city with a population of grea unincorporated area of a county with a population of greater than 250,000, the public the jurisdiction's planning commission.

(4) Comments may be provided by testimony during the meeting or in writing at any concludes.

(5) The development proponent shall attest in writing that it attended the meeting d and reviewed the public testimony and written comments from the meeting in its ap development that is subject to the streamlined, ministerial approval process described

(6) If the local government fails to hold the hearing described in paragraph (1) with the notice of intent, the development proponent shall hold a public meeting on th before submitting an application pursuant to this section.

(r) (1) This section shall not apply to applications for developments proposed on submitted on or after January 1, 2024, but before July 1, 2025.

(2) For purposes of this subdivision, "qualified site" means a site that meets the follow

(A) The site is located within an equine or equestrian district designated by a g master plan, which may include a specific narrative reference to a geographically d the same. Parcels adjoined and only separated by a street or highway shall be co equestrian district.

(B) As of January 1, 2024, the general plan applicable to the site contains, and more years, an equine or equestrian district designation where the site is located.

(C) As of January 1, 2024, the equine or equestrian district applicable to the sit residential uses, but authorizes residential uses with a conditional use permit.

(D) The applicable local government has an adopted housing element that is compl

(3) The Legislature finds and declares that the purpose of this subdivision is to al conduct general plan updates to align their general plan with applicable zoning change

(s) The provisions of clause (iii) of subparagraph (E) of paragraph (8) of subdivision (expenditures are distinct and severable from the remaining provisions of this section portions of paragraph (8) of subdivision (a) are a material and integral part of this secti If any provision or application of paragraph (8) of subdivision (a) is held invalid, this e and void.

(t) (1) The changes made to this section by the act adding this subdivision shall ap defined in Division 20 (commencing with Section 30000) of the Public Resources Code 2025.

(2) In an area of the coastal zone not excluded under paragraph (6) of subdivision satisfies the requirements of subdivision (a) shall require a coastal development perr (commencing with Section 30600) of Division 20 of the Public Resources Code. A p development permitting authority shall approve a coastal development permit i development is consistent with all objective standards of the local government's certi or, for areas that are not subject to a fully certified local coastal program, the certi area.

(3) For purposes of this section, receipt of any density bonus, concessions, incentives development standards, and parking ratios to which the applicant is entitled under constitute a basis to find the project inconsistent with the local coastal program.

(u) It is the policy of the state that this section be interpreted and implemented in a m possible weight to the interest of, and the approval and provision of, increased housing

(v) This section shall remain in effect only until January 1, 2036, and as of that date is r

SEC. 3. The Legislature finds and declares that ensuring access to affordable housing concern and is not a municipal affair as that term is used in Section 5 of Article XI of t Therefore, Section 2 of this act amending Section 65913.4 of the Government Code app charter cities.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article Constitution because a local agency or school district has the authority to levy s assessments sufficient to pay for the program or level of service mandated by this act c be incurred by a local agency or school district will be incurred because this act creates eliminates a crime or infraction, or changes the penalty for a crime or infraction, withi 17556 of the Government Code, or changes the definition of a crime within the meani XIII B of the California Constitution.