SENATE BILL SB-4

Introduced by Senator Roger Niello (R-6)

An act relating to Rural Housing Expansion Act.

LEGISLATIVE COUNSEL'S DIGEST

SB-4, Roger Niello (R-6). Rural Housing Expansion Act.

Current law requires a project by project environmental review. This bill replaces this with a single community wide review focusing on expansion into rural and exurban areas. This bill also aims to streamline legislation production.

Vote: Majority. **Appropriations/fiscal:** yes. **Local program:** no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title
This bill shall be referred to within legislature as the Rural Expansion Act

SECTION 2. Findings and Declarations
Housing development within rural communities, or the lack thereof, should be a concern for the entire state of California and shall not be considered that of municipal affairs, because this term is used within section 5 of article XI. This bill adds Chapter 8, commencing with section 21189.100, of Division 13 of Public resources code. This will apply to all cities including charters. This intends to replace repeat individual environmental review in rural areas with a single community review. This does not reduce protections for water, wildfire safety, farmland, habitat, or tribal resources.

SECTION 3. Rural Expansion Act
Chapter 8, commencing with Section 21189.100, is added to Division 13 of the Public Resources Code:

21189.100 (a) This Chapter Shall be named Rural Expansion Act
(b)the following definitions shall be met to qualify

1. Adjacent meaning ¼ of the perimeter which joins or is separated by a public path to developed parcels or on the boundary of a rural growth area
2. “Housing Development Project” means the same as Section 65589.5 of Government Code
3. “Rural Growth area” as previously designated pursuant to Section 21189.101
4. “Rural” meaning outside urban area or within an urban area but designated otherwise
5. Rural Growth areas shall not contain “sensitive sites,” meaning, a site described in

21189.101. (a) A city/county may, after an approved resolution occurring after noticed hearing, designate rural growth areas within jurisdiction after certifying review of potential effects of development on land

21189.102(a) This division does not apply to a housing development project if the following apply

1. Is an Adjacent Site

2. Site is 40 acres or less
3. Project density meets 5 units per acre
4. Not a sensitive site
5. No warehouse distribution center
6. No oil or gas infrastructure
7. Complies with tribal consultation
8. Lead agency issued readiness certificate

(b) Lead agency cannot issue a readiness certificate unless proper water supply, sufficient wastewater capacity, compliant with fire regulations, evacuation route, no change to farmland, and tribal consultation has been completed.

(c) Project on a site larger than 40 acres and not larger than 300 acres qualifies as subdivision (a) if each phase of development meets this subdivision requirement nd has updated readiness certificate.

(d) Housing developments that would qualify for under this section but fall short of a single condition limited only to an acreage overage, lack of adjacency, or density shortcoming by no more than 10%. The lead agency may put this shortfall into writing and not divide it.

(e) Any lead agency who approves a project pursuant to this section can file exemption notice in the manner of section 21152

21189.103. This chapter of legislation will only remain in effect until January 1, 2036, repeal on this date.

SECTION 4. Reimbursement
No reimbursement is necessary from this act Pursuant to Section 6 of Article XIII B of the California Constitution.

SECTION 5. Litigation Procedure

21189.103

a. Any action taken to deviate from standard timing of housing development approval or readiness certificate for that project must be taken within 35 days after filing exemption.
b. All actions taken described in (a) including any appeal must be resolved if reasonable within 365 days of filing
c. Any petitioner in action must file a statement alongside petition disclosing any financial contributions to the petition, all changes must be stated within 30 days.
d. The court shall stay any proceeding given that subdivision (c) has not been met