

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

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

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

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

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

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

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

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

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

SEC. 3.5. For purposes of this article:

(a)(1) “Land use planning and zoning statute” means any law imposed by the state that accomplishes any of the following:

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

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

(C) Restricts, in any way, the ability of a city or county to approve or deny a development or the subdivision of a parcel.

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

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

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

(2) “Land use planning and zoning statute” does not include a covered state statute.

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

(1) Local government discretion in reviewing and approving a housing development project, provided that the statute requires the housing project to comply with all of the following:

(A) One hundred percent of the units of the housing project shall be deed-restricted to be sold or rented to lower income households. For purposes of this subparagraph, “lower income households” means persons and families making at or below 80 percent of the area median income.

(B) The housing project shall be consistent with the general plan land use designation or zoning of the parcel or parcels of the project.

(C) The housing project shall comply with local objective standards applicable to the project site.

(D) All construction workers employed in the execution of the housing project shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations.

(E) The housing project shall use a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code, for all construction work.

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

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

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

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

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

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

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

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

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

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

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

(7) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location and that the facility addresses a matter of statewide concern.

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

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

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

(10) Reporting requirements, provided that the reporting requirements apply uniformly to all cities and counties and do not discriminate amongst cities or counties based on voluntary compliance with any land use planning and zoning statute.

(c) "Local law" means any law put into effect by a city or county through a charter, ordinance, regulation, local initiative, or other action.

SEC. 3. Section 5.5 is added to Article XI of the California Constitution, to read:

SEC. 5.5. (a) Except as provided in subdivision (b), in the event of a conflict between a local law and a land use planning and zoning statute, the local law shall be deemed a municipal affair within the meaning of Section 5 and shall prevail over the conflicting land use planning and zoning statute.

(b) Subdivision (a) shall not apply to a covered state statute that conflicts with a local law, provided that for a covered state statute enacted on or after January 1, 2016, the Legislature makes a finding that the covered state statute addresses a matter of statewide concern. A finding of statewide concern made pursuant to this subdivision shall list the specific goals, purposes, and objectives of the statute.

(c) (1) State funding appropriated before the effective date of this section shall not be modified due to a city adopting or enforcing a local law that preempts any land use planning and zoning statute pursuant to this section.

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

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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

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

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

(b) (1) Except as provided in paragraph (2), a local law shall prevail over conflicting land use planning and zoning statutes.

(2) Paragraph (1) shall not apply to a covered state statute that conflicts with a local law, provided that for a covered state statute enacted on or after January 1, 2016, the Legislature makes a finding that the covered state statute addresses a matter of statewide concern. A finding of statewide concern made pursuant to this paragraph shall list the specific goals, purposes, and objectives of the statute.

(c) (1) State funding appropriated before the effective date of the act adding this subdivision shall not be modified due to a city or county adopting or enforcing any local law that preempts any land use planning and zoning statute pursuant to this section.

(2) State funding appropriated after the effective date of the act adding this subdivision shall not discriminate in favor of, or give any preference to, a city or county that voluntarily complies with any land use planning and zoning statute.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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

~~Article XXXIV PUBLIC HOUSING PROJECT LAW~~

~~Section 1. No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.~~

~~For the purposes of this Article the term "low rent housing project" shall mean any development composed of urban or rural dwellings, apartments or other living accommodations for persons of low income, financed in whole or in part by the Federal Government or a state public body or to which the Federal Government or a state public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise. For the purposes of this Article only there shall be excluded from the term "low rent housing project" any such project where there shall be in existence on the effective date hereof, a contract for financial assistance between any state public body and the Federal Government in respect to such project.~~

~~For the purposes of this Article only "persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by~~

~~the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.~~

~~For the purposes of this Article the term "state public body" shall mean this State, or any city, city and county, county, district, authority, agency, or any other subdivision or public body of this State.~~

~~For the purposes of this Article the term "Federal Government" shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.~~

~~Section 2. The provisions of this Article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.~~

~~Section 3. If any portion, section or clause of this article, or the application thereof to any person or circumstance, shall for any reason be declared unconstitutional or held invalid, the remainder of this Article, or the application of such portion, section or clause to other persons or circumstances, shall not be affected thereby.~~

~~Section 4. The provisions of this Article shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.~~

SEC. 6. The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.