

Hearing Date: May 26, 2005

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ITEM 15

PROPOSED ORDER TO SET ASIDE PARAMETERS AND GUIDELINES

Government Code Sections 65302, subdivision (c), and Sections 65580 – 65589;
Statutes 1980, Chapter 1143 (Assem. Bill No. 2853)

Board of Control Decision Nos. 3759, 3760 and 3916

Regional Housing Needs Determination (04-RL-3759-02, 04-RL-3760-03, and
04-RL-3916-04)

Reconsideration and Proposed Set Aside of Parameters and Guidelines Directed by
Statutes 2004, Chapter 227, Sections 109 and 110
(Sen. Bill No. 1102)

EXECUTIVE SUMMARY

In 1981, the Board of Control determined that the *Regional Housing Needs Determination* program (Stats. 1980, ch. 1143) imposed a reimbursable mandate on cities and counties for activities related to housing elements that they are required to adopt as part of their general plans. The Board of Control adopted parameters and guidelines in 1982 to establish the reimbursable activities for this program.

Statutes 2004, chapter 227 (Sen. Bill No. 1102, effective Aug. 16, 2004) directed the Commission on State Mandates (Commission) to reconsider the Board of Control's 1981 final decision and, if necessary, revise the parameters and guidelines of the *Regional Housing Needs* program.

The Commission reconsidered this program during a regularly scheduled hearing on March 30, 2005. The Commission found that the test claim legislation (Stats. 1980, ch. 1143) does not impose "costs mandated by the state" on cities and counties within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556, subdivision (d) because the cities and counties have fee authority to cover the cost of the *Regional Housing Needs* program. Therefore, under the Commission's decision and Senate Bill No. 1102, the parameters and guidelines for this program should be set aside.

Staff Recommendation

Staff recommends the Commission adopt the proposed Order to Set Aside the Parameters and Guidelines for the *Regional Housing Needs Determination* program, effective July 1, 2004.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Statutes 1980, Chapter 1143

Claim Nos. 3759, 3760 and 3916

Directed by Statutes 2004, Chapter 227,
Sections 109-110 (Sen. Bill No. 1102),

Effective August 16, 2004.

Nos. 04-RL-3759-02, 04-RL-3760-03, and
04-RL-3916-04

Regional Housing Needs Determination

**ORDER TO SET ASIDE PARAMETERS
AND GUIDELINES**

(Proposed on May 26, 2005)

ORDER TO SET ASIDE PARAMETERS AND GUIDELINES

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In accordance with the Commission's decision and Senate Bill No. 1102, the Commission hereby sets aside the attached applicable parameters and guidelines, effective July 1, 2004.