

AMENDED IN ASSEMBLY APRIL 29, 2024

AMENDED IN SENATE MARCH 22, 2023

SENATE BILL

No. 721

Introduced by Senator Becker

February 16, 2023

An act to ~~add and repeal Section 11546.47~~ amend Section 65400 of the Government Code, relating to ~~artificial intelligence~~ land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 721, as amended, Becker. ~~California Interagency AI Working Group~~.—General plan: annual report: suite-style student housing quarters.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development of the city or county that includes, among other elements, a housing element. That law requires the housing element to include, among other things, an identification and analysis of existing and projected housing needs. That law requires the city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of units of housing demolished and new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy.

This bill would additionally require the city or county to include in the annual report the number of suite-style student housing quarters, as determined by the department. By requiring a city or county to include additional information in the annual report, the bill would impose a state-mandated local program.

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.

~~Existing law requires the Secretary of Government Operations to develop a coordinated plan to, among other things, investigate the feasibility of, and obstacles to, developing standards and technologies for state departments for determining digital content provenance, as defined. Existing law requires, for the purpose of informing that coordinated plan, the secretary to evaluate, among other things, the impact of the proliferation of deepfakes, defined to mean audio or visual content that has been generated or manipulated by artificial intelligence that would falsely appear to be authentic or truthful and that features depictions of people appearing to say or do things they did not say or do without their consent, on state government, California-based businesses, and residents of the state.~~

~~This bill would, until January 1, 2030, create the California Interagency AI Working Group to deliver a report to the Legislature, as prescribed, regarding artificial intelligence. The bill would require the working group members to be Californians with expertise in at least 2 of certain areas, including computer science, artificial intelligence, and data privacy. The bill would require the report to the Legislature to include, among other things, a recommendation of a definition of artificial intelligence as it pertains to its use in technology for use in legislation.~~

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

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

- 1 *SECTION 1. Section 65400 of the Government Code is*
- 2 *amended to read:*
- 3 65400. (a) After the legislative body has adopted all or part
- 4 of a general plan, the planning agency shall do both of the
- 5 following:
- 6 (1) Investigate and make recommendations to the legislative
- 7 body regarding reasonable and practical means for implementing
- 8 the general plan or element of the general plan so that it will serve
- 9 as an effective guide for orderly growth and development,
- 10 preservation and conservation of open-space land and natural

resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) (i) The progress in meeting its share of regional housing needs determined pursuant to Section 65584, including the need for extremely low income households, as determined pursuant to paragraph (1) of subdivision (a) of Section 65583, and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

(ii) The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. The report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

(iii) The report may include the number of units that have been completed pursuant to subdivision (c) of Section 65583.1. For purposes of this paragraph, committed assistance may be executed throughout the planning period, and the program under paragraph (1) of subdivision (c) of Section 65583.1 shall not be required. The report shall document how the units meet the standards set forth in that subdivision.

(iv) The planning agency shall include the number of units in a student housing development for lower income students for which the developer of the student housing development was granted a

1 density bonus pursuant to subparagraph (F) of paragraph (1) of
2 subdivision (b) of Section 65915.

3 (C) The number of housing development applications received
4 in the prior year, including whether each housing development
5 application is subject to a ministerial or discretionary approval
6 process.

7 (D) The number of units included in all development
8 applications in the prior year.

9 (E) The number of units approved and disapproved in the prior
10 year.

11 (F) The degree to which its approved general plan complies
12 with the guidelines developed and adopted pursuant to Section
13 65040.2 and the date of the last revision to the general plan.

14 (G) A listing of sites rezoned to accommodate that portion of
15 the city's or county's share of the regional housing need for each
16 income level that could not be accommodated on sites identified
17 in the inventory required by paragraph (1) of subdivision (c) of
18 Section 65583 and Section 65584.09. The listing of sites shall also
19 include any additional sites that may have been required to be
20 identified by Section 65863.

21 (H) (i) ~~The number of units of housing demolished and new~~
22 ~~units of housing, including both rental housing and for-sale housing~~
23 ~~and any units that the County of Napa or the City of Napa may~~
24 ~~report pursuant to an agreement entered into pursuant to Section~~
25 ~~65584.08, that have been issued a completed entitlement, a building~~
26 ~~permit, or a certificate of occupancy, housing thus far in the~~
27 ~~housing element cycle, and the income category, by area median~~
28 ~~income category, that each unit of housing satisfies. That~~
29 ~~production report shall do the following: satisfies, including all of~~
30 ~~the following:~~

31 *(I) Rental housing and for-sale housing units that have been*
32 *issued a completed entitlement, a building permit, or a certificate*
33 *of occupancy.*

34 *(II) Any units that the County of Napa or the City of Napa may*
35 *report pursuant to an agreement entered into pursuant to Section*
36 *65584.08 that have been issued a completed entitlement, a building*
37 *permit, or a certificate of occupancy.*

38 *(III) Suite-style student housing quarters, as determined by the*
39 *department.*

40 (H)

1 (ii) For each income category described in this subparagraph,
2 distinguish between the number of rental housing units and the
3 number of for-sale units that satisfy each income category.

4 (H)

5 (iii) For each entitlement, building permit, or certificate of
6 occupancy, *the production report shall* include a unique site
7 identifier that must include the assessor's parcel number, but may
8 also include street address, or other identifiers.

9 (ii)

10 (iv) For the County of Napa and the City of Napa, the production
11 report may report units identified in the agreement entered into
12 pursuant to Section 65584.08.

13 (I) The number of applications submitted pursuant to subdivision
14 (a) of Section 65913.4, the location and the total number of
15 developments approved pursuant to subdivision (c) of Section
16 65913.4, the total number of building permits issued pursuant to
17 subdivision (c) of Section 65913.4, the total number of units
18 including both rental housing and for-sale housing by area median
19 income category constructed using the process provided for in
20 subdivision (c) of Section 65913.4.

21 (J) If the city or county has received funding pursuant to the
22 Local Government Planning Support Grants Program (Chapter 3.1
23 (commencing with Section 50515) of Part 2 of Division 31 of the
24 Health and Safety Code), the information required pursuant to
25 subdivision (a) of Section 50515.04 of the Health and Safety Code.

26 (K) The progress of the city or county in adopting or amending
27 its general plan or local open-space element in compliance with
28 its obligations to consult with California Native American tribes,
29 and to identify and protect, preserve, and mitigate impacts to
30 places, features, and objects described in Sections 5097.9 and
31 5097.993 of the Public Resources Code, pursuant to Chapter 905
32 of the Statutes of 2004.

33 (L) The following information with respect to density bonuses
34 granted in accordance with Section 65915:

35 (i) The number of density bonus applications received by the
36 city or county.

37 (ii) The number of density bonus applications approved by the
38 city or county.

39 (iii) Data from all projects approved to receive a density bonus
40 from the city or county, including, but not limited to, the percentage

1 of density bonus received, the percentage of affordable units in
2 the project, the number of other incentives or concessions granted
3 to the project, and any waiver or reduction of parking standards
4 for the project.

5 (M) The following information with respect to each application
6 submitted pursuant to Chapter 4.1 (commencing with Section
7 65912.100):

8 (i) The location of the project.

9 (ii) The status of the project, including whether it has been
10 entitled, whether a building permit has been issued, and whether
11 or not it has been completed.

12 (iii) The number of units in the project.

13 (iv) The number of units in the project that are rental housing.

14 (v) The number of units in the project that are for-sale housing.

15 (vi) The household income category of the units, as determined
16 pursuant to subdivision (f) of Section 65584.

17 (b) (1) (A) The department may request corrections to the
18 housing element portion of an annual report submitted pursuant
19 to paragraph (2) of subdivision (a) within 90 days of receipt. A
20 planning agency shall make the requested corrections within 30
21 days after which the department may reject the report if the report
22 is not in substantial compliance with the requirements of that
23 paragraph.

24 (B) If the department rejects the housing element portion of an
25 annual report as authorized by subparagraph (A), the department
26 shall provide the reasons the report is inconsistent with paragraph
27 (2) of subdivision (a) to the planning agency in writing.

28 (2) If a court finds, upon a motion to that effect, that a city,
29 county, or city and county failed to submit, within 60 days of the
30 deadline established in this section, the housing element portion
31 of the report required pursuant to subparagraph (B) of paragraph
32 (2) of subdivision (a) that substantially complies with the
33 requirements of this section, the court shall issue an order or
34 judgment compelling compliance with this section within 60 days.
35 If the city, county, or city and county fails to comply with the
36 court's order within 60 days, the plaintiff or petitioner may move
37 for sanctions, and the court may, upon that motion, grant
38 appropriate sanctions. The court shall retain jurisdiction to ensure
39 that its order or judgment is carried out. If the court determines
40 that its order or judgment is not carried out within 60 days, the

1 court may issue further orders as provided by law to ensure that
2 the purposes and policies of this section are fulfilled. This
3 subdivision applies to proceedings initiated on or after the first
4 day of October following the adoption of forms and definitions by
5 the Department of Housing and Community Development pursuant
6 to paragraph (2) of subdivision (a), but no sooner than six months
7 following that adoption.

8 (c) The Department of Housing and Community Development
9 shall post a report submitted pursuant to this section on its internet
10 website within a reasonable time of receiving the report.

11 *SEC. 2. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *a local agency or school district has the authority to levy service*
14 *charges, fees, or assessments sufficient to pay for the program or*
15 *level of service mandated by this act, within the meaning of Section*
16 *17556 of the Government Code.*

17 ~~SECTION 1. Section 11546.47 is added to the Government~~
18 ~~Code, to read:~~

19 ~~11546.47. (a) The California Interagency AI Working Group~~
20 ~~is hereby created to deliver a report to the Legislature, pursuant to~~
21 ~~subdivision (e), regarding artificial intelligence.~~

22 ~~(b) Working group members shall be Californians with expertise~~
23 ~~in at least two of the following areas:~~

24 ~~(1) Computer science.~~

25 ~~(2) Artificial intelligence.~~

26 ~~(3) The technology industry.~~

27 ~~(4) Workforce development.~~

28 ~~(5) Data privacy.~~

29 ~~(c) (1) The working group shall be chaired by the Director of~~
30 ~~Technology.~~

31 ~~(2) The working group shall select a vice chair from among its~~
32 ~~members and shall consist of the following 10 members:~~

33 ~~(A) Two appointees by the Governor.~~

34 ~~(B) Two appointees by the President Pro Tempore of the Senate.~~

35 ~~(C) Two appointees by the Speaker of the Assembly.~~

36 ~~(D) Two appointees by the Attorney General.~~

37 ~~(E) One appointee by the California Privacy Protection Agency.~~

38 ~~(F) One appointee by the Department of Technology.~~

39 ~~(d) The working group shall take input from a broad range of~~
40 ~~stakeholders, including from academia, consumer advocacy groups,~~

1 and small, medium, and large businesses affected by artificial
2 intelligence policies, and shall do all of the following:

3 (1) ~~Recommend a definition of artificial intelligence as it~~
4 ~~pertains to its use in technology for use in legislation.~~

5 (2) ~~Study the implications of the usage of artificial intelligence~~
6 ~~for data collection to inform testing and evaluation, verification~~
7 ~~and validation of artificial intelligence to ensure that artificial~~
8 ~~intelligence will perform as intended, including when interacting~~
9 ~~with humans and other systems, develop common metrics to assess~~
10 ~~trustworthiness that artificial intelligence systems will perform as~~
11 ~~intended, and minimize performance problems and unanticipated~~
12 ~~outcomes.~~

13 (3) ~~Determine proactive steps to prevent artificial~~
14 ~~intelligence-assisted misinformation campaigns and unnecessary~~
15 ~~exposure for children to the potentially harmful effects of artificial~~
16 ~~intelligence.~~

17 (4) ~~Determine the relevant agencies to develop and oversee~~
18 ~~artificial intelligence policy and implementation of that policy.~~

19 (5) ~~Determine how the working group and the Department of~~
20 ~~Justice can leverage the substantial and growing expertise of the~~
21 ~~California Privacy Protection Agency in the long-term development~~
22 ~~of data privacy policies that affect the privacy, rights, and the use~~
23 ~~of artificial intelligence online.~~

24 (e) ~~On or before January 1, 2025, and every two years thereafter,~~
25 ~~the working group shall submit, pursuant to Section 9795, a report~~
26 ~~to the Legislature regarding the items described in subdivision (d).~~

27 (f) ~~The members of the working group shall serve without~~
28 ~~compensation but shall be reimbursed for all necessary expenses~~
29 ~~actually incurred in the performance of their duties.~~

30 (g) ~~As used in this section, “working group” means the~~
31 ~~California Interagency AI Working Group created by this section.~~

32 (h) ~~This section shall remain in effect until January 1, 2030, and~~
33 ~~as of that date is repealed.~~