



A G E N D A

CITY OF SEASIDE
CITY COUNCIL/SUCCESSOR
AGENCY TO THE
REDEVELOPMENT AGENCY

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Tuesday, April 16, 2019
5:00 PM

1. CALL TO ORDER

2. CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

Ian N. Oglesby	Mayor/Chair
David R. Pacheco	Mayor Pro Tem/Vice Chair
Jason Campbell	Council/Agency Member
Jon Wizard	Council/Agency Member
Alissa Kispersky	Council/Agency Member

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

- 1. The Property Commonly Referred to As Main Gate** (Property bounded by Lightfighter, Divarty, Second Street and Highway 1)
Negotiator for the City: Craig Malin, City Manager, Under Negotiation: Purchase and Sale Agreement Terms
- 2. Seaside Resort Development.** Negotiator for the City: Craig Malin, City Manager. Under Negotiation: Instructions to negotiator will concern price, terms of payment or both.

6. COUNCIL MEMBER REQUESTS

A. DISCUSS AGENDIZING A REQUEST OF A LETTER OF SUPPORT FOR AB1783 (MAYOR OGLESBY)

RECOMMENDATION: That the City Council consider agendaizing a discussion of the above topic at a future meeting.

7. ADJOURNMENT

Next Regularly Scheduled Meeting:
April 18, 2019
Seaside City Hall
5:30 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website at: <http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: City Council

BY: Lesley Milton-Rerig, Public Affairs Officer/City Clerk

DATE: April 16, 2019

**SUBJECT: DISCUSS AGENDIZING A REQUEST OF A LETTER OF SUPPORT
FOR AB1783 (MAYOR OGLESBY)**

PURPOSE & RECOMMENDATION

That the City Council consider agendizing a discussion of the above topic at a future meeting.

BACKGROUND

There is no staff report for this item. Per the Policy, the City Council will discuss and provide direction on whether to agendize this action at a future meeting.

ATTACHMENTS

1. AB 1783
-

Reviewed for Submission to the
City Council by:

A blue ink signature, likely of Craig Malin, is written over a horizontal line.

Craig Malin, City Manager

AMENDED IN ASSEMBLY APRIL 4, 2019
AMENDED IN ASSEMBLY MARCH 28, 2019
AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1783

Introduced by Assembly Member Robert Rivas
(Coauthors: Senators Caballero, Durazo, and Wiener)

February 22, 2019

An act to amend Sections 12745, 12760, 12767, 12787, and 65582.1 of, and to add Section 12788 to, the Government Code, and to amend Sections 17008, 17021, 17021.6, 17030, 17035, 17037, 17037.5, 50470, 50517.10, and 50715 of, and to add Sections 17021.8, 17030.10, and 50205 to, the Health and Safety Code, relating to agricultural employee housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1783, as amended, Robert Rivas. H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development.

(1) Existing federal law governing immigration authorizes the importation of an alien as a nonimmigrant agricultural worker, known as an H-2A worker, if specified requirements are met, including that the employer furnish housing, as provided.

Existing state law establishes various housing programs administered by the Department of Housing and Community Development, including the Joe Serna, Jr. Farmworker Housing Grant Program, pursuant to which the department provides, subject to availability of funds, grants and loans to specified entities for the construction or rehabilitation of

housing for agricultural employees and their families or for the acquisition of manufactured housing, as provided. Existing state law, the California Community Services Block Grant Program, requires the Department of Community Services and Development to administer the federal Community Services Block Grant funds to provide financial assistance for activities designed to have a measurable and potentially major impact on causes of poverty in a community or areas of a community where poverty is a particularly acute problem. Existing law authorizes this funding to assist programs that, among other things, meet the needs of migrant and seasonal farmworkers and their families, such as improved housing and sanitation, including the provision and maintenance of emergency and temporary housing and sanitation facilities.

This bill would prohibit the provision of state funding, as defined, for the purposes of planning, developing, or operating any housing used to comply with the federal law requirement to furnish housing to H-2A workers and would require an employer, as defined, or other recipient of state funding who utilizes state funding for these purposes to reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes. The bill would exempt from these provisions any contract or other enforceable agreement pursuant to which the state or a state agency provides funding that was entered into prior to January 1, 2020. The bill would also make various conforming changes to other laws.

(2) The Planning and Zoning Law requires that the housing element of a city's or county's general plan include, among other things, that the housing element of a city's or county's general plan include, among other things, an analysis of any special housing needs, including the needs of, among others, farmworkers. Existing law exempts certain housing developments from conditional use permits and requires those developments to be subject to certain streamlined approval processes, as specified.

Existing law, the Employee Housing Act, requires a person operating employee housing, as defined, to obtain a permit to operate that housing from the agency that enforces the act, which may either be the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for enforcing the act. The act generally reserves local use zone requirements to local governments except as provided, including requiring a specified streamlined approval process for certain improvements related to employee housing for

agricultural employees. The act also deems employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household to be an agricultural land use and prohibits a local government from requiring a conditional use permit, zoning variance, or other zoning clearance for the employee housing, or from subjecting the employee housing to certain taxes or fees that are not required for other agricultural activity in that zone. A violation of the act is a misdemeanor.

This bill would expand the definition of employee housing under the act to include agricultural employee housing, as defined, and would require the department to be the enforcement agency for agricultural employee housing. The bill would provide that a tenant residing in agricultural employee housing has all rights applicable to a person residing in employee housing under existing provisions, including the California Fair Employment and Housing Act and specified provisions relating to tenant rights. The bill would require the department to establish and administer, as specified, an application and review process for certifying that a person is an affordable housing organization qualified to operate specified agricultural employee housing. The bill also would require the department to establish and maintain a roster of all certified affordable housing organizations. The bill would, as an exception to the provision reserving local use zone requirements to local governments, authorize a development proponent to submit an application for an agricultural employee housing development that is subject to a streamlined, ministerial approval process, as specified, and that is not subject to a conditional use permit if certain requirements are met, including that the agricultural employee housing will be maintained and operated by a qualified affordable housing organization that has been certified by the department and has been issued a permit to operate the agricultural employee housing from the department. The bill would require a local government to notify the development proponent in writing if the local government determines that the development does not meet any of those requirements by a specified time; otherwise, the development would be deemed to comply with those requirements. The bill would authorize a specified local government entity to conduct a design review or public oversight of the development, as provided. The bill would provide that agricultural employee housing approved pursuant to the provision providing for a streamlined, ministerial approval process is not subject to the density limitations otherwise required to be considered an agricultural land use

and exempt from local approval, taxes, and fees, as described above. The bill would also require, as a condition of that approval process, the qualified affordable housing organization and the landowner to obligate themselves and any successors in interest to maintain the affordability of the proposed agricultural employee housing, as specified, for not less than 55 years. If that organization does not continue to operate and maintain the housing for the time period agreed to satisfy that condition, the bill would require the landowner who obtained approval of the housing to select an alternative certified person within 90 days, and would subject the landowner to an unspecified administrative penalty if the landowner fails to do so. By increasing the duties of local officials with respect to the Employee Housing Act, and by expanding the scope of an existing crime with respect to violations of the Employee Housing Act, this bill would impose a state-mandated local program. The bill would make related findings and declarations, and would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would make various conforming changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

Because the approval process established by the bill is streamlined and ministerial in nature, the approval of projects subject to this process are exempt from CEQA.

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

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

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

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

- 1 SECTION 1. Section 12745 of the Government Code is
2 amended to read:
- 3 12745. (a) Eligible activities for which financial assistance
4 may be obtained pursuant to this chapter shall be designed to have
5 a measurable and potentially major impact on causes of poverty
6 in the community or those areas of the community where poverty
7 is a particularly acute problem. These activities shall be designed
8 to assist low-income participants to do all the following:
- 9 (1) Secure and retain meaningful employment.
10 (2) Attain an adequate education.
11 (3) Make better use of available income.
12 (4) Obtain and maintain adequate housing and suitable living
13 environment subject to Section 12788.
14 (5) Obtain emergency assistance through loans or grants to meet
15 immediate and urgent individual and family needs, including the
16 need for health services, nutritious food, housing and
17 employment-related assistance subject to Section 12788.
18 (6) Remove obstacles and solve problems that block the
19 achievement of self-sufficiency.
20 (7) Achieve greater participation in the affairs of the community.
21 (8) Address the needs of youth in low-income communities.
22 (9) Make more effective use of other programs related to the
23 purposes of this chapter.
- 24 (b) Additionally, activities shall be designed to do all of the
25 following:
- 26 (1) Provide on an emergency basis for the provision of the
27 supplies and services, nutritious foodstuffs, and related services,
28 as may be necessary to counteract conditions of starvation and
29 malnutrition among the poor.
30 (2) Coordinate and establish linkages between governmental
31 and other social services programs to assure the effective delivery
32 of those services to low-income individuals.
33 (3) Encourage the use of entities in the private sector of the
34 community in efforts to ameliorate poverty in the community.

1 (c) Each eligible entity shall, through the local planning process,
2 select and propose for funding the programs or projects that, in its
3 judgment, will produce the maximum impact on its community.

4 (d) Entities eligible for funding under Article 9 (commencing
5 with Section 12775) are limited purpose agencies that need not
6 respond to the broad range of eligible activities but may provide
7 specialized training, technical assistance and support services to
8 enhance the effectiveness of community action programs, migrant
9 and seasonal farmworker programs, and American Indian programs.

10 (e) The department may prescribe statewide priorities among
11 eligible activities or strategies that shall be considered and
12 addressed in the local planning process and described in the
13 community action plan submitted to the state. Each eligible entity
14 shall be authorized to set its own program priorities in conformance
15 to its own determination of local needs.

16 (f) If no other entity in the community provides those services,
17 eligible entities under Article 6 (commencing with Section 12750),
18 Article 7 (commencing with Section 12765), or Article 8
19 (commencing with Section 12770) shall provide a minimum level
20 of services to help the poor receive the benefits for which they are
21 eligible under health, food, income, and housing assistance
22 programs designed to meet the basic survival needs of the poor
23 subject to Section 12788. These services shall include, but shall
24 not be limited to, all of the following:

25 (1) A service to help the poor complete the various required
26 application forms, and, when necessary and possible, to help them
27 gather verification of the contents of completed applications.

28 (2) A service to explain program requirements and client
29 responsibilities in programs serving the poor.

30 (3) A service to provide transportation, when necessary and
31 possible.

32 (4) A service that does all things necessary to make the programs
33 accessible to the poor, so that they may become self-sufficient.

34 (g) Standards of effectiveness to be addressed and attained in
35 setting goals and assessing accomplishments are:

36 (1) Strengthened community capabilities for planning and
37 coordinating so as to insure that available assistance related to the
38 elimination of poverty can be more responsive to local needs and
39 conditions.

1 (2) Better organization of services related to the needs of the
2 poor.

3 (3) Maximum feasible participation of the poor in the
4 development and implementation of all programs and projects
5 designed to serve the poor.

6 (4) Broadened resource base of programs directed to the
7 elimination of poverty so as to include all elements of the
8 community able to influence the quality and quantity of services
9 to the poor.

10 (5) Greater use of new types of services and innovative
11 approaches in attacking causes of poverty, so as to develop
12 increasingly effective methods of employing available resources.

13 (6) Maximum employment opportunity, including opportunity
14 for further occupational training and career development for
15 residents of the area and members of the groups served.

16 (7) Those programmatic and fiscal standards set by the
17 department through regulation that are necessary to enable the
18 department to demonstrate the assurances and certifications it
19 makes to the secretary in the state plan.

20 (h) In administering the California Community Services Block
21 Grant Program, the department shall enforce all the programmatic
22 and fiscal requirements and standards of effectiveness provided
23 by this chapter, except that no eligible entity shall be determined
24 to be out of compliance with programmatic or fiscal requirements
25 established by the department until those requirements and
26 standards are published for review and comment by the eligible
27 entities and until eligible entities are afforded a reasonable
28 opportunity to comply therewith.

29 SEC. 2. Section 12760 of the Government Code is amended
30 to read:

31 12760. Subject to Section 12788, community action agencies
32 funded under this article shall coordinate their plans and activities
33 with other eligible entities funded under Articles 7 (commencing
34 with Section 12765) and 8 (commencing with Section 12770) that
35 serve any part of their communities, so that funds are not used to
36 duplicate particular services to the same beneficiaries and plans
37 and policies affecting all grantees under this chapter are shaped,
38 to the extent possible, so as to be equitable and beneficial to all
39 community agencies and the populations they serve.

1 SEC. 3. Section 12767 of the Government Code is amended
2 to read:

3 12767. Subject to Section 12788, programs assisted under this
4 article may include projects or activities to do any of the following:

5 (a) Meet the immediate needs of migrant and seasonal
6 farmworkers and their families, such as daycare for children and
7 elderly persons, education, health services, improved housing and
8 sanitation, including the provision and maintenance of emergency
9 and temporary housing and sanitation facilities, legal advice and
10 representation, and consumer training and counseling, and
11 assistance in processing applications for legalization and
12 citizenship.

13 (b) Promote increased community acceptance of migrant and
14 seasonal farmworkers and their families.

15 (c) Equip unskilled migrant and seasonal farmworkers and
16 members of their families, as appropriate, through education,
17 training, and developmental programs to meet the changing
18 demands in agricultural employment brought about by
19 technological advancement and economic exigencies, and to take
20 advantage of opportunities available to improve their well-being
21 and self-sufficiency by gaining regular or permanent employment
22 or by participating in available federally assisted employment or
23 training programs.

24 (d) Provide such other services as are permissible under Section
25 12745 with specific focus on the needs of migrant and seasonal
26 farmworkers and their families.

27 SEC. 4. Section 12787 of the Government Code is amended
28 to read:

29 12787. Except as provided in Section 12788, this chapter shall
30 not be construed to prohibit an eligible entity under Article 6
31 (commencing with Section 12750), Article 7 (commencing with
32 Section 12765), or Article 8 (commencing with Section 12770),
33 from applying for state discretionary funds, provided that no
34 discretionary funding received by the eligible entity shall be used
35 to duplicate services funded pursuant to other provisions of this
36 chapter.

37 SEC. 5. Section 12788 is added to the Government Code, to
38 read:

39 12788. (a) On and after January 1, 2020, housing funded
40 pursuant to this chapter shall not include housing used to comply

1 with the requirement under Section 1188(c)(4) of Title 8 of the
2 United States Code to furnish housing to H-2A workers, as defined
3 in Section 50205 of the Health and Safety Code. A person who
4 receives funds made available pursuant to this chapter on or after
5 January 1, 2020, and expends any of those funds for the purpose
6 of planning, developing, or operating housing described in this
7 article shall reimburse the department or other state agency that
8 provided those funds, as provided in paragraph (2) of subdivision
9 (b) of Section 50205 of the Health and Safety Code.

10 *(b) This section shall not apply to any contract entered into or*
11 *any financial assistance provided pursuant to this chapter prior*
12 *to January 1, 2020.*

13 SEC. 6. Section 65582.1 of the Government Code is amended
14 to read:

15 65582.1. The Legislature finds and declares that it has provided
16 reforms and incentives to facilitate and expedite the construction
17 of affordable housing. Those reforms and incentives can be found
18 in the following provisions:

19 (a) Housing element law (Article 10.6 (commencing with
20 Section 65580) of Chapter 3).

21 (b) Extension of statute of limitations in actions challenging the
22 housing element and brought in support of affordable housing
23 (subdivision (d) of Section 65009).

24 (c) Restrictions on disapproval of housing developments
25 (Section 65589.5).

26 (d) Priority for affordable housing in the allocation of water and
27 sewer hookups (Section 65589.7).

28 (e) Least cost zoning law (Section 65913.1).

29 (f) Density bonus law (Section 65915).

30 (g) Accessory dwelling units (Sections 65852.150 and 65852.2).

31 (h) By-right housing, in which certain multifamily housing is
32 designated a permitted use (Section 65589.4).

33 (i) No-net-loss-in zoning density law limiting downzonings and
34 density reductions (Section 65863).

35 (j) Requiring persons who sue to halt affordable housing to pay
36 attorney fees (Section 65914) or post a bond (Section 529.2 of the
37 Code of Civil Procedure).

38 (k) Reduced time for action on affordable housing applications
39 under the approval of development permits process (Article 5
40 (commencing with Section 65950) of Chapter 4.5).

1 (l) Limiting moratoriums on multifamily housing (Section
2 65858).

3 (m) Prohibiting discrimination against affordable housing
4 (Section 65008).

5 (n) California Fair Employment and Housing Act (Part 2.8
6 commencing with Section 12900) of Division 3).

7 (o) Community redevelopment law (Part 1 (commencing with
8 Section 33000) of Division 24 of the Health and Safety Code, and
9 in particular Sections 33334.2 and 33413).

10 (p) Streamlining housing approvals during a housing shortage
11 (Section 65913.4).

12 (q) Housing sustainability districts (Chapter 11 (commencing
13 with Section 66200)).

14 (r) Streamlining agricultural employee housing development
15 approvals (Section 17021.8 of the Health and Safety Code).

16 SEC. 7. Section 17008 of the Health and Safety Code is
17 amended to read:

18 17008. (a) “Employee housing,” as used in this part, means
19 any portion of any housing accommodation, or property upon
20 which a housing accommodation is located, if all of the following
21 factors exist:

22 (1) The accommodations consist of any living quarters, dwelling,
23 boardinghouse, tent, bunkhouse, maintenance-of-way car,
24 mobilehome, manufactured home, recreational vehicle, travel
25 trailer, or other housing accommodations, maintained in one or
26 more buildings or one or more sites, and the premises upon which
27 they are situated or the area set aside and provided for parking of
28 mobilehomes or camping of five or more employees by the
29 employer.

30 (2) The accommodations are maintained in connection with any
31 work or place where work is being performed, whether or not rent
32 is involved.

33 (b) (1) Except as provided in paragraphs (2) and (3), “employee
34 housing,” as used in this part, also includes any portion of any
35 housing accommodation or property upon which housing
36 accommodations are located, if all of the following factors exist:

37 (A) The housing accommodations or property are located in
38 any rural area, as defined by Section 50101.

39 (B) The housing accommodations or property are not maintained
40 in connection with any work or workplace.

1 (C) The housing accommodations or property are provided by
2 someone other than an agricultural employer, as defined in Section
3 1140.4 of the Labor Code.

4 (D) The housing accommodations or property are used by five
5 or more agricultural employees of any agricultural employer or
6 employers for any of the following:

7 (i) Temporary or seasonal residency.

8 (ii) Permanent residency, if the housing accommodation is a
9 mobilehome, manufactured home, travel trailer, or recreational
10 vehicle.

11 (iii) Permanent residency, if the housing accommodation is
12 subject to the State Housing Law and is more than 30 years old
13 and at least 51 percent of the structures in the housing
14 accommodation, or 51 percent of the accommodation if not
15 separated into units, are occupied by agricultural employees.

16 (2) "Employee housing" does not include a hotel, motel, inn,
17 tourist hotel, multifamily dwelling, or single-family house if all
18 of the following factors exist:

19 (A) The housing is offered and rented to nonagricultural
20 employees on the same terms that it is offered and rented to
21 agricultural employees.

22 (B) None of the occupants of the housing are employed by the
23 owner or property manager of the housing or any party with an
24 interest in the housing.

25 (C) None of the occupants of the housing have rent deducted
26 from their wages.

27 (D) The owner or property manager of the housing is not an
28 agricultural employer as defined in Section 1140.4 of the Labor
29 Code, or an agent, as it relates to the housing in question, of an
30 agricultural employer.

31 (E) Negotiation of the terms of occupancy of the housing is
32 conducted between each occupant and the owner of the housing
33 or between each occupant and a manager of the property who is
34 employed by the owner of the housing.

35 (F) The occupants are not required to live in the housing as a
36 condition of employment or of securing employment and the
37 occupants are not referred to live in the housing by the employer
38 of the occupants, the agent of the employer of the occupants, or
39 an agricultural employer as defined in Section 1140.4 of the Labor
40 Code.

1 (G) The housing accommodation was not at any time before
2 January 1, 1984, employee housing as defined in subdivision (a).

3 (3) "Employee housing," as defined by this subdivision, does
4 not include a hotel, motel, inn, tourist hotel, or permanent housing
5 as defined by subdivision (d) of Section 17010, that has not been
6 maintained, before January 1, 1984, or is not maintained on or
7 after that date, as employee housing, as defined in subdivision (a).

8 (c) If at any time before January 1, 1984, a housing
9 accommodation was employee housing, as defined in subdivision
10 (a), and on or after January 1, 1984, was employee housing, as
11 defined in subdivision (b), the owner and operator shall comply
12 with all requirements of this part. The owner and operator of any
13 other housing accommodation which is employee housing pursuant
14 to subdivision (b) shall be subject to the licensing and inspection
15 provisions of this part and shall comply with all other provisions
16 of this part, except that if any portion of the housing
17 accommodation is held out for rent or lease to the general public,
18 the construction and physical maintenance standards of the housing
19 accommodation shall be consistent with the applicable provisions
20 of the State Housing Law, Part 1.5 (commencing with Section
21 17910), the Manufactured Housing Act, Part 2 (commencing with
22 Section 18000); or the Mobilehome Parks Act, Part 2.1
23 (commencing with Section 18200). The owner or operator of the
24 employee housing shall designate all units or spaces which are
25 employee housing, as defined in this subdivision, for the purpose
26 of inspection and licensing by the enforcement agency, subject to
27 confirmation by the enforcement agency, based on all relevant
28 evidence.

29 (d) "Employee housing" does not include employee community
30 housing, as defined by Section 17005.5, that has been granted an
31 exemption pursuant to Section 17031.3; housing, and the premises
32 upon which it is situated, owned by a public entity; or privately
33 owned housing, including ownership by a nonprofit entity, and
34 the premises upon which it is situated, financed with public funds
35 equaling 50 percent or more of the original development or
36 purchase cost.

37 (e) "Employee housing" means the same as "labor camp," as
38 that term may be used in this or other codes and, notwithstanding
39 any local ordinance to the contrary in a general law or charter city,
40 county, or city and county, shall be deemed a residential use if it

1 exists in structures that are single-family houses or apartment
2 houses as those terms are used in the State Housing Law (Part 1.5
3 (commencing with Section 17910)).

4 (f) (1) (A) "Employee housing," as used in this part, also
5 includes agricultural employee housing, as defined in paragraph
6 (B).

7 (B) "Agricultural employee housing" means housing occupied
8 by an employee of an agricultural employer, as defined in Section
9 1140.4 of the Labor Code, or by a farm labor contractor, as defined
10 in Section 1682 of the Labor Code.

11 (2) A tenant residing in agricultural employee housing has all
12 rights applicable to a person residing in employee housing,
13 including the following:

14 (A) The right to file a verified complaint with the Department
15 of Fair Employment and Housing alleging a violation of housing
16 discrimination, or to assert any other right, under the California
17 Fair Employment and Housing Act (Part 2.8 (commencing with
18 Section 12900) of Division 3 of Title 2 of the Government Code).

19 (B) Any protections for tenants or lessees under the Civil Code
20 or the Labor Code, except as otherwise provided in Section
21 17031.6.

22 (C) Any protection or right under the
23 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations
24 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division
25 2 of the Labor Code).

26 SEC. 8. Section 17021 of the Health and Safety Code is
27 amended to read:

28 17021. (a) Except as provided in Sections 17021.5, 17021.6,
29 and 17021.8, local use zone requirements, local fire zones, property
30 line, source of water supply and method of sewage disposal
31 requirements are hereby specifically and entirely reserved to the
32 local jurisdictions.

33 (b) Notwithstanding any other law, with respect to a building
34 permit, grading permit, or other approval from a city or county
35 building department for the rehabilitation of real property
36 improvements that are or will be agricultural employee housing,
37 or from a city or county health department for the operation,
38 construction, or repair of a water system or waste disposal system
39 servicing agricultural employee housing, all of the following
40 processing requirements shall apply:

1 (1) The local building or health department shall have up to 60
2 calendar days to approve or deny a complete application or permit
3 request accompanied by applicable fees, or a shorter time period
4 if required by the Permit Streamlining Act (Chapter 4.5
5 (commencing with Section 65920) of Division 1 of Title 7 of the
6 Government Code). The local building or health department may
7 deny an application or permit request on procedural grounds only
8 if the denial occurs within 30 calendar days and the denial includes
9 an itemization of the procedural defects. The local building or
10 health department may deny an application or permit request on
11 substantive grounds if the denial includes an itemization of all
12 substantive defects.

13 (2) If the local building or health department does not approve
14 or deny the application or permit request within the period
15 prescribed by paragraph (1), then the Department of Housing and
16 Community Development may approve the application or permit
17 request if it determines that the plans are consistent with all
18 applicable building codes and health and safety requirements. At
19 that time, the applicant may initiate any work consistent with the
20 application or permit approved pursuant to this subdivision. Upon
21 completion of the work, any other state or local agency shall accept
22 the improvements as if the local building or health department had
23 approved them. However, if that other local agency identifies any
24 defects that would have resulted in that agency's disapproval of
25 the improvements or plans for improvement, the agency may
26 identify those defects and the applicant shall correct them. The
27 local building or health department shall inspect the plans and
28 improvements prior to and during rehabilitation and issue a
29 certificate of completion if the work is consistent with the plans
30 and all applicable building codes and health and safety
31 requirements.

32 (c) Nothing in this section shall be construed to exempt an
33 application or permit request from complying with the California
34 Environmental Quality Act (Division 13 (commencing with Section
35 21000) of the Public Resources Code).

36 (d) The Department of Housing and Community Development
37 may recover from a local building or health department costs
38 incurred to review an application or permit request in compliance
39 with paragraph (2) of subdivision (b). The amount recoverable

1 may not exceed the applicable plan check fee published by the
2 International Conference of Building Officials.

3 SEC. 9. Section 17021.6 of the Health and Safety Code is
4 amended to read:

5 17021.6. (a) The owner of any employee housing who has
6 qualified or intends to qualify for a permit to operate pursuant to
7 this part may invoke this section.

8 (b) Any employee housing consisting of no more than 36 beds
9 in a group quarters or 12 units or spaces designed for use by a
10 single family or household, or that is approved pursuant to Section
11 17021.8, shall be deemed an agricultural land use for the purposes
12 of this section. For the purpose of all local ordinances, employee
13 housing shall not be deemed a use that implies that the employee
14 housing is an activity that differs in any other way from an
15 agricultural use. No conditional use permit, zoning variance, or
16 other zoning clearance shall be required of this employee housing
17 that is not required of any other agricultural activity in the same
18 zone. The permitted occupancy in employee housing in a zone
19 allowing agricultural uses shall include agricultural employees
20 who do not work on the property where the employee housing is
21 located.

22 (c) Except as otherwise provided in this part, employee housing
23 consisting of no more than 36 beds in a group quarters or 12 units
24 or spaces designed for use by a single family or household, or that
25 is approved pursuant to Section 17021.8, shall not be subject to
26 any business taxes, local registration fees, use permit fees, or other
27 fees to which other agricultural activities in the same zone are not
28 likewise subject. This subdivision does not forbid the imposition
29 of local property taxes, fees for water services and garbage
30 collection, fees for normal inspections, local bond assessments,
31 and other fees, charges, and assessments to which other agricultural
32 activities in the same zone are likewise subject. Neither the State
33 Fire Marshal nor any local public entity shall charge any fee to the
34 owner, operator, or any resident for enforcing fire inspection
35 regulation pursuant to state law or regulations or local ordinance,
36 with respect to employee housing consisting of no more than 36
37 beds in a group quarters or 12 units or spaces designed for use by
38 a single family or household.

39 (d) For the purposes of any contract, deed, or covenant for the
40 transfer of real property, employee housing consisting of no more

1 than 36 beds in a group quarters or 12 units or spaces designed for
2 use by a single family or household, or that is approved pursuant
3 to Section 17021.8, shall be considered an agricultural use of
4 property, notwithstanding any disclaimers to the contrary. For
5 purposes of this section, “employee housing” includes employee
6 housing defined in subdivisions (b) and (c) of Section 17008, even
7 if the housing accommodations or property are not located in a
8 rural area, as defined by Section 50101.

9 (e) The Legislature hereby declares that it is the policy of this
10 state that each county and city shall permit and encourage the
11 development and use of sufficient numbers and types of employee
12 housing facilities as are commensurate with local need. This section
13 shall apply equally to any charter city, general law city, county,
14 city and county, district, and any other local public entity.

15 (f) If any owner who invokes the provisions of this section fails
16 to maintain a permit to operate pursuant to this part throughout
17 the first 10 consecutive years following the issuance of the original
18 certificate of occupancy, both of the following shall occur:

19 (1) The enforcement agency shall notify the appropriate local
20 government entity.

21 (2) The public agency that has waived any taxes, fees,
22 assessments, or charges for employee housing pursuant to this
23 section may recover the amount of those taxes, fees, assessments,
24 or charges from the landowner, less 10 percent of that amount for
25 each year that a valid permit has been maintained.

26 (g) Subdivision (f) shall not apply to an owner of any
27 prospective, planned, or unfinished employee housing facility who
28 has applied to the appropriate state and local public entities for a
29 permit to construct or operate pursuant to this part prior to January
30 1, 1996.

31 SEC. 10. Section 17021.8 is added to the Health and Safety
32 Code, to read:

33 17021.8. (a) A development proponent may submit an
34 application for a development that is subject to a streamlined,
35 ministerial approval process, provided in subdivision (b), and is
36 not subject to a conditional use permit if all of the following
37 requirements are met:

38 (1) The development is located on land zoned for agricultural
39 uses.

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

3 (A) A coastal zone, as defined in Division 20 (commencing
4 with Section 30000) of the Public Resources Code.

5 (B) Wetlands, as defined in the United States Fish and Wildlife
6 Service Manual, Part 660 FW 2 (June 21, 1993).

7 (C) Within a very high fire hazard severity zone, as determined
8 by the Department of Forestry and Fire Protection pursuant to
9 Section 51178 of the Government Code, or within a high or very
10 high fire hazard severity zone as indicated on maps adopted by
11 the Department of Forestry and Fire Protection pursuant to Section
12 4202 of the Public Resources Code. This subparagraph does not
13 apply to sites excluded from the specified hazard zones by a local
14 agency, pursuant to subdivision (b) of Section 51179 of the
15 Government Code, or sites that have adopted fire hazard mitigation
16 measures pursuant to existing building standards or state fire
17 mitigation measures applicable to the development.

18 (D) A hazardous waste site that is listed pursuant to Section
19 65962.5 of the Government Code or a hazardous waste site
20 designated by the Department of Toxic Substances Control
21 pursuant to Section 25356, unless the Department of Toxic
22 Substances Control has cleared the site for residential use or
23 residential mixed uses.

24 (E) Within a delineated earthquake fault zone as determined by
25 the State Geologist in any official maps published by the State
26 Geologist, unless the development complies with applicable seismic
27 protection building code standards adopted by the California
28 Building Standards Commission under the California Building
29 Standards Law (Part 2.5 (commencing with Section 18901)), and
30 by any local building department under Chapter 12.2 (commencing
31 with Section 8875) of Division 1 of Title 2 of the Government
32 Code.

33 (F) Within a flood plain as determined by maps promulgated
34 by the Federal Emergency Management Agency, unless the
35 development has been issued a flood plain development permit
36 pursuant to Part 59 (commencing with Section 59.1) and Part 60
37 (commencing with Section 60.1) of Subchapter B of Chapter I of
38 Title 44 of the Code of Federal Regulations.

39 (G) Within a floodway as determined by maps promulgated by
40 the Federal Emergency Management Agency, unless the

1 development has received a no-rise certification in accordance
2 with Section 60.3(d)(3) of Title 44 of the Code of Federal
3 Regulations.

4 (H) Lands identified for conservation in an adopted natural
5 community conservation plan pursuant to the Natural Community
6 Conservation Planning Act (Chapter 10 (commencing with Section
7 2800) of Division 3 of the Fish and Game Code), habitat
8 conservation plan pursuant to the federal Endangered Species Act
9 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural
10 resource protection plan.

11 (I) Lands under conservation easement.

12 (3) The development is an agricultural employee housing
13 development that satisfies both of the following:

14 (A) The agricultural employee housing does not contain
15 dormitory style housing.

16 (B) (i) Except as otherwise provided in clause (ii), the
17 agricultural employee housing will be maintained and operated by
18 a qualified affordable housing organization that has been certified
19 pursuant to Section 17030.10 and that has been issued a permit
20 pursuant to Section 17030. The development proponent shall
21 submit proof of issuance of the qualified affordable housing
22 organization's permit.

23 (ii) In the case of agricultural employee housing that is
24 maintained and operated by a local public housing agency or a
25 multicounty, state, or multistate agency that has been certified as
26 a qualified affordable housing organization as required by this
27 subparagraph, that agency may either directly maintain and operate
28 the agricultural employee housing or contract with another qualified
29 affordable housing organization that has been certified pursuant
30 to Section 17030.10 and that has been issued a permit pursuant to
31 Section 17030 to maintain and operate the agricultural employee
32 housing.

33 (4) The qualified affordable housing organization and the
34 landowner shall obligate themselves and any successors in interest
35 to maintain the affordability of the proposed agricultural employee
36 housing for agricultural employees for not less than 55 years. *For*
37 *purposes of this paragraph, "affordability" means the agricultural*
38 *housing is made available at an affordable housing cost, as defined*
39 *in Section 50052.5, to lower-income households, as defined in*
40 *Section 50079.5.*

1 (5) The agricultural employee housing is not ineligible for state
2 funding pursuant to paragraph (1) of subdivision (b) of Section
3 50205.

4 (b) (1) If a local government determines that a development
5 submitted pursuant to this section does not meet any of the
6 requirements specified in subdivision (a), the local government
7 shall provide the development proponent written documentation
8 of which requirement or requirements the development does not
9 satisfy and an explanation for the reason or reasons the
10 development does not satisfy the requirement or requirements, as
11 follows:

12 (A) Within 60 days of submission of the development to the
13 local government pursuant to this section if the development
14 contains 150 or fewer housing units.

15 (B) Within 90 days of submission of the development to the
16 local government pursuant to this section if the development
17 contains more than 150 housing units.

18 (2) If the local government fails to provide the required
19 documentation pursuant to paragraph (1), the development shall
20 be deemed to satisfy the requirements specified in subdivision (a).

21 (c) The local government's planning commission or an
22 equivalent board or commission responsible for review and
23 approval of development projects, or the city council or board of
24 supervisors, as appropriate, may conduct a design review or public
25 oversight of the development. The design review or public
26 oversight shall be objective and be strictly focused on assessing
27 compliance with criteria required for streamlined projects, as well
28 as any reasonable objective design standards published and adopted
29 by ordinance or resolution by a local jurisdiction before submission
30 of a development application, and shall be broadly applicable to
31 development within the jurisdiction. For purposes of this
32 subdivision, "objective design standards" mean standards that
33 involve no personal or subjective judgment by a public official
34 and are uniformly verifiable by reference to an external and
35 uniform benchmark or criterion available and knowable by both
36 the development applicant or proponent and the public official
37 prior to submission. The design review or public oversight shall
38 be completed as follows and shall not in any way inhibit, chill, or
39 preclude the ministerial approval provided by this section or its
40 effect, as applicable:

1 (1) Within 90 days of submission of the development to the
2 local government pursuant to this section if the development
3 contains 150 or fewer housing units.

4 (2) Within 180 days of submission of the development to the
5 local government pursuant to this section if the development
6 contains more than 150 housing units.

7 (d) A development that is approved pursuant to this section shall
8 not be subject to the density limits specified in Section 17021.6
9 in order to constitute an agricultural land use for purposes of that
10 section.

11 (e) The Legislature hereby declares that it is the policy of this
12 state that each county and city shall permit and encourage the
13 development and use of sufficient numbers and types of agricultural
14 employee housing as are commensurate with local need. The
15 Legislature further finds and declares that this section addresses
16 a matter of statewide concern rather than a municipal affair as that
17 term is used in Section 5 of Article XI of the California
18 Constitution. Therefore, this section applies to all cities, including
19 charter cities.

20 SEC. 11. Section 17030 of the Health and Safety Code is
21 amended to read:

22 17030. (a) A person operating employee housing shall obtain
23 a permit to operate that employee housing from the enforcement
24 agency, unless otherwise exempted by this part. It shall be unlawful
25 for a person to operate employee housing without a valid permit
26 to operate issued by the enforcement agency, as required by this
27 part. Permits to operate shall be issued annually by the enforcement
28 agency, except as provided in this section and Section 17030.5.

29 (b) Employee housing on a dairy farm which meets the
30 requirements of Section 32505 of the Food and Agricultural Code,
31 consisting only of permanent single-family employee housing,
32 may be exempted from the requirement of obtaining a permit to
33 operate employee housing, as provided in Section 17031. This
34 housing shall meet the requirements of the State Housing Law
35 before an exemption is granted.

36 (c) A permit to operate shall be valid from the date of issuance
37 through December 31 of the year of issuance, or December 31 of
38 the year designated by the enforcement agency for permanent
39 single-family employee housing. Permits to operate employee

1 housing may prescribe conditions on the use or occupancy of the
2 employee housing.

3 (d) The Department of Housing and Community Development
4 shall be the enforcement agency for employee housing owned or
5 operated by a railroad corporation.

6 (e) The Department of Housing and Community Development
7 shall be the enforcement agency for agricultural employee housing.

8 SEC. 12. Section 17030.10 is added to the Health and Safety
9 Code, to read:

10 17030.10. (a) The department shall establish an application
11 and review process for certifying that a person is an affordable
12 housing organization qualified to operate agricultural employee
13 housing that is approved pursuant to Section 17021.8.

14 (b) A person desiring certification as a qualified affordable
15 housing organization may, in the form and manner prescribed by
16 the department, submit an application to the department. The
17 department shall review an application so submitted, and shall
18 certify the person as a qualified affordable housing organization
19 if the following requirements are satisfied:

20 (1) The applicant has demonstrated relevant prior experience
21 in California and current capacity, as capable of operating the
22 housing and related facilities for its remaining useful life, either
23 by itself or through a management agent.

24 (2) The applicant is one of the following:

25 (A) A not-for-profit corporation organized pursuant to Division
26 2 (commencing with Section 5000) of Title 1 of the Corporations
27 Code that satisfies both of the following:

28 (i) The not-for-profit corporation has as its principal purpose
29 the ownership, development, or management of housing or
30 community development projects for persons and families of low
31 or moderate income and very low income.

32 (ii) The not-for-profit corporation has a broadly representative
33 board, a majority of whose members are community based and
34 have a proven track record of local community service.

35 (B) A local public housing agency. For purposes of this
36 subdivision, "local public housing agency" means a housing
37 authority, redevelopment agency, or any other agency of a city,
38 county, or city and county, whether general law or chartered, that
39 is authorized to own, develop, or manage housing or community

1 development projects for persons and families of low or moderate
2 income and very low income.

3 (C) A not-for-profit, charitable corporation organized on a
4 multicounty, state, or multistate basis that satisfies both of the
5 following:

6 (i) The charitable corporation has as its principal purpose the
7 ownership, development, or management of housing or community
8 development projects for persons and families of low or moderate
9 income and very low income.

10 (ii) The charitable corporation owns or operates at least three
11 comparable rent- and income-restricted affordable rental properties
12 governed under a regulatory agreement with a department or
13 agency of the State of California or the United States, either directly
14 or by serving as the managing general partner of limited
15 partnerships or managing member of limited liability corporations.

16 (D) A multicounty, state, or multistate agency that satisfies both
17 of the following:

18 (i) The agency is authorized to own, develop, or manage housing
19 or community development projects for persons and families of
20 low or moderate income and very low income.

21 (ii) The agency owns and operates at least three comparable
22 rent- and income-restricted affordable rental properties governed
23 under a regulatory agreement with a department or agency of the
24 State of California or the United States, either directly or by serving
25 as the managing general partner of limited partnerships or
26 managing member of limited liability corporations.

27 (E) Any other not-for-profit organization that the department
28 determines, by regulation, is sufficiently similar to any of the
29 organizations described in this paragraph.

30 (3) Except for local public housing agencies with elected
31 legislative bodies, the applicant does not have a member among
32 its officers or directorate with a financial interest in an agricultural
33 employer, as defined in Section 1140.4 of the Labor Code, or a
34 farm labor contractor, as defined in Section 1682 of the Labor
35 Code.

36 SEC. 13. Section 17035 of the Health and Safety Code is
37 amended to read:

38 17035. (a) The department shall establish and maintain a roster
39 of all employee housing having a valid permit to operate.

1 (b) The department shall establish and maintain a roster of all
2 affordable housing organizations certified pursuant to Section
3 17030.10.

4 SEC. 14. Section 17037 of the Health and Safety Code is
5 amended to read:

6 17037. A person, or the agent or officer thereof, constructing,
7 operating, or maintaining employee housing shall comply with the
8 requirements of this part, with building standards published in the
9 State Building Standards Code relating to employee housing, and
10 with the other regulations adopted pursuant to this part.

11 (a) A person operating or maintaining employee housing without
12 first having obtained a permit to operate from the enforcement
13 agency shall pay double the fees prescribed for the permit to
14 operate the employee housing.

15 (b) A person found for a second or subsequent time within a
16 five-year period to be operating or maintaining employee housing
17 without first having obtained a permit to operate from the
18 enforcement agency shall pay 10 times the fees prescribed for the
19 permit to operate the employee housing. The two or more violations
20 referenced in this paragraph may be with regard either to the same
21 enforcement agency or to two or more different enforcement
22 agencies.

23 (c) Notwithstanding Section 17061, a landowner who obtained
24 approval of an agricultural employee housing development
25 pursuant to Section 17021.8 shall be subject to an administrative
26 penalty issued by the department if the landowner fails to select
27 an alternative certified person to operate and maintain the
28 agricultural employee housing development as required by
29 subdivision (c) of Section 17037.5.

30 SEC. 15. Section 17037.5 of the Health and Safety Code is
31 amended to read:

32 17037.5. (a) A person who ceases to operate or maintain
33 employee housing that is subject to the permit requirement pursuant
34 to this part shall complete and submit annually a Certificate of
35 Non-Operation to the enforcement agency. The Certificate of
36 Non-Operation shall be submitted for two years following the
37 discontinuation of the use of any area on the property as employee
38 housing. The Certificate of Non-Operation shall attest under
39 penalty of perjury that the employee housing has been destroyed,

1 or is no longer owned or operated, or has not been and shall not
2 be occupied by five or more employees during the calendar year.

3 (b) The Certificate of Non-Operation shall include the owner's
4 name and address, the operator's name and address, the employee
5 housing name and location, the maximum number of employees
6 who have occupied or shall occupy the employee housing during
7 the calendar year, and any other information considered relevant
8 by the enforcement agency. The Certificate of Non-Operation shall
9 be completed and submitted to the enforcement agency no later
10 than 30 calendar days after the enforcement agency provides the
11 form to the owner or operator.

12 (c) If a certified person's permit required by Section 17030
13 expires or the certified person is otherwise unable or unwilling to
14 continue to operate and maintain an agricultural employee housing
15 that was approved pursuant to Section 17021.8 for the agreed time
16 period as required by Section 17021.8, the landowner who obtained
17 that approval within 90 days of the certified person's ceasing
18 operation and maintenance of the agricultural employee housing,
19 shall select an alternative certified affordable housing organization
20 to operate and maintain the agricultural employee housing.

21 SEC. 16. Section 50205 is added to the Health and Safety Code,
22 to read:

23 50205. (a) As used in this section:

24 (1) "Employer" means a person who has petitioned, or will
25 petition, to import an H-2A worker pursuant to Section 1188 of
26 Title 8 of the United States Code to work on the employer's
27 agricultural land.

28 (2) "H-2A worker" means a nonimmigrant alien as described
29 in Section 1101(a)(15)(H)(ii)(a) of Title 8 of the United States
30 Code employed to work for an employer.

31 (3) "State funding" means any provision of moneys or other
32 financial assistance provided by the state or a state agency,
33 including, but not limited to, grants, loans, and write-downs of
34 land costs, but does not include any allocation of federal or state
35 low-income housing tax credits pursuant to Chapter 3.6
36 (commencing with Section 50199.4) of this part or Sections 12206,
37 17058, or 23610.5 of the Revenue and Taxation Code.

38 (b) (1) Notwithstanding any other law and subject to paragraph
39 (2), state funding shall not be provided for the purposes of
40 planning, developing, or operating any housing used to comply

1 with the requirement under Section 1188(c)(4) of Title 8 of the
2 United States Code to furnish housing to H-2A workers.

3 (2) Any employer or other recipient of state funding who utilizes
4 state funding for the purposes described in paragraph (1) shall
5 reimburse the state or state agency that provided the funding in an
6 amount equal to the amount of that state funding expended for
7 those purposes.

8 (3) This subdivision shall not apply to any contract or other
9 enforceable agreement pursuant to which the state or a state agency
10 provides state funding that was entered into prior to January 1,
11 2020.

12 SEC. 17. Section 50470 of the Health and Safety Code is
13 amended to read:

14 50470. (a) (1) There is hereby created in the State Treasury
15 the Building Homes and Jobs Trust Fund. All interest or other
16 increments resulting from the investment of moneys in the fund
17 shall be deposited in the fund, notwithstanding Section 16305.7
18 of the Government Code.

19 (2) Moneys in the Building Homes and Jobs Trust Fund shall
20 not be subject to transfer to any other fund pursuant to any
21 provision of Part 2 (commencing with Section 16300) of Division
22 4 of Title 2 of the Government Code, except to the Surplus Money
23 Investment Fund.

24 (b) Moneys in the Building Homes and Jobs Trust Fund shall
25 be appropriated either through the annual Budget Act, or as
26 provided in this subdivision, in accordance with the following:

27 (1) Moneys collected on and after January 1, 2018, and until
28 December 31, 2018, shall, upon appropriation by the Legislature,
29 be allocated as follows:

30 (A) Fifty percent of deposits into the fund shall be made
31 available for local governments to update planning documents and
32 zoning ordinances in order to streamline housing production,
33 including, but not limited to, general plans, community plans,
34 specific plans, sustainable communities strategies, and local coastal
35 programs. Eligible uses also include new environmental analyses
36 that eliminate the need for project-specific review and local process
37 updates that improve and expedite local permitting.

38 (i) Five percent of the funds specified by this subparagraph shall
39 be available for technical assistance to jurisdictions updating
40 specified planning documents. Technical assistance shall be

1 provided by the department and the Governor's Office of Planning
2 and Research.

3 (ii) The funds to be allocated pursuant to this subparagraph shall
4 be held by the department until a local government submits a
5 request for use. The request shall include a description of the
6 proposed use of the funds in the interest of accelerating housing
7 production. The proposed use of these funds shall be included in
8 the local government's funding plan and annual reports pursuant
9 to subclauses (II) and (III) of clause (ii) of subparagraph (B) of
10 paragraph (2). Any of these funds not allocated by the department
11 within the first two years that those funds are available shall be
12 made available by the department for the Multifamily Housing
13 Program (Chapter 6.7 (commencing with Section 50675)).

14 (B) Fifty percent of deposits into the fund shall be made
15 available to the department to assist persons experiencing or at
16 risk of homelessness, including, but not limited to, providing rapid
17 rehousing, rental assistance, navigation centers, and the new
18 construction, rehabilitation, and preservation of permanent and
19 transitional rental housing.

20 (C) The department shall ensure geographic equity in the
21 distribution and expenditure of funds allocated pursuant to this
22 paragraph.

23 (2) Moneys collected on and after January 1, 2019, shall be
24 allocated as follows:

25 (A) Twenty percent of all moneys in the fund shall, upon
26 appropriation by the Legislature, be expended for affordable
27 owner-occupied workforce housing.

28 (B) (i) Seventy percent of moneys deposited in the fund shall,
29 upon appropriation by the Legislature, be made available to local
30 governments as follows:

31 (I) Ninety percent of the moneys specified in this subparagraph
32 shall be allocated based on the formula specified in Section 5306
33 of Title 42 of the United States Code, in accordance with the
34 distribution of funds pursuant to that formula for the federal Fiscal
35 Year 2017, except that the portion allocated to nonentitlement
36 areas pursuant to that section shall be distributed through a
37 competitive grant program, administered by the department, as
38 follows:

39 (ia) The department shall award priority points to a county that
40 has a population of 200,000 or less within the unincorporated areas

1 of the county, to a local government that did not receive an award
2 based on the formula specified in Section 5306 of Title 42 of the
3 United States Code in 2016, and to a local government that pledges
4 to use the money awarded pursuant to a competitive grant under
5 this subclause to assist persons experiencing or at risk of
6 homelessness, including, but not limited to, providing rapid
7 rehousing, rental assistance, navigation centers, and the new
8 construction, rehabilitation, and preservation of permanent and
9 transitional rental housing.

10 (ib) Moneys awarded to a local government pursuant to the
11 competitive grant program shall be used for the purposes specified
12 in subparagraph (D).

13 (II) The remaining 10 percent of the moneys specified in this
14 subparagraph shall be allocated equitably among local jurisdictions
15 that are nonentitlement areas pursuant to the formula specified in
16 Section 5306 of Title 42 of the United States Code for federal
17 Fiscal Year 2017.

18 (ii) To receive moneys pursuant to this subparagraph, local
19 governments shall document minimum standards including the
20 following:

21 (I) Submit a plan to the department detailing the manner in
22 which allocated funds will be used by the local government in a
23 manner consistent with this paragraph and to meet the local
24 government's unmet share of the regional housing needs allocation.

25 (II) Have a compliant housing element with the state and submit
26 a current annual report pursuant to Section 65400 of the
27 Government Code.

28 (III) Submit an annual report to the department that provides
29 ongoing tracking of the uses and expenditures of any allocated
30 funds.

31 (IV) Funds may be expended for the uses listed in subparagraph
32 (D). Two or more local governments that receive an allocation
33 pursuant to this subparagraph may expend those moneys on a joint
34 project that is an authorized use under subparagraph (D).

35 (V) Prioritize investments that increase the supply of housing
36 to households that are at or below 60 percent of area median
37 income, adjusted for household size.

38 (VI) If a local government does not have a documented plan to
39 expend the moneys allocated to it pursuant to this subparagraph
40 within five years of that allocation, those moneys shall be exempt

1 from the allocation requirements in this paragraph and shall revert
2 to, and be paid and deposited in, the Housing Rehabilitation Loan
3 Fund established pursuant to Section 50661 to be used for the
4 Multifamily Housing Program (Chapter 6.7 (commencing with
5 Section 50675)) or for technical assistance for local governments.

6 (VII) A local government may petition the department to return
7 any moneys allocated to it pursuant to this subparagraph. Any
8 moneys returned pursuant to this clause shall be used for the
9 Multifamily Housing Program (Chapter 6.7 (commencing with
10 Section 50675)).

11 (C) Thirty percent of moneys deposited in the fund shall be
12 made available to the department for use as follows:

13 (i) Five percent of the moneys deposited in the fund shall, upon
14 appropriation by the Legislature, be used for state incentive
15 programs, including loans and grants administered by the
16 department. If the department receives insufficient funding
17 applications for incentive programs financed pursuant to this
18 clause, the department shall make those funds available for the
19 Multifamily Housing Program (Chapter 6.7 (commencing with
20 Section 50675)).

21 (ii) (I) Subject to subclause (II), 10 percent of the moneys
22 deposited in the fund shall, upon appropriation by the Legislature,
23 be used to address affordable homeownership and rental housing
24 opportunities for agricultural workers and their families.

25 (II) On and after January 1, 2020, housing funded pursuant to
26 this clause shall not include housing used to comply with the
27 requirement under Section 1188(c)(4) of Title 8 of the United
28 States Code to furnish housing to H-2A workers, as defined in
29 Section 50205. A person who receives funds made available
30 pursuant to this clause on or after January 1, 2020, and expends
31 any of those funds for the purpose of planning, developing, or
32 operating housing described in this subclause shall reimburse the
33 department or other state agency that provided those funds, as
34 provided in paragraph (2) of subdivision (b) of Section 50205.
35 *This subclause shall not apply to any contract entered into or any*
36 *financial assistance provided pursuant to this clause prior to*
37 *January 1, 2020.*

38 (iii) Fifteen percent of the moneys deposited in the fund shall,
39 notwithstanding any other provision of this section or Section
40 13340 of the Government Code, be continuously appropriated to

1 the California Housing Finance Agency for the purpose of creating
2 mixed income multifamily residential housing for lower to
3 moderate income households pursuant to Chapter 6.7 (commencing
4 with Section 51325) of Part 3.

5 (D) The moneys in the fund allocated to local governments may
6 be expended for the following purposes:

7 (i) The predevelopment, development, acquisition, rehabilitation,
8 and preservation of multifamily, residential live-work, rental
9 housing that is affordable to extremely low, very low, low-, and
10 moderate-income households, including necessary operating
11 subsidies.

12 (ii) Affordable rental and ownership housing that meets the
13 needs of a growing workforce earning up to 120 percent of area
14 median income, or 150 percent of area median income in high-cost
15 areas.

16 (iii) Matching portions of funds placed into local or regional
17 housing trust funds.

18 (iv) Matching portions of funds available through the Low and
19 Moderate Income Housing Asset Fund pursuant to subdivision (d)
20 of Section 34176 of the Health and Safety Code.

21 (v) Capitalized reserves for services connected to the creation
22 of new permanent supportive housing, including, but not limited
23 to, developments funded through the Veterans Housing and
24 Homelessness Prevention Bond Act of 2014.

25 (vi) Assisting persons who are experiencing or at risk of
26 homelessness, including providing rapid rehousing, rental
27 assistance, navigation centers, emergency shelters, and the new
28 construction, rehabilitation, and preservation of permanent and
29 transitional housing.

30 (vii) Accessibility modifications.

31 (viii) Efforts to acquire and rehabilitate foreclosed or vacant
32 homes.

33 (ix) Homeownership opportunities, including, but not limited
34 to, downpayment assistance.

35 (x) Fiscal incentives or matching funds to local agencies that
36 approve new housing for extremely low, very low, low-, and
37 moderate-income households.

38 (3) A state or local entity that receives an appropriation or
39 allocation pursuant to this chapter shall use no more than 5 percent
40 of that appropriation or allocation for costs related to the

1 administration of the housing program for which the appropriation
2 or allocation was made.

3 (c) Both of the following shall be paid and deposited in the fund:

4 (1) Any moneys appropriated and made available by the
5 Legislature for purposes of the fund.

6 (2) Any other moneys that may be made available to the
7 department for the purposes of the fund from any other source or
8 sources.

9 (d) In consultation with stakeholders, the department may adopt
10 guidelines to implement this section, including to determine
11 allocation methodologies. Any guideline, rule, policy, or standard
12 of general application employed by the department in implementing
13 this chapter shall not be subject to the requirements of the
14 Administrative Procedure Act (Chapter 3.5 (commencing with
15 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
16 Code).

17 SEC. 18. Section 50517.10 of the Health and Safety Code is
18 amended to read:

19 50517.10. (a) In addition to the purposes specified in
20 subdivision (a) of Section 50517.5 and except as otherwise
21 provided in subdivision (b), the department may make grants and
22 loans under the Joe Serna, Jr. Farmworker Housing Grant Program
23 to local public entities and nonprofit corporations in order to
24 establish capitalized operating reserves for short-term occupancy
25 housing for migrant farmworker households, purchase land for,
26 and construct, housing structures for short-term occupancy by
27 migrant farmworker households, lease or purchase existing
28 structures for short-term occupancy by migrant farmworker
29 households, and, where the department determines that
30 extraordinary or emergency circumstances exist, directly rent or
31 lease housing for short-term occupancy by migrant farmworker
32 households.

33 (b) (1) Notwithstanding any other provision of this chapter,
34 except as provided in paragraph (2), the department shall not make
35 grants or loans under the Joe Serna, Jr. Farmworker Housing Grant
36 Program on or after January 1, 2020, for the purpose of planning,
37 developing, or operating housing used to comply with the
38 requirement under Section 1188(c)(4) of Title 8 of the United
39 States Code to furnish housing to H-2A workers, as provided in
40 subdivision (b) of Section 50205. A person who receives any grant

1 or loan under the Joe Serna, Jr. Farmworker Housing Grant
2 Program on or after January 1, 2020, and expends any of those
3 funds for any purpose described in this subdivision shall reimburse
4 the department as provided in paragraph (2) of subdivision (b) of
5 Section 50205.

6 (2) This subdivision shall not apply to any contract entered into
7 or any grant or loan provided pursuant to the Joe Serna, Jr.
8 Farmworker Housing Grant Program prior to January 1, 2020.

9 SEC. 19. Section 50715 of the Health and Safety Code is
10 amended to read:

11 50715. (a) Housing operated pursuant to this chapter may be
12 used for the purposes set forth in Chapter 11.5 (commencing with
13 Section 50800), provided that no funds appropriated for the
14 purposes of this chapter shall be used for the operation or
15 administration of this housing as emergency shelter pursuant to
16 Chapter 11.5, and provided further that this housing may be made
17 available as emergency shelter pursuant to Chapter 11.5 only during
18 the months of November to March, inclusive.

19 (b) (1) Notwithstanding any other provision of this chapter,
20 except as provided in paragraph (2), housing operated pursuant to
21 this chapter shall not include any housing used to comply with the
22 requirement under Section 1188(c)(4) of Title 8 of the United
23 States Code to furnish housing to H-2A workers, as defined in
24 Section 50205. The department or a city, county, or other local
25 agency shall not enter into any contract pursuant to Section 50710
26 or 50712, respectively, or provide any financial assistance under
27 this chapter on or after January 1, 2020. A person who receives
28 financial assistance under this chapter on or after January 1, 2020,
29 and expends any of those funds for any purpose described in this
30 subdivision shall reimburse the department as provided in
31 paragraph (2) of subdivision (b) of Section 50205.

32 (2) This subdivision shall not apply to any contract entered into
33 or any financial assistance provided pursuant to this chapter prior
34 to January 1, 2020.

35 SEC. 20. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 a local agency or school district has the authority to levy service
38 charges, fees, or assessments sufficient to pay for the program or
39 level of service mandated by this act or because costs that may be
40 incurred by a local agency or school district will be incurred

1 because this act creates a new crime or infraction, eliminates a
2 crime or infraction, or changes the penalty for a crime or infraction,
3 within the meaning of Section 17556 of the Government Code, or
4 changes the definition of a crime within the meaning of Section 6
5 of Article XIII B of the California Constitution.

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