

ITEM 16

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 No. 3929

Regional Housing Needs Determination: Councils of Governments
(04-RL-3929-05)

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 councils of governments (COGs) for the regional housing needs assessments that they perform for cities and counties within their regions. The Board of Control adopted parameters and guidelines in 1981 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 COGs within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556, subdivision (d) because (1) COGs are not eligible claimants for purposes of mandate reimbursement under article XIII B, section 6; and (2) the test claim legislation does not impose "costs mandated by the state" on COGs within the meaning of article XIII B, section 6 and Government Code section 17556 because of the COGs' fee authority provided in Government Code section 65584.1. 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 No. 3929.

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

Effective August 16, 2004.

No. 04-RL-3929-05

*Regional Housing Needs Determination:
Councils of Governments*

ORDER TO SET ASIDE PARAMETERS
AND GUIDELINES

(Proposed on May 26, 2005)

ORDER TO SET ASIDE PARAMETERS AND GUIDELINES

In 1981, the Board of Control determined that the *Regional Housing Needs Determination* program (Stats. 1980, ch. 1143) imposed a reimbursable mandate on councils of governments (COGs) for the regional housing needs assessments that they perform for cities and counties within their regions. The Board of Control adopted parameters and guidelines in 1981 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 COGs within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556, subdivision (d) because (1) COGs are not eligible claimants for purposes of mandate reimbursement under article XIII B, section 6; and (2) the test claim legislation does not impose "costs mandated by the state" on COGs within the meaning of article XIII B, section 6 and Government Code section 17556 because of the COGs' fee authority provided in Government Code section 65584.1.

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.