



AGENDA

January 27, 2022 at 10:30 AM

As set forth in Orange County Council of Governments Bylaws and Joint Powers Agreement - the Orange County Council of Governments is a voluntary agency established to serve as a sub- regional organization to the Southern California Association of Governments representing Orange County on mandated and non-mandated regional planning activities, to provide a vehicle for Members to engage cooperatively on such activities, and to conduct studies and projects designed to improve and coordinate common governmental responsibilities and services on an area-wide and regional basis.

This meeting is being held in accordance with the Brown Act as currently in effect and will take place in accordance with Government Code section 54953(e) et seq. (AB 361), which allows attendance by the OCCOG Board of Directors, OCCOG staff/consultants, and the public to participate and conduct the meeting by teleconference, videoconference, or both. Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the OCCOG Board, are invited to call in using the teleconference information stated below or, alternatively, may submit electronic written comments to kathryn@occog.com. If you do not have access to email, you may also call the Board Clerk at (949) 357-3342 before 9:00 a.m. on January 27, 2022, to submit your comments over the phone.

If you would like to participate and speak via the teleconference, please use the following link:

Join Zoom Meeting

<https://us06web.zoom.us/j/86744482972?pwd=NXRkRUc5K0FIU0xtZ0NXZ2ZORHBqUT09>

Meeting ID: 867 4448 2972

Passcode: 396853, One tap mobile:

+16699006833,,86744482972# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 867 4448 2972

Find your local number: <https://us06web.zoom.us/j/86744482972?pwd=NXRkRUc5K0FIU0xtZ0NXZ2ZORHBqUT09>

In compliance with the Americans with Disabilities Act, if you require a reasonable accommodation to participate in this meeting, please contact the Board Clerk at (949) 357-3342 at least 48 hours prior to the advertised starting time of the meeting. Any documents produced by the Board and distributed to a majority of the Board regarding any item on this agenda will be posted on the Board's website at <https://www.occog.com/>. For all other questions, please call the Board Clerk at (949) 357-3342.



AGENDA

January 27, 2022 at 10:30 AM

Zoom Format Only

1 (669) 900-6833 Meeting ID Number: 867 4448 2972

Password: 396853 - 10:30 a.m. to 12:30 p.m.

Board Members (Voting)

District 19 Chairman Trevor O'Neil

District 13 Vice Chair Wendy Bucknum

District 12 Fred Minagar

District 14 Tammy Kim

District 15 Diane Dixon

District 16 Phil Bacerra

District 17 Letitia Clark

District 18 Kim Nguyen

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

District 64 Mike Posey

County of Orange SCAG Representative Donald Wagner

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mike Scheafer

Orange County Sanitary District (OCSD) David Shawver

Orange County Transportation Authority (OCTA) Brian Goodell

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Transportation Corridor Agency (TCA) Scott Voigts

Ex-Officio Members (Non-Voting)

Anaheim Resort Transportation (ART) (Ex-Officio) Diana Kotler

Association of California Cities, Orange County (ACC-OC) (Ex-Officio) Bruce Channing

Business Community (OCBC) (Ex-Officio) Jennifer Ward

Caltrans District 12 Ryan Chamberlain

League of California Cities, Orange County, (LOCC-OC) (Ex-Officio) Tony Cardenas

Orange Co. Local Agency Formation Commission (OC-LAFCO) (Ex-Officio) Carolyn Emery

Non-Profit Housing Community (Ex-Officio) Helen O'Sullivan

Private Sector (Ex-Officio) Adam Wood

University Community (Ex-Officio) Amanda Hughes

Vacant

County-at-Large

Health Care/Hospital Industry



Agenda Descriptions

The agenda descriptions are intended to provide members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action deemed to be appropriate and is not limited by the notice of the recommended action.

Public Comments on Agenda Items

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker Card and submitting it to the Clerk of the Board. Speakers will be recognized by the Chair at the time the agenda item is considered. A speaker's comments shall be limited to three minutes.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.occog.com

Accessibility

Any person with a disability requiring a modification or accommodation in order to participate in this meeting should contact the Clerk of the Board at (949) 357-3342, no less than three business days prior to this meeting to enable the Orange County Council of Governments to make reasonable arrangements to assure accessibility to this meeting.

Call to Order

Roll Call

Pledge of Allegiance

Public Comments

Members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors; however, action may not be taken on matters that are not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per speaker, unless different time limits are set by the Chairman, subject to the approval of the Board of Directors.



- 1. Approve AB 361 Resolution**
Fred Galante, General Counsel

Recommended Action: *Approve AB 361 Resolution.*

OCCOG Leadership Reports

- 2. Chair's Report**
Trevor O'Neil, OCCOG Chair
- 3. Executive Director's Report**
Marnie O'Brien Primmer, Executive Director

Announcement of Closed Session

Fred Galante, General Counsel

Recess to Closed Session

Chair O'Neil will recess the OCCOG Regular Meeting to the Closed Session. Closed Session attendees have been provided the Zoom link for the meeting. Following the Closed Session, the Regular Meeting will readjourn for the purpose of announcing any action taken at the Closed Session and follow the remainder of the agenda.

Closed Session

- 4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** The OCCOG Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(d)(1):

Orange County Council of Governments v. Gustavo Velasquez, Calif. Dept. of Housing and Community Development
(Los Angeles Superior Court, Case No. 21STCP01970)

Return to Regular Meeting

Chair O'Neil

Report from Closed Session

Attorney Galante

Consent Calendar (Item Nos. 5 - 7)

All matters listed under the Consent Calendar are routine and will be enacted by one vote without separate discussion unless Members of the Board, the public, or staff request specific items be removed for separate action or discussion.



AGENDA

January 27, 2022 at 10:30 AM

5. Approval of Meeting Minutes for December 6, 2021, Regular Meeting

Kathryn Morrison, OCCOG Clerk of the Board

Recommended Action: *Receive and file the minutes as amended or presented.*

6. OCCOG Financial Reports for December of 2021

John Hanson, OCCOG Treasurer

Recommended Action: *Approve the OCCOG Financial Reports for December of 2021.*

7. Amendment #2: MOU Agreement with CSU Fullerton for FY 2022-23 Professional Services: Center for Demographic Research (CDR)

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Direct Executive Director to sign Amendment #2 to the CDR Memorandum of Understanding Agreement C-0-2348 for FY 2022/23.*

Action Items

8. RFQ #0002-22 Staff Augmentation Services for Regional Early Action Planning (REAP) Grant Subregional Partners Program, Supporting OCCOG Housing Production Planning Activities

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Direct the OCCOG Executive Director to release RFQ #0002-22 for Staff Augmentation Services Supporting OCCOG's Housing Production Planning Activities under the REAP Grant Subregional Partners program.*

9. Fiscal Year 2020-2021 Audit Results

John Hanson, OCCOG Treasurer

Recommended Action: *Approve Audit*

10. Orange County Projections 2022 Control Totals

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve the 2022 Orange County Projections County control totals.*

11. Discussion of Community Planning Voter Initiative

Wendy Strack, Legislative Consultant

Recommended Action: *Consider taking a position on the Community Planning Voter Initiative.*



12. Consideration of Correspondence to California Department of Housing and Community Development (HCD) Regarding the Consequences of AB 1398 for the SCAG Region

Marnie O. Primmer, OCCOG Executive Director and Justin Aquina, OCCOG TAC Chair

Recommended Action: *Approve Letter to Housing and Community Development Regarding Failure to Certify Housing Elements before February 11, 2022, Deadline Set Forth by AB 1398 and Direct Executive Director to transmit the letter to HCD.*

13. Consideration of Potential SCAG Bylaws Amendments to be Proposed by OCCOG for 2022 Bylaws Amendment Cycle

Marnie O. Primmer, OCCOG Executive Director and Kris Murray, KLM Strategies

Recommended Action: *Provide direction to staff on offering amendments to the SCAG bylaws by the February 4, 2022 deadline for consideration at the SCAG Bylaws Committee.*

Discussion Items

14. Legislative Update

Wendy Strack, OCCOG Legislative Consultant

Recommended Action: *Receive and file Legislative Update.*

Presentations

15. Presentation from California Housing Finance Agency

Molly Ellis, Training and Outreach Manager - Single Family

Recommended Action: *Receive and file.*

Brief Reports

This section is set aside for brief reports or presentations from listed agencies. Speakers are requested to keep their comments brief. Any speaker wishing to provide a more detailed discussion should request the discussion be placed on the agenda at a future meeting.



AGENDA

January 27, 2022 at 10:30 AM

- **OCCOG Technical Advisory Committee**
Nate Farnsworth, Technical Advisory Committee Chair
- **Southern California Association of Governments**
Jonathan Hughes, Regional Affairs Officer, SCAG
- **South Coast Air Quality Management District**
Carlos Rodriquez, OCCOG Director; Debra Ashby, Senior Public Information Specialist SCAQMD;
Link to January/February edition of SCAQMD Advisor Newsletter:
<http://www.aqmd.gov/home/research/publications/advisor-archive/current-edition>
- **Board Member Reports**
- **Member Agency Reports**
- **Staff Member Report**

Future Agenda Items

Adjournment of Regular Meeting

The next OCCOG Regular Meeting will be on February 24, 2022, at a place to be determined, pending state and local public health orders in force at the time of the meeting.



AGENDA ITEM # 1

Resolution authorizing the use of remote teleconference meetings by the Board

STAFF RECOMMENDATION

Adopt Resolution No. 00021-04 authorizing the use of remote teleconference meetings by the OCCOG Board, as authorized by Government Code Section 54953(e) et seq., for the initial period of January 27, 2022 through February 26, 2022.

SUMMARY

On March 4, 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus, including modification of certain requirements created by the Ralph M. Brown Act (Brown Act), the state's local agency public meetings law. The orders waived several requirements, including provisions in the Brown Act requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.

At this time, due to a variety of factors related to the circumstances of the State of Emergency, including the highly contagious Delta variant, the anticipated number of attendees, the likely inability to socially distance, it is recommended that the OCCOG Board meetings be conducted by the remote teleconference meeting requirements as authorized by Government Code section 54953(e), as meeting in person would present an imminent risk to the health or safety of meeting attendees due to the aforementioned reasons.

Approval of this item finds that, as a consequence of the State of Emergency, the OCCOG Board meetings shall be conducted by the remote teleconference meeting requirements as authorized by Government Code section 54953(e) et seq. and will allow for observation and participation by the Board Members and the public via Zoom teleconferencing and phone access.

If approved, this authorization will remain valid for 30 days and per Government Code section 54953(e), and will need to be revisited every 30 days thereafter.

ATTACHMENTS

- OCCOG Board of Directors Resolution 00021-04



Orange County Council of Governments

STAFF REPORT January 27, 2021

STAFF CONTACT

Fred Galante
OCCOG General Counsel
(949)250-5410
fgalante@awattorneys.com

RESOLUTION NO. 00021-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS ACKNOWLEDGING THE GOVERNOR'S STATE OF EMERGENCY DECLARATION AND AUTHORIZING THE USE OF REMOTE TELECONFERENCE MEETING PROCEDURES BY THE BOARD OF DIRECTORS, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54953(E) ET SEQ., FOR THE INITIAL PERIOD OF JANUARY 27, 2022 THROUGH FEBRUARY 26, 2022

RECITALS

WHEREAS, the Orange County Council of Governments (OCCOG) is committed to preserving and nurturing public access, transparency, observation and participation in meetings of the OCCOG Board; and

WHEREAS, all meetings of the OCCOG Board are open and public, as required by the Ralph M. Brown Act, codified in Government Code sections 54950 *et seq.*, so that any member of the public may attend, participate, and observe the OCCOG Board and conduct its business; and

WHEREAS, the Brown Act, as amended by Assembly Bill 361 (2021), codified in Government Code sections 54953(e) *et seq.*, allows for remote teleconferencing observation and participation in meetings by members of a legislative body and members of the public, without compliance with the requirements of Government Code section 54953(b)(3) regarding teleconferencing, subject to the existence of certain conditions; and

WHEREAS, the initial required condition is that a state of emergency is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the OCCOG, caused by conditions as described in Government Code section 8558; and

WHEREAS, on March 4, 2020, pursuant to Government Code Section 8625, Governor Newsom declared the existence of a state of emergency for the State of California, in response to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, Government Code section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing; or, the legislative body of the OCCOG finds that meeting in person would present imminent risk to the health and safety of attendees; and

WHEREAS, the OCCOG Board hereby acknowledges that such emergency conditions now exist in the OCCOG, such that meeting in person for the meetings of the OCCOG Board would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance; and

WHEREAS, the OCCOG Board hereby finds that due to the ongoing State of Emergency and the public health threat posed by COVID-19, the Board seeks to make findings, as required by Assembly Bill 361, that as a result of the COVID-19 State of Emergency, the highly contagious

Delta variant, the anticipated number of attendees, the likely inability to socially distance, and due to the unique characteristics of the size and capacity of its meeting location, meeting in person would present an imminent risk to the health or safety of meeting attendees; and

WHEREAS, the circumstances of the State of Emergency continue to directly impact the ability of the members of the legislative body and members of the public to meet safely in person at the meeting facilities utilized by the OCCOG; and

WHEREAS, the OCCOG Board hereby finds that, as a consequence of the State of Emergency, the OCCOG Board shall conduct its meetings without compliance with Government Code section 54953(b)(3), and shall instead comply with the remote teleconference meeting requirements as authorized by Government Code section 54953(e) *et seq.*; and

WHEREAS, the OCCOG Board affirms that it will allow for observation and participation by Board Members and the public via Zoom teleconferencing and phone access in an effort to protect the constitutional and statutory rights of all attendees.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The OCCOG Board hereby recognizes and acknowledges the existence and conditions of the State of Emergency as proclaimed by the Governor.

Section 3. Before the State of Emergency, the OCCOG Board met at a facility in the City of Irvine at which approximately 40-60 people would regularly attend, and periodically filling the meeting room and thereby limiting the ability of attendees to socially distance.

Section 4. As a result of the March 4, 2020, State of Emergency, and the highly contagious Delta variant, meeting in person at the meeting facilities of the OCCOG would present an imminent risk to the health or safety of attendees due to the unique characteristics of the size and capacity of its meeting location, the anticipated number of attendees, and the likely inability to socially distance.

Section 5. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, for all OCCOG Board meetings.

Section 6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 26, 2022, or such time the OCCOG Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the OCCOG Board may continue to teleconference without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*.

ADOPTED, SIGNED AND APPROVED this 27th day of January, 2022.

Chair

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

Fred Galante, General Counsel



Call to Order

Chair O'Neil called the Regular Meeting of the Orange County Council of Governments to order at 10:30 a.m. on Monday, December 6, 2021, via Zoom; at (669) 900 6833, Meeting ID Number: 890 4528 3818

Board Members Present

District 19 Chairman Trevor O'Neil

District 13 Vice Chair Wendy Bucknum

District 15 Diane Dixon

District 16 Phil Bacerra

District 17 Letitia Clark

District 18 Kim Nguyen

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

District 64 Mike Posey

Cities-at-Large Rose Espinoza

County of Orange SCAG Representative Donald Wagner

Independent Special Districts of Orange County (ISDOC) Mike Schaefer

Orange County Sanitary District (OCSD) David Shawver

Orange County Transportation Authority (OCTA) Brian Goodell

Transportation Corridor Agency (TCA) Scott Voigts

Caltrans District 12 (Ex-Officio) Monica Benavides on behalf of Ryan Chamberlain

Anaheim Resort Transportation (ART) (Ex-Officio) Diana Kotler

Private Sector (Ex-Officio) Adam Wood

Board Members Absent

District 12 Fred Minagar

District 14 Michael Carroll

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Business Community (OCBC) (Ex-Officio) Jennifer Ward

Association of California Cities, Orange County (ACC-OC) (Ex-Officio) Bruce Channing

Non-Profit Housing Community (Ex-Officio) Helen O'Sullivan

League of California Cities, Orange County, (LOCC-OC) (Ex-Officio) Tony Cardenas

Orange Co. Local Agency Formation Commission (OC-LAFCO) (Ex-Officio) Carolyn Emery

University Community (Ex-Officio) Amanda Walsh



Staff Present

Marnie O'Brien Primmer, Executive Director
Fred Galante, General Counsel
Wendy Strack, OCCOG Legislative Consultant
Lisa Telles, Consultant
Kathryn Morrison, Clerk of the Board

Others Present

Debra Ashby, Sr. Public Info Spec., SCAQMD
Deborah Diep, Center for Demographic Research Director
Gail Shiimoto-Lohr, City of Mission Viejo
Jonathan Hughes, SCAG Public Affairs Officer
District 22 Ward Smith (Alternate)

Pledge of Allegiance led by Director Ward Smith (Alternate)

Public Comments None

Directors Present

Trevor O'Neil (Chair), Wendy Bucknum (Vice-Chair), Diane Dixon, Letitia Clark, Kim Nguyen, Joe Kalmick, Art Brown, Marty Simonoff, Mike Posey, Phil Bacerra, Rose Espinoza, Mike Schaefer, Mark Monin, David Shawver, Brian Goodell, Don Wagner, Scott Voigts

Directors Absent

Carlos Rodriguez, Fred Minagar, Michael Carroll

Board Vacancies

Health Care/Hospital Industry (Ex-Officio)

Staff Present

Executive Director Marnie O'Brien Primmer, Attorney Fred Galante, TAC Vice Chair Justin Equina, Consultant Kristine Murray, Consultant Wendy Strack, Board Clerk Kathryn Morrison

- 1. Approve AB 361 Resolution**
Fred Galante, General Counsel

Recommended Action: *Approve AB 361 Resolution.*

It was moved by Director Posey and seconded by Director Simonoff to approve AB 361 Resolution. Said motion was carried by the following vote:

AYES: (16) BACERRA, BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, SHAWVER, SIMONOFF, WAGNER, VOIGTS



NOES: (0)

ABSTAINING: (0)

ABSENT: (3) CARROLL, MINAGAR, RODRIGUEZ

Announcement of Closed Session

Fred Galante, General Counsel recommended the Board recess into closed session to confer with Counsel on the one item of existing litigation, Orange County Council of Governments v. Gustavo Velasquez, Calif. Dept. of Housing and Community Development, as described in the agenda

Recess to Closed Session

Chair O'Neil will recess the OCCOG Regular Meeting to the Closed Session. Closed Session attendees have been provided the Zoom link for the meeting. Following the Closed Session, the Regular Meeting will readjourn for the purpose of announcing any action taken at the Closed Session and follow the remainder of the agenda.

Closed Session

- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** The OCCOG Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(d)(1):

Orange County Council of Governments v. Gustavo Velasquez, Calif. Dept. of Housing & Community Development (Los Angeles Superior Court, Case No. 21STCP01970)

Return to Regular Meeting

Chair O'Neil recessed the Closed Session at 11:23 am and reconvened the Regular Meeting at 11:27 am, with the Directors remaining in attendance.

Report following Closed Session

General Counsel Fred Galante announced that the Board received an update to the status of the existing litigation matter, entitled OCCOG v. Gustavo Velasquez, in his official capacity, and the CA Department of Housing and Community Development, and that no further reportable action was taken.

Consent Calendar (Item Nos. 3 - 5)

All matters listed under the Consent Calendar are routine and will be enacted by one vote without separate discussion unless Members of the Board, the public, or staff request specific items be removed for separate action or discussion.

- 3. Approval of Meeting Minutes for October 28, 2021, Regular Meeting**
Kathryn Morrison, OCCOG Clerk of the Board

Recommended Action: Receive and file the minutes as amended or presented.

- 4. OCCOG Financial Reports for October/November of 2021**
John Hanson, OCCOG Treasurer



Recommended Action: *Approve the OCCOG Financial Reports for October/November of 2021*

5. Legislative Update

Wendy Strack, OCCOG Legislative Consultant

Recommended Action: *Receive and file Legislative Update.*

It was moved by Director Simonoff and seconded by Director Posey to approve consent calendar items 3-5. Said motion was carried by the following vote:

AYES: (16) BACERRA, BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (1) POSEY (Minutes)

ABSENT: (3) CARROLL, MINAGAR, RODRIGUEZ

OCCOG Leadership Reports

6. Chair Report

Trevor O'Neil, OCCOG Chair

Chair O'Neil gave a brief report thanking board members for joining on this special date, especially with the many holiday events and meetings around the holiday season.

7. Executive Director Report

Marnie O'Brien Primmer, Executive Director

Executive Director, Marnie Primmer gave a report regarding the success of the 2021 General Assembly. The content provided was timely and resourceful to all attendees. OCCOG has received positive feedback at the December 6, board meeting and will discuss the bylaws committee that currently working on updates and will bring forth in the Spring. A draft strategic plan is in the works and final approval will be presented at the June 2022 board meeting, along with the budget and work plan and discuss the status of REAP. OCCOG continues to stay busy behind the scenes.



Action Items

8. Approve Resolution #00021-04 – OCCOG Opposes Southern California Association of Governments (SCAG) Greenprint

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve Resolution #00021-04*

The board directed at our October 2021 meeting to return with a draft resolution, we have been working with the TAC, members of the leadership team, and OCCOG staff to create a sound resolution that is constructive and communicates the concerns as well as the process. OCCOG wants to ensure from a resolution standpoint that we are asking for inclusion and a task force that gets set up. The TAC would be the body providing input at the staff level and oversight, as they are developing the Greenprint. We want to ensure whatever the final form, that people will use it as a planning tool and find it to be helpful, accurate, up to date, and relevant.

It was moved by Director Shawver and seconded by Director Posey to approve resolution #00021-04 as presented. Said motion was carried by the following vote:

AYES: (16) BACERRA, BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) CARROLL, MINAGAR, RODRIGUEZ

9. Approve Memorandum of Understanding with Ventura County Council of Governments and Gateway Cities Council of Governments for sub-regional partners Regional Early Action Planning (REAP) Grant ADU-related project and authorize release of RFP

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Authorize the Executive Director to enter into a Memorandum of Understanding (MOU) with VCOG and GCCOG for the procurement and execution of the specified ADU-related REAP Project Scope of Work. OCCOG's contribution to this joint project shall not exceed \$125,000. Authorize the Executive Director and/or General Counsel to modify the MOU as to non-material changes that may be needed during the finalization of the MOU. Authorize the release of an RFP for service related to this Scope of Work once the MOU has been approved and signed by all parties.*

Executive Director, Marnie Primmer gave a REAP update stating that, at the last meeting, the Board was presented with a proposed joint project with the COG's and brought forward terms of the MOU. The OCCOG Board will be the first board to approve it. The bottom line



for the MOU, this is a part of the housing production focused on ADU support and work with the other jurisdictions and looking at it as a way to combine efforts and have more of a streamline process and less duplication of efforts. Project will include an ADU How to Toolkit, housing videos, including a marketplace for vendors that are in the ADU space both in terms of design construction and financing. This will be the resource for help and support. Vendors will have a database, be able to enter their address and see what plans and specs are available in the permitting process and code enforcement. Lots of outreach will be performed to the planning departments, working on developing model ordinance for other housing related topics, like hotel conversions. There will be outreach to our individual jurisdictions and will need to address folks that have existing ADU's and bring them into to compliance.

It was moved by Vice Chair Bucknum and seconded by Director Kalmick to authorize the release of an RFP for service related to this Scope of Work once the MOU has been approved and signed by all parties.

AYES: (16) BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, RODRIGUEZ, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) CARROLL, MINAGAR, RODRIGUEZ

Discussion Items

- 10. Status Report for Special Project: Evaluation of Regional Governance Model(s).**
Marnie Primmer, OCCOG Executive Director and Kris Murray, KLM Strategies,
OCCOG Consultant

Recommended Action: *Receive and file.*

Taking a diplomatic approach on this process and provided a summation that Kris developed and shared with the board. Plan to return in Feb/March time frame with a final report in June. The report that was provided today was a check in on what the stakeholders meeting have been to date. Focus on approving local control and greater level of governing parity within the SCAG region. Have the list of the individuals that have been met with. We have left the door open with the members they have met with and will continue to follow up.



Presentations

11. Presentation from SCAQMD

South Coast AQMD Governing Board Member, Carlos Rodriguez and Dr. Sarah Rees, Deputy Executive Officer, Planning, Rule Development & Area Sources

Dr. Sarah Rees gave an overview of the MATES-5 study finalized in August evaluates, the breath and risks. This is the fifth iteration of this study; this is based on 2018 data. There are ten fixed monitoring sights that evaluate over 100 pollutants and have an updated missions' inventory and do air quality modeling and what that looks like to do health risks like cancer and non-cancer risks. MATES-4 in 2012 declined by 50%. Diesel particular matter is the number one carcinogen, heavy duty trucking and it contributes a lot of the cancer risks. Pull together a visualization tool based on our board members and make it more accessible to the public. Click on the area where you live, and you can see what kinds of things you are being exposed to and what SCAQMD is doing to help resolve it.

Brief Reports

This section is set aside for brief reports or presentations from listed agencies. Speakers are requested to keep their comments brief. Any speaker wishing to provide a more detailed discussion should request the discussion be placed on the agenda at a future meeting.

- **OCCOG Technical Advisory Committee**

Nate Farnsworth, Technical Advisory Committee TAC Chair, will report at the next meeting.

- **Southern California Association of Governments**

Jonathan Hughes, Regional Affairs Officer, SCAG gave an update, SCAG was a prosperity sponsor for the General Assembly. Economic summit had about 400 attendees. Will resume the 1st Thursdays for the SCAG meetings.

- **South Coast Air Quality Management District**

Debra Ashby, Senior Public Information Specialist SCAQMD; Link to Oct/Nov/Dec edition of SCAQMD Advisor Newsletter:

<http://www.aqmd.gov/home/research/publications/advisor-archive/current-edition>

Debra Ashby gave a brief update, recommended members to download the AQMD app, which will help members see different things happening within AQMD.



MINUTES

Monday, December 6, 2021 | 10:30a.m.

- **Board Member Reports**
No Reports
- **Member Agency Reports**
No Reports
- **Staff Member Reports**
No Reports

Future Agenda Items

Adjournment of Regular Meeting – 12:01 PM

The next OCCOG Regular Meeting will be on January 27, 2022, at a place to be determined, pending state and local public health orders in force at the time of the meeting.



AGENDA ITEM # 6

OCCOG December 2021 Financial Report

STAFF RECOMMENDATION

Approve Financial Report

SUMMARY

OCCOG financial information is provided for Board review.

As of December 31, 2021, OCCOG had combined cash and investments of \$394,787.96 consisting of the following: a bank balance of \$247,433.61 at Citizens Business Bank outstanding checks in the amount of \$210,766.52 and an investment balance at the State Local Agency Investment Fund of \$358,120.87.

ATTACHMENTS

- A. OCCOG Fiscal Year 2021-22 Cash and Investments
- B. Citizens Business Bank Statement as of December 31, 2021
- C. State Local Agency Investment Fund (LAIF) Monthly Statement for December 31, 2021
- E. LAIF Performance Report - Period Ending January 13, 2022, Pooled Money Investment Account (PMIA) Average Monthly Effective Yields – October 2021 – November 2021 – December 2021 and PMIA Portfolio Composition at 12/31/21.
- F. OCCOG Fiscal Year 2021-22 Cash Receipts/Disbursements Report

STAFF CONTACT

John Hanson, CPA
OCCOG Treasure
949-929-0073
jhoccog@gmail.com

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
July					
		Balance Forward		454,998.55	
7/7/2021		Citizens Business Bank	(140.34)	454,858.21	Citizens Business Bank 145,698.92
7/15/2021		Local Agency Investment Fund	332.75	455,190.96	O/S Checks (54,087.09)
7/15/2021	2118	Communications Lab	(2,500.00)	452,690.96	State LAIF 407,872.51
7/19/2021		City of Seal Beach	4,904.68	457,595.64	\$499,484.34
7/19/2021		City of San Juan Capistrano	5,712.70	463,308.34	
7/19/2021		City of Los Alamitos	3,986.60	467,294.94	
7/19/2021		City of Laguna Woods	4,306.59	471,601.53	
7/19/2021		City of Villa Park	3,575.47	475,177.00	
7/22/2021		City of Newport Beach	9,274.33	484,451.33	
7/22/2021		City of Placentia	6,806.29	491,257.62	
7/22/2021		SVA Architects	1,000.00	492,257.62	
7/23/2021		Citizens Business Bank	(20.42)	492,237.20	
7/27/2021		OCTA	9,000.00	501,237.20	
7/27/2021		City of Fountain Valley	7,075.20	508,312.40	
7/27/2021		City of Yorba Linda	7,992.43	516,304.83	
7/27/2021		City of La Habra	7,634.02	523,938.85	
7/27/2021		City of Rancho Santa Margarita	6,593.58	530,532.43	
7/27/2021		City of La Palma	4,264.33	534,796.76	
7/27/2021		City of Laguna Niguel	7,801.91	542,598.67	
7/27/2021		City of Buena Park	8,972.76	551,571.43	
7/27/2021		City of Buena Park	2,000.00	553,571.43	
7/31/2021	2119	Aleshire & Wynder, LLP	(4,376.00)	549,195.43	
7/31/2021	2120	CSU FAS	(27,594.66)	521,600.77	
7/31/2021	2121	VOID	-	521,600.77	
7/31/2021	2122	CALCOG	(2,369.00)	519,231.77	
7/31/2021	2123	Lisa Telles Communications	(2,500.00)	516,731.77	
7/31/2021	2124	John Hanson	(980.20)	515,751.57	
7/31/2021	2125	Kathryn Morrison	(2,659.99)	513,091.58	
7/31/2021	2126	Connected Consulting	(11,107.24)	501,984.34	
7/31/2021	2127	WJS Consulting	(2,500.00)	499,484.34	
August					
8/2/2021		City of Laguna Beach	4,766.10	504,250.44	Citizens Business Bank 354,784.00
8/2/2021		City of Alisa Viejo	6,709.54	510,959.98	O/S Checks (34,107.72)
8/2/2021		City of Dana Point	5,526.88	516,486.86	State LAIF 407,872.51
8/2/2021		City of Tustin	8,857.72	525,344.58	\$728,548.79
8/2/2021		City of Cypress	6,618.33	531,962.91	
8/9/2021		City of Laguna Hills	5,376.35	537,339.26	
8/9/2021		City of San Clemente	7,723.44	545,062.70	
8/9/2021		City of Lake Forest	9,179.92	554,242.62	
8/9/2021		City of Santa Ana	26,739.83	580,982.45	
8/13/2021		City of Garden Grove	15,435.96	596,418.41	
8/13/2021		City of Anaheim	28,311.99	624,730.40	
8/20/2021		City of Stanton	5,981.05	630,711.45	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
8/20/2021		City of Mission Viejo	9,861.53	640,572.98	
8/24/2021		SCAG	125,614.44	766,187.42	
8/31/2021	2128	Aleshire & Wynder LLP	(4,679.40)	761,508.02	
8/31/2021	2129	VOID	-	761,508.02	
8/31/2021	2130	AJ Design	(3,500.00)	758,008.02	
8/31/2021	2131	VOID	-	758,008.02	
8/31/2021	2132	VOID	-	758,008.02	
8/31/2021	2133	AJ Design	(2,000.00)	756,008.02	
8/31/2021	2134	WJS Consulting	(2,500.00)	753,508.02	
8/31/2021	2135	Kathryn Morrison	(2,769.60)	750,738.42	
8/31/2021	2136	Lisa Telles Communications	(2,500.00)	748,238.42	
8/31/2021	2137	Connected Consulting	(11,114.75)	737,123.67	
8/31/2021	2138	KLM	(7,500.00)	729,623.67	
8/31/2021	2139	John Hanson	(1,043.97)	728,579.70	
8/31/2021		Citizen Business Bank Fee	(30.91)	728,548.79	
September					
9/2/2021		City of Orange	12,938.18	741,486.97	Citizens Business Bank 393,165.66
9/2/2021		City of Costa Mesa	11,189.10	752,676.07	O/S Checks (32,703.54)
9/15/2021		City of Brea	6,376.88	759,052.95	State LAIF 407,872.51
9/15/2021		EPD	1,000.00	760,052.95	<u>\$768,334.63</u>
9/15/2021		Orange County Busiess Council	1,000.00	761,052.95	
9/28/2021		Building Industry Association	1,000.00	762,052.95	
9/28/2021		City of Irvine	22,485.22	784,538.17	
9/28/2021		SCAQMD	7,500.00	792,038.17	
9/28/2021		TCA	9,000.00	801,038.17	
9/30/2021	2140	Eide Bailly	(7,000.00)	794,038.17	
9/30/2021	2141	AJ Design	(2,000.00)	792,038.17	
9/30/2021	2142	Aleshire & Wynder	(2,041.00)	789,997.17	
9/30/2021	2143	Wavelength Automation	(1,428.00)	788,569.17	
9/30/2021	2144	City of Anaheim	(342.00)	788,227.17	
9/30/2021	2145	Lisa Telles Communications	(2,500.00)	785,727.17	
9/30/2021	2146	John Hanson	(712.37)	785,014.80	
9/30/2021	2147	Connected Consulting	(11,107.24)	773,907.56	
9/30/2021	2148	Kathryn Morrison	(3,072.93)	770,834.63	
9/30/2021	2149	Kris Murray	(2,500.00)	768,334.63	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**




Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
October					
					Citizens Business Bank 63,400.65
10/1/2021	2200	WJS Consulting	(2,500.00)	765,834.63	O/S Checks (48,512.55)
10/8/2021		County of Orange	9,000.00	774,834.63	State LAIF 408,120.87
10/8/2021		City of Huntington Beach	17,171.67	792,006.30	<u>423,008.97</u>
10/15/2021	2201	WSP	(120,189.44)	671,816.86	
10/15/2021	2202	Disneyland Depository	(47,940.60)	623,876.26	
10/15/2021	2203	SCAG	(153,603.10)	470,273.16	
10/20/2021		Neighborhood Housing Services	500.00	470,773.16	
10/20/2021		Arellano Associates	500.00	471,273.16	
10/31/2021	2204	CSUFAS	(27,594.66)	443,678.50	
10/31/2021	2205	Aleshire & Wynder	(709.53)	442,968.97	
10/31/2021	2206	John Hanson	(983.19)	441,985.78	
10/31/2021	2207	WJS Consulting	(2,500.00)	439,485.78	
10/31/2021	2208	Kathryn Morrison	(3,117.93)	436,367.85	
10/31/2021	2209	Lisa Telles Communications	(2,500.00)	433,867.85	
10/31/2021	2210	Connected Consulting	(11,107.24)	422,760.61	
10/31/2021		Local Agency Investment Fund	248.36	423,008.97	
November					
					Citizens Business Bank 72,864.00
11/10/2021		Townsend Public Affairs	500.00	423,508.97	O/S Checks (34,216.90)
11/10/2021		ISDOC	500.00	424,008.97	State LAIF 358,120.87
11/10/2021		Orange County Transit Authority	7,500.00	431,508.97	<u>\$396,767.97</u>
11/15/2021	2211	Aleshire & Wynder	(8,658.77)	422,850.20	
11/17/2021	2212	AJ Design	(4,406.74)	418,443.46	
11/17/2021	2213	AJ Design	(3,500.00)	414,943.46	
11/17/2021	2214	Kathryn Morrison	(1,131.38)	413,812.08	
11/17/2021		The Richman Group	2,500.00	416,312.08	
11/17/2021		City of Westminster	9,672.79	425,984.87	
11/17/2021		Transtech	2,500.00	428,484.87	
11/22/2021	2215	KLM Strategies	(2,500.00)	425,984.87	
11/24/2021		SCAG	2,500.00	428,484.87	
11/30/2021	2216	Eide Bailly LLP	(1,000.00)	427,484.87	
11/30/2021	2217	KLM Strategies	(2,500.00)	424,984.87	
11/30/2021	2218	AJ Design	(2,000.00)	422,984.87	
11/30/2021	2219	John Hanson	(1,052.75)	421,932.12	
11/30/2021	2220	WJS Consulting	(2,500.00)	419,432.12	
11/30/2021	2221	Lisa Telles Communications	(3,225.89)	416,206.23	
11/30/2021	2222	DTN.TECH	(4,919.76)	411,286.47	
11/30/2021	2223	Kathryn Morrison	(3,411.26)	407,875.21	
11/30/2021	2224	Connected Consulting	(11,107.24)	396,767.97	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
December					Citizens Business Bank 247,433.61
12/7/2021		California JPIA	191.84	396,959.81	O/S Checks (210,766.52)
12/9/2021		SCAG	1,000.00	397,959.81	State LAIF 358,120.87
12/22/2021		SCAG	18,763.17	416,722.98	<u>394,787.96</u>
12/22/2021		SCAG	19,342.18	436,065.16	
12/22/2021		SCAG	166,522.81	602,587.97	
12/22/2021		Citizens Business Bank	(33.49)	602,554.48	
12/31/2021		Charter Communications	3,000.00	605,554.48	
12/31/2021	2225	WSP	(14,618.17)	590,936.31	
12/31/2021	2226	AJ Design	(3,500.00)	587,436.31	
12/31/2021	2227	VOID	-	587,436.31	
12/31/2021	2228	WSP	(16,359.29)	571,077.02	
12/31/2021	2229	WSP	(163,321.32)	407,755.70	
12/31/2021	2230	John Hanson	(744.94)	407,010.76	
12/31/2021	2231	Lisa Telles Communications	(2,500.00)	404,510.76	
12/31/2021	2232	WJS Consulting	(2,500.00)	402,010.76	
12/31/2021	2233	AJ Design	(2,000.00)	400,010.76	
12/31/2021	2234	Kathryn Morrison	(2,722.80)	397,287.96	
12/31/2021	2235	Kris Murray at KLM Strategies	(2,500.00)	394,787.96	

ORANGE COUNTY COUNCIL OF GOVERNMENTS
3972 BARRANCA PKWY STE J127
IRVINE CA 92606-1204

Managing Your Accounts

	Phone Number	888.222.5432
	Website	cbbank.com
	Email	customersupport@cbbank.com

Summary of Accounts

Account Type	Account Number	Ending Balance
ANALYZED BUSINESS PLAN GOVERNMENT SRVCS	591004948	\$247,433.61

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591004948

Account Summary

Date	Description	Amount
12/01/2021	Beginning Balance	\$72,864.00
	6 Credit(s) This Period	\$208,820.00
	11 Debit(s) This Period	\$34,250.39
12/31/2021	Ending Balance	\$247,433.61

Deposits

Date	Description	Amount
12/07/2021	DEPOSIT	\$191.84
12/31/2021	DEPOSIT	\$3,000.00
		2 item(s) totaling \$3,191.84

Electronic Credits

Date	Description	Amount
12/09/2021	COX COMMUNICATIO PAYMENTS 11273507	\$1,000.00
12/22/2021	PAYABLES SO CAL ASSOC OF 102	\$18,763.17
12/22/2021	PAYABLES SO CAL ASSOC OF 103	\$19,342.18
12/22/2021	PAYABLES SO CAL ASSOC OF 104	\$166,522.81
		4 item(s) totaling \$205,628.16

Other Debits

Date	Description	Amount
12/22/2021	Account Analysis Fees	\$33.49
		1 item(s) totaling \$33.49

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2215	12/06/2021	\$2,500.00	2219	12/03/2021	\$1,052.75	2223	12/06/2021	\$3,411.26
2216	12/08/2021	\$1,000.00	2220	12/08/2021	\$2,500.00	2224	12/07/2021	\$11,107.24
2217	12/17/2021	\$2,500.00	2221	12/09/2021	\$3,225.89			
2218	12/08/2021	\$2,000.00	2222	12/07/2021	\$4,919.76			

OUTSTANDING CHECKS		INSTRUCTIONS
		<p style="text-align: center;">PLEASE EXAMINE THIS STATEMENT AT ONCE AND IMMEDIATELY NOTIFY THE BANK OF ANY ERRORS.</p> <p style="text-align: center;">ALL ITEMS CREDITED ARE SUBJECT TO FINAL PAYMENT.</p> <ol style="list-style-type: none"> 1. Compare each paid check with your check stub or register and mark as paid. 2. Bank balance shown on front of your statement..... _____ 3. Compare any deposits shown on statement, including bank originated credits, with those entered in your check register. Add any not shown on statement..... _____ 4. Subtotal..... _____ 5. Subtract total of outstanding checks..... _____ 6. Account Balance..... _____ 7. Your check book balance..... _____ 8. Subtract any bank charges including monthly service charge or transfers you have authorized and have been deducted on this statement..... _____ 9. Adjusted check book balance..... _____ <p style="font-size: small; margin-top: 10px;"><i>* Denotes a point at which one or more check serial numbers are unaccounted for this statement period. It may indicate outstanding checks or checks shown on previous statements.</i></p>
No.	Amount	
TOTAL		

STATEMENTS AND IMAGES

Your account statement will include the following information with respect to each check paid against your account during the statement cycle: (1) the check number (2) the amount of the check; and (3) the date of the payment. Copies of checks can be requested by calling customer service at (888) 222-5432. Please refer to our Bank Product and Service Information for applicable fees under Research Requests.

THE FOLLOWING NOTICE CONCERNING ELECTRONIC TRANSFER APPLIES IF YOUR ACCOUNT IS MAINTAINED FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES.

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS CONTACT US AT:

Telephone: (888) 222-5432
 or write us at:
 Citizens Business Bank P O Box 51000, Ontario, CA 91761

Contact us as soon as you can if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or a receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared. If you have a question concerning your statement, please be prepared to:

1. Provide your name and account number (if any).
2. Provide the dollar amount of the suspected error.
3. Describe the error or the transfer you are unsure about and clearly explain why you believe it is an error or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591004948 (continued)

* Indicates skipped check number

10 item(s) totaling \$34,216.90

Daily Balances

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
12/03/2021	\$71,811.25	12/08/2021	\$44,564.83	12/22/2021	\$244,433.61
12/06/2021	\$65,899.99	12/09/2021	\$42,338.94	12/31/2021	\$247,433.61
12/07/2021	\$50,064.83	12/17/2021	\$39,838.94		

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California State Treasurer *Fiona Ma, CPA*



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

January 03, 2022

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

ORANGE COUNTY COUNCIL OF GOVERNMENTS

TREASURER
3972 BARRANCA PKWY
SUITE J127
IRVINE , CA 92606

[Tran Type Definitions](#)

Account Number: 40-30-020

December 2021 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	358,120.87
Total Withdrawal:	0.00	Ending Balance:	358,120.87



PMIA/LAIF Performance Report as of 01/13/22



PMIA Average Monthly Effective Yields⁽¹⁾

Dec	0.212
Nov	0.203
Oct	0.203

Quarterly Performance Quarter Ended 12/31/21

LAIF Apportionment Rate ⁽²⁾ :	0.23
LAIF Earnings Ratio ⁽²⁾ :	0.00000625812849570
LAIF Fair Value Factor ⁽¹⁾ :	0.997439120
PMIA Daily ⁽¹⁾ :	0.22%
PMIA Quarter to Date ⁽¹⁾ :	0.21%
PMIA Average Life ⁽¹⁾ :	340

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 12/31/21 \$181.4 billion

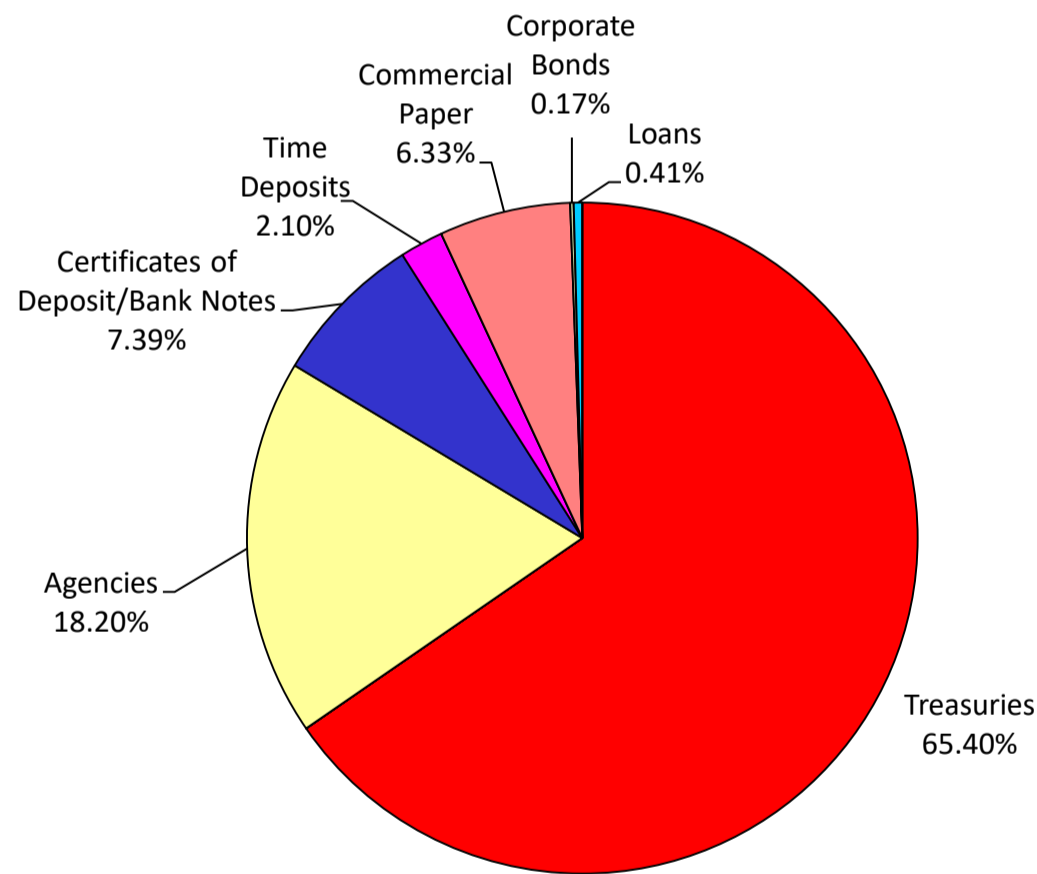


Chart does not include \$6,716,000.00 in mortgages, which equates to 0.001%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller

**Orange County Council of Governments
Cash Receipts/Disbursements Report
For the Quarter ending December 31, 2021**

Cash Receipts

Date	Payer	Description	Amount
10/8/2021	County of Orange	OCCOG Dues	9,000.00
10/8/2021	City of Huntington Beach	OCCOG Dues and Fees	17,171.67
10/20/2021	Neighborhood Housing Services	General Assembly Sponsorship	500.00
10/20/2021	Arellano Associates	General Assembly Sponsorship	500.00
10/31/2021	Local Agency Investment Fund	Local Agency Investment Fund Interest	248.36
11/10/2021	Townsend Public Affairs	General Assembly Sponsorship	500.00
11/10/2021	ISDOC	OCCOG Dues	500.00
11/10/2021	Orange County Transit Authority	OCCOG Dues	7,500.00
11/17/2021	The Richman Group	General Assembly Sponsorship	2,500.00
11/17/2021	City of Westminster	OCCOG Dues and Fees	9,672.79
11/17/2021	Transtech	General Assembly Sponsorship	2,500.00
11/24/2021	SCAG	General Assembly Sponsorship	2,500.00
12/7/2021	California JPIA	Travel Reimbursement	191.84
12/9/2021	SCAG	General Assembly Sponsorship	1,000.00
12/22/2021	SCAG	REAP Grant	18,763.17
12/22/2021	SCAG	REAP Grant	19,342.18
12/22/2021	SCAG	REAP Grant	166,522.81
12/31/2021	Charter Communications	General Assembly Sponsorship	3,000.00
			<u>\$ 261,912.82</u>

Cash Disbursements

Date	Check #	Payee	Description	Amount
10/1/2021	2200	WJS Consulting	Strategy and Advocacy Services September 2021	(2,500.00)
10/15/2021	2201	WSP	REAP Grant Geospatial (SCAG Reimbursement)	(120,189.44)
10/15/2021	2202	Disneyland Depository	Hotel conference for November 2021 General Assembly	(47,940.60)
10/15/2021	2203	SCAG	Remit to SCAG Cycle 1 Data collected by OCCOG	(153,603.10)
10/31/2021	2204	CSUFAS	Cal State Fullerton CDR Fees 1st Quarter	(27,594.66)
10/31/2021	2205	Aleshire & Wynder	Legal September 2021	(709.53)
10/31/2021	2206	John Hanson	Treasurer service October 2021	(983.19)
10/31/2021	2207	WJS Consulting	Strategy and Advocacy Services October 2021	(2,500.00)
10/31/2021	2208	Kathryn Morrison	Administrative Assistant/Clerk October 2021	(3,117.93)
10/31/2021	2209	Lisa Telles Communications	General Assembly, Special Events, REAP October 2021	(2,500.00)
10/31/2021	2210	Connected Consulting	October Executive Director	(11,107.24)
11/15/2021	2211	Aleshire & Wynder	Legal October 2021	(8,658.77)
11/17/2021	2212	AJ Design	Social Media/Web Site September/October 2021	(4,406.74)
11/17/2021	2213	AJ Design	REAP Grant Videography (SCAG Reimbursement)	(3,500.00)
11/17/2021	2214	Kathryn Morrison	General Assembly Florist Reimbursement	(1,131.38)
11/22/2021	2215	KLM Strategies	Government Relations October	(2,500.00)
11/30/2021	2216	Eide Bailly LLP	Audit Fees 2020/21	(1,000.00)
11/30/2021	2217	KLM Strategies	Government Relations November	(2,500.00)
11/30/2021	2218	AJ Design	Social Media/Web Site November 2021	(2,000.00)
11/30/2021	2219	John Hanson	Treasurer service November 2021	(1,052.75)
11/30/2021	2220	WJS Consulting	Strategy and Advocacy Services November 2021	(2,500.00)
11/30/2021	2221	Lisa Telles Communications	General Assembly, Special Events, REAP November 2021	(3,225.89)
11/30/2021	2222	DTN.TECH	General Assembly Media Services	(4,919.76)
11/30/2021	2223	Kathryn Morrison	Administrative Assistant/Clerk November 2021	(3,411.26)
11/30/2021	2224	Connected Consulting	November Executive Director	(11,107.24)
12/22/2021		Citizens Business Bank	Bank Fees	(33.49)
12/31/2021	2225	WSP	REAP Grant Geospatial (SCAG Reimbursement)	(14,618.17)
12/31/2021	2226	AJ Design		(3,500.00)
12/31/2021	2227	VOID		-
12/31/2021	2228	WSP	REAP Grant Geospatial (SCAG Reimbursement)	(16,359.29)
12/31/2021	2229	WSP	REAP Grant Geospatial (SCAG Reimbursement)	(163,321.32)
12/31/2021	2230	John Hanson	Treasurer service December 2021	(744.94)
12/31/2021	2231	Lisa Telles Communications	General Assembly, Special Events, REAP December 2021	(2,500.00)
12/31/2021	2232	WJS Consulting	Strategy and Advocacy Services December 2021	(2,500.00)
12/31/2021	2233	AJ Design	Social Media/Web Site December 2021	(2,000.00)
12/31/2021	2234	Kathryn Morrison	Administrative Assistant/Clerk December 2021	(2,722.80)
12/31/2021	2235	Kris Murray at KLM Strategies	Government Relations December	(2,500.00)
				<u>\$(635,459.49)</u>



AGENDA ITEM # 7

**Amendment #2: MOU Agreement with CSU Fullerton for
FY 2022-23 Professional Services: Center for
Demographic Research (CDR)**

RECOMMENDED ACTION

Direct Executive Director to sign Amendment #2 to the CDR Memorandum of Understanding Agreement C-0-2348 for FY 2020/21-2022/23.

SUMMARY

The Center for Demographic Research (CDR) at California State University, Fullerton (CSUF) develops population, employment, housing, and other demographic projections used by the Orange County Council of Governments (OCCOG), its member agencies, and other local and regional agencies for transportation and other planning activities. The demographic projections are used in the development of the Orange County Projections, which are approved by the OCCOG Board of Directors for transmittal to the Southern California Association of Governments (SCAG) as Orange County's official growth forecast for countywide, area-wide and regional planning purposes, including SCAG's Regional Transportation Plan/Sustainable Communities Strategy.

On April 23, 2020, the OCCOG Board authorized the Executive Director to execute the three-year Memorandum of Understanding Agreement (MOU C-0-2348) between OCCOG and CDR to continue to conduct FY 2020-2023 professional services for demographic services (Attachment B). This item is to inform the OCCOG Board the Executive Director will execute Amendment #1 to the current, three-year MOU C-0-2348, which authorizes the Cal State Fullerton Auxiliary Services Corporation to release funds for CDR to continue to conduct FY2021/22 professional services for demographic services in the second year of the three-year MOU. On January 28, 2021, the OCCOG Board authorized the Executive Director to execute Amendment #1 to continue services for the second of three fiscal years, FY 2021-2022 (Attachment C). Amendment #2 to the MOU Agreement is provided in Attachment A. There are no changes to the budget or work program.

BACKGROUND

Since 1996, the OCCOG (previously in conjunction with the Orange County Division, League of California Cities) and other agencies have jointly funded CDR as sponsors for the preparation of demographic projections for use in various planning activities.



The mechanism for funding and authorizing CDR's work is a Memorandum of Understanding (MOU) that is entered into by CDR and its sponsors. In 2020, the eighth, three-year MOU was executed between CDR and its sponsoring agencies for demographic work and deliverables for the three-year period of FY2020/21 through FY2022/23. This agreement period includes CDR's development of the 2022 Orange County Projections, which will be the Orange County growth forecast dataset transmitted to SCAG for inclusion in the 2024 SCAG Regional Transportation Plan/Sustainable Communities Strategy growth forecast. A copy of the original MOU is provided in Attachment B.

Since CDR was established in 1996, annual fees paid by Orange County jurisdictions to SCAG were delivered back to subregions through SCAG's Overall Work Program (OWP). A portion of OWP dollars were allocated to the OCCOG (previously in conjunction with the Orange County Division, League of California Cities) in support of demographic data development by CDR. This was considered the cities' contribution to CDR. When OWP funding from SCAG was reduced, and then ended in mid-2000s due to SCAG budget constraints, the flow of dollars back to Orange County for demographic and other subregional work was no longer available also ended and cities began directly funding a portion of the CDR sponsorship as supported by the Orange County City Managers Association. These fees are collected annually per the shared use agreement between OCCOG and OCTA through which OCTA agreed to provide the invoicing and collection services for OCCOG dues and CDR fees.

Sponsoring agencies and partners during the current three-year MOU agreement period include the OCCOG, County of Orange, Orange County Transportation Authority (OCTA), Transportation Corridor Agencies, Orange County Sanitation District, Municipal Water District of Orange County, Orange County Water District, Southern California Association of Governments, and the Orange County Local Agency Formation Commission. The MOU agreement period terminates on June 30, 2023.

DISCUSSION

The amendment to the MOU affirms the professional services provided by CDR through FY2022/23. There is no change to the scheduled OCCOG contribution for FY2022/23. The proposed budget for FY2022/23 work is included in Attachment 2 of the MOU Agreement C-0-2348 (Attachment B to this agenda item), and the proposed FY2022/23 services and products are described in Attachment 2 of the MOU Agreement C-0-2348. The amendment language in the MOU Agreement: Amendment #2 has been reviewed and approved by the CDR's Management Oversight Committee, a management-level committee of its sponsor agencies that provides input and direction on CDR's budget and work program.



Integral to the FY2022/23 work is the development of the 2022 Orange County Projections, which includes baseline and projection data that will be used in the development of the Orange County growth forecast for the 2024 SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and OCTA’s development of its next Long-Range Transportation Plan, and coordination with SCAG and Orange County jurisdictions to ensure the Orange County growth forecast is included in the 2024 SCAG RTP/SCS. Execution of the Amendment will provide for the continued professional services needed for the development of Orange County’s growth forecasts for the Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy and the Regional Housing Needs Assessment. Each Orange County city and the County of Orange is directly involved in demographic data development with CDR, and this “bottom up” approach has worked well in addressing demographic issues early in the process and in developing a countywide forecast representative of local input.

It should be noted that all work conducted by CDR is funded solely through the sponsors. The execution of the OCCOG sponsorship of the CDR MOU pertains solely to the funding of the OCCOG seat by Orange County cities. Other OCCOG member agencies that are also sponsors of CDR pay for separate sponsorship fees that are not included in the OCCOG sponsorship seat, such as TCA, OCTA, and the County of Orange. The invoicing and collection of the OCCOG sponsorship seat with the Orange County cities is done in coordination with the annual OCCOG dues invoicing, and all Orange County cities will be advised of their estimated FY2022/23 CDR fees through the Orange County City Managers Association.

ATTACHMENTS

- A. Amendment #2: MOU Agreement with CSU Fullerton for demographic research for FY 2022/23
- B. MOU Agreement No. C-0-2348 with CSU Fullerton and Orange County Sponsors for demographic research for FY 2020/21-2022/23
- C. Amendment #1: MOU Agreement with CSU Fullerton for demographic research for FY 2021/22

STAFF CONTACT

Marnie O’Brien Primmer

(949) 698-2856
OCCOG Executive Director

marnie@occog.com

AMENDMENT No. 2 to Agreement No. C-0-2348
by and between
ORANGE COUNTY INTERESTS
and
CSU FULLERTON AUXILIARY SERVICES CORPORATION
for the
CONTINUED OPERATION OF THE CENTER FOR DEMOGRAPHIC RESEARCH
AT CALIFORNIA STATE UNIVERSITY, FULLERTON

This Amendment is pursuant to Agreement no. C-0-2348 effective July 1, 2020 between the County of Orange; Foothill/Eastern Transportation Corridor Agency and San Joaquin Hills Transportation Corridor Agency (“Transportation Corridor Agencies”); Orange County Sanitation District; Orange County Transportation Authority; Municipal Water District of Orange County; Orange County Water District; Orange County Council of Governments; Southern California Association of Governments; and California State University, Fullerton (“SPONSORS”); the Orange County Local Agency Formation Commission (“CONTRIBUTING PARTNERS”) and the CSU Fullerton Auxiliary Services Corporation, (“ASC”), which is a 501 (c)3 California corporation organized under California law as an auxiliary organization of California State University, Fullerton (“CSUF”).

This Amendment provides for the continuation of the Agreement no. C-0-2348. In accordance with Sections I and III of said Agreement, the second-year option period is exercised and performance period is hereby extended through June 30, 2023. Funding for the period July 1, 2022 through June 30, 2023 is obligated in accordance with said Agreement Section IV-Funding and Schedule.

IV. Funding and Schedule

Payment Schedule for 2020-2023	2020-2021	2021-2022	2022-2023	Three-Year Total
Orange County Transportation Authority	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
County of Orange	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Council of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Sanitation District	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Transportation Corridor Agencies	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Southern California Association of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Municipal Water District of Orange County	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Water District	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Local Agency Formation Commission	\$17,000.00	\$17,000.00	\$17,000.00	\$51,000.00
NON-CSUF TOTAL	\$760,404.48	\$789,650.34	\$821,468.00	\$2,371,522.82
California State University, Fullerton	\$97,213.96	\$98,782.60	\$98,782.60	\$294,779.16
TOTAL	\$857,618.44	\$888,432.94	\$920,250.60	\$2,666,301.98

XVII. Notices

Notices under this agreement shall be considered to be given if delivered by first class mail to the following addresses:

For SPONSORS:

Jessica Witt
County of Orange
333 W. Santa Ana Blvd., 3rd Floor
Santa Ana, CA 92701-4062

Marnie O'Brien Primmer
Orange County Council of Governments
3972 Barranca Pkwy, Suite J-127
Irvine, CA 92606

James D. Herberg
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92738-8127

Kurt Brotcke
Orange County Transportation Authority
550 S. Main Street
2nd Floor
Orange, CA 92868

Kome Ajise
Southern California Association of Governments
c/o Michael Houston, SCAG Chief Counsel
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Valarie McFall
Transportation Corridor Agencies
125 Pacifica, Suite 100
Irvine, CA 92618-3304

Robert Hunter
Municipal Water District of Orange County
18700 Ward Street
Fountain Valley, CA 92728

Michael R. Markus
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92728-8300

Ron Coley
Administration and Finance, California State University, Fullerton
800 N. State College Blvd., LH-802
Fullerton, CA 92831-3599

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

All other terms and conditions of the Agreement shall remain the same.

IN WITNESS THEREOF, the SPONSORING PARTIES and the CSUF ASC have executed this Amendment on the date first herein written. This Amendment is to be signed in counter parts.

For the CSU Fullerton Auxiliary Services Corporation:

Charles D. Kissel, Executive Director

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

Date

Robert Hunter, General Manager

Date

For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the Orange County Water District:

Stephen R. Sheldon, President

Date

Michael R. Markus, General Manager

Date

For the California State University, Fullerton:

Ron Coley, Vice President for
Administration & Finance/CFO

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

MEMORANDUM OF UNDERSTANDING
by and between
ORANGE COUNTY INTERESTS
and
CSU FULLERTON AUXILIARY SERVICES CORPORATION
for the
CONTINUED OPERATION OF THE CENTER FOR DEMOGRAPHIC RESEARCH
AT CALIFORNIA STATE UNIVERSITY, FULLERTON

This Memorandum of Understanding (“MOU”) is entered into between the County of Orange, Transportation Corridor Agencies, Orange County Sanitation District, Orange County Transportation Authority, Municipal Water District of Orange County, Orange County Water District, Orange County Council of Governments, Southern California Association of Governments (“SPONSORS”); the Orange County Local Agency Formation Commission (“CONTRIBUTING PARTNERS”) and the CSU Fullerton Auxiliary Services Corporation, (“ASC”), which is a 501 (c)3 California corporation organized under California law as an auxiliary organization of California State University, Fullerton (“CSUF”). This MOU is for the development of demographic data and related support products. Obligations and rights specified for CSUF in the MOU shall be exercised by the ASC.

WHEREAS, the development of demographic and related information for Orange County is a vital data source used for a wide range of local, subregional and regional applications, including, transportation infrastructure planning, facilities planning and timing, development of fee programs, bond revenue stream analysis, general planning and other applications; and

WHEREAS, a number of primary users of data in Orange County have recognized the benefit of having a local area expertise in developing demographic projections and associated products; and

WHEREAS, these SPONSORS, CONTRIBUTING PARTNERS, and CSUF agree on the importance of having a single entity in Orange County developing demographic products and providing such products to data users; and

WHEREAS, these agencies also desire to establish a long-term process which allows each individual agency participation in the development and review of demographic products; and

WHEREAS, the Center for Demographic Research (“CDR”) located at CSUF provides an opportunity to place demographic activities in a setting that accomplishes SPONSORS’ and CONTRIBUTING PARTNERS’ objectives and provides augmented educational opportunities for CSUF; and

WHEREAS, CSUF will be listed as a “SPONSOR” based upon their financial contribution as outlined in the budget in Attachment 1 and in-kind contributions for the balance of the remaining Sponsor seat; and

WHEREAS, the SPONSORS have worked cooperatively in supporting and organizing the Center for Demographic Research for 24 years and wish to continue their cooperation; and

WHEREAS, the CONTRIBUTING PARTNERS wish to participate in supporting the Center for Demographic Research beginning in Fiscal Year 2020/2021; and

NOW, THEREFORE, IT IS RESOLVED that the **SPONSORS, CONTRIBUTING PARTNERS**, and the **ASC** agree as follows:

I. The SPONSORS and CONTRIBUTING PARTNERS will fund the CDR for the next three years, subject to an annual review and two one-year options by the SPONSORS and CONTRIBUTING PARTNERS, for an annual total fee as set forth in Item IV below and Attachment 1.

II. Process and Structure

A. Orange County Projections

The Orange County Council of Governments (“OCCOG”) will be responsible for the approval of the Orange County Projections at the Regional Statistical Area level and subsequent to that action the County of Orange will approve the Orange County Projections. The OCCOG will work with CDR staff to integrate the Orange County Projections as approved into the Southern California Association of Governments (“SCAG”) Regional Growth Forecast. Sponsors will make good faith efforts to use the Orange County Projections data in all future forecasting and planning efforts.

B. Management Oversight

The Management Oversight Committee (“MOC”) shall meet at least four (4) times each year to (1) consider policy matters associated with the operations of the Center for Demographic Research, (2) review products status and activities which are part of the core Work Program, (3) review the Center for Demographic Research’s financial status and status of annual MOU signatures, (4) set CDR budget and modify staff salaries funded by this MOU (5) consider requests from additional agencies wishing to become sponsors or contributing partners, (6) modify budget and work program upon addition or termination of a sponsor or contributing partner, (7) address other matters vital to the function of the Center for Demographic Research, and (8) undertake additional tasks as requested by the SPONSORS.

The Management Oversight Committee will be comprised of staff representing the SPONSORS, CONTRIBUTING PARTNERS and CSUF. Each SPONSOR will have one voting member of equal standing on the Management Oversight Committee including one member jointly representing the Municipal Water District of Orange County and the Orange County Water District; each CONTRIBUTING PARTNER will have one non-voting Ex-Officio member. The designees from each SPONSOR, CONTRIBUTING PARTNER, and the university shall be named by

July 1 of each year. An organization may also designate an individual(s) to serve as an alternate member of the Management Oversight Committee. The committee chair and vice-chair will be elected for a three-year term.

C. Technical Oversight:

The Technical Advisory Committee (“TAC”) provides technical guidance and input into the development of each product produced under this MOU before they are reviewed by the Management Oversight Committee. The Technical Advisory Committee advises the Director of the Center for Demographic Research, as well as reports to the Management Oversight Committee. The Committee will include one voting representative from each SPONSOR including a member representing the Municipal Water District of Orange County and the Orange County Water District; each CONTRIBUTING PARTNER will have one non-voting Ex-Officio member. University participation on the Technical Advisory Committee will include at least one voting member from CSUF, and one voting member each from the University of California, Irvine and Chapman University. The Director of the Center for Demographic Research will coordinate with research centers at these universities to ensure data consistency. The designees from each SPONSOR, CONTRIBUTING PARTNER, and agency shall be named by July 1 of each year. The committee chair and vice-chair will be elected for a three-year term.

The Technical Advisory Committee shall schedule at least four (4) meetings each year. It will (1) provide a report to the Management Oversight Committee summarizing its meetings, (2) provide advice on the approach, techniques, data sources and methods used to develop new products, (3) facilitate the acquisition of data necessary to produce products, (4) provide suggestions on the interpretation and analysis incorporated into deliverables, (5) provide input on assumptions for the development of the growth projections, (6) provide review of deliverables prior to approval by the Management Oversight Committee and (7) undertake other tasks as identified by the Management Oversight Committee.

D. Transportation Modeling Data

The Orange County Transportation Authority (“OCTA”) will be responsible for the approval of all transportation modeling variables used in the Orange County Transportation Analysis Model (“OCTAM”) at the Traffic Analysis Zone level. The transportation modeling variables shall be consistent with the Orange County Projections, as approved by the Orange County Council of Governments and the County of Orange at the Regional Statistical Area Level. The OCTA and SCAG will exercise user agreements for their consultants to access the transportation modeling variables.

III. Duration and Terminations

This agreement will become effective upon execution and ends on June 30, 2023. A review of the performance of the Center for Demographic Research in meeting its obligations under this MOU will be conducted by the Management Oversight Committee throughout the term July 2020 through June 2023. This MOU may be extended and/or amended by mutual agreement of all signatories.

A party may terminate its participation under this MOU by giving each of the other parties sixty (60) days written notice thereof. Upon said notice of termination, the SPONSOR or CONTRIBUTING PARTNER terminating its participation shall pay the balance of fees owed by the SPONSOR or CONTRIBUTING PARTNER for that given fiscal year. Each fiscal year, the SPONSORS and CONTRIBUTING PARTNERS shall review and approve in writing the MOU, work program, and funding arrangement. Such written approval shall constitute a SPONSOR’S or CONTRIBUTING PARTNER’S agreement to participate in this Agreement. In the event that ASC wishes to terminate its participation, it shall reimburse the SPONSORS and CONTRIBUTING PARTNERS any advance payments, less an amount to cover expenses related to work in progress and less costs reasonably necessary to effect such termination. If a party wishes to withdraw from the agreement, said notice shall be affected by delivery of such notice in person or by depositing said notice in the United States mail, registered or certified mail, return receipt required, postage prepaid.

IV. Funding and Schedule

Respective fees shall be as follows for the following fiscal year:

Payment Schedule for 2020-2023	2020-2021	2021-2022	2022-2023	Three-Year Total
Orange County Transportation Authority	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
County of Orange	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Council of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Sanitation District	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Transportation Corridor Agencies	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Southern California Association of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
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Orange County Water District	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Local Agency Formation Commission	\$17,000.00	\$17,000.00	\$17,000.00	\$51,000.00
NON-CSUF TOTAL	\$760,404.48	\$789,650.34	\$821,468.00	\$2,371,522.82
California State University, Fullerton	\$97,213.96	\$98,782.60	\$98,782.60	\$294,779.16
TOTAL	\$857,618.44	\$888,432.94	\$920,250.60	\$2,666,301.98

Payments shall be made in accordance with invoicing policies of the ASC according to the schedule below. SPONSORS and CONTRIBUTING PARTNERS will be invoiced at the beginning of each quarter. Quarterly payments equal to 25% of the annual fees shall follow invoices submitted according to the calendar below:

Fiscal Year 2020/2021: July 2020, October 2020, January 2021, April 2021
Fiscal Year 2021/2022: July 2021, October 2021, January 2022, April 2022
Fiscal Year 2022/2023: July 2022, October 2022, January 2023, April 2023

SPONSORS and CONTRIBUTING PARTNERS shall pay one-quarter of their annual fees upon receipt of said invoices or may prepay for an entire fiscal year. Prepayment does not imply a discounted rate.

V. Administrative Representatives

A. The Principal Investigator for the operations and management of the Center for Demographic Research and the conduct of this MOU is Deborah Diep, Director. The Assistant Director, Rubaiya Zaman, will serve as the Principal Investigator in the Director's absence. They are authorized to negotiate supplemental services with the SPONSORS, CONTRIBUTING PARTNERS, and Non-sponsors as noted in Section VII. Sydney Dawes, Director, ASC Office of Sponsored Programs is designated as the administrative representative for the ASC. Should the Principal Investigators become unavailable for any reason, no other Principal Investigator shall be chosen by CSUF or the ASC without the approval of the SPONSORS. Furthermore, the ASC agrees that the Management Oversight Committee shall make the recommendation on the selection of the Director or interim Director of the Center for Demographic Research and no Director or interim Director shall be appointed without approval of the Management Oversight Committee. The Management Oversight Committee will serve as the search committee if a search committee for the Director is required by the ASC.

B. Equipment and furniture purchased by ASC under the terms of this MOU shall remain the property of the SPONSORS. In the event that the Center for Demographic Research is disbanded, the equipment remains the property of the SPONSORS and the Management Oversight Committee shall determine its disposition.

C. Databases and applications developed and maintained for the Center for Demographic Research purposes shall remain under control of the SPONSORS. In the event that Center for Demographic Research is relocated from CSUF, all Center for Demographic Research functions and designations shall accompany the Center for Demographic Research.

VI. Additional Sponsorships and Revenues

Other agencies and entities can become sponsors or contributing partners of the Center for Demographic Research with unanimous agreement among the SPONSORS as determined by a vote of the Management Oversight Committee. Adjustments in sponsor fees found necessary resulting from the addition of sponsors shall be determined by the Management Oversight Committee with consultation from the Center for Demographic Research Principal Investigators.

The disposition of additional revenues generated through additional sponsors, and the sale of products and services to non-sponsors shall be determined by the Management Oversight Committee. The additional funds shall be prorated according to the respective sponsor fee. SPONSORS shall have the option of expending their share of the additional funds on CDR activities, products or equipment or having the funds returned to the SPONSORS at the end of the fiscal year.

VII. Products and Deliverables

- A. The Center for Demographic Research will produce the identified core Demographic Products and Services as described in Attachment 2 and listed in Attachment 3. Each SPONSOR will receive ten (10) copies in printed form and one (1) copy of estimates and projections in electronic form.
- B. The SPONSORS and CONTRIBUTING PARTNERS have the right to request supplemental products and support services from the Center for Demographic Research through a purchase order. Projects above the amount of \$25,000 shall be approved by the ASC. Such purchases may be entered into if the SPONSOR or CONTRIBUTING PARTNER agrees to pay ASC all additional costs resulting from the additional products or services, including an indirect cost of 22%, and if the activities do not interfere with the normal functioning of the CDR. If requests for additional products or services require interference with the normal functioning of the CDR as determined by the Management Oversight Committee or additional resources from the CDR's basic budget the proposal for such products and services will be forwarded to the Management Oversight Committee for their advice and consent prior to finalization of the agreement. In all cases, supplemental work for SPONSORS and CONTRIBUTING PARTNERS shall be assessed indirect costs of 22%.
- C. Non-sponsors can contract with the Center for Demographic Research through the ASC for its services or obtain supplemental products and support services from the Center for Demographic Research through a Non-sponsor purchase order. A list of these projects will be submitted to the MOC on a quarterly basis. If the Director assesses a proposed project contains a conflict of interest, conflict of time commitment, or interference with the normal functioning of CDR, the Management Oversight Committee will be informed of the request for services and will review it for any potential conflicts. The Director shall notify the Management Oversight Committee of any such proposed agreement and provide the committee with draft text and budget, before the intended start of work. The Management Oversight Committee shall review the proposed project for possible conflicts of interests, conflicts of time commitment, and budgetary adequacy. The Management Oversight Committee may at its discretion impose a surcharge of funds to be used at its discretion. Action on these matters may be taken only with the concurrence of a majority of the members of the Management Oversight Committee and all such supplemental work for Non-sponsors shall be assessed normal indirect costs of 22%.

- D. Use of revenues generated by the sale of products produced by the Center for Demographic Research shall be determined by the Management Oversight Committee. A quarterly report on product sales will be presented to the Management Oversight Committee.
- E. Additional projects should not adversely affect the schedule of deliverables unless otherwise agreed to by the Management Oversight Committee.

VIII. Sponsorship

This Agreement shall be signed by all SPONSORS and CONTRIBUTING PARTNERS by June 30, 2020 with the exception of the Southern California Association of Governments. The Southern California Association of Governments shall sign this Agreement by September 30, 2020. If all SPONSORS and CONTRIBUTING PARTNERS listed in Section XVIII do not sign by September 30, 2020, the work program and budget will be modified to reflect the committed funding. If any SPONSOR or CONTRIBUTING PARTNER does not sign this Agreement, the funding amounts of the remaining SPONSORS and CONTRIBUTING PARTNERS will not change. The remaining SPONSORS and CONTRIBUTING PARTNERS are not required to make up the difference in the reduced budget. Any SPONSOR or CONTRIBUTING PARTNER listed as an ORANGE COUNTY INTEREST that does not sign this Agreement forfeits all rights, services, and privileges as a CDR SPONSOR or CONTRIBUTING PARTNER unless otherwise negotiated. A formal status report on execution will be delivered at each Management Oversight Committee meeting until all SPONSORS and CONTRIBUTING PARTNERS sign this Agreement.

IX. Liability and Insurance

Each party to this MOU hereby assumes any and all risks for personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees, and agents thereof. ASC warrants that it has adequate Worker's Compensation Insurance and liability insurance for its own employees. The ASC, the SPONSORS (the County of Orange, Transportation Corridor Agencies, Orange County Sanitation District, Orange County Transportation Authority, Municipal Water District of Orange County, Orange County Water District, Orange County Council of Governments, and Southern California Association of Governments), and the CONTRIBUTING PARTNERS (the Orange County Local Agency Formation Commission) agree to indemnify and hold each other, their respective officers, employees, students, agents, harmless from and against all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorney's fees, or claims for injury or damages are caused by or result from negligent or intentional acts or omissions of the indemnifying party, its officers, employees, students or agents.

X. Independent Contractor

In the performance of all services and obligations under this agreement, SPONSORS, CONTRIBUTING PARTNERS, and ASC shall act as independent contractors. None shall be considered an employee or agent of the other.

XI. Use of Names

SPONSORS and CONTRIBUTING PARTNERS agree not to use the names of the ASC or CSUF in any commercial connection with work performed under this Agreement without prior written permission from the ASC. SPONSORS and CONTRIBUTING PARTNERS may use said names in ordinary internal business reports concerning this Agreement and may use the names of the Center for Demographic Research and the Principal Investigators in non-commercial publicity announcing the results of the project.

ASC agrees not to use the names of SPONSORS and/or CONTRIBUTING PARTNERS in any commercial connection with this work without prior written permission from SPONSORS and/or CONTRIBUTING PARTNERS. ASC may use SPONSORS' and/or CONTRIBUTING PARTNERS' name in ordinary internal business reports concerning this agreement and in non-commercial publicity announcing the awarding of the contract.

The provisions of this Section of the Agreement shall survive for two (2) years beyond any termination date specified in Section III or any extension thereof.

XII. Force Majeure

SPONSORS, CONTRIBUTING PARTNERS, and ASC shall not be liable or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, civil or military authority, acts of public enemy, strikes, labor disputes, or any similar cause beyond the reasonable control of SPONSORS, CONTRIBUTING PARTNERS, or ASC, provided the affected party notifies the other party of the delay in writing within ten days of the onset of the delay.

XIII. Assignment

This Agreement shall inure to the benefit of and be binding upon and enforceable by the parties and their successors and permitted assigns. However, neither party may assign any of its rights or obligations under this Agreement without the prior written consent of the other.

XIV. Modification and Waiver

None of the terms of the Agreement may be waived or modified except by an express agreement in writing signed by SPONSORS, CONTRIBUTING PARTNERS, and ASC. Modifications not documented in writing cannot be enforced. The failure or delay of either party in enforcing any of its rights under this Agreement shall not be deemed a continuing waiver or a modification by such party of such right.

XV. Governing Law

The validity and interpretation of this Agreement shall be governed by the laws of the State of California.

XVI. Federal Statutes Relating to Nondiscrimination

ASC will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S. C. sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S. C. section 794), which prohibits discrimination on the basis of handicaps; (d) Age discrimination Act of 1975, as amended (42 U.S.C. sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.O. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-d and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (I) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirement of any other federal nondiscrimination statute(s) which may apply to the application.

XVII. Notices

Notices under this agreement shall be considered to be given if delivered by first class mail to the following addresses:

For SPONSORS:

Jessica Witt
County of Orange
10 Civic Center Plaza, 3rd Floor
Santa Ana, CA 92701

Marnie O'Brien Primmer
Orange County Council of Governments
3972 Barranca Pkwy, Suite J-127
Irvine, CA 92606

James D. Herberg
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92738-8127

Kurt Brotcke
Orange County Transportation Authority
550 S. Main Street
2nd Floor
Orange, CA 92868

Kome Ajise
Southern California Association of Governments
c/o Justine Block, SCAG Acting Chief Counsel
900 Wilshire Blvd., Suite 1700
Los Angeles, CA 90017

Valarie McFall
Transportation Corridor Agencies
125 Pacifica, Suite 100
Irvine, CA 92618-3304

Robert Hunter
Municipal Water District of Orange County
18700 Ward Street
Fountain Valley, CA 92728

Michael R. Markus
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92728-8300

Danny C. Kim
Administration and Finance, California State University, Fullerton
800 N. State College Blvd., LH-802
Fullerton, CA 92831-3599

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSU Fullerton Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831-3014

XVIII. Execution

IN WITNESS THEREOF, the SPONSORS, CONTRIBUTING PARTNERS, and the ASC have executed this Agreement on the date first herein written. This Agreement is to be signed in counter parts.


For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director

21 MAY 20
Date

For the County of Orange:



Frank Kim, County Executive Officer

4/28/20
Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

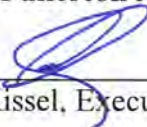
For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSU Fullerton Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831-3014

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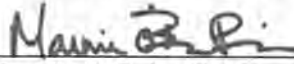


Charles D. Kissel, Executive Director
Date 02 Jul 20

For the County of Orange:

Frank Kim, County Executive Officer
Date _____

For the Orange County Council of Governments:



Marnie O'Brien Primmer, Executive Director
Date 4/23/20

For the Orange County Sanitation District:

James D. Herberg, General Manager
Date _____

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer
Date _____

For the Southern California Association of Governments:

Kome Ajise, Executive Director
Date _____

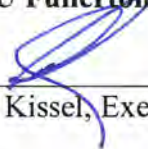
For CSU FULLERTON AUXILIARY SERVICES CORPORATION

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For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director
30 APR 20

Date

For the County of Orange:

Frank Kim, County Executive Officer

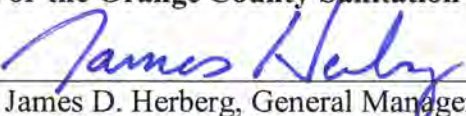
Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:



James D. Herberg, General Manager
04-22-2020

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSU Fullerton Auxiliary Services Corporation
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Date 02 Jun 20

For the County of Orange:

Frank Kim, County Executive Officer
Date _____

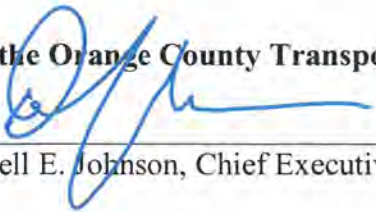
For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director
Date _____

For the Orange County Sanitation District:

James D. Herberg, General Manager
Date _____

For the Orange County Transportation Authority:



Darrell E. Johnson, Chief Executive Officer
Date 6/9/2020

For the Southern California Association of Governments:

Kome Ajise, Executive Director
Date _____

PV
Bm

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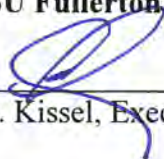
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Date 01 Oct 20

For the County of Orange:

Frank Kim, County Executive Officer
Date _____

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Marnie O'Brien Primmer, Executive Director
Date _____

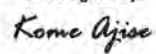
For the Orange County Sanitation District:

James D. Herberg, General Manager
Date _____

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer
Date _____

For the Southern California Association of Governments:

DocuSigned by:


A74B356645BE46F
Kome Ajise, Executive Director
Date 9/30/2020

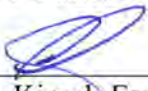
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Date

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Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

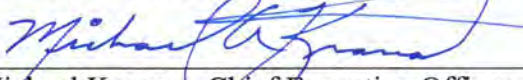
For the Foothill/Eastern Transportation Corridor Agency:



Michael Kraman, Chief Executive Officer

4/9/2020
Date

For the San Joaquin Hills Transportation Corridor Agency:



Michael Kraman, Chief Executive Officer

4/9/2020
Date

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

Date

Robert Hunter, General Manager

Date

For the Orange County Water District:

Vincent Sarmiento, President

Date

Michael R. Markus, General Manager

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSU Fullerton Auxiliary Services Corporation
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21 MAY 20
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For the Orange County Sanitation District:

James D. Herberg, General Manager

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For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

For the Foothill/Eastern Transportation Corridor Agency:

Michael Kraman, Chief Executive Officer

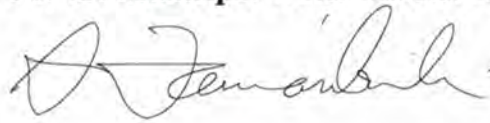
Date

For the San Joaquin Hills Transportation Corridor Agency:

Michael Kraman, Chief Executive Officer


Date

For the Municipal Water District of Orange County:



Sat Tamaribuchi, President of the Board

March 30, 2020
Date



Robert Hunter, General Manager

March 20, 2020
Date

For the Orange County Water District:

Vincent Sarmiento, President

Date

Michael R. Markus, General Manager

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
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For the CSU Fullerton Auxiliary Services Corporation:

Charles D. Kissel, Executive Director
Date 21 MAY 20

For the County of Orange:

Frank Kim, County Executive Officer
Date _____

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director
Date _____

For the Orange County Sanitation District:

James D. Herberg, General Manager
Date _____

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer
Date _____

For the Southern California Association of Governments:

Kome Ajise, Executive Director
Date _____

For the Foothill/Eastern Transportation Corridor Agency:

Michael Kraman, Chief Executive Officer Date _____

For the San Joaquin Hills Transportation Corridor Agency:

Michael Kraman, Chief Executive Officer Date _____

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board Date _____

Robert Hunter, General Manager Date _____


For the Orange County Water District:



Vincent Sarmiento, President Date 3-18-20



Michael R. Markus, General Manager Date 3-18-20

APPROVED AS TO FORM
By 
General Counsel for
Orange County Water District

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer Date _____

For California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO Date _____

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSU Fullerton Auxiliary Services Corporation
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For the CSU Fullerton Auxiliary Services Corporation:



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02 Jul 20

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

For the Foothill/Eastern Transportation Corridor Agency:

Michael Kraman, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Michael Kraman, Chief Executive Officer

Date

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

Date

Robert Hunter, General Manager

Date

For the Orange County Water District:

Vincent Sarmiento, President

Date

Michael R. Markus, General Manager

Date

For the Orange County Local Agency Formation Commission:



Cheryl Brothers, Chair

5-13-2020

Date

For California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSU Fullerton Auxiliary Services Corporation
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20 FEB 20
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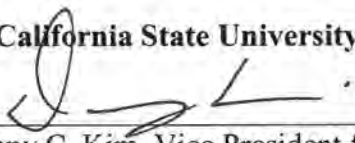
Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For California State University, Fullerton:



Danny C. Kim, Vice President for
Administration & Finance/CFO

2/25/20

Date

**Attachment 1: Center for Demographic Research
Annual Budget: July 1, 2020 through June 30, 2023**

		<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	
1	Salaries	\$434,339.26	\$446,889.06	\$467,736.62	
2	Benefits	\$184,459.49	\$191,881.70	\$201,114.20	
3	Supplies	\$7,000.00	\$7,000.00	\$7,000.00	
4	Printing & Publications	\$8,500.00	\$12,500.00	\$8,500.00	
5	Meetings, Mileage, & Training	\$1,950.00	\$1,950.00	\$1,950.00	
6	Equipment	\$500.00	\$500.00	\$500.00	
7	Expenses	\$636,748.75	\$660,720.77	\$686,800.82	
8	Federally-negotiated Indirect Cost (IDC) / Overhead: 37%	\$235,597.04	\$244,466.68	\$254,116.30	
9	Office space rent (not subject to IDC)	\$80,784.96	\$82,353.60	\$82,353.60	
10	(A) Gross Total Program Costs	\$953,130.75	\$987,541.05	\$1,023,270.72	
11	Contributions toward IDC				
12	Non-CSUF SPONSORS/Contributing Partner (22.0%)	\$140,084.73	\$145,358.57	\$151,096.18	
13	CSUF contribution (IDC reduction from 37% to 22%)	\$95,512.31	\$99,108.11	\$103,020.12	
14	Total Indirect Cost (IDC) / Overhead	\$235,597.04	\$244,466.68	\$254,116.30	
15	CSUF Contribution Summary				
16	Office space rent: 100% ¹	\$80,784.96	\$82,353.60	\$82,353.60	
17	Administrative Asst. salary support from HSS Dean ¹	\$16,429.00	\$16,429.00	\$16,429.00	
18	Subtotal of CSUF Monetary Contributions	\$97,213.96	\$98,782.60	\$98,782.60	
19	IDC / Overhead (Rate reduction from 37% to 22%) ²	\$95,512.31	\$99,108.11	\$103,020.12	
20	(B) Total CSUF Contribution	\$192,726.27	\$197,890.71	\$201,802.72	
21	NET CDR BUDGET TOTAL: (A) - (B)	\$760,404.48	\$789,650.34	\$821,468.00	
22	Contributing Partner (no seat): LAFCO	\$17,000.00	\$17,000.00	\$17,000.00	
23	Cost per Sponsorship Seat= (Net Budget – LAFCO)/ 7 remaining seats	\$106,200.64	\$110,378.62	\$114,924.00	
	Number of Voting Seats				
24	OCTA	1	\$106,200.64	\$110,378.62	\$114,924.00
25	COUNTY	1	\$106,200.64	\$110,378.62	\$114,924.00
26	OCCOG	1	\$106,200.64	\$110,378.62	\$114,924.00
27	OCSO	1	\$106,200.64	\$110,378.62	\$114,924.00
28	TCA	1	\$106,200.64	\$110,378.62	\$114,924.00
29	SCAG	1	\$106,200.64	\$110,378.62	\$114,924.00
30	MWDOC	0.5	\$53,100.32	\$55,189.31	\$57,462.00
31	OCWD	0.5	\$53,100.32	\$55,189.31	\$57,462.00
32	CSUF	1	see above	see above	see above
33	LAFCO	0	\$17,000.00	\$17,000.00	\$17,000.00
34	TOTAL	8	\$760,404.48	\$789,650.34	\$821,468.00

¹Monetary contribution

²Non-monetary contribution (rate reduction); not included in IV. Funding and Schedule: Payment Schedule for 2020-2023, Page 4.

Attachment 2
Proposed CDR 2020-2023 Services and Products

REPORTS

Orange County Progress Report

Produce an annual Orange County Progress Report. This document presents a unified and a comprehensive picture of Orange County and its 34 cities including its economic health, its demographic status and trends, and other information of interest to those who might wish to relocate to Orange County, do business in the County, or otherwise have an interest in the economic and demographic status and future of Orange County.

Orange County Projections

Preparation and development of OCP-2022 will begin during this three-year MOU. Incorporate 2020 Decennial Census data into OCP-2022 base year dataset. Complete OCP-2022 dataset and adoption. Following the adoption of OCP-2022, produce a report containing assumptions, tables, charts, maps, and methodology. The OCP dataset contains population, housing, and employment projections by 2020 census tract, jurisdiction, Community Analysis Area, and Regional Statistical Area for a 25-year period. This iteration will include agency boundaries for MWDOC, OCSD, & OCWD.

Orange County Facts and Figures

Update quarterly the Orange County Facts and Figures. This document focuses on the most frequently asked questions about Orange County demographics and related information.

Boundary and Annexation Report

Working with information provided by OC LAFCO, CDR staff will produce an annual report of the jurisdictional boundary changes. This multi-page report will contain a map of the year to year boundary changes and a table listing the area change and specific annexations and incorporations for each calendar year. Detailed annexation and vicinity maps from OC LAFCO's approved changes of organization documents will also be included in the report. For ease of reference and to make the information publically available, the report will be posted on OC LAFCO's website.

Housing Activity Report

Using information from the Housing Inventory System (HIS), CDR staff will produce an annual report on the housing construction and demolition activity by jurisdiction. Information will be released in aggregate form at the jurisdiction level in a PDF.

PUBLIC INFORMATION SERVICES

Provide Public Information on Orange County Demographics as Requested

Provide information in response to numerous requests made by government agencies, elected officials, private companies, non-profit organizations, schools, students, and citizens regarding demographic and related information about Orange County.

Maintain CDR Website

Update the information currently on the CDR website on a regular basis and expand as information becomes available.

Provide Information and Analysis to News Media

Provide information, description, interviews, and analysis of demographics to news media to assist them in doing stories where demographics is the focus.

Update RHNA Allocations

Develop allocations of 2020 RHNA for annexations and incorporations as requested. Provide data support to local jurisdictions and SCAG during development of the 2020 RHNA. Monitor RHNA development process to ensure Orange County data is incorporated.

Process Decennial Census and American Community Survey Data

Process Bureau of Census data as it pertains to development of the Orange County Projections and at the request of CDR Sponsors.

State Data Center Affiliate

The CDR will serve as a State Data Center Affiliate to the Demographic Research Unit of the California Department of Finance. As an Affiliate, CDR will assist the SDC and Orange County in disseminating census data and improving public access to census data products consistent with services CDR already provides.

DATA BASES

Housing Inventory System

The Housing Inventory System (HIS) is a data system that includes all changes to each jurisdiction's housing stock, including 2017 and 2019 changes to accessory dwelling units. Data is collected at the address level and converted into a GIS database by geocoding. After geocoding, quality analysis efforts include tying activity to parcels. Depending on the jurisdiction, different documents are used to record added units including certificates of use and occupancy, utility release log, or building final documents. Demolitions and conversions are recorded through other recordation. Changes to the mobile home inventory will be verified with HCD. This project includes an annual review and sign off process by each jurisdiction of their geocoded data to ensure accuracy.

Census Data by Partial TAZ

Update the correspondence tables of 2020 Census blocks to the TAZs after release of Census Bureau data and GIS shapefiles. As the various census files become available, transportation modeling variables and other key variables useful for projecting the modeling variables will be aggregated to TAZ.

Calibrate Age Cohort Component, Shift-Share and Headship Rate Models

Based on data from the Census Bureau, DOF, and EDD data, calibrate the models used to project county-wide population, housing and employment.

Master Polygon File

Update master polygon file based on the 2020 Census block file for use in development of OCP dataset and annual population and housing unit estimates. Allocate Census block data to TAZ, CAA, RSA, MWDOC, OCSD, and OCWD. Working with information from OC LAFCO, the master polygon file will be updated annually to include changes to agency boundaries: jurisdiction, MWDOC, OCSD, and OCWD.

Population and Housing Estimates by TAZ (OCP)

Estimates of population and housing by unit type will be developed using the 2010 Census and American Community Survey data at the split TAZ. From 2014 onwards, housing unit changes will be geocoded and aggregated to the TAZ. Annual estimates of population and housing will be produced by TAZ for maintenance of the OCP base file.

Annual Population and Housing Estimates by Partial Census Tract and Sponsor Agency

Estimates of population and housing units developed using the 2020 Census for each of the special district sponsors will be updated annually. From 2014 onwards, annual estimates (January 1) of population and housing will be produced by partial census tract and for each of the special district sponsor agencies: MWDOC, OCSD, and OCWD.

Project Total County Population, Housing, and Employment

Draft assumptions for OCP-2022 will be developed and reviewed by the CDR TAC. These will then be incorporated into the macro level models used to project population, housing, and employment. The resulting projections will be reviewed by the CDR TAC and MOC and then brought to the OCCOG TAC and Board for approval as the controls totals for OCP-2022.

Projected Population, Housing and Employment by TAZ (OCP)

Preparation and development of OCP-2022 will begin during this MOU cycle. Countywide population, housing, and employment for years 2020 through 2050 will be allocated to Traffic Analysis Zones split by jurisdictions. Following the allocation, extensive review and refinement will occur to assure the accuracy of the projections.

Secondary Variables by TAZ (OCTAM)

The basic projected population, housing, and employment from OCP-2022 will be expanded to the 14 OCTAM variables. These variables will include resident population, group quarters population, employed residents, median income, occupied single family dwelling units, occupied multiple family dwelling units, household size, retail employment, service employment, K-12 public school employment, all other employment, school enrollment, university enrollment, and area. Preparation of the base year OCTAM data for OCP-2026 will begin in this MOU cycle.

Entitlement Dataset & Support Services

Provide support to Orange County jurisdictions in the development of the entitlements database and other data requested by SCAG during the development of the 2020 & 2024 RTP/SCS. Monitor development process to ensure Orange County data is incorporated.

Consolidated Boundary and Annexation Program (CBAS)

CDR staff will report annual jurisdictional boundary and feature changes through a new, voluntary program of the U.S. Census Bureau that allows for a consolidated annual review of jurisdiction boundaries. This review will be done using the official County Surveyor/OC LAFCO jurisdiction GIS boundary file. Orange County jurisdictions will be able to opt in or out of this CDR service annually. CDR will notify each participating jurisdiction and OC LAFCO of the outcome of the BAS review, i.e., whether there were any areas where jurisdiction boundaries needed to be corrected.

COMMITTEES

Participate in Sponsor Technical Advisory Committees as Requested

Participate in appropriate Sponsor technical advisory committees including, OCCOG TAC, County's Demographic Steering Committee, OCTA's Modeling TAC, Orange County Sanitation District's Planning Advisory Committee, Water Use Efficiency Project Advisory Committee, and SCAG's Technical Working Group and other regional working groups.

Coordinate with SCAG and SCAG Committees

This service revolves around the incorporation of OCP into the SCAG growth forecast. This service includes participation in SCAG expert panels and workshops to develop assumptions for their population and employment projections; monitoring the discussions relevant to the development of SCAG's growth forecast at SCAG policy committees and subregional coordinator meetings; and coordinating with relevant SCAG staff on this issue.

Coordinate with University Research Centers

CDR staff will coordinate with UCI and Chapman University research centers to ensure consistency between the CDR's forecast and estimates and those produced by these institutes.

2020-2023 LAFCO FUNDED PROJECT: Sphere of Influence Estimates

CDR will update its master polygon file on an annual basis with changes to the sphere of influence (SOI) boundaries. CDR will produce annual estimate of January 1 population and housing for each of the SOI polygons upon completion of the annual Housing Inventory System to maintain this information in preparation for the 2018-2022 OC LAFCO municipal service review cycle.

Boundary and Annexation Report: Working with OC LAFCO over the three-year MOU cycle, CDR will attempt to build a historical reference collection of these reports going back to 2000 as information is available.

NEW PROJECTS & SERVICES

Modifications to OCTA Traffic Analysis Zones

CDR will work with OCTA on an update to their Orange County Transportation Analysis Model Traffic Analysis Zones (OCTAM TAZs) to align with roads and communities that have been built and future developments which are now formally detailed. Once the 2020 Census block geographic boundaries are available, the CDR will work with OCTA from July to December 2020 to update the OCTAM TAZ boundaries by incorporating any additional changes OCTA has requested and finalize any other requested or suggested changes to the TAZ boundaries in preparation for the OCP-2022. 2020 base year estimates to be reviewed by jurisdictions in summer 2021.

Orange County Projections 2022 Geographies- Tier 3/City TAZ Pilot Program

CDR will complete a pilot program of three cities, which already have comparable data at the Tier 3/city TAZ level, to expand the OCP split OCTAM-TAZ geographies to the city/Tier 3 TAZs for OCP-2022. The city-TAZs nest into the OCTAM TAZs. This data will also be provided to SCAG for use in their modeling efforts at the Tier 3 level. The OCP-2022 working geographic unit would be the split Tier 3 TAZ. The OCTAM modeling dataset would still be developed and provided to OCTA at the OCTAM TAZ (Tier 2) level. The pilot program would potentially be a first-phase effort to incorporate the city/Tier 3 TAZ for the three volunteer cities (Anaheim, Irvine, and Newport Beach) into the CDR minimum planning unit database for OCP.

Special Decennial Census Edition of the Facts & Figures

This multi-page document will include county and city/community data from the 2020 Decennial Census on population and housing. It will also show growth and changes since the 2010 Decennial Census. This document will be electronic and posted online for free download.

Census Bureau Count Question Resolution (CQR) Program Support

CDR staff will provide maps to Orange County jurisdictions to verify 2020 Census jurisdictional boundaries and total population and housing unit counts by census block. CDR staff will assist Orange County jurisdictions in documenting errors found during the review process by providing maps to be used in their responses to the U.S. Census Bureau Count Question Resolution program.

Attachment 3

Proposed Draft Work Program 7/2020 - 6/2023

	07/20	10/20	01/21	04/21	07/21	10/21	01/22	04/22	07/22	10/22	01/23	04/23	07/23
OC Facts and Figures		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
Special 2020 Census Profile reports				●	▲								
OC Progress Report					●	—	▲				●	—	▲
Boundary & Annexation Report				▲				▲				▲	
Housing Activity Report		▲				▲				▲			
Modifications to OCTA TAZs	●	—	▲										
OC Projections 2022	●	—								▲			
OCP 2022 - Tier 3 Pilot Program	●	—									▲		
OCP 2022 secondary variables				●	—						▲		
Census Data by TAZ	●	—											
Pop & Housing by TAZ	●	—											
Employment by TAZ	●	—											
Housing Inventory System	●	—											
Pop & Housing by Partial CT	●	—											
Special District Annual Estimates	▲			●	—			●	—			●	—
Calibrate Demog & Econ Models			●	—			▲						
Consolidated Boundary & Annexation		●	—	▲		●	—	▲		●	—	▲	
Public Information	●	—											
Maintain CDR Homepage	●	—											
Info for Media	●	—											
Process Census Info	●	—											
State Date Center Affiliate support	●	—											
RHNA Allocations	●	—											
2020 Census Geographic Support	●	—										▲	
Entitlement Dataset & Support Services	●	—										▲	
Census Count Question Resolution Program					●	—							▲

- Startup
- ▲ Milestone/Completion

AMENDMENT No. 1 to Agreement No. C-0-2348
by and between
ORANGE COUNTY INTERESTS
and
CSU FULLERTON AUXILIARY SERVICES CORPORATION
for the
CONTINUED OPERATION OF THE CENTER FOR DEMOGRAPHIC RESEARCH
AT CALIFORNIA STATE UNIVERSITY, FULLERTON

This Amendment is pursuant to Agreement no. C-0-2348 effective July 1, 2020 between the County of Orange; Foothill/Eastern Transportation Corridor Agency and San Joaquin Hills Transportation Corridor Agency (“Transportation Corridor Agencies”); Orange County Sanitation District; Orange County Transportation Authority; Municipal Water District of Orange County; Orange County Water District; Orange County Council of Governments; Southern California Association of Governments; and California State University, Fullerton (“SPONSORS”); the Orange County Local Agency Formation Commission (“CONTRIBUTING PARTNERS”) and the CSU Fullerton Auxiliary Services Corporation, (“ASC”), which is a 501 (c)3 California corporation organized under California law as an auxiliary organization of California State University, Fullerton (“CSUF”).

This Amendment provides for the continuation of the Agreement no. C-0-2348. In accordance with Sections I and III of said Agreement, the first-year option period is exercised and performance period is hereby extended through June 30, 2022. Funding for the period July 1, 2021 through June 30, 2022 is obligated in accordance with said Agreement Section IV-Funding and Schedule.

IV. Funding and Schedule

Payment Schedule for 2020-2023	2020-2021	2021-2022	2022-2023	Three-Year Total
Orange County Transportation Authority	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
County of Orange	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Council of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Sanitation District	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Transportation Corridor Agencies	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Southern California Association of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Municipal Water District of Orange County	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Water District	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Local Agency Formation Commission	\$17,000.00	\$17,000.00	\$17,000.00	\$51,000.00
NON-CSUF TOTAL	\$760,404.48	\$789,650.34	\$821,468.00	\$2,371,522.82
California State University, Fullerton	\$97,213.96	\$98,782.60	\$98,782.60	\$294,779.16
TOTAL	\$857,618.44	\$888,432.94	\$920,250.60	\$2,666,301.98

XVII. Notices

Notices under this agreement shall be considered to be given if delivered by first class mail to the following addresses:

For SPONSORS:

Jessica Witt
County of Orange
333 W. Santa Ana Blvd., 3rd Floor
Santa Ana, CA 92701-4062

Marnie O'Brien Primmer
Orange County Council of Governments
3972 Barranca Pkwy, Suite J-127
Irvine, CA 92606

James D. Herberg
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92738-8127

Kurt Brotcke
Orange County Transportation Authority
550 S. Main Street
2nd Floor
Orange, CA 92868

Kome Ajise
Southern California Association of Governments
c/o Michael Houston, SCAG Chief Counsel
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Valarie McFall
Transportation Corridor Agencies
125 Pacifica, Suite 100
Irvine, CA 92618-3304

Robert Hunter
Municipal Water District of Orange County
18700 Ward Street
Fountain Valley, CA 92728

Michael R. Markus
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92728-8300

Danny C. Kim
Administration and Finance, California State University, Fullerton
800 N. State College Blvd., LH-802
Fullerton, CA 92831-3599

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

All other terms and conditions of the Agreement shall remain the same.

IN WITNESS THEREOF, the SPONSORING PARTIES and the CSUF ASC have executed this Amendment on the date first herein written. This Amendment is to be signed in counter parts.

For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director

11MAR21
Date

For the County of Orange:



Frank Kim, County Executive Officer

2/26/21
Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

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For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director
Date 22 APR 21

For the County of Orange:

Frank Kim, County Executive Officer
Date _____

For the Orange County Council of Governments:



Marnie O'Brien Primmer, Executive Director
Date 3/2/21

For the Orange County Sanitation District:

James D. Herberg, General Manager
Date _____

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer
Date _____

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705

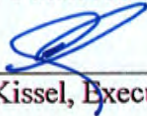
For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
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For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director

11 Mar 21
Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:



James D. Herberg, General Manager

02-24-2021
Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

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CSUF Auxiliary Services Corporation
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For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director
22Apr21

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director


Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:



Darrell Johnson, Chief Executive Officer
3/11/2021

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

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For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director

11MAR21

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

DocuSigned by:

Kome Ajise

2/25/2021

Kome Ajise, Executive Director

Date

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

Date

Robert Hunter, General Manager

Date

For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the Orange County Water District:

Stephen R. Sheldon, President

Date

Michael R. Markus, General Manager

Date

For the California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

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For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director

11 MAR 21

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

For the Municipal Water District of Orange County:

DocuSigned by:
Sat Tamaribuchi

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Sat Tamaribuchi, President of the Board

3/2/2021 | 7:03 PM PST

Date

DocuSigned by:
Rob Hunter

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Robert Hunter, General Manager

3/1/2021 | 2:25 PM PST

Date

For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the Orange County Water District:

Stephen R. Sheldon, President

Date

Michael R. Markus, General Manager

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For the California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

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IN WITNESS THEREOF, the SPONSORING PARTIES and the CSUF ASC have executed this Amendment on the date first herein written. This Amendment is to be signed in counter parts.

For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director
15 Jul 21
Date

For the County of Orange:

Frank Kim, County Executive Officer
Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director
Date

For the Orange County Sanitation District:

James D. Herberg, General Manager
Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer
Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

Date

Robert Hunter, General Manager

Date

For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson Digitally signed by Samuel Johnson
Date: 2021.06.14 17:15:24 -07'00'

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Samuel Johnson Digitally signed by Samuel Johnson
Date: 2021.06.14 17:15:42 -07'00'

Samuel Johnson, Chief Executive Officer

Date

For the Orange County Water District:

Stephen R. Sheldon, President

Date

Michael R. Markus, General Manager

Date

For the California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705


For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

All other terms and conditions of the Agreement shall remain the same.

IN WITNESS THEREOF, the SPONSORING PARTIES and the CSUF ASC have executed this Amendment on the date first herein written. This Amendment is to be signed in counter parts.

For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director
22 APR 21

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

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For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the Orange County Water District:

Stephen R. Sheldon

Stephen R. Sheldon, President

3-17-21

Date

[Signature]

Michael R. Markus, General Manager

3-17-21

Date

APPROVED AS TO FORM
By *[Signature]*
General Counsel for
Orange County Water District

For the California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For CONTRIBUTING PARTNERS:

Carolyn Emery
Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705

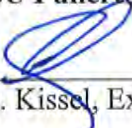
For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs
CSUF Auxiliary Services Corporation
1121 N. State College Blvd.
Fullerton, CA 92831

All other terms and conditions of the Agreement shall remain the same.

IN WITNESS THEREOF, the SPONSORING PARTIES and the CSUF ASC have executed this Amendment on the date first herein written. This Amendment is to be signed in counter parts.

For the CSU Fullerton Auxiliary Services Corporation:



Charles D. Kissel, Executive Director

18 FEB 21

Date

For the County of Orange:

Frank Kim, County Executive Officer

Date

For the Orange County Council of Governments:

Marnie O'Brien Primmer, Executive Director

Date

For the Orange County Sanitation District:

James D. Herberg, General Manager

Date

For the Orange County Transportation Authority:

Darrell Johnson, Chief Executive Officer

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Kome Ajise, Executive Director

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For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

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Robert Hunter, General Manager

Date

For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the Orange County Water District:

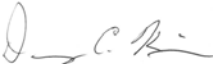
Stephen R. Sheldon, President

Date

Michael R. Markus, General Manager

Date

For the California State University, Fullerton:



Danny C. Kim, Vice President for
Administration & Finance/CFO

02/26/2021

Date

For the Orange County Local Agency Formation Commission:

Carolyn Emery, Executive Officer

Date

For the Southern California Association of Governments:

Kome Ajise, Executive Director

Date

For the Municipal Water District of Orange County:

Sat Tamaribuchi, President of the Board

Date

Robert Hunter, General Manager

Date

For the Foothill/Eastern Transportation Corridor Agency:

Samuel Johnson, Chief Executive Officer

Date

For the San Joaquin Hills Transportation Corridor Agency:

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Date

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Stephen R. Sheldon, President

Date

Michael R. Markus, General Manager

Date

For the California State University, Fullerton:

Danny C. Kim, Vice President for
Administration & Finance/CFO

Date

For the Orange County Local Agency Formation Commission:



Carolyn Emery, Executive Officer

2/25/21
Date



AGENDA ITEM # 8

Approve Release of RFQ 0002-22 For On-Call Consultant Services Supporting Housing- Related Planning Activities

STAFF RECOMMENDATION

Authorize the Executive Director to develop and release an RFQ for on-call consultant services in support of OCCOG Regional Early Action Planning Grant (REAP) Project #1, Housing-Related Planning Activities.

SUMMARY

Staff is asking for approval to release the RFQ for developing a bench of consultant resources to be made available to our member jurisdictions on a rolling basis beginning in March of 2022 and continuing through June 2023. The services that could be provided in an on-call matter by consultants would be consistent with REAP guidelines and would support OCCOG member jurisdictions wishing to augment their own in-house staff to accomplish housing planning related activities. All tasks performed by consultant(s) for OCCOG member jurisdiction as part of this procurement shall provide a deliverable and concrete metric for accomplishing the task.

BACKGROUND

OCCOG is receiving \$3.245M in sub-allocated funds from the Southern California Association of Governments (SCAG) as part of the Subregional Partners Program of the Regional Early Action Planning (REAP) Grant Program. OCCOG has submitted four projects in the sub-region's application for the REAP program. Housing Related Planning Activities (Project #1) has several components which are in process already. This RFQ will allow OCCOG to secure consultant resources needed to assist our jurisdictions to expand and/or accelerate housing-related planning activities. These services are anticipated to be highly in demand based on the current un-certified status of all Orange County jurisdictions housing elements by the Department of Housing and Community Development with less than one month left before the newly-implemented statutory deadline of February 11, 2022. An uncertified housing element could trigger accelerated zoning activities, which may lead to the need for additional consultant resources or temporary staffing needs at OCCOG member agencies.



ELIGIBLE ACTIVITIES

Per the REAP Notice of Funding Availability (NOFA), REAP-eligible activities may include/ be used to:

- Establish pro-housing policies
- Provide technical assistance in improving housing permitting processes, tracking systems and planning tools
- Be coordinated with a jurisdiction's housing element and zoning-related activities
- Be coordinated or combined with LEAP-funded housing planning activities
- Include performing infrastructure planning, including sewers, water systems, transit, roads, or other public facilities necessary to support new housing and new residents
- Include performing feasibility studies to determine the most efficient locations to site housing
- Provide resources, including temporary staffing or consultant resources related to updating local planning and zoning documents, expediting application processing, and other actions to accelerate housing production
- Be used to provide outreach, education, priority-setting, and other related activities to carry out housing-related planning activities

Activities that are specifically excluded from eligible REAP funding, per the REAP NOFA:

- Activities unrelated to accelerating housing production
- Activities unrelated to preparation and adoption of planning documents, and process improvements to accelerate housing production
- Activities that obstruct or hinder housing production
- Capital financing, operation or funding related to programs of individual housing developments
- Administrative or personnel costs not directly related to the preparation and adoption of the proposed activity(ies).

ACCESSING THE CONSULTANT BENCH

OCCOG has budgeted approximately \$882,000 for consultant services under this task. OCCOG will ensure that each member jurisdiction will have the opportunity to access the bench for their use. Jurisdictions have been notified verbally of this program, and will be notified in writing to the Director of Planning, or equivalent, when the program is open for initial requests for on-call services. Agencies will have 30 days to submit an intent to request consultant services form that will help OCCOG assess the specific consultant needs identified by agencies. The Consultant Services Interest form will be provided by Google form to all OCCOG member agencies and will include level of funding requested, scope of services needed, and timeline for service request. The OCCOG staff will proactively reach out to any agencies who have not responded after the first 30-day window to ascertain whether they plan to access the bench or need assistance with developing their scope of work. OCCOG staff and TAC leadership will review and evaluate the requests



submitted and bring forward a plan to fund those requests received for approval by the OCCOG Board. Should residual funding be available after this initial outreach, OCCOG will notify all jurisdictions and requests will be accepted on a first-come, first-served basis, funding permitting.

PROPOSED TIMELINE

February 7, 2022 Release RFQ for response, Consultant Services Interest Form distributed to jurisdictions
March 7, 2022 RFQ deadline, deadline for jurisdictions to respond to interest survey
March 24, 2022 OCCOG Board approval of selected consultants to be added to OCCOG Bench for on-call consultant services and proposed plan to address initial consultant resource requests received
March 31, 2022 initial task order offered to bench for bid
April, 2022- May 2023 services rendered, deliverables produced, outcomes measured, and reporting provided in accordance with REAP Grant program guidelines.

STAFF CONTACT

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OCCOG Executive Director
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AGENDA ITEM # 9

FY 2020-21 Financial Audit Results

STAFF RECOMMENDATION:

Approve the audited financial statements for FY 2020-21 and receive and file the letter from the auditors dated November 15, 2021.

SUMMARY

Eide Bailly, LLP, OCCOG’s independent auditors, has completed the audit of OCCOG’s financial statements as of June 30, 2021 and for the fiscal year then ended, and has issued its report on the financial statements and its report on internal control over financial reporting, compliance and other matters based on the audit.

The auditors have issued an unqualified (“clean”) audit opinion on the financial statements, indicating that in their opinion the financial statements prepared by management present fairly the financial position of OCCOG as of June 30, 2021 and the changes in financial position for the FY 2020-21 fiscal year in accordance with accounting principles generally accepted in the United States. During their audit, they identified one deficiency in internal controls over financial reporting, and non-compliance or other matters that are required to be reported under Government Auditing Standards.

BACKGROUND

The auditors during their review that OCCOG’s general fund expenditures exceeded appropriations at the fund level by \$84,934. The excess expenditures over appropriations were due to REAP grant expenditures of \$125,614 that were not included in the approved FY 2020-21 budget.

OCCOG’s management response is to review budget procedures, including ensuring mid-year budget reviews when necessary to ensure that the budget accurately reflects expenditures. If expenditures are not in line with budgeted amounts, staff will ensure a budget amendment is taken to the Board for approval. For FY 2021-22, the REAP grant related expenditures were budgeted by OCCOG, including the amount expended in FY 2020-21.



The financial statements indicate that OCCOG had a net position of \$242,606 at June 30, 2021 and a fund balance in the General Fund of the same amount as of that same date. OCCOG's net position decreased by \$81,243 during the fiscal year, as did the fund balance in the General Fund.

The actual decrease in fund balance in the General Fund this past year of \$81,243 was greater than the increase of \$1,536 that was projected in the FY 2020-21 budget. The reasons for this \$82,779 difference are REAP-related expenditures and OCDAP Cycle 1 data revenue being accounted for in Fiduciary funds versus General fund where they were originally budgeted.

The year-end net position/fund balance of \$242,606 is available as a reserve for contingencies, new programs, increases in the cost of services, unforeseen expenses or revenue shortfalls that may arise in future years.

The auditors have also issued the second audit communication letter to the Board of Directors that is required by generally accepted auditing standards. This letter communicates certain audit findings and other matters to the Board. The auditors noted no difficulties dealing with OCCOG management or any disagreements with management. Their findings are described in the attached letter.

Attachments

- A. OCCOG audited financial statements for FY 2020-21
- B. Letter from Eide Bailly, LLP, to the OCCOG Board of Directors, dated November 15, 2021

Staff Contact

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OCCOG Treasurer
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Financial Statements
Year Ended June 30, 2021
Orange County
Council of Governments

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Basic Financial Statements

Year Ended June 30, 2021

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Independent Auditor's Report

To the Board of Directors
Orange County Council of Governments
Irvine, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the general fund, and the aggregate remaining fund information of the Orange County Council of Governments (OCCOG) as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise OCCOG's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the general fund, and the aggregate remaining fund information of OCCOG, as of June 30, 2021, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As described in Note 1 to the financial statements, OCCOG adopted the provisions of GASB Statement No. 84, *Fiduciary Activities*. As discussed in Note 1 to the financial statements, no restatement was necessary, as the fiduciary activities began during the year. Our opinions are not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods or preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 15, 2021 on our consideration of OCCOG's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the OCCOG's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering OCCOG's internal control over financial reporting and compliance.



Laguna Hills, California
November 15, 2021

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Management's Discussion and Analysis

As Management of the Orange County Council of Governments (OCCOG), we offer readers of OCCOG's financial statements this narrative overview and analysis of OCCOG's financial activities for the fiscal year ended June 30, 2021.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to OCCOG's basic financial statements. The basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains required supplementary information.

Government-wide Financial Statements. The government-wide financial statements are designed to provide readers with a broad overview of OCCOG's finances in a manner similar to a private-sector business.

The statement of net position presents information on all of OCCOG's assets and liabilities, with the difference between assets and liabilities reported as net position. Over time, increases or decreases in net position may serve as a useful indication on whether the financial position of OCCOG is improving or deteriorating.

The statement of activities presents information showing how OCCOG's net position changed during the fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods. The government-wide financial statements may be found on pages 7 and 8.

Fund Financial Statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. OCCOG, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. Governmental fund financial statements focus on near-term inflows and outflows of spendable resources as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements. OCCOG consists of a single governmental fund. The governmental fund financial statements may be found on pages 9 and 10.

Fiduciary Funds. OCCOG is the fiduciary for certain funds held for the benefit of other parties outside of OCCOG. OCCOG's fiduciary activities are reported in separate Statements of Fiduciary Net Position and Statement of Changes in Fiduciary Net Position. These activities were excluded from OCCOG's other financial statements because OCCOG cannot use these assets to finance its operations. OCCOG is responsible for ensuring that the assets reported in these funds are used for their intended purposes. The fiduciary fund financial statements may be found on pages 11 and 12.

Government-wide Financial Analysis

The total net position of OCCOG was \$242,606 at June 30, 2021 (as noted in Table 1). In comparison, the total net position of OCCOG at June 30, 2020 was \$323,849. OCCOG’s net position at June 30, 2021 was unrestricted, meaning there are no external restrictions placed on the future use of the organization’s net position.

Table 1.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Net Position at June 30:

	Governmental Activities		Percent Change
	2021	2020	
Current and other assets	\$ 386,671	\$ 350,924	10.2%
Total assets	<u>386,671</u>	<u>350,924</u>	
Current liabilities	144,065	27,075	432.1%
Total liabilities	<u>144,065</u>	<u>27,075</u>	
Net position:			
Unrestricted	242,606	323,849	-25.1%
Total net position	<u>\$ 242,606</u>	<u>\$ 323,849</u>	

The total net position of OCCOG decreased by \$81,243, or 25.1%, during FY 2020-21 (see Table 2). This means that expenses exceeded revenues, on a full accrual basis, by \$81,243 for the year. This compares to the decrease in net position during FY 2019-20 of \$37,728. Revenues were 35.2% higher than in FY 2019-20, and expenses were 42.9% higher. The overall increase in revenues can be attributed to Regional Action Planning (REAP) grant. Operating grants and contributions increased by \$116,930 in FY 2020-21 compared to FY 2019-20 primarily related to (REAP) grant. Membership dues and fees increased in FY 2020-21 compared to FY 2019-20 due to Fullerton re-joining OCCOG and paying dues in FY 2020-21. The increase in expenses can be attributed to increased spending for REAP grant in Community Development which amounted to \$125,614.

Table 2.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

**Changes in net position
For the year ended June 30:**

	Governmental Activities		Percent Change
	2021	2020	
Revenues			
Program revenues			
Member dues and fees	\$ 348,691	\$ 337,716	3.3%
Charges for services	125,614	8,684	1346.5%
Investment earnings	1,753	5,804	-69.8%
Total revenues	<u>476,058</u>	<u>352,204</u>	35.2%
Expenses			
General government	(425,257)	(379,651)	12.0%
Community development	(132,044)	(10,281)	1184.3%
Total expenses	<u>(557,301)</u>	<u>(389,932)</u>	42.9%
Change in net position	(81,243)	(37,728)	3100.0%
Net position, beginning of year	323,849	361,577	-10.40%
Net position, end of year	<u>\$ 242,606</u>	<u>\$ 323,849</u>	-25.1%

Financial Analysis of the General Fund

As noted above, OCCOG maintains two governmental funds, the General Fund and a custodial fund.

OCCOG's general fund revenues for FY 2020-21 came from membership dues and fees, as well as intergovernmental revenues. Members pay annual membership dues that fund expenditures related to the administration of OCCOG. Members also reimburse OCCOG for the cost of demographic research performed by California State University, Fullerton. There was no change in the dues structure from FY 2019-20 to FY 2020-21. For FY 20-21 OCCOG recorded revenue in intergovernmental revenues to administer planning related projects, which also resulted in increased expenditures for the projects. The source of funding is Regional Early Action Planning (REAP) Grant Partnerships and Outreach.

General Fund Budgetary Highlights

The OCCOG Board of Directors adopted a formal budget for the fiscal year ended June 30, 2021, on June 25, 2020, which anticipated a deficit of revenues over expenditures for the year of \$(55,136).

Actual expenditures exceeded actual revenues for the year by \$81,243. Actual revenues for the year of \$476,058 were \$58,827 higher than the final budget amount, as a result primarily of revenue for REAP grant which was not budgeted for FY 20-21. The REAP grant revenue was offset by reduced sponsorship income for the General Assembly. Due to COVID pandemic the General Assembly was cancelled for FY 2020-21.

Total actual expenditures of \$557,301 were \$84,934 higher than expected in the final FY 2020-21 budget. Expenditures were higher than budget mainly due to REAP grant expenditures which were not budgeted. REAP grant expenditures were offset by reduced spending for General Assembly.

Contacting OCCOG Management

Questions concerning any of the information provided in this report or requests for additional information should be addressed to the OCCOG Executive Director at Irvine City Hall, 1 Civic Center Plaza, Irvine, CA 92623-9575, or to the OCCOG Treasurer at 3972 Barranca Parkway Suite J127, Irvine, CA 92606.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Statement of Net Position
June 30, 2021

	<u>Governmental Activities</u>
<u>Assets</u>	
Cash and cash equivalents	\$ 249,724
Accounts receivable	125,614
Accrued interest	333
Prepaid items	11,000
Total assets	<u>386,671</u>
<u>Liabilities</u>	
Accounts payable	130,565
Deferred revenue	13,500
Total liabilities	<u>144,065</u>
<u>Net Position</u>	
Net position:	
Unrestricted	<u>\$ 242,606</u>

See accompanying notes to the financial statements.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

**Statement of Activities
Year Ended June 30, 2021**

	<u>Governmental Activities</u>
General Government:	
Program Revenues:	
Charges for services	
Membership dues and fees	\$ 348,691
operating grants and contributions	
Regional early action planning	125,614
Total program revenues	<u>474,305</u>
Expenses:	
General government	(425,257)
Community development	(132,044)
Total expenses	<u>(557,301)</u>
Net program expense	(82,996)
General Revenues:	
Investment earnings	<u>1,753</u>
Change in net position	(81,243)
Net position, beginning of year	<u>323,849</u>
Net position, end of year	<u>\$ 242,606</u>

See accompanying notes to the financial statements.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

**Governmental Fund
Balance Sheet
June 30, 2021**

	<u>General Fund</u>
<u>Assets</u>	
Cash and investments	\$ 249,724
Accounts receivable	125,614
Accrued interest	333
Prepaid items	11,000
Total assets	<u><u>\$ 386,671</u></u>
<u>Liabilities and Fund Balance</u>	
Liabilities:	
Accounts payable	\$ 130,565
Deferred revenue	13,500
Total liabilities	<u><u>144,065</u></u>
Fund balance:	
Nonspendable	11,000
Unassigned	231,606
Total fund balance	<u><u>242,606</u></u>
Total liabilities and fund balance	<u><u>\$ 386,671</u></u>

See accompanying notes to the financial statements.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

**Governmental Fund
Statement of Revenues, Expenditures and Change in Fund Balance
Year Ended June 30, 2021**

	<u>General Fund</u>
Revenues:	
Membership dues and fees	\$ 348,691
Intergovernmental revenues - Regional early action planning	125,614
Investment earnings	1,753
Total revenues	476,058
Expenditures:	
Current:	
General government:	
Demographic research	106,201
Administrative	175,236
Professional services	122,830
Miscellaneous	20,991
Subtotal - general government	425,258
Community development	
General Assembly conference	6,429
Reagional early action planning	125,614
Subtotal - Community development	132,043
Total expenditures	557,301
Net change in fund balance	(81,243)
Fund balance, beginning of year	323,849
Fund balance, end of year	\$ 242,606

See accompanying notes to the financial statements.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Statement of Fiduciary Net Position
Fiduciary Funds
June 30, 2021

	<u>Custodial Fund</u>
<u>Assets</u>	
Cash and Investments	<u>\$ 205,275</u>
<u>Net Position</u>	
Net position:	
Restricted for individuals, organizations and other governments	<u><u>\$ 205,275</u></u>

See accompanying notes to the financial statements.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Statement of Changes in Fiduciary Net Position
Fiduciary Funds
Year Ended June 30, 2021

	<u>Custodial Fund</u>
Additions	
Collections for other governments	\$ 205,275
Deductions	
Payments to other governments	<u>-</u>
Net increase in fiduciary net position	205,275
Net position, beginning of year	<u>-</u>
Net position, end of year	<u><u>\$ 205,275</u></u>

See accompanying notes to the financial statements.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements Year Ended June 30, 2021

(1) Summary of Significant Accounting Policies

(a) Organization

A Joint Exercise of Powers Agreement (Agreement) between public agencies located in Orange County, California (Members) created the Orange County Council of Governments (OCCOG) in August 1996. Member agencies include all 34 Orange County cities, the County of Orange, the Orange County Transportation Authority, the Transportation Corridor Agencies, Orange County Sanitation Districts, Independent Special Districts of Orange County and the South Coast Air Quality Management District. The Agreement may not be terminated except by an affirmative vote of a majority of total voting membership of the Board of Directors.

The general purpose of OCCOG is: 1) to serve as the Sub-regional Organization that represents Orange County on mandated and non-mandated Southern California Association of Governments (SCAG) regional planning activities; 2) to develop and adopt Orange County Projections that serves as Orange County's official growth forecast for local, area-wide and regional planning activities; 3) to provide a vehicle for its members to engage cooperatively and voluntarily on additional regional and cooperative planning efforts with federal, state and regional agencies and to provide Orange County a voice on recommendations and solutions on such additional planning issues to federal, state and regional agencies; and 4) to conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis through the establishment of a council of governments. The goal and intent of OCCOG is one of voluntary cooperation among its member agencies for the collective benefit of all member agencies in Orange County.

The books and financial records for OCCOG for the year ended June 30, 2021 are maintained by the Orange County Council of Governments at 3972 Barranca Pkwy, Suite J127, Irvine, CA 92606.

(b) Measurement Focus, Basis of Accounting and Financial Statement Presentation

The basis financial statements of OCCOG are comprised of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the basic financial statements

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements Year Ended June 30, 2021

(1) Summary of Significant Accounting Policies (Continued)

(b) Measurement Focus, Basis of Accounting and Financial Statement Presentation (Continued)

Government-wide Financial Statements

Government-wide financial statements are presented using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows. Fiduciary activities are not included in these statements. Program revenues include Charges for Services and Operating Grants and Contributions.

Fund Financial Statements

Governmental fund financial statements are reported using the current financial resources measurement focus and modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Expenditures are generally recorded when a liability is incurred, as under accrual accounting.

OCCOG reports the following major governmental fund:

General Fund – The General Fund is used to account for all financial resources except those required to be accounted for in another fund.

Fiduciary Fund Financial Statements

Fiduciary fund financial statements include a Statement of Net Position and a Statement of Changes in Fiduciary Net Position. The fiduciary funds represent a custodial fund. Fiduciary fund types are accounted for according to the nature of the fund. Custodial funds are reported on the accrual basis of accounting.

OCCOG reports the following fiduciary fund:

Custodial Fund – The Custodial Fund is used to account for monies held by OCCOG on behalf of jurisdictions participating in the Orange County Data Acquisition Partnership (OCDAP) with Southern California Association of Governments (SCAG). Each agency has entered into an agreement with SCAG, of which OCCOG is an intermediary to collect funds from jurisdictions, and remit to SCAG as needed throughout the project.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements
Year Ended June 30, 2021

(1) Summary of Significant Accounting Policies (Continued)

(c) Use of Estimates

The financial statements have been prepared in accordance with generally accepted accounting principles and may include amounts based on estimates and assumptions by management. Actual results could differ from those amounts.

(d) Net Position and Fund Balance

Net position represents the difference between assets and deferred outflows of resources less liabilities and deferred inflows of resources, and is classified into three categories:

- Net Investment in Capital Assets – This amount consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction, or improvement of those assets, and excludes unspent debt proceeds. Deferred outflows of resources and deferred inflows of resources that are attributable to the acquisition, construction, or improvement of those assets or related debt also should be included in this component of net position.
- Restricted – This amount represents the net position that is not accessible for general use because its use is subject to restrictions enforceable by third parties and enabling legislation, reduced by liabilities and deferred inflows of resources related to those assets.
- Unrestricted – This amount represents the residual of amounts not classified in the other two categories and represents the net position available for OCCOG.

In the governmental fund financial statements, fund balances are classified in the following categories:

- Nonspendable – Items that cannot be spent because they are not in spendable form, such as prepaid items and inventories; advances, which are long-term interfund borrowings; and items that are legally or contractually required to be maintained intact, such as principal of an endowment or revolving loan funds.
- Unassigned – This includes the excess residual amounts in the General Fund and the residual deficit of all other governmental funds, which have not been restricted, committed, or assigned to specific purposes.

The General Fund is the only fund that reports a positive unassigned fund balance amount.

When an expense/expenditure is incurred for purposes which both restricted and unrestricted resources are available, OCCOG's policy is to apply restricted resources first.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements
Year Ended June 30, 2021

(1) Summary of Significant Accounting Policies (Continued)

(e) Cash and cash equivalents and investments

OCCOG pools its available cash for investment purposes. OCCOG's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturity of three months or less from the date of acquisition. In accordance with GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*, highly liquid money market investments with maturities of one year or less at time of purchase are stated at amortized cost.

(f) Pronouncements Adopted in the Current year

GASB Statement No. 84 – In January 2017, GASB issued Statement No. 84, *Fiduciary Activities*. The objective of this Statement is to improve guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported. This Statement is effective for reporting periods beginning after December 15, 2019. OCCOG implemented this Statement effective July 1, 2020. No restatement was necessary, as the fiduciary activities began during the year.

(2) Cash and Investments

As of June 30, 2021, cash and investments were reported in the financial statements as follows:

Statement of net position:

Governmental activities	\$ 249,724
Fiduciary funds	205,275
Total cash and investments	<u>\$ 454,999</u>

Cash and investments as of June 30, 2021 consist of the following:

Deposits with financial institutions	\$ 47,459
LAIF	407,540
Total cash and investments	<u>\$ 454,999</u>

California public agency depositors.

As of June 30, 2021, the carrying amount of OCCOG deposits was \$47,459 and the bank balance was \$83,511. The \$36,052 difference represents outstanding checks.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements Year Ended June 30, 2021

(2) Cash and Investments (Continued)

Cash consists of bank demand deposit accounts. The *California Government Code* requires California banks and savings and loan associations to secure a government's deposits by pledging government securities with a value of 110% of a government's deposits. California law also allows financial institutions to secure government deposits by pledging first trust deed mortgage notes at 150% of the value of the government's total deposits. The collateral for deposits in federal and state chartered banks is held in safekeeping by an authorized Agent of Depository recognized by the State of California Department of Banking. These securities are physically held in an undivided pool of all California public agency depositors. In accordance with OCCOG's investment policy, the following investments are permitted:

<u>Investments Types</u>	<u>Maximum Maturity</u>	<u>Maximum Percentage of Portfolio</u>	<u>Maximum Investment in One Issuer</u>
Local Agency Investment Fund (LAIF)	N/A	\$75M	\$75M
Local Government Investment Pool	N/A	30%	None
Money Market Mutual Fund	N/A	20%	None

Investments in State Investment Pool

OCCOG is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code under the oversight of the Treasurer of the State of California. The fair value of OCCOG's investment in this pool is reported in the accompanying financial statements at amounts based upon OCCOG's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis. LAIF is not registered with the Securities and Exchange Commission and is not rated.

Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. No such risk as of June 30, 2021.

Concentration of Credit Risk

OCCOG is exposed to concentration of credit risk whenever they have invested more than 5% of their total investments in any one issuer. As of June 30, 2021 OCCOG, was not exposed to concentration of credit risk.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements
Year Ended June 30, 2021

(2) Cash and Investments (Continued)

Custodial Credit Risk

The custodial credit risk for deposits is the risk that, in the event of failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party.

The custodial credit risk for investments is the risk that, in the event of failure of a counterparty to a transaction, a government will not be able to recover the value of investment in collateral securities that are in the possession of an outside party. Custodial credit risk does not apply to a local government's indirect investment in securities through the use of mutual funds or government investment pools (such as LAIF). As of June 30, 2021, none of OCCOG's deposits or investments were exposed to custodial credit risk.

Disclosures Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. OCCOG's investment policy limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. LAIF has an investment maturity of less than 1 year.

Fair Value Classifications

Fair value measurements are categorized based on the valuation inputs used to measure fair value: Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

Investments in LAIF investment pool are uncategorized as deposit and withdrawals are made on the basis of \$1 and not fair value.

(3) Prepaid Items

Prepaid items at June 30, 2021 consisted of the following:

Prepaid insurance	\$11,000
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ORANGE COUNTY COUNCIL OF GOVERNMENTS

Notes to the Financial Statements
Year Ended June 30, 2021

(4) Accounts Receivable

Accounts receivable as of June 30, 2021 consisted mainly of \$125,614 due from SCAG in relation to funds due for the Regional Early Action Planning (REAP) grant partnership. SCAG and OCCOG entered into an agreement in March 2021 effective through June 30, 2023, in which OCCOG was awarded \$3,245,000 under the REAP grant. OCCOG will use these funds for planning-related projects, in accordance with the REAP program guidelines. During the year, OCCOG incurred eligible expenditures of \$125,614 under this grant, which was reflected in revenues for the year ended June 30, 2021.

(5) Liability Insurance

(a) Description of Self-Insurance Pool Pursuant to Joint Powers Agreement

The Orange County Council of Governments is a member of the California Joint Powers Insurance Authority (the Authority), which provides joint protection programs and group purchased insurance for local government agencies. The Authority is composed of 116 California public entities and is organized under a joint powers agreement pursuant to California Government Code §6500 et seq. OCCOG participates in the Authority's Primary Liability Program, which does not have a self-insured retention or member deductible.

The overall coverage limit for each member, including all layers of coverage, is \$50 million per occurrence. Subsidence losses have a sub-limit of \$40 million per occurrence. The coverage structure includes retained risk that is pooled among members, reinsurance, and excess insurance. More detailed information about the various layers of coverage is available on the following website: <https://cjpia.org/protection/coverage-programs>.

During the past three fiscal years, the Primary Liability Program did not experience settlements or judgments that exceeded pooled or insured coverage. There were also no significant reductions in pooled or insured coverage in 2018-19.

OCCOG pays an annual contribution to the Authority and may share in any member refunds in the event that pooled funding exceeds the cost of pooled claims and claim-related expenses, or OCCOG may be required to pay additional contributions based upon the Authority's operating results. The Authority's financial statements may be obtained from its administrative office located at 8081 Moody Street, La Palma, California 90623, or by calling (562) 467-8700.

(6) Excess Expenditures over Appropriations

For the year ended June 30, 2021, expenditures exceeded appropriations for the General Fund as shown below, due to the REAP grant revenues and related expenditures of \$125,614, which were not budgeted:

Final Budget	Actual	Excess over Appropriations
\$472,367	\$557,301	\$(84,934)

ORANGE COUNTY COUNCIL OF GOVERNMENTS

**Required Supplementary Information
Budgetary Comparison Schedule
General Fund
For the Year Ended June 30, 2021**

	Budgeted Amounts		Actual	Variance
	Original	Final	Amounts	with Final Budget Positive/ (Negative)
Revenues:				
Membership dues and fees	\$ 352,231	\$ 352,231	\$ 348,691	\$ (3,540)
Intergovernmental revenues - Regional early action planning	60,000	60,000	125,614	65,614
Investment earnings	5,000	5,000	1,753	(3,247)
Total revenues	417,231	417,231	476,058	58,827
Expenditures:				
Current:				
General government:				
Demographic research	106,201	106,201	106,201	-
Administrative	200,316	200,316	175,236	25,080
Professional services	87,650	87,650	122,830	(35,180)
Miscellaneous	26,200	26,200	20,991	5,209
Community development				
General Assembly conference	52,000	52,000	6,429	45,571
Regional early action planning	-	-	125,614	(125,614)
Total expenditures	472,367	472,367	557,301	(84,934)
Net change in fund balance	\$ (55,136)	\$ (55,136)	(81,243)	\$ (26,107)
Fund balance, beginning of year			323,849	
Fund balance, end of year			\$ 242,606	

See accompanying note to the required supplementary information.

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Note Required Supplementary Information Year Ended June 30, 2021

Budgetary Data

OCCOG establishes accounting control through formal adoption of an annual operating budget. The budget is prepared in conformity with accounting principles generally accepted in the United States of America. The adopted budget can be amended by the Board as unforeseen circumstances come to management's attention. In addition, for FY 2020-21, the Executive Director was granted authority to approve amendments to the budget, provided that any individual amendment did not exceed \$10,000 and further provided that any and all such amendments did not increase the total amount of budgeted expenditures. Individual budget amendments in excess of \$10,000 and increases in the total amount of budgeted expenditures required the approval of the Board of Directors.

The legal level of budgetary control is the account level within the General Fund.



Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

To the Board of Directors
Orange County Council of Governments
Irvine, California

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, the general fund, and the aggregate remaining fund information of the Orange County Council of Governments (OCCOG), as of and for the year then ended June 30, 2021, and the related notes to the financial statements, which collectively comprise OCCOG’s basic financial statements and have issued our report thereon dated November 15, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered OCCOG 's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of OCCOG's internal control. Accordingly, we do not express an opinion on the effectiveness of OCCOG 's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify a certain deficiency in internal control, described in the accompanying schedule of findings and responses as item 2021-001 that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether OCCOG's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying schedule of findings and responses as item 2021-001.

OCCOG's Response to Finding

OCCOG's response to the finding identified in our audit is described in the accompanying schedule of findings and responses. OCCOG's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Handwritten signature in cursive script that reads "Eide Bailly LLP".

Laguna Hills, California
November 15, 2021

Finding Number 2021-001

BUDGET APPROPRIATIONS

Criteria:

OCCOG management has the responsibility for ensuring compliance with the approved annual budget. The adopted budget can be amended by the Board as unforeseen circumstances come to management's attention. The Executive Director has the authority to approve amendments to the budget, provided that any individual amendment did not exceed \$10,000 and further that any and all such amendments did not increase the total amount of budgeted expenditures. Individual budget amendments in excess of \$10,000 and increases in the total amount of budgeted expenditures required the approval of the Board of Directors. The legal level of budgetary control for the General fund budget is at the account level.

Condition:

During our audit it was noted that the OCCOG's general fund expenditures exceeded appropriations at the fund level by \$84,934. The excess expenditures over appropriations were due to REAP grant expenditures of \$125,614 which were not included in the approved budget. As a result, expenditures in excess of the approved budget were incurred.

Context:

The condition was noted during our audit procedures over OCCOG's annual budget and related budget to actual schedules included within OCCOG's financial statements for the year ended June 30, 2021.

Effect:

Excess expenditures over budgeted appropriations of \$84,934 were incurred.

Cause:

OCCOG's budget was not amended for excess appropriations of \$125 thousand for the REAP grant, and related expenditures, during the year ended June 30, 2021.

Recommendation:

We recommend OCCOG revisit policies and practices related to budget amendments for significant projects and activities, to ensure appropriations are part of the legally approved budget.

Views of Responsible Officials and Planned Corrective Actions:

OCCOG will review its budget procedures, to ensure that expenditures were properly budgeted. If not budgeted, we will ensure an amendment is taken to the Board for approval. For FY 2021-22, the REAP grant related expenditures were budgeted by OCCOG, including the amount expended in FY 2020-21.



AGENDA ITEM # 10

Orange County Projections 2022 Control Totals

STAFF RECOMMENDATION

Approve the 2022 Orange County Projections county control totals.

SUMMARY

OCCOG and Center for Demographic Research (CDR) staff are bringing the attached Orange County control totals to the OCCOG Board of Directors for approval per the Orange County Projections' update/revision process.

BACKGROUND

The Center for Demographic Research (CDR) at California State University, Fullerton (CSUF) develops population, employment, housing, and other demographic projections used by the Orange County Council of Governments (OCCOG), its member agencies, and other local and regional agencies for transportation and other planning activities. The demographic projections are known as the Orange County Projections (OCP) and are updated every four years. These projections are approved by the OCCOG Board of Directors and transmitted to the Southern California Association of Governments (SCAG) as Orange County's official growth forecast for countywide, area-wide, and regional planning purposes, including the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Additionally, these projections are used by numerous public and private sector entities involved in planning programs for Orange County.

Since 1996, the OCCOG and other agencies have jointly funded CDR as sponsors for the preparation of demographic projections for use in various planning activities. Sponsoring agencies and partners include the OCCOG, CSUF, County of Orange, Orange County Transportation Authority (OCTA), Transportation Corridor Agencies, Orange County Sanitation District, Municipal Water District of Orange County, Orange County Water District, Southern California Association of Governments, and the Orange County Local Agency Formation Commission.

Developing the OCP is a multi-year, multi-agency endeavor, which involves the 34 cities, the County of Orange, and special districts including OCTA and SCAG. The forecast numbers, which are generated with the participation and input of all 34 cities in Orange County and the County of Orange, are approved by the CDR Technical Advisory Committee (CDR TAC), the CDR Management



Oversight Committee (CDR MOC), and the OCCOG Technical Advisory Committee (OCCOG TAC) before being presented for approval by the OCCOG Board of Directors.

The Orange County Projections are recognized by the agencies that sponsor the CDR as the uniform data set for use in local and regional planning applications. The Orange County Projections is designed as a turnkey dataset and has been integrated the past iterations of the SCAG Regional Transportation Plan. It will also be used in the Southern California Association of Governments' growth forecast for the 2024 RTP/SCS.

The 2022 Orange County Projections (OCP-2022) is an update of the 2018 Orange County Projections (OCP-2018), which is the existing policy projections dataset for Orange County. The OCP-2022 update process began in summer 2019 and is being developed in coordination with the 35 Orange County jurisdictions. Completion is expected in October 2022, in line with SCAG's data development timeline for the 2024 RTP/SCS.

Based on the OCP revision process, the OCP-2022 growth assumptions were developed and then approved by the CDR TAC in July 2021. CDR then proceeded with developing the county control totals for population, housing and employment. These control totals are somewhat flexible in that the sum of the jurisdictional input can deviate by +/- 1% from these totals. Input was collected from local jurisdictions in September 2021 on their anticipated jurisdiction-level housing growth for each projection year—focusing on new projects and changes since they provided input to OCP-2018 in spring 2018—and this was folded into the draft control totals. The 2019 base year data, SCAG staff consultations and its expert panel, and other relevant information were incorporated into the draft control totals (Attachment 1).

The base year for both OCP-2022 and the 2024 RTP/SCS is 2019. The horizon year for OCP-2022 will be 2050, consistent with the 2024 RTP/SCS. The OCP-2022 county-level control totals for population, housing, and employment were approved by the CDR TAC on December 16, 2021—along with updates to the growth assumptions—and the CDR Management Oversight Committee on December 21, 2021. On January 11, 2022, the OCCOG TAC approved the county-level control totals and forwarded them to the OCCOG Board with the recommended action to approve the county-level control totals.

The CDR will meet with all Orange County jurisdictions in spring 2022 to distribute the draft OCP-2022 data and review growth within their boundaries as of January 1, 2021, consistent with the 2024 RTP/SCS. The information collected at the jurisdiction meetings and provided to CDR after the



meetings will be incorporated into the 2022 Orange County Projections. Jurisdictions will have through May 2022 to review the data and provide feedback to CDR.

OCP Timeline:

- Fall 2021- Completed base year (2019) data
- Fall/winter 2022- Complete county control totals & disaggregate to sub-jurisdiction level
- ~March-April 2022- Meet with Orange County jurisdictions and distribute draft projections data for review and comment
- ~May 2022- Receive and incorporate input from jurisdictions
- July-October 2022- CDR TAC and CDR MOC approval of OCP-2018; OCCOG TAC and Board final approval of OCP-2022 and transmittal to SCAG for incorporation into 2024 RTP/SCS

CDR staff is in regular contact with SCAG staff and has discussed the draft OCP timeline. SCAG staff concurs that the OCP timeline fits in with the SCAG data timeline, which will have final OCP data completed in October 2022. SCAG staff also supports the OCP process, concurs with the timeline, and the CDR handling the data projections review and update process.

ATTACHMENTS

- A. OCP-2018 Control Totals table and growth assumptions
- B. OCCOG TAC January 11, 2022 OCP-2022 County Control Totals staff report

STAFF CONTACTS

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DRAFT OCP-2022 PROPOSED CONTROL TOTALS: 2019-2050

EMPLOYMENT ¹	Estimates		July Control Totals							*OCP-18 Advisory 2050	Growth	Average
	2016 (OCP-18)	2019 (OCP-22)	2020	2025	2030	2035	2040	2045	2050*	2019-2050	Annual	
1 OCP-2018	1,710,147		1,773,571	1,835,106	1,886,065	1,927,505	1,960,051	1,980,433	2,001,970	270,286	9,320	
2 OCP-2018- 5 year growth (#)			63,424	61,535	50,959	41,440	32,546	20,382	21,537		[29 yr]	
3 OCP-2018- 5 year growth (%)			3.7%	3.5%	2.8%	2.2%	1.7%	1.0%	1.1%			
4 OCP-2022	1,714,887	1,806,111		1,833,167	1,885,750	1,927,080	1,959,512	1,979,690	1,999,491	193,380	6,238	
5 OCP-2022- 5 year growth (#)	[Rev. EDD]	91,224		27,056	54,100	42,800	33,000	22,300	23,000		[31 yr]	
6 OCP-2022- 5 year growth (%)		5.3%		1.5%	3.0%	2.3%	1.7%	1.1%	1.2%			
7 Difference OCP-2022-18				(1,939)	(315)	(425)	(539)	(743)	(2,479)			
8 ¹ Includes wage & salary and self-employment				-0.1%	0.0%	0.0%	0.0%	0.0%	-0.1%			
HOUSING UNITS	2016	2019	2020	2025	2030	2035	2040	2045	2050*			
9 OCP-2018	1,081,938		1,122,178	1,144,597	1,159,026	1,180,795	1,194,168	1,206,257	1,218,223	124,319	4,287	
10 OCP-2018- 5 year growth (#)			40,240	22,419	14,429	21,769	13,373	12,089	11,966			
11 OCP-2018- 5 year growth (%)			3.7%	2.0%	1.3%	1.9%	1.1%	1.0%	1.0%			
12 OCP-2022		1,124,765		1,171,029	1,202,003	1,232,198	1,251,738	1,270,033	1,286,701	161,936	5,224	
13 OCP-2022- 5 year growth (#)			[1,129,785]	46,264	30,974	30,195	19,540	18,295	16,668			
14 OCP-2022- 5 year growth (%)			[Census 2020]	4.1%	2.6%	2.5%	1.6%	1.5%	1.3%			
15 Difference OCP-2022-18				26,432	42,977	51,403	57,570	63,776	68,478			
16				2.3%	3.7%	4.4%	4.8%	5.3%	5.6%			
POPULATION	2016	2019	2020	2025	2030	2035	2040	2045	2050*			
17 OCP-2018	3,179,626		3,268,084	3,361,142	3,440,882	3,499,318	3,531,540	3,534,620	3,525,147	354,994	12,241	
18 OCP-2018- 5 year growth (#)			88,458	93,058	79,740	58,436	32,222	3,080	(9,473)			
19 OCP-2018- 5 year growth (%)			2.8%	2.8%	2.4%	1.7%	0.9%	0.1%	-0.3%			
20 OCP-2022	3,169,925	3,195,197	3,190,832	3,233,281	3,277,277	3,313,638	3,329,224	3,324,757	3,305,725	110,528	3,565	
21 OCP-2022- 5 year growth (#)	[Rev. DOF]		[3,186,989]	42,449	43,996	36,361	15,586	(4,467)	(19,032)			
22 OCP-2022- 5 year growth (%)			[Census 2020]	1.3%	1.4%	1.1%	0.5%	-0.1%	-0.6%			
23 Difference OCP-22 less OCP-18			(77,252)	(127,861)	(163,605)	(185,680)	(202,316)	(209,863)	(219,422)			
24				-2.4%	-3.8%	-4.8%	-5.3%	-5.7%	-5.9%			
25 DOF Pop projections (April 2021)			3,190,832	3,249,431	3,291,863	3,314,115	3,315,726	3,299,179	3,268,048			
26 OCP-22 less DOF				(16,150)	(14,586)	(477)	13,498	25,578	37,677			
The following information is for reference only and are outputs, not inputs, into the control totals:												
Persons Per Housing Unit	2016	2019	2020	2025	2030	2035	2040	2045	2050			
27 OCP-2018	2.94		2.91	2.94	2.97	2.96	2.96	2.93	2.89			
28 OCP-2022		2.84		2.76	2.73	2.69	2.66	2.62	2.57			
29 Jobs/Housing Unit OCP-2018	1.58		1.58	1.60	1.63	1.63	1.64	1.64	1.64			
30 Jobs/Housing Unit OCP-2022		1.61		1.57	1.57	1.56	1.57	1.56	1.55			
31 Population/Job OCP-2018	1.86		1.84	1.83	1.82	1.82	1.80	1.78	1.76			
32 Population/Job OCP-2022		1.77		1.76	1.74	1.72	1.70	1.68	1.65			

2016 & 2019 Employment is calculated from EDD Wage & Salary data plus American Community Survey Self-employment estimates

2016 & 2019 Housing units are calculated from 2010 and 2020 Census data plus net construction from CDR's Housing Inventory System (HIS) for the interim time period.

2016 & 2019 Population is calculated from 2020 Census and DOF data.



STAFF REPORT January 11, 2022

Orange County Council of Governments

AGENDA ITEM # 2 Orange County Projections 2022 Control Totals

STAFF RECOMMENDATION

Approve the OCP-2022 County Control Totals for population, housing and employment for 2019-2050 and forward to the OCCOG Board for approval.

Overview:

Ms. Deborah Diep will present the 2022 Orange County Projections control totals (Attachment 1) to the OCCOG TAC for approval and forward to the OCCOG Board. The approved county totals will be used as control measures on the projections data disaggregated to the city and small area levels. It is expected that the jurisdiction meetings will be held in March-April 2022 to distribute the draft OCP-2022 dataset and review growth in their jurisdictions. Feedback on the draft data will be due to CDR in May 2022. CDR will then incorporate information collected at the meetings and submitted to CDR into the Orange County Projections. The OCP-2022 dataset will be finalized and the final approval process will begin in summer 2022 in order to meet SCAG's October 2022 deadline for local input into the RTP/SCS.

Background:

Orange County Projections 2022 (OCP-2022) is an update of the 2018 Orange County Projections (OCP-2018), which is the existing policy projections dataset for Orange County. Population, housing and employment (jobs) will be projected and adopted in five-year increments from 2019 to 2050 countywide and for the ten Regional Statistical Areas (RSA). The OCP dataset is developed and published at the county, RSA, community analysis area (CAA), and census tract levels. These projections are recognized by the agencies that sponsor the CDR as the uniform data set for use in local and regional planning applications. OCP-2022 is the 14th iteration and is being developed initially for incorporation in the Orange County Transportation Authority's (OCTA) Long Range Transportation Plan and the Southern California Association of Governments' (SCAG) growth forecast for the 2024 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Based on the OCP revision process, the OCP-2022 growth assumptions were developed and then approved by the CDR TAC in July 2021—and appended in December 2021—with the recognition that the economic recovery after the COVID-19 pandemic and associated economic shutdown is still underway. CDR then proceeded with developing the county control totals for population, housing and employment. Input was collected from local jurisdictions in September 2021 on their anticipated jurisdiction-level housing growth for each projection year—focusing on new projects and changes since they provided input to OCP-2018 in spring 2018—and this was folded into the draft control totals. 2019 base year data; SCAG staff consultations and SCAG's expert panel; and other relevant information were incorporated into the draft OCP-2022 control totals (Attachments 1-3).

OCP-2022 inputs will include:

- 2010 & 2020 Census data
- U.S. Census Bureau American Community Survey data
- State Department of Finance (DOF) Population Estimates



- State Employment Development Department (EDD) Employment Estimates
- CDR Small Area Population & Housing Estimates, including the Housing Inventory System (HIS)
- CDR Small Area Employment Estimates
- Government Survey results
- Dun & Bradstreet employer data
- Local Universities' Short-Term Economic Forecasts
- SCAG & CCSCE Long-Term Economic Forecasts
- Vital Statistics: Birth & death data
- City & County General Plans, Economic Development, Specific & Redevelopment Plans, and Project Proposals
- City/County Review & Comment on small-area projections

Employment projections use a shift-share model where Orange County captures a share of the California market and California captures a share of the national market. Employment is total jobs, which include both wage and salary and self-employment. Population projections use an age-cohort component model, where births, deaths, and migration assumptions are made over the course of the projections. The housing projections are generally a supply-side projection based on information from the jurisdictions on current and planned projects, as well as feedback on other development they think is likely to occur within the term of the projections. The OCP housing projection is for total housing units, which includes both occupied (households) and vacant units.

As additional information gets released throughout the county control total process and the full OCP projections update, CDR will incorporate the new information into the draft projections and control totals, especially as it relates to the 2019 base year and interim years through 2022. These may include items such as new and revised EDD jobs data; DOF's population growth components and decadal benchmark smoothing file; and 2020 Census detailed population and housing data. The effects of these may change the base year estimates, projection year totals, and the growth increments. If so, these will be reported out during the OCP approval process and during applicable meetings. Final approval of OCP-2022 is anticipated in September/October 2022 by the OCCOG Board.

This iteration follows a contentious Regional Housing Needs Assessment (RHNA) process wherein Orange County was assigned a total of 183,861 housing units after the SCAG region was assigned an allocation of 1.3M housing units. The housing element deadline of October 15, 2021 has passed and jurisdictions have a 120-day grace period to have their housing elements adopted and then approved by State HCD. That timeline falls at the point when CDR is expecting to finalize its draft small-area (TAZ-level) projection data for jurisdictions to review. As a result of AB 1398, many jurisdictions may need to complete their rezoning by October 15, 2022. Normally, jurisdictions would have three years to rezone all of the land to accommodate the RHNA allocations, and it would be near the end of 2024 when all of the land will be rezoned. New housing projects may be proposed before then, but more projects are likely to follow after land is rezoned. Multi-family projects often take two years to move through the approval process and another two to be completed. Thus, staff is expecting that significant changes to



the housing projections at the TAZ level will be much easier to grasp and more likely in the next iteration of both OCP in 2026 and the 2028 RTP/SCS that will include the 7th RHNA cycle.

Due to the newly-signed SB 9 and SB 10, along with jurisdictions rezoning enough land to accommodate the 183,000 units from the 6th RHNA cycle, CDR expects that over time the housing supply and production will increase. But, the effects of these—including the timing, phasing, and locations of new housing are largely unknown—primarily due to the housing elements not being completed. Even if jurisdictions successfully rezone enough land to accommodate the 183,000 RHNA units in the county required by the state, the OCP is a projection of what is most likely to occur/get built under the set of assumptions made at the time of its development. One of those assumptions is that the OCP is not a build-out scenario of the full county. Though there may be parcels and pockets within the county that are built out to capacity, the full county will not achieve full build out of all General Plans by 2050. One of the questions CDR asks jurisdictions during their review of the draft projections data, is “what is reasonable?” They are asked to consider what is most likely to occur by the end of the projections under the assumptions and trends existing today. Often, this is past any current council terms and perhaps even their own retirement. They are asked if it is reasonable that some areas will redevelop, and with demand and the attractiveness of Orange County, including things such as weather and jobs, do they believe that there would be some turnover and/or denser—not necessarily high density—development when it does occur.

For example, generally, SB 9 would allow for a minimum of two units and up to four units on single-family lots with some restrictions—see Attachment 4 for synopsis of SB 9 and SB 10¹. SB 10 would allow for up to ten units per parcel if the parcel is located in a “transit-rich area” (within one-half mile of a major transit stop or on a high-quality bus corridor) or an “urban infill site” (zoning permits residential and meets Census Bureau definitions of urbanization). The Turner Center’s July 2021 report on SB 9 feasibility—recognizing the analysis was based on an earlier version of the legislation—estimated about 47,000 new, market-feasible units could be created on approximately 35,000 parcels in the county.² If only 1% of those units came online in the term of these projections that could add roughly 20 units a year to the housing stock if activity began in 2025. If only 1% of the 558,523 single family detached homes in Orange County added an ADU that could add 5,585 housing units to the county stock, roughly 192 units per year across the county. In 2020, the net activity of ADUs was 509 units; the five-year average from 2016-2020 was 226 units (Table 1).

¹ https://www.coxcastle.com/news-and-publications/2021/gov-newsom-signs-newsworthy-housing-legislation-addressing-state-housing-supply-crisis?utm_medium=email&utm_campaign=Governor%20Newsom%20Signs%20Newsworthy%20Housing%20Legislation%20Addressing%20States%20Housing%20Supply%20Crisis&utm_content=Governor%20Newsom%20Signs%20Newsworthy%20Housing%20Legislation%20Addressing%20States%20Housing%20Supply%20Crisis+CID_2592eddcc80e37b898895dc4e8231ca1&utm_source=Email%20marketing%20software&utm_term=View%20it%20online%20here

² <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf>



STAFF REPORT

January 11, 2022

Orange County Council of Governments

Table 1. Orange County Net ADU Activity 2016-2020

	2016	2017	2018	2019	2020	Net Activity 2016-2020
Aliso Viejo	1	-	-	-	-	1
Anaheim	3	6	7	10	32	58
Brea	-	-	4	6	3	13
Buena Park	-	-	-	3	1	4
Costa Mesa	(2)	2	2	4	6	12
Cypress	-	-	-	-	-	-
Dana Point	-	1	3	5	7	16
Fountain Valley	-	2	11	15	28	56
Fullerton	2	6	7	20	20	55
Garden Grove	6	7	80	94	207	394
Huntington Beach	-	-	4	12	24	40
Irvine	-	-	-	6	5	11
La Habra	2	4	1	5	6	18
La Palma	-	-	-	1	-	1
Laguna Beach	6	3	8	4	9	30
Laguna Hills	2	1	-	-	2	5
Laguna Niguel	-	1	-	1	3	5
Laguna Woods	-	-	-	-	-	-
Lake Forest	-	2	1	2	4	9
Los Alamitos	-	-	-	-	1	1
Mission Viejo	-	-	-	-	2	2
Newport Beach	-	-	1	1	3	5
Orange	3	1	7	12	11	34
Placentia	1	-	-	1	2	4
Rancho Santa Margarita	-	-	-	1	-	1
San Clemente	-	1	2	11	10	24
San Juan Capistrano	-	-	-	1	2	3
Santa Ana	3	7	14	30	40	94
Seal Beach	-	-	-	1	1	2
Stanton	3	1	11	9	10	34
Tustin	-	2	3	3	8	16
Villa Park	-	-	2	2	-	4
Westminster	4	-	20	43	26	93
Yorba Linda	1	3	4	3	3	14
Unincorporated	7	15	6	9	33	70
Orange County Total	42	65	198	315	509	1,129
Year/Year change		54.8%	204.6%	59.1%	61.6%	
Running Average		54	102	155	226	

Source: CDR Housing Inventory System



When one looks at the current age of the housing stock in the county, by 2050, 17.6% of the housing stock will be at least 100 years old (Table 2). Another 70% will be between 50 and 99 years old.

Table 2. Age of Housing Stock in Orange County, 2015-2015 5-Year Estimates

Year built	Housing Units	Share of Housing Stock	Age in 2050	Share of Stock in 2050	
Built 2014 or later	29,369	2.7%	36		
Built 2010 to 2013	22,261	2.0%	40		
Built 2000 to 2009	91,455	8.3%	50	13.0%	50 years or less
Built 1990 to 1999	128,774	11.7%	60	69.4%	51-99 years
Built 1980 to 1989	163,803	14.9%	70		
Built 1970 to 1979	256,739	23.3%	80		
Built 1960 to 1969	214,045	19.5%	90		
Built 1950 to 1959	143,431	13.0%	100	17.6%	100+ years
Built 1940 to 1949	23,121	2.1%	110		
Built 1939 or earlier	27,451	2.5%	111		
Total housing units	1,100,449	100.0%			

Source: U.S. Census Bureau American Community Survey 2015-2019 5-year estimates, Table B25034

If one considers these houses will likely need upgrades or even be replaced, some of these units may be replaced with more dense development. But, as is described during the OCP development process and consultation with local jurisdictions, more dense development does not mean high density everywhere. It could mean the tear-down of two and building three, not tear-down of two and building 20—although that may now be possible in some areas due to SB 10. We also recognize that patterns across the county are not the same, e.g., some coastal cities see a regular practice of tearing down two houses and building one along the coast.

Supplemental input was solicited by CDR at the December 7, 2021 OCCOG TAC meeting and feedback included that many jurisdictions are creating ordinances relating to SB 9 and SB 10 and there was concern about HCD possibly dragging out the Housing Element adoption process that would result in some jurisdictions needing to complete their rezoning by October 15, 2022 per AB1398 instead of having three years to complete the rezoning.

Between December 1-8, 2021, CDR staff reviewed published draft and final housing elements for Orange County jurisdictions. Table 2 below summarizes the draft housing unit capacity that may be added to the jurisdictions through rezoning to accommodate the 6th Cycle RHNA and the number of ADUs expected during the 8-year RHNA period from 2021-2029. Because RHNA only requires there be enough land zoned to accommodate the RHNA allocations, it is not expected that the RHNA allocations will be built out to full capacity either within the RHNA period (2021-2029) or by the end of the OCP projection period in 2050. Rather, the information is being provided as additional context for the county control totals.



Table 2. Status of Orange County Jurisdiction Housing Elements, Rezone Capacity and Projected ADUs

	DRAFT Additional Housing Capacity Potential due to Rezoning for 6th RHNA Cycle	DRAFT Projected ADU Growth 2021-2029	Housing Element Status
Aliso Viejo	1,320	40	
Anaheim	10,742	756	
Brea	3,373	160	Adopted
Buena Park	8,712	240	
Costa Mesa	10,363	858	
Cypress	3,802	20	
Dana Point	418	81	
Fountain Valley	4,947	720	
Fullerton	NA	NA	
Garden Grove	14,758	3,618	Adopted
Huntington Beach	430	769	
Irvine	31,934	80	
Laguna Beach	326	120	
Laguna Hills	1,607	18	
Laguna Niguel	1,216	50	Adopted
Laguna Woods	1,094	0	
La Habra	820	400	
Lake Forest	3,347	32	
La Palma	2,244	24	Adopted
Los Alamitos	702	0	
Mission Viejo	1,343	30	Adopted
Newport Beach	6,156	1,000	
Orange	3,866	320	
Placentia	1,896	56	
Rancho Santa Margarita	680	40	
San Clemente	1,242	160	Adopted
San Juan Capistrano	1,136	48	
Santa Ana	838	360	
Seal Beach	85	8	
Stanton	1,288	117	
Tustin	1,049	112	Adopted
Villa Park	236	80	Adopted
Westminster	6,710	528	
Yorba Linda	0	1,100	
Unincorporated	0	800	
Orange County	128,680	12,745	

Sources: Jurisdiction websites of draft and final housing elements collected December 1-8, 2021.

Adoption status from HCD listserv and <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#status>



The draft control totals reflect a somewhat conservative approach to increases for housing and population. This is primarily due to the fact that CDR staff will have to disaggregate the county control totals to the small-area, traffic analysis zone (TAZ) level beginning with the additional housing growth that would be added based on the aforementioned factors. Because this is draft information and no projects are currently being proposed on these sites, the realistic expectation of the likelihood the growth will occur and its phasing would be best provided by the jurisdictions. Staff expects that the jurisdictions will provide more accurate information on anticipated growth as they progress through the housing element update process in early 2022. In order to facilitate the inclusion of these changes by the jurisdictions, staff is proposing to collect the parcel-level information supplied in the draft housing elements and supplement the draft OCP dataset by summarizing the draft information by TAZ to augment the jurisdictions' review.

The draft county housing and employment controls are based on what jurisdictions have already approved, projects coming down the pipeline and development jurisdictions think is likely to occur over the term of the projections. In addition, the housing control totals reflect:

1. an ADU activity level equal to or greater than levels in 2018, the first full year of activity after the ADU statute changes, amounting to an additional 150 ADUs per year;
2. a small amount of additional growth anticipated as a result of SB 9 and SB 10 after 2025, roughly averaging 2 units per jurisdiction per year for 25 years; and
3. a limited amount of new housing growth from potential sites that may be rezoned to accommodate the 6th Cycle RHNA roughly equaling 15% of draft rezoned capacity or averaging 22 more units per year per jurisdiction spread over 25 years.

As a reminder, the control totals are somewhat flexible in that the sum of the jurisdictional input can deviate by +/- 1% from these totals. If the aggregate of the jurisdictions' input in spring 2022 during the review of the small-area (split traffic analysis zone) projections aggregates to outside +/-1% of the county controls, documentation must be provided by jurisdictions to justify the significant changes, e.g., General Plan updates or amendments; housing element updates; and new project approvals or entitlements. It is expected that the small-area numbers will change to reflect more current information jurisdictions will have in spring 2022.

Note: SCAG shared their draft regional-level growth forecast at the November 4, 2021 CEHD meeting and had initially planned to present their draft county-level forecast at the November 18, 2021 Technical Working Group (TWG), but did not complete the disaggregation in time. Subsequently, SCAG released their draft county-level growth forecasts to the TWG on December 13, 2021. SCAG staff currently plans to have a discussion on their draft county-level forecasts at the January 20, 2022 TWG meeting and at the February 3, 2022 Policy Committee meetings. Their forecast will then be disaggregated to the jurisdiction and TAZ levels.

The OCP-2022 county control totals were discussed and then approved by the CDR Technical Advisory Committee and CDR Management Committee across four meetings in late 2021. The recommended



action for the OCCOG TAC is to approve the OCP-2022 County Control Totals for population, housing and employment for 2019-2050 and forward to the OCCOG Board for approval.

Attachments:

1. Draft OCP-2022 County Control Totals
2. 1990-2020 Wage & Salary Employment Chart
3. 1960-2020 Orange County Housing Production Chart
4. SB 9 & SB 10 Analysis by Cox Castle Nicholson
5. OCP-2022 Timeline
6. SCAG 2024 RTP/SCS Timeline

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DRAFT OCP-2022 PROPOSED CONTROL TOTALS: 2019-2050

EMPLOYMENT ¹	Estimates		July Control Totals							*OCP-18 Advisory 2050	Growth	Average
	2016 (OCP-18)	2019 (OCP-22)	2020	2025	2030	2035	2040	2045	2050*	2019-2050	Annual	
1 OCP-2018	1,710,147		1,773,571	1,835,106	1,886,065	1,927,505	1,960,051	1,980,433	2,001,970	270,286	9,320	
2 OCP-2018- 5 year growth (#)			63,424	61,535	50,959	41,440	32,546	20,382	21,537		[29 yr]	
3 OCP-2018- 5 year growth (%)			3.7%	3.5%	2.8%	2.2%	1.7%	1.0%	1.1%			
4 OCP-2022	1,714,887	1,806,111		1,833,167	1,885,750	1,927,080	1,959,512	1,979,690	1,999,491	193,380	6,238	
5 OCP-2022- 5 year growth (#)	[Rev. EDD]	91,224		27,056	54,100	42,800	33,000	22,300	23,000		[31 yr]	
6 OCP-2022- 5 year growth (%)		5.3%		1.5%	3.0%	2.3%	1.7%	1.1%	1.2%			
7 Difference OCP-2022-18				(1,939)	(315)	(425)	(539)	(743)	(2,479)			
8 ¹ Includes wage & salary and self-employment				-0.1%	0.0%	0.0%	0.0%	0.0%	-0.1%			
HOUSING UNITS	2016	2019	2020	2025	2030	2035	2040	2045	2050*			
9 OCP-2018	1,081,938		1,122,178	1,144,597	1,159,026	1,180,795	1,194,168	1,206,257	1,218,223	124,319	4,287	
10 OCP-2018- 5 year growth (#)			40,240	22,419	14,429	21,769	13,373	12,089	11,966			
11 OCP-2018- 5 year growth (%)			3.7%	2.0%	1.3%	1.9%	1.1%	1.0%	1.0%			
12 OCP-2022		1,124,765		1,171,029	1,202,003	1,232,198	1,251,738	1,270,033	1,286,701	161,936	5,224	
13 OCP-2022- 5 year growth (#)			[1,129,785]	46,264	30,974	30,195	19,540	18,295	16,668			
14 OCP-2022- 5 year growth (%)			[Census 2020]	4.1%	2.6%	2.5%	1.6%	1.5%	1.3%			
15 Difference OCP-2022-18				26,432	42,977	51,403	57,570	63,776	68,478			
16				2.3%	3.7%	4.4%	4.8%	5.3%	5.6%			
POPULATION	2016	2019	2020	2025	2030	2035	2040	2045	2050*			
17 OCP-2018	3,179,626		3,268,084	3,361,142	3,440,882	3,499,318	3,531,540	3,534,620	3,525,147	354,994	12,241	
18 OCP-2018- 5 year growth (#)			88,458	93,058	79,740	58,436	32,222	3,080	(9,473)			
19 OCP-2018- 5 year growth (%)			2.8%	2.8%	2.4%	1.7%	0.9%	0.1%	-0.3%			
20 OCP-2022	3,169,925	3,195,197	3,190,832	3,233,281	3,277,277	3,313,638	3,329,224	3,324,757	3,305,725	110,528	3,565	
21 OCP-2022- 5 year growth (#)	[Rev. DOF]		[3,186,989]	42,449	43,996	36,361	15,586	(4,467)	(19,032)			
22 OCP-2022- 5 year growth (%)			[Census 2020]	1.3%	1.4%	1.1%	0.5%	-0.1%	-0.6%			
23 Difference OCP-22 less OCP-18			(77,252)	(127,861)	(163,605)	(185,680)	(202,316)	(209,863)	(219,422)			
24				-2.4%	-3.8%	-4.8%	-5.3%	-5.7%	-5.9%			
25 DOF Pop projections (April 2021)			3,190,832	3,249,431	3,291,863	3,314,115	3,315,726	3,299,179	3,268,048			
26 OCP-22 less DOF				(16,150)	(14,586)	(477)	13,498	25,578	37,677			
The following information is for reference only and are outputs, not inputs, into the control totals:												
Persons Per Housing Unit	2016	2019	2020	2025	2030	2035	2040	2045	2050			
27 OCP-2018	2.94		2.91	2.94	2.97	2.96	2.96	2.93	2.89			
28 OCP-2022		2.84		2.76	2.73	2.69	2.66	2.62	2.57			
29 Jobs/Housing Unit OCP-2018	1.58		1.58	1.60	1.63	1.63	1.64	1.64	1.64			
30 Jobs/Housing Unit OCP-2022		1.61		1.57	1.57	1.56	1.57	1.56	1.55			
31 Population/Job OCP-2018	1.86		1.84	1.83	1.82	1.82	1.80	1.78	1.76			
32 Population/Job OCP-2022		1.77		1.76	1.74	1.72	1.70	1.68	1.65			

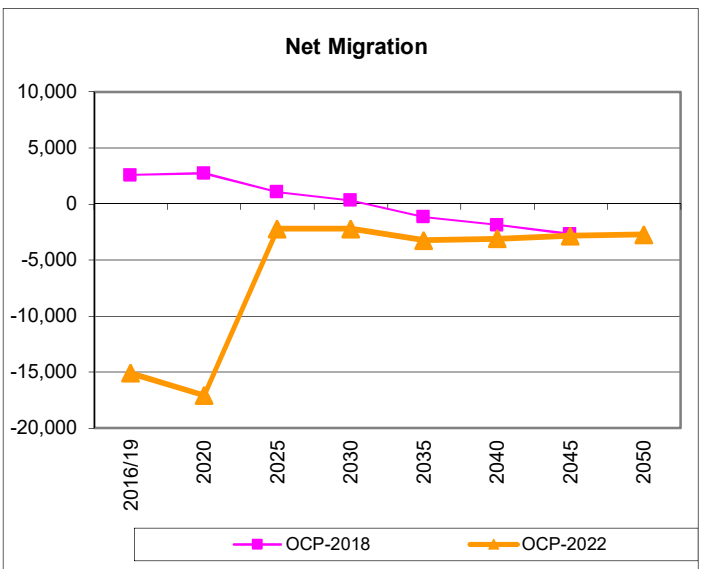
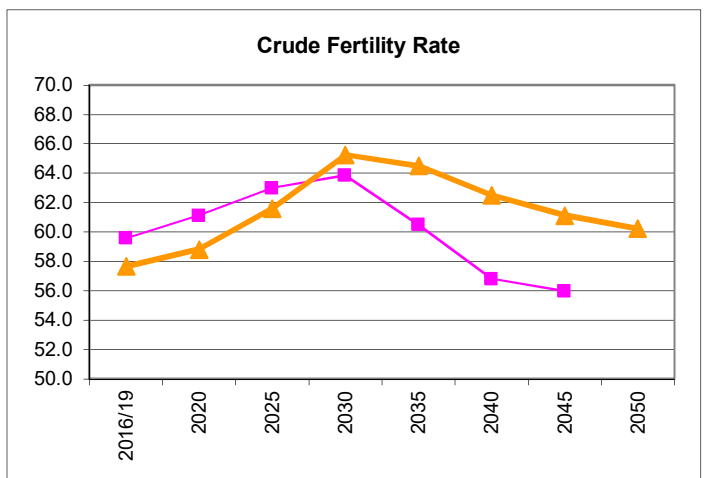
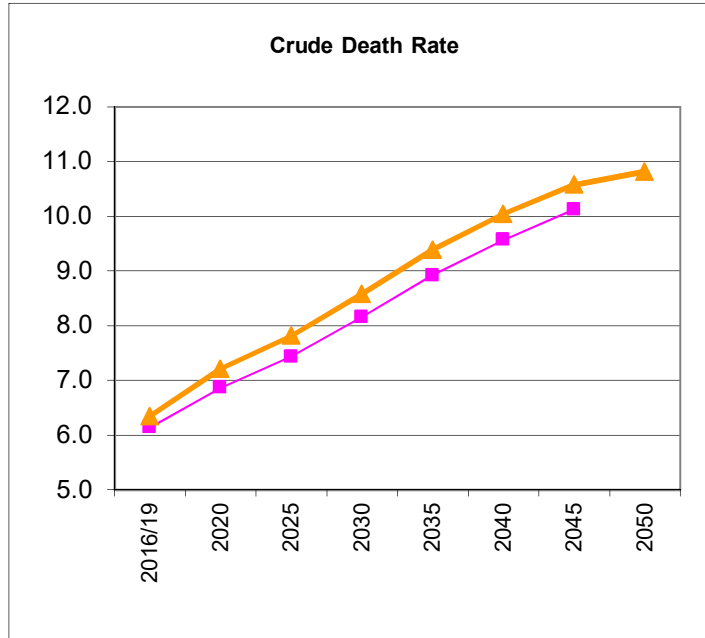
2016 & 2019 Employment is calculated from EDD Wage & Salary data plus American Community Survey Self-employment estimates

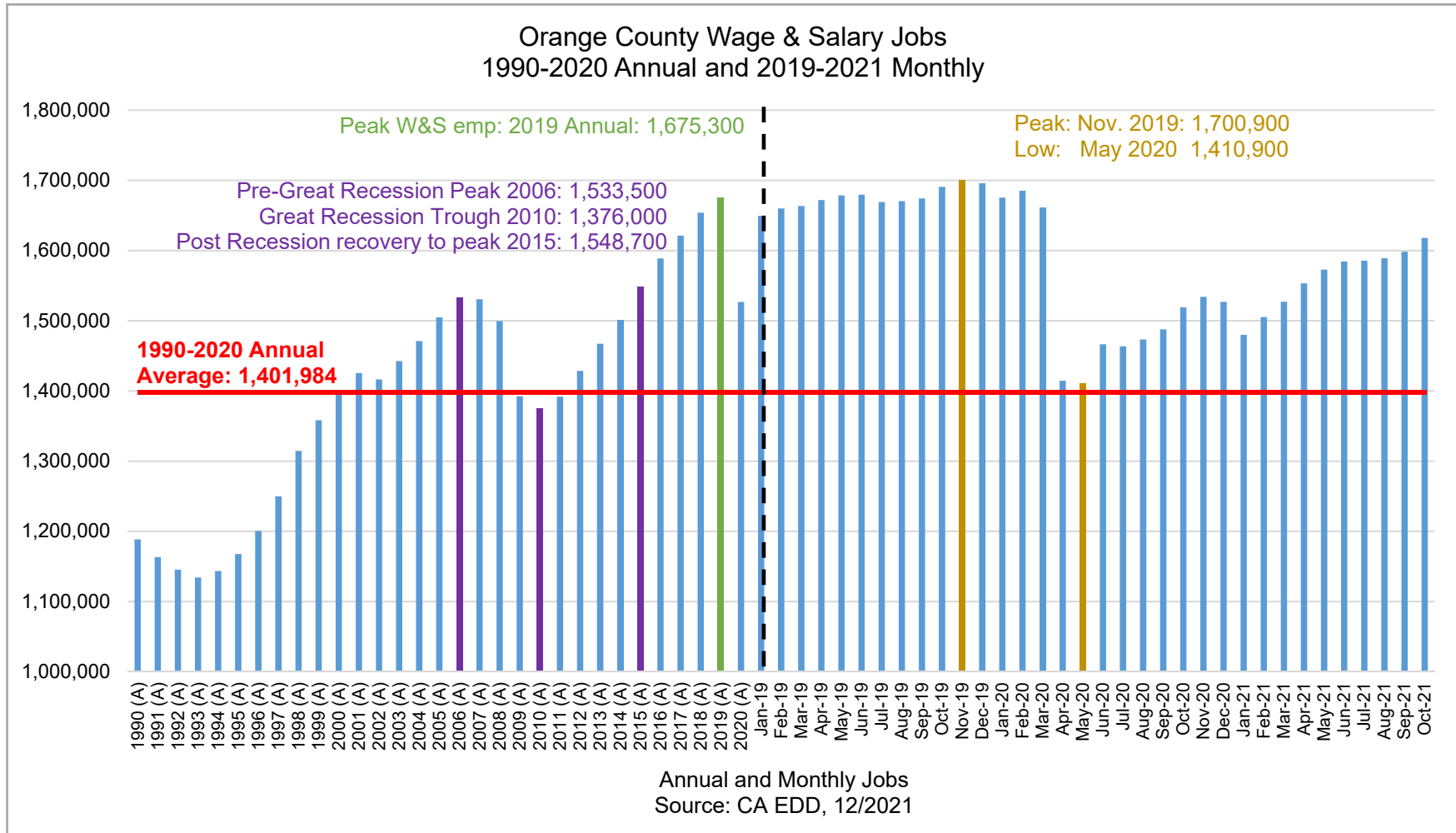
2016 & 2019 Housing units are calculated from 2010 and 2020 Census data plus net construction from CDR's Housing Inventory System (HIS) for the interim time period.

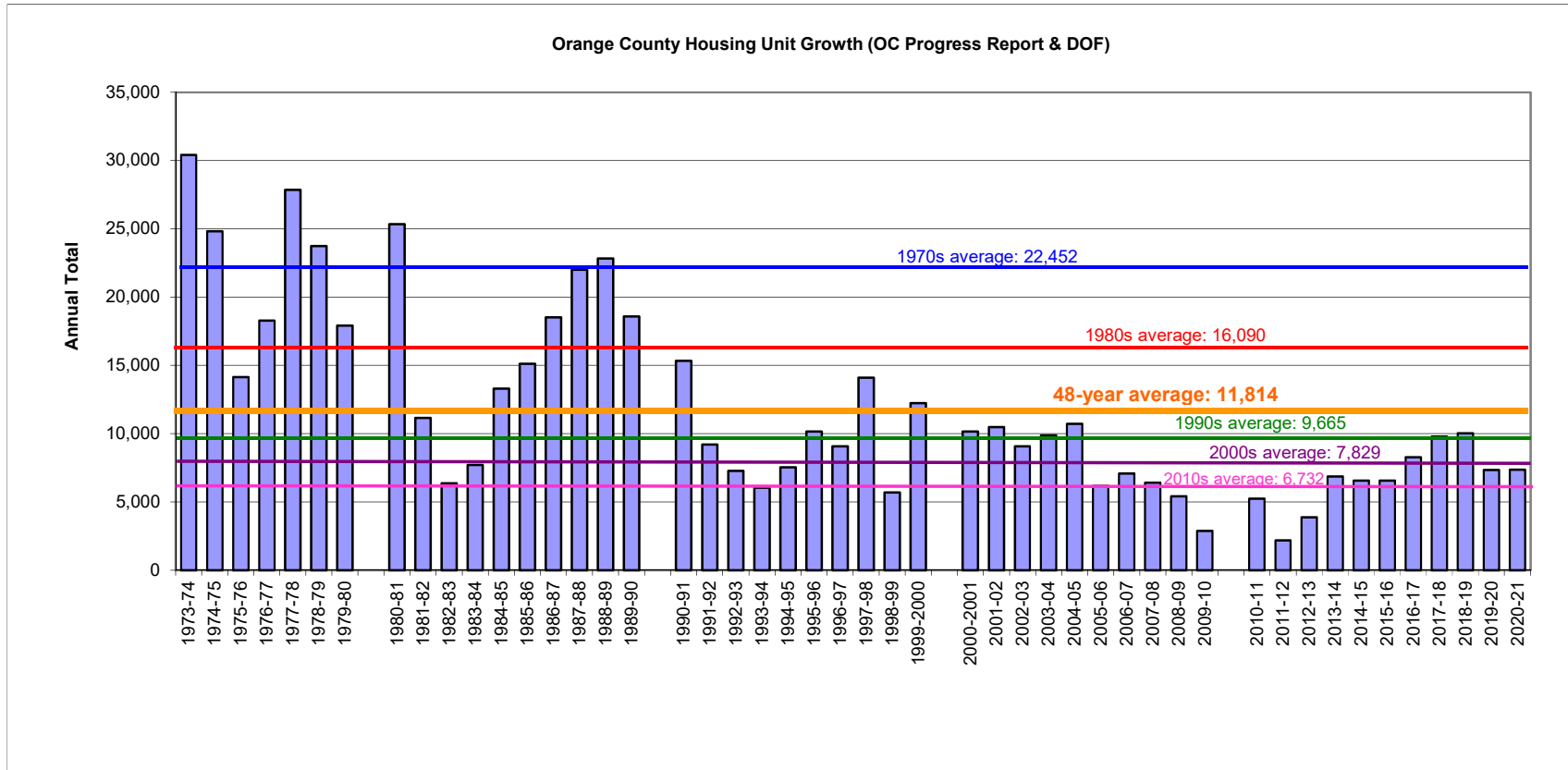
2016 & 2019 Population is calculated from 2020 Census and DOF data.

OCP-2022 CONTROL TOTAL ASSUMPTIONS

	Population	Crude Fertility Rate	Crude Death Rate	Net Migration
OCP-2018				
2016	3,181,371	59.6	6.14	7,552
2020	3,266,039	61.1	6.87	2,735
2025	3,355,462	63.0	7.44	1,073
2030	3,433,975	63.9	8.16	331
2035	3,489,715	60.5	8.92	-1,148
2040	3,514,269	56.8	9.57	-1,873
2045	3,511,057	56.0	10.13	-2,662
2050				
OCP-2022				
2019	3,195,197	57.7	6.35	-15,080
2020	3,190,832	58.8	7.21	-17,091
2025	3,233,281	61.6	7.82	-2,205
2030	3,277,277	65.3	8.58	-2,200
2035	3,313,638	64.5	9.39	-3,247
2040	3,329,224	62.5	10.05	-3,091
2045	3,324,757	61.1	10.57	-2,844
2050	3,305,725	60.2	10.82	-2,724









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Governor Newsom Signs Newsworthy Housing Legislation Addressing State's Housing Supply Crisis

Late last week, Governor Newsom signed two housing bills that could be considered a fundamental shift away from single-family zoning in California: Senate Bills (SB) 9 and SB 10. Authored by Senators Atkins and Wiener, respectively, these bills will make it easier to increase density on properties zoned for single-family homes and properties located near transit. Although not a panacea for the state's housing supply crisis, as some pundits have noted, this legislation is a further step in the state's efforts to identify opportunities for increased housing supply, even if those opportunities upend traditional notions of land use planning and local government control.

SB 9

SB 9 establishes a ministerial approval process for housing development projects containing no more than two residential units per parcel within a single-family residential zone, so long as the property does not have certain enumerated environmental sensitivities (e.g., fire risk, flooding, habitat, hazardous materials, historic resources, etc.) and subject to certain protections for existing rental and affordable units. SB 9 further establishes a ministerial approval process for parcel maps for "urban lot splits" that create no more than two parcels, subject to similar restrictions as well as an owner occupancy requirement. Together, these provisions could authorize up to four units per existing single-family lot.

The distinction between a ministerial approval and a discretionary approval is significant. Unlike a discretionary approval, a ministerial approval typically involves little governmental processing and does not trigger the need for environmental clearance under the California Environmental Quality Act (CEQA), which can be costly and time consuming. Nevertheless, SB 9 maintains some amount of local government control by authorizing the local government to review the proposed housing developments and lot splits to ensure they meet objective development standards, including building code requirements, provided that the imposition of these standards does not have the effect of physically precluding the construction of projects otherwise authorized by SB 9.

Two Homes On One Parcel

To be eligible for ministerial approval of two homes on a single-family zoned lot, a proposed development must meet the following requirements (many of which stem from SB 35 (2018), the predecessor of many recent housing streamlining bills):

- The development must be located on a parcel within a city or an urbanized area or urban cluster in a county;
- The parcel must not be prime farmland or farmland of statewide importance or zoned or designated for agricultural protection or preservation by a local ballot measure; wetlands; within a very high fire

Land Use & Natural
Resources

CEQA/NEPA Impact
Review & Litigation

Real Estate

hazard severity zone (within some exceptions); a hazardous waste site; within a delineated earthquake fault zone; within a 100-year flood zone; within a regulatory floodway; identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan; habitat for protected species; or under a conservation easement.

- The development would not require demolition or alteration of affordable housing, housing subject to rent control, or housing occupied by a tenant in the last three years;
- The development must not be a parcel on which an owner has withdrawn housing from rent under the Ellis Act within the last 15 years;
- The development must not include the demolition of more than 25 percent of existing exterior structural walls, unless a local ordinance allows more demolition or the site has not been occupied by a tenant in the past three years;
- The parcel must not be within a historic district or included on the State Historic Resources Inventory, or designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance; and
- If the development creates a rental unit, it must be rented for a term that exceeds 30 days.

Lot Splits

In addition to requiring that housing development projects for two units on a single-family lot must be approved ministerially, SB 9 allows qualifying urban lot splits to be approved ministerially pursuant to a parcel map. To qualify, the lot must meet several criteria, including many of the same criteria for constructing two units, described above. Additional criteria include:

- The lot split must not create more than two new parcels, where one of the parcels is no smaller than 40 percent of the area of the original parcel;
- The lot split must not create parcels smaller than 1,200 square feet except if a local agency adopts a smaller minimum lot size;
- No sequential lot splits on the same parcel and no lot split if the owner of the parcel being subdivided (or someone working in concert with that owner) has subdivided an adjacent parcel pursuant to SB 9;
- The lot split must conform to all applicable objective requirements of the Subdivision Map Act, except that there can be no requirement for right-of-way dedication or off-site improvements;
- The lot split must be limited to residential uses; and
- The applicant must live in one of the housing units as a principal residence for a minimum of three years, except if the applicant is a community land trust or qualified nonprofit corporation.

For SB 9 lot splits, a local agency can require (1) easements for public services and facilities and (2) that parcels have access to or adjoin the public right-of-way. But a local agency cannot require the correction of existing nonconforming zoning conditions.

SB 9 Proposals Must Meet Objective Standards Unless the Standards Would Be Inconsistent With SB 9's Requirements

SB 9 permits a local agency to impose objective zoning, subdivision, and design review standards on an SB 9 proposal unless they would be inconsistent with SB 9's requirements. For example, local jurisdictions cannot impose a standard that would physically preclude two units of at least 800 square feet. Additionally, no setback can be required for an existing structure or one constructed in the same footprint as an existing structure. Otherwise, the maximum setback that can be required from side and rear lot lines is four feet. A local agency does not have to permit an accessory dwelling unit or junior accessory dwelling unit on parcels that propose both two houses per lot and a lot split.

A local agency can require off-street parking of up to one space per unit except if the parcel is within one-half mile walking distance of either a high-quality transit corridor or a major transit stop or there is a car share vehicle located within one block of the parcel. In such cases, no off-street parking can be required.

While the Coastal Act still applies, a local agency is not required to hold public hearings for coastal development permit applications for a project that meets SB 9's requirements.

Local Agencies Cannot Easily Deny An SB 9 Proposal

Under SB 9, a local agency can deny a proposed project or lot split only if a building official makes a written finding, based upon a preponderance of the evidence, that the proposal would have a specific, adverse impact on public health and safety or the physical environment and there is no feasible method to mitigate or avoid that impact. Similar findings are required under the Housing Accountability Act, and these findings make it difficult for local governments to deny residential projects, often helping projects facing NIMBY opposition to obtain approvals.

SB 10

SB 10 authorizes local governments, including charter cities, to adopt an ordinance to zone any parcel for up to ten units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a "transit-rich area" or an "urban infill site" without triggering review of the rezoning under CEQA.

A transit-rich area is defined as a parcel within one-half mile of a major transit stop or on a high-quality bus corridor. An urban infill site is defined as a site with a general plan or zoning designation that permits residential or mixed use (with at least two thirds of the square footage of the development designated for residential use) in an area meeting certain Census Bureau definitions of urbanization that has urban uses developed on at least 75 percent of its perimeter.

A city or county can adopt an ordinance pursuant to SB 10 regardless of local restrictions on adopting zoning ordinances, including local initiatives, except where a parcel is located in a high or very high fire hazard severity zone according to the Department of Forestry and Fire Protection (with certain exceptions) or where a local initiative designates publicly owned land for open-space or park or recreational purposes. An ordinance under these provisions must be adopted before January 1, 2029, but can remain in effect after this date.

Under SB 10, a zoning ordinance must abide by specified requirements, including the following:

- It must clearly demarcate the areas that are subject to the ordinance;
- It must be consistent with the city or county's obligation to affirmatively further fair housing, according to a finding by the legislative body;

- If it supersedes any zoning restriction established by local initiative, it must be adopted by a two-third vote of the members of the legislative body; and
- It must not reduce the density of any parcel subject to the ordinance, nor is the legislative body allowed to subsequently reduce the density of any parcel subject to the ordinance.

Notably, a project consisting of more than 10 units on parcel(s) zoned pursuant to an SB 10 ordinance cannot be approved ministerially or subject to a CEQA exemption, notwithstanding any other law allowing that (e.g., SB 9, SB 35, etc.). In sum, SB 10 facilitates local agencies implementing higher-density zoning, but projects in those zones still face the risks of the typical approval process.

Conclusion

While SB 9 and SB 10 received a lot of media attention, it is unclear how much housing they will produce. According to a study by the Turner Center for Housing Innovation at the University of California at Berkeley, after accounting for physical capacity and financial feasibility, SB 9 will enable new development on just 5.4 percent of current single-family parcels. Nonetheless, the Turner Center projected that SB 9 could enable the creation of approximately 700,000 new homes that would otherwise not be market feasible. SB 10, which requires a rezoning approval, likely will be most used by jurisdictions that already support transit-oriented development. Nevertheless, these bills are a step in the right direction of making it easier to construct housing in California. It remains to be seen how much backlash they will generate, including whether they become a talking point for supporters of a contemplated statewide initiative that proposes to allow local land use regulations to supersede conflicting state laws.

LOS ANGELES

2029 Century Park East, Suite 2100
Los Angeles, CA 90067

P 310.284.2200 F 310.284.2100

ORANGE COUNTY

3121 Michelson Drive, Suite 200
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SAN FRANCISCO

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San Francisco, CA 94111

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ORANGE COUNTY PROJECTIONS 2022 TASKS & DRAFT TIMELINE (10/20/2021 with anticipated SCAG 2024 RTP/SCS schedule)

Tasks	2020	2021				2022				2023				2024	
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
SCAG: determine base year															
OCP: Develop PHE growth assumptions															
OCP: Develop Base year 2019 estimates Population, Housing, & Employment (PHE)															
OCP: Review and Approve growth assumptions by CDR TAC															
SCAG: develop framework for 2024 RTP/SCS delegation															
SCAG: develop regional growth forecast framework for 2024 RTP/SCS delegation															
OCP: Allocate 2020 Census block data to revised OCTAM TAZs															
OCP: Project Countywide PHE															
SCAG: 2024 RTP/SCS Performance Framework															
SCAG: Growth Forecast Framework Report															
SCAG: Regional Growth Forecast (fall)															
SCAG: deadline for subregions to submit letter of intent on SCS															
SCAG: Collect general plan, zoning, land use, demolition data, develop draft data map books															
OCP: Approve Countywide PHE by CDR TAC & MOC															
OCP: OCCOG TAC & Board Approval of Countywide PHE															
OCP: Allocate Countywide PHE to Split TAZ															
SCAG: Policy Development Frameworks															
Early Public Outreach: Vision and Values															
SCAG: Update Goals & Guiding Policies Draft Performance Measures															
SCAG: collect input from jurisdictions on growth forecast; create local scenario planning options, one-on-one meetings w/ jurisdictions															
SCAG: Jurisdiction Review: general plan, zoning, land use (Map book data), survey															
SCAG: Release PHE data to jurisdictions for review & comment (OC will use OCP data)															
OCP: City meetings with CDR & SCAG															
OCP: Jurisdictional TAZ Review/Adjust PHE/Jurisdictional Approval															
OCP: Dispute Resolution															
OCP: Approve by CDR TAC & MOC															
OCP: OCCOG Technical Advisory Committee Approval															
OCP: Policy Approval at RSA level															
SCAG: Program Environmental Impact Report: Notice of Preparation (fall) & CTC deadline to submit projects to SCAG															
SCAG: deadline for local input on PHE															
OCP: Interim Adjustments if needed															
SCAG: Local Agency Data Validation Process Complete															
SCAG: Public Workshops: Draft Planning Policies & Strategies															
SCAG: Draft Plan Policy Discussions															
SCAG: release of draft policy growth forecast															
SCAG: Policy Committees recommend approval of draft RTP/PEIR release (fall)															
SCAG: RC approval of draft RTP/PEIR release															
SCAG: Policy Committees recommend approval of final RTP/PEIR															
SCAG: RC approval of final RTP/PEIR															

PHE: Population, housing & employment

APPENDIX A



2024 RTP/SCS PRELIMINARY MILESTONES

2021			2022			2023			2024											
SPRING	SUMMER	FALL	WINTER	SPRING	SUMMER	FALL	WINTER	SPRING	SUMMER	FALL	WINTER	SPRING								
FOUNDATIONS & FRAMEWORKS			DATA COLLECTION & POLICY DEVELOPMENT				OUTREACH & ANALYSIS		DRAFT PLAN & ADOPTION											
STAKEHOLDER ENGAGEMENT																				
<ul style="list-style-type: none"> ▼ SPRING 2021 • 2024 RTP/SCS Framework 	<ul style="list-style-type: none"> ▼ SUMMER 2021 • SCS Subregional Delegation Guidelines • 2024 RTP/SCS Performance Framework • Growth Forecast Framework Report 		<ul style="list-style-type: none"> ▼ FALL 2021 • Regional Growth Forecast 			<ul style="list-style-type: none"> ▼ WINTER 2022 • Policy Development Frameworks • Public Participation Plan and Consultation Policy with Tribal Governments and Federal Land Management Agencies • Early Public Outreach: Vision and Values 			<ul style="list-style-type: none"> ▼ SPRING 2022 • Update Goals & Guiding Policies • Draft Performance Measures 		<ul style="list-style-type: none"> ▼ FALL 2022 • Program Environmental Impact Report: Notice of Preparation • Deadline for CTCs to Submit Projects to SCAG 		<ul style="list-style-type: none"> ▼ WINTER 2023 • Technical Methodology Submittal to CARB • Local Agency Data Validation Process Complete • Public Workshops: Draft Planning Policies and Strategies 		<ul style="list-style-type: none"> ▼ SPRING 2023 • Draft Plan Policy Discussions 		<ul style="list-style-type: none"> ▼ FALL 2023 • Draft Connect SoCal 2024, Transportation Conformity Determination, and PEIR 		<ul style="list-style-type: none"> ▼ SPRING 2024 • Comment Response Report and Plan Change Preview • Final Connect SoCal 2024, Transportation Conformity Determination, and PEIR 	
<p>MILESTONES COLOR CODING: BOLD = ACTION ITEM</p> <ul style="list-style-type: none"> MODELING/FORECAST OUTREACH PLAN FOUNDATION (GOALS & PERFORMANCE MEASURES) LOCAL AGENCY INPUT PROCESS PLAN ELEMENT (POLICIES, STRATEGIES, TECHNICAL REPORTS) 																				



AGENDA ITEM # 11

COMMUNITY PLANNING VOTER INITIATIVE

STAFF RECOMMENDATION

Consider a position on the proposed Community Planning Voter Initiative.

SUMMARY

This report provides an overview of a ballot measure proposed for the November 2022 ballot which would specify that local land use and zoning authority would override conflicting State laws, with specified exemptions.

BACKGROUND

The Community Planning Voter initiative is proposed for the November 8, 2022 ballot and aims to clarify the relationship between local zoning and land use laws and State efforts to further regulate local authority in these areas. This initiative would state that the local laws in this area would override any conflicting State laws, except under the following circumstances:

- Coastal Land Use Regulations
- Siting of Power Plants of a certain capacity
- Development of water, communications, or transportation infrastructure projects

It also states that the Legislature and local agencies would be further prohibited from passing legislation that would invalidate voter-approved land use or zoning measures and would also be unable to withhold funding from local agencies who choose to implement this initiative.

The proponents are proposing this measure largely in response to the passage of SB 9 and SB 10 in 2021. SB 9 allows an urban lot split on a single-family home lot, with each parcel then being eligible for duplexes as a ministerial action. SB 10 provides the option to allow up to ten units on a lot within a half mile of a major transit stop. These bills, in addition to a number of other housing bills passed over the last few years, have represented a much more significant role for the State in what has traditionally been local land use decisions.

Below is additional information on the initiative's timeline and the official title and summary. The proposed language is also included as an attachment, as well as the Legislative Analyst's Office summary of the initiative.



Orange County Council of Governments

ATTACHMENT

A. Background Information

Initiative Timeline

August 25, 2021	Initiative Language Submitted to the Attorney General's Office
September 27, 2021	Public Comment/Review Period Ended
November 1, 2021	Attorney General issues Official Title and Summary, Measure cleared for circulation
May 2, 2022	Circulation Deadline to collect 997,139 signatures

Official Title and Summary

1910. (21-0016A1)

PROVIDES THAT LOCAL LAND-USE AND ZONING LAWS OVERRIDE CONFLICTING STATE LAWS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Proponent(s): Bill Brand, John Heath, Peggy Huang, Jovita Mendoza, Dennis Richards

Provides that city and county land-use and zoning laws (including local housing laws) override all conflicting state laws, except in certain circumstances related to three areas of statewide concern: (1) the California Coastal Act of 1976; (2) siting of power plants; or (3) development of water, communication, or transportation infrastructure projects. Prevents state legislature and local legislative bodies from passing laws invalidating voter-approved local land-use or zoning initiatives. Prohibits state from changing, granting, or denying funding to local governments based on their implementation of this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Fiscal effects of the measure depend on future decisions by the cities and counties and therefore are unknown. ([21-0016A1](#).)**

STAFF CONTACTS

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OCCOG Legislative Consultant
951-712-3173
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Marnie O. Primmer
OCCOG Executive Director
949-216-5288
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21-0016

Amdt. # 1

To: The Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street, 17th Floor
Sacramento, CA 95814
(916) 445-4752 | www.oag.ca.gov

RECEIVED

OCT 1 2021

Re: Initiative 21-0016 (Local Land Use) - Amendment

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find amendments to Initiative No. 21-0016. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed. I am a proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language. Thank you for your time and attention processing my request.

Please direct all inquiries and correspondence regarding this proposed initiative to:

John Heath
(323) 248-1699
Jheath@uhawhvp.org



Bill Brand

Date: 7-28-21

To: The Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street, 17th Floor
Sacramento, CA 95814
(916) 445-4752 | www.oag.ca.gov

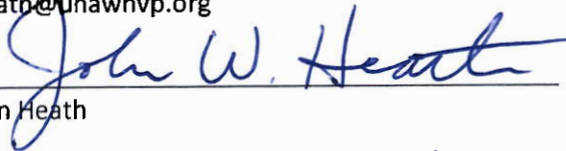
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John Heath
(323) 248-1699
jheath@uhawhvp.org



John Heath

Date: *Sept. 28, 2021*

To: The Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street, 17th Floor
Sacramento, CA 95814
(916) 445-4752 | www.oag.ca.gov

Re: Initiative 21-0016 (Local Land Use) - Amendment

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John Heath
(323) 248-1699
Jheath@uhawhvp.org



Peggy Huang

Date: *Sept. 28, 2021*

To: The Office of the Attorney General
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Please direct all inquiries and correspondence regarding this proposed initiative to:

John Heath
(323) 248-1699
JHeath@uhawhvp.org



Jovita Mendoza

Date: 9/29/21

To: The Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street, 17th Floor
Sacramento, CA 95814
(916) 445-4752 | www.oag.ca.gov


Re: initiative 21-0016 (Local Land Use) - Amendment

Dear Initiative Coordinator:

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Please direct all inquiries and correspondence regarding this proposed initiative to:

John Heath
(323) 248-1699
Jheath@uhawhvp.org



Dennis Richards

Date: SEPTEMBER 29, 2021

SECTION 1. The people of the State of California find and declare all of the following:

- (a) The circumstances and environmental impacts of local land use decisions vary greatly across the state from locality to locality.
- (b) The infrastructure required to maintain appropriate levels of public services, including police and fire services, parklands and public open spaces, transportation, water supply, schools, and sewers varies greatly across the state from locality to locality.
- (c) Land use decisions made by local officials must balance development with public facilities and services while addressing the economic, environmental, and social needs of the particular communities served by those local officials.
- (d) Thus, it is in the best interests of the state and local communities for these complex decisions to be made at the local level to ensure that the specific, unique characteristics, constraints, and needs of those communities are properly analyzed and addressed.
- (e) Gentrification of housing adjacent to public transportation will reduce or eliminate the availability of low or very low income housing near public transit, resulting in the loss of access by low or very low income persons to public transit, declines in public transit ridership, and increases in vehicle miles travelled.
- (f) The State Legislature cannot properly assess the impacts upon each community of sweeping centralized and rigid state land use rules and zoning regulations that apply across the state without regard to community impacts and, as a result, statewide land use and zoning will do great harm to local communities with differing circumstances and concerns.
- (g) Community development should not be controlled by state planners, but by local governments that know and can address the needs of, and the impacts upon, local communities. Local initiatives approved by voters pertaining to land use and zoning restrictions should not be nullified or superseded by the actions of any local or state legislative body.
- (h) Numerous state laws that target communities for elimination of zoning standards have been enacted, and continue to be proposed, that eliminate or erode local control over local development and circumvent the California Environmental Quality Act ("CEQA"), creating the potential for harmful environmental impacts to occur.
- (i) The purpose of this measure is to ensure that all decisions regarding local land use controls, including zoning law and regulations, are made by the affected communities in accordance with applicable law, including but not limited to CEQA (Public Resources Code § 21000 et seq.), the California Fair Employment and Housing Act (Government Code §§ 12900 – 12996), prohibitions against discrimination (Government Code § 65008), and affirmatively furthering fair housing (Government Code § 8899.50). This constitutional amendment would continue to provide for state control in the coastal zone, the siting of a power plant that can generate more than 50 megawatts of electricity, or the development or construction of water, communication or transportation infrastructure projects which the Legislature declares are matters of statewide concern and are in the best interests of the state. For purposes of this measure, it is the intent that a transportation infrastructure project shall not include a transit-oriented development project that is residential, commercial, or mixed-use.

SECTION 2. Section 4.5 is added to Article XI of the California Constitution, to read:

SEC. 4.5. (a) Except as provided in subdivision (b), in the event of a conflict with a state statute, a county charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a county charter, that regulates the zoning, development or use of land within the boundaries of an unincorporated area of the county shall be deemed a county affair within the meaning of Section 4 and shall prevail over a conflicting state statute. No voter approved local initiative that regulates the zoning, development or use of land within the boundaries of any county shall be overturned or otherwise nullified by any legislative body.

(b) A county charter provision, general plan, specific plan, ordinance or a regulation adopted and applicable to an unincorporated area within a county, may be determined only by a court of competent jurisdiction, in accordance with Section 4, to address either a matter of statewide concern or a county affair if that provision, ordinance, or regulation conflicts with a state statute with regard to only the following:

- (1) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.
- (2) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.
- (3) The development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) No modification to appropriations for state funded programs shall occur, and no state grant applications or funding shall be denied as a result of the application of this section. No benefit or preference in state appropriations or grants shall be given to an entity that opts not to utilize the provisions of this section.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 3. Section 5.5 is added to Article XI of the California Constitution, to read:

SEC. 5.5. (a) Except as provided in subdivision (b), in the event of a conflict with a state statute, a city charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a city charter, that establishes land use policies or regulates zoning or development standards within the boundaries of the city shall be deemed a municipal affair within the meaning of Section 5 and shall prevail over a conflicting state statute. No voter approved local initiative that regulates the zoning, development or use of land within the boundaries of any city shall be overturned or otherwise nullified by any legislative body.

(b) A city charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a city charter, may be determined only by a court of competent jurisdiction, in accordance with Section 5, to address either a matter of statewide concern or a municipal affair

if that provision, ordinance, or regulation conflicts with a state statute with regard to only the following:

- (1) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.
- (2) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.
- (3) The development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) No modification to appropriations for state funded programs shall occur, and no state grant applications or funding shall be denied as a result of the application of this section. No benefit or preference in state appropriations or grants shall be given to an entity that opts not to utilize the provisions of this section.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 4. Section 7 of Article XI of the California Constitution is amended to read:

SEC. 7. (a) A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations ~~not~~ that are not, except as provided in subdivision (b), in conflict with general laws. A county or city may not supersede or otherwise interfere with any voter approved local initiative pertaining to land use or zoning restrictions.

(b) A county or city general plan, specific plan, ordinance or regulation that regulates the zoning, development or use of land within the boundaries of the county or city shall prevail over conflicting general laws, except for only the following:

(A) A coastal land use plan, ordinance or regulation that conflicts with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.

(B) An ordinance or regulation that addresses the siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.

(C) An ordinance or regulation that addresses the development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this subparagraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) No modification to appropriations for state funded programs shall occur, and no state grant applications or funding shall be denied as a result of the application of this section. No benefit or preference in state appropriations or grants shall be given to an entity that opts not to utilize the provisions of this section.

(d) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



October 15, 2021

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Anabel Renteria
Initiative Coordinator

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative regarding local land use (A.G. File No. 21-0016, Amendment #1).

Background

State-Local Responsibilities. The state, counties, and cities generally have different responsibilities, and fund and administer different services. Cities are responsible for local needs, such as planning, to accommodate needed housing, police and fire protection, and local roads. Counties provide similar services in areas outside of cities—unincorporated areas. Counties also administer countywide services on behalf of the state, such as health and human services programs, jails, and elections. Cities and counties provide these services using a combination of local, state, and federal funding. In some cases, such as for many human services programs operated by counties, the state provides certain revenue sources to local governments. In other cases, such as some housing programs, the state sets aside grant funding for cities and counties based on varying programmatic requirements.

Local Initiatives. Local voters generally have the authority to enact initiatives that override laws passed by local legislative bodies—city councils or boards of supervisors. Laws enacted by voters through a local initiative can only be modified by subsequent voter approved local initiatives, except if the initiative allows otherwise. Although local initiatives can override laws passed by local legislative bodies, they do not override state laws.

Authority of General Law and Charter Cities and Counties. The State Constitution allows for city and county local affairs to be governed under either the general laws of the state or under a charter adopted by local voters. Charter cities for local matters generally, and charter counties only for certain local matters, have authority to adopt their own laws which generally supersede state law. Although the State Constitution does not define local affairs, case law suggests that they include local elections, and local government contracting and employees. Despite a charter, cities and counties are subject to the U.S. Constitution, federal laws, the California Constitution, and state laws regarding matters of statewide concern. In contrast, general law cities and counties have less

authority to act locally as local actions must be consistent with state law. Of California's 58 counties, 14 currently are charter counties. Of California's 482 cities, 121 are charter cities.

Zoning, Land Use, and Housing. Both general law and charter cities and counties in California make most decisions about when, where, and what type of housing will be built. Cities and counties enact zoning ordinances to set property-specific land use requirements. A community's zoning ordinance typically defines how each property can be used and its form. Use dictates the category of development that is permitted on the property—such as single-family residential, multifamily residential, or commercial. Form dictates building height and width, the share of land covered by buildings, and the distance of buildings from neighboring properties and roads. Rules about use and form effectively determine how many housing units can be built on a particular site. A site with one- or two-story height limits and requirements for large distances from surrounding properties typically can accommodate only single-family homes. Conversely, a site with height limits over 100 feet and relatively smaller required distances between properties can accommodate higher-density housing such as multistory apartments. By dictating how many sites housing can be built on and at what densities, zoning controls how much housing a community can accommodate.

State Has Special Jurisdiction Over Land Use Decisions in Areas of Statewide Concern. Currently, the local affairs rule does not prohibit the state from regulating zoning or land use when necessary to address a statewide concern. For example, state law requires cities and counties to carry out certain planning exercises that attempt to ensure they can accommodate needed home building. In addition, recent housing legislation requires, in some limited cases, local governments to streamline housing approvals and build more dense housing. This legislation declares that ensuring access to affordable housing is a matter of statewide concern and not a local affair. In recent years, the state increasingly has seen issues of zoning and land use as matters of statewide concern. Nevertheless, local governments retain significant control over zoning, land use, and housing.

Proposal

Specifies Local Laws Related to Zoning or Land Use Generally Prevail Over Conflicting State Laws. This measure would amend the California Constitution to specify that actions by a charter city or county related to zoning, development, or land use—hereafter referred to as local laws—would be a local affair and prevail over conflicting state laws. The measure also specifies that zoning and land use laws in general law cities and counties would prevail over conflicting state general law. Consequently, under the measure, local laws that currently conflict with state law generally would become enforceable. Moreover, local initiatives related to zoning or land use not only would prevail over laws passed by local governing bodies but also state law. While the state could continue to enact legislation related to local zoning and land use, rather than follow state law, cities and counties could enact conflicting laws. These local laws generally would prevail over state law.

Identifies Areas of Statewide Concern Where State Law Could Continue to Prevail. The measure identifies certain areas in which courts could determine whether state laws could continue to prevail over local laws. This authority extends to zoning or land use in: (1) the coastal zone; (2) the siting of a power plant that can generate more than 50 megawatts of electricity; or (3) the development of water, communications, or transportation infrastructure projects that the state declares are matters of statewide concern. These same exemptions apply to general law cities and counties, although no court ruling is necessary.

Limits State’s Discretion When Appropriating State Funds. The measure amends the California Constitution to specify that the state could not modify how it appropriates state funding as a result of this measure. Specifically, the state could not deny funding to cities or counties that opt to enact zoning or land use laws that conflict with state law. Furthermore, the state could not provide a preference in appropriating state funding to local governments that choose to conform with state law related to zoning or land use.

Major Fiscal Effects

Some Existing State Allocations to Local Governments Likely Would Need to Change. Some funding provided by the state to local governments is based on local governments’ progress toward meeting state goals for housing. Because the measure could restrict the state’s ability to distribute funds in this manner, the state likely would need to reallocate funding among local governments differently.

Broader Fiscal Effects of the Measure Unknown. The measure would make significant changes to state and local authority over zoning and land use decisions. In some cases, previously unenforceable laws could become operative at the local level immediately. In other cases, local governments could enact new laws. If cities and counties adopt zoning and land use laws that restrict housing development, housing costs could increase and potentially constrain economic growth. Alternatively, if cities and counties adopt laws that spur housing development, economic growth could accelerate. The ultimate fiscal effects of the measure on the state and local governments will depend on decisions by the state’s 482 cities and 58 counties.

Summary of Fiscal Effects. We estimate that this measure would have the following major fiscal effects.

- Fiscal effects of the measure depend on future decisions by the cities and counties and therefore are unknown.

Sincerely,

for Gabriel Petek
Legislative Analyst

for Keely Martin Bosler
Director of Finance



AGENDA ITEM # 12

Approve Letter to Department of Housing and Community Development (HCD) Regarding Implications of AB 1398

STAFF RECOMMENDATION

Approve Letter to Housing and Community Development Regarding Failure to Certify Housing Elements before February 11, 2022, Deadline Set Forth by AB 1398 and Direct Executive Director to transmit the letter to HCD.

SUMMARY

Staff has been made aware that there is a looming crisis for our member jurisdictions related to HCD responses to submitted housing elements and proposes to put OCCOG on the record as raising the alarm for our members and working with SCAG and HCD to avoid a planning catastrophe for the SCAG region.

BACKGROUND

During the last legislative cycle OCCOG, along with SCAG and other subregions, actively advocated for a 6-month extension for SCAG region jurisdictions to be able to submit their housing elements for certification by HCD. The 6-month extension request was made on the basis that Regional Housing Needs Assessment (RHNA) process was delayed by six months due to the delayed approval of the Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal). Without the final RHNA, jurisdictions were unable to move forward with the development of the site inventory which is a critical component of the Housing Element. This request was denied by the legislature. As a consequence, OCCOG jurisdictions and other SCAG-region municipalities have worked tirelessly with their in-house staff and the consultant community's support, to prepare and submit compliant housing elements prior to the deadline. As of this time, of the 197 jurisdictions in the SCAG region, only two housing elements have been accepted and certified by HCD.



WHAT DOES AB 1398 DO?

Prior to January 1, 2022 when AB 1398 took effect, if a local government failed to adopt a housing element within 120 days of the applicable statutory deadline, the jurisdiction would have been required to (A) complete this rezoning no later than 3 years and 120 days from the statutory deadline for the adoption of the housing element and (B) revise its housing element every 4 years until the local government has adopted at least 2 consecutive revisions by the statutory deadline.

With the passage of AB 1398, a local government that fails to adopt a housing element that HCD finds to be in substantial compliance with state law within 120 days of the statutory deadline must now complete this rezoning and all required environmental review no later than one year from the statutory deadline, in this case October 15, 2022, for the adoption of the housing element. AB 1398 has removed the requirement of a 4-year housing element, specifically stating in the legislation that this approach to penalizing a jurisdiction was not resulting in additional housing production. Lastly, jurisdictions that do not have a compliant housing element by the February 11, 2022 deadline risk losing State funding for planning, including the PHLA grant funding available to all jurisdictions.

WHY THIS CHANGE MATTERS FOR OCCOG

Despite earlier assurances from the author that the SCAG region would be excluded from AB 1398 for this housing element cycle, the bill was modified at the last hour to include the SCAG region, including all OCCOG jurisdictions. There are therefore new rules our jurisdictions must comply with immediately governing acceptance and certification of housing element. Any jurisdiction without a certified housing element 120 days from the initial due date (February 11, 2022) will automatically be subject to the provision of AB1398 that requires all zoning to be complete within one year from the original deadline (October 15, 2022).

The failure to provide an extension to the SCAG region coupled with the new requirements of AB 1398 are creating a situation in which nearly the entire SCAG region is likely to have non-compliant housing elements as of the deadline, triggering immediate rezoning within 9 months and critically, jeopardizing our members' access to State housing and planning funding.

CONCERNS OVER ACCURACY OF GUIDANCE

Not only are jurisdictions scrambling to meet the deadline, but there seems to be conflicting and confusing information and guidance coming out of local interactions with HCD, whose staff are now straining under the load of trying to certify 197 housing elements by the February 11, 2022 deadline.



Jurisdictions who are acting in good faith are running into situations where they are getting incorrect information, acting upon it and then experiencing negative consequences. For at least one jurisdiction, the approval of an un-changed Housing Element by their city council triggered a re-set on the 60-day HCD review clock, even though no changes in the previously submitted document had been made, and HCD had previously indicated that the jurisdiction should proceed with council approval of the document to avoid running up against the February 11, 2022 deadline.

Notably, SCAG staff met with HCD in October 2021 to discuss the implications of AB 1398 on the SCAG region. SCAG staff was assured that guidance on how AB 1398 would be applied to jurisdictions and a definition of “substantial compliance” would be provided by HCD in November 2021. To date, SCAG nor any of the region’s jurisdictions, have not received any official guidance from HCD on anything related to AB 1398 or “substantial compliance”. Based on information from our members about their actual experience during the 6th RHNA cycle housing element review period, OCCOG staff has concerns that a subjective review of a housing element with redline comments over something as simple as a spelling or grammatical error could lead to a jurisdiction’s housing element being deemed not to be in “substantial compliance” by the deadline.

CONCERNS OVER BANDWIDTH

This 6th RHNA cycle has seen jurisdictions stretched thin due to pandemic staffing issues. Additionally, the consulting community that supports cities and counties as they prepare their updates has likewise been hard-pressed to meet the needs of all jurisdictions. OCCOG members have experienced requests for proposals that went unanswered, and have had to re-procure multiple times to secure the consultant support needed. It is challenging as well for HCD’s staff to be managing the certification of nearly half of the state all at once. This problem of adequate resources is likely to be exacerbated with the impending eventuality that most of the SCAG region will now have to rezone within the next nine months. Losing access to State funding that could be used to augment resources will only compound the matter.

PROPOSED NEXT STEPS

1. Direct Executive Director and Counsel to work with the OCCOG TAC leadership to draft a letter to HCD Executive, copy to SCAG President and Executive Director within one week from January 27, 2022, outlining the implications of all but one SCAG-region jurisdiction having a certified housing element less than one month away from the newly-imposed AB 1398 deadline.



2. Direct staff to issue an immediate request to HCD for a webinar to be given to OCCOG member jurisdictions before February 11, 2022 on rezoning to prepare them for what is to come.
3. Direct staff to communicate in writing with the new enforcement unit of HCD within one week from January 27, 2022 to provide them with information about inconsistencies and inaccuracies jurisdictions are facing.
4. Issue the RFQ for on-call consultant resources by February 7, 2022 and enable our member jurisdictions to utilize the consultant resources from the on-call consulting bench to assist in rezoning and other planning activities triggered by noncompliance as of February 11, 2022.

ATTACHMENTS

- A. [Text of AB 1398](#)

STAFF CONTACT

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Assembly Bill No. 1398

CHAPTER 358

An act to amend Sections 65583, 65583.2, and 65588 of the Government Code, relating to housing.

[Approved by Governor September 28, 2021. Filed with
Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1398, Bloom. Planning and zoning: housing element: rezoning of sites: prohousing local policies.

(1) Existing law, the Planning and Zoning Law, requires a county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other things, a housing element. Existing law requires the county or city to submit its proposed and adopted housing element and any amendment of its housing element to the Department of Housing and Community Development, and requires the department to determine whether that housing element or amendment substantially complies with specified law, as provided.

Existing law requires that the housing element include, among other things, an inventory of land suitable and available for residential development. If the inventory of sites does not identify adequate sites to accommodate the need for groups of all household income levels, as provided, existing law requires that the local government rezone sites within specified time periods. If the local government fails to adopt a housing element within 120 days of the applicable statutory deadline, existing law requires that the local government (A) complete this rezoning no later than 3 years and 120 days from the statutory deadline for the adoption of the housing element and (B) revise its housing element every 4 years until the local government has adopted at least 2 consecutive revisions by the statutory deadline.

This bill would require a local government that fails to adopt a housing element that the Department of Housing and Community Development has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element. The bill would prohibit a jurisdiction that adopts a housing element more than one year after the statutory deadline from being found in substantial compliance, as described above, until required rezoning is completed, as specified. The bill would also specify that the above-described requirement for the local government to revise its housing element every 4 years applies until the due date for the 6th revision of the housing element and that adoption of a 6th

revision housing element that is found to be in substantial compliance satisfies any obligation to adopt a 4-year housing element.

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

(2) 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.

(3) This bill would incorporate additional changes to Section 65583 of the Government Code proposed by AB 1304 to be operative only if this bill and AB 1304 are enacted and this bill is enacted last.

(4) This bill would incorporate additional changes to Section 65583.2 of the Government Code proposed by AB 1304 to be operative only if this bill and AB 1304 are enacted and this bill is enacted last.

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

SECTION 1. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within

its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.

The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the

use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards,

for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by

the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.

(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(10) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization,

including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, “housing development project” means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(i) Notwithstanding any other law, the otherwise applicable timeframe set forth in paragraph (2) of subdivision (b) and subdivision (d) of Section 21080.3.1 of the Public Resources Code, and paragraph (3) of subdivision (d) of Section 21082.3 of the Public Resources Code, for a Native American tribe to respond to a lead agency and request consultation in writing is extended by 30 days for any housing development project application determined or deemed to be complete on or after March 4, 2020, and prior to December 31, 2021.

(j) On or after January 1, 2024, at the discretion of the department, the analysis of government constraints pursuant to paragraph (5) of subdivision (a) may include an analysis of constraints upon the maintenance, improvement, or development of housing for persons with a characteristic identified in subdivision (b) of Section 51 of the Civil Code. The implementation of this subdivision is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

SEC. 1.5. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of

construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly

and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community

Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to affirmatively further fair housing and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.

(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(10) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program

shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.

(iii) An assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, “housing development project” means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(i) Notwithstanding any other law, the otherwise applicable timeframe set forth in paragraph (2) of subdivision (b) and subdivision (d) of Section 21080.3.1 of the Public Resources Code, and paragraph (3) of subdivision (d) of Section 21082.3 of the Public Resources Code, for a Native American tribe to respond to a lead agency and request consultation in writing is extended by 30 days for any housing development project application determined or deemed to be complete on or after March 4, 2020, and prior to December 31, 2021.

(j) On or after January 1, 2024, at the discretion of the department, the analysis of government constraints pursuant to paragraph (5) of subdivision (a) may include an analysis of constraints upon the maintenance, improvement, or development of housing for persons with a characteristic identified in subdivision (b) of Section 51 of the Civil Code. The implementation of this subdivision is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

SEC. 2. Section 65583.2 of the Government Code, as amended by Section 2 of Chapter 193 of the Statutes of 2020, is amended to read:

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):

(1) Vacant sites zoned for residential use.

(2) Vacant sites zoned for nonresidential use that allows residential development.

(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county.

(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.

(b) The inventory of land shall include all of the following:

(1) A listing of properties by assessor parcel number.

(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.

(3) For nonvacant sites, a description of the existing use of each property. If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply

with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) (A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.

(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.

(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.

(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing. A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing

element. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.

(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, "site" means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.

(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to,

factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(4) (A) For a metropolitan jurisdiction:

(i) At least 25 percent of the jurisdiction's share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.

(ii) At least 25 percent of the jurisdiction's share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.

(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:

(i) Deny a project that does not comply with the allocation.

(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.

(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.

(C) This paragraph does not apply to an unincorporated area.

(D) For purposes of this paragraph:

(i) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(ii) "Unit of housing" does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.

(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division

2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.

(2) (A) (i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.

(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.

(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.

(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.

(g) (1) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low- or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c), shall be at least 20 units per acre in jurisdictions described in clauses

(iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed use if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.

(k) For purposes of subdivisions (a) and (b), the department shall provide guidance to local governments to properly survey, detail, and account for sites listed pursuant to Section 65585.

(l) (1) The changes to this section made by Chapter 193 of the Statutes of 2020 shall become operative on January 1, 2022.

(2) The changes to this section made by Chapter 193 of the Statutes of 2020 shall not apply to a housing element revision that is originally due on or before January 1, 2022, regardless of the date of adoption by the local agency.

(m) This section shall remain in effect only until December 31, 2028, and as of that date is repealed.

SEC. 2.5. Section 65583.2 of the Government Code, as amended by Section 2 of Chapter 193 of the Statutes of 2020, is amended to read:

65583.2. (a) A city’s or county’s inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, “land suitable for

residential development” includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):

- (1) Vacant sites zoned for residential use.
- (2) Vacant sites zoned for nonresidential use that allows residential development.
- (3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county.
- (4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.
 - (b) The inventory of land shall include all of the following:
 - (1) A listing of properties by assessor parcel number.
 - (2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.
 - (3) For nonvacant sites, a description of the existing use of each property. If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.
 - (4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.
 - (5) (A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.
(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.
 - (6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.
 - (7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction’s general plan, for reference purposes only.
 - (c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section

65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing. A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing, and whether the inventory affirmatively furthers fair housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior

planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.

(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.

(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(4) (A) For a metropolitan jurisdiction:

(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.

(ii) At least 25 percent of the jurisdiction’s share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.

(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:

(i) Deny a project that does not comply with the allocation.

(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.

(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.

(C) This paragraph does not apply to an unincorporated area.

(D) For purposes of this paragraph:

(i) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(ii) “Unit of housing” does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.

(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction’s population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.

(2) (A) (i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3)

of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.

(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.

(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.

(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.

(g) (1) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low- or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c), shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed use if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.

(k) For purposes of subdivisions (a) and (b), the department shall provide guidance to local governments to properly survey, detail, and account for sites listed pursuant to Section 65585.

(l) (1) The changes to this section made by Chapter 193 of the Statutes of 2020 shall become operative on January 1, 2022.

(2) The changes to this section made by Chapter 193 of the Statutes of 2020 shall not apply to a housing element revision that is originally due on or before January 1, 2022, regardless of the date of adoption by the local agency.

(m) This section shall remain in effect only until December 31, 2028, and as of that date is repealed.

SEC. 3. Section 65583.2 of the Government Code, as amended by Section 3 of Chapter 193 of the Statutes of 2020, is amended to read:

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):

(1) Vacant sites zoned for residential use.

(2) Vacant sites zoned for nonresidential use that allows residential development.

(3) Residentially zoned sites that are capable of being developed at a higher density, and sites owned or leased by a city, county, or city and county.

(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county.

(b) The inventory of land shall include all of the following:

(1) A listing of properties by assessor parcel number.

(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.

(3) For nonvacant sites, a description of the existing use of each property. If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which

has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) (A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.

(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.

(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan for reference purposes only.

(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing. A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right. The analysis shall determine whether the inventory can provide for a variety of

types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.

(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, "site" means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.

(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(4) (A) For a metropolitan jurisdiction:

(i) At least 25 percent of the jurisdiction's share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.

(ii) At least 25 percent of the jurisdiction's share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.

(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:

(i) Deny a project that does not comply with the allocation.

(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.

(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.

(C) This paragraph does not apply to an unincorporated area.

(D) For purposes of this paragraph:

(i) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(ii) "Unit of housing" does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.

(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) A jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.

(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.

(g) (1) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or

law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low- or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c), shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c), and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed use if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(j) For purposes of subdivisions (a) and (b), the department shall provide guidance to local governments to properly survey, detail, and account for sites listed pursuant to Section 65585.

(k) This section shall become operative on December 31, 2028.

SEC. 3.5. Section 65583.2 of the Government Code, as amended by Section 3 of Chapter 193 of the Statutes of 2020, is amended to read:

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):

- (1) Vacant sites zoned for residential use.
- (2) Vacant sites zoned for nonresidential use that allows residential development.
- (3) Residentially zoned sites that are capable of being developed at a higher density, and sites owned or leased by a city, county, or city and county.
- (4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county.

(b) The inventory of land shall include all of the following:

- (1) A listing of properties by assessor parcel number.
- (2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.
- (3) For nonvacant sites, a description of the existing use of each property. If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) (A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.

(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.

(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan for reference purposes only.

(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing. A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing, and whether the inventory affirmatively furthers fair housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.

(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.

(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(4) (A) For a metropolitan jurisdiction:

(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning

that allows at least 4 units of housing, but not more than 100 units per acre of housing.

(ii) At least 25 percent of the jurisdiction’s share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.

(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:

(i) Deny a project that does not comply with the allocation.

(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.

(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.

(C) This paragraph does not apply to an unincorporated area.

(D) For purposes of this paragraph:

(i) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(ii) “Unit of housing” does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.

(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) A jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction’s population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000

or greater in population in which case the county shall be considered metropolitan.

(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban.

(g) (1) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city’s or county’s past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or occupied by low- or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by

right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c), shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c), and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed use if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(j) For purposes of subdivisions (a) and (b), the department shall provide guidance to local governments to properly survey, detail, and account for sites listed pursuant to Section 65585.

(k) This section shall become operative on December 31, 2028.

SEC. 4. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community’s housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(4) The effectiveness of the housing element goals, policies, and related actions to meet the community’s needs, pursuant to paragraph (7) of subdivision (a) of Section 65583.

(b) The housing element shall be revised as appropriate, but no less often than required by subdivision (e), to reflect the results of this periodic review.

Nothing in this section shall be construed to excuse the obligations of the local government to adopt a revised housing element in accordance with the schedule specified in this section.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Each city, county, and city and county shall revise its housing element according to the following schedule:

(1) (A) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 2006, for the fourth revision.

(B) Local governments within the regional jurisdiction of the Association of Bay Area Governments: June 30, 2007, for the fourth revision.

(C) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(D) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2009, for the fourth revision.

(E) Local governments within the regional jurisdiction of the San Diego Association of Governments: June 30, 2005, for the fourth revision.

(F) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

(2) (A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7506),

except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan to be adopted after September 30, 2010.

(B) (i) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan update to be adopted after September 30, 2010.

(ii) Before or concurrent with the adoption of the fifth revision of the housing element, each local government within the regional jurisdiction of the San Diego Association of Governments shall identify adequate sites in its inventory pursuant to Section 65583.2 or rezone adequate sites to accommodate a prorated portion of its share of the regional housing need for the projection period representing the period from July 1, 2010, to the deadline for housing element adoption described in clause (i).

(I) For the fifth revision, a local government within the jurisdiction of the San Diego Association of Governments that has not adopted a housing element for the fourth revision by January 1, 2009, shall revise its housing element not less than every four years, beginning on the date described in clause (i), in accordance with paragraph (4), unless the local government does both of the following:

(ia) Adopts a housing element for the fourth revision no later than March 31, 2010, that is in substantial compliance with this article.

(ib) Completes any rezoning contained in the housing element program for the fourth revision by June 30, 2010.

(II) A local government within the jurisdiction of the San Diego Association of Governments shall adopt the sixth revision of the housing element on or before April 30, 2021, using the final housing allocation adopted by the San Diego Association of Governments on or before November 1, 2019, although such action will not be carried out concurrently with adoption of an updated regional transportation plan and sustainable communities strategy.

(III) All local governments within the jurisdiction of the San Diego Association of Governments shall adopt the seventh revision of the housing element no later than 18 months after the San Diego Association of Governments adopts its first regional transportation plan update in 2029.

(IV) For the eighth and subsequent revisions, a local government within the jurisdiction of the San Diego Association of Governments shall be subject to the dates described in clause (i), in accordance with paragraph (4).

(C) All local governments within the regional jurisdiction of a metropolitan planning organization or a regional transportation planning agency that has made an election pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080 by June 1, 2009, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan update following the election.

(D) All other local governments shall adopt the fifth revision of the housing element five years after the date specified in paragraph (1).

(3) Subsequent revisions of the housing element shall be due as follows:

(A) For local governments described in subparagraphs (A), (B), and (C) of paragraph (2), 18 months after adoption of every second regional transportation plan update, provided that the deadline for adoption is no more than eight years later than the deadline for adoption of the previous eight-year housing element, or as otherwise provided in law.

(B) For all other local governments, at five-year intervals after the date specified in subparagraph (D) of paragraph (2).

(C) If a metropolitan planning organization or a regional transportation planning agency subject to the five-year revision interval in subparagraph (B) makes an election pursuant to subparagraph (M) of paragraph (2) of subdivision (b) of Section 65080 after June 1, 2009, all local governments within the regional jurisdiction of that entity shall adopt the next housing element revision no later than 18 months after adoption of the first regional transportation plan update following the election. Subsequent revisions shall be due 18 months after adoption of every second regional transportation plan update, provided that the deadline for adoption is no more than eight years later than the deadline for adoption of the previous eight-year housing element.

(4) (A) A local government that does not adopt a housing element within 120 days of the applicable deadline described in subparagraph (A), (B), or (C) of paragraph (2) or subparagraph (A) or (C) of paragraph (3) shall revise its housing element not less than every four years until the due date for the sixth revision. The adoption of a sixth revision housing element that the department finds to be in substantial compliance with this article pursuant to Section 65585 shall be deemed to satisfy any obligation to adopt a four-year housing element, and a four-year housing element revision shall not be subsequently required.

(B) The deadline for adoption of every four-year revision shall be the same as the deadline for adoption for other local governments within the region.

(C) (i) For the adoption of the sixth revision and each subsequent revision, a local government that does not adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the applicable deadline described in subparagraph (A) or (C) of paragraph (3) shall comply with subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 and subdivision (c) of Section 65583.2 within one year of the statutory deadline to revise the housing element.

(ii) If a jurisdiction subject to this subparagraph fails to complete the required rezoning within the time period required, the jurisdiction's adopted housing element shall be subject to subdivision (i) of Section 65585.

(iii) A jurisdiction that adopts a housing element more than one year after the statutory deadline described in subparagraph (A) or (C) of paragraph (3) shall not be found in substantial compliance with this article until it has

completed the rezoning required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 and subdivision (c) of Section 65583.2.

(5) The metropolitan planning organization or a regional transportation planning agency for a region that has an eight-year revision interval pursuant to paragraph (3) shall notify the department and the Department of Transportation in writing of the estimated adoption date for its next regional transportation plan update at least 12 months before the estimated adoption date. The Department of Transportation shall maintain and publish on its internet website a current schedule of the estimated regional transportation plan adoption dates. The department shall maintain and publish on its internet website a current schedule of the estimated and actual housing element due dates. Each council of governments shall publish on its internet website the estimated and actual housing element due dates, as published by the department, for the jurisdictions within its region and shall send notice of these dates to interested parties. For purposes of determining the existing and projected need for housing within a region pursuant to Sections 65584 to 65584.07, inclusive, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan update described in the notice provided to the Department of Transportation plus 18 months.

(6) The new projection period shall begin on the date of December 31 or June 30 that most closely precedes the end of the previous projection period.

(f) For purposes of this article, the following terms have the following meanings:

(1) “Planning period” shall be the time period between the due date for one housing element and the due date for the next housing element for each revision according to the applicable schedule described in paragraphs (2) and (3) of subdivision (e).

(2) “Projection period” shall be the time period for which the regional housing need is calculated.

(g) For purposes of this section, “regional transportation plan update” shall mean a regional transportation plan adopted to satisfy the requirements of subdivision (d) of Section 65080.

SEC. 5. Section 1.5 of this bill incorporates amendments to Section 65583 of the Government Code proposed by both this bill and Assembly Bill 1304. That section of this bill shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 65583 of the Government Code, and (3) this bill is enacted after Assembly Bill 1304, in which case Section 1 of this bill shall not become operative.

SEC. 6. Section 2.5 of this bill incorporates amendments to Section 65583.2 of the Government Code proposed by both this bill and Assembly Bill 1304. That section of this bill shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 65583 of the Government Code, and (3) this bill

is enacted after Assembly Bill 1304, in which case Section 2 of this bill shall not become operative.

SEC. 7. Section 3.5 of this bill incorporates amendments to Section 65583.2 of the Government Code proposed by both this bill and Assembly Bill 1304. That section of this bill shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 65583.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 1304, in which case Section 3 of this bill shall not become operative.

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



AGENDA ITEM # 13

Proposed SCAG Bylaws Revisions

STAFF RECOMMENDATION

Consideration of Potential SCAG Bylaws Amendments to be Proposed by OCCOG for 2022 Bylaws Amendment Cycle

SUMMARY

At the May 27, 2021, OCCOG Board of Directors meeting, staff was directed to provide the Board with information about the governing structure of the Southern California Association of Governments (SCAG), other statewide Master Planning Organizations (MPOs) and to explore options for structural changes and reforms to better serve the SCAG region. At the Board's subsequent meeting on August 26, 2021, the board discussed a strategic assessment of its governing role in the SCAG region. Following board discussion and review of the strategic planning report prepared by OCCOG's staff and consultant team, staff was directed to conduct stakeholder meetings within Orange County, as well as with regional, state, and federal officials to seek feedback on SCAG's governing processes, bylaws, and next steps that may be considered by OCCOG's board to improve regional governance.

Over the past six months, OCCOG's staff and consultant team have conducted dozens of county stakeholder meetings with municipal, business, housing, and community-based representatives to seek feedback and guidance on changes that would achieve the objectives of improved local control, transparency, and parity for regional planning.

The deadline to submit recommendations for bylaw amendments to SCAG, for consideration this year, is Friday, February 4, 2022. In consideration of stakeholder input and following review with OCCOG's Technical Advisory Committee (TAC), OCCOG's staff and consultant team presented several options to the OCCOG Steering Committee at its meeting on January 18, 2022.

Upon review and deliberation, OCCOG's steering committee approved the following SCAG bylaw amendments for consideration by the full board at its next scheduled meeting on January 27, 2022:

1. Major programs or policy initiatives must go through the Regional Council's policy committee process, with involvement by the subregional Technical Working Group (TWG).
2. SCAG Policy Committee recommendations can only be changed/amended prior to adoption, following a two-thirds vote of the Regional Council.
3. Before final adoption, any amendments of committee recommendations must have been thoroughly reviewed and considered by the policy committee.



4. SCAG staff must hold monthly meetings with the TWG and provide full transparency on the development of all policy initiatives.

The proposed language to address the above proposed changes is provided in the attached redlined changes to the relevant excerpt from the SCAG Bylaws, at Article V.

ATTACHMENTS

Proposed SCAG Bylaws Revisions

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ARTICLE V – REGIONAL COUNCIL

A. Regional Council Organization: There shall be a Regional Council of the Association which shall be organized as set forth below and which shall be responsible for such functions as are hereinafter set forth:

(4) Duties:

(f) Major programs or policy initiatives must go through the Regional Council's policy committee process, with consultation by and input from the Technical Work Group. Recommendations from committees for policy decisions shall be made to the Regional Council. The Regional Council shall have the authority to act upon policy recommendations including policy recommendations from the committees, or it may submit such recommendations, together with its comments, to the General Assembly for action. Policy committee recommendations can only be changed/amended prior to adoption, following a two-thirds vote of the Regional Council. Suggestions or direction that varies from options analyzed by policy committees cannot be acted upon without reference back to the policy committee and full disclosure on an agenda to the Regional Council. Before final adoption, any amendments of committee recommendations must have been thoroughly reviewed and considered by the policy committee.

(g) Due to the inability of Regional Council members to review main motions other than those presented as a "recommended action" in a meeting's agenda material prior to a Regional Council meeting, the President shall not proceed with a vote on a main motion that differs from the "recommended action" in a meeting's agenda material until the Clerk or counsel has re-stated such a motion and an opportunity has been provided to Regional Council members to permit them to deliberate and debate such a motion; provided that if the main motion has not been thoroughly reviewed and considered by a policy committee, the requirements of Section (4)(f) above shall apply.

I. SCAG Technical Working Group. In addition to Regional Council Policy Committees, the SCAG Technical Working Group formally established for the purpose of conducting technical analysis of SCAG policies are recognized by the Regional Council and afforded due consideration as follows:

(1) Membership in the Technical Working Group shall be open to planning or other technical staff of SCAG member jurisdictions, and shall be comprised of at least one designated representative from each official SCAG subregion.

(2) SCAG staff shall hold meetings no less than monthly with, and disclose the development of all substantive SCAG policy initiatives to, the SCAG Technical Working Group to allow for full analysis and understanding of policy initiatives by the subregional agency technical staff. This requirement shall apply prior to the substantive SCAG policy initiatives being brought before a SCAG policy committee.

(3) Substantive SCAG policy initiatives, as referenced above in this subsection, shall include, those matters pertaining to the state and federally-mandated planning documents produced by SCAG, including but not limited to, the RTP/SCS (including mitigation measures), and RHNA.



AGENDA ITEM # 14

LEGISLATIVE UPDATE

STAFF RECOMMENDATION

Receive and File the Legislative Update.

SUMMARY

The Legislative Update is provided to keep the OCCOG Board apprised of legislative and regulatory actions that address land use and housing, energy, mobility, air quality and water issues. This report provides an overview of federal funding actions, state legislative priorities, and grant opportunities.

BACKGROUND

2022 State Legislative Priorities & Outlook

The Legislature returned for the second year of its two-year session on January 3, 2022 and, as of the writing of this report, 137 new bills have been introduced with many more expected by the February bill introduction deadline.

Over the next few weeks, we would normally develop a good sense of how the Legislature intends to focus its time in 2022. However this year, with newly redrawn districts and term limits arriving for some members, 26 members of the 120-member Legislature are so far not expected to return next year. This includes 19 members of the Legislature that have decided to leave early or not seek reelection and seven that are term limited out. Additionally, two members have made announcements about running for a seat in another house. Lastly the uncertainty is furthered by five special elections so far scheduled in February and April to fill four Assembly Seats and a Congressional Seat. It would be safe to assume that all of this uncertainty will impact policy decisions and proposals this year, though exactly how is not yet known.

Senate Pro Tem Atkins (D-San Diego) and Assembly Speaker Rendon (D-Lakewood) have both outlined their respective priorities for the coming year, shown below.



2022 Senate Priorities

- Sustain progress by building reserves and paying down liabilities
- Strengthen equity while meeting Gann Limit requirements through infrastructure investments, targeted tax credits, investment in core programs, and Gann Limit reform
- Building a more equitable economy through addressing housing and homelessness challenges, building infrastructure, invest in schools and closing the learning gap, improving higher education affordability, and strengthening climate resilience

2022 Assembly Priorities

- Delivering prosperity through investing in schools, behavioral health, addressing homelessness, affordable housing, public health infrastructure, wildfire resilience, drought response, broadband access, and childcare and child welfare
- Strengthen the future by investing in infrastructure for schools and transportation, affordable housing, supportive and transitional housing, enhanced access to higher education, workforce development, and increased access to healthcare.

Senate Republicans also released their priorities for the coming year which include:

- Preparing for Long-Term Drought and Wildfire Prevention
- Invest in shelter beds and mental health treatment to reduce homelessness, as well as conduct a special session on homelessness
- Provide more funding to local governments to address homelessness and public safety concerns
- Lowering the cost of living in California by reducing the gas tax, increasing the renters tax credit and increase access to jobs
- Addressing the unemployment burden on employers

It is clear that Housing will remain a priority of the Legislature overall, particularly noted in a December 2021 Public Policy Institute of California (PPIC) statement. The PPIC found that the 2020 Census showed that the State added 3.2 times more people than housing units over the last decade, placing California only behind Hawaii and Utah in this category. However, Speaker Rendon also has noted that time is needed to assess the major investments in housing over the last two years and, if needed, make tweaks to those programs to help ensure their success.



In 2022, OCCOG will also be monitoring proposals related to CEQA and RHNA reform as well as additional efforts to modernize the Brown Act to reflect a trend towards more long-term remote participation options.

With those items in mind, Staff is preparing to primarily focus time and energy on the following topics:

- Working with Stakeholders to identify areas of improvement for the Regional Housing Needs Assessment process
- Collaborate with CalCities and ACC-OC on a continued review of the Brown Act to more permanently consider the incorporation of remote participation on the part of Board Members and the general public
- Continue to find ways to modernize and streamline the California Environmental Quality Act (CEQA)
- Partner with groups like the Building Industry Association on updates to SB 375 or SB 743/VMT regulations

OCCOG's current Legislative Policy Guidelines which guide staff recommendations to the Board are included as Attachment A. The status of bills where OCCOG has a position as well as the status of all tracked bills are included as Attachments B and C, respectively.

[Governor's January Budget Proposal](#)

The Governor released his \$286 billion January Budget Proposal for Fiscal Year (FY) 2022-2023 on January 10th, which included a projected \$46 billion surplus. With the anticipated surplus, the State could once again hit the Gann Limit, a spending cap approved in 1979 that would require that a portion of the surplus be directed towards schools and tax refunds. The May Revise will provide another opportunity to update projections related to the Gann limit closer to the June 15th budget deadline before specific proposals are formally adopted. However, in their analysis of the January Budget proposal - the Legislative Analyst's Office advised that the Legislature consider how to address the Gann Limit well in advance of the May Revise.



Key Provisions of the January Budget Proposal of interest to OCCOG are summarized below:

- \$34.6 billion in reserves, including:
 - \$20.9 billion in the Budget Stabilization Account (Rainy Day Fund)
 - This is funded at its constitutional maximum so an additional \$2.4 billion will be dedicated to infrastructure investments in 2022-2023.
 - \$9.7 billion in the Public School System Stabilization Account
 - \$900 million in the Safety Net Reserve
 - \$3.1 billion in the Operating Reserve
- \$2.7b to aid in ongoing pandemic response needs, including \$1.4 billion for FY 2021-22 and \$1.3 billion for FY 2022-23.

Climate Change and Drought Response

- \$750 million to address immediate drought response needs
- \$400 million for Coastal Resilience
- \$600 million for Zero Emission Vehicle (ZEV) Charging/Fueling Infrastructure and \$300 million to support At-Home Charging Infrastructure
- \$460 million for ZEV Transit Vehicles and Infrastructure
- \$1.1 billion for Clean Trucks, Buses, and Off-Road Equipment
- \$400 million for Port ZEV technologies
- \$419 million for community-based transportation equity zero emission projects
- \$50 million for Community Air Monitoring to deploy local, real-time pollution monitoring, including climate, air, and toxic emissions, in disadvantaged communities
- \$165 million for the Transformative Climate Communities Program
- \$135 million for Regional Climate Collaboratives
- \$100 million for the Clean California Initiative
- \$400 million for wildfire resilience



Transportation

- \$9.1 billion over two years for projects that advance the state’s climate goals, public health and equity, and improve access to economic opportunities including:
 - \$750 million for Active Transportation, including \$150 million for a Reconnecting Communities: Highways to Boulevards Pilot Program
 - \$4.25 billion in Proposition 1A Bonds for High-Speed Rail
 - \$2 billion for Statewide Transit and Rail projects
 - \$1.25 billion for Southern California Transit and Rail projects
 - \$500 million for High Priority Grade Separation projects
 - \$400 million to support climate resiliency and reduce infrastructure risk
- \$2.3 billion for supply chain investments including \$1.2 billion for port, freight, and goods movement infrastructure and \$1.1 billion for workforce development and ZEV infrastructure.
- The annual inflation adjustment to the per gallon fuel excise tax rate scheduled to occur on July 1, 2022 is proposed to be paused for this year, with the ability to further delay the increase for FY 2023-24 if needed. The local share of the \$523 million in lost revenue is expected to be filled on a one-time basis from the State Highway Account.

Housing and Homelessness

- \$1.725 billion for the Behavioral Health Continuum Infrastructure Program for immediate housing and treatment needs
- \$1.5 billion for Behavioral Health Bridge Housing
- \$500 million for Encampment Resolution Grants
- \$2 billion for Homeless Housing and Assistance Program Grants
- \$500 million for Affordable Housing Tax Credits
- \$432 million for Veterans and Affordable Housing Bond Act Programs
- \$400 million for the No Place Like Home Program
- \$225 million for the Infill Infrastructure Grant Program
- \$464 million for Affordable Housing and Sustainable Communities Projects
- \$75 million for expanding the development of affordable housing and adaptive reuse projects on State excess lands
- \$1.3 billion for Project HomeKey



Key Legislative Deadlines

January 31	Last Day for Two-Year Bills to Pass their House of Origin
February 18	Bill Introduction Deadline
April 29	First House Policy Committee Deadline (Fiscal Bills)
May 6	First House Policy Committee Deadline (Non-Fiscal)
May 20	First House Fiscal Committee Deadline
May 27	Last Day for Bills Introduced in 2022 to Pass their House of Origin
June 15	Budget Deadline
July 1	Second House Policy Committee Deadline
July 1 – Aug 1	Summer Recess
August 12	Second House Fiscal Committee Deadline
August 25	Last Day to Amend Bills
August 31	Last Day to Pass Bills
September 30	Governor’s Sign/Veto Deadline
November 30	Adjournment
December 5	2023-2024 Legislative Session Begins

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Attachment A
OCCOG 2021-2022 Legislative Policy Guidelines

Policy Principles

<u>Issue</u>	<u>Principle</u>	<u>Board Position</u>
Governance	Maintain maximum local flexibility in the areas of land use, housing, energy, mobility, air quality, and water.	Support
Governance	Policies that incentivize local agencies to act collaboratively to achieve regional goals.	Support
Governance	Protecting the authority of regional agencies to set regional priorities and program funding.	Support
Governance	Fair and proportionate representation on countywide and regional boards that protects the autonomy of those governing bodies.	Support
Governance	Policies that make cities more dependent on federal, state and/or county government or agencies for policy direction.	Oppose
Funding	Appropriate funding to regional agencies to match new state and federal requirements for enhanced planning, delivery, and performance review.	Support
Funding	Stable funding through identifiable source(s) and a public policy environment conducive to meeting the region’s land-use, housing, energy, mobility, air quality, water, and workforce education needs.	Support
Funding	The correction of Orange County’s status as a “donor” county with regard to federal and state transportation funding.	Support
Funding	Fair-share Federal and State funding to Orange County based on population, urban nature, and the amount of tax revenue contributed to Federal and State budgets.	Support
Funding	Policies that impose intrusive, unnecessary, or unfunded state-imposed mandates or preempts local authority.	Oppose
Funding	Measures that infringe on the ability of each city to establish or exercise its authority or financing capability.	Oppose
Taxes	The use of private sector investment, rather than governmental taxes and spending, where possible, to accomplish public benefits.	Support
Taxes	Majority vote approval of tax increases for community infrastructure improvements, coupled with oversight and cost-containment.	Support

Attachment A
OCCOG 2021-2022 Legislative Policy Guidelines

Taxes	Clear distinctions between taxes and user fees including a direct nexus for fees related to an administrative cost or provision of public service.	Support
Taxes	Extreme caution in considering the modification or elimination of taxpayers’ ability to have elected officials, as opposed to appointed staff, resolve California tax disputes;	Support
Water	Adequate rehabilitation and protection of critical levee and waterway systems in the Bay-Delta and other areas of the State that have critical importance to the long-term and sustained movement of water supplies to their points of use.	Support
Water	Adequate investment in surface water impounds, recycle and reuse projects, and groundwater storage systems that protect the State from droughts, earthquakes, and other events that would otherwise cause significant economic dislocations, loss of human lives, or the loss of significant natural resources.	Support
Infrastructure	Adequate and dedicated funding on an annual basis at Federal, State, and County levels for infrastructure maintenance, rebuilding, and expansion.	Support
Infrastructure	Design-build authority for infrastructure construction.	Support
Infrastructure	Investment strategies based on sound science and public policy criteria that direct resources into the most needed regional and local infrastructure categories, leverage State and Federal dollars, and maximize the return on existing infrastructure investments.	Support
Infrastructure	Accelerated project delivery through streamlined environmental delegation and increased authority to local California Department of Transportation (Caltrans) Districts and through use of alternative project delivery methods such as design-build, public-private partnerships, etc.	Support
Transportation	A continued strong state role in providing funding for transit operations rather than shifting responsibility to local transportation entities.	Support
Transportation	Reauthorization of Federal Surface Transportation Legislation that provides for equitable distribution of funds, maintaining or increasing funding levels for critical programs, prioritizes local discretion in	Support

Attachment A
OCCOG 2021-2022 Legislative Policy Guidelines

	programming and allocation decisions, and rewards regions with local revenue matching abilities.	
Transportation	Policies that ensure local flexibility in meeting the goals of the state’s greenhouse gas reduction initiatives, including the creation of incentive-based measures and grant programs to assist with compliance.	Support
Transportation	Efforts to provide secure transit funding for capital and operating expenses.	Support
Transportation	Streamline the Transportation Development Act to create efficiencies and new performance metrics with a reduced focus on farebox recovery.	Support
Transportation	Flexibility should be included in any transit funding source, allowing transit operators to use the funding for both operations and capital expenditures.	Support
Transportation	Policies to divert or reclassify transportation revenue sources, including General Fund and debt service purposes.	Oppose
Transportation	Policies to link or reprioritize local and state transportation funding to support the state’s greenhouse gas reduction initiatives.	Oppose
Transportation	Increased funding for the state’s Active Transportation Program to provide the necessary funding to implement state and local goals in this category.	Support
Housing	Policies that usurp local zoning authority or that favor a “one size fits all” approach to housing development.	Oppose
Housing / Homelessness	Continued flexibility in the use of Mental Health Services Act and SB 2 funds to allocate the most funds to the most competitive local projects.	Support
Housing/ Homeless	Local control of Regional Housing Needs Assessment (RNHA) allocations and site placements.	Support
Housing/ Homeless	State support to provide funding for emergency shelters, transitional housing, and ongoing program costs.	Support
Housing	Housing affordability initiatives that enable local jurisdictions and the development community to work together to close the housing affordability gap, provide affordable housing that is appropriate for their community, and remove disincentives and regulatory obstacles to providing affordable housing.	Support

Attachment A
OCCOG 2021-2022 Legislative Policy Guidelines

Housing	Efforts to develop sustainable and ongoing funding sources for the creation of permanent supportive housing and affordable housing in local communities, including tax increment tools.	Support
Housing / Land Use	Growth control policies and “smart” growth initiatives that may result in unintended consequences such as unreasonably higher housing costs, increased commute times that impact individuals and families, limited housing supplies that impact labor supplies, and unreasonably inflated land values that limit economic expansion.	Oppose
Housing /Environment	Increased regulation that may place time and resource burdens on approved affordable housing projects.	Oppose
Housing	CEQA Reforms that reduce burdens and hurdles for the implementation of affordable housing projects, including additional flexibility for local agencies.	Support
Housing	Housing policies that incentivize the creation of affordable housing that reflects the character and needs of the region and community where they are located.	Support
Housing	Greater flexibility for local housing element updates as the region seeks to accommodate more than three times the number of units allocated under the most recent RHNA cycle.	Support
Housing	Reinstatement of the ability to share or trade RHNA allocations to facilitate effective planning and development.	Support
Housing	Allow cities to receive RHNA credit for Moderate Income Units generated under the CSCDA Workforce Housing Program.	Support
Environment	CEQA lawsuits for purposes other than for legitimate environmental litigation	Oppose
COVID-19	Direct and flexible funding for state and local governments to backfill lost revenue resulting from the COVID-19 economic downturn.	Support

Attachment B OCCOG Bills with Positions

[AB 617](#)

(Davies R) Planning and zoning: regional housing needs: exchange of allocation.

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was H. & C.D. on 2/25/2021)(May be acted upon Jan 2021)

Is Fiscal: N

Location: 5/7/2021-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize a city or county, by agreement, to transfer all or a portion of its allocation of regional housing need to another city or county. The bill would allow the transferring city to pay the transferee city or county an amount determined by that agreement, as well as a surcharge to offset the impacts and associated costs of the additional housing on the transferee city. The bill would also require the transferring city or county and the transferee city or county to report to the council of governments and the department specified information about the transfer, as provided.

Notes:

OCCOG - Support

ACCOC - Support

[AB 672](#)

(Garcia, Cristina D) Publicly owned golf courses: conversion: affordable housing.

Last Amend: 1/13/2022

Status: 1/14/2022-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 1/12/2022-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Department of Housing and Community Development and requires it to, among other things, administer various programs intended to fund the acquisition of property to develop or preserve affordable housing. This bill would, upon appropriation by the Legislature, require the department to administer a program to provide incentives in the form of grants to local agencies that enter into a development agreement to convert a golf course owned by the local agency into housing and publicly accessible open space, as specified.

Notes:

OCCOG - Oppose

[AB 989](#)

(Gabriel D) Housing Accountability Act: appeals: Office of Housing Appeals.

Last Amend: 8/18/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.

Notes:

OCCOG - Oppose

League of California Cities - Oppose

[AB 1258](#)

(Nguyen R) Housing element: regional housing need plan: judicial review.

Last Amend: 3/22/2021

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-A. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House			2nd House							

Summary: Under current law the Department of Housing and Community Development, in consultation with each council of governments, determines each region’s existing and projected housing needs. Under existing law, upon making that determination, the council of governments may object to the determination, and the department is required to respond to an objection by making a final written determination. Current law requires that, based on the determination of the department, a council of governments, or for cities and counties without a council of governments, the department, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. This bill would subject the department’s final written determination of a region’s housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.

Notes:

OCCOG - Support
ACCOC - Support

AB 1626 (Nguyen R) Motor Vehicle Fuel Tax Law: limitation on adjustment.

Status: 1/11/2022-From printer. May be heard in committee February 10.

Is Fiscal: Y

Location: 1/10/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House			2nd House							

Summary: Existing law, the Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

AB 1638 (Kiley R) Motor Vehicle Fuel Tax Law: suspension of tax.

Status: 1/13/2022-From printer. May be heard in committee February 12.

Is Fiscal: Y

Location: 1/12/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House			2nd House							

Summary: Would suspend the imposition of the tax on motor vehicle fuels for 6 months. The bill would direct the Controller to transfer a specified amount from the General Fund to the Motor Vehicle Fuel Account in the Transportation Tax Fund. By transferring General Fund moneys to a continuously appropriated account, this bill would make an appropriation.

AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Status: 1/13/2022-From printer. May be heard in committee February 12.

Is Fiscal: Y

Location: 1/12/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House			2nd House							

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state’s climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor’s office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

SB 5 (Atkins D) Affordable Housing Bond Act of 2022.

Last Amend: 3/10/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was HOUSING on 3/18/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time homebuyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. This bill would enact the Affordable Housing Bond Act of 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.

Notes:

OCCOG - Watch
 ACCOC - Watch
 SCAG - Support

SB 6

(Caballero D) Local planning: housing: commercial zones.

Last Amend: 8/23/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was H. & C.D. on 8/23/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

Notes:

OCCOG - Oppose
 ACCOC - Oppose
 OCBC - Support If Amended
 SCAG - Watch

SB 12

(McGuire D) Local government: planning and zoning: wildfires.

Last Amend: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Notes:

OCCOG - Oppose Unless Amended
 BIA - Oppose Unless Amended
 OCBC - Oppose Unless Amended

SB 15

(Portantino D) Housing development: incentives: rezoning of idle retail sites.

Last Amend: 5/20/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was DESK on 6/1/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	2 year	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the Budget Act or other act, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of housing, as defined.

Notes:

- OCCOG - Support
- ACCOC - Support
- OCBC - Watch
- SCAG - Support
- League of California Cities - Support

SB 261

(Allen D) Regional transportation plans: sustainable communities strategies.

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Notes:

- OCCOG - Oppose Unless Amended
- SCAG - Oppose Unless Amended
- OCTA - Oppose Unless Amended
- OCBC - Oppose
- CALCOG - Oppose
- BIA - Oppose
- ACCOC - Oppose

SB 623

(Newman D) Electronic toll and transit fare collection systems.

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system in compliance with specified objectives, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would authorize those operators to provide instead only the information specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability.

Notes:

- OCCOG - Support

OCTA - Support
 OCBC - Support
 TCA - Support
 SCAG - Support

SB 765 (Stern D) Accessory dwelling units: setbacks.

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.

Notes:

OCCOG - Support
 League of California Cities - Support

SB 833 (Dodd D) Community Energy Resilience Act of 2022.

Status: 1/19/2022-Referred to Com. on E., U. & C.

Is Fiscal: Y

Location: 1/19/2022-S. E. U., & C.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law assigns the various duties, including applying for and accepting grants, contributions, and appropriations, and awarding grants consistent with the goals and objectives of a program or activity the State Energy Resources Conservation and Development Commission is authorized to implement or administer. This bill, the Community Energy Resilience Act of 2022, would require the commission to develop and implement a grant program for local governments to develop community energy resilience plans and expedite permit review of distributed energy resources by local governments. The bill would require the plans to be consistent with the city, county, or city and county general plan and other local government planning documents.

Total Measures: 15

Total Tracking Forms: 15

Attachment C OCCOG All Tracked Bills

[AB 71](#)

(Rivas, Luz D) Homelessness funding: Bring California Home Act.

Last Amend: 5/24/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 6/3/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-A. 2 YEAR

Desk	Policy	Fiscal	2 year	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Personal Income Tax Law, in conformity with federal income tax law, generally defines gross income as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Current federal law, for purposes of determining a taxpayer's gross income for federal income taxation, requires that a person who is a United States shareholder of any controlled foreign corporation to include in their gross income the global intangible low-taxed income for that taxable year, as provided. This bill, for taxable years beginning on or after January 1, 2022, would include a taxpayer's global intangible low-taxed income in their gross income for purposes of the Personal Income Tax Law, in modified conformity with the above-described federal provisions.

Notes:

ACCOC - Watch

OCBC - Oppose

[AB 106](#)

(Salas D) Regions Rise Grant Program.

Last Amend: 5/3/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was B., P. & E.D. on 6/9/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Regions Rise Grant Program within the Office of Planning and Research for the purpose of supporting inclusive, cross-jurisdictional, and innovative engagement processes that lead to inclusive strategies to address barriers and challenges confronting communities in creating economic prosperity for all. The bill would define "region" as a geographic area composed of one or more counties and cities that form a functional economy.

[AB 284](#)

(Rivas, Robert D) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Last Amend: 7/14/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/2/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board, as part of the next scoping plan update, in collaboration with the Natural Resources Agency and other relevant state agencies and departments and no later than January 1, 2023, to identify a 2045 climate goal, with interim milestones, for the state's natural and working lands, as defined, and to integrate into the scoping plan update recommendations developed by the Natural Resources Agency and the Department of Food and Agriculture regarding practices, policy and financial incentives, market needs, and potential reductions in barriers that would help achieve the 2045 climate goal, among other recommendations. The bill would require the state board, in collaboration with the Natural Resources Agency and other relevant state agencies and departments, to include this information in each subsequent update to the scoping plan and update that information, as appropriate.

[AB 363](#)

(Medina D) Carl Moyer Memorial Air Quality Standards Attainment Program.

Last Amend: 7/5/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was TRANS. on 6/28/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Air Resources Board to establish or update grant criteria and guidelines for covered vehicle and infrastructure projects as soon as practicable, but not later than July 1, 2017. The state board’s program guidelines describe the minimum criteria and requirements for on-road heavy-duty vehicles and the types of projects that can be incentivized to provide surplus emissions reductions from on-road heavy-duty vehicles through contracts or through the On-Road Heavy-Duty Voucher Incentive Program (VIP). The VIP guidelines allow for the early retirement of existing on-road heavy-duty vehicles, allowing these high-polluting vehicles to be replaced with newer, lower emission vehicles. The VIP guidelines further describe the minimum criteria and requirements for eligibility in the VIP, including, but not limited to, limiting the fleet size and vehicle weight class of eligible vehicles, excluding from program eligibility vehicles subject to the solid waste collection vehicle rule and the fleet rule for transit agencies, and prohibiting the leasing of replacement vehicles. This bill would require the state board, upon appropriation by the Legislature, to develop project grant criteria and guidelines for a new On-Road Heavy-Duty Vehicle Incentive Program (VIP2) that shall provide additional incentives for projects eligible for program funding that are deployed in disadvantaged communities, as provided, and in low-income communities, as defined.

[AB 411](#) (Irwin D) Veterans Housing and Homeless Prevention Bond Act of 2022.

Last Amend: 3/1/2021

Status: 5/20/2021-In committee: Hearing postponed by committee. (Set for hearing on 01/20/2022)

Is Fiscal: Y

Location: 1/15/2022-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Veterans Housing and Homeless Prevention Bond Act of 2022 to authorize the issuance of bonds in an amount not to exceed \$600,000,000 to provide additional funding for the VHHPA. The bill would provide for the handling and disposition of the funds in the same manner as the 2014 bond act.

[AB 482](#) (Ward D) Housing authorities: City of San Diego, County of San Bernardino, and County of Santa Clara: middle-income housing projects pilot program.

Last Amend: 3/17/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was DESK on 9/1/2021) (May be acted upon Jan 2022)

Is Fiscal: N

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	2 year	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Housing Authorities Law authorizes a housing authority of a city or county to, among other things, prepare, carry out, acquire, lease, and operate housing projects and housing developments for persons of low income, as provided. Current law, until January 1, 2022, authorizes a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement a pilot program to develop and finance a middle-income housing project, as defined, if the project receives gap financing, as defined. Current law requires any gap financing to be approved by the housing authority’s legislative body, as provided. Current law requires the housing authority to provide a report to the Legislature, as specified, on and before January 1, 2020, and on or before January 1, 2022. This bill would extend the authority of a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement the above-described pilot program from January 1, 2022, to January 1, 2026.

[AB 500](#) (Ward D) Local planning: coastal development: streamlined permitting.

Last Amend: 8/31/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/9/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units,

consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.

Notes:

League of California Cities - Oppose

AB 585

(Rivas, Luz D) Climate change: Extreme Heat and Community Resilience Program.

Last Amend: 7/13/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Extreme Heat and Community Resilience Program for the purpose of coordinating state efforts and supporting local and regional efforts to mitigate the impacts of, and reduce the public health risks of, extreme heat and the urban heat island effect, and would require the Office of Planning and Research to administer the program through the Integrated Climate Adaptation and Resiliency Program.

Notes:

League of California Cities - Support

AB 617

(Davies R) Planning and zoning: regional housing needs: exchange of allocation.

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was H. & C.D. on 2/25/2021)(May be acted upon Jan 2021)

Is Fiscal: N

Location: 5/7/2021-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize a city or county, by agreement, to transfer all or a portion of its allocation of regional housing need to another city or county. The bill would allow the transferring city to pay the transferee city or county an amount determined by that agreement, as well as a surcharge to offset the impacts and associated costs of the additional housing on the transferee city. The bill would also require the transferring city or county and the transferee city or county to report to the council of governments and the department specified information about the transfer, as provided.

Notes:

OCCOG - Support

ACCOC - Support

AB 672

(Garcia, Cristina D) Publicly owned golf courses: conversion: affordable housing.

Last Amend: 1/13/2022

Status: 1/14/2022-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 1/12/2022-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Department of Housing and Community Development and requires it to, among other things, administer various programs intended to fund the acquisition of property to develop or preserve affordable housing. This bill would, upon appropriation by the Legislature, require the department to administer a program to provide incentives in the form of grants to local agencies that enter into a development agreement to convert a golf course owned by the local agency into housing and publicly accessible open space, as specified.

Notes:

OCCOG - Oppose

AB 713

(Garcia, Cristina D) State Air Resources Board: greenhouse gas emissions scoping plan: comprehensive health analysis.

Last Amend: 5/24/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 7/15/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: The State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse This bill would require the state board to conduct a comprehensive health analysis in conjunction with the development of each update of the scoping plan that includes a framework to provide an overview of the breadth of health impacts and health benefits that may accrue from the outcomes in the scoping plan, as specified.

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Last Amend: 7/14/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state’s climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor’s office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Notes:

League of California Cities - Support

[AB 950](#) (Ward D) Department of Transportation: sales of excess real property: affordable housing, emergency shelters, and feeding programs.

Last Amend: 7/13/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. on 7/12/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: Would authorize the Department of Transportation to sell its excess real property to the city, county, or city and county where the real property is located if the city, county, or city and county agrees to use the real property for the sole purpose of implementing affordable housing, emergency shelters, or feeding programs, as specified. The bill would exempt these sales from the California Environmental Quality Act, except the department would be required to file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the real property is located.

[AB 989](#) (Gabriel D) Housing Accountability Act: appeals: Office of Housing Appeals.

Last Amend: 8/18/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified

written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.

Notes:

OCCOG - Oppose
League of California Cities - Oppose

AB 1049 (Davies R) Public Transportation Account: loan repayment.

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was TRANS. on 3/4/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the transfer of a specified portion of the sales tax on diesel fuel to the Public Transportation Account, a trust fund in the State Transportation Fund. Current law requires funds in the account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) Program. Current law provides for each STA-eligible operator within the jurisdiction of the allocating local transportation agency to receive a proportional share of the revenue-based program funds based on the qualifying revenues of that operator, as defined. The Budget Act of 2013 and the Budget Act of 2014 require the Controller, upon the order of the Director of Finance, to transfer specified amounts totaling up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund. This bill would require \$54,000,000 from these loans to be repaid to the Public Transportation Account and would provide that these repaid funds are available, upon appropriation by the Legislature, to help offset the loss of revenues incurred by transit operators during the COVID-19 pandemic.

AB 1068 (Santiago D) Affordable housing: alternative forms of development.

Last Amend: 1/3/2022

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was H. & C.D. on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-A. DEAD

Desk	Dead	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes various programs and funding sources administered by the Department of Housing and Community Development to enable the development of affordable housing, including the Building Homes and Jobs Act, the Multifamily Housing Program, the Housing for a Healthy California Program, and the Veterans Housing and Homeless Prevention Act of 2014. Existing law authorizes the Department of General Services (DGS) to dispose of surplus state real property, as provided. Under existing law, DGS is required to offer surplus state real property, that has been determined by DGS not to be needed by any state agency, to any local agency, as defined, and then to nonprofit affordable housing sponsors, as defined, prior to being offered for sale to private entities or individuals. This bill would require the department to solicit and consider proposals for adaptive reuse, as defined, that demonstrate cost efficiencies and timely completion in implementing the affordable housing loan and grant programs described above.

AB 1218 (McCarty D) Zero-emission new passenger vehicle and light-duty truck goals.

Last Amend: 1/6/2022

Status: 1/10/2022-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 1/6/2022-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Air Resources Board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. On September 23, 2020, the Governor issued Executive Order No. N-79-20 establishing a goal that 100% of in-state sales of new passenger cars and trucks be zero-emission by 2035. This bill would declare that, to help achieve the state's climate and air quality goals and mandates, it is the goal of the state,

as established in Executive Order No. N-79-20, that 100% of in-state sales of new passenger vehicles and light-duty trucks be zero-emission by 2035.

[AB 1258](#) (Nguyen R) Housing element: regional housing need plan: judicial review.

Last Amend: 3/22/2021

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-A. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under current law the Department of Housing and Community Development, in consultation with each council of governments, determines each region’s existing and projected housing needs. Under existing law, upon making that determination, the council of governments may object to the determination, and the department is required to respond to an objection by making a final written determination. Current law requires that, based on the determination of the department, a council of governments, or for cities and counties without a council of governments, the department, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. This bill would subject the department’s final written determination of a region’s housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.

Notes:

OCCOG - Support

ACCOC - Support

[AB 1260](#) (Chen R) California Environmental Quality Act: exemptions: transportation-related projects.

Last Amend: 7/6/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses. This bill would further exempt from the requirements of CEQA projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains, provided certain requirements are met, including giving prior notice to the public and holding a noticed public meeting, as provided.

[AB 1322](#) (Rivas, Robert D) California Global Warming Solutions Act of 2006: scoping plan: sustainable aviation fuels.

Last Amend: 9/2/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was E.Q. on 9/2/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board, as part of the next scoping plan update, to develop a plan, consistent with federal law, to use sustainable aviation fuels to reduce greenhouse gas emissions from aircrafts in the state by 40% below 1990 levels by 2030 and to achieve net-zero greenhouse gas emissions by 2045. The bill would require, no later than January 1, 2023, the state board to undertake certain actions in developing the plan, including, among others, consulting with designated state agencies and, if feasible, commercial airports, commercial and business airlines that operate in the state, aircraft manufacturers, sustainable aviation fuels producers and developers, and infrastructure providers to develop the plan.

[AB 1384](#) (Gabriel D) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.

Last Amend: 8/26/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Existing law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter.

[AB 1395](#) (Muratsuchi D) The California Climate Crisis Act.

Last Amend: 9/3/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill, the California Climate Crisis Act, would declare the policy of the state both to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 90% below the 1990 levels.

[AB 1401](#) (Friedman D) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

Last Amend: 7/5/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: Would prohibit a public agency in a county with a population of 600,000 or more from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within 1/2 mile, as specified, of public transit, as defined. The bill would prohibit a public agency in a city with of 75,000 or more located in a county with a population of less than 600,000 from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the project is located within 1/4 mile, as specified, of public transit, as defined. The bill would create authorizations in this regard for a city or a county to which these prohibitions do not apply.

Notes: League of California Cities - Oppose

[AB 1445](#) (Levine D) Planning and zoning: regional housing need allocation: climate change impacts.

Last Amend: 1/3/2022

Status: 1/12/2022-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 6. Noes 1.) (January 12). Re-referred to Com. on L. GOV. From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (January 12). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 1/12/2022-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.			
								Conc.			

Summary: Would, commencing January 1, 2025, require that a council of governments, a delegate subregion, or the Department of Housing and Community Development, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

[AB 1626](#) (Nguyen R) Motor Vehicle Fuel Tax Law: limitation on adjustment.

Status: 1/11/2022-From printer. May be heard in committee February 10.

Is Fiscal: Y

Location: 1/10/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law, the Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

AB 1638 (Kiley R) Motor Vehicle Fuel Tax Law: suspension of tax.

Status: 1/13/2022-From printer. May be heard in committee February 12.

Is Fiscal: Y

Location: 1/12/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would suspend the imposition of the tax on motor vehicle fuels for 6 months. The bill would direct the Controller to transfer a specified amount from the General Fund to the Motor Vehicle Fuel Account in the Transportation Tax Fund. By transferring General Fund moneys to a continuously appropriated account, this bill would make an appropriation.

AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Status: 1/13/2022-From printer. May be heard in committee February 12.

Is Fiscal: Y

Location: 1/12/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Status: 4/22/2021-Referred to Coms. on L. GOV. and APPR.

Is Fiscal: N

Location: 4/22/2021-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Notes:

- ACCOC - Watch
- SCAG - Support
- OCBC - Oppose

SB 5 (Atkins D) Affordable Housing Bond Act of 2022.

Last Amend: 3/10/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was HOUSING on 3/18/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time homebuyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. This bill would enact the Affordable Housing Bond Act of 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.

Notes:

OCCOG - Watch
 ACCOC - Watch
 SCAG - Support

SB 6

(Caballero D) Local planning: housing: commercial zones.

Last Amend: 8/23/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was H. & C.D. on 8/23/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

Notes:

OCCOG - Oppose
 ACCOC - Oppose
 OCBC - Support If Amended
 SCAG - Watch

SB 12

(McGuire D) Local government: planning and zoning: wildfires.

Last Amend: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Notes:

OCCOG - Oppose Unless Amended
 BIA - Oppose Unless Amended
 OCBC - Oppose Unless Amended

SB 15

(Portantino D) Housing development: incentives: rezoning of idle retail sites.

Last Amend: 5/20/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was DESK on 6/1/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	2 year	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the Budget Act or other act, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of housing, as defined.

Notes:

- OCCOG - Support
- ACCOC - Support
- OCBC - Watch
- SCAG - Support
- League of California Cities - Support

SB 45

(Portantino D) Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.

Last Amend: 1/3/2022

Status: 1/19/2022-Set for hearing January 20.

Is Fiscal: Y

Location: 1/18/2022-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. This bill would require the department, in consultation with the state board, to provide assistance to local jurisdictions, including, but not limited to, any funding appropriated by the Legislature in the annual Budget Act, for purposes of assisting local agencies to comply with these provisions, including any regulations adopted by the department.

SB 99

(Dodd D) Community Energy Resilience Act of 2021.

Last Amend: 7/5/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 8/27/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes within the Natural Resources Agency the State Energy Resources Conservation and Development Commission. Current law assigns the commission various duties, including applying for and accepting grants, contributions, and appropriations, and awarding grants consistent with the goals and objectives of a program or activity the commission is authorized to implement or administer. This bill, the Community Energy Resilience Act of 2021, would require the commission to develop and implement a grant program for local governments to develop community energy resilience plans and expedite permit review of distributed energy resources by local governments.

Notes: League of California Cities - Support

SB 261

(Allen D) Regional transportation plans: sustainable communities strategies.

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: current law requires certain transportation planning agencies to prepare and adopt a

regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Notes:

- OCCOG - Oppose Unless Amended
- SCAG - Oppose Unless Amended
- OCTA - Oppose Unless Amended
- OCBC - Oppose
- CALCOG - Oppose
- BIA - Oppose
- ACCOC - Oppose

SB 342 (Gonzalez D) South Coast Air Quality Management District: board membership.

Last Amend: 5/26/2021

Status: 6/4/2021-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/3/2021)(May be acted upon Jan 2022)

Is Fiscal: N

Location: 6/4/2021-S. 2 YEAR

Desk	Policy	Fiscal	2 year	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members. This bill would add 2 members to the district board, appointed by the Senate Committee on Rules and the Speaker of the Assembly. The bill would require the 2 additional members to reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice. The bill would also require a candidate for these positions to meet other specified requirements.

Notes:

- OCBC - Oppose

SB 581 (Atkins D) General plan.

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 7/1/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Planning and Zoning Law, requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development. The law requires that the annual report include, among other specified information, the number of housing development applications received and the number of units approved and disapproved in the prior year. This bill would additionally require the planning agency include in the annual report whether the city or county is a party to a court action related to a violation of state housing law, and the disposition of that action.

SB 582 (Stern D) Climate Emergency Mitigation, Safe Restoration, and Just Resilience Act of 2021.

Last Amend: 5/20/2021

Status: 1/19/2022-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 1/19/2022-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 40% and up to 80% below the 1990 level by 2030. By expanding the scope of a crime, this bill would imposed a state-mandated local program. The bill would adopt a state policy to lead a global effort to restore oceanic and atmospheric concentrations of greenhouse gas

emissions to preindustrial levels as soon as possible to secure a safe climate for all, and to restore community health and reverse the impacts from the damage and injustice climate change is causing to the people, the economy, and the environment of California. The bill would require the Secretary of the Natural Resources Agency, in coordination with the Secretary for Environmental Protection and the State Air Resources Board, and concurrent with the scoping plan, to develop a climate restoration plan that specifies carbon removal targets, before 2035, as necessary to facilitate achievement of those goals.

Notes:

OCBC - Oppose

SB 623

(Newman D) Electronic toll and transit fare collection systems.

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system in compliance with specified objectives, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would authorize those operators to provide instead only the information specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability.

Notes:

OCCOG - Support

OCTA - Support

OCBC - Support

TCA - Support

SCAG - Support

SB 649

(Cortese D) Local governments: affordable housing: local tenant preference.

Last Amend: 4/19/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was RLS. on 6/17/2021) (May be acted upon Jan 2022)

Is Fiscal: N

Location: 9/10/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish a state policy supporting local tenant preferences for lower income households, as defined, that are subject to displacement risk, and, further, permit local governments and developers in receipt of local or state funds, federal or state tax credits, or an allocation of tax-exempt private activity bonds designated for affordable rental housing to restrict occupancy by creating a local housing preference for lower income households subject to displacement risk. The bill, subject to certain requirements and limitations, would authorize a local government to allow a local tenant preference in an affordable housing rental development to reduce displacement of lower income households with displacement risk beyond local government boundaries by adopting a program that allows preferences in affordable rental housing acquired, constructed, preserved or funded with state or local funds or tax programs.

SB 726

(Gonzalez D) Alternative fuel and vehicle technologies: sustainable transportation.

Last Amend: 8/30/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 9/10/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Current law requires the commission to give preference to those projects that maximize the goals of the program based on specified criteria and to fund specified eligible projects, including, among others, alternative

and renewable fuel projects to develop and improve alternative and renewable low-carbon fuels. Current law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program. This bill would revise and recast the program to expand the purpose of the program to include developing and deploying innovative technologies that transform California's fuel and vehicle types to help reduce criteria air pollutants and air toxics.

SB 765

(Stern D) Accessory dwelling units: setbacks.

Status: 1/14/2022-Failed Deadline pursuant to Rule 61(b)(1). (Last location was 2 YEAR on 4/30/2021)

Is Fiscal: Y

Location: 1/14/2022-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.

Notes:

OCCOG - Support

League of California Cities - Support

SB 778

(Becker D) Buy Clean California Act: Environmental Product Declarations: concrete.

Last Amend: 6/21/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was A. & A.R. on 6/24/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 7/14/2021-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require as part of the Buy Clean California Act, beginning July 1, 2022, an awarding authority to require a successful bidder for a contract for an eligible project, as separately defined for purposes of these requirements, to submit a current Environmental Product Declaration, as defined, for each concrete product before the product is installed in the project, as provided. The bill would require the awarding authority, beginning January 1, 2023, when letting contracts that include concrete for use in an eligible project to require all bids to include the global warming potential, as defined, for each concrete product that will be delivered, the total concrete production CO2e, as defined, for all concrete products included in the bid, and an estimate of delivery emissions, as defined, from transporting the concrete. The bill would require the State Air Resources Board, on or before January 1, 2024, to establish, and the department to publish in the State Contracting Manual, in a department management memorandum, or on the department's internet website, the maximum global warming potential for concrete at the industry average global warming potential for concrete within each project region and performance class, as provided.

SB 833

(Dodd D) Community Energy Resilience Act of 2022.

Status: 1/19/2022-Referred to Com. on E., U. & C.

Is Fiscal: Y

Location: 1/19/2022-S. E. U., & C.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law assigns the various duties, including applying for and accepting grants, contributions, and appropriations, and awarding grants consistent with the goals and objectives of a program or activity the State Energy Resources Conservation and Development Commission is authorized to implement or administer. This bill, the Community Energy Resilience Act of 2022, would require the commission to develop and implement a grant program for local governments to develop community energy resilience plans and expedite permit review of distributed energy resources by local governments. The bill would require the plans to be consistent with the city, county, or city and county general plan and other local government planning documents.

SCA 2

(Allen D) Public housing projects.

Status: 1/4/2022-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 1/4/2022-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

Notes:

SCAG - Support

Total Measures: 45

Total Tracking Forms: 45



Homeownership Programs

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Increasing Homeownership in California

- From 2018 to 2020, helped 33,425 first-time homebuyers achieve the dream of homeownership.

	<u>Loan #</u>	<u>\$ (in billions)</u>
2020	9,371	\$2.988
2019	14,142	\$4.295
2018	9,912	\$2.792
	-----	-----
	33,425	\$10.075

Serve Low to Moderate Income

- Income (2020 borrowers):

< \$50K	11%	
\$50,001 - \$75K	32%	
\$75,001 - \$100K	30%	<u>73%</u>
\$100,001 - \$125K	18%	
\$125,001 - \$150K	07%	
\$150,001+	02%	

Reflect CA's Diversity

- Nearly 7 out of 10 borrowers are POC:

	CalHFA	
	<u>2020</u>	<u>State*</u>
Hispanic	53%	39%
White	32%	36%
African American	08%	5.5%
Asian	04%	15%
Pacific Islander	0.5%	0.4%
American Indian	0.3%	0.4%

** 2019 US Census Bureau Estimates*

Homeownership Programs

- Down payment and closing cost assistance offered through a network of approved lenders
- In most cases provides enough assistance to cover the borrowers down payment and even some of their closing costs

Advocate Sustainable Homeownership

- **Mandatory Program Overlays**
 - Homebuyer Education & Counseling (Pre and Post)
 - Home Warranty
 - Prudent Underwriting:
 - debt-to-income ratio: 45% maximum
 - minimum FICO score: 640/680
- **CalHFA provides unique benefits to its borrowers**
 - Ability to affordably finance their down payment
 - No loan-level adjustment fee for conventionally-insured loans
 - State-funded down payment assistance loans

ADU Grant Program

- Newly launched
- Focus on:
 - Low Income (80%AMI)
 - Qualified Census Tracts (QCT)
 - Low equity Californians
- \$25k grant to reimburse pre-development costs



California Housing Finance Agency
