

January 28, 2010

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VIA FEDERAL EXPRESS

Office of the Attorney General
State of California
Attention: Initiative Coordinator
1300 I Street
Sacramento, California 95814

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary of Proposed Initiative --
California Jobs and Housing Act (Version 3)

Dear Ms. Paris:

Pursuant to Section 10(d) of Article II of the California Constitution, and Section 9002 of the California Elections Code, I am submitting a proposed statewide statutory initiative measure, entitled the "California Jobs and Housing Act," and requesting that your office prepare and title and summary of the measure as provided by law.

I have also included with this letter (1) the text of the proposed measure, (2) a check in the amount of \$200.00 as required by Section 9004 of the Elections Code, and (3) the signed statement required by Section 9608 of the Elections Code, after which is set forth the address at which I am registered to vote.

Should you have any questions or require additional information, please contact me at 19700 Fairchild Road, Suite 240, Irvine, California 92612 or (949) 622-0420.

Thank you for your attention to this matter.

Very truly yours,

Timothy L. Strader, Sr.

CALIFORNIA JOBS AND HOUSING ACT

STATUTORY AMENDMENT

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative expressly amends provisions of the California Public Resources Code. New provisions proposed to be added are printed in *bold face italic type* to indicate they are new.

SECTION 1. Title. This measure shall be known and may be cited as the California Jobs and Housing Act.

SECTION 2. Findings and Declarations. The people find and declare as follows:

- (a) California families are suffering the effects of the worst economic recession since the Great Depression.
- (b) Unemployment in California has reached a 70-year high, far above the national average.
- (c) Job losses in the real estate and building industries are a major contributing factor. Nearly 25% of the two million unemployed Californians have lost jobs in construction, finance, real estate and industries related to construction.
- (d) The California Environmental Quality Act (CEQA) requires most major construction projects to be accompanied by an Environmental Impact Report (EIR), which must be certified by the government agency approving the project. The purpose of this report is to determine, among other things, whether the project would have a significant effect on the environment and whether changes in the project would avoid or reduce that effect.
- (e) Once the EIR is certified by the government agency, the law permits any person to challenge it by filing a lawsuit. These types of lawsuits can take years to resolve and cost millions of dollars in legal fees.

- (f) Projects are typically put on hold once a challenge is filed and it can take up to five years to fight the lawsuit. During this time, projects are suspended and thousands of jobs are lost.
- (g) Hundreds of frivolous lawsuits, filed by individuals or groups seeking cash settlements have stalled many of the state's largest development projects, stopping job creation and raising the cost of housing throughout California.
- (h) The Attorney General of California is the people's lawyer and has the ability to determine whether or not a legal challenges to a certified EIR is necessary to protect the environment and the public's interest.
- (i) Giving the Attorney General of California the exclusive right to challenge certified EIRs will put an end to hundreds of frivolous lawsuits, which stall job creation and drive up housing prices for California families.
- (j) Analyzing global warming and the impacts of greenhouse gases emanating from individual projects subject to CEQA will require the implementation of mitigation measures that are not attainable or feasible. This is so, because global warming is global in nature and because reductions from California will have no significant effect on global warming as currently there are no binding emissions controls on the developing world, including India and China. For these reasons, global warming and greenhouse gas analysis should not be the basis on which an EIR may be invalidated.

SECTION 3. Amendment of Section 21167 of the Public Resources Code.

Section 21167 of the Public Resources Code is hereby amended to read in its entirety as follows:

An action or proceeding to attack, review, set aside, void, or annul the following acts or decisions of a public agency on the grounds of noncompliance with this division shall be commenced as follows:

- (a) An action or proceeding alleging that a public agency is carrying out or has approved a project that may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment shall be commenced within 180 days from the date of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days from the date of commencement of the project.

(b) An action or proceeding alleging that a public agency has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days from the date of the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

(c) An action or proceeding alleging that an environmental impact report does not comply with this division shall be commenced within 30 days from the date of the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152 by the lead agency. *Notwithstanding any provision of this division to the contrary, no individual or entity, including without limitation any person as that term is defined in Section 21066, other than the Attorney General may commence and maintain any such action or proceeding authorized by this subdivision (c). Further, no such action or proceeding authorized pursuant to this subdivision (c) shall result in the invalidation of an environmental impact report on the basis of: (i) noncompliance with the guidelines adopted pursuant to Section 21083.05 or with Division 25.5 (commencing with Section 38500) of the Health and Safety Code; (ii) the failure to analyze the effects of greenhouse gas emissions otherwise required to be reduced pursuant to regulations adopted by the State Air Resources Board under Division 25.5 (commencing with Section 38500) of the Health and Safety Code; (iii) the failure to quantify or analyze the amount of greenhouse gases emitted directly or indirectly by the project; (iv) the failure to quantify or analyze the project's direct or indirect impacts with respect to climate change or greenhouse gas emissions; or (v) the effect of alleged climate change on the project.*

(d) An action or proceeding alleging that a public agency has improperly determined that a project is not subject to this division pursuant to subdivision (b) of Section 21080 or Section 21172 shall be commenced within 35 days from the date of the filing by the public agency, or person specified in subdivision (b) or (c) of Section 21065, of the notice authorized by subdivision (b) of Section 21108 or subdivision (b) of Section 21152. If the notice has not been filed, the action or proceeding shall be commenced within 180 days from the date of the public agency's decision to

carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days from the date of commencement of the project.

(e) An action or proceeding alleging that another act or omission of a public agency does not comply with this division shall be commenced within 30 days from the date of the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152, *provided that such alleged act or omission does not relate to the certification of an environmental impact report, which is subject to the provisions of subdivision (c).*

(f) If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid. The date upon which this notice is mailed shall not affect the time periods specified in subdivisions (b), (c), (d), and (e).

SECTION 4. Effective Date. This Act and all provisions thereof shall, unless otherwise expressly herein provided, take effect and become operative on the date the Secretary of State certifies the results of the election at which this Act was approved.

SECTION 5. Amendment. Pursuant to Article II, Section 10(c) of the California Constitution, the provisions contained in this Act may be amended only by the people and not by the Legislature.

SECTION 6. Severability. If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable