

AMENDED IN SENATE APRIL 9, 2018

AMENDED IN SENATE MARCH 1, 2018

SENATE BILL

No. 827

Introduced by Senator Wiener
(Principal coauthor: Senator Skinner)
(Principal coauthor: Assembly Member Ting)
(Coauthor: Senator Hueso)

January 3, 2018

An act to add Chapter 4.35 (commencing with Section 65918.5) to Division 1 of Title 7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 827, as amended, Wiener. Planning and zoning: transit-rich housing bonus.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a local government to, if requested, grant a development proponent of a transit-rich housing project a transit-rich housing bonus if that development *at the time of submittal* meets specified planning standards, including complying with demolition permit requirements, *complying with any* local inclusionary housing ~~ordinance requirements~~, *ordinance or, if the local government has not adopted an inclusionary housing ordinance, agreeing to provide a*

specified percentage of awarded units as onsite affordable housing, preparing a relocation benefits and assistance plan, complying with any locally adopted objective zoning standards, ~~and complying with any locally adopted minimum unit mix requirements.~~ requirements, and if the development includes specified types of parcels, agreeing to replace those units and to offer units at one of 2 specified affordable rates. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a ½ mile radius of a major transit stop or a ¼ mile radius of a stop on a high-quality ~~transit bus~~ corridor. The bill would exempt an eligible applicant who receives a transit-rich housing bonus from various requirements, including maximum controls on residential density, maximum controls on floor area ratio that are lower than a specified amount, minimum automobile parking ~~requirements,~~ *requirements except as provided,* maximum height ~~limitations,~~ *limitations that are less than a specified amount unless those increases would have a specific, adverse impact upon public health and safety,* and zoning or design controls that have the effect of limiting additions onto existing structures or lots that comply with those maximum floor area ratios and height limitations. *The bill would require an eligible applicant, which this bill would define to mean a development proponent who receives a transit-rich housing bonus, to provide each resident of the development with a recurring monthly transit pass with the applicable transit agency that provides service to the major transit stop or high quality transit corridor that qualified the applicant for the bonus at no cost to the residents.* The bill would require an eligible applicant ~~who receives a transit-rich housing bonus~~ to provide benefits to eligible displaced persons who are displaced by the development, including requiring the applicant to offer a right to remain guarantee to those tenants, and to make payments to eligible displaced persons for moving and related expenses as well as for relocation benefits. The bill would also require an eligible applicant to submit a relocation benefit and assistance plan for approval to the applicable local government to that effect, and to provide specified information and assistance to eligible displaced persons.

This bill would provide that the provisions described above become operative on January 1, 2021, in order to provide an opportunity for local governments to conduct studies and to adopt or update any ordinances as necessary. The bill would authorize a local government, no later than July 1, 2020, to apply to the Department of Housing and Community Development for a one-time one-year extension in order

to delay the operation of those provisions with respect to parcels located within the jurisdictional boundaries of that local government until January 1, 2022. The bill would require the department to review any application submitted, and to grant it if the department makes specified findings. The bill would require the department to post on its Internet Web site the final decision of any application that the department granted to delay the operation of these provisions.

This bill, commencing January 1, 2019, would provide that if a local government adopts any ordinance on or after January 1, 2018, that eliminates zoning designations or decreases residential zoning capacity within an existing zoning district, then any development proponent who submits an application for a transit-rich housing bonus on or after the operative date of these provisions as described above, will be deemed to be consistent with the requirements of these provisions if that development complies with zoning designations that were authorized on January 1, 2018.

The bill would declare that its provisions address a matter of statewide concern and apply equally to all cities and counties in this state, including a charter city.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that this act
- 2 addresses a matter of statewide concern and shall apply equally to
- 3 all cities and counties in this state, including charter cities.
- 4 SEC. 2. Chapter 4.35 (commencing with Section 65918.5) is
- 5 added to Division 1 of Title 7 of the Government Code,
- 6 immediately following Chapter 4.3, to read:

CHAPTER 4.35. TRANSIT-RICH HOUSING BONUS

- 1
2
3 65918.5. For purposes of this chapter:
4 (a) “Development proponent” means an applicant who submits
5 an application for a transit-rich housing bonus pursuant to this
6 chapter.
7 (b) “Eligible applicant” means a development proponent who
8 receives a transit-rich housing bonus.
9 (c) “FAR” means floor area ratio.
10 (d) “High-quality ~~transit bus~~ corridor” means a corridor with
11 fixed route bus service ~~that has service intervals of no more than~~
12 ~~15 minutes during peak commute hours. that meets all of the~~
13 *following criteria:*
14 *(1) It has average service intervals of no more than 15 minutes*
15 *during the three peak hours between 6 a.m. to 10 a.m., inclusive,*
16 *and the three peak hours between 3 p.m. and 7 p.m., inclusive, on*
17 *Monday through Friday.*
18 *(2) It has average service intervals of no more than 20 minutes*
19 *during the hours of 6 a.m. to 10 a.m., inclusive, on Monday through*
20 *Friday.*
21 *(3) It has average intervals of no more than 30 minutes during*
22 *the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.*
23 (e) “Local government” means a city, including a charter city,
24 a county, or a city and county.
25 (f) “Major transit stop” means a site containing an existing rail
26 transit station, or a ferry terminal served by either bus or rail
27 transit service.
28 (g) “Maximum allowable residential density” means the density
29 allowed under the zoning ordinance and land use element of the
30 general plan of the applicable local government, or, if a range of
31 density is permitted, means the maximum allowable density for
32 the specific zoning range and land use element of the general plan
33 applicable to the project. If the density allowed under the zoning
34 ordinance is inconsistent with the density allowed under the land
35 use element of the general plan, the general plan density shall
36 prevail.
37 (h) “Residential development” means a project with at least
38 two-thirds of the square footage of the development designated
39 for residential use.
40 (f)

1 (i) “Transit-rich housing project” means a residential
2 development project the parcels of which are all within a one-half
3 mile radius of a major transit stop or a one-quarter mile radius of
4 a stop on a high-quality ~~transit bus~~ corridor. A residential
5 development project does not qualify as a transit-rich housing
6 project if that project would result in the construction of housing
7 in zoning districts that prohibit the construction of housing as a
8 principal or conditional use, including, but not limited to,
9 exclusively industrial or manufacturing zoning districts. A project
10 shall be deemed to be within a one-half mile radius of a major
11 transit stop or a one-quarter mile radius of a stop on a high-quality
12 ~~transit bus~~ corridor if both of the following apply:

13 (1) All parcels within the project have no more than 25 percent
14 of their area outside of a one-half mile radius of a major transit
15 stop or a one-quarter mile radius of a stop on a high-quality ~~transit~~
16 ~~bus~~ corridor.

17 (2) No more than 10 percent of the residential units or 100 units,
18 whichever is less, of the project are outside of a one-half mile
19 radius of a major transit stop or a one-quarter mile radius of a stop
20 on a high-quality ~~transit bus~~ corridor.

21 (j) “Units awarded” means the increase in units in the
22 residential development permitted above the maximum allowable
23 residential density after the transit-rich housing bonus is granted.

24 65918.6. (a) Notwithstanding any local ordinance, general
25 plan element, specific plan, charter, or other local law, policy,
26 resolution, or regulation, a local jurisdiction shall, if requested,
27 provide an eligible applicant with a transit-rich housing bonus that
28 shall exempt the project from all of the following:

29 (1) Maximum controls on residential density.

30 (2) Maximum controls on FAR lower than those specified in
31 paragraph (4) of subdivision (c).

32 (3) Minimum automobile parking ~~requirements~~: *requirements,*
33 *unless the proposed project is outside of a 1/4 mile of a major transit*
34 *stop, in which case the local jurisdiction may enforce a parking*
35 *minimum of up to .5 automobile parking spots per unit.*

36 (4) Maximum building height limits that are less than those
37 specified in subdivision ~~(b)~~: *(b), unless the height increase*
38 *proposed by the development proponent would have a specific,*
39 *adverse impact upon public health or safety, and there is no*
40 *feasible method to satisfactorily mitigate or avoid the specific*

1 *adverse impact without rendering the development infeasible. As*
2 *used in this paragraph, a “specific, adverse impact” means a*
3 *significant, quantifiable, direct, and unavoidable impact, based*
4 *on objective, identified written public health or safety standards,*
5 *policies, or conditions as they existed on the date the application*
6 *was deemed complete. Inconsistency with the zoning ordinance*
7 *or general plan land use designation shall not constitute a specific,*
8 *adverse impact upon the public health or safety.*

9 (5) Zoning or design controls that have the effect of limiting
10 additions onto existing structures or lots if ~~such~~ *those* additions
11 comply with the height and FAR limits established in subdivision
12 (b) or paragraph (4) of subdivision (c).

13 (b) An eligible applicant shall be exempt from local maximum
14 height limits as follows:

15 (1) If the transit-rich housing project is within a one-quarter
16 mile radius of ~~either a major transit stop or a stop on a high-quality~~
17 ~~transit corridor, stop,~~ the maximum height limitation shall not be
18 less than 85 feet, ~~except in cases where a parcel facing a street that~~
19 ~~is less than 70 feet wide from property line to property line, in~~
20 ~~which case the maximum height shall not be less than 55 feet. If~~
21 ~~the project is exempted from the local maximum height limitation,~~
22 ~~the maximum height limitation for a transit-rich housing project~~
23 ~~shall be 85 feet or 55 feet, as provided in this paragraph. 55 feet.~~
24 *However, the eligible applicant shall comply with any maximum*
25 *height limitation for a transit-rich housing project that is greater*
26 *than 55 feet.*

27 (2) If the transit-rich housing project is within *a* one-half mile
28 *radius* of a major transit stop, but does not meet the criteria
29 specified in paragraph (1), any maximum height limitation shall
30 not be less than 55 feet, ~~except in cases where a parcel facing a~~
31 ~~street that is less than 70 feet wide from property line to property~~
32 ~~line, in which case the maximum height shall not be less than 45~~
33 ~~feet. If the project is exempted from the local maximum height~~
34 ~~limitation, the maximum height limitation for a transit-rich housing~~
35 ~~project shall be 55 feet or 45 feet, as provided in this paragraph.~~
36 *45 feet. However, the eligible applicant shall comply with any*
37 *maximum height limitation for a transit-rich housing project that*
38 *is greater than 45 feet.*

39 (3) ~~For purposes of this subdivision, if a parcel has street~~
40 ~~frontage on two or more different streets, the maximum height~~

1 limitation pursuant to this subdivision shall be based on the widest
2 street.

3 (c) A development proponent may submit an application for a
4 development to be subject to the transit-rich housing bonus process
5 provided by subdivision (b) if the application *at the time of*
6 *submittal* satisfies all of the following planning standards:

7 (1) Any demolition permit that is related to an application for
8 a transit-rich housing project is subject to all demolition permit
9 controls, restrictions, and review processes enacted by the
10 applicable local government. Additionally, an applicant shall be
11 ineligible for a transit-rich housing bonus if ~~the housing~~ *either of*
12 *the following are met:*

13 (A) *The residential* development is proposed on any property
14 that includes a parcel or parcels on which existing rental units that
15 are subject to any form of rent or price control through a local
16 government's valid exercise of its police power would need to be
17 demolished, unless the local government passes a resolution
18 explicitly authorizing a review process for demolition permit
19 applications.

20 (B) *The residential development is proposed on any property*
21 *that includes a parcel or parcels on which an owner of residential*
22 *real property exercised his or her rights under Chapter 12.75*
23 *(commencing with Section 7060) of Division 7 of Title 1 to*
24 *withdraw accommodations from rent or lease within five years*
25 *before an application is submitted under this chapter.*

26 (2) ~~The~~ (A) *If the local government has adopted any local*
27 *inclusionary housing ordinances, the development complies with*
28 ~~any~~ *those local inclusionary housing ordinances.* For purposes of
29 this paragraph, local inclusionary housing ordinances include either
30 of the following:

31 ~~(A)~~

32 (i) A mandatory requirement, as a condition of the development
33 of residential units, that the development include a certain
34 percentage of residential units affordable to, and occupied by,
35 households with incomes that do not exceed the limits for
36 moderate-income, lower income, very low income, or extremely
37 low income households specified in Sections 50079.5, 50093,
38 50105, and 50106 of the Health and Safety Code. The ordinance
39 may provide alternative means of compliance that may include,
40 but are not limited to, in-lieu fees, land dedication, ~~off-site~~ *offsite*

1 construction, or acquisition and rehabilitation of existing units. If
2 the ordinance is adopted after January 1, 2018, it shall meet all the
3 requirements of Section ~~65850.01~~.

4 (B)

5 (ii) For the purposes of this section, if a ~~community local~~
6 *government* does not have a mandatory requirement as described
7 in subparagraph (A), a locally adopted voluntary incentive-based
8 program that grants a range of incentives to developments that
9 include an objective and knowable amount of ~~on-site onsite~~
10 affordable housing. The knowable amount of ~~on-site onsite~~
11 affordable housing and number of incentives shall be calculated
12 based on the project’s proximity to different types of public
13 transportation, and include proximity to both regular bus lines, bus
14 rapid transit, and rail stations. In the case that a local inclusionary
15 housing ordinance is a voluntary or incentive-based program as
16 described in this subparagraph, ~~on-site onsite~~ affordable housing
17 requirements for a transit-rich housing project shall be calculated
18 based on the height, density, floor area ratio, bulk, and automobile
19 parking included in the final design of the transit-rich housing
20 project.

21 (B) *If the local government has not adopted any local*
22 *inclusionary housing ordinances, and the development project*
23 *includes ten or more residential units, the development proponent*
24 *agrees to provide the applicable percentage of units awarded as*
25 *onsite affordable housing. All calculations made pursuant to this*
26 *subparagraph that result in a fractional unit shall be rounded up.*
27 *For purposes of this subparagraph, the applicable percentage of*
28 *units awarded shall be calculated as follows:*

29 (i) *If the proposed development project has between ten and*
30 *twenty-five residential units, the development proponent shall*
31 *choose between the following:*

32 (I) *Offering 5 percent of the units at a rate sufficient for very*
33 *low income households.*

34 (II) *Offering 10 percent of the units at a rate sufficient for*
35 *low-income households.*

36 (III) *Offering 25 percent of the units at a rate sufficient for*
37 *moderate-income households.*

38 (ii) *If the proposed development project has between twenty-six*
39 *and fifty residential units, the development proponent shall choose*
40 *between the following:*

1 (I) Offering 7 percent of the units at a rate sufficient for very
2 low income households.

3 (II) Offering 13 percent of the units at a rate sufficient for
4 low-income households.

5 (III) Offering 30 percent of the units at a rate sufficient for
6 moderate-income households.

7 (iii) If the proposed development project has fifty-one or more
8 residential units and the proposed development project has less
9 than one quarter of its square footage dedicated to office use, the
10 development proponent shall choose between the following:

11 (I) Offering 11 percent of the units at a rate sufficient for very
12 low income households.

13 (II) Offering 20 percent of the units at a rate sufficient for
14 low-income households.

15 (III) Offering 40 percent of the units at a rate sufficient for
16 moderate-income households.

17 (iv) If the proposed development project has fifty-one or more
18 residential units and has more than one quarter of its square
19 footage dedicated to office use, the development proponent shall
20 offer 20 percent of the units at a rate sufficient for lower income
21 households, including 10 percent at a rate sufficient for very-low
22 income households.

23 (3) The development proponent prepares and submits to the
24 applicable local government a relocation assistance and benefits
25 plan as described in subdivision (d) of Section 65918.8.

26 (4) Except as specified in subdivision (a), the transit-rich housing
27 project complies with all local objective zoning design standards
28 that were in effect at the time that the applicant submits its first
29 application to the local government pursuant to this section, except
30 as provided in Section 65918.10, provided that those local zoning
31 design standards shall not result in a FAR for the development that
32 received the bonus that is less than the following:

33 (A) 2.5 FAR for lots with a maximum height limit of 45 feet
34 pursuant to this section.

35 (B) 3.25 FAR for lots with a maximum height limit of 55 feet
36 pursuant to this section.

37 ~~(C) 4.5 FAR for lots with a maximum height limit of 85 feet~~
38 ~~pursuant to this section.~~

39 (5) Any locally adopted objective zoning standard that involves
40 no personal or subjective judgment by a public official and is

1 uniformly verifiable by reference to an external and uniform
2 benchmark or criterion available and knowable by both the
3 development applicant or proponent and public officials before
4 the application is submitted, ~~including but not limited to~~ *including,*
5 *but not limited to,* essential bulk and FAR requirements, except as
6 specified in paragraph (4), codified design standards, and
7 development fees.

8 (6) Any locally adopted minimum unit mix requirements,
9 provided that those requirements do not have the effect of requiring
10 more than 40 percent of all units in a transit-rich housing project
11 to have two bedrooms or more.

12 (7) *The development proponent agrees to comply with*
13 *subdivision (c) of Section 65918.7 if the development includes a*
14 *parcel or parcels on which rental dwelling units are or, if the*
15 *dwelling units have been vacated or demolished in the five-year*
16 *period preceding the application, have been subject to any of the*
17 *following:*

18 (A) *A recorded covenant, ordinance, or law that restricts rents*
19 *to levels affordable to persons and families of lower or very-low*
20 *income.*

21 (B) *Any other form of rent or price control through a public*
22 *entity's valid exercise of its police power.*

23 (C) *Occupied by lower or very low-income households.*

24 (d) An eligible applicant who receives a transit-rich housing
25 bonus pursuant to this section may also apply for a density bonus,
26 incentive or concession, or waiver or reduction, pursuant to Section
27 65915. For purposes of calculating any base development standard,
28 including maximum allowable residential density, for purposes of
29 granting a density bonus, incentive or concession, or a waiver or
30 reduction of a development standard pursuant to that section, any
31 transit-rich housing bonus granted pursuant to this chapter shall
32 be used as that base development standard.

33 (e) An eligible applicant who receives a ~~transit-housing~~
34 *transit-rich housing* bonus pursuant to this section, and who
35 requests a streamlined, ministerial, approval process pursuant to
36 Section 65913.4, shall be deemed to be in compliance with local
37 zoning requirements for purposes of determining eligibility
38 pursuant to paragraph (5) of subdivision (a) of Section 65913.4,
39 and for purposes of enforcing legal protections for new
40 developments under Section 65589.5.

1 (f) *An eligible applicant who receives a transit-rich housing*
2 *bonus pursuant to this section, but does not request or is not*
3 *eligible for a streamlined, ministerial, approval process pursuant*
4 *to Section 65913.4, shall be subject to applicable discretionary*
5 *reviews required by the local jurisdiction, including, but not limited*
6 *to, the California Environmental Quality Act (Division 13*
7 *(commencing with Section 21000) of the Public Resources Code).*

8 (g) *An eligible applicant shall provide each resident of the*
9 *development with a recurring monthly transit pass with the*
10 *applicable transit agency that provides service to the major transit*
11 *stop or high quality transit corridor that qualified the applicant*
12 *for the bonus at no cost to the resident.*

13 65918.7. In the event that a transit-rich housing project is issued
14 a demolition permit by a local government as described in
15 paragraph (1) of subdivision (c) of Section 65918.6, the project
16 shall comply with any state or local tenant relocation benefit and
17 assistance program or ordinance serving residential tenants living
18 in the units that will be demolished. Moreover, in the event that
19 issuance of a demolition permit would result in the direct
20 displacement of a residential tenant or ~~tenants~~, *tenants or in a net*
21 *loss of affordable units as specified in subdivision (c), the local*
22 *government may not issue demolition permits for rental housing*
23 *units as a part of the application for a transit-rich housing project,*
24 *unless the development proponent complies with relocation benefits*
25 *and ~~assistance~~ and assistance, a right to remain ~~guarantee,~~*
26 *guarantee, and no net loss of affordable units, as follows:*

27 (a) The development proponent prepares and submits a
28 relocation assistance and benefits plan to the jurisdiction *for*
29 *eligible displaced persons* as described in subdivision (d) of Section
30 65918.8.

31 (b) The development proponent offers all eligible displaced
32 persons a right to remain guarantee that is a right of first refusal
33 for a comparable unit in the transit-rich housing project after it
34 finishes construction, and a new lease for that unit at a rate not to
35 exceed the base rent defined in paragraph (2) of subdivision (f) of
36 Section 65918.9. *The development proponent shall provide all*
37 *eligible displaced persons who enter into a new lease for a unit*
38 *in the development a lease at the base rent with rent stabilization*
39 *at the applicable base rent for the duration of their occupancy in*
40 *the unit, regardless of the length of the initial lease. For purposes*

1 of this subdivision, “rent stabilization” means that the rent for the
2 applicable eligible displaced person may only be increased, at
3 maximum, at the same percentage as the annual percentage
4 increase of the Consumer Price Index. If an eligible displaced
5 person who entered into a new lease for a unit in the development
6 departs from that unit, then that unit shall revert to an affordable
7 unit and shall be offered at a rate described in subparagraphs (A)
8 or (B) of paragraph (1) of subdivision (c).

9 (c) (1) With respect to any development that contains a parcel
10 or parcels described in paragraph (7) of subdivision (c) of Section
11 65918.6, the development proponent agrees to replace those units
12 and agrees to comply with one of the following:

13 (A) Offer units at an affordable rate, as described in paragraph
14 (2) of subdivision (c) of Section 65918.6.

15 (B) Offer each unit in the development, exclusive of a manager’s
16 unit or units, at a rate affordable to, and occupied by, either a
17 lower or very low income household.

18 (2) For purposes of this section, “replace” means either of the
19 following:

20 (A) If any dwelling units described in paragraph (1) are
21 occupied on the date that the application for the transit-rich
22 housing bonus was submitted, the development proponent provides
23 all eligible displaced persons, as defined in subdivision (b) of
24 Section 65918.8, with a right to remain guarantee, as described
25 in subdivision (b). For unoccupied dwelling units in a development
26 with occupied units, the development proponent shall provide units
27 of equivalent size or type, or both, to be made available at
28 affordable rent or affordable housing cost to, and occupied by,
29 persons and families in the same or lower income category in the
30 same proportion of affordability as the occupied units. All
31 replacement calculations resulting in fractional units shall be
32 rounded up to the next whole number. If the replacement units will
33 be rental dwelling units, these units shall be subject to a recorded
34 affordability restriction for at least 55 years.

35 (B) If all dwelling units described in paragraph (2) have been
36 vacated or demolished within the five-year period before the
37 application for the transit-rich housing bonus was submitted, the
38 development proponent shall provide at least the same number of
39 units of equivalent size or type, or both, as existed at the highpoint
40 of those units in the five-year period preceding the application to

1 *be made available at affordable rent or affordable housing cost*
2 *to, and occupied by, persons and families in the same or lower*
3 *income category as those persons and families in occupancy at*
4 *that time, if known. If the incomes of the persons and families in*
5 *occupancy at the highpoint is not known, then one-half of the*
6 *required units shall be made available at affordable rent or*
7 *affordable housing cost to, and occupied by, very low-income*
8 *persons and families and one-half of the required units shall be*
9 *made available for rent at affordable housing costs to, and*
10 *occupied by, low-income persons and families. All replacement*
11 *calculations resulting in fractional units shall be rounded up to*
12 *the next whole number. If the replacement units will be rental*
13 *dwelling units, these units shall be subject to a recorded*
14 *affordability restriction for at least 55 years.*

15 65918.8. (a) An eligible applicant ~~that receives a transit-rich~~
16 ~~housing bonus~~ shall comply with the procedures and requirements
17 in this section in providing relocation benefits and a right to remain
18 guarantee to any eligible displaced person.

19 (b) For purposes of this chapter, “eligible displaced person”
20 means the following:

21 (1) Any person who occupies property that is located within the
22 development, and who will become displaced by the development.

23 (2) Any person who moves from property located within the
24 boundaries of the development after an application for a
25 development proposal subject to a transit-rich housing bonus is
26 deemed complete.

27 (c) An eligible applicant shall inform all eligible displaced
28 persons regarding the projected date of displacement and,
29 periodically, should inform those persons of any changes in the
30 projected date of displacement.

31 (d) A development proponent shall prepare a detailed relocation
32 benefits and assistance plan, and submit that plan to the applicable
33 local government for approval to determine whether the plan
34 complies with the requirements of this section. That plan shall
35 include all of the following:

36 (1) A diagrammatic sketch of the project area.

37 (2) Projected dates of displacement.

38 (3) A written analysis of the aggregate relocation needs of all
39 eligible displaced persons and a detailed explanation as to how
40 these needs are to be met.

- 1 (4) A written analysis of relocation housing resources, including
- 2 vacancy rates of the neighborhood and surrounding areas.
- 3 (5) A detailed description of relocation payments to be made
- 4 and a plan for disbursement.
- 5 (6) A cost estimate for carrying out the plan.
- 6 (7) A standard information statement to be sent to all eligible
- 7 displaced persons who will be permanently displaced.
- 8 (8) Plans for public review and comment on the development
- 9 project and relocation benefits and assistance plan.
- 10 (e) A development proponent shall provide notice of the
- 11 relocation benefits and assistance plan to all eligible displaced
- 12 persons at least 30 days before submitting the plan to the local
- 13 government for approval pursuant to subdivision (d).
- 14 (f) After the applicable local government approves the relocation
- 15 benefits and assistance plan pursuant to subdivision (d), the eligible
- 16 applicant shall do all the following:
- 17 (1) Notify all eligible displaced persons of the following:
- 18 (A) The availability of relocation benefits and assistance.
- 19 (B) The eligibility requirements of relocation benefits and
- 20 assistance.
- 21 (C) The procedures for obtaining relocation benefits and
- 22 assistance.
- 23 (2) Determine the extent of the need of each eligible displaced
- 24 person for relocation benefits and assistance.
- 25 (3) Provide the current and continuing information on the
- 26 availability, ~~prices~~ *prices*, and rentals of comparable sales and
- 27 rental housing, and as to security deposits, closing costs, typical
- 28 down payments, interest rates, and terms for residential property
- 29 in the area to all eligible displaced persons.
- 30 (4) Assist each eligible displaced person to complete applications
- 31 for payments and benefits.
- 32 (5) Assist each eligible displaced person to obtain and move to
- 33 a comparable replacement dwelling.
- 34 (6) Supply to each eligible displaced person information
- 35 concerning federal and state housing programs.
- 36 (7) Inform all persons who are expected to be displaced about
- 37 the eviction policies to be pursued in carrying out the project,
- 38 which policies shall be in accordance with the relocation benefits
- 39 and assistance plan approved pursuant to subdivision (d).

1 (g) An eligible applicant’s obligation to provide relocation
2 benefits and assistance to an eligible displaced person shall cease
3 if any of the following occurs:

4 (1) An eligible displaced person moves to a comparable
5 replacement dwelling and receives all assistance and payments to
6 which he or she is entitled.

7 (2) An eligible displaced person moves to substandard housing,
8 refuses reasonable offers of additional assistance in moving to a
9 decent, ~~safe safe~~, and sanitary replacement dwelling, and receives
10 all payments to which he or she *is* entitled.

11 (3) The eligible applicant has failed to trace or locate the eligible
12 displaced person after making all reasonable efforts to do so.

13 (4) An eligible displaced person from his or her dwelling refuses,
14 in writing, reasonable offers of assistance, ~~payments payments~~,
15 and comparable replacement housing.

16 (h) An eligible applicant shall not evict an eligible displaced
17 person from property, except as a last resort. If an eligible displaced
18 person is evicted as a last resort pursuant to this subdivision, that
19 eviction in no way affects the eligibility of that person for
20 relocation payments.

21 65918.9. An eligible applicant ~~that receives a transit-rich~~
22 ~~housing bonus~~ shall make relocation payments to or on behalf of
23 eligible displaced persons that otherwise meets all basic eligibility
24 conditions set out in Section 65918.8, for all actual reasonable
25 expenses incurred for moving and related expenses to move
26 themselves, their family, and their personal property, and for
27 relocation benefits. In all cases, the amount of payment shall not
28 exceed the reasonable cost of accomplishing the activity in
29 connection with a claim that has been filed. ~~In making payments~~
30 ~~Payments made under this section, the eligible applicant shall~~
31 ~~comply with section shall be subject to~~ all of the following:

32 (a) For purposes of this section, “moving and related expenses”
33 include all of the following:

34 (1) Transportation of persons and property, not to exceed a
35 distance of 50 miles from the site from which they were displaced,
36 except where relocation beyond 50 miles is justified.

37 (2) Packing, crating, ~~unpacking~~ *unpacking*, and uncrating
38 personal property.

39 (3) Storage of personal property, for a period not to exceed 12
40 months.

1 (4) Insurance of personal property while in storage or transit.

2 (5) The reasonable replacement value of property lost, ~~stolen~~
3 *stolen*, or damaged (not through the fault or negligence of the
4 displaced person, his agent, or employee) in the process of moving,
5 where insurance covering such loss, ~~theft~~ *theft*, or damage is not
6 reasonably available. A claim for payment hereunder shall be
7 supported by written evidence of loss which may include
8 appraisals, certified prices, bills of sale, receipts, canceled checks,
9 copies of advertisements, offers to sell, auction records, and other
10 records appropriate to support the claim.

11 (b) An eligible applicant may pay an eligible displaced person
12 for their anticipated moving expenses in advance of the actual
13 move. An eligible applicant shall provide advance payment as
14 described in this subdivision whenever later payment would result
15 in financial hardship to the eligible displaced person. In
16 determining financial hardship for purposes of this subdivision,
17 particular consideration shall be given to the financial limitations
18 and difficulties experienced by low and moderate income persons.

19 (c) This section does not preclude an eligible applicant from
20 relying upon other reasonable means of relocating an eligible
21 displaced person, including contracting to have that eligible
22 displaced person moved to satisfy the requirements of this section,
23 and arranging for assignment of moving expense payments by
24 eligible displaced persons.

25 (d) An eligible displaced person who elects to self-move may
26 submit a claim for their moving and related expenses to the eligible
27 applicant in an amount not to exceed an acceptable low bid or an
28 amount acceptable to the displacing entity. An eligible displaced
29 person is not required to provide documentation of moving
30 expenses actually incurred.

31 (e) Except in cases of a displaced person conducting a self-move
32 as provided in subdivision (d) above, an eligible displaced person
33 who submits a claim for relocation payments under this section
34 shall include a bill or other evidence of expenses incurred. An
35 eligible applicant may enter into a written arrangement with the
36 eligible displaced person and the mover so that the eligible
37 displaced person may present to the eligible applicant an unpaid
38 moving bill, and the eligible applicant can then pay the mover
39 directly for any moving expenses incurred.

1 (f) For purposes of this section, “relocation benefits” means a
2 payment of an amount necessary to enable that person to lease or
3 rent a replacement dwelling for a period not to exceed 42 months,
4 as follows:

5 (1) The amount of payment necessary to lease or rent a
6 comparable replacement dwelling shall be computed by subtracting
7 42 times the base monthly rental of the displaced person, from 42
8 times the monthly rental for a comparable replacement dwelling,
9 provided, that in no case may ~~such~~ that amount exceed the
10 difference between 42 times the base monthly rental as determined
11 in accordance with this subdivision and 42 times the monthly rental
12 actually required for the replacement dwelling occupied by the
13 eligible displaced person.

14 (2) The base monthly rental shall be the lesser of the average
15 monthly rental paid by the eligible displaced person for the
16 three-month period before the eligible applicant submitted the
17 relocation benefits and assistance plan pursuant to subdivision (d)
18 of Section 65918.8, or 30 percent of the eligible displaced person’s
19 average monthly income.

20 (3) A dependent who is residing separate and apart from the
21 person or family providing support, whether that residence is
22 permanent or temporary shall be entitled to payment under this
23 section, but that payment shall be limited to the period during
24 which the displaced dependent resides in the replacement dwelling.
25 At the time the displaced dependent vacates that dwelling, no
26 further payment under this section shall be made to that person.

27 (4) Except where specifically provided otherwise, the eligible
28 applicant may disburse payments for relocation benefits under this
29 section in a lump sum, monthly or at other intervals acceptable to
30 the displaced person.

31 (g) Upon request by an eligible displaced person who has not
32 yet purchased and occupied a replacement dwelling, but who is
33 otherwise eligible for a replacement housing payment, the eligible
34 applicant shall certify to any interested party, financial institution,
35 or lending agency, that the eligible displaced person will be eligible
36 for the payment of a specific sum if they purchase and occupy a
37 dwelling within the time limits prescribed.

38 65918.10. (a) ~~§~~ *This chapter, except for the requirements of*
39 *this section, shall become operative on January 1, 2021. It is the*
40 *intent of the Legislature in delaying the operative date of this act*

1 *to provide an opportunity for local governments to conduct studies*
2 *and to adopt or update any ordinances as necessary, provided*
3 *those ordinances do not eliminate residential zoning designations*
4 *or decrease residential zoning development capacity within an*
5 *existing zoning district.*

6 *(b) A local government, no later than July 1, 2020, may apply*
7 *to the Department of Housing and Community Development, in a*
8 *form and manner prescribed by the department, for a one-time*
9 *one-year extension to delay the operation of this chapter until*
10 *January 1, 2022, with respect to any parcels located within the*
11 *jurisdictional boundaries of that local government. The department*
12 *shall review any application so submitted and shall grant the*
13 *application if the department finds that the local government has*
14 *made significant progress towards conducting studies and adopting*
15 *or updating necessary ordinances as required by subdivision (a),*
16 *and that delaying the operative effect of this bill for that local*
17 *government is necessary to give the local government time to*
18 *complete those tasks. The department shall provide the local*
19 *government with a statement in writing of the final decision on the*
20 *application along with the reasoning for that decision. If the*
21 *department grants an application to delay the operative date of*
22 *this chapter for a particular local government pursuant to this*
23 *subdivision, the department shall post that decision on its Internet*
24 *Web site.*

25 *(c) If, on or after January 1, 2018, a local government adopts*
26 *an ordinance that eliminates residential zoning designations or*
27 *decreases residential zoning development capacity within an*
28 *existing zoning district in which the development is located than*
29 *what was authorized on January 1, 2018, then that development*
30 *shall be deemed to be consistent with any applicable requirement*
31 *of this chapter if it complies with zoning designations that were*
32 *authorized as of January 1, 2018.*

33 ~~*(b) The Department of Housing and Community Development*~~
34 ~~*may, at any time, review any new or revised zoning or design*~~
35 ~~*standards after the operative date of the act adding this section to*~~
36 ~~*determine if those local standards are consistent with the*~~
37 ~~*requirements of this section. If the department determines that*~~
38 ~~*those standards are inconsistent, the department shall issue, in a*~~
39 ~~*form and manner provided by the department, a finding of*~~

1 ~~inconsistency, and those standards shall be rendered invalid and~~
2 ~~unenforceable as of the date that finding is issued.~~

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

O