



HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT POLICY COMMITTEE
Thursday, January 26, 2023
10:00 am – 2:00 pm

Register for this meeting:

<https://us06web.zoom.us/j/86542029961?pwd=Rmk4blUwTSswVVA0RDZCd1BUc080QT09>

Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

- I. Welcome and Introductions**
*Speakers: Chair Dan Wright, City of Stockton
Vice Chair Yvonne Martinez Beltran, City of Morgan Hill
Cal Cities President Ali Sajjad Taj, City of Artesia
Cal Cities Executive Director and CEO Carolyn Coleman*
- II. Public Comment**
- III. General Briefing** *Informational*
- IV. Existing Policy and Guiding Principles (Attachment A)** *Informational*
[Full Document](#)
- V. Cal Cities 2023 Action Agenda (Attachment B)** *Informational*
- VI. Adoption of 2023 Work Program (Attachment C)** *Action*
- VII. Our Neighborhood Voices Draft Land Use Initiative (Attachment D)** *Discussion*
- VIII. Legislative and Budget Update** *Informational*
- IX. Adjourn**

Next Virtual Meeting: Thursday, March 16th at 10:00 am – 2:00 pm

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

Housing, Community and Economic Development

Scope of Responsibility

The principle behind the policies reviewed by the Committee on Housing, Community and Economic Development (HCED) is to foster local control of community planning decisions as they relate to land use and economic development. The issues within the purview of the HCED Committee include general plans and zoning, housing affordability, rent control, subdivision map act, residential care facilities, other land use regulation, development fees including school fee adequacy, annexation and incorporation policy, development agreements, building standards including seismic safety standards, economic development policy including redevelopment and enterprise zones, military base closure and reuse, mobile home regulation, and sign regulation.

Summary of Existing Policy and Guiding Principles

Planning And Zoning

General Plans

Cal Cities supports the use of the general plan as a guide to meeting community planning needs. A city's general plan should guide the individual city's land use planning and strategic decision-making. A city's general plan should not be subject to mandatory review by regional or state agencies. General plan requirements should be flexible and provide guidance to local communities without requiring inappropriate levels of detail or mandating new topics or elements. Cal Cities supports guidance by expert state agencies in a consultation format but opposes granting mandatory review, certification or other approval authority to another level of government.

Water Supply and Land Use Planning

Cal Cities supports having the best information available on the reliability of water supplies when land use decisions are made by local agencies, while protecting and retaining local land use decision-making authority.

Zoning

Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including

campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

Housing Element

Housing issues should be addressed in the general plan as other planning issues are. The housing element should be prepared for the benefit of local governments and should have equal status with the other elements of the general plan.

The projections of regional and local growth and the allocations of housing units should account for state and local planning factors and should be subject to a formal hearing and appeal process to ensure that they are realistic. Cities should be allowed to work together to allocate housing units among themselves within a subregion. Appeals should be heard by politically accountable officials at the state and regional levels. Allocated housing units are not a production requirement as cities do not construct housing.

Cities should focus their efforts on facilitating the production of below market rate housing units. Local government efforts should be subject to realistic performance standards, not to arbitrary state agency review of the housing element. Local government housing efforts should be rewarded by incentives. These incentives should include streamlining by not being subject to the Department of Housing and Community Development review, priority ranking for discretionary funds, and new discretionary funds available for general fund purposes.

Cal Cities supports and encourages legislation that implements comprehensive reforms to the housing element process that:

- Address conflicts between local growth projections and state regional housing need numbers;
- Resolve the problems associated with the distribution of RHNA units within a council of governments;
- Achieve improvements to the housing element review process;
- Develop a neutral dispute resolution process and fair enforcement alternatives to deal with disputes over questions of compliance;
- Require state laws and policies which affect housing and land use to be internally consistent;
- Establish additional legal protections to local agencies that approve affordable housing and that establish local pro-active affordable housing policies; and
- Authorize communities which achieve quantifiable affordable housing production levels to self-certify their housing elements without being subject to state review.

Housing Finance

Cal Cities supports legislation and state and federal programs that assist in providing financing for affordable housing, including the development of fiscal tools and incentives to assist local governments in their efforts to encourage housing and finance the infrastructure to support housing, as well as establishing an ongoing state commitment for funding affordable housing.

Cal Cities supports the re-establishment of federal tax incentives which were in effect prior to 1986 which encouraged private development and ownership of rental housing.

Cal Cities supports property tax assessment policies that match local affordable housing policies.

Economic Development

Job Creation, Retention and Expansion

Cal Cities supports legislation that will provide tangible and productive tools and incentives to support job creation and retention in housing-rich, jobs-poor communities, such as the awarding of direct grants to fund the development of infrastructure that results in the creation and retention of jobs; the elimination of matching dollar requirements for economic development and infrastructure state grants; the provision of grant funding for infrastructure planning and design and the creation of economic development strategies; and, allowing cities the maximum flexibility in the use of state funds toward local priorities that support job creation. Cal Cities also encourages the state to adopt policies and programs that establish a comprehensive solution to the infrastructure and jobs/housing needs of all communities within the state.

Tax Increment Tools

Cal Cities supports the enactment and expansion of tax increment financing authority for economic development, infrastructure, and community revitalization, including recently enacted Enhanced Infrastructure Financing District Law (EIFD), Community Revitalization and Investment Authorities (CRIA) and Annexation Development Plans.

Cal Cities supports the enactment and expansion of state tax incentives that assist city economic development and community revitalization efforts.

Eminent Domain

Cal Cities supports enactment of fair eminent domain reforms that protect homeowners, and opposes proposals that would cripple the ability of state and local agencies to manage development.

Tenant Protections

Cal Cities supports prohibiting landlords from discriminating against tenants who use housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 and other public assistance towards their rental payments.

Cal Cities also supports requiring landlords that seek to increase monthly rent greater than ten percent to provide tenants 90 day notice before the increase takes effect.

Rent Control

Cal Cities opposes legislation that restricts the ability of cities to enact rent control ordinances for mobile homes and stick-built housing that are tailored to meet local conditions and circumstances.

Cal Cities opposes legislation that would require a city to adopt a mobile home rent control ordinance.

Subdivision Map Act

Cal Cities supports maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.

Residential Care Facilities

Cal Cities supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. Cal Cities recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.

Cal Cities supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. Cal Cities supports notification of cities about conditional release participants residing in group homes.

Development Fees

Cal Cities supports providing local discretion in the assessment, collection and usage of development fees. The state should provide infrastructure funding to help local communities meet California's growth demands and to increase housing affordability. Cal Cities opposes limiting the ability of cities to levy fees to provide for infrastructure or services.

Cal Cities recognizes that school facilities are a component of a community's infrastructure and must be maintained to foster positive outcomes for youth and economic development. Cal Cities supports maintaining city discretion over the extent to which legislative authority should be exercised to fully mitigate impacts from development to the adequacy of school facilities. Consistent with maintaining discretion, cities should maintain the ability to condition and deny projects that the city determines inadequately mitigate impacts to community schools.

Cal Cities opposes the elimination of any development fee or tax including excise taxes. Tax shifts and initiative measures have severely limited city abilities to provide for community needs. The state must ensure that cities have adequate revenues for local infrastructure and services.

Annexation and Incorporation

Cal Cities supports strengthening city control over urban boundaries. Sphere of Influence law should be modified to ban county development and to allow cities to annex logical growth. The Revenue and Taxation Code should not allow counties to block annexations in exchange for unreasonable property tax sharing agreements. In addition, cities should have expanded authority over adjacent lands outside of their sphere of influence regardless of jurisdictional lines so long as the land is not within another city's sphere. Cities should not be required to incur costs for planning to meet infrastructure needs of unincorporated areas or leveraged to annex areas which would result in unfunded costs.

Cal Cities supports facilitating the incorporation of cities that have met procedural requirements and voter approval. Cal Cities opposes efforts by the Legislature to disincorporate a city for any reason, unless requested by the affected city.

Development Agreements

Cal Cities recognizes voluntary development agreements as one tool for providing flexibility in development approvals.

Building Standards

Cal Cities supports flexibility in the adoption and implementation of health and safety standards contained in the building codes. Statutes should maximize local control over standards applying to local conditions. Cal Cities opposes new standards imposed by statute rather than regulation.

Cal Cities opposes attempts to have multiple state agencies develop specific or subject related building standards. New building standards should be proposed through the California Standards Commission.

Cal Cities supports authorizing cities to adopt independent occupancy standards to prevent overcrowding and associated health and safety hazards, including fire-related fatalities.

Housing for Homeless

Housing and programs for homeless and other extremely low-income populations are necessary to ensure quality of life and economic viability for all Californians.

Homelessness is a statewide problem that disproportionately impacts specific communities. The state should make funding and other resources, including enriched services, and outreach and case managers, available to help assure that local governments have the capacity to address the needs of the homeless in their communities, including resources for regional collaborations.

Homeless housing is an issue that eludes a statewide, one-size-fits-all solution, and collaboration between local jurisdictions should be encouraged.

State and federal funding programs should be designed to reflect responsibilities imposed by state and federal law.

Military Base Closure And Reuse

Base Closures and Reuse

Cal Cities supports local decision-making over military base closure and reuse. The affected cities independently or subregionally should work together towards efficient reuse planning.

Economic Reuse

Cal Cities supports incentives for broad economic reuse of closed military facilities. Cities should work on a regional and interstate basis to maintain economic productivity. Economic reuse includes both reuse of military facilities and the retooling of related industries to continue to provide jobs for residents of California's cities.

Mobile Home Regulation

Cal Cities supports initiatives that maintain cities as the enforcement authority for mobile home regulation.

Cal Cities supports the preservation of existing mobile home parks as an important source of affordable housing.

Sign Regulation

Cal Cities supports the authority of cities to regulate billboards and other signage. Cal Cities opposes mandatory local abatement programs.

Principles for Smart Growth

Well-Planned New Growth

Recognize and preserve open space, watersheds, environmental habitats, and agricultural lands, while accommodating new growth in compact forms, in a manner that:

- De-emphasizes automobile dependency;
- Integrates the new growth into existing communities;
- Creates a diversity of affordable housing near employment centers; and
- Provides job opportunities for people of all ages and income levels.

Maximize Existing Infrastructure

Accommodate additional growth by first focusing on the use and reuse of existing urbanized lands supplied with infrastructure, with an emphasis on reinvesting in the maintenance and rehabilitation of existing infrastructure.

Support Vibrant City Centers

Give preference to the redevelopment and reuse of city centers and existing transportation corridors by supporting and encouraging:

- Mixed use development;
- Housing opportunities for all income levels;
- Safe, reliable and efficient multi-modal transportation systems; and

- Retaining existing businesses and promoting new business opportunities that produce quality local jobs.

Coordinated Planning for Regional Impacts

Coordinate planning with neighboring cities, counties, and other governmental entities so that there are agreed upon regional strategies and policies for dealing with the regional impacts of growth on transportation, housing, schools, air, water, wastewater, solid waste, natural resources, agricultural lands and open space.

Support High-Quality Education and School Facilities

Develop and maintain high quality public education and neighborhood-accessible school facilities as a critical determinant in:

- Making communities attractive to families;
- Maintaining a desirable and livable community;
- Promoting life-long learning opportunities;
- Enhancing economic development; and
- Providing a work force qualified to meet the full range of job skills required in the future economy.

Build Strong Communities

Support and embrace the development of strong families and socially and ethnically diverse communities, by:

- Working to provide a balance of jobs and housing within the community;
- Avoiding the displacement of existing residents;
- Reducing commute times;
- Promoting community involvement;
- Enhancing public safety; and
- Providing and supporting educational, mentoring and recreational opportunities.

Emphasize Joint Use of Facilities

Emphasize the joint use of existing compatible public facilities operated by cities, schools, counties and state agencies, and take advantage of opportunities to form partnerships with private businesses and nonprofit agencies to maximize the community benefit of existing public and private facilities.

Support Entrepreneurial/Creative Efforts

Support local economic development efforts and endeavors to create new products, services and businesses that will expand the wealth and job opportunities for all social and economic levels.

Encourage Full Community Participation

Foster an open and inclusive community dialogue and promote alliances and partnerships to meet community needs.

Establish a Secure Local Revenue Base

Support the establishment of a secure, balanced and discretionary local revenue base necessary to provide the full range of needed services and quality land use decisions.

Residential Insurance Policy

Cal Cities believes homeowners should be insured for the value of rebuilding a home to current building standards. Cal Cities supports measures to increase transparency in insurance policies so that homeowners can make informed decisions.

Cal Cities believes residents who have experienced a wildfire or other natural disaster are entitled to fair residential property insurance practices that provide flexibility to rebuild, including that insured property owners should not lose insurance coverage during the rebuilding effort.

Cal Cities also believes residential property insurance policies should not be canceled based on weather-related claims or immediately following a disaster.

Note: Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."

League of California Cities 2023 Advocacy Priorities

- 1. Protect and expand investments to prevent and reduce homelessness.** Secure sustainable state funding that bolsters cities' efforts to support individuals experiencing, or at risk of, homelessness. While protecting existing resources, strengthen state and local partnerships to connect individuals with the care they need through coordinated care systems that provide access to wraparound services, including mental health and substance use treatment.
- 2. Increase the supply and affordability of housing while retaining local decision-making.** Secure long-term, sustainable funding tools for cities to jumpstart the construction of housing at all income levels and ensure cities retain flexibility to achieve local and state housing goals.
- 3. Improve public safety in California communities.** Pursue strategies and resources to address crime and its underlying causes. Partner with all levels of government and diverse organizations to improve community safety through prevention and early intervention programming, workforce recruitment and retention, and improved re-entry services.
- 4. Safeguard essential local revenues and support fiscal sustainability.** Protect, increase, and modernize revenue streams for local priorities. Oppose efforts that would reduce or eliminate funding for cities, including unfunded mandates.



**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT POLICY
COMMITTEE**

Work Program Development 2023

To facilitate the development of the HCED Policy Committee’s 2023 Work Program, we are seeking your feedback in advance.

Please list the top three priorities for your city with regard to housing, land use, and economic development policy.

1. _____
2. _____
3. _____

Please email this form to me at jrhine@cacities.org by Wednesday, January 25th.

**Housing, Community, and Economic Development Policy Committee
Legislative Agenda
January 26, 2023**

Staff: Jason Rhine, Assistant Director, Legislative Affairs
Nick Romo, Lobbyist, Legislative Affairs

Our Neighborhood Voices (ONV) Draft Land Use Initiative (01/16/2023) ([FULL TEXT](#))

Initiative Summary:

The ONV land use initiative provides that, except for certain types of state laws, (1) cities' land use planning and zoning laws prevail over conflicting state laws; and (2) a charter city's land use planning and zoning law is a municipal affair that prevails over a conflicting state statute.

Initiative Description:

The ONV land use initiative makes two changes to the California Constitution:

The Police Power: The Constitution grants both general law and charter cities the power to adopt ordinances to protect the public's health, safety, and welfare. This grant is called the "police power." This is the source of a city's land use and zoning authority. In the event of a conflict between a state law and a local ordinance adopted under the police power, the state law prevails. State law is said to "preempt" the local ordinance. Since the 1960s, the state has enacted many laws that have preempted local land use and zoning ordinances. These laws include the Fair Employment and Housing Act (FEHA), Housing Element, Housing Accountability Act (HAA), density bonus, Permit Streamlining Act, Accessory Dwelling Units (ADU), California Environmental Quality Act (CEQA) and many more.

Under the ONV land use initiative, in the event of a conflict between a state law and a **local land use and zoning ordinance**, the local ordinance prevails unless the state law addresses a matter of statewide concern and relates to any of the following "**covered state statutes**":

- Protection of the environment or natural resources including CEQA, California Endangered Species Act, Coastal Act, Porter-Cologne Water Quality Act.
- Surface Mining and Reclamation Act, Pollution control or environmental justice laws.
- Protection of health and safety.
- Emergency response to natural disasters and disaster planning and recovery.
- The regulation of the physical structure and construction of buildings.
- The regulation of residential or commercial rents and landlord-tenant relations, including the Ellis Act and Costa-Hawkins Rental Housing Act.
- The siting of a power generating facility capable of generating more than 50 megawatts.
- The development or construction of a water, communication or transportation infrastructure project.

- Fair housing matters including but not limited to California Fair Employment and Housing Act.
- Reporting and planning requirements.

In order for a state statute on one of these subjects adopted after January 1, 2016, to prevail over a local ordinance, it must include a finding that it addresses a matter of statewide concern.

Charter Cities and Municipal Affairs: Of California's 482 cities, 108 of them are charter cities. The Constitution grants charter cities the additional power to adopt ordinances affecting "municipal affairs." This power, commonly referred to as "home rule" is based on the principle that a city, rather than the state, is in the best position to identify and satisfy the needs of the local community. An ordinance adopted under a charter city's home rule power cannot be enforced if it affects a "matter of statewide concern". The Constitution does not define "municipal affair". The subjects that the courts have identified as "municipal affairs" or as "matters of statewide concern" have changed over the years with changing economic, social, and political circumstances.

Under the ONV land use initiative, a land use and zoning ordinance adopted by a charter city is deemed to be a "municipal affair" that prevails over a conflicting state statute unless the statute is a "**covered state statute**".

Restrictions on State Funding

The ONV land use initiative prohibits the State from:

- Modifying state funding appropriated before the effective date of the measure based upon a city adopting an ordinance that prevails over a state statute; and
- Discriminating in favor of, or giving any preference to, a city that voluntarily complies with state-adopted land use planning and zoning laws.

Background:

HCED, the Environmental Quality policy committee and the Cal Cities staff have worked on several land use initiatives since June 2021. Cal Cities formed a working group in July 2021 to consider ACA 7 (Muratsuchi) and the first draft of an initiative very similar to the ONV land use initiative. The working group held three meetings and dedicated more than seven hours analyzing and debating the measures. Additionally, HCED set aside nearly eight hours to focus on ACA 7 and the land use initiative. After a thorough review, the working group and HCED raised concerns that the measures may have significant, unintentional consequences, including pitting local jurisdictions against each other, and that additional feedback from cities was needed.

In early December 2021, the Cal Cities Board of Directors voted unanimously, with one abstention, to "take no position at this time on ACA 7 and the land use initiative. The Board reaffirmed its strong desire to protect local decision-making authority over land use, housing, and zoning to meet the needs of their communities. To that end, the Board directed staff, working with the relevant policy committees, to develop a menu of near-, mid-, and long-term strategies to reform state housing laws". In 2022, a menu of strategies to reform state housing laws was developed.

Additionally, at the Cal Cities' 2022 Annual Conference, a petitioned resolution was brought forward to require Cal Cities to partner with, and help advance and qualify,

the Brand-Mendoza-Candell Tripartisan Land Use Initiative (as known as the ONV land use initiative) for the November 2024 ballot.

The petitioned resolution qualified and was forwarded to the General Resolutions Committee for consideration. Following public comment and Committee discussion, the General Resolutions Committee recommended that the resolution be referred to the Housing, Community, and Economic Development and Environmental Quality policy committees for further study.

The General Assembly voted to approve the General Resolutions Committee's recommendation.

Fiscal Impact:

There would be no direct fiscal impact to cities.

Existing Cal Cities Policy:

Vision

To be recognized and respected as the leading advocate for the common interests of California's cities.

Mission Statement

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

We Believe

- Local self-governance is the cornerstone of democracy.
- Our strength lies in the unity of our diverse communities of interest.
- In the involvement of all stakeholders in establishing goals and in solving problems.
- In conducting the business of government with transparency, openness, respect, and civility.
- The spirit of honest public service is what builds communities.
- Open decision-making that is of the highest ethical standards honors the public trust.
- Cities are vital to the strength of the California economy.
- The vitality of cities is dependent upon their fiscal stability and local autonomy.
- The active participation of all city officials increases the League's effectiveness.
- Partnerships and collaborations are essential elements of focused advocacy and lobbying.
- Ethical and well-informed city officials are essential for responsive, visionary leadership and effective and efficient city operations.

Zoning

Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice

and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

Housing Element

Housing issues should be addressed in the general plan as other planning issues are. The housing element should be prepared for the benefit of local governments and should have equal status with the other elements of the general plan.

Subdivision Map Act

Cal Cities supports maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.

Annexation and Incorporation

Cal Cities supports strengthening city control over urban boundaries. Sphere of Influence law should be modified to ban county development and to allow cities to annex logical growth. The Revenue and Taxation Code should not allow counties to block annexations in exchange for unreasonable property tax sharing agreements. In addition, cities should have expanded authority over adjacent lands outside of their sphere of influence regardless of jurisdictional lines so long as the land is not within another city's sphere. Cities should not be required to incur costs for planning to meet infrastructure needs of unincorporated areas or leveraged to annex areas which would result in unfunded costs. Cal Cities supports facilitating the incorporation of cities that have met procedural requirements and voter approval. Cal Cities opposes efforts by the Legislature to disincorporate a city for any reason, unless requested by the affected city.

California Environmental Quality Act (CEQA)

Cal Cities has extensive existing policy regarding CEQA. Most of this policy is highly specific to the implementation of the Act. [Click here](#) to review the full policy.

Comments:

The ONV land use initiative requires more than 962,105 valid signatures to qualify for the November 2024 statewide general election. If voters approve the measure, by a simple majority vote, the California Constitution will be amended.

Under the ONV land use initiative, a local "land use planning and zoning law" prevails over a state law unless the state law addresses one of the ten subjects listed in the measure (see "**covered state statutes**" above). A city cannot simply ignore a conflicting state statute (that is not a "**covered state statute**"). Rather, a city must adopt an ordinance that "conflicts" with the statute and thus would then prevail over the state law.

The definition of "covered state statute" lists specific state statutes (such as CEQA and the Ellis Act) but also includes other statutes that are not listed but "are related to" the listed statutes such as statutes "relating to" fair housing matters; environmental justice laws; and the protection of the environment or natural resources. Further interpretation will be required to identify other "covered state statutes" which are not specifically listed in the measure.

For example, the housing element law is not listed as a “covered state statute,” but requires a city to include a program that affirmatively furthers fair housing and to plan for its fair share of the regional housing need for persons of all income levels. Affirmatively furthering fair housing includes combating discrimination, overcoming patterns of segregation, and fostering inclusive communities. The regional allocation of housing need (RHNA) must also “affirmatively further fair housing” and the final plan must ensure that each jurisdiction in the region receive an allocation of units for low- and very low-income households. This leads one to question whether the housing element law, or other state laws which “relate to” “fair housing matters,” prohibitions against discrimination, affirmatively furthering fair housing, the protection of health and safety, or the protection of the environment or natural resources will ultimately be determined to be “covered state statutes,” or be replaced by an uncoordinated patchwork of hundreds of local ordinances favoring different standards.

Given the retroactive date of January 1, 2016, the ONV initiative may constrain the development of new laws and policies, related to covered statutes, to address evolving issues such as climate change and land use. The ONV initiative requires these laws to include detailed findings of the “specific goals, purposes, and objectives” of the state statute. Failing to do so will allow local jurisdictions to override these state laws.

Finally, given the broad scope of the ONV land use initiative and the significant changes it proposes to the State-local relationship under the police power and to the municipal affairs analysis, it is possible that the measure might be a “revision” rather than an “amendment” to the Constitution. Although the voters can amend the Constitution by an initiative, a “revision” of the Constitution may be accomplished only by convening a constitutional convention and then obtaining voter approval of what the convention proposes. The idea is that “comprehensive changes” to the Constitution require more formality, discussion and deliberation than is available in the initiative process [*Raven v. Deukmejian* (1990) 52 Cal.3d 335].

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

We, the undersigned, registered, qualified voters of California, residents of _____ County , hereby propose amendments to the Constitution of California, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed constitutional amendments read as follows:

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

(a) California's housing crisis is primarily due to a failure to provide enough housing (to own or rent) that is affordable for working class and lower income Californians, and this crisis has worsened due to massive reductions in available funding to help local governments encourage more affordable housing production. The involvement of large financial institutions and speculators in our housing markets and recent state laws that usurp the power of local government to exercise its constitutional authority to make local land use planning and zoning decisions have combined to further restrict affordable housing options and displace many working class families and people of color from their own historic communities.

(b) Local government is best able to consider all the requisite factors and make the difficult land use planning and zoning decisions to ensure that new development is supported by the infrastructure and utilities required to maintain appropriate levels of public services, including police and fire services, parklands and public open spaces, transportation, parking, and schools. The specific needs and challenges facing every California community vary greatly and therefore require significant input and leadership from local government to achieve best outcomes on land use planning and zoning issues, including the provision of affordable housing and protecting the environment.

(c) The State Legislature cannot adequately consider or address the unique impacts of land use planning and zoning laws on every local community, and recent state laws designed to require local governments to increase housing density and encourage the production of more market rate housing by minimizing public input and eliminating environmental review will not solve our affordable housing crisis. In fact, these state laws will harm communities by escalating housing costs and increasing property tax burdens instead of encouraging collaboration with local government to produce more affordable housing.

(d) The purpose of this measure is to protect the ability of local communities to make local land use planning and zoning decisions, and to clarify the process to resolve conflicts between current or future state and local land use planning and zoning laws. One size does not fit all, and recent statewide land use and zoning laws will do great harm without significant input and participation from local communities. The “home rule” doctrine is enshrined in Sections 4 and 5 of Article XI of the California Constitution, and local land use planning or zoning initiatives approved by voters shall not be nullified or superseded by state law.

(e) This constitutional amendment is expressly intended to authorize local land use planning and zoning law to override conflicting state law while ensuring that specified laws remain in full force and effect.

SEC. 2. Section 3.5 is added to Article XI of the California Constitution, to read:

SEC. 3.5. For purposes of this article:

(a) “Land use planning and zoning law” means any law, whether adopted or put into effect by charter, ordinance, regulation, local initiative, or other action that accomplishes any of the following:

(1) Eliminates or restricts a city or county’s discretion to establish or change the zoning designation of any parcel within its jurisdiction.

(2) Requires a city or county to review, approve, or deny a development application on a streamlined, ministerial, or expedited basis if the project meets a specified criteria.

(3) Approves or denies a development or subdivision of a parcel.

(4) Imposes any restriction on the ability of a city or county to deny a development project or subdivision of a parcel.

(5) Establishes the procedure for establishing or changing the zoning designation of any parcel within its jurisdiction.

(6) Establishes the procedure or timing for reviewing and approving development applications.

(b) “Covered state statute” means a state law that addresses a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of this article, and relates to any of the following:

(1) The protection of the environment or natural resources, including, but not limited to any of the following:

(A) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and California Environmental Quality Act Guidelines (Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Code of Regulations).

(B) The California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

(C) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(D) The Porter-Cologne Water Quality Act (Division 7 (commencing with Section 13000) of the Water Code).

(E) The Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2 of the Public Resources Code).

(F) Pollution control or environmental justice laws, rules, or regulations.

(2) The protection of health and safety, including but not limited to, the development of contaminated sites and regulation of hazardous material storage sites.

(3) Emergency response to natural disasters and disaster planning and recovery.

(4) The regulation of the physical structure and the construction of buildings.

(5) The regulation of residential or commercial rents and landlord-tenant relations, including the Ellis Act (Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code) and Costa-Hawkins Rental Housing Act (Chapter 2.7 (commencing with Section 1954.50) of Title 5 of Part 4 of Division 3 of the Civil Code).

(6) 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 and that the facility addresses a matter of statewide concern.

(7) (A) The development or construction of a water, communication, or transportation infrastructure project for which the Legislature lists the specific reasons explaining how the project addresses the statewide concern and declares that the development is in the best interests of the state.

(B) For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(8) Fair housing matters, including, but not limited to the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), prohibitions against discrimination, or affirmatively furthering fair housing.

(9) Reporting and planning requirements, provided that the requirement does not otherwise impact the ability of a city or county to adopt, or put into effect, a land use planning and zoning law described in paragraph (1). Reporting and planning requirements imposed pursuant to this paragraph shall apply uniformly to all cities and counties and shall not discriminate amongst cities or counties based on voluntary compliance with any land use planning and zoning law adopted by the state.

SEC. 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 land use planning and zoning law 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.

(b) A covered state statute shall prevail over conflicting land use planning and zoning laws, provided that for a covered state statute enacted on or after January 1, 2016, the Legislature makes a finding that the covered state statute addresses a matter of statewide concern. A finding of statewide concern made pursuant to this subdivision shall list the specific goals, purposes, and objectives of the statute.

(c) (1) State funding appropriated before the effective date of this section shall not be modified due to a city preempting any state law pursuant to this section.

(2) State funding appropriated after the effective date of this section shall not discriminate in favor of, or give any preference to, a city that voluntarily complies with state-adopted land use planning and zoning laws.

(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.

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

SEC. 7. (a) (1) A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations ~~not in conflict with general laws~~. *that are not, except as provided in subdivision (b), in conflict with general laws.*

(2) *A county or city shall not supersede or otherwise interfere with any voter approved local initiative.*

(b) (1) *Except as provided in paragraph (2), a land use planning and zoning law within the boundaries of the county or city shall prevail over conflicting general laws.*

(2) *A covered state statute shall prevail over conflicting land use planning and zoning laws, provided that for a covered state statute enacted on or after January 1, 2016, the Legislature makes a finding that the covered state statute addresses a matter of statewide concern. A finding of statewide concern made pursuant to this paragraph shall list the specific goals, purposes, and objectives of the statute.*

(c) (1) *State funding appropriated before the effective date of this section shall not be modified due to a city or county preempting any state law pursuant to this section.*

(2) *State funding appropriated after the effective date of this section shall not discriminate in favor of, or give any preference to, a city or county that voluntarily complies with state-adopted land use planning and zoning laws.*

(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.*

SEC. 5. Article XXXIV of the California Constitution is repealed.