



SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

TECHNICAL WORKING GROUP (TWG)

Thursday, March 17, 2016 10:00 a.m.

SCAG Offices
818 West 7th Street, 12th Floor
Board Room
Los Angeles, CA 90017
(213) 236-1800

Teleconferencing Information: Number: 1-800-832-0736 – Participant Code: 7334636

Please use for web connection: <http://scag.adobeconnect.com/twg91814/>

AGENDA

Introductions

Receive and File

1. Meeting Summary 2-18-16 (Attachment)
2. 2016 RTP/SCS Policy Committee Meeting Outlook (Attachment)

Information Items

3. SB 743 Guideline Development (Ping Chang/Michael Gainor) (Attachment)
4. 2016 RTP/SCS Update (SCAG Staff) (No Attachment)
5. 2016 RTP/SCS PEIR Status Report (Lijin Sun) (No Attachment)
6. Housing Omnibus Bill: Consultation with HCD for Regional RHNA Determination (Ma'Ayn Johnson) (Attachment)
7. SCAG Housing Planning Guidebook (Ma'Ayn Johnson) (Attachment)
8. 2016 RTP/SCS Subjurisdictional Data and SCS Consistency (Kimberly Clark) (Attachment)



**SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS**

Item 1 Attachment:
Meeting Summary



TECHNICAL WORKING GROUP (TWG)

February 18, 2016

Meeting Summary

The following is a summary of discussions at the Technical Working Group meeting of January 21, 2016.

Receive and File

- 1. Meeting Summary 1-21-16**
- 2. 2016 RTP/SCS Agenda Outlook**
- 3. 2016-2040 Policy Committee Meetings Outlook**

Information Items

4. 2016 RTP/SCS Public Comment Summary

Courtney Aguirre, SCAG staff, provided an overview of the public comments that have been received for the Draft 2016 RTP/SCS.

5. PEIR Status Report

Lijin Sun, SCAG staff, provided an update on the status of the PEIR.

6. Cap-and-Trade AHSC Evaluation Criteria

Ma'Ayn Johnson, SCAG staff, reviewed the evaluation criteria for the AHSC grants. Ms. Johnson explained that staff will use these guidelines to review, score, and rank proposed AHSC projects in Transit Oriented Development (TOD) project areas and Integrated Connectivity Project (ICP) project areas that have been selected for full application by the Strategic Growth Council. Ms. Johnson further explained that these evaluation criteria reflect SCAG's 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) goals and strategies, as well as the Sustainability Grant Program Call for Projects. SCAG's recommendations are based on three overarching considerations: maximizing greenhouse gas (GHG) reduction, emphasizing co-benefits, and strong implementation of the 2012-2035 RTP/SCS. SCAG strongly supports applications benefitting disadvantaged communities.

7. SB 743 Guidelines Development on VMT-based Approach

Ping Chang, SCAG staff, provided an overview of the Revised Updates to the CEQA Guidelines Implementing Senate Bill 743. Mr. Chang reported that Senate Bill 743 mandates a change in the way that public agencies evaluate transportation impacts of projects under the California Environmental Quality Act (CEQA). Mr. Chang outlined key reasons the Legislature has mandated that these changes be reflected in the guidelines that implement CEQA. Mr. Chang emphasized that once the guidelines are

adopted, it should result in a better, more transparent evaluation of project impacts and better environmental outcomes.

8. Cycle 3 Active Transportation Program

Sarah Jepson, SCAG staff, provided an update on the Cycle 3 Active Transportation Program.



**SOUTHERN CALIFORNIA
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Item 2 Attachment:
2016 RTP/SCS Policy Committee Meetings Outlook

**2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS)
Policy Committee Meetings Outlook**

2015/16 Meeting Dates	Topic	Committee ¹			
		Joint	TC	CEHDC	EEC
March 5	Draft Scenario Planning Matrix		X	X	X
	Environmental Justice Framework		X	X	X
	Public Health Planning & Analysis Framework		X	X	X
	Release of Notice of Preparation of Program Environmental Impact Report (PEIR)				X
April 2	Focus on System Operation and Preservation	X			
May 7	Draft Scenario Planning and SCS Workshops Rollout	General Assembly			
June 4	Active Transportation		X		
	Rail and Transit		X		
	Regional Aviation		X		
	Regional Goods Movement		X		
	2016 South Coast Air Quality Management Plan				X
June 18	Goals/Objectives/Performance Measures	X			
	Scenario Results - Land Use/Urban Form Focus	X			
	Subject Matter Speaker: Jim Madaffer, CTC	X			
July 2	Highways/Arterials		X		
	HOV/HOT/Toll Roads/Express Lanes		X		
	Emerging Technology Consideration in 2016 RTP/SCS		X		
	Active Transportation			X	X
	Environmental Justice, Policy Choices & Mitigations				X
	PEIR Approaches to Mitigation Measures				X
July 23	Regional Aviation		X		
	Highways/Arterials		X		
August 6	Summary of Findings from Workshops	X			
	PEIR Approaches to Alternatives	X			
	Affordable Housing Presentation by Steve PonTell	X			
	Regional Aviation Forecasts		X		
	Highways/Arterials		X		
August 20	Transportation Finance Overview	X			
	Potential Expert Subject Matter Speakers	X			
September 3	Draft Transportation Finance Strategy		X		
	Draft Transit and Passenger Rail Strategy		X		
	Draft Highway and Arterial Framework		X		
	Growth Forecast: Local Review and Input			X	
	Environmental Justice Analysis Update				X
	PEIR Update				X

**2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS)
Policy Committee Meetings Outlook**

2015/16 Meeting Dates	Topic	Committee ¹			
		Joint	TC	CEHDC	EEC
October 8	Proposed Regional Express Lane Network		X		
	Proposed Goods Movement Strategies		X		
	Proposed Active Transportation Plan Investment Framework		X		
	Proposed Regional Aviation Ground Access Improvement Framework		X		
	Proposed Air Cargo Forecast		X		
	Proposed Public Health Guiding Principles and Framework		X	X	X
	Policy Growth Forecast (PGF) Guiding Principles and Framework			X	
	PEIR: Mitigation Measures, Guiding Principles, and Performance-Based Approach				X
November 5	Review and Consider Staff Recommendation on all Elements of Draft 2016 RTP/SCS	X			
	PEIR Findings, Draft Technical Studies, and Draft PEIR	X			
December 3	Release the Draft 2016 RTP/SCS for a 55-Day Public Review and Comment Period	Regional Council			
	Release the Draft PEIR for the 2016 RTP/SCS for a 45-Day Public Review and Comment Period				
	Transmittal of Draft 2016 South Coast Air Quality Management Plan Appendix IV-C				
March 3	Draft 2016 RTP/SCS and Draft PEIR - Summary of Public Comments	Joint Policy Committee Regional Council			
	Review Draft 2016 RTP/SCS and Draft PEIR and Consider Recommending for Regional Council Adoption				
March 24	Consideration of Recommendation of RC Approval of Proposed Final 2016 RTP/SCS and the associated Proposed Final 2016 RTP/SCS PEIR	X			
April 7	Review Draft 2016 RTP/SCS and Draft 2016 RTP/SCS PEIR and Consider Adoption	Regional Council			

¹ Committee abbreviations include (in order of appearance): Joint (Joint Policy Committee); TC (Transportation Committee); CEHDC (Community, Economic & Human Development Committee); and EEC (Energy & Environment Committee).



SOUTHERN CALIFORNIA
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Item 3 Attachment:
SB 743 Guideline Development



Metro



February 29, 2016

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

RE: Comments on the "Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA" to Implement SB 743

Dear Mr. Calfee:

The Southern California Association of Governments (SCAG) and the County Transportation Commissions (CTCs) undersigned would like to express our sincere appreciation for the extensive efforts put forth by the Office of Planning and Research (OPR) staff in developing this latest proposal in support of the draft CEQA Guidelines update, pursuant to SB 743. We thank you for the opportunity to provide comments.

As the Metropolitan Planning Organization representing 6 counties and 191 cities in Southern California, SCAG is responsible for implementing SB 375 in our region. In April 2012, SCAG's Regional Council adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy, a transformational plan for Southern California. SCAG is now in the final stages of developing the 2016-2040 RTP/SCS, which is focused on further achieving regional sustainability objectives and reducing greenhouse gas emissions.

SCAG recognizes the importance of SB 743 for the effective implementation of SB 375. The development of an alternative metric to evaluate CEQA transportation impacts that serves to reduce greenhouse gas emissions, supports development of multimodal networks, and encourages mixed-use transit oriented development, will also serve to facilitate implementation of the 2016 RTP/SCS. SCAG recognizes that the proposed transition to a VMT based metric will facilitate implementation of many of the sustainability strategies outlined in the RTP/SCS and will support regional investments, particularly in active transportation and transit.

OPR's extensive outreach efforts, which most recently included a well-attended stakeholder meeting at the SCAG offices on February 18, 2016, have provided our local stakeholders the opportunity to gain a better understanding of the Revised Proposal and to offer timely

Mr. Christopher Calfee
February 29, 2016

and meaningful input. We very much appreciate the exemplary diligence OPR has demonstrated throughout this process to maximize participation by our regional and local stakeholders in developing the revised CEQA Guidelines through the several meetings and workshops conducted by OPR in support of this effort over the past two years. We also commend the responsiveness of OPR staff in engaging our stakeholders in meaningful discussions.

OVERALL CONCERNS

Despite OPR staff's efforts, SCAG still has serious concerns if the current version of the Revised Proposal document is adopted. It is important to note that the ability of our RTP/SCS to meet both state and federal statutory requirements is dependent upon implementation of the Plan as a whole, including the addition of highway and roadway capacity to meet the existing and projected future transportation mobility needs of millions of residents living and working in our region.

The 2016 RTP/SCS presents a balanced and integrated land use and transportation plan for the Southern California region that respects local input from our member cities and counties, and is consistent with respecting local control over land use issues as required by state laws, including SB 375. SB 743 and its implementation through the CEQA Guidelines will greatly facilitate the region's ability to plan for and implement transit supportive development patterns and encourage built environment conditions that support increased active and public transportation. However, the highway capacity improvement projects included in the 2016 RTP/SCS are also an integral component of the Plan, and any VMT impact that individual projects may produce, either direct or induced, is balanced at the regional level by a wide array of other projects and strategies that serve to reduce VMT and meet regional GHG reduction targets. Therefore, it is imperative that OPR's proposal be modified to assure that individual capacity improvement transportation projects that are identified in the RTP/SCS, sales tax measures, or STIP be grandfathered and not be evaluated or required to comply with a new project-specific VMT metric in isolation of the integrated regional plan of which they are a part.

Implementation of the current version of the Revised Proposal, with the proposed new VMT and induced demand impact analysis requirement, creates new litigation risks for transportation projects that have already been included in the approved 2012 RTP/SCS (and evaluated in the accompanying certified Programmatic Environmental Impact Report (PEIR)), and those that are included in the pending 2016 RTP/SCS and PEIR. Imposition of new project-level VMT and traffic inducement CEQA impact analyses jeopardizes the integrity of our transportation plan, and could create unwarranted new legal risks for voter-approved, federally-approved, and state-approved transportation capacity investment projects. For these reasons, we strongly urge OPR to limit the new Guidelines to approving the suggested VMT impact metric aimed at streamlining the CEQA process for infill projects by SB 743 to the Transit Priority Areas at the present time, or at minimum, extend the opt-in period for non-Transit Priority Areas and the grandfathered projects identified in the RTP/SCS, sales tax measures, or STIP.

ADDITIONAL SPECIFIC COMMENTS

Below are additional specific comments as related to the induced demand analysis, mitigation requirements for capacity improvements projects, fair share allocation, RTP/SCS consistency, and grace period.

Induced Demand Analysis

- Induced demand is a major new CEQA impact concept, and the following is a partial list of issues that should be comprehensively addressed in a workshop setting prior to issuing this revision to the CEQA Guidelines. We would like to invite OPR staff to lead the workshop, and we appreciate our continued collaboration with OPR toward achieving successful implementation of the revised Guidelines.
 - Requiring induced demand and related VMT analysis for individual projects will increase the risk of litigation due to the general infeasibility of providing the required mitigation measures in many areas, thereby mandating the preparation of a large number of separate EIRs for a multitude of individual projects.
 - Recalibrate the fair share of VMT threshold so that the fair share is apportioned to capacity only projects.
 - Develop models that adequately assess the regional effects of VMT.
 - OPR should provide clarification regarding what specifically constitutes induced demand with respect to VMT. The addition of a definitions section in the Technical Appendix may allow the opportunity to provide more precise descriptions of some of the terms used in the document.
 - Freight corridors documented in the California Freight Mobility Plan should be exempted from the induced growth analysis requirement. This is consistent with Executive Order B-32-15, which highlights competitiveness as one of the pillars of sustainable freight and a sustainable economy. In addition, special consideration should be given to projects that promote dedicated freight corridors or zero/near-zero vehicle technology.
 - More direction is needed regarding how to determine the CEQA baseline for induced impact analysis.
 - Clarification is needed on the approach to be used for analyzing induced demand by project type.
 - Providing the option for use of a programmatic approach to project-level induced growth evaluation, including the use of tiering from previously adopted EIRs, such as the 2012 or the pending 2016 RTP/SCS PEIR, would relieve local jurisdictions of the significant and costly burden of having to perform separate analyses for each individual transportation project.
 - Grandfather in projects in the 2016 RTP/SCS, sales tax measures, or in the STIP.

Mitigation Requirements for Capacity Improvement Projects

- Many of the mitigation measures suggested in the Technical Advisory are clearly in line with regional and local priorities including active transportation, first/last mile connectivity, transit supportive development patterns, transit expansion, and

complete streets. We particularly appreciate the suggestion of a fee-based mitigation option, though we would welcome more guidance on the suggestion. Nevertheless, many of the recommended VMT mitigation measures included in the Technical Advisory are not feasible options in some areas, particularly suburban, rural, and other non-transit amenable locations. In addition, capacity improvement projects that are not of a scale large enough to impact regional VMT performance should be considered for exemption from this requirement.

- The Draft Guidelines should clearly state that only capacity increasing transportation projects would require mitigation.
- Additional guidance regarding the presentation of feasible mitigation options for projects in suburban and other outlying non-TPA areas is recommended. Many of the options presented in the Technical Advisory are not feasible for highway improvement projects.

Fair Share Allocation

- The 'fair share' VMT allocation methodology presented in the Technical Advisory could prove to be more beneficial as a tool for estimating the VMT threshold of a capacity increasing project by revising the allocation calculation to make it more responsive to the multitude of factors that affect a project's VMT impact.
 - Clarification is needed regarding the appropriate methodology for calculating 'fair share' VMT at the project-level.
 - The 'fair share' allocation methodology should be revised to take into account the scale of a project including, for example, lane miles, costs, and facility type.
 - The 'fair share' allocation methodology should be applicable only to projects that increase highway capacity.
 - The 'fair share' methodology should be crafted not to penalize fast growing areas or roadway projects that provide much needed connectivity and accessibility.
 - However, the data and assumptions required to determine the statewide VMT cap and allocation are fluid, which would result in the need to constantly monitor and adjust the fair share allocations. The development of a programmatic approach to VMT allocation may reduce the uncertainties introduced by the currently recommended project-oriented 'fair share' methodology.

RTP/SCS Consistency

- The land use assumptions and data being used in support of the 2016 RTP/SCS for the SCAG region are to be adopted at the jurisdictional level. Any interpretation of RTP/SCS data at a geographic scale smaller than the jurisdictional level should not be used for purposes of determining consistency with the RTP/SCS.
 - Language is needed in the revised Guidelines that clearly states that RTP/SCS consistency is to be determined at the discretion of the lead agency and is to be based on the aggregation of TAZ data to the jurisdictional level.
 - Cities and counties control local land use decisions under the California constitution and other statutes, such as General Plan laws. SB 375, which creates the statutory framework for reducing GHG from the land use and transportation sectors, specifically calls out and respects local control over land

use decisions. Successful collaborative planning efforts have allowed our region to meet and exceed GHG reduction targets. As a result, we strongly urge the guidelines allow for flexibility among the local region to address and resolve issues as best fits the local context.

Grace Period Extension

- It is beneficial that OPR has included a 2-year opt-in period to allow less prepared jurisdictions the opportunity to gradually develop the resources needed for successful implementation of the revised Guidelines.

To further promote successful implementation in non-TPA areas, an extension of the process to allow for technical and policy workshops, and refinements of the proposal, is required in addition to an eventual proposed grace period to allow more time to absorb lessons learned from the initial implementation is recommended. It is imperative that local jurisdictions have adequate tools and resources in place to implement any new analytical requirements established by the revised Guidelines before Guideline revisions are adopted or implemented.

For example, the VMT averaging approach suggested for unincorporated areas and incorporated cities for various types of land uses requires the availability of VMT data for these sub-areas of a region, and further requires the creation of average VMT for existing land use categories within a region. These VMT methodologies should be developed, and tested, before any Guideline revisions are proposed or adopted.

- OPR should consider granting an extension of the 2 year ‘opt-in’ period to allow suburban localities and other non-TPA areas adequate time to resolve issues regarding the limited availability of feasible mitigation options in these areas.
- Reconvening stakeholders approximately 18 months after initial implementation of the revised Guidelines in the TPAs is recommended so that OPR will be able to report on lessons learned to stakeholders, and to establish a strong foundation of implementation experience which can be used to evaluate how best to proceed to further improve implementation.
- We strongly encourage OPR to grandfather capacity projects that are approved and/or identified in the 2016 RTP/SCS, sales tax measures, and the STIP, and that OPR focus the CEQA streamlining measures in support of SB 743 in the Transit Priority Areas at the present time, which will help promote transit-oriented infill development in those locations while also providing a strong foundation for achievement of both the regional transportation sustainability goals of the 2016 RTP/SCS and the statewide GHG reduction goals of SB 375. At a minimum, the opt-in period should be extended for implementation in non-Transit Priority Areas.

In summary, it is our contention that the most efficient means for preventing sprawl, and the concomitant greenhouse gas emissions it produces, is to incentivize compact development, and focusing implementation of the revised CEQA Guidelines to the Transit Priority Areas, at least until such a time that a more complete understanding of the implications that may be presented by a more expansive implementation of the revised Guidelines is obtained. We support our region’s and our state’s mutual goal of sustainable development and

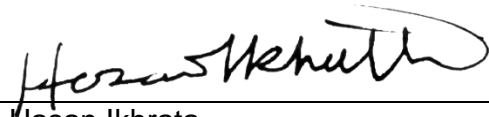
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greenhouse gas reduction, but feel strongly that to succeed we must have the ability to implement the projects that were authorized in the regional transportation plans and sales tax measures. In order to deliver on the commitments made in these plans, it is critical that the opt-in period be extended for non-Transit Priority Areas and that capacity projects identified in these plans be grandfathered.

SCAG and the CTCs undersigned look forward to continuing to assist OPR in the development of the CEQA Guidelines Update pursuant to SB 743 to ensure that the revision does not place undue burdens to our member jurisdictions and delays in project implementation. Please keep us apprised of the status of this initiative, and let us know of any means by which we may be able to further assist OPR staff to ensure the successful implementation of the revised CEQA Guidelines in the SCAG region.

If you have any question, please contact Ms. Huasha Liu, Director, Land Use and Environmental Planning, at (213) 236-1838.

Sincerely,



Hasan Ikhrata
Executive Director
Southern California Association of
Governments



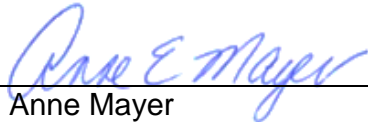
Mark Baza
Executive Director
Imperial County Transportation
Commission



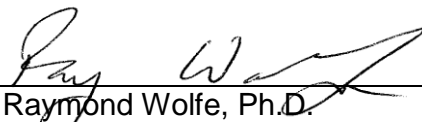
Phillip A. Washington
Chief Executive Officer
Los Angeles County Metropolitan
Transportation Authority



Darrell Johnson
Chief Executive Officer
Orange County Transportation Authority



Anne Mayer
Executive Director
Riverside County Transportation
Commission



Raymond Wolfe, Ph.D.
Executive Director
San Bernardino Associated Governments



Darren Kettle
Executive Director
Ventura County Transportation
Commission



**SOUTHERN CALIFORNIA
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Item 4: (No Attachment)
2016 RTP/SCS Update



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Item 5: (No Attachment)
2016 RTP/SCS PEIR Status Report



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Item 6 Attachment: Housing Omnibus Bill:
Consultation with HCD for Regional
RHNA Determination

2016 Housing Omnibus Bill - First Round of Amendments

February 29, 2016

Additional Proposed Amendment

Eliminate conflicting and redundant methodology for HCD determination of regional housing need [Gov Code 65584.01(b)]. HCD, Housing Policy Division.

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Second and third sentences of below section 65584.01(b) reference two different criteria that can result in conflictual calculations whether HCD must accept the population forecast of a council of government (COG) in place of the population forecast of Department of Finance (DOF). Both criteria apply whether the COG forecast is within a range of 3 percent of DOF's determination. The 1st criterion compares COG and DOF "total" population. The 2nd criterion compares change and difference in population "growth" between COG and DOF total population.

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SCAG, for the current 5th ~~2013-2023~~2021 housing cycle only met the 1st criterion which the Department allowed and prefers. The Department, late 2015, discussed criteria conflict and redundancy with local government and housing advocate members of the Housing Element Advisory Group that agreed 2nd criterion is redundant. Strikethrough of term "growth" used twice in 3rd sentence would resolve issue.

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65584.01

(b) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the planning period ~~forecast year~~projection period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 3 percent of the total regional population forecast for the ~~planning period over the same time period~~ the projection period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population ~~growth projected by the council of governments and the total population growth projected for the region by the Department of Finance is greater than 3 percent~~, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

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1) Correct a Civil Code Section reference (Civil Code 5570). This proposal would correct a Civil Code section reference from Section 55530 to 5550. (Skip Daum, Community Associations Institute-California Legislative Action Committee (CAI-CLAC), caiclac@aol.com)

5570

(b) For the purposes of preparing a summary pursuant to this section:

(1) "Estimated remaining useful life" means the time reasonably calculated to remain before a major component will require replacement.

(2) "Major component" has the meaning used in Section ~~55530~~, **5550**. Components with an estimated remaining useful life of more than 30 years may be included in a study as a capital asset or disregarded from the reserve calculation, so long as the decision is revealed in the reserve study report and reported in the Assessment and Reserve Funding Disclosure Summary.

2) Amend AB 596 (Daly, Chapter 184, Statutes of 2015) (Civil Code Section 5300). Last year, the legislature passed and the Governor signed AB 596, which requires a homeowners association (HOA) in a common interest development (CID) to disclose to the owners if the CID is an approved condominium project pursuant to Federal Housing Administration (FHA) and Department of Veterans Affairs (VA) guidelines. The proponent seeks to eliminate the "is/is not a condominium" question from AB 596, since the section only applies to condos. (Skip Daum, Community Associations Institute-California Legislative Action Committee (CAI-CLAC), caiclac@aol.com)

5300

(10) When the common interest development is a condominium project, a statement describing the status of the common interest development as a Federal Housing Administration (FHA)-approved condominium project pursuant to FHA guidelines, including whether the common interest development is an FHA-approved condominium project. The statement shall be in at least 10-point font on a separate piece of paper and in the following form:

"Certification by the Federal Housing Administration may provide benefits to members of an association, including an improvement in an owner's ability to refinance a mortgage or obtain secondary financing and an increase in the pool of potential buyers of the separate interest.

~~This common interest development [is/is not (circle one)] a condominium project.~~ The association of this common interest development [is/is not (circle one)] certified by the Federal Housing Administration."

(11) When the common interest development is a condominium project, a statement describing the status of the common interest development as a federal Department of Veterans Affairs (VA)-approved condominium project pursuant to VA guidelines, including whether the common interest development is a VA-approved condominium project. The statement shall be in at least 10-point font on a separate piece of paper and in the following form:

"Certification by the federal Department of Veterans Affairs may provide benefits to members of an association, including an improvement in an owner's ability to refinance a mortgage or obtain secondary financing and an increase in the pool of potential buyers of the separate interest.

~~This common interest development [is/is not (circle one)] a condominium project.~~ The association of this common interest development [is/is not (circle one)] certified by the federal Department of Veterans Affairs."

3) Adding Tribal Housing Entity Eligibility to HCD programs (Health and Safety Code). On behalf of the Nevada California Indian Housing Association, we would like to suggest language for this year's omnibus housing bill that would correct an omission in the Health and Safety Code governing eligibility to participate in housing programs administered by HCD. The term 'tribally designated housing entity', which is a specific category of housing sponsor created under Native American Housing Assistance Self Determination Act (NAHASDA), is not specifically enumerated in Section 50074 and not covered by the existing language. As such, tribes have never participated in HCD's programs. (Darlene Tooley, Northern Circle Indian Housing Authority, ncihatrb@pacific.net).

Section 50074

50074. "Housing sponsor", for the purpose of housing assisted by the department, means any individual, joint venture, partnership, limited partnership, trust, corporation, limited equity housing cooperative, cooperative, local public entity, duly constituted governing body of an Indian reservation or Rancheria, **tribally designated housing entity**, or other legal entity, or any combination thereof, certified by the agency pursuant to rules and regulations of the agency as qualified to either own, construct, acquire or rehabilitate a housing development, whether for profit, nonprofit, or organized for limited profit, and subject to the regulatory powers of the agency pursuant to rules and regulations of the agency and other terms and conditions set forth in this division. "Housing sponsor" includes persons and families of low or moderate income who are approved by the agency as eligible to own and occupy a housing development and individuals and legal entities receiving property improvement loans through the agency.

Section 50104.6.5

50104.6.5. Tribally Designated Housing Entity means an entity as defined in Title 25, United States Code, Section 4103. For the purposes of determining the eligibility of an applicant for funding under a program authorized by Part 2 (commencing with Section 50400), references to local public entity, nonprofit corporation, nonprofit housing sponsor, or governing body of an Indian reservation or Rancheria in any statute included in or regulation promulgated to implement Part 2 shall be deemed to include a tribally designated housing entity.

4) Delete the requirement to submit the Initial Statement of Reasons for building standards to the Office of Administrative Law (OAL) (Health and Safety Code Section 18935).

Government Code Section 11356 exempts building standard regulations (including the Initial Statement of Reasons) from OAL review and approval. Upon California Building Standards Commission (CBSC) approval of the Initial Statement of Reasons and the Notice of Proposed Action (Notice), only the Notice is published by OAL in the California Regulatory Notice Register pursuant to Government Code Section 11344.1. However, Health and Safety Code Section 18935(a) requires CBSC to submit both the Initial Statement of Reasons and the Notice to OAL. This proposal eliminates an unnecessary requirement and creates consistency with existing law. (Lisa Yuki, Department of General Services, Lisa.Yuki@dgs.ca.gov)

18935

(a) Notice of proposed building standards shall be given and hearings shall be held by the adopting agencies, as required by the Administrative Procedure Act, prior to the adoption of the building standards and submission to the commission for approval. The notice of proposed building standards and the initial statement of reasons for the proposed building standards shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The adopting agency or state agency that proposes the building standards shall submit the notice and initial statement of reasons for proposed building standards to the California Building Standards Commission, which shall review them for compliance with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. If the commission determines that the adopting agency or state agency that proposes the building standards has complied with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the commission shall approve the notice and initial statement of reasons for proposed building standards, and submit ~~them~~ **the notice** to the Office of Administrative Law for the sole purpose of inclusion in the California Regulatory Notice Register. The Office of Administrative Law shall publish only those notices of proposed building standards which have been approved by, and submitted to, the office by the California Building Standards Commission.

(b) In order to ensure an absence of conflict between hearings and a maximum opportunity for interested parties to be heard, no hearings by adopting agencies shall be conducted unless the time and place thereof has been approved in writing by the commission prior to public notices of the hearing being given by the adopting agencies.

(c) If, after building standards are submitted to the commission for approval, the commission requires changes therein as a condition for approval, and the changes are made, no additional hearing by the affected state agency shall be required in connection with making the changes when the commission determines the changes are nonsubstantial, solely grammatical in nature, or are sufficiently related to the text submitted to the commission for

approval that the public was adequately placed on notice that the change could result from the originally proposed building standards.

5) Resolve conflicting definitions of “Electric vehicle charging station” or “charging stations.” (Civil Code Section 1952.7). Legislation passed in 2014 regulating lease terms on electric vehicle charging stations included inconsistent definitions of “electric vehicle charging station” or “charging station,” with Civil Code Section 1947.6(c) referencing the California Electrical Code and Civil Code Section 1952.7(c)(1) referencing the National Electrical Code. The California Electrical Code is based on the model National Electrical Code, but contains California amendments (made by state agencies with statutory authority) not originally included in the national model code. This proposal corrects the discrepancy by changing the definition in Section 1952.7 of the Civil Code to refer to the California Electrical Code. (Lisa Yuki, Department of General Services, Lisa.Yuki@dgs.ca.gov)

1952.7

(a) (1) Any term in a lease that is executed, renewed, or extended on or after January 1, 2015, that conveys any possessory interest in commercial property that either prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in a parking space associated with the commercial property, or that is otherwise in conflict with the provisions of this section, is void and unenforceable.

(2) This subdivision does not apply to provisions that impose reasonable restrictions on the installation of electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(3) This subdivision shall not grant the holder of a possessory interest under the lease described in paragraph (1) the right to install electric vehicle charging stations in more parking spaces than are allotted to the leaseholder in his or her lease, or, if no parking spaces are allotted, a number of parking spaces determined by multiplying the total number of parking spaces located at the commercial property by a fraction, the denominator of which is the total rentable square feet at the property, and the numerator of which is the number of total square feet rented by the leaseholder.

(4) If the installation of an electric vehicle charging station has the effect of granting the leaseholder a reserved parking space and a reserved parking space is not allotted to the leaseholder in the lease, the owner of the commercial property may charge a reasonable monthly rental amount for the parking space.

(b) This section shall not apply to any of the following:

(1) A commercial property where charging stations already exist for use by tenants in a ratio that is equal to or greater than two available parking spaces for every 100 parking spaces at the commercial property.

(2) A commercial property where there are less than 50 parking spaces.

(c) For purposes of this section:

(1) “Electric vehicle charging station” or “charging station” means a station that is designed in compliance with Article 625 of the ~~National Electrical Code~~, *California Electrical Code*, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into one or more electric vehicles.

(2) “Reasonable costs” includes, but is not limited to, costs associated with those items specified in the “Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Office of Planning and Research.

(3) “Reasonable restrictions” or “reasonable standards” are restrictions or standards that do not significantly increase the cost of the electric vehicle charging station or its installation or significantly decrease the charging station’s efficiency or specified performance.

(d) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local authorities as well as all other applicable zoning, land use, or other ordinances, or land use permit requirements.

(e) If lessor approval is required for the installation or use of an electric vehicle charging station, the application for approval shall not be willfully avoided or delayed. The approval or denial of an application shall be in writing.

(f) An electric vehicle charging station installed by a lessee shall satisfy the following provisions:

(1) If lessor approval is required, the lessee first shall obtain approval from the lessor to install the electric vehicle charging station and the lessor shall approve the installation if the lessee complies with the applicable provisions of the lease consistent with the provisions of this section and agrees in writing to do all of the following:

(A) Comply with the lessor's reasonable standards for the installation of the charging station.

(B) Engage a licensed contractor to install the charging station.

(C) Within 14 days of approval, provide a certificate of insurance that names the lessor as an additional insured under the lessee's insurance policy in the amount set forth in paragraph (3).

(2) The lessee shall be responsible for all of the following:

(A) Costs for damage to property and the charging station resulting from the installation, maintenance, repair, removal, or replacement of the charging station.

(B) Costs for the maintenance, repair, and replacement of the charging station.

(C) The cost of electricity associated with the charging station.

(3) The lessee at all times, shall maintain a lessee liability coverage policy in the amount of one million dollars (\$1,000,000), and shall name the lessor as a named additional insured under the policy with a right to notice of cancellation and property insurance covering any damage or destruction caused by the charging station, naming the lessor as its interests may appear.

(g) A lessor may, in its sole discretion, create a new parking space where one did not previously exist to facilitate the installation of an electric vehicle charging station, in compliance with all applicable laws.

(h) Any installation by a lessor or a lessee of an electric vehicle charging station in a common interest development is also subject to all of the requirements of subdivision (f) of Section 4745 of the Civil Code.

6) AB 999 (Daly, 2015) Clean-up (Civil Code and Health and Safety Code). AB 999 (Daly, Chapter 376, Statutes of 2015) passed last year with no controversy. However, in the implementation of the new mandate, HCD and interested parties are finding that 10 days is not enough time to make a decision on whether to dispose of an abandoned mobilehome. The end result is that this new program is not being used. Additionally, HCD realized after the fact that they needed regulations to create the form. This proposal changes the time from 10 days to 30 days in which management must file a notice of disposal with HCD after the date of sale. Additionally, this proposal gives HCD authority to draft guidelines until final regulations may be formally adopted. (Catherine Borg, Western Manufactured Housing Communities Association, catherine@wma.org)

Civil Code Section 798.56a

(a) Within 60 days after receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy pursuant to any reason provided in Section 798.56, the legal owner, if any, and each junior lienholder, if any, shall notify the management in writing of at least one of the following:

(1) Its offer to sell the obligation secured by the mobilehome to the management for the amount specified in its written offer. In that event, the management shall have 15 days following receipt of the offer to accept or reject the offer in writing. If the offer is rejected, the person or entity that made the offer shall have 10 days in which to exercise one of the other options contained in this section and shall notify management in writing of its choice.

(2) Its intention to foreclose on its security interest in the mobilehome.

(3) Its request that the management pursue the termination of tenancy against the homeowner and its offer to reimburse management for the reasonable attorney's fees and court costs incurred by the management in that action. If this request and offer are made, the legal owner, if any, or junior lienholder, if any, shall reimburse the management the amount of reasonable attorney's fees and court costs, as agreed upon by the management and the legal owner or junior lienholder, incurred by the management in an action to terminate the homeowner's tenancy, on or before the earlier of (A) the 60th calendar day following receipt of written notice from the management of the aggregate amount of those reasonable attorney's fees and costs or (B) the date the mobilehome is resold.

(b) A legal owner, if any, or junior lienholder, if any, may sell the mobilehome within the park to a third party and keep the mobilehome on the site within the mobilehome park until it is resold only if all of the following requirements are met:

(1) The legal owner, if any, or junior lienholder, if any, notifies management in writing of the intention to exercise either option described in paragraph (2) or (3) of subdivision (a) within 60 days following receipt of, or no later than

65 days after the mailing of, the notice of termination of tenancy and satisfies all of the responsibilities and liabilities of the homeowner owing to the management for the 90 days preceding the mailing of the notice of termination of tenancy and then continues to satisfy these responsibilities and liabilities as they accrue from the date of the mailing of that notice until the date the mobilehome is resold.

(2) Within 60 days following receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy, the legal owner or junior lienholder commences all repairs and necessary corrective actions so that the mobilehome complies with park rules and regulations in existence at the time the notice of termination of tenancy was given as well as the health and safety standards specified in Sections 18550, 18552, and 18605 of the Health and Safety Code, and completes these repairs and corrective actions within 90 calendar days of that notice, or before the date that the mobilehome is sold, whichever is earlier.

(3) The legal owner, if any, or junior lienholder, if any, complies with the requirements of Article 7 (commencing with Section 798.70) as it relates to the transfer of the mobilehome to a third party.

(c) For purposes of subdivision (b), the "homeowner's responsibilities and liabilities" means all rents, utilities, reasonable maintenance charges of the mobilehome and its premises, and reasonable maintenance of the mobilehome and its premises pursuant to existing park rules and regulations.

(d) If the homeowner files for bankruptcy, the periods set forth in this section are tolled until the mobilehome is released from bankruptcy.

(e) (1) Notwithstanding any other provision of law, including, but not limited to, Section 18099.5 of the Health and Safety Code, if neither the legal owner nor a junior lienholder notifies the management of its decision pursuant to subdivision (a) within the period allowed, or performs as agreed within 30 days, or if a registered owner of a mobilehome, that is not encumbered by a lien held by a legal owner or a junior lienholder, fails to comply with a notice of termination and is either legally evicted or vacates the premises, the management may either remove the mobilehome from the premises and place it in storage or store it on its site. In this case, notwithstanding any other provision of law, the management shall have a warehouse lien in accordance with Section 7209 of the Commercial Code against the mobilehome for the costs of dismantling and moving, if appropriate, as well as storage, that shall be superior to all other liens, except the lien provided for in Section 18116.1 of the Health and Safety Code, and may enforce the lien pursuant to Section 7210 of the Commercial Code either after the date of judgment in an unlawful detainer action or after the date the mobilehome is physically vacated by the resident, whichever occurs earlier. Upon completion of any sale to enforce the warehouse lien in accordance with Section 7210 of the Commercial Code, the management shall provide the purchaser at the sale with evidence of the sale, as shall be specified by the Department of Housing and Community Development, that shall, upon proper request by the purchaser of the mobilehome, register title to the mobilehome to this purchaser, whether or not there existed a legal owner or junior lienholder on this title to the mobilehome.

(2) (A) Notwithstanding any other law, if the management of a mobilehome park acquires a mobilehome after enforcing the warehouse lien and files a notice of disposal pursuant to subparagraph (B) with the Department of Housing and Community Development to designate the mobilehome for disposal, management or any other person enforcing this warehouse lien shall not be required to pay past or current vehicle license fees required by Section 18115 of the Health and Safety Code or obtain a tax clearance certificate, as set forth in Section 5832 of the Revenue and Taxation Code, provided that management notifies the county tax collector in the county in which the mobilehome is located of management's intent to apply to have the mobilehome designated for disposal after a warehouse lien sale. The written notice shall be sent to the county tax collector no less than 10 days after the date of the sale to enforce the lien against the mobilehome by first class mail, postage prepaid.

(B) (i) In order to dispose of a mobilehome after a warehouse lien sale, the management shall file a notice of disposal with the Department of Housing and Community Development in the form and manner as prescribed by the department, no less than ~~10~~ 30 days after the date of sale to enforce the lien against the mobilehome.

(ii) After filing a notice of disposal pursuant to clause (i), the management may dispose of the mobilehome after obtaining the information required by applicable laws.

(C) (i) Within 30 days of the date of the disposal of the mobilehome, the management shall submit to the Department of Housing and Community Development all of the following information required for completing the disposal process:

(I) Photographs identifying and demonstrating that the mobilehome was uninhabitable by the removal or destruction of all appliances and fixtures such as ovens, stoves, bathroom fixtures, and heating or cooling appliances prior to its being moved.

(II) A statement of facts as to the condition of the mobilehome when moved, the date it was moved, and the anticipated site of further dismantling or disposal.

(III) The name, address, and license number of the person or entity removing the mobilehome from the mobilehome park.

(ii) The information required pursuant to clause (i) shall be submitted under penalty of perjury.

(D) For purposes of this paragraph, "dispose" or "disposal" shall mean the removal and destruction of an abandoned mobilehome from a mobilehome park, thus making it unusable for any purpose and not subject to, or eligible for, use in the future as a mobilehome.

(f) All written notices required by this section, except the notice in paragraph (2) of subdivision (e), shall be sent to the other party by certified or registered mail with return receipt requested.

(g) Satisfaction, pursuant to this section, of the homeowner's accrued or accruing responsibilities and liabilities shall not cure the default of the homeowner.

Health and Safety Code Section 18080.5.

(a) A numbered report of sale, lease, or rental form issued by the department shall be submitted each time the following transactions occur by or through a dealer:

(1) Whenever a manufactured home, mobilehome, or commercial coach previously registered pursuant to this part is sold, leased with an option to buy, or otherwise transferred.

(2) Whenever a manufactured home, mobilehome, or commercial coach not previously registered in this state is sold, rented, leased, leased with an option to buy, or otherwise transferred.

(b) The numbered report of sale, lease, or rental forms shall be used and distributed in accordance with the following terms and conditions:

(1) A copy of the form shall be delivered to the purchaser.

(2) All fees and penalties due for the transaction that were required to be reported with the report of sale, lease, or rental form shall be paid to the department within 10 calendar days from the date the transaction is completed, as specified by subdivision (e). Penalties due for noncompliance with this paragraph shall be paid by the dealer. The dealer shall not charge the consumer for those penalties.

(3) Notice of the registration or transfer of a manufactured home or mobilehome shall be reported pursuant to subdivision (d).

(4) The original report of sale, lease, or rental form, together with all required documents to report the transaction or make application to register or transfer a manufactured home, mobilehome, or commercial coach, shall be forwarded to the department. Any application shall be submitted within 10 calendar days from the date the transaction was required to be reported, as defined by subdivision (e).

(c) A manufactured home, mobilehome, or commercial coach displaying a copy of the report of sale, lease, or rental may be occupied without registration decals or registration card until the registration decals and registration card are received by the purchaser.

(d) In addition to the other requirements of this section, every dealer upon transferring by sale, lease, or otherwise any manufactured home or mobilehome shall, not later than the 10th calendar day thereafter, not counting the date of sale, give written notice of the transfer to the assessor of the county where the manufactured home or mobilehome is to be installed. The written notice shall be upon forms provided by the department containing any information that the department may require, after consultation with the assessors. Filing of a copy of the notice with the assessor in accordance with this section shall be in lieu of filing a change of ownership statement pursuant to Sections 480 and 482 of the Revenue and Taxation Code.

(e) Except for transactions subject to Section 18035.26, for purposes of this section, a transaction by or through a dealer shall be deemed completed and consummated and any fees and the required report of sale, lease, or rental are due when any of the following occurs:

(1) The purchaser of any commercial coach has signed a purchase contract or security agreement or paid any purchase price, the lessee of a new commercial coach has signed a lease agreement or lease with an option to buy or paid any purchase price, or the lessee of a used commercial coach has either signed a lease with an option to buy or paid any purchase price, and the purchaser or lessee has taken physical possession or delivery of the commercial coach.

(2) For sales subject to Section 18035, when all the amounts other than escrow fees and amounts for uninstalled or undelivered accessories are disbursed from the escrow account.

(3) For sales subject to Section 18035.2, when the installation is complete and a certificate of occupancy is issued.

(f) The department shall charge a fee, not to exceed forty-five dollars (\$45), for processing the notice of disposal and any information required for completing the disposal process required pursuant to Section 798.56a and 798.61 of the Civil Code.

(g) Notwithstanding any other provision of law, the Department of Housing and Community Development may adopt guidelines related to procedures and forms to implement the new disposal procedures in Chapter 376, Stats. of 2015, until regulations are adopted by the department to replace those guidelines.

7) Clarify intent for MPROP (Health and Safety Code). AB 225 (Chau and Nestande, Chapter 493, Statutes of 2014) gave the Department of Housing and Community Development (HCD) greater flexibility in its administration of the Mobilehome Park Resident Ownership Program (MPROP) including allowing HCD to lend these funds for individuals to repair their mobilehomes and for nonprofit sponsors or local public entities to acquire mobilehome parks. The intent of the bill was to allow HCD to make loans from MPROP to replace mobilehomes modeled after the CalHOME program. The amendment below further clarifies that intent. (Lisa Engel, Assembly Housing and Community Development Committee, Lisa.Engel@asm.ca.gov).

50784.7.

(a) The department may make loans to resident organizations or qualified nonprofit sponsors from the Mobilehome Park Rehabilitation and Purchase Fund for the purpose of assisting lower income homeowners to:

~~(1) make needed repairs to their mobilehomes~~

~~or~~ (2) Make accessibility-related upgrades to their mobilehomes.

(3) Replace their mobilehomes.

(b) Loans made pursuant to these provisions shall meet both of the following requirements:

(1) The applicant entity has received a loan or loans pursuant to Section 50783, 50784, or 50784.5 for the purpose of assisting homeowners within a park proposed for acquisition or conversion.

(2) The applicant entity demonstrates sufficient organizational stability and capacity to manage a portfolio of individual loans over an extended time period. This capacity may be demonstrated by substantial successful experience performing similar activities or through other means acceptable to the department.

8) Clarifying state notice law protections reference (Government Code Section 65863.10). The state notice law (Govt Code 65863.10) applies to a variety of publicly supported affordable multifamily housing, including properties with expiring rent restrictions that were financed under the current authority for tax-exempt mortgage revenue bond programs in Internal Revenue Code Section 142(d) and Govt C 65863.10(a)(3)(F). This results from an amendment enacted in 2004 via SB 1328 to extend state notice protections to tenants in bond-financed properties, as well as many other types of affordable housing not previously covered.

Prior to 1986, the same mortgage revenue bond authority was actually lodged elsewhere in the IRC (Section 103 of the prior Code). Thus, the specific reference to IRC Section 142 potentially denies basic state notice protections to tenants in properties financed with mortgage revenue bonds prior to 1986 under identical authority prior to the 1986 recodification. Last year, voucher tenants in Walnut Creek at a 1985 bond-financed property were left unprotected by the state notice law because of this oversight. (Brian Augusta, baugusta@housingadvocates.org).

65863.10

(a) As used in this section, the following terms have the following meanings:

(1) "Affected public entities" means the mayor of the city in which the assisted housing development is located, or, if located in an unincorporated area, the chair of the board of supervisors of the county; the appropriate local public housing authority, if any; and the Department of Housing and Community Development.

(2) "Affected tenant" means a tenant household residing in an assisted housing development, as defined in paragraph (3), at the time notice is required to be provided pursuant to this section, that benefits from the government assistance.

(3) "Assisted housing development" means a multifamily rental housing development that receives governmental assistance under any of the following programs:

(A) New construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f).

(B) The following federal programs:

(i) The Below-Market-Interest-Rate Program under Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715 l(d)(3) and (5)).

(ii) Section 236 of the National Housing Act (12 U.S.C. Sec. 1715z-1).

(iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q).

(C) Programs for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. Sec. 1701s).

(D) Programs under Sections 514, 515, 516, 533, and 538 of the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).

(E) Section 42 of the Internal Revenue Code.

(F) Section 142(d) of the Internal Revenue Code or its predecessors (tax-exempt private activity mortgage revenue bonds).

(G) Section 147 of the Internal Revenue Code (Section 501(c)(3) bonds).

(H) Title I of the Housing and Community Development Act of 1974, as amended (Community Development Block Grant Program).

(I) Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (HOME Investment Partnership Program).

(J) Titles IV and V of the McKinney-Vento Homeless Assistance Act of 1987, as amended, including the Department of Housing and Urban Development's Supportive Housing Program, Shelter Plus Care Program, and surplus federal property disposition program.

(K) Grants and loans made by the Department of Housing and Community Development, including the Rental Housing Construction Program, CHRP-R, and other rental housing finance programs.

(L) Chapter 1138 of the Statutes of 1987.

(M) The following assistance provided by counties or cities in exchange for restrictions on the maximum rents that may be charged for units within a multifamily rental housing development and on the maximum tenant income as a condition of eligibility for occupancy of the unit subject to the rent restriction, as reflected by a recorded agreement with a county or city:

(i) Loans or grants provided using tax increment financing pursuant to the Community Redevelopment Law (Part I (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(ii) Local housing trust funds, as referred to in paragraph (3) of subdivision (a) of Section 50843 of the Health and Safety Code.

(iii) The sale or lease of public property at or below market rates.

(iv) The granting of density bonuses, or concessions or incentives, including fee waivers, parking variances, or amendments to general plans, zoning, or redevelopment project area plans, pursuant to Chapter 4.3 (commencing with Section 65915).

Assistance pursuant to this subparagraph shall not include the use of tenant-based Housing Choice Vouchers (Section 8(o) of the United States Housing Act of 1937, 42 U.S.C. Sec. 1437f(o), excluding subparagraph (13) relating to project-based assistance). Restrictions shall not include any rent control or rent stabilization ordinance imposed by a county, city, or city and county.

(4) "City" means a general law city, a charter city, or a city and county.

(5) "Expiration of rental restrictions" means the expiration of rental restrictions for an assisted housing development described in paragraph (3) unless the development has other recorded agreements restricting the rent to the same or lesser levels for at least 50 percent of the units.

(6) "Low or moderate income" means having an income as defined in Section 50093 of the Health and Safety Code.

(7) "Prepayment" means the payment in full or refinancing of the federally insured or federally held mortgage indebtedness prior to its original maturity date, or the voluntary cancellation of mortgage insurance, on an assisted housing development described in paragraph (3) that would have the effect of removing the current rent or occupancy or rent and occupancy restrictions contained in the applicable laws and the regulatory agreement.

(8) "Termination" means an owner's decision not to extend or renew its participation in a federal, state, or local government subsidy program or private, nongovernmental subsidy program for an assisted housing development described in paragraph (3), either at or prior to the scheduled date of the expiration of the contract, that may result in an increase in tenant rents or a change in the form of the subsidy from project-based to tenant-based.

(9) "Very low income" means having an income as defined in Section 50052.5 of the Health and Safety Code.

(b) (1) At least 12 months prior to the anticipated date of the termination of a subsidy contract, the expiration of rental restrictions, or prepayment on an assisted housing development, the owner proposing the termination or prepayment of governmental assistance or the owner of an assisted housing development in which there will be the expiration of rental restrictions shall provide a notice of the proposed change to each affected tenant household residing in the assisted housing development at the time the notice is provided and to the affected public entities. An owner who meets the requirements of Section 65863.13 shall be exempt from providing that notice. The notice shall contain all of the following:

(A) In the event of termination, a statement that the owner intends to terminate the subsidy contract or rental restrictions upon its expiration date, or the expiration date of any contract extension thereto.

(B) In the event of the expiration of rental restrictions, a statement that the restrictions will expire, and in the event of prepayment, termination, or the expiration of rental restrictions whether the owner intends to increase rents during the 12 months following prepayment, termination, or the expiration of rental restrictions to a level greater than permitted under Section 42 of the Internal Revenue Code.

(C) In the event of prepayment, a statement that the owner intends to pay in full or refinance the federally insured or federally held mortgage indebtedness prior to its original maturity date, or voluntarily cancel the mortgage insurance.

(D) The anticipated date of the termination, prepayment of the federal or other program or expiration of rental restrictions, and the identity of the federal or other program described in subdivision (a).

(E) A statement that the proposed change would have the effect of removing the current low-income affordability restrictions in the applicable contract or regulatory agreement.

(F) A statement of the possibility that the housing may remain in the federal or other program after the proposed date of termination of the subsidy contract or prepayment if the owner elects to do so under the terms of the federal government's or other program operator's offer.

(G) A statement whether other governmental assistance will be provided to tenants residing in the development at the time of the termination of the subsidy contract or prepayment.

(H) A statement that a subsequent notice of the proposed change, including anticipated changes in rents, if any, for the development, will be provided at least six months prior to the anticipated date of termination of the subsidy contract, or expiration of rental restrictions, or prepayment.

(I) A statement of notice of opportunity to submit an offer to purchase, as required in Section 65863.11.

(2) Notwithstanding paragraph (1), if an owner provides a copy of a federally required notice of termination of a subsidy contract or prepayment at least 12 months prior to the proposed change to each affected tenant household residing in the assisted housing development at the time the notice is provided and to the affected public entities, the owner shall be deemed in compliance with this subdivision, if the notice is in compliance with all federal laws. However, the federally required notice does not satisfy the requirements of Section 65863.11.

(c) (1) At least six months prior to the anticipated date of termination of a subsidy contract, expiration of rental restrictions or prepayment on an assisted housing development, the owner proposing the termination or prepayment of governmental assistance or the owner of an assisted housing development in which there will be the expiration of rental restrictions shall provide a notice of the proposed change to each affected tenant household residing in the assisted housing development at the time the notice is provided and to the affected public entities. An owner who meets the requirements of Section 65863.13 shall be exempt from providing that notice.

(2) The notice to the tenants shall contain all of the following:

(A) The anticipated date of the termination or prepayment of the federal or other program, or the expiration of rental restrictions, and the identity of the federal or other program, as described in subdivision (a).

(B) The current rent and rent anticipated for the unit during the 12 months immediately following the date of the prepayment or termination of the federal or other program, or expiration of rental restrictions.

(C) A statement that a copy of the notice will be sent to the city, county, or city and county, where the assisted housing development is located, to the appropriate local public housing authority, if any, and to the Department of Housing and Community Development.

(D) A statement of the possibility that the housing may remain in the federal or other program after the proposed date of subsidy termination or prepayment if the owner elects to do so under the terms of the federal government's

or other program administrator's offer or that a rent increase may not take place due to the expiration of rental restrictions.

(E) A statement of the owner's intention to participate in any current replacement subsidy program made available to the affected tenants.

(F) The name and telephone number of the city, county, or city and county, the appropriate local public housing authority, if any, the Department of Housing and Community Development, and a legal services organization, that can be contacted to request additional written information about an owner's responsibilities and the rights and options of an affected tenant.

(3) In addition to the information provided in the notice to the affected tenant, the notice to the affected public entities shall contain information regarding the number of affected tenants in the project, the number of units that are government assisted and the type of assistance, the number of the units that are not government assisted, the number of bedrooms in each unit that is government assisted, and the ages and income of the affected tenants. The notice shall briefly describe the owner's plans for the project, including any timetables or deadlines for actions to be taken and specific governmental approvals that are required to be obtained, the reason the owner seeks to terminate the subsidy contract or prepay the mortgage, and any contacts the owner has made or is making with other governmental agencies or other interested parties in connection with the notice. The owner shall also attach a copy of any federally required notice of the termination of the subsidy contract or prepayment that was provided at least six months prior to the proposed change. The information contained in the notice shall be based on data that is reasonably available from existing written tenant and project records.

(d) The owner proposing the termination or prepayment of governmental assistance or the owner of an assisted housing development in which there will be the expiration of rental restrictions shall provide additional notice of any significant changes to the notice required by subdivision (c) within seven business days to each affected tenant household residing in the assisted housing development at the time the notice is provided and to the affected public entities. "Significant changes" shall include, but not be limited to, any changes to the date of termination or prepayment, or expiration of rental restrictions or the anticipated new rent.

(e) An owner who is subject to the requirements of this section shall also provide a copy of any notices issued to existing tenants pursuant to subdivision (b), (c), or (d) to any prospective tenant at the time he or she is interviewed for eligibility.

(f) This section shall not require the owner to obtain or acquire additional information that is not contained in the existing tenant and project records, or to update any information in his or her records. The owner shall not be held liable for any inaccuracies contained in these records or from other sources, nor shall the owner be liable to any party for providing this information.

(g) For purposes of this section, service of the notice to the affected tenants, the city, county, or city and county, the appropriate local public housing authority, if any, and the Department of Housing and Community Development by the owner pursuant to subdivisions (b) to (e), inclusive, shall be made by first-class mail postage prepaid.

(h) Nothing in this section shall enlarge or diminish the authority, if any, that a city, county, city and county, affected tenant, or owner may have, independent of this section.

(i) If, prior to January 1, 2001, the owner has already accepted a bona fide offer from a qualified entity, as defined in subdivision (c) of Section 65863.11, and has complied with this section as it existed prior to January 1, 2001, at the time the owner decides to sell or otherwise dispose of the development, the owner shall be deemed in compliance with this section.

(j) Injunctive relief shall be available to any party identified in paragraph (1) or (2) of subdivision (a) who is aggrieved by a violation of this section.

(k) The Director of Housing and Community Development shall approve forms to be used by owners to comply with subdivisions (b) and (c). Once the director has approved the forms, an owner shall use the approved forms to comply with subdivisions (b) and (c).

9) Move a Transitional Housing Misconduct Act to Civil Code (Health and Safety Code). The Transitional Housing Misconduct Act is a special law that allows transitional housing operators to remove problematic residents with a simple injunction action, rather than going through the entire landlord-tenant eviction law. It also allows for interim options, with court enforcement, rather than only eviction. Unfortunately, because of where it's located (in the middle of HCD's finance program laws), it requires more research and often isn't even understood by courts and housing providers. The proposal would move this law to the Civil Code that already deals with

landlord-tenant statutes where the courts and housing providers are more likely to look for such a law. (Alison Dinmore, Senate Transportation and Housing Committee, Alison.Dinmore@sen.ca.gov)

50580

This chapter shall be known and may be cited as the Transitional Housing Participant Misconduct Act.

50581

In enacting this chapter, it is the intent of the Legislature to prevent the recurrence of acts of substantial disruption or violence by participants in transitional housing programs against other such participants, program staff, or immediate neighbors of the participants.

50582

The following definitions shall govern the construction of this chapter:

- (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or sexual assault or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another, where the injured person is another participant, program operator's staff or a person residing within 100 feet of the program site.
- (b) "Homeless person" means an individual or family who, prior to participation in a transitional housing program, either lacked a fixed, regular, and adequate nighttime residence or had a primary nighttime residence, that was one of the following:
 - (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, welfare hotels, congregate shelters and transitional housing for the mentally ill.
 - (2) An institution that provides a temporary residence for individuals intended to be institutionalized.
 - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- (c) "Participant" shall mean a homeless person under contract with a program operator to participate in a transitional housing program and to use a dwelling unit in the program site. For the purposes of naming a defendant under this part, or a person to be protected under this part, "participant" shall include a person living with a participant at the program site. The contract shall specifically include the transitional housing program rules and regulations, a statement of the program operator's right of control over and access to the program unit occupied by the participant, and a restatement of the requirements and procedures of this chapter.
- (d) "Program misconduct" means any intentional violation of the transitional housing program rules and regulations which (1) substantially interferes with the orderly operation of the transitional housing program, and (2) relates to drunkenness on the program site, unlawful use or sale of controlled substances, theft, arson, or destruction of the property of the program operator, persons living within 100 feet of the program site, program employees, or other participants, or (3) relates to violence or threats of violence, and harassment of persons living within 100 feet of the program site, program employees, or of other participants.
- (e) "Program operator" means a governmental agency, or private nonprofit corporation receiving any portion of its transitional housing program funds from a governmental agency, which is operating a transitional housing program. "Program operator" also includes any other manager or operator hired by a governmental agency or nonprofit corporation to operate its transitional housing program.
- (f) "Program site" means the real property containing a dwelling unit, the use of which is granted to a participant, and other locations where program activities or services are carried out or provided, subject to the participant's compliance with the transitional housing program rules and regulations.
- (g) "Transitional housing program" means any program which is designed to assist homeless persons in obtaining skills necessary for independent living in permanent housing and which has all of the following components:
 - (1) Comprehensive social service programs which include regular individualized case management services and which may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.
 - (2) Use of a program unit as a temporary housing unit in a structured living environment which use is conditioned upon compliance with the transitional housing program rules and regulations.
 - (3) A rule or regulation which specifies an occupancy period of not less than 30 days, but not more than 24 months.

50585

(a) The program operator may seek, on its own behalf or on behalf of other participants, project employees, or persons residing within 100 feet of the program site, a temporary restraining order and an injunction prohibiting abuse or program misconduct as provided in this chapter. A program operator may not seek a temporary restraining order, pursuant to this section, against a participant after the participant has been under contract with the program operator for at least six months or longer, except when an action is pending against the participant or a temporary restraining order is in effect and subject to further orders. Nothing in this section shall be construed to authorize a person residing within 100 feet of the program site to seek a temporary restraining order or injunction under this chapter.

(b) Upon filing a petition for an injunction under this chapter, the program operator may obtain a temporary restraining order in accordance with the provisions of this section. No temporary restraining order shall be issued without notice to the opposite party, unless it shall appear from the facts shown by the affidavit that great or irreparable harm would result to the program operator, a program participant, or an individual residing within 100 feet of the program site before the matter can be heard on notice. The program operator or the program operator's attorney shall state in an affidavit to the court (1) that within a reasonable time prior to the application for a temporary restraining order he or she informed the opposing party or his or her attorney at what time and where the application would be made, (2) that he or she in good faith attempted to so inform the opposing party and his or her attorney but was unable to so inform the opposing attorney or his or her party, specifying the efforts made to contact them, or (3) that for reasons specified he or she should not be required to inform the opposing party or his or her attorney.

A temporary restraining order may be granted upon an affidavit which, to the satisfaction of the court, shows reasonable proof of program misconduct or abuse by the participant, and that great or irreparable harm would result. A temporary restraining order granted under this section shall remain in effect, at the court's discretion, for a period not to exceed five days, unless otherwise modified, extended, or terminated by the court.

(c) The matter shall be made returnable on an order requiring cause to be shown why the injunction should not be granted, not later than five days from the date of the order. When the matter comes up for hearing, the party who obtained the temporary restraining order shall be ready to proceed and shall have personally served upon the opposite party at least two days prior to the hearing, a copy of the petition, a copy of the temporary restraining order, if any, the notice of hearing, copies of all affidavits to be used in the application, and a copy of any points and authorities in support of the petition. If the party who obtained the temporary restraining order is not ready, or if he or she fails to serve a copy of his or her petition, affidavits, and points and authorities, as herein required, the court shall dissolve the temporary restraining order. The court may, upon the filing of an affidavit by the program operator or his or her attorney, that the participant could not be served on time, reissue any temporary restraining order previously issued pursuant to this section and dissolved by the court for failure to serve the participant. An order reissued under this section shall state on its face the new date of expiration of the order. No fees shall be charged for the reissuance of any order under this section. The participant shall be entitled to a continuance, provided that the request is made on or before the hearing date and the hearing shall be set for a date within 15 days of the application, unless the participant requests a later date. The court may extend, or modify and extend, any temporary restraining order until the date and time upon which the hearing is held. The participant may file a response which explains, excuses, justifies, or denies the alleged conduct. No fee shall be charged for the filing of a response. At the hearing, the judge shall receive any testimony or evidence that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that program misconduct or abuse exists, an injunction shall issue prohibiting that conduct. An injunction issued pursuant to this section shall have a duration of not more than one year. At any time within the three months before the expiration of the injunction, the program operator may apply for renewal of the injunction by filing a new petition for an injunction under this section.

(d) In addition to orders restraining abuse, the court may, upon clear and convincing evidence of abuse, issue an order excluding the participant from the program site, or restraining the participant from coming within 200 feet of the program site, upon an affidavit which, to the satisfaction of the court, shows clear and convincing evidence of abuse of a project employee, another participant, or a person who resides within 100 feet of the program site, by the participant and that great or irreparable injury would result to one of these individuals if the order is not issued. An order excluding the participant from the program site may be included in the temporary restraining order only in an emergency where it is necessary to protect another participant, a project employee, or an individual who lives within 100 feet of the project site from imminent serious bodily injury.

(e) Nothing in this chapter shall preclude either party from representation by private counsel or from appearing on his or her own behalf.

(f) The notice of hearing specified in subdivision (c) shall contain on its face the name and phone number of an office funded by the federal Legal Services Corporation which provides legal services to low income persons in the

county in which the action is filed. The notice shall indicate that this number may be called for legal advice concerning the filing of a response to the petition.

(g) Nothing in this chapter shall preclude the program operator's right to utilize other existing civil remedies. An order issued under this section shall not affect the rights of anyone not named in the order.

50586

(a) The clerk shall transmit a copy of each temporary restraining order or injunction or modification or termination thereof, granted under this chapter, by the close of the business day on which the order was granted, to the law enforcement agencies having jurisdiction over the program site. Each law enforcement agency may make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported abuse or program misconduct.

(b) Any willful disobedience of any temporary restraining order or injunction granted under this section shall be a misdemeanor pursuant to Section 166 of the Penal Code.

(c) If a participant is found in contempt of a court order issued pursuant to this section, the court may, in addition to any other punishment, modify the order to exclude the participant from the program site.

50587

If a participant has violated an order issued under Section 50585, the participant shall be considered to have failed to perform the conditions of the agreement under which the property is held as provided in subsection 3 of Section 1161 of the Code of Civil Procedure, which conditions cannot afterward be performed.

50588

The Judicial Council shall promulgate forms and related instructions to implement the procedures required by this chapter. The petition and response forms shall be simple and concise.

50590

If, after hearing pursuant to this chapter, an order excluding the participant from the program site is issued, the program operator may, without further notice, take possession of the participant's dwelling unit on the program site. The program operator shall have the same rights to the dwelling unit as if it had been recovered after abandonment in accordance with Section 1951.3 of the Civil Code and without objection of the participant. If other participants, including the defendant participant's family members, reside in the dwelling unit, the abandonment shall be deemed only to affect the rights of the individual or individuals against whom the order was issued.

50591

If the program operator takes possession of the property, pursuant to this article, the program operator shall give the subject participant a reasonable opportunity to remove the participant's property from his or her dwelling unit on the program site, and, thereafter, the program operator may consider the remaining subject participant's property to be abandoned property pursuant to Chapter 5 (commencing with Section 1980) of Part 4 of Division 3 of the Civil Code.



SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

Item 7 Attachment:
SCAG Housing Planning Guidebook

Strategies and Opportunities

Affordable Housing Toolbox and Best Practices

On a local level, there are a variety of tools available for jurisdictions to consider to increase the supply of affordable housing available. These tools are designed to reduce the cost of building affordable housing or establish a funding source for preserving or building affordable housing. While there is not a “one size fits all” approach, SCAG encourages jurisdictions to consider these strategies in order to address local housing affordability challenges.

Zoning-related tools

- Streamline the residential project permitting process
- Add inclusionary zoning to the housing ordinance
- Reduced fees or waivers for affordable housing development
- Density bonus ordinance
- Reduce parking requirements
- Increase density in transit-rich areas
- Adopt an affordable housing overlay zone
- Preservation of mobile homes
- Consider new building types and models, such as accessory dwelling units or small units

Funding Strategies

- Establish a housing trust fund
- Establish a Community Revitalization and Investment Authority (per AB 2) or Enhanced Infrastructure Financing District (per SB 628)
- Link a housing program with other policies such as active transportation and public health
- Consider applying for State-level grants, such as the Affordable Housing Sustainable Communities (AHSC) program or Housing-related Parks grant

For additional tools, best practices, and detailed discussion, please visit <http://www.scaq.ca.gov/programs/Pages/Housing.aspx>

SCAG Member Services

SCAG can provide a number of services and provide resources and data to jurisdictions and stakeholders who are considering planning and building affordable housing in their communities. In addition to data on demographics, housing building activity, and home prices, SCAG can provide services such as mapping, GIS training, and local profiles. SCAG can also provide assistance for jurisdictions considering establishing Community Revitalization and Investment Authorities or Enhanced Infrastructure Financing Districts and are in need of specific maps and data to create them.

The full SCAG online demographic and socioeconomic data library can be found at:

<http://gisdata.scaq.ca.gov/Pages/SocioEconomicLibrary.aspx>

SCAN
QR CODE
or link to
webpage

HOUSING GRAPHIC

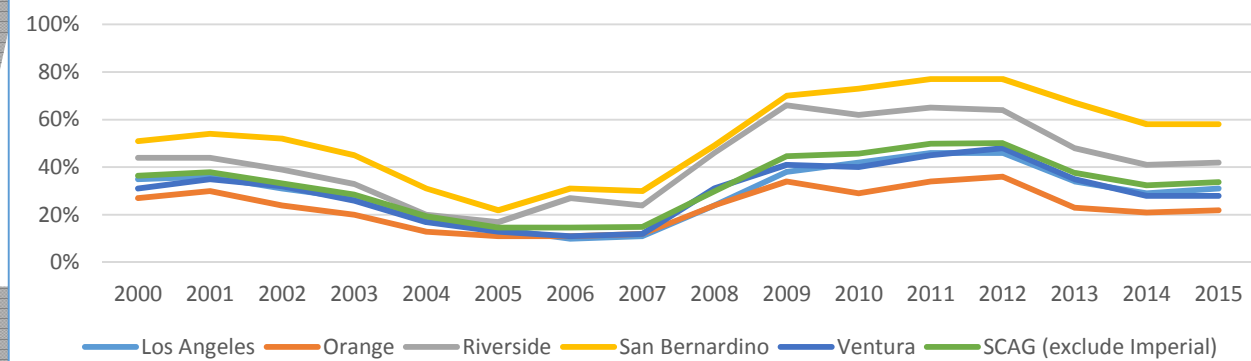
CONTACT: Ma’Ayn
Johnson, AICP
johnson@scaq.ca.gov
(213) 236-1975

SCAG Housing Planning Guidebook (DRAFT)

GRAPHIC

The cost of housing in Southern California is among the highest in the nation. Across our region, home prices and rents continue to rise, and the region continues to experience a shortage of affordable housing. In the SCAG region, only 35 percent of all households can afford to purchase a median priced home in the region. Nearly 55 percent of renters and 45 percent of homeowners spend more than 30 percent of their income on rent or mortgage payments.

Housing Affordability in the SCAG Region by County
2000-2015

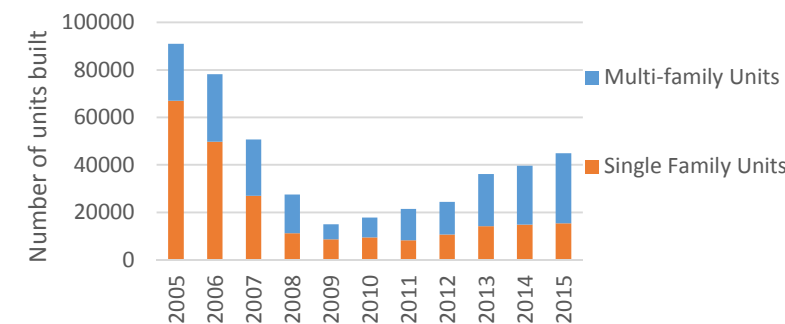


Source: California Association of Realtors

SHORTFALL

The SCAG region is expected to have over 7.4 million households by the 2040, an increase of over 1.5 million households since 2012. Between 2013 and 2021, the SCAG region will need a total of over 400,000 new housing units to accommodate anticipated growth, of which 170,000 will need to be affordable for low income households.

Housing Building Activity in the SCAG Region
2005-2015



Source: Construction Industry Research Board, SCAG

Since 2013 over 76,000 multi-family homes units, which are more suitable as affordable housing, were built. This represents almost 65 percent of all units built. This trend is significant in terms of increasing the supply of affordable housing, but there have been historical shortfalls in supply. For example, between 2005 and 2010, over 62 percent of housing built in the region was single family homes despite an ongoing demand for multi-family affordable homes. However since 2010 the split between the two types has been reversed.

The Importance of Affordable Housing

Planning for affordable housing is an integral part of a community's future. Affordable housing not only provides shelter for low income families, but they also can offer a vital role in the community itself. From an economic perspective, building affordable housing can create jobs and stimulate local economic development. The development of affordable housing can help attract both new employers and a skilled workforce since from an employer's perspective, a lack of affordable housing can put a local economy at a competitive disadvantage. Additionally, when costs such as housing and transportation are affordable, families have more disposable income to spend on local goods and services.

Barriers to Affordable Housing

GRAPHIC

There are a variety of barriers to the development to affordable housing that can found on a local level and beyond.

- **High land costs**
Land costs vary across Southern California, but tend to be higher on a per-square-foot basis in urbanized areas due to higher demand. Increased zoning densities are usually offered in urbanized areas, meaning that more units can be developed but depending on the total cost of the project, the increased density may not be enough to offset the high cost of land to make the project feasible for the developer. If not enough subsidies are available, the constructed units may not be affordable to lower income families.

- **Local parking requirements**
Many jurisdictions have minimum parking requirements that are based the number of bedrooms in a unit. For example, a jurisdiction may require 3 parking spaces for a 3 bedroom unit, even if the unit is only occupied by 2 adults and 3 non-driving children. Parking spaces can be costly to add, particularly if parking is only feasible for the project underground.

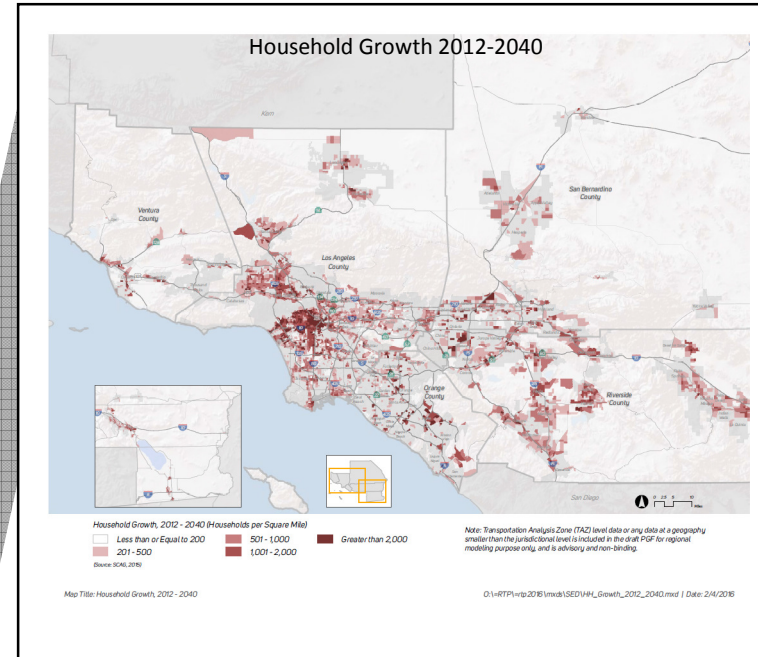
- **Lack of funding**
The dissolution of redevelopment funding in 2012 removed a primary source of funding for jurisdictions to build affordable housing in their communities. The increase in costs for parcel acquisition and construction have left shortfalls for many projects and without a stable source of funding, many units are simply not constructed. Some available funding programs have strict requirements that not all jurisdictions or projects can attain.

- **Regulation**
There are number of regulations regarding housing and land use that can add to the cost of affordable housing development. For example, the California Environmental Quality Act (CEQA) can add costs to the development process due to a possible environmental review and also carry risks of delay due to possible legal action.

- **Local opposition**
Some stakeholders do not want to have affordable housing in or near their communities. Much of this opposition can be based on misinformation and cause confusion and possibly fear among residents. Affordable housing can also mean higher density in certain areas to be feasible and many residents do not want higher densities in their community. If enough stakeholders voice opposition to their local elected officials, the project might not receive its required approvals and cannot proceed.

Integration with SCAG RTP/SCS

As a Metropolitan Planning Organization (MPO), SCAG is responsible for development a Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS). SCAG's RTP/SCS is a long-range vision and plan for mobility, accessibility, and sustainability. Its overarching strategy is to integrate regional land use planning with regional transportation planning. One of its goals is to provide people throughout our region with access to high quality transit and ensure that they also have access to more affordable housing.



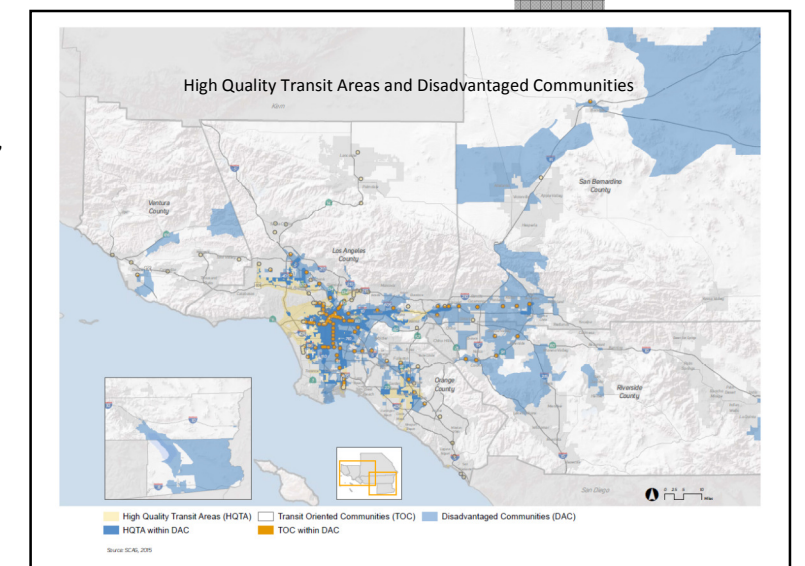
The RTP/SCS includes strategies on compact infill development, placemaking, and expanded housing and transportation choices, particularly in light of changing demographics and markets. As our region builds communities that are more compact and more transit-oriented, regional greenhouse gas emissions are anticipated to decline and residents from a variety of income levels will continue to make housing choices that allow them to use an increasing number of mobility options. The overall quality of life is expected to increase for many people. Transit investments and strategies will be most effective if coordinated with land use strategies, including transit-oriented development and providing affordable housing.

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mobility options. The overall quality of life is expected to increase for many people. Transit investments and strategies will be most effective if coordinated with land use strategies, including transit-oriented development and providing affordable housing.

Gentrification and Social Equity

As our region builds communities that are more compact and more transit-oriented, regional greenhouse gas emissions are anticipated to decline and residents from a variety of income levels will continue to make housing choices that allow them to use an increasing number of mobility options. The overall quality of life is expected to increase for many people. Transit investments and strategies will be most effective if coordinated with land use strategies, including transit-oriented development and providing affordable housing. However, people from low-income communities near new transit infrastructure may face risk of displacement. Generally, displacement refers to a situation in which gentrification places pressure (through eviction or because of market forces) on people from existing communities to relocate to more affordable places. Over 25 percent of the high-quality transit areas defined in the RTP/SCS are within SCAG's most disadvantaged communities. Because of the risk of displacement and loss of affordable housing, it is critical to consider social equity when considering strategies to develop affordable housing while planning long-term infrastructure and land use needs.





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Item 8 Attachment: 2016 RTP/SCS
Subjurisdictional Data and SCS Consistency

2016 RTP/SCS Subjurisdictional Data and Sustainable Communities Strategy (SCS) Consistency

SCAG received several comments on the issue of CEQA incentive eligibility as well as eligibility for other incentive and funding programs for future development projects. Questions were raised on how to utilize SCAG's Forecasted Development Type Maps (as shown in the SCS Background Documentation Appendix) to determine SCS consistency. There were some comments requesting further detailed maps, and some requesting the maps not be utilized to determine any SCS consistency. As approved by the Community, Economic and Human Development (CEHD) Policy Committee in October 2015, the guiding core principles provided the framework for the preferred scenario. These principles remain – the Plan will be adopted at the jurisdictional level, and any data at the sub-jurisdictional level is advisory. Further, sub-jurisdictional data may be utilized by the local jurisdictions as they deem appropriate (please see the next page of this attachment for a full listing of the guidelines).

To provide further flexibility to local jurisdictions, Principle #3 has been revised as following: Principle #3: For the purpose of determining consistency for California Environmental Quality Act (CEQA) ~~streamlining~~, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS.

On the topic of future incentives and other funding opportunities for projects available through local, state, or federal resources, some jurisdictions requested "the 2016 RTP/SCS include language that states that SCS consistency for funding and other incentives be determined using data approved by the local jurisdiction"¹. To address this concern, SCAG has actively sought consensus from our subregional partners on local jurisdiction SCS consistency determinations for future funding and other opportunities consistent with the core principles specified in Chapter 4. Based on guidance from our subregional partners, Principle #3 can be revised as follows:

Principle #3: For the purpose of determining consistency for California Environmental Quality Act (CEQA) ~~streamlining~~, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS. In addition, the preferred scenario and corresponding forecast of population, household, and employment growth will be adopted at the jurisdictional level as part of the 2016 RTP/SCS, and sub-jurisdictional level data and/or maps associated with the 2016 RTP/SCS is advisory only. In applications or use of the 2016 RTP/SCS, including but not limited to, qualifying for future funding opportunities and/or incentive programs, and determination of SCS consistency, the sub-jurisdictional data and/or maps used in the 2016 RTP/SCS shall be used at the discretion of the local jurisdiction.

SCAG can also specify in the Plan that the RTP/SCS is adopted at the jurisdictional level, and any consistency determination should be made at this level, per core principles #1 and #3. If future grant and incentive programs require data and/or maps at a geography smaller than the jurisdictional level in determining RTP/SCS consistency, SCAG will request agreement in deciding the proper approach for defining RTP/SCS consistency along those lines from the Regional Council, respective policy committees and affected local jurisdictions.

¹ Reynolds, Seleta. Letter to SCAG RE: City of Los Angeles Comments on the Draft 2016 RTP/SCS. February 11, 2016.

Current Guidelines for the Use of the Policy Growth Forecast (PGF); refer to Chapter 4 of the RTP/SCS for more information

Principle #1: The preferred scenario will be adopted at the jurisdictional level, thus directly reflecting the population, household and employment growth projections derived from the local input process and previously reviewed and approved by local jurisdictions. The preferred scenario maintains these projected jurisdictional growth totals, meaning future growth is not reallocated from one local jurisdiction to another.

Principle #2: The preferred scenario at the Transportation Analysis Zone (TAZ) level is controlled to be within the density ranges² of local general plans or input received from local jurisdictions.

Principle #3: For the purpose of determining consistency for California Environmental Quality Act (CEQA) streamlining³, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS.

Principle #4: TAZ level data or any data at a geography smaller than the jurisdictional level has been utilized to conduct required modeling analyses and is therefore advisory only and non-binding given that sub-jurisdictional forecasts are not adopted as part of the 2016 RTP/SCS. TAZ level data may be used by jurisdictions in local planning as it deems appropriate. There is no obligation by a jurisdiction to change its land use policies, General Plan, or regulations to be consistent with the 2016 RTP/SCS.

Principle #5: SCAG will maintain communication with agencies that use SCAG sub-jurisdictional level data to ensure that the "advisory & non-binding" nature of the data is appropriately maintained.

² With the exception of the 6 percent of TAZs that have average density below the density range of local general plans

³ Removal of the word "streamlining" from Principle #3 was suggested by Subregional Coordinators on March 10, 2016 to be inclusive of SB 743