STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

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MEMORANDUM

DATE: August 24, 2012

TO: Planning Directors & Interested Parties

FROM: Glen A. Campora, Assistant Deputy Director
Division of Housing Policy Development

SUBJECT: **Recent Housing Element Legislation Amending Alternative Adequate Sites**

The Alternative Adequate Sites Statute (Government Code 65583.1 (c)) provides flexibility to local government by allowing up to 25 percent of the adequate sites requirements to be met by making available affordable units through rehabilitation, conversion, and/or preservation. This memorandum describes recent legislation amending the alternative adequate sites sections of State housing element law:

- AB 720 (Caballero) - Chapter 467, Statutes of 2009: Expands the timeline for a local government to provide committed assistance for the rehabilitation, conversion or preservation of affordable housing units.

- AB 1867 (Harkey) - Chapter 367, Statutes of 2010: Allows multifamily "ownership" housing converted to rental housing affordable to lower income households by acquisition or the purchase of affordability covenants to qualify towards meeting the alternative adequate sites requirement. Also reduces the required number of units in a complex to qualify for this section from four to three units.

- AB 1103 (Huffman) - Chapter 210, Statutes of 2011: Allows, under specific conditions, foreclosed properties converted to housing affordable to lower income households by acquisition or the purchase of affordability covenants to qualify under the alternative adequate sites requirement.

Description of Amendments and Guidance

The housing element is required to provide a land inventory identifying sufficient adequate sites suitable for residential development to accommodate the regional housing need allocation (RHNA). Pursuant to Government Code Section 65583.1(c)(1), local governments can meet up to 25 percent of the site requirement by providing "committed assistance" to make existing units affordable through rehabilitation, conversion, and/or preservation. "Committed assistance" is defined as a legally

enforceable agreement which obligates sufficient available funds to provide the assistance necessary to make identified units affordable and available for occupancy within two years of the execution of the agreement.

Timeline to Provide Committed Assistance

Prior to AB 720 (2009, Chapter 467), a local government was limited to entering into a legally enforceable agreement providing committed assistance during the first two years of the housing element planning period. The law was amended to expand the allowable time period by which the local government must enter into a legally enforceable agreement to span the time period from the beginning of the RHNA projection period through the end of the second year of the housing element planning period. Amendments included defining the "projection period" as the time period for which the RHNA is calculated. For example, for local governments within the Sacramento Area Council of Governments (SACOG), the RHNA projection period begins January 1, 2013, with housing element updates due October 31, 2013. Using this example, the period to enter into a legally enforceable agreement for committed assistance would commence on January 1, 2013 and extend until October 31, 2015. A copy of the housing element schedule with the projection and planning periods can be found at *http://www.hcd.ca.gov/hpd/hrc/plan/he/he_time.htm*.

Conversion of Existing Housing Stock

Prior to AB 1867 (2010, Chapter 367), only multifamily *rental* housing complexes with *four* or more units converted by acquisition or the purchase of affordability covenants were eligible under the conversion provisions of the Adequate Sites Alternative. Chapter 367 amended the statute to provide more flexibility by reducing the minimum housing complex size to three units and allowing ownership multifamily units converted to rental housing to qualify.

To convert existing multifamily *ownership* units, the housing element must demonstrate that for each ownership unit converted to an affordable unit and counted under the Alternative Adequate Sites, a new multifamily rental unit affordable to lower-income households will be constructed within the planning period of the housing element. For example, for a community to count the conversion of 10 multifamily ownership units to units affordable to lower income households, the element must demonstrate that at least 10 new multifamily rental units will be produced within the planning period of the housing element. The element could describe the number of multifamily units that will be constructed within the planning period of the housing element to be affordable to lower-income households, the date new construction was or is anticipated to be completed, and include a description of the RHNA credit methodology used to determine affordability based on actual rent levels or other mechanisms (i.e., financing). The jurisdiction could also include certificates of occupancy to satisfy this requirement. The number of units affordable to low- and very low-income households which have been constructed must meet or exceed the number of converted ownership units credited against particular RHNA income categories.

AB 1103 (2011, Chapter 210) allows foreclosed properties converted by acquisition or the purchase of affordability covenants to qualify towards meeting a local government's share of the RHNA under the conversion provisions for multifamily units pursuant to Government Code 65583.1(c)(1)(B). The element must demonstrate these units meet the same requirements as converted multifamily rental units. After January 1, 2015, in order for foreclosed properties to qualify, the same multifamily rental production requirements enacted by AB 1867 (2010, Chapter 367), must be followed.

Other Amendments

Government Code Section 65400: AB 720 also amended the requirements of the *Housing Element Annual Progress Report (APR)* to allow reporting of units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved consistent with the standards set by Government Section 65583.1(c). These units can be reported in Table A2 of the APR forms and the report should document how the units meet the alternative adequate sites requirements.

Government Code Section 65583(a)(8): AB 720 further amended the requirement for an analysis of opportunities for energy conservation with respect to residential development in the housing element to encourage the use of weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. Sample housing element programs and information to address energy conservation and climate change objectives is available on the Department's website at *http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php* and *http://www.hcd.ca.gov/hpd/HE_PoliciesProgramsAddressingClimateChange.pdf*.

Further Guidance

The amended statutory language is enclosed as Attachment 1. A checklist to assist in determining whether the provisions of Government Code Section 65583.1(c) can be used to address the adequate sites statue is enclosed as Attachment 2 (*Government Code Section 65583.1(c) Checklist*).

For more information on the Adequate Sites Alternative, see the Department's *Building Blocks'* website at *http://www.hcd.ca.gov/hpd/housing_element2/SIA_adequsites.php*. Copies of published bills from the 2009, 2010, 2011 sessions can be obtained from the Legislature's website at *http://www.leginfo.ca.gov/bilinfo.html* or Legislative Bill Room at (916) 445-2323. If you have any questions or would like additional information or technical assistance, please contact Melinda Coy of our staff, at (916) 445-5307.

ATTACHMENT 1

Changes to State Housing Element Law

AB 720 (Chapter 467, Statutes of 2009)
AB 1867 (Chapter 367, Statutes of 2010)
AB 1103 (Chapter 210, Statutes of 2011)

Changes to State Housing Element Law

AB 720 (Chapter 467, Statutes of 2009)
AB 1867 (Chapter 367, Statutes of 2010)
AB 1103 (Chapter 210, Statutes of 2011)

(Excerpts, changes indicated in bold and underlines)

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:
(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, 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) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 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.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

Prior to 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.

That 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.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.
(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

65582. (a-g) *Omitted – No changes have been made to these subsections.*
(h) "Planning period" means the time period between the due date for one housing element and the due date for the next housing element.
(i) "Projection period" means the time period for which the regional housing need is calculated.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of

housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
(1-7) *Omitted – Chapters 467 and 367 did not have major changes to these subsections.*
(8) An analysis of opportunities for energy conservation with respect to residential development. **Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.**

(9) *Omitted – No changes have been made to these subsections.*

(b-h) *Omitted – No changes have been made to these subsections*

65583.1. (a-b) *Omitted – No changes have been made to these subsections*

(c)(1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(c)(1)(A) Omitted – No changes have been made to these subsections

(c)(1)(B) Units that are located **either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units,** are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:
(i) The unit is made available for rent at a cost affordable to low- or very low income households.
(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:
(I) Low-income households, if the unit will be made affordable to low-income households.
(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.
(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.
(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(c)(1)(C) *Omitted – No changes have been made to these subsections.*

(c)(2-3) *Omitted – No changes have been made to these subsections.*

(c)(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement **during the period from the beginning of the projection period until the end of the second year of the planning period** that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5-6) *Omitted – No changes have been made to these subsections.*

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units

pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

ATTACHMENT 2

Government Code Section 65583.1(c) Checklist

GENERAL REQUIREMENTS

Note: The following checklist is intended to assist in the determination of project eligibility to utilize the alternate adequate sites provisions in Government Code Section 65583.1(c). To qualify a jurisdiction should answer "yes" to all of the general requirements questions listed below.

Please be aware, all information <u>must be provided in the housing element</u> to demonstrate compliance.

		HE Page #
65583.1(c)(4) Is the local government providing, or will it provide "committed assistance" during the period of time from the beginning of the RHNA projection period to the end of the first 2 years of the housing element planning period? See the definition of "committed assistance" at the end of the checklist.	☐ Yes ☐ No	
65583.1(c)(1)(A) Has the local government identified the specific source of "committed assistance" funds? If yes: specify the amount and date when funds will be dedicated through a (legally enforceable agreement). $: _____ Date: _____	☐ Yes ☐ No	
65583.1(c)(3) Has at least some portion of the regional share housing need for very low-income (VL) or low-income (L) households been met in the current or previous planning period? Specify the number of affordable units permitted/constructed in the previous period. Specify the number affordable units permitted/constructed in the current period and document how affordability was established.	☐ Yes ☐ No _____ _____	
65583.1(c)(1)(B) Indicate the total number of units to be assisted with committed assistance funds and specify funding source. Number of units: _____ Funding source: _____		
65583.1(c)(1)(B) Will the funds be sufficient to develop the identified units at affordable costs or rents?	☐ Yes ☐ No	
65583.1(c)(1)(C) Do the identified units meet the substantial rehabilitation, conversion, or preservation requirements as defined? Which option? _____	☐ Yes ☐ No	

SUBSTANTIAL REHABILITATION (65583.1(c)(2)(A))		
Include reference to specific program action in housing element.	Program # _____	HE Page # _____
65583.1(c)(2)(A) Will the rehabilitation result in a net increase in the number of housing units available and affordable to very low- and lower-income households? If so, how many units?	☐ Yes ☐ No # of VLI units: _____ # of LI units: _____	
65583.1(c)(2)(A)(i) (I) Are units at imminent risk of loss to affordable housing stock? *For example, are the units at-risk of being demolished or removed from the housing stock without the necessary rehabilitation?*	☐ Yes ☐ No	
65583.1(c)(2)(A)(i) (II) Is the local government providing relocation assistance consistent with Government code 7260 or Health and Safety Code Section 17975, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?	☐ Yes ☐ No	
65583.1(c)(2)(A)(i) (III) Will tenants have the right to reoccupy units?	☐ Yes ☐ No	
65583.1(c)(2)(A)(i) (IV) Have the units been determined to be unfit for human habitation due the at least four (4) of the following violations (as listed in Health & Safety Code Section 17995.3 (a) through (g))? ☐ Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills. ☐ Serious defects or lack of adequate space and water heating. ☐ Serious rodent, vermin or insect infestation. ☐ Severe deterioration, rendering significant portions of the structure unsafe or unsanitary. ☐ Inadequate numbers of garbage receptacles or service. ☐ Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal. ☐ Inoperable hallway lighting.	☐ Yes ☐ No	
65583.1(c)(2)(A)(ii) Will affordability and occupancy restrictions be maintained for at least 20 years?	☐ Yes ☐ No	
65583.1(c)(2)(A)(iii) Note: Prior to occupancy of the rehabilitated units, the local government must issue a certificate that finds the units comply with all local and State building and health and safety requirements.		

CONVERSION OF MULTIFAMILY RENTAL AND OWNERSHIP UNITS OF 3 OR MORE OR FORECLOSED PROPERTIES FROM NON-AFFORDABLE TO AFFORDABLE (65583.1(c)(2)(B))		
Include reference to specific program action in housing element.	Program # _____	HE Page # _____
65583.1(c)(2)(B) Specify the number of multifamily rental (3 or more units) to be converted. Specify the number multifamily ownership units to be converted. Specify the number of foreclosed properties acquired. Date Acquired? Will these units be for rent?	_____ _____ _____ _____ _____	
65583.1(c)(2)(B)(i) Will the acquired units be made affordable to low- or very low-income households?	☐ Yes ☐ No	
65583.1(c)(2)(B)(ii) For units to be converted to very-low income, were those units affordable to very low-income households at the time they were identified for acquisition? For units to be converted to low-income, were those units affordable to low-income households at the time they were identified for acquisition?	☐ Yes ☐ No ☐ Yes ☐ No	
65583.1(c)(2)(B)(iii) If the acquisition results in the displacement of very low- or low-income households, is the local government providing relocation assistance consistent with Government Code Section 7260, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?	☐ Yes ☐ No	
65583.1(c)(2)(B)(iv) Will units be decent, safe, and sanitary upon occupancy?	☐ Yes ☐ No	
65583.1(c)(2)(B)(v) Will affordability and occupancy restrictions be maintained at least 55 years?	☐ Yes ☐ No	
65583.1(c)(2)(B)(vi)* **For conversion of multifamily ownership units:** Has at least an equal share of newly constructed multifamily rental units affordable to lower-income households been constructed within the current planning period or will be constructed by the of program completion as the number of ownership units to be converted? (Note: this could be demonstrated by providing certificates of occupancy) Specify the number of affordable multifamily rental units constructed in the planning period.	☐ Yes ☐ No # of lower-income units: _____	
*NOTE: After January 1, 2015 foreclosed units acquired and converted must meet the requirements of GC 65583.1(c)(2)(B)(vi)		

PRESERVATION OF AFFORDABLE UNITS (65583.1(c)(2)(C))		
Include reference to specific program action in housing element.	Program # _____	HE Page # _____
65583.1(c)(2)(C)(i) Will affordability and occupancy restrictions be maintained for at least 40 years?	☐ Yes ☐ No	
65583.1(c)(2)(C)(ii) Are the units located within an "assisted housing development" as defined in Government Code Section 65863.10(a)(3)? See definition on page 4.	☐ Yes ☐ No	
65583.1(c)(2)(C)(iii) Did the local government hold a public hearing and make a finding that the units are eligible and are reasonably expected to convert to market rate during the next 5 years, due to termination of subsidies, prepayment, or expiration of use?	☐ Yes ☐ No	
65583.1(c)(2)(C)(iv) Will units be decent, safe, and sanitary upon occupancy?	☐ Yes ☐ No	
65583.1(c)(2)(C)(v) Were the units affordable to very low- and low-income households at the time the units were identified for preservation?	☐ Yes ☐ No	

NOTE:

- By no later than July 1st of the third year of the planning period, local governments must report on the status of its program implementation for substantial rehabilitation, conversion, and/or preservation (of affordability) as described above (Government Code 65583.1(c)(7)).
- The report must specify and identify those units for which committed assistance has been provided or which have been made available to low- and very low-income households and document how each unit complies with the substantial rehabilitation, conversion, and/or preservation provisions.
- If the local government has not entered into an enforceable agreement of committed assistance for all units specified in the identified program(s), by the July 1st due date, it must amend its element to identify additional appropriately zoned and suitable sites, sufficient to accommodate the number of units for which committed assistance was not provided. This follow-up action must be taken no later than July 1st of the fourth year of the planning period.
- If a local government fails to amend its element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, the local government cannot use the alternate adequate sites program provisions of Government Code Section 65583.1(c)(1) in it next housing element update, beyond the number of units actually provided or preserved due to committed assistance.

DEFINITIONS:

Committed Assistance: When a local government has entered into a legally enforceable agreement within a specific timeframe spanning from the beginning of the RHNA projection period through the end of the second year of the housing element planning period, obligating funds for affordable units available for occupancy within two years of the agreement.

Assisted Housing Development: A multifamily rental housing development that receives governmental assistance under any of the following programs:

(A) New construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f).
(B) The following federal programs:
(i) The Below-Market-Interest-Rate Program under Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3) and (5)).
(ii) Section 236 of the National Housing Act (12 U.S.C. Sec.1715z-1).
(iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q).
(C) Programs for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. Sec. 1701s).
(D) Programs under Sections 514, 515, 516, 533, and 538 of the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).
(E) Section 42 of the Internal Revenue Code.
(F) Section 142(d) of the Internal Revenue Code (tax-exempt private activity mortgage revenue bonds).
(G) Section 147 of the Internal Revenue Code (Section 501(c)(3) bonds).
(H) Title I of the Housing and Community Development Act of 1974, as amended (Community Development Block Grant Program).
(I) Title II of the Cranston-Gonzales National Affordable Housing Act of 1990, as amended (HOME Investment Partnership Program).
(J) Titles IV and V of the McKinney-Vento Homeless Assistance Act of 1987, as amended, including the Department of Housing and Urban Development's Supportive Housing Program, Shelter Plus Care program, and surplus federal property disposition program.
(K) Grants and loans made by the Department of Housing and Community Development, including the Rental Housing Construction Program, CHRP-R, and other rental housing finance programs.
(L) Chapter 1138 of the Statutes of 1987.
(M) The following assistance provided by counties or cities in exchange for restrictions on the maximum rents that may be charged for units within a multifamily rental housing development and on the maximum tenant income as a condition of eligibility for occupancy of the unit subject to the rent restriction, as reflected by a recorded agreement with a county or city:
  (i) Loans or grants provided using tax increment financing pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
  (ii) Local housing trust funds, as referred to in paragraph (3) of subdivision (a) of Section 50843 of the Health and Safety Code.
  (iii) The sale or lease of public property at or below market rates.
  (iv) The granting of density bonuses, or concessions or incentives, including fee waivers, parking variances, or amendments to general plans, zoning, or redevelopment project area plans, pursuant to Chapter 4.3 (commencing with Section 65915).

  Assistance pursuant to this subparagraph shall not include the use of tenant-based Housing Choice Vouchers (Section 8(o)) of the United States Housing Act of 1937, 42 U.S.C. Sec. 1437f(o), excluding subparagraph (13) relating to project-based assistance). Restrictions shall not include any rent control or rent stabilization ordinance imposed by a county, city, or city and county.