

AMENDED IN ASSEMBLY APRIL 3, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2238**

**Introduced by Assembly Member Aguiar-Curry**

February 13, 2018

An act to amend ~~Section 56668~~ *Sections 56668, 65584.01, 65584.04, and 66474.02* of the Government Code, and to amend *Section 101080 of the Health and Safety Code*, relating to ~~local agency formation: local hazard management.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, as amended, Aguiar-Curry. ~~Change of organization or reorganization: local agency formation commission review: hazard mitigation plan: safety element.~~ *Local agency formation: regional housing need allocation: fire hazards: local health emergencies: hazardous and medical waste.*

~~Existing~~

(1) *Existing* law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts. The act specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, the proposal's consistency with city or county general and specific plans.

This bill would additionally require the commission to consider ~~any relevant hazard mitigation plan or safety element of a general plan, and the extent to which the proposal will affect any land identified as a very high fire hazard severity zone or land determined to be in a state~~

~~responsibility area, as provided.~~ information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area if it is determined that such information is relevant to the area that is the subject of the proposal. By adding to the duties of local agency formation commissions in reviewing a change of organization or reorganization, this bill would impose a state-mandated local program.

(2) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and certain land outside its boundaries, that includes, among other specified mandatory elements, a housing element. That law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as provided, and requires the appropriate council of governments or for cities and counties without a council of governments, the department, to adopt a final regional housing need plan allocating a share of the regional housing need to each city, county, or city and county. Existing law requires the department to meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs and requires the council of governments to provide data assumptions, including specified information regarding housing availability within the region.

This bill would require that the information provided by the council of governments include the loss of units during a state of emergency, as defined, declared by the Governor pursuant to the California Emergency Services Act that have not been rebuilt or replaced at the time of the data request.

Existing law requires the council of governments, or delegate subregion as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or subregion, as applicable, that is consistent with specified objectives. Existing law, to the extent that sufficient data is available as provided, requires each council of governments, or delegate subregion as applicable, to include specified factors to develop the methodology that allocates regional housing needs.

*This bill would require that these factors include the loss of units during a state of emergency, as defined, declared by the Governor pursuant to the California Emergency Services Act that have yet to be rebuilt or replaced at the time of the analysis.*

*By adding to the duties of councils of governments and delegate subregions in determining the regional housing need allocation, this bill would impose a state-mandated local program.*

*(3) Existing law, the Subdivision Map Act, requires, among other things, that the legislative body of a county make 3 specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined, except as provided. Existing law requires that one of these findings be that the design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with specified regulations by the State Board of Forestry and Fire Protection establishing certain minimum fire safety standards applicable to state responsibility area lands and implementing specified fire safety standards applicable to specified lands.*

*This bill would instead require that this finding be that the subdivision is consistent with the board's regulations, but would delete the requirement that the subdivision be consistent with the above-described regulations relating to fire safety standards applicable to state responsibility area lands. The bill, upon approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone would require a legislative body of a county to transmit a copy of these findings and accompanying maps to the State Board of Forestry and Fire Protection. By adding to the duties of counties in approving tentative maps and parcel maps, this bill would impose a state-mandated local program.*

*(4) Under existing law, whenever a release, spill, escape, or entry of waste occurs, as specified, and the Director of Health Care Services or the local health officer makes specified determinations as to that waste, the director is authorized to declare a health emergency and the local health officer is authorized to declare a local health emergency in the jurisdiction or any area thereof affected by the threat to the public health. Existing law prohibits a local health emergency declared by a local health officer in excess of 7 days unless the board of supervisors or city council, as applicable, ratifies the local health emergency. Existing law requires the board of supervisors or city council, as*

*applicable, to review the need for continuing the local health emergency at least every 14 days and requires the board of supervisors or city council to terminate the local health emergency at the earliest possible date that conditions warrant.*

*This bill would extend the periodic review of a local health emergency by a board of supervisors or city council from every 14 days to every 30 days.*

**The**

(5) *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.*

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

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

1 SECTION 1. Section 56668 of the Government Code is  
2 amended to read:

3 56668. Factors to be considered in the review of a proposal  
4 shall include, but not be limited to, all of the following:

5 (a) Population and population density; land area and land use;  
6 per capita assessed valuation; topography, natural boundaries, and  
7 drainage basins; proximity to other populated areas; the likelihood  
8 of significant growth in the area, and in adjacent incorporated and  
9 unincorporated areas, during the next 10 years.

10 (b) ~~(1)~~—The need for organized community services; the present  
11 cost and adequacy of governmental services and controls in the  
12 area; probable future needs for those services and controls; probable  
13 effect of the proposed incorporation, formation, annexation, or  
14 exclusion and of alternative courses of action on the cost and  
15 adequacy of services and controls in the area and adjacent areas.

16 ~~(2)~~—“Services,”

17 “Services,” as used in this subdivision, refers to governmental  
18 services whether or not the services are services which would be  
19 provided by local agencies subject to this division, and includes  
20 the public facilities necessary to provide those services.

- 1 (c) The effect of the proposed action and of alternative actions,  
2 on adjacent areas, on mutual social and economic interests, and  
3 on the local governmental structure of the county.
- 4 (d) The conformity of both the proposal and its anticipated  
5 effects with both the adopted commission policies on providing  
6 planned, orderly, efficient patterns of urban development, and the  
7 policies and priorities in Section 56377.
- 8 (e) The effect of the proposal on maintaining the physical and  
9 economic integrity of agricultural lands, as defined by Section  
10 56016.
- 11 (f) The definiteness and certainty of the boundaries of the  
12 territory, the nonconformance of proposed boundaries with lines  
13 of assessment or ownership, the creation of islands or corridors of  
14 unincorporated territory, and other similar matters affecting the  
15 proposed boundaries.
- 16 (g) A regional transportation plan adopted pursuant to Section  
17 65080.
- 18 (h) The proposal's consistency with city or county general and  
19 specific plans.
- 20 (i) The sphere of influence of any local agency which may be  
21 applicable to the proposal being reviewed.
- 22 (j) The comments of any affected local agency or other public  
23 agency.
- 24 (k) The ability of the newly formed or receiving entity to provide  
25 the services which are the subject of the application to the area,  
26 including the sufficiency of revenues for those services following  
27 the proposed boundary change.
- 28 (l) Timely availability of water supplies adequate for projected  
29 needs as specified in Section 65352.5.
- 30 (m) The extent to which the proposal will affect a city or cities  
31 and the county in achieving their respective fair shares of the  
32 regional housing needs as determined by the appropriate council  
33 of governments consistent with Article 10.6 (commencing with  
34 Section 65580) of Chapter 3 of Division 1 of Title 7.
- 35 (n) Any information or comments from the landowner or owners,  
36 voters, or residents of the affected territory.
- 37 (o) Any information relating to existing land use designations.
- 38 (p) The extent to which the proposal will promote environmental  
39 justice. As used in this subdivision, "environmental justice" means  
40 the fair treatment of people of all races, cultures, and incomes with

1 respect to the location of public facilities and the provision of  
2 public services.

3 ~~(q) Any relevant hazard mitigation plan or safety element of a~~  
4 ~~general plan, and the extent to which the proposal will affect any~~  
5 ~~land identified as a very high fire hazard severity zone pursuant~~  
6 ~~to Section 51178 of this code or land determined to be in a state~~  
7 ~~responsibility area pursuant to Section 4102 of the Public~~  
8 ~~Resources Code.~~

9 *(q) Information contained in a local hazard mitigation plan,*  
10 *information contained in a safety element of a general plan, and*  
11 *any maps that identify land as a very high fire hazard zone*  
12 *pursuant to Section 51178 or maps that identify land determined*  
13 *to be in a state responsibility area pursuant to Section 4102 of the*  
14 *Public Resources Code, if it is determined that such information*  
15 *is relevant to the area that is the subject of the proposal.*

16 *SEC. 2. Section 65584.01 of the Government Code is amended*  
17 *to read:*

18 65584.01. For the fourth and subsequent revision of the housing  
19 element pursuant to Section 65588, the department, in consultation  
20 with each council of governments, where applicable, shall  
21 determine the existing and projected need for housing for each  
22 region in the following manner:

23 (a) The department's determination shall be based upon  
24 population projections produced by the Department of Finance  
25 and regional population forecasts used in preparing regional  
26 transportation plans, in consultation with each council of  
27 governments. If the total regional population forecast for the  
28 projection year, developed by the council of governments and used  
29 for the preparation of the regional transportation plan, is within a  
30 range of 1.5 percent of the total regional population forecast for  
31 the projection year by the Department of Finance, then the  
32 population forecast developed by the council of governments shall  
33 be the basis from which the department determines the existing  
34 and projected need for housing in the region. If the difference  
35 between the total population projected by the council of  
36 governments and the total population projected for the region by  
37 the Department of Finance is greater than 1.5 percent, then the  
38 department and the council of governments shall meet to discuss  
39 variances in methodology used for population projections and seek  
40 agreement on a population projection for the region to be used as

1 a basis for determining the existing and projected housing need  
2 for the region. If no agreement is reached, then the population  
3 projection for the region shall be the population projection for the  
4 region prepared by the Department of Finance as may be modified  
5 by the department as a result of discussions with the council of  
6 governments.

7 (b) (1) At least 26 months prior to the scheduled revision  
8 pursuant to Section 65588 and prior to developing the existing and  
9 projected housing need for a region, the department shall meet and  
10 consult with the council of governments regarding the assumptions  
11 and methodology to be used by the department to determine the  
12 region's housing needs. The council of governments shall provide  
13 data assumptions from the council's projections, including, if  
14 available, the following data for the region:

15 (A) Anticipated household growth associated with projected  
16 population increases.

17 (B) Household size data and trends in household size.

18 (C) The percentage of renters' households that are overcrowded.  
19 For purposes of this subparagraph, the term "overcrowded" means  
20 more than one resident per room in each room in a dwelling.

21 (D) The rate of household formation, or headship rates, based  
22 on age, gender, ethnicity, or other established demographic  
23 measures.

24 (E) The vacancy rates in existing housing stock, and the vacancy  
25 rates for healthy housing market functioning and regional mobility,  
26 as well as housing replacement needs.

27 (F) Other characteristics of the composition of the projected  
28 population.

29 (G) The relationship between jobs and housing, including any  
30 imbalance between jobs and housing.

31 (H) *The loss of units during a state of emergency, as defined in*  
32 *subdivision (b) of Section 8558, declared by the Governor pursuant*  
33 *to the California Emergency Services Act (Chapter 7 (commencing*  
34 *with Section 8550) of Division 1 of Title 2) that have not been*  
35 *rebuilt or replaced at the time of the data request.*

36 (2) The department may accept or reject the information  
37 provided by the council of governments or modify its own  
38 assumptions or methodology based on this information. After  
39 consultation with the council of governments, the department shall  
40 make determinations in writing on the assumptions for each of the

1 factors listed in subparagraphs (A) to (G), inclusive, of paragraph  
2 (1) and the methodology it shall use and shall provide these  
3 determinations to the council of governments.

4 (c) (1) After consultation with the council of governments, the  
5 department shall make a determination of the region's existing  
6 and projected housing need based upon the assumptions and  
7 methodology determined pursuant to subdivision (b). The region's  
8 existing and projected housing need shall reflect the achievement  
9 of a feasible balance between jobs and housing within the region  
10 using the regional employment projections in the applicable  
11 regional transportation plan. Within 30 days following notice of  
12 the determination from the department, the council of governments  
13 may file an objection to the department's determination of the  
14 region's existing and projected housing need with the department.

15 (2) The objection shall be based on and substantiate either of  
16 the following:

17 (A) The department failed to base its determination on the  
18 population projection for the region established pursuant to  
19 subdivision (a), and shall identify the population projection which  
20 the council of governments believes should instead be used for the  
21 determination and explain the basis for its rationale.

22 (B) The regional housing need determined by the department  
23 is not a reasonable application of the methodology and assumptions  
24 determined pursuant to subdivision (b). The objection shall include  
25 a proposed alternative determination of its regional housing need  
26 based upon the determinations made in subdivision (b), including  
27 analysis of why the proposed alternative would be a more  
28 reasonable application of the methodology and assumptions  
29 determined pursuant to subdivision (b).

30 (3) If a council of governments files an objection pursuant to  
31 this subdivision and includes with the objection a proposed  
32 alternative determination of its regional housing need, it shall also  
33 include documentation of its basis for the alternative determination.  
34 Within 45 days of receiving an objection filed pursuant to this  
35 section, the department shall consider the objection and make a  
36 final written determination of the region's existing and projected  
37 housing need that includes an explanation of the information upon  
38 which the determination was made.

39 *SEC. 3. Section 65584.04 of the Government Code is amended*  
40 *to read:*



1 65584.04. (a) At least two years prior to a scheduled revision  
2 required by Section 65588, each council of governments, or  
3 delegate subregion as applicable, shall develop a proposed  
4 methodology for distributing the existing and projected regional  
5 housing need to cities, counties, and cities and counties within the  
6 region or within the subregion, where applicable pursuant to this  
7 section. The methodology shall be consistent with the objectives  
8 listed in subdivision (d) of Section 65584.

9 (b) (1) No more than six months prior to the development of a  
10 proposed methodology for distributing the existing and projected  
11 housing need, each council of governments shall survey each of  
12 its member jurisdictions to request, at a minimum, information  
13 regarding the factors listed in subdivision (d) that will allow the  
14 development of a methodology based upon the factors established  
15 in subdivision (d).

16 (2) The council of governments shall seek to obtain the  
17 information in a manner and format that is comparable throughout  
18 the region and utilize readily available data to the extent possible.

19 (3) The information provided by a local government pursuant  
20 to this section shall be used, to the extent possible, by the council  
21 of governments, or delegate subregion as applicable, as source  
22 information for the methodology developed pursuant to this section.  
23 The survey shall state that none of the information received may  
24 be used as a basis for reducing the total housing need established  
25 for the region pursuant to Section 65584.01.

26 (4) If the council of governments fails to conduct a survey  
27 pursuant to this subdivision, a city, county, or city and county may  
28 submit information related to the items listed in subdivision (d)  
29 prior to the public comment period provided for in subdivision  
30 (c).

31 (c) Public participation and access shall be required in the  
32 development of the methodology and in the process of drafting  
33 and adoption of the allocation of the regional housing needs.  
34 Participation by organizations other than local jurisdictions and  
35 councils of governments shall be solicited in a diligent effort to  
36 achieve public participation of all economic segments of the  
37 community. The proposed methodology, along with any relevant  
38 underlying data and assumptions, and an explanation of how  
39 information about local government conditions gathered pursuant  
40 to subdivision (b) has been used to develop the proposed

1 methodology, and how each of the factors listed in subdivision (d)  
2 is incorporated into the methodology, shall be distributed to all  
3 cities, counties, any subregions, and members of the public who  
4 have made a written request for the proposed methodology. The  
5 council of governments, or delegate subregion, as applicable, shall  
6 conduct at least one public hearing to receive oral and written  
7 comments on the proposed methodology.

8 (d) To the extent that sufficient data is available from local  
9 governments pursuant to subdivision (b) or other sources, each  
10 council of governments, or delegate subregion as applicable, shall  
11 include the following factors to develop the methodology that  
12 allocates regional housing needs:

13 (1) Each member jurisdiction's existing and projected jobs and  
14 housing relationship.

15 (2) The opportunities and constraints to development of  
16 additional housing in each member jurisdiction, including all of  
17 the following:

18 (A) Lack of capacity for sewer or water service due to federal  
19 or state laws, regulations or regulatory actions, or supply and  
20 distribution decisions made by a sewer or water service provider  
21 other than the local jurisdiction that preclude the jurisdiction from  
22 providing necessary infrastructure for additional development  
23 during the planning period.

24 (B) The availability of land suitable for urban development or  
25 for conversion to residential use, the availability of underutilized  
26 land, and opportunities for infill development and increased  
27 residential densities. The council of governments may not limit  
28 its consideration of suitable housing sites or land suitable for urban  
29 development to existing zoning ordinances and land use restrictions  
30 of a locality, but shall consider the potential for increased  
31 residential development under alternative zoning ordinances and  
32 land use restrictions. The determination of available land suitable  
33 for urban development may exclude lands where the Federal  
34 Emergency Management Agency (FEMA) or the Department of  
35 Water Resources has determined that the flood management  
36 infrastructure designed to protect that land is not adequate to avoid  
37 the risk of flooding.

38 (C) Lands preserved or protected from urban development under  
39 existing federal or state programs, or both, designed to protect

1 open space, farmland, environmental habitats, and natural resources  
2 on a long-term basis.

3 (D) County policies to preserve prime agricultural land, as  
4 defined pursuant to Section 56064, within an unincorporated area.

5 (3) The distribution of household growth assumed for purposes  
6 of a comparable period of regional transportation plans and  
7 opportunities to maximize the use of public transportation and  
8 existing transportation infrastructure.

9 (4) The market demand for housing.

10 (5) Agreements between a county and cities in a county to direct  
11 growth toward incorporated areas of the county.

12 (6) The loss of units contained in assisted housing developments,  
13 as defined in paragraph (9) of subdivision (a) of Section 65583,  
14 that changed to non-low-income use through mortgage prepayment,  
15 subsidy contract expirations, or termination of use restrictions.

16 (7) High-housing cost burdens.

17 (8) The housing needs of farmworkers.

18 (9) The housing needs generated by the presence of a private  
19 university or a campus of the California State University or the  
20 University of California within any member jurisdiction.

21 *(10) The loss of units during a state of emergency, as defined*  
22 *in subdivision (b) of Section 8558, declared by the Governor*  
23 *pursuant to the California Emergency Services Act (Chapter 7*  
24 *commencing with Section 8550) of Division 1 of Title 2) that have*  
25 *yet to be rebuilt or replaced at the time of the analysis.*

26 ~~(10)~~

27 (11) Any other factors adopted by the council of governments.

28 (e) The council of governments, or delegate subregion, as  
29 applicable, shall explain in writing how each of the factors  
30 described in subdivision (d) was incorporated into the methodology  
31 and how the methodology is consistent with subdivision (d) of  
32 Section 65584. The methodology may include numerical weighting.

33 (f) Any ordinance, policy, voter-approved measure, or standard  
34 of a city or county that directly or indirectly limits the number of  
35 residential building permits issued by a city or county shall not be  
36 a justification for a determination or a reduction in the share of a  
37 city or county of the regional housing need.

38 (g) In addition to the factors identified pursuant to subdivision  
39 (d), the council of governments, or delegate subregion, as  
40 applicable, shall identify any existing local, regional, or state

1 incentives, such as a priority for funding or other incentives  
 2 available to those local governments that are willing to accept a  
 3 higher share than proposed in the draft allocation to those local  
 4 governments by the council of governments or delegate subregion  
 5 pursuant to Section 65584.05.

6 (h) Following the conclusion of the 60-day public comment  
 7 period described in subdivision (c) on the proposed allocation  
 8 methodology, and after making any revisions deemed appropriate  
 9 by the council of governments, or delegate subregion, as applicable,  
 10 as a result of comments received during the public comment period,  
 11 each council of governments, or delegate subregion, as applicable,  
 12 shall adopt a final regional, or subregional, housing need allocation  
 13 methodology and provide notice of the adoption of the  
 14 methodology to the jurisdictions within the region, or delegate  
 15 subregion as applicable, and to the department.

16 (i) (1) It is the intent of the Legislature that housing planning  
 17 be coordinated and integrated with the regional transportation plan.  
 18 To achieve this goal, the allocation plan shall allocate housing  
 19 units within the region consistent with the development pattern  
 20 included in the sustainable communities strategy.

21 (2) The final allocation plan shall ensure that the total regional  
 22 housing need, by income category, as determined under Section  
 23 65584, is maintained, and that each jurisdiction in the region  
 24 receive an allocation of units for low- and very low income  
 25 households.

26 (3) The resolution approving the final housing need allocation  
 27 plan shall demonstrate that the plan is consistent with the  
 28 sustainable communities strategy in the regional transportation  
 29 plan.

30 *SEC. 4. Section 66474.02 of the Government Code is amended*  
 31 *to read:*

32 66474.02. (a) (1) Before approving a tentative map, or a parcel  
 33 map for which a tentative map was not required, for an area located  
 34 in a state responsibility area or a very high fire hazard severity  
 35 zone, as both are defined in Section 51177, a legislative body of  
 36 a county shall, except as provided in subdivision (b), make the  
 37 following three findings:

38 (1)

39 (A) A finding supported by substantial evidence in the record  
 40 that the design and location of each lot in the subdivision, and the

1 ~~subdivision as a whole, are~~ *subdivision is* consistent with any  
2 applicable regulations adopted by the State Board of Forestry and  
3 Fire Protection pursuant to ~~Sections 4290 and~~ *Section 4291* of the  
4 Public Resources Code.

5 ~~(2)~~

6 (B) A finding supported by substantial evidence in the record  
7 that structural fire protection and suppression services will be  
8 available for the subdivision through any of the following entities:

9 ~~(A)~~

10 (i) A county, city, special district, political subdivision of the  
11 state, or another entity organized solely to provide fire protection  
12 services that is monitored and funded by a county or other public  
13 entity.

14 ~~(B)~~

15 (ii) The Department of Forestry and Fire Protection by contract  
16 entered into pursuant to Section 4133, 4142, or 4144 of the Public  
17 Resources Code.

18 ~~(3)~~

19 (C) A finding that, to the extent practicable, ingress and egress  
20 for the subdivision ~~meet~~ *meets or exceeds the requirements of* the  
21 regulations regarding road standards for fire equipment access  
22 adopted pursuant to Section 4290 of the Public Resources Code  
23 and any applicable local ordinance.

24 (2) *Upon approving a tentative map, or a parcel map for which*  
25 *a tentative map was not required, for an area located in a state*  
26 *responsibility area or a very high fire hazard severity zone, as*  
27 *both are defined in Section 51177, a legislative body of a county*  
28 *shall transmit a copy of the findings required by this subdivision*  
29 *and accompanying maps to the State Board of Forestry and Fire*  
30 *Protection.*

31 (b) (1) Subdivision (a) does not apply to the approval of a  
32 tentative map, or a parcel map for which a tentative map was not  
33 required, that would subdivide land identified in the open space  
34 element of the general plan for the managed production of  
35 resources, including, but not limited to, forest land, rangeland,  
36 agricultural land, and areas of economic importance for the  
37 production of food or fiber, if the subdivision is consistent with  
38 the open space purpose and if, for the subdivision of land that  
39 would result in parcels that are 40 acres or smaller in size, those  
40 parcels are subject to a binding and recorded restriction prohibiting

1 the development of a habitable, industrial, or commercial building  
2 or structure. All other structures shall comply with defensible space  
3 requirements described in Section 51182 of this code or Section  
4 4291 of the Public Resources Code.

5 (2) Any later approval to remove a binding restriction placed  
6 as a condition of a tentative map, or a parcel map for which a  
7 tentative map was not required, that would allow the development  
8 of a building or structure for a parcel that has previously been  
9 exempted from the requirements of subdivision (a) pursuant to  
10 paragraph (1) of this subdivision shall be subject to the  
11 requirements of subdivision (a).

12 (c) This section does not supersede regulations established by  
13 the State Board of Forestry and Fire Protection or local ordinances  
14 that provide equivalent or more stringent minimum requirements  
15 than those contained within this section.

16 *SEC. 5. Section 101080 of the Health and Safety Code is*  
17 *amended to read:*

18 101080. Whenever a release, spill, escape, or entry of waste  
19 occurs as described in paragraph (2) of subdivision (b) of Section  
20 101075 and the director or the local health officer reasonably  
21 determines that the waste is a hazardous waste or medical waste,  
22 or that it may become a hazardous waste or medical waste because  
23 of a combination or reaction with other substances or materials,  
24 and the director or local health officer reasonably determines that  
25 the release or escape is an immediate threat to the public health,  
26 or whenever there is an imminent and proximate threat of the  
27 introduction of any contagious, infectious, or communicable  
28 disease, chemical agent, noncommunicable biologic agent, toxin,  
29 or radioactive agent, the director may declare a health emergency  
30 and the local health officer may declare a local health emergency  
31 in the jurisdiction or any area thereof affected by the threat to the  
32 public health. Whenever a local health emergency is declared by  
33 a local health officer pursuant to this section, the local health  
34 emergency shall not remain in effect for a period in excess of seven  
35 days unless it has been ratified by the board of supervisors, or city  
36 council, whichever is applicable to the jurisdiction. The board of  
37 supervisors, or city council, if applicable, shall review, at least  
38 every ~~14~~ 30 days until the local health emergency is terminated,  
39 the need for continuing the local health emergency and shall

1 proclaim the termination of the local health emergency at the  
2 earliest possible date that conditions warrant the termination.

3 ~~SEC. 2.~~

4 *SEC. 6.* No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.

O