



CITY OF
LOS ANGELES
CALIFORNIA



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WEST HILLS NEIGHBORHOOD COUNCIL

JOINT BOARD AND GOVERNMENT RELATIONS COMMITTEE ONLINE AND TELEPHONIC MEETING AGENDA MONDAY, AUGUST 22, 2022 at 7:30 PM

In conformity with the September 16, 2021 enactment of California Assembly Bill 361 (Rivas) and due to concerns over Covid-19, the West Hills Neighborhood Council meeting will be conducted entirely with a call-in option or internet based service option. All are invited to attend and participate.

To attend online via Zoom Webinar, Please click the link below to join the webinar: <https://us02web.zoom.us/j/97175160378>

To call in by phone, dial (669) 900-6833, then punch in this Webinar code when prompted: **971 751 60378#**

This meeting is open to the public. Comments on matters not on the agenda will be heard during the Public Comment period. Those who wish to speak on an agenda item will be heard when the item is considered.

AB 361 Updates: Public comment cannot be required to be submitted in advance of the meeting; only real-time public comment is required. If there are any broadcasting interruptions that prevent the public from observing or hearing the meeting, the meeting must be recessed or adjourned. If members of the public are unable to provide public comment or be heard due to issues within the Neighborhood Council’s control, the meeting must be recessed or adjourned.

- Call to Order
- Review minutes from May 16 and May 23 Special Meeting 2022
- Comments from the Co-Chairs
- Public Comment

NEW BUSINESS

- Discussion and Possible Action on Council File 22-0002-S106 - Extension of liquor sales to 4 AM.
- Discussion and Possible Action on Council File 22-0002-S113 – Permit to carry concealed weapon

OLD BUSINESS

- None

Public input at Neighborhood Council meetings: When prompted by the presiding officer, members of the public may address the committee on any agenda item before the committee takes an action on the item by punching in *9 (if calling in by phone) or by clicking on the “raise hand” button (if participating online through Zoom) and waiting to be recognized. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on matters not appearing on the agenda that are within the committee’s jurisdiction will be heard during the General Public Comment period. Please note that under the Ralph M. Brown Act, the committee is prevented from acting on a matter that you bring to its attention during the General

Public Comment period; however, the issue raised by a member of the public may become the subject of a future committee meeting. Public comment is limited to 2 minutes per speaker, unless adjusted by the presiding officer of said committee.

Notice to Paid Representatives - If you are compensated to monitor, attend, or speak at this meeting, city law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§ 48.01 et seq. More information is available at ethics@lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org

Public Posting of Agendas: WHNC agendas are posted for public review at Shadow Ranch Park, 22633 Vanowen St., West Hills, CA 91307 or at our website, www.westhillsnc.org. You can also receive our agendas via email by subscribing to the City of Los Angeles Early Notification System at www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index

The Americans With Disabilities Act: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three business days (72 hours) prior to the meeting you wish to attend by contacting via email NCSupport@lacity.org or calling (213) 978-1551. If you are hearing impaired please call 711.

Public Access of Records: In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at the meeting where such writing was considered or by contacting the WHNC's executive director via email at michelle.ritchie@westhillsnc.org. Requests can be made for a copy of a record related to an item on the agenda.

Reconsideration and Grievance Process: For information on the WHNC's process for board action reconsideration, stakeholder grievance policy or any other procedural matters related to this Council, please consult the WHNC Bylaws. The Bylaws are available at our website, www.westhillsnc.org

Servicios De Traducción: Si requiereservicios de traducción, favor de avisar al ConcejoVecinal 3 días de trabajo (72 horas) antes delevanto. Por favor contacte Michelle.Ritchie@westhillsnc.org

IT'S OUR NEIGHBORHOOD. LET'S BUILD A COMMUNITY.



West Hills Neighborhood Council

P.O. Box 4670, West Hills, CA 91308-4670
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JOINT GOVERNMENT RELATIONS COMMITTEE/BOARD MEETING MINUTES

Telephonic and Online

Monday May 16, 2022

Revised May 16, 2022

Attendance: Aida Abkarians, Clarice Chavira, Steve Randall, Myrl Schreiber (Left 8:24 PM), Joan Trent, Brad Vanderhoof, and Joanne Yvanek-Garb

Committee Members Absent: Faye Barta, Saif Mogri, Mark Neudorff

Other Board members in attendance: Kent Mariconda (Left 9:00 PM), Rosi Mariconda, Joanne Yvanek-Garb

- Co-chair Joanne Yvanek-Garb called the meeting to order at 7:34 PM. A quorum was established.
- Review minutes from March 2022: The minutes were approved.
- Comments from the Co-chairs: None
- Public Comment: None

OLD BUSINESS

- Council File Revised Code of Conduct by BONC Red Lined copy:
Char asked what is the definition of "third party" referred to in the document. Aida will try to get an answer. It was determined BONC has not taken a vote and there is still time for discussion. Complaints were made that this policy violates the self-governing aspect of the NC system. Committee members objected to power being concentrated in the hands of the General Manager. A question was raised concerning applying this policy to stakeholder committee members. Objections were made to the provision with DONE being the sole and final decision maker. A suggestion was made to address issues with the 90 day suspension by replacing "written approval of the GM" with "written approval of the affected NC."

Kent will prepare a redline version of the document to address committee concerns.

There was also an objection to Board members not being able to appeal a suspension decision.

- Council File Los Angeles City Council Meetings – Live and Telephonic Communication:
A suggestion was made to allow NCs speaking on CISs to be included in telephonic communication.

Steve moved to send the amended letter to the Board. Aida seconded.

Aida Abkarians – Yes, Faye Barta – Absent, Clarice Chavira – Yes, Saif Mogri – Absent,
Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreiber – Absent, Joan Trent – Yes,
Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes

Yes – 6, No – 0, Absent – 4, Ineligible – 0, Recusal – 0

The motion passes.

- Council File 20-0990 - NC Board Members Training:

There will be a special committee meeting on Monday, May 23 at 6:30 PM to discuss a CIS in opposition.

Co-chair Joanne Yvanek-Garb adjourned the meeting at 9:31 PM

The next meeting of this committee is June 20, 2022 at 7:30 PM, online and telephonic.

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**JOINT GOVERNMENT RELATIONS COMMITTEE/SPECIAL BOARD
MEETING MINUTES
Telephonic and Online
Monday May 23, 2022**

May 23, 2022

Attendance: Aida Abkarians, Faye Barta, Clarice Chavira, Saif Mogri, Mark Neudorff, Steve Randall, Myrl Schreiberman, Joan Trent, Brad Vanderhoof, and Joanne Yvanek-Garb

Additional Board Members: Char Rothsterin

- Co-chair Joanne Yvanek-Garb called the meeting to order at 6:34 PM. A quorum was established.
- Comments from the Co-chairs: None
- Public Comment: None

OLD BUSINESS • Council File 20-0990 - NC Board Members Training:

Aida said NC Board members are volunteers and should not be considered employees.

Mark Neudorff left the meeting at 7:15 PM.

Char spoke on the issue of NC members being unpaid. Steve spoke on this matter. Clarice voiced exception to the protective class statement being non-inclusive.

Faye Barta and one other committee member (maybe Saif Mogri) left the meeting at 8:26 PM.

No action or vote was taken.

Co-chair Joanne Yvanek-Garb adjourned the meeting at 8:34 PM.

The next meeting of this committee is June 20, 2022 at 7:30 PM, online and telephonic. A special meeting may be called -- TBD

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under existing California state law, the *Alcoholic Beverage Control Act (1935)*, the sale of alcohol is prohibited between the hours of 2 a.m. and 6 a.m. and is regulated by the Department of Alcoholic Beverage Control; and

WHEREAS, currently pending before the State legislature is **SB 930 (Wiener)**, which aims to expand nightlife by **authorizing, the selling/purchasing of alcoholic beverages at on-sale licensed premises (restaurants, bars, taverns, and nightclubs) between the hours of 2 a.m. and 4 a.m., through a pilot program in select cities** – Cathedral City, Coachella, Fresno, Oakland, Palm Springs, and West Hollywood, and the City and County of San Francisco; and

WHEREAS, since the early 2000s, there have been numerous attempts to extend the time period for alcohol sales past 2:00 a.m. for on-sale establishments (restaurant, bars, taverns, nightclubs), and each bill has either failed in a policy committee or by Governor veto. The most recent attempt was SB 58 (Wiener) in 2019; and

WHEREAS, the Centers for Disease Control and Prevention estimates that alcohol abuse costs Californians \$35 billion with over 11,000 deaths annually, most of the costs resulting from losses in workplace productivity (72% of the total cost), health care expenses for treating problems caused by excessive drinking (11% of total), law enforcement and other criminal justice expenses (10%), and losses from motor vehicle crashes related to alcohol use (5%); and

WHEREAS, the U.S. Department of Health and Human Services’ Community Preventive Services Task Force found that every two-hour increase in last-call times results in greater vehicle crash injuries and emergency room admissions; and

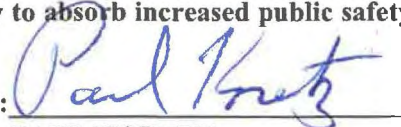
WHEREAS, extending the cutoff time for alcohol sales to 4 a.m. poses serious public safety concerns and could lead to an increase incidence of drunk driving and potentially to increased alcohol related fatalities and injuries; and

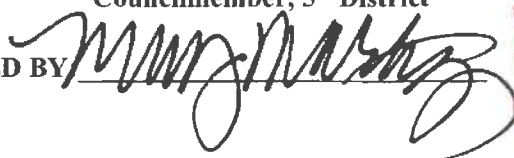
WHEREAS, there is no such thing as local control in alcohol policy, inasmuch as the harm from one city’s decision to change last-call times splashes over to every abutting local jurisdiction, and will have regional consequences by forcing neighboring cities or counties to absorb increased public safety costs related to drunk driving control, response, assistance to break up fights, domestic violence service calls, and traffic collisions; and

WHEREAS, many California residents living near bars, taverns, nightclubs, and restaurants already suffer from high levels of noise and traffic disturbance, and extending the cutoff time for alcohol sales to 4 a.m. would only exacerbate these nuisance disturbances;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that upon the adoption of this Resolution, the City of Los Angeles hereby includes in its **2021-2022 State Legislative Program OPPOSITION to SB 930 (Wiener)**, which would allow **select cities in California to issue permits extending the cutoff time for alcohol sales to 4 a.m.**, which could lead to an increased incidence of drunk driving, and exacerbate the noise and traffic disturbance suffered by residents living in abutting cities, and near restaurants, bars, taverns, and night clubs; **and force neighboring cities and/or county to absorb increased public safety enforcement costs.**


JUL 27 2022

PRESENTED BY: 
 PAUL KORETZ
 Councilmember, 5th District

SECONDED BY: 

ORIGINAL

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: August 1, 2022

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. ISO *Anak Keotahian - rg For* Council File No. 22-1200-S106
Chief Legislative Analyst Assignment No. 22-07-0465

SUBJECT: Resolution (Koretz-Martinez) to **OPPOSE SB 930 (Wiener)**

CLA RECOMMENDATION: Adopt Resolution (Koretz-Martinez) to include in the City's 2021-2022 State Legislative Program, **OPPOSITION** to SB 930 (Wiener), which would authorize select California cities to issue permits extending the cutoff time for alcohol sales to 4 a.m.

SUMMARY

Resolution (Koretz-Martinez), introduced on July 27, 2022, indicates that SB 930 (Wiener) proposes to expand nightlife by authorizing, the selling/purchasing of alcoholic beverages at on-sale licensed premises (restaurants, bars, taverns, and nightclubs) between the hours of 2 a.m. and 4 a.m., through a pilot program in select cities--Cathedral City, Coachella, Fresno, Oakland, Palm Springs, and West Hollywood, and the City and County of San Francisco.

The Resolution further notes that the effects of granting such extensions could lead to an increase incidence of drunk driving, and exacerbate the noise and traffic disturbance suffered by residents living in abutting cities, and near restaurants, bars, taverns, and night clubs; and force neighboring cities and/or county to absorb increased public safety enforcement costs. The Resolution, therefore, request that the City oppose SB 930.

More specifically, as noted in the Resolution, the harm from **one city's decision to change last-call times splashes over every abutting local jurisdiction, and will have regional consequences** by forcing neighboring cities or county to absorb increased **public safety costs** related to drunk driving control, response, and assistance to break up fights, **and domestic violence service calls, and traffic collisions.**

BACKGROUND

Under existing California State law, the *Alcoholic Beverages and Control Act (1935)*, the sale of alcohol is prohibited between the hours of 2 a.m. and 6 a.m. and is regulated by the Department of Alcoholic Beverage Control, and any person or business who knowingly sells or purchases alcoholic beverages between these hours is guilty of a misdemeanor (Business and Professions Code 25631).

SB 930 (Wiener) through a pilot program in select cities-- Cathedral City, Coachella, Fresno, Oakland, Palm Springs, and West Hollywood, and the City and County of San Francisco would authorize the selling/purchasing of alcoholic beverages at on-sale licensed premises (restaurants, bars, taverns, and nightclubs) between the hours of 2 a.m. and 4 a.m.; thereby posing serious public safety concerns and could lead to an increase incidence of drunk driving which could lead to increased alcohol related fatalities and injuries.

SB 930 is a repeat of past failed attempts in the State Legislature to extend the sale of alcohol to 4 a.m.; inasmuch as since the early 2000s, there have been numerous attempts to extend the time period for alcohol sales past 2:00 a.m. for on-sale establishments (restaurant, bars, taverns, nightclubs); **and each bill has either failed in a policy committee, or Governor veto.** Each and every time similar legislative proposals have been introduced in the State Legislature, **the City Council has opposed those bills. The most recent attempt was in 2019 where the City Council opposed SB 58 (Wiener), (CF 19-0002-S39).**

The Centers for Disease Control and Prevention estimates that alcohol abuse costs Californians \$35 billion with over 11,000 deaths annually, most of the costs resulted from losses in workplace productivity (72% of the total cost), health care expenses for treating problems caused by excessive drinking (11% of total), law enforcement and other criminal justice expenses (10%), and losses from motor vehicle crashes related to alcohol use (5%).

The U.S. Department of Health and Human Services' Community Preventive Services Task Force found **that every two-hour increase in last-call times results in greater vehicle crash injuries** and Emergency Room admissions.

DEPARTMENTS NOTIFIED

City Planning
City Attorney

BILL STATUS

6/23/22	Re-referred to Committee on Appropriations.
5/9/22	Passed State Senate. Ordered to Assembly
2/7/22	Introduced

Roberto R. Mejia - rg
Roberto R. Mejia
Analyst

Attachments:

1. Resolution (Koretz-Martinez)
2. SB 930 (Wiener)

ST:rrm

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under existing California state law, the *Alcoholic Beverage Control Act (1935)*, the sale of alcohol is prohibited between the hours of 2 a.m. and 6 a.m. and is regulated by the Department of Alcoholic Beverage Control; and

WHEREAS, currently pending before the State legislature is **SB 930 (Wiener)**, which aims to expand nightlife by authorizing, the selling/purchasing of alcoholic beverages at on-sale licensed premises (restaurants, bars, taverns, and nightclubs) between the hours of 2 a.m. and 4 a.m., through a pilot program in select cities -- Cathedral City, Coachella, Fresno, Oakland, Palm Springs, and West Hollywood, and the City and County of San Francisco; and

WHEREAS, since the early 2000s, there have been numerous attempts to extend the time period for alcohol sales past 2:00 a.m. for on-sale establishments (restaurant, bars, taverns, nightclubs), and each bill has either failed in a policy committee or by Governor veto. The most recent attempt was SB 58 (Wiener) in 2019; and

WHEREAS, the Centers for Disease Control and Prevention estimates that alcohol abuse costs Californians \$35 billion with over 11,000 deaths annually, most of the costs resulting from losses in workplace productivity (72% of the total cost), health care expenses for treating problems caused by excessive drinking (11% of total), law enforcement and other criminal justice expenses (10%), and losses from motor vehicle crashes related to alcohol use (5%); and

WHEREAS, the U.S. Department of Health and Human Services' Community Preventive Services Task Force found that every two-hour increase in last-call times results in greater vehicle crash injuries and emergency room admissions; and

WHEREAS, extending the cutoff time for alcohol sales to 4 a.m. poses serious public safety concerns and could lead to an increase incidence of drunk driving and potentially to increased alcohol related fatalities and injuries; and

WHEREAS, there is no such thing as local control in alcohol policy, inasmuch as the harm from one city's decision to change last-call times splashes over to every abutting local jurisdiction, and will have regional consequences by forcing neighboring cities or counties to absorb increased public safety costs related to drunk driving control, response, assistance to break up fights, domestic violence service calls, and traffic collisions; and

WHEREAS, many California residents living near bars, taverns, nightclubs, and restaurants already suffer from high levels of noise and traffic disturbance, and extending the cutoff time for alcohol sales to 4 a.m. would only exacerbate these nuisance disturbances;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that upon the adoption of this Resolution, the City of Los Angeles hereby includes in its **2021-2022 State Legislative Program OPPOSITION** to SB 930 (Wiener), which would allow select cities in California to issue permits extending the cutoff time for alcohol sales to 4 a.m., which could lead to an increased incidence of drunk driving, and exacerbate the noise and traffic disturbance suffered by residents living in abutting cities, and near restaurants, bars, taverns, and night clubs; and force neighboring cities and/or county to absorb increased public safety enforcement costs.

PRESENTED BY: 

PAUL KORETZ

Councilmember, 5th District

SECONDED BY: 

AMENDED IN ASSEMBLY JUNE 2, 2022

AMENDED IN SENATE APRIL 18, 2022

SENATE BILL

No. 930

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Haney)

February 7, 2022

~~An act to amend Section 65589.5 of the Government Code, relating to housing.~~ *An act to amend, repeal, and add Section 25631 of, and to add and repeal Section 25634 of, the Business and Professions Code, relating to alcoholic beverages.*

LEGISLATIVE COUNSEL'S DIGEST

SB 930, as amended, Wiener. ~~Housing Accountability Act.~~ *Alcoholic beverages: hours of sale.*

The Alcoholic Beverage Control Act provides that any on- or off-sale licensee, or agent or employee of the licensee, who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. of the same day, and any person who knowingly purchases any alcoholic beverages between those hours, is guilty of a misdemeanor. Existing law provides for moneys collected as fees pursuant to the act to be deposited in the Alcohol Beverage Control Fund, with those moneys generally allocated to the Department of Alcoholic Beverage Control upon appropriation by the Legislature.

This bill, beginning January 1, 2025, and before January 2, 2030, would require the Department of Alcoholic Beverage Control to conduct a pilot program that would authorize the department to issue an additional hours license to an on-sale licensee located in a qualified city that would authorize, with or without conditions, the selling, giving, or purchasing of alcoholic beverages at the licensed premises between

the hours of 2 a.m. and 4 a.m., upon completion of specified requirements by the qualified city in which the licensee is located. The bill would impose specified fees related to the license to be deposited in the Alcohol Beverage Control Fund. The bill would require the applicant to notify specified persons of the application for an additional hours license and would provide a procedure for protest and hearing regarding the application. The bill would require the Department of the California Highway Patrol and each qualified city that has elected to participate in the program to submit reports to the Legislature and specified committees regarding the regional impact of the additional hours licenses, as specified. The bill would provide that any person under 21 years of age who enters and remains in the licensed public premises during the additional serving hour without lawful business therein is guilty of a misdemeanor, as provided. The pilot program would apply to the Cities of Cathedral City, Coachella, Fresno, Oakland, Palm Springs, and West Hollywood, and the City and County of San Francisco.

This bill would impose a state-mandated local program by creating new crimes.

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

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

This bill would make legislative findings and declarations as to the necessity of a special statute for the qualified cities.

~~Existing law, the Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits, among other things, a local agency from disapproving a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria, or from imposing a condition that it be developed at a lower density, unless the local agency bases its decision on written findings supported by the preponderance of the evidence on the record that specified conditions exist, as provided.~~

~~Existing law prohibits a local agency from disapproving a housing development project for very low, low-, or moderate-income households or from conditioning approval in a manner that renders the housing development project infeasible for very low, low-, or moderate-income households, unless it makes specified written findings that either (1)~~

~~the jurisdiction has met its share of the regional housing need or (2) the project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~

~~This bill would clarify that the above-described prohibitions also apply to a housing development project for extremely low income households.~~

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

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

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*
3 (a) *It is the policy of the state to promote the responsible*
4 *consumption of alcoholic beverages by making multiple planning*
5 *options available to local communities and entertainment areas*
6 *of the state, including the option of extended services hours up to*
7 *a limit of 4 a.m. in communities and areas of the state where those*
8 *extended hours are found by the governing body of the responsible*
9 *community to be proper and appropriate.*
10 (b) *At least 15 states across the country delegate complete or*
11 *partial authority for setting service hours to local jurisdictions or*
12 *allow local jurisdictions to extend the hours of service, subject to*
13 *state approval.*
14 (c) *The Legislature supports a well-planned and managed*
15 *nightlife that can have a profound positive impact on a local*
16 *economy, generating direct tax revenues, and growing public funds*
17 *by revitalizing business districts and increasing tourism.*
18 (d) *The Legislature supports the world-renowned California*
19 *licensed restaurant, venue, and entertainment industry, which*
20 *generates more than \$50 billion every year in consumer spending*
21 *in California communities on jobs, goods and services, and related*
22 *industries, and that attracts world-class acts as well as tourists to*
23 *visit and enjoy California.*
24 (e) *The Legislature has determined that it is in the best interest*
25 *of the State of California for extended hours of operation policies*
26 *to be administered by the Department of Alcoholic Beverage*
27 *Control in connection with applications for additional hour*
28 *privileges, with the fees for those applications to be determined*

1 *and assessed by the department at a rate that will fully reimburse*
 2 *the department for administrative expenses.*

3 *SEC. 2. Section 25631 of the Business and Professions Code*
 4 *is amended to read:*

5 *25631. Any (a) (1) Except as provided in subdivision (b), any*
 6 *on- or off-sale licensee, or agent or employee of that licensee, who*
 7 *sells, gives, or delivers to any persons any alcoholic beverage or*
 8 *any person who knowingly purchases any alcoholic beverage*
 9 *between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same*
 10 *day, is guilty of a misdemeanor.*

11 *For*
 12 *(2) For the purposes of this section, subdivision, on the day that*
 13 *a time change occurs from Pacific standard time to Pacific daylight*
 14 *saving time, or back again to Pacific standard time, "2 o'clock*
 15 *a.m." means two hours after midnight of the day preceding the*
 16 *day such the change occurs.*

17 *(b) (1) Beginning January 1, 2025, and before January 2, 2030,*
 18 *in a city that has additional serving hours pursuant to Section*
 19 *25634, any on-sale licensee, or agent or employee of the licensee,*
 20 *who sells or gives to any person any alcoholic beverage or any*
 21 *person who knowingly purchases any alcoholic beverage between*
 22 *the hours of 4 a.m. and 6 a.m. of the same day, is guilty of a*
 23 *misdemeanor.*

24 *(2) For the purposes of this subdivision, on the day that a time*
 25 *change occurs from Pacific standard time to Pacific daylight*
 26 *saving time, or back again to Pacific standard time, "4 a.m."*
 27 *means three hours after 12 midnight of the day preceding the day*
 28 *the change occurs.*

29 *(c) This section shall remain in effect only until January 2, 2030,*
 30 *and as of that date is repealed.*

31 *SEC. 3. Section 25631 is added to the Business and Professions*
 32 *Code, to read:*

33 *25631. (a) (1) Any on- or off-sale licensee, or agent or*
 34 *employee of that licensee, who sells, gives, or delivers to any*
 35 *persons any alcoholic beverage or any person who knowingly*
 36 *purchases any alcoholic beverage between the hours of 2 a.m. and*
 37 *6 a.m. of the same day, is guilty of a misdemeanor.*

38 *(2) For the purposes of this section, on the day that a time*
 39 *change occurs from Pacific standard time to Pacific daylight*
 40 *saving time, or back again to Pacific standard time, "2 a.m."*

1 means two hours after midnight of the day preceding the day that
2 change occurs.

3 (b) This section shall become operative on January 2, 2030.

4 SEC. 4. Section 25634 is added to the Business and Professions
5 Code, to read:

6 25634. (a) Beginning January 1, 2025, notwithstanding Section
7 25631, the department shall conduct a pilot program and, pursuant
8 to that pilot program, may issue an additional hours license that
9 would authorize, with or without conditions, the selling, giving,
10 or purchasing of alcoholic beverages at an individual on-sale
11 licensed premises between the hours of 2 a.m. and 4 a.m. within
12 a qualified city if the local governing body of that qualified city
13 does the following:

14 (1) Designates a task force composed of members, including at
15 least one member of law enforcement and one additional member
16 of the Department of the California Highway Patrol, to develop
17 a recommended local plan that meets all of the following
18 requirements:

19 (A) Shows that the public convenience or necessity will be served
20 by the additional hours.

21 (B) Identifies the service area in which an on-sale licensed
22 premises would be eligible for an additional hours license and
23 further identifies the area that will be affected by the additional
24 hours and demonstrates how that area will benefit from the
25 additional hours.

26 (C) Shows significant support by residents and businesses within
27 the additional hours service area for the additional hours, pursuant
28 to a determination by the local governing body.

29 (D) Includes an assessment by the local governing body,
30 prepared in consultation with local law enforcement, regarding
31 the potential impact of an additional hours service area and the
32 public safety plan, created by local law enforcement, for managing
33 those impacts that has been approved by the local governing body.
34 The assessment shall include crime statistics, data derived from
35 police reports, emergency medical response data, sanitation
36 reports, and public health reports related to the additional hours
37 service area.

38 (E) Shows that transportation services are readily accessible
39 in the additional hours service area during the additional service
40 hours.

1 (F) Includes programs to increase public awareness of the
2 transportation services available and unavailable in the additional
3 hours service area and the impacts of alcohol consumption.

4 (G) Includes an assessment of the potential impact of an
5 additional hours service area on adjacent cities, counties, and
6 cities and counties, including, but not limited to, nearby law
7 enforcement agencies.

8 (H) Indicates that the qualified city chooses to participate in
9 the pilot program.

10 (2) Based upon its independent assessment, adopts an ordinance
11 that satisfies the elements of the local plan, including the
12 requirements of subparagraphs (A) to (H), inclusive, of paragraph
13 (1), and submits the ordinance to the department.

14 (3) For purposes of this section:

15 (A) “Local governing body” means the city council or the board
16 of supervisors, as may be applicable, of a qualified city.

17 (B) “Qualified city” means the Cities of Cathedral City,
18 Coachella, Fresno, Oakland, Palm Springs, and West Hollywood,
19 and the City and County of San Francisco.

20 (4) A local governing body may comply with this section and
21 approve a local plan and submit an ordinance to the department
22 beginning January 1, 2023.

23 (b) (1) Upon receipt of an ordinance adopted pursuant to
24 paragraph (2) of subdivision (a), including documentation
25 regarding protests to the ordinance, the department shall review
26 the ordinance to ensure that the ordinance contains the information
27 required by paragraph (1) of subdivision (a). The department shall
28 not issue an additional hours license to an applicant if the
29 ordinance from the qualified city does not meet the requirements
30 of paragraph (2) of subdivision (a).

31 (2) The department may review ordinances beginning January
32 1, 2023.

33 (c) (1) (A) An on-sale licensee shall not apply for an additional
34 hours license pursuant to this section until the department has
35 received the ordinance adopted pursuant to paragraph (2) of
36 subdivision (a).

37 (B) Subject to subparagraph (A), an on-sale licensee may apply
38 for an additional hours license beginning January 1, 2023. The
39 department may issue additional hours licenses pursuant to this
40 section beginning January 1, 2023. An additional hours license

1 issued on or after January 1, 2023, and before January 1, 2025,
2 shall become effective on January 1, 2025. An additional hours
3 license issued on or after January 1, 2025, shall become effective
4 on its effective date.

5 (2) An on-sale licensee that has conditions on the license that
6 restrict the hours of sale, service, or consumption of alcohol to a
7 time earlier than 2 a.m. shall not be eligible for an additional
8 hours license authorizing the sale, service, or consumption of
9 alcoholic beverages after 2 a.m. for any day or days of the week
10 during which a restriction exists.

11 (3) An on-sale licensee issued an additional hours license
12 pursuant to this section shall require that all persons engaged in
13 the sale or service of alcohol during the additional hours period
14 complete a responsible beverage training course.

15 (4) Notwithstanding Section 23401, off-sale privileges shall not
16 be exercised during the additional hours period allowed pursuant
17 to the additional hours license.

18 (5) An additional hours license is not transferable between
19 on-sale licensed premises.

20 (6) All new, existing, and previously legally nonconforming
21 on-sale licensees, including previous person-to-person transferee
22 licensees, will be subject to the local governing body's
23 requirements for an additional hours license. The local governing
24 body may charge an additional hours licensee a fee to fund local
25 law enforcement.

26 (7) The determination of the necessity for, and types of, local
27 licensing and local permitting shall be made by the local governing
28 body.

29 (d) (1) Upon receipt of an application by an on-sale licensee
30 for an additional hours license pursuant to this section, the
31 department shall make a thorough investigation, including whether
32 the additional hours license sought by the applicant would
33 unreasonably interfere with the quiet enjoyment of their property
34 by the residents of the city, county, or city and county in which the
35 applicant's licensed premises are located, and may deny an
36 application in the same manner as provided in Section 23958.

37 (2) The applicant shall notify the law enforcement agencies of
38 the city, the residents of the city located within 500 feet of the
39 premises for which an additional hours license is sought, and any
40 other interested parties, as determined by the local governing

1 *body, of the application by an on-sale licensee for an additional*
2 *hours license pursuant to this section within 30 consecutive days*
3 *of the filing of the application, in a manner determined by the local*
4 *governing body.*

5 *(3) Protests may be filed at any office of the department within*
6 *30 days from the first date of notice of the filing of an application*
7 *by an on-sale licensee for an additional hours license. The time*
8 *within which a local law enforcement agency may file a protest*
9 *shall be extended by the period prescribed in Section 23987.*

10 *(4) The department may reject protests, except protests made*
11 *by a public agency or public official, if it determines the protests*
12 *are false, vexatious, frivolous, or without reasonable or probable*
13 *cause at any time before hearing thereon, notwithstanding Section*
14 *24300. If, after investigation, the department recommends that an*
15 *additional hours license be issued notwithstanding a protest by a*
16 *public agency or a public official, the department shall notify the*
17 *agency or official in writing of its determination and the reasons*
18 *therefor, in conjunction with the notice of hearing provided to the*
19 *protestant pursuant to Section 11509 of the Government Code. If*
20 *the department rejects a protest as provided in this section, a*
21 *protestant whose protest has been rejected may, within 10 days,*
22 *file an accusation with the department alleging the grounds of*
23 *protest as a cause for revocation of the additional hours license*
24 *and the department shall hold a hearing as provided in Chapter*
25 *5 (commencing with Section 11500) of Part 1 of Division 3 of Title*
26 *2 of the Government Code.*

27 *(5) This section shall not be construed as prohibiting or*
28 *restricting any right that the individual making the protest might*
29 *have to a judicial proceeding.*

30 *(e) (1) If, after investigation, the department recommends that*
31 *an additional hours license be issued, with or without conditions,*
32 *notwithstanding that one or more protests have been accepted by*
33 *the department, the department shall notify the local governing*
34 *body and all protesting parties whose protests have been accepted*
35 *in writing of its determination.*

36 *(2) Any person who has filed a verified protest in a timely*
37 *fashion pursuant to subdivision (d) that has been accepted pursuant*
38 *to this section may request that the department conduct a hearing*
39 *on the issue or issues raised in the protest. The request shall be*
40 *in writing and shall be filed with the department within 15 business*

1 days of the date the department notifies the protesting party of its
2 determination as required under paragraph (1).

3 (3) At any time before the issuance of the additional hours
4 license, the department may, in its discretion, accept a late request
5 for a hearing upon a showing of good cause. Any determination
6 of the department pursuant to this subdivision shall not be an issue
7 at the hearing nor grounds for appeal or review.

8 (4) If a request for a hearing is filed with the department
9 pursuant to paragraph (2), the department shall schedule a hearing
10 on the protest. The issues to be determined at the hearing shall be
11 limited to those issues raised in the protest or protests of the person
12 or persons requesting the hearing.

13 (5) Notwithstanding that a hearing is held pursuant to
14 paragraph (4), the protest or protests of any person or persons
15 who did not request a hearing as authorized in this section shall
16 be deemed withdrawn.

17 (6) If a request for a hearing is not filed with the department
18 pursuant to this section, any protest or protests shall be deemed
19 withdrawn and the department may approve the on-sale licensee's
20 application for an additional hours license without any further
21 proceeding.

22 (7) If the person filing the request for a hearing fails to appear
23 at the hearing, the protest shall be deemed withdrawn.

24 (f) (1) The department shall notify the applicant of the outcome
25 of the application for an additional hours license. Any conditions
26 placed on the on-sale license shall apply to the additional hours
27 license. Any additional conditions placed upon the additional
28 hours license pursuant to this section shall be subject to Article
29 1.5 (commencing with Section 23800).

30 (2) The premises for which an additional hours license is issued
31 shall be restricted to patrons 21 years of age or older during the
32 additional hours period. Any person under 21 years of age who
33 enters and remains in the licensed premises during the additional
34 hours period without lawful business therein is guilty of a
35 misdemeanor and shall be punished by a fine of not less than two
36 hundred dollars (\$200), no part of which shall be suspended. This
37 provision does not prohibit the presence on the licensed premises
38 of a person under 21 years of age that is otherwise authorized by
39 law.

1 (3) *Section 24203 applies to an additional hours license issued*
2 *pursuant to this section. An additional hours license may be*
3 *suspended or revoked separately from the on-sale license.*

4 (g) (1) *The applicant shall, at the time of application for an*
5 *additional hours license pursuant to this section, accompany the*
6 *application with a nonrefundable fee of two thousand five hundred*
7 *dollars (\$2,500). Fees collected pursuant to this section shall be*
8 *deposited in the Alcohol Beverage Control Fund.*

9 (2) *An original and annual fee for an additional hours license*
10 *issued pursuant to this section shall be two thousand five hundred*
11 *dollars (\$2,500).*

12 (h) *The department shall adopt rules and regulations to enforce*
13 *the provisions of this section.*

14 (i) (1) *On or before January 1, 2029, the Department of the*
15 *California Highway Patrol shall provide the Legislature and the*
16 *Senate and Assembly Committees on Governmental Organization*
17 *with a report on the regional impact of the additional hours service*
18 *areas, which shall include, but is not limited to, incidents involving*
19 *driving under the influence and alcohol-related traffic collisions.*
20 *Regional entities including cities, counties, and law enforcement*
21 *may provide information to the Department of the California*
22 *Highway Patrol on the impact the additional hours service areas*
23 *had in their jurisdiction, including, but not limited to, incidents*
24 *involving driving under the influence, alcohol-related traffic*
25 *collisions, and any additional costs accrued. The report to be*
26 *submitted pursuant to this section shall be submitted in compliance*
27 *with Section 9795 of the Government Code.*

28 (2) *Each qualified city that chooses to participate in the pilot*
29 *program shall provide the Legislature and the Senate and Assembly*
30 *Committees on Governmental Organization with a report on the*
31 *regional impact of the additional hours licenses within one year*
32 *of the first additional hours license being issued in that city, and*
33 *then once each year thereafter. The report shall include*
34 *information on any impact the additional service hours had on*
35 *crime rates in the city, including arrests for driving under the*
36 *influence and domestic violence. The report shall also include a*
37 *detailed description of the number of licensees that applied for*
38 *additional hours licenses, the number of additional hours licenses*
39 *issued, and conditions placed on those licenses, if any, by the*
40 *department. The report to be submitted pursuant to this section*

1 shall be submitted in compliance with Section 9795 of the
2 Government Code.

3 (j) This section shall remain in effect only until January 2,
4 2030, and as of that date is repealed.

5 SEC. 5. The Legislature finds and declares that a special statute
6 is necessary and that a general statute cannot be made applicable
7 within the meaning of Section 16 of Article IV of the California
8 Constitution because of the unique abilities of the Cities of
9 Cathedral City, Coachella, Fresno, Oakland, Palm Springs, and
10 West Hollywood, and the City and County of San Francisco to
11 provide the infrastructure needed to implement an additional
12 service hours pilot program and the interest of those cities in this
13 type of pilot program.

14 SEC. 6. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 SECTION 1. ~~Section 65589.5 of the Government Code, as~~
24 ~~amended by Section 8.1 of Chapter 360 of the Statutes of 2021, is~~
25 ~~amended to read:~~

26 ~~65589.5. (a) (1) The Legislature finds and declares all of the~~
27 ~~following:~~

28 ~~(A) The lack of housing, including emergency shelters, is a~~
29 ~~critical problem that threatens the economic, environmental, and~~
30 ~~social quality of life in California.~~

31 ~~(B) California housing has become the most expensive in the~~
32 ~~nation. The excessive cost of the state's housing supply is partially~~
33 ~~caused by activities and policies of many local governments that~~
34 ~~limit the approval of housing, increase the cost of land for housing,~~
35 ~~and require that high fees and exactions be paid by producers of~~
36 ~~housing.~~

37 ~~(C) Among the consequences of those actions are discrimination~~
38 ~~against low-income and minority households, lack of housing to~~
39 ~~support employment growth, imbalance in jobs and housing,~~

1 ~~reduced mobility, urban sprawl, excessive commuting, and air~~
2 ~~quality deterioration.~~

3 ~~(D) Many local governments do not give adequate attention to~~
4 ~~the economic, environmental, and social costs of decisions that~~
5 ~~result in disapproval of housing development projects, reduction~~
6 ~~in density of housing projects, and excessive standards for housing~~
7 ~~development projects.~~

8 ~~(2) In enacting the amendments made to this section by the act~~
9 ~~adding this paragraph, the Legislature further finds and declares~~
10 ~~the following:~~

11 ~~(A) California has a housing supply and affordability crisis of~~
12 ~~historic proportions. The consequences of failing to effectively~~
13 ~~and aggressively confront this crisis are hurting millions of~~
14 ~~Californians, robbing future generations of the chance to call~~
15 ~~California home, stifling economic opportunities for workers and~~
16 ~~businesses, worsening poverty and homelessness, and undermining~~
17 ~~the state's environmental and climate objectives.~~

18 ~~(B) While the causes of this crisis are multiple and complex,~~
19 ~~the absence of meaningful and effective policy reforms to~~
20 ~~significantly enhance the approval and supply of housing affordable~~
21 ~~to Californians of all income levels is a key factor.~~

22 ~~(C) The crisis has grown so acute in California that supply,~~
23 ~~demand, and affordability fundamentals are characterized in the~~
24 ~~negative: underserved demands, constrained supply, and protracted~~
25 ~~unaffordability.~~

26 ~~(D) According to reports and data, California has accumulated~~
27 ~~an unmet housing backlog of nearly 2,000,000 units and must~~
28 ~~provide for at least 180,000 new units annually to keep pace with~~
29 ~~growth through 2025.~~

30 ~~(E) California's overall homeownership rate is at its lowest level~~
31 ~~since the 1940s. The state ranks 49th out of the 50 states in~~
32 ~~homeownership rates as well as in the supply of housing per capita.~~
33 ~~Only one-half of California's households are able to afford the~~
34 ~~cost of housing in their local regions.~~

35 ~~(F) Lack of supply and rising costs are compounding inequality~~
36 ~~and limiting advancement opportunities for many Californians.~~

37 ~~(G) The majority of California renters, more than 3,000,000~~
38 ~~households, pay more than 30 percent of their income toward rent~~
39 ~~and nearly one-third, more than 1,500,000 households, pay more~~
40 ~~than 50 percent of their income toward rent.~~

1 ~~(H) When Californians have access to safe and affordable~~
2 ~~housing, they have more money for food and health care; they are~~
3 ~~less likely to become homeless and in need of~~
4 ~~government-subsidized services; their children do better in school;~~
5 ~~and businesses have an easier time recruiting and retaining~~
6 ~~employees.~~

7 ~~(I) An additional consequence of the state's cumulative housing~~
8 ~~shortage is a significant increase in greenhouse gas emissions~~
9 ~~caused by the displacement and redirection of populations to states~~
10 ~~with greater housing opportunities, particularly working- and~~
11 ~~middle-class households. California's cumulative housing shortfall~~
12 ~~therefore has not only national but international environmental~~
13 ~~consequences.~~

14 ~~(J) California's housing picture has reached a crisis of historic~~
15 ~~proportions despite the fact that, for decades, the Legislature has~~
16 ~~enacted numerous statutes intended to significantly increase the~~
17 ~~approval, development, and affordability of housing for all income~~
18 ~~levels, including this section.~~

19 ~~(K) The Legislature's intent in enacting this section in 1982 and~~
20 ~~in expanding its provisions since then was to significantly increase~~
21 ~~the approval and construction of new housing for all economic~~
22 ~~segments of California's communities by meaningfully and~~
23 ~~effectively curbing the capability of local governments to deny,~~
24 ~~reduce the density for, or render infeasible housing development~~
25 ~~projects and emergency shelters. That intent has not been fulfilled.~~

26 ~~(L) It is the policy of the state that this section be interpreted~~
27 ~~and implemented in a manner to afford the fullest possible weight~~
28 ~~to the interest of, and the approval and provision of, housing.~~

29 ~~(3) It is the intent of the Legislature that the conditions that~~
30 ~~would have a specific, adverse impact upon the public health and~~
31 ~~safety, as described in paragraph (2) of subdivision (d) and~~
32 ~~paragraph (1) of subdivision (j), arise infrequently.~~

33 ~~(b) It is the policy of the state that a local government not reject~~
34 ~~or make infeasible housing development projects, including~~
35 ~~emergency shelters, that contribute to meeting the need determined~~
36 ~~pursuant to this article without a thorough analysis of the economic,~~
37 ~~social, and environmental effects of the action and without~~
38 ~~complying with subdivision (d).~~

39 ~~(e) The Legislature also recognizes that premature and~~
40 ~~unnecessary development of agricultural lands for urban uses~~

1 continues to have adverse effects on the availability of those lands
2 for food and fiber production and on the economy of the state.
3 Furthermore, it is the policy of the state that development should
4 be guided away from prime agricultural lands; therefore, in
5 implementing this section, local jurisdictions should encourage,
6 to the maximum extent practicable, in filling existing urban areas.

7 (d) A local agency shall not disapprove a housing development
8 project, including farmworker housing as defined in subdivision
9 (h) of Section 50199.7 of the Health and Safety Code, for extremely
10 low, very low, low-, or moderate-income households, or an
11 emergency shelter, or condition approval in a manner that renders
12 the housing development project infeasible for development for
13 the use of extremely low, very low, low-, or moderate-income
14 households, or an emergency shelter, including through the use of
15 design review standards, unless it makes written findings, based
16 upon a preponderance of the evidence in the record, as to one of
17 the following:

18 (1) The jurisdiction has adopted a housing element pursuant to
19 this article that has been revised in accordance with Section 65588,
20 is in substantial compliance with this article, and the jurisdiction
21 has met or exceeded its share of the regional housing need
22 allocation pursuant to Section 65584 for the planning period for
23 the income category proposed for the housing development project,
24 provided that any disapproval or conditional approval shall not be
25 based on any of the reasons prohibited by Section 65008. If the
26 housing development project includes a mix of income categories,
27 and the jurisdiction has not met or exceeded its share of the regional
28 housing need for one or more of those categories, then this
29 paragraph shall not be used to disapprove or conditionally approve
30 the housing development project. The share of the regional housing
31 need met by the jurisdiction shall be calculated consistently with
32 the forms and definitions that may be adopted by the Department
33 of Housing and Community Development pursuant to Section
34 65400. In the case of an emergency shelter, the jurisdiction shall
35 have met or exceeded the need for emergency shelter, as identified
36 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
37 disapproval or conditional approval pursuant to this paragraph
38 shall be in accordance with applicable law, rule, or standards.

39 (2) The housing development project or emergency shelter as
40 proposed would have a specific, adverse impact upon the public

1 health or safety, and there is no feasible method to satisfactorily
2 mitigate or avoid the specific adverse impact without rendering
3 the development unaffordable to low- and moderate-income
4 households or rendering the development of the emergency shelter
5 financially infeasible. As used in this paragraph, a “specific,
6 adverse impact” means a significant, quantifiable, direct, and
7 unavoidable impact, based on objective, identified written public
8 health or safety standards, policies, or conditions as they existed
9 on the date the application was deemed complete. The following
10 shall not constitute a specific, adverse impact upon the public
11 health or safety:

12 (A) Inconsistency with the zoning ordinance or general plan
13 land use designation.

14 (B) The eligibility to claim a welfare exemption under
15 subdivision (g) of Section 214 of the Revenue and Taxation Code.

16 (3) The denial of the housing development project or imposition
17 of conditions is required in order to comply with specific state or
18 federal law, and there is no feasible method to comply without
19 rendering the development unaffordable to low- and
20 moderate-income households or rendering the development of the
21 emergency shelter financially infeasible.

22 (4) The housing development project or emergency shelter is
23 proposed on land zoned for agriculture or resource preservation
24 that is surrounded on at least two sides by land being used for
25 agricultural or resource preservation purposes, or which does not
26 have adequate water or wastewater facilities to serve the project.

27 (5) The housing development project or emergency shelter is
28 inconsistent with both the jurisdiction’s zoning ordinance and
29 general plan land use designation as specified in any element of
30 the general plan as it existed on the date the application was
31 deemed complete, and the jurisdiction has adopted a revised
32 housing element in accordance with Section 65588 that is in
33 substantial compliance with this article. For purposes of this
34 section, a change to the zoning ordinance or general plan land use
35 designation subsequent to the date the application was deemed
36 complete shall not constitute a valid basis to disapprove or
37 condition approval of the housing development project or
38 emergency shelter.

39 (A) This paragraph cannot be utilized to disapprove or
40 conditionally approve a housing development project if the housing

1 development project is proposed on a site that is identified as
2 suitable or available for very low, low-, or moderate-income
3 households in the jurisdiction's housing element, and consistent
4 with the density specified in the housing element, even though it
5 is inconsistent with both the jurisdiction's zoning ordinance and
6 general plan land use designation.

7 (B) If the local agency has failed to identify in the inventory of
8 land in its housing element sites that can be developed for housing
9 within the planning period and are sufficient to provide for the
10 jurisdiction's share of the regional housing need for all income
11 levels pursuant to Section 65584, then this paragraph shall not be
12 utilized to disapprove or conditionally approve a housing
13 development project proposed for a site designated in any element
14 of the general plan for residential uses or designated in any element
15 of the general plan for commercial uses if residential uses are
16 permitted or conditionally permitted within commercial
17 designations. In any action in court, the burden of proof shall be
18 on the local agency to show that its housing element does identify
19 adequate sites with appropriate zoning and development standards
20 and with services and facilities to accommodate the local agency's
21 share of the regional housing need for the very low, low-, and
22 moderate-income categories.

23 (C) If the local agency has failed to identify a zone or zones
24 where emergency shelters are allowed as a permitted use without
25 a conditional use or other discretionary permit, has failed to
26 demonstrate that the identified zone or zones include sufficient
27 capacity to accommodate the need for emergency shelter identified
28 in paragraph (7) of subdivision (a) of Section 65583, or has failed
29 to demonstrate that the identified zone or zones can accommodate
30 at least one emergency shelter, as required by paragraph (4) of
31 subdivision (a) of Section 65583, then this paragraph shall not be
32 utilized to disapprove or conditionally approve an emergency
33 shelter proposed for a site designated in any element of the general
34 plan for industrial, commercial, or multifamily residential uses. In
35 any action in court, the burden of proof shall be on the local agency
36 to show that its housing element does satisfy the requirements of
37 paragraph (4) of subdivision (a) of Section 65583.

38 (e) Nothing in this section shall be construed to relieve the local
39 agency from complying with the congestion management program
40 required by Chapter 2.6 (commencing with Section 65088) of

1 ~~Division 1 of Title 7 or the California Coastal Act of 1976~~
2 ~~(Division 20 (commencing with Section 30000) of the Public~~
3 ~~Resources Code). Neither shall anything in this section be~~
4 ~~construed to relieve the local agency from making one or more of~~
5 ~~the findings required pursuant to Section 21081 of the Public~~
6 ~~Resources Code or otherwise complying with the California~~
7 ~~Environmental Quality Act (Division 13 (commencing with Section~~
8 ~~21000) of the Public Resources Code).~~

9 ~~(f) (1) Except as provided in subdivision (o), nothing in this~~
10 ~~section shall be construed to prohibit a local agency from requiring~~
11 ~~the housing development project to comply with objective,~~
12 ~~quantifiable, written development standards, conditions, and~~
13 ~~policies appropriate to, and consistent with, meeting the~~
14 ~~jurisdiction's share of the regional housing need pursuant to Section~~
15 ~~65584. However, the development standards, conditions, and~~
16 ~~policies shall be applied to facilitate and accommodate~~
17 ~~development at the density permitted on the site and proposed by~~
18 ~~the development.~~

19 ~~(2) Except as provided in subdivision (o), nothing in this section~~
20 ~~shall be construed to prohibit a local agency from requiring an~~
21 ~~emergency shelter project to comply with objective, quantifiable,~~
22 ~~written development standards, conditions, and policies that are~~
23 ~~consistent with paragraph (4) of subdivision (a) of Section 65583~~
24 ~~and appropriate to, and consistent with, meeting the jurisdiction's~~
25 ~~need for emergency shelter, as identified pursuant to paragraph~~
26 ~~(7) of subdivision (a) of Section 65583. However, the development~~
27 ~~standards, conditions, and policies shall be applied by the local~~
28 ~~agency to facilitate and accommodate the development of the~~
29 ~~emergency shelter project.~~

30 ~~(3) Except as provided in subdivision (o), nothing in this section~~
31 ~~shall be construed to prohibit a local agency from imposing fees~~
32 ~~and other exactions otherwise authorized by law that are essential~~
33 ~~to provide necessary public services and facilities to the housing~~
34 ~~development project or emergency shelter.~~

35 ~~(4) For purposes of this section, a housing development project~~
36 ~~or emergency shelter shall be deemed consistent, compliant, and~~
37 ~~in conformity with an applicable plan, program, policy, ordinance,~~
38 ~~standard, requirement, or other similar provision if there is~~
39 ~~substantial evidence that would allow a reasonable person to~~

1 ~~conclude that the housing development project or emergency~~
2 ~~shelter is consistent, compliant, or in conformity.~~

3 ~~(g) This section shall be applicable to charter cities because the~~
4 ~~Legislature finds that the lack of housing, including emergency~~
5 ~~shelter, is a critical statewide problem.~~

6 ~~(h) The following definitions apply for the purposes of this~~
7 ~~section:~~

8 ~~(1) “Feasible” means capable of being accomplished in a~~
9 ~~successful manner within a reasonable period of time, taking into~~
10 ~~account economic, environmental, social, and technological factors.~~

11 ~~(2) “Housing development project” means a use consisting of~~
12 ~~any of the following:~~

13 ~~(A) Residential units only.~~

14 ~~(B) Mixed-use developments consisting of residential and~~
15 ~~nonresidential uses with at least two-thirds of the square footage~~
16 ~~designated for residential use.~~

17 ~~(C) Transitional housing or supportive housing.~~

18 ~~(3) “Housing for extremely low, very low, low, or~~
19 ~~moderate-income households” means that either (A) at least 20~~
20 ~~percent of the total units shall be sold or rented to lower income~~
21 ~~households, as defined in Section 50079.5 of the Health and Safety~~
22 ~~Code, or (B) 100 percent of the units shall be sold or rented to~~
23 ~~persons and families of moderate income as defined in Section~~
24 ~~50093 of the Health and Safety Code, or persons and families of~~
25 ~~middle income, as defined in Section 65008 of this code. Housing~~
26 ~~units targeted for lower income households shall be made available~~
27 ~~at a monthly housing cost that does not exceed 30 percent of 60~~
28 ~~percent of area median income with adjustments for household~~
29 ~~size made in accordance with the adjustment factors on which the~~
30 ~~lower income eligibility limits are based. Housing units targeted~~
31 ~~for persons and families of moderate income shall be made~~
32 ~~available at a monthly housing cost that does not exceed 30 percent~~
33 ~~of 100 percent of area median income with adjustments for~~
34 ~~household size made in accordance with the adjustment factors on~~
35 ~~which the moderate-income eligibility limits are based.~~

36 ~~(4) “Area median income” means area median income as~~
37 ~~periodically established by the Department of Housing and~~
38 ~~Community Development pursuant to Section 50093 of the Health~~
39 ~~and Safety Code. The developer shall provide sufficient legal~~
40 ~~commitments to ensure continued availability of units for very low~~

1 or low-income households in accordance with the provisions of
2 this subdivision for 30 years.

3 (5) Notwithstanding any other law, until January 1, 2030,
4 “deemed complete” means that the applicant has submitted a
5 preliminary application pursuant to Section 65941.1 or, if the
6 applicant has not submitted a preliminary application, has
7 submitted a complete application pursuant to Section 65943.

8 (6) “Disapprove the housing development project” includes any
9 instance in which a local agency does either of the following:

10 (A) Votes on a proposed housing development project
11 application and the application is disapproved, including any
12 required land use approvals or entitlements necessary for the
13 issuance of a building permit.

14 (B) Fails to comply with the time periods specified in
15 subdivision (a) of Section 65950. An extension of time pursuant
16 to Article 5 (commencing with Section 65950) shall be deemed to
17 be an extension of time pursuant to this paragraph.

18 (7) “Lower density” includes any conditions that have the same
19 effect or impact on the ability of the project to provide housing.

20 (8) Until January 1, 2030, “objective” means involving no
21 personal or subjective judgment by a public official and being
22 uniformly verifiable by reference to an external and uniform
23 benchmark or criterion available and knowable by both the
24 development applicant or proponent and the public official.

25 (9) Notwithstanding any other law, until January 1, 2030,
26 “determined to be complete” means that the applicant has submitted
27 a complete application pursuant to Section 65943.

28 (i) If any city, county, or city and county denies approval or
29 imposes conditions, including design changes, lower density, or
30 a reduction of the percentage of a lot that may be occupied by a
31 building or structure under the applicable planning and zoning in
32 force at the time the housing development project’s application is
33 complete, that have a substantial adverse effect on the viability or
34 affordability of a housing development for extremely low, very
35 low, low-, or moderate-income households, and the denial of the
36 development or the imposition of conditions on the development
37 is the subject of a court action which challenges the denial or the
38 imposition of conditions, then the burden of proof shall be on the
39 local legislative body to show that its decision is consistent with
40 the findings as described in subdivision (d), and that the findings

1 are supported by a preponderance of the evidence in the record,
2 and with the requirements of subdivision (o).

3 (j) (1) When a proposed housing development project complies
4 with applicable, objective general plan, zoning, and subdivision
5 standards and criteria, including design review standards, in effect
6 at the time that the application was deemed complete, but the local
7 agency proposes to disapprove the project or to impose a condition
8 that the project be developed at a lower density, the local agency
9 shall base its decision regarding the proposed housing development
10 project upon written findings supported by a preponderance of the
11 evidence on the record that both of the following conditions exist:

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

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

25 (2) (A) If the local agency considers a proposed housing
26 development project to be inconsistent, not in compliance, or not
27 in conformity with an applicable plan, program, policy, ordinance,
28 standard, requirement, or other similar provision as specified in
29 this subdivision, it shall provide the applicant with written
30 documentation identifying the provision or provisions, and an
31 explanation of the reason or reasons it considers the housing
32 development to be inconsistent, not in compliance, or not in
33 conformity as follows:

34 (i) Within 30 days of the date that the application for the housing
35 development project is determined to be complete, if the housing
36 development project contains 150 or fewer housing units.

37 (ii) Within 60 days of the date that the application for the
38 housing development project is determined to be complete, if the
39 housing development project contains more than 150 units.

1 ~~(B) If the local agency fails to provide the required~~
2 ~~documentation pursuant to subparagraph (A), the housing~~
3 ~~development project shall be deemed consistent, compliant, and~~
4 ~~in conformity with the applicable plan, program, policy, ordinance,~~
5 ~~standard, requirement, or other similar provision.~~

6 ~~(3) For purposes of this section, the receipt of a density bonus,~~
7 ~~incentive, concession, waiver, or reduction of development~~
8 ~~standards pursuant to Section 65915 shall not constitute a valid~~
9 ~~basis on which to find a proposed housing development project is~~
10 ~~inconsistent, not in compliance, or not in conformity, with an~~
11 ~~applicable plan, program, policy, ordinance, standard, requirement,~~
12 ~~or other similar provision specified in this subdivision.~~

13 ~~(4) For purposes of this section, a proposed housing development~~
14 ~~project is not inconsistent with the applicable zoning standards~~
15 ~~and criteria, and shall not require a rezoning, if the housing~~
16 ~~development project is consistent with the objective general plan~~
17 ~~standards and criteria but the zoning for the project site is~~
18 ~~inconsistent with the general plan. If the local agency has complied~~
19 ~~with paragraph (2), the local agency may require the proposed~~
20 ~~housing development project to comply with the objective~~
21 ~~standards and criteria of the zoning which is consistent with the~~
22 ~~general plan, however, the standards and criteria shall be applied~~
23 ~~to facilitate and accommodate development at the density allowed~~
24 ~~on the site by the general plan and proposed by the proposed~~
25 ~~housing development project.~~

26 ~~(k) (1) (A) (i) The applicant, a person who would be eligible~~
27 ~~to apply for residency in the housing development project or~~
28 ~~emergency shelter, or a housing organization may bring an action~~
29 ~~to enforce this section. If, in any action brought to enforce this~~
30 ~~section, a court finds that any of the following are met, the court~~
31 ~~shall issue an order pursuant to clause (ii):~~

32 ~~(I) The local agency, in violation of subdivision (d), disapproved~~
33 ~~a housing development project or conditioned its approval in a~~
34 ~~manner rendering it infeasible for the development of an emergency~~
35 ~~shelter, or housing for extremely low, very low, low-, or~~
36 ~~moderate-income households, including farmworker housing,~~
37 ~~without making the findings required by this section or without~~
38 ~~making findings supported by a preponderance of the evidence.~~

39 ~~(II) The local agency, in violation of subdivision (j), disapproved~~
40 ~~a housing development project complying with applicable,~~

1 objective general plan and zoning standards and criteria, or imposed
2 a condition that the project be developed at a lower density, without
3 making the findings required by this section or without making
4 findings supported by a preponderance of the evidence.

5 (H) (ia) ~~Subject to sub-subclause (ib), the local agency, in~~
6 ~~violation of subdivision (o), required or attempted to require a~~
7 ~~housing development project to comply with an ordinance, policy,~~
8 ~~or standard not adopted and in effect when a preliminary~~
9 ~~application was submitted.~~

10 (ib) ~~This subclause shall become inoperative on January 1, 2030.~~

11 (ii) ~~If the court finds that one of the conditions in clause (i) is~~
12 ~~met, the court shall issue an order or judgment compelling~~
13 ~~compliance with this section within 60 days, including, but not~~
14 ~~limited to, an order that the local agency take action on the housing~~
15 ~~development project or emergency shelter. The court may issue~~
16 ~~an order or judgment directing the local agency to approve the~~
17 ~~housing development project or emergency shelter if the court~~
18 ~~finds that the local agency acted in bad faith when it disapproved~~
19 ~~or conditionally approved the housing development or emergency~~
20 ~~shelter in violation of this section. The court shall retain jurisdiction~~
21 ~~to ensure that its order or judgment is carried out and shall award~~
22 ~~reasonable attorney's fees and costs of suit to the plaintiff or~~
23 ~~petitioner, except under extraordinary circumstances in which the~~
24 ~~court finds that awarding fees would not further the purposes of~~
25 ~~this section.~~

26 (B) ~~Upon a determination that the local agency has failed to~~
27 ~~comply with the order or judgment compelling compliance with~~
28 ~~this section within 60 days issued pursuant to subparagraph (A),~~
29 ~~the court shall impose fines on a local agency that has violated this~~
30 ~~section and require the local agency to deposit any fine levied~~
31 ~~pursuant to this subdivision into a local housing trust fund. The~~
32 ~~local agency may elect to instead deposit the fine into the Building~~
33 ~~Homes and Jobs Trust Fund. The fine shall be in a minimum~~
34 ~~amount of ten thousand dollars (\$10,000) per housing unit in the~~
35 ~~housing development project on the date the application was~~
36 ~~deemed complete pursuant to Section 65943. In determining the~~
37 ~~amount of fine to impose, the court shall consider the local~~
38 ~~agency's progress in attaining its target allocation of the regional~~
39 ~~housing need pursuant to Section 65584 and any prior violations~~
40 ~~of this section. Fines shall not be paid out of funds already~~

1 dedicated to affordable housing, including, but not limited to, Low
2 and Moderate Income Housing Asset Funds, funds dedicated to
3 housing for extremely low, very low, low-, and moderate-income
4 households, and federal HOME Investment Partnerships Program
5 and Community Development Block Grant Program funds. The
6 local agency shall commit and expend the money in the local
7 housing trust fund within five years for the sole purpose of
8 financing newly constructed housing units affordable to extremely
9 low, very low, or low-income households. After five years, if the
10 funds have not been expended, the money shall revert to the state
11 and be deposited in the Building Homes and Jobs Trust Fund for
12 the sole purpose of financing newly constructed housing units
13 affordable to extremely low, very low, or low-income households.

14 (C) If the court determines that its order or judgment has not
15 been carried out within 60 days, the court may issue further orders
16 as provided by law to ensure that the purposes and policies of this
17 section are fulfilled, including, but not limited to, an order to vacate
18 the decision of the local agency and to approve the housing
19 development project, in which case the application for the housing
20 development project, as proposed by the applicant at the time the
21 local agency took the initial action determined to be in violation
22 of this section, along with any standard conditions determined by
23 the court to be generally imposed by the local agency on similar
24 projects, shall be deemed to be approved unless the applicant
25 consents to a different decision or action by the local agency.

26 (2) For purposes of this subdivision, “housing organization”
27 means a trade or industry group whose local members are primarily
28 engaged in the construction or management of housing units or a
29 nonprofit organization whose mission includes providing or
30 advocating for increased access to housing for low-income
31 households and have filed written or oral comments with the local
32 agency prior to action on the housing development project. A
33 housing organization may only file an action pursuant to this
34 section to challenge the disapproval of a housing development by
35 a local agency. A housing organization shall be entitled to
36 reasonable attorney’s fees and costs if it is the prevailing party in
37 an action to enforce this section.

38 (l) If the court finds that the local agency (1) acted in bad faith
39 when it disapproved or conditionally approved the housing
40 development or emergency shelter in violation of this section and

1 (2) failed to carry out the court's order or judgment within 60 days
2 as described in subdivision (k), the court, in addition to any other
3 remedies provided by this section, shall multiply the fine
4 determined pursuant to subparagraph (B) of paragraph (1) of
5 subdivision (k) by a factor of five. For purposes of this section,
6 "bad faith" includes, but is not limited to, an action that is frivolous
7 or otherwise entirely without merit.

8 (m) Any action brought to enforce the provisions of this section
9 shall be brought pursuant to Section 1094.5 of the Code of Civil
10 Procedure, and the local agency shall prepare and certify the record
11 of proceedings in accordance with subdivision (c) of Section 1094.6
12 of the Code of Civil Procedure no later than 30 days after the
13 petition is served, provided that the cost of preparation of the record
14 shall be borne by the local agency, unless the petitioner elects to
15 prepare the record as provided in subdivision (n) of this section.
16 A petition to enforce the provisions of this section shall be filed
17 and served no later than 90 days from the later of (1) the effective
18 date of a decision of the local agency imposing conditions on,
19 disapproving, or any other final action on a housing development
20 project or (2) the expiration of the time periods specified in
21 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry
22 of the trial court's order, a party may, in order to obtain appellate
23 review of the order, file a petition within 20 days after service
24 upon it of a written notice of the entry of the order, or within such
25 further time not exceeding an additional 20 days as the trial court
26 may for good cause allow, or may appeal the judgment or order
27 of the trial court under Section 904.1 of the Code of Civil
28 Procedure. If the local agency appeals the judgment of the trial
29 court, the local agency shall post a bond, in an amount to be
30 determined by the court, to the benefit of the plaintiff if the plaintiff
31 is the project applicant.

32 (n) In any action, the record of the proceedings before the local
33 agency shall be filed as expeditiously as possible and,
34 notwithstanding Section 1094.6 of the Code of Civil Procedure or
35 subdivision (m) of this section, all or part of the record may be
36 prepared (1) by the petitioner with the petition or petitioner's points
37 and authorities, (2) by the respondent with respondent's points and
38 authorities, (3) after payment of costs by the petitioner, or (4) as
39 otherwise directed by the court. If the expense of preparing the

1 record has been borne by the petitioner and the petitioner is the
2 prevailing party, the expense shall be taxable as costs.

3 ~~(e) (1) Subject to paragraphs (2), (6), and (7), and subdivision~~
4 ~~(d) of Section 65941.1, a housing development project shall be~~
5 ~~subject only to the ordinances, policies, and standards adopted and~~
6 ~~in effect when a preliminary application including all of the~~
7 ~~information required by subdivision (a) of Section 65941.1 was~~
8 ~~submitted.~~

9 ~~(2) Paragraph (1) shall not prohibit a housing development~~
10 ~~project from being subject to ordinances, policies, and standards~~
11 ~~adopted after the preliminary application was submitted pursuant~~
12 ~~to Section 65941.1 in the following circumstances:~~

13 ~~(A) In the case of a fee, charge, or other monetary exaction, to~~
14 ~~an increase resulting from an automatic annual adjustment based~~
15 ~~on an independently published cost index that is referenced in the~~
16 ~~ordinance or resolution establishing the fee or other monetary~~
17 ~~exaction.~~

18 ~~(B) A preponderance of the evidence in the record establishes~~
19 ~~that subjecting the housing development project to an ordinance,~~
20 ~~policy, or standard beyond those in effect when a preliminary~~
21 ~~application was submitted is necessary to mitigate or avoid a~~
22 ~~specific, adverse impact upon the public health or safety, as defined~~
23 ~~in subparagraph (A) of paragraph (1) of subdivision (j), and there~~
24 ~~is no feasible alternative method to satisfactorily mitigate or avoid~~
25 ~~the adverse impact.~~

26 ~~(C) Subjecting the housing development project to an ordinance,~~
27 ~~policy, standard, or any other measure, beyond those in effect when~~
28 ~~a preliminary application was submitted is necessary to avoid or~~
29 ~~substantially lessen an impact of the project under the California~~
30 ~~Environmental Quality Act (Division 13 (commencing with Section~~
31 ~~21000) of the Public Resources Code).~~

32 ~~(D) The housing development project has not commenced~~
33 ~~construction within two and one-half years, or three and one-half~~
34 ~~years for an affordable housing project, following the date that the~~
35 ~~project received final approval. For purposes of this subparagraph:~~

36 ~~(i) “Affordable housing project” means a housing development~~
37 ~~that satisfies both of the following requirements:~~

38 ~~(I) Units within the development are subject to a recorded~~
39 ~~affordability restriction for at least 55 years.~~

1 ~~(H) All of the units within the development, excluding managers’~~
2 ~~units, are dedicated to lower income households, as defined by~~
3 ~~Section 50079.5 of the Health and Safety Code.~~

4 ~~(ii) “Final approval” means that the housing development project~~
5 ~~has received all necessary approvals to be eligible to apply for,~~
6 ~~and obtain, a building permit or permits and either of the following~~
7 ~~is met:~~

8 ~~(I) The expiration of all applicable appeal periods, petition~~
9 ~~periods, reconsideration periods, or statute of limitations for~~
10 ~~challenging that final approval without an appeal, petition, request~~
11 ~~for reconsideration, or legal challenge having been filed.~~

12 ~~(H) If a challenge is filed, that challenge is fully resolved or~~
13 ~~settled in favor of the housing development project.~~

14 ~~(E) The housing development project is revised following~~
15 ~~submittal of a preliminary application pursuant to Section 65941.1~~
16 ~~such that the number of residential units or square footage of~~
17 ~~construction changes by 20 percent or more, exclusive of any~~
18 ~~increase resulting from the receipt of a density bonus, incentive,~~
19 ~~concession, waiver, or similar provision, including any other locally~~
20 ~~authorized program that offers additional density or other~~
21 ~~development bonuses when affordable housing is provided. For~~
22 ~~purposes of this subdivision, “square footage of construction”~~
23 ~~means the building area, as defined by the California Building~~
24 ~~Standards Code (Title 24 of the California Code of Regulations).~~

25 ~~(3) This subdivision does not prevent a local agency from~~
26 ~~subjecting the additional units or square footage of construction~~
27 ~~that result from project revisions occurring after a preliminary~~
28 ~~application is submitted pursuant to Section 65941.1 to the~~
29 ~~ordinances, policies, and standards adopted and in effect when the~~
30 ~~preliminary application was submitted.~~

31 ~~(4) For purposes of this subdivision, “ordinances, policies, and~~
32 ~~standards” includes general plan, community plan, specific plan,~~
33 ~~zoning, design review standards and criteria, subdivision standards~~
34 ~~and criteria, and any other rules, regulations, requirements, and~~
35 ~~policies of a local agency, as defined in Section 66000, including~~
36 ~~those relating to development impact fees, capacity or connection~~
37 ~~fees or charges, permit or processing fees, and other exactions.~~

38 ~~(5) This subdivision shall not be construed in a manner that~~
39 ~~would lessen the restrictions imposed on a local agency, or lessen~~
40 ~~the protections afforded to a housing development project, that are~~

1 ~~established by any other law, including any other part of this~~
2 ~~section.~~

3 ~~(6) This subdivision shall not restrict the authority of a public~~
4 ~~agency or local agency to require mitigation measures to lessen~~
5 ~~the impacts of a housing development project under the California~~
6 ~~Environmental Quality Act (Division 13 (commencing with Section~~
7 ~~21000) of the Public Resources Code).~~

8 ~~(7) With respect to completed residential units for which the~~
9 ~~project approval process is complete and a certificate of occupancy~~
10 ~~has been issued, nothing in this subdivision shall limit the~~
11 ~~application of later enacted ordinances, policies, and standards~~
12 ~~that regulate the use and occupancy of those residential units, such~~
13 ~~as ordinances relating to rental housing inspection, rent~~
14 ~~stabilization, restrictions on short-term renting, and business~~
15 ~~licensing requirements for owners of rental housing.~~

16 ~~(8) (A) This subdivision shall apply to a housing development~~
17 ~~project that submits a preliminary application pursuant to Section~~
18 ~~65941.1 before January 1, 2030.~~

19 ~~(B) This subdivision shall become inoperative on January 1,~~
20 ~~2034.~~

21 ~~(p) This section shall be known, and may be cited, as the~~
22 ~~Housing Accountability Act.~~

O

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, for many decades the United States Supreme Court has stated consistently and unequivocally that nothing in the United States Constitution prohibits states and local governments from imposing reasonable regulations on firearms, including prohibitions on possession by certain individuals and on carrying firearms in sensitive places; and

WHEREAS, recent rulings by the Court have abandoned well-established understanding of the Second Amendment and will now force local jurisdictions, including Los Angeles, to issue permits to carry concealed weapons (CCWs) much more broadly than has ever previously been the case; and

WHEREAS, these recent rulings gravely endanger the public's safety in Los Angeles and other cities by compelling the issuance of CCWs to potentially thousands of applicants who previously would have been denied the ability to carry concealed weapons in public; and

WHEREAS, legislation currently pending in the California State Legislature, SB 918 (Portantino) seeks to comport California law with the recent Supreme Court rulings while still preserving reasonable public safety protections; and

WHEREAS, among other things, SB 918 would specify certain sensitive locations where firearms cannot be carried, notwithstanding the issuance of a CCW permit; and

WHEREAS, Los Angeles and other local jurisdictions may have particular needs to restrict CCW permit holders from carrying firearms in sensitive locations or engaging in other dangerous activities relevant to that locality that are not currently specified in the statewide prohibitions of SB 918; and

WHEREAS, SB 918 would also permit local governments to require psychological testing of an applicant as a condition for issuance of a CCW permit, and such psychological testing is a vitally important tool to determine whether an individual is a danger to themselves or others before a CCW permit is issued; and

WHEREAS, SB 918 prohibits the licensing authority from charging an applicant more than two hundred dollars (\$200) for psychological testing, but in Los Angeles such testing would cost the Los Angeles Police Department far more than that, thus creating an unfunded state mandate and putting the taxpayers of Los Angeles in the position of subsidizing the issuance of CCW permits; and

WHEREAS, under current law, Section 26205 of the California Penal Code requires a licensing authority to give written notice indicating whether an application is approved or denied within 90 days of the initial application for a new license or a license renewal, and a period of 90 days will be wholly inadequate to meet the anticipated demand for new licenses while also ensuring public safety;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program SUPPORT for SB 918 (Portantino) IF AMENDED (i) to permit full cost recovery for processing of license

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applications and psychological testing, (ii) to state explicitly that local governments may adopt additional restrictions on the allowable activities of a CCW permit holder beyond those specified in the bill, and (iii) to amend Section 26205 of the Penal Code to require a local licensing authority to give written notice indicating whether an application is approved or denied within "a reasonable amount of time" rather than setting an arbitrary time limit.

PRESENTED BY: Paul Krekorian
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY: Paul Thout
Paul Thout

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