

# 2021-2022 STATE HOUSING LEGISLATION



County Planning Commission  
February 8, 2023



# Presentation Outline

- Legislative Themes
- Key Bills Signed Into Law
- Public Comment
- Actions

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\*Feel free to ask questions or provide  
comments anytime during the presentation

# Legislative Themes



## California Housing Legislation Highlights

Final - Oct 1, 2022 Blue = Signed into law

### WILDFIRES

SB 1292 Limiting development in fire hazard zones & replacing the zoned capacity elsewhere.  
AB 2705 Fire hardening & retrofitting standards.

### GENERAL PLAN HOUSING ELEMENTS

AB 1445 Requires fire, sea level rise, evacuation risk to be considered in determining housing goals.  
AB 1976 Allows state to fine and rezone cities that don't zone enough land for apartments.

AB 2339 Unmet housing goals are carried over and added to goals of next planning cycle.  
AB 2653 Allows CA to reject cities' housing element annual reports that don't meet guidelines.

### PROJECT APPROVALS

AB 1952 Faster approval for state-funded infill project.  
AB 2218 Must live within 20 miles to file CEQA lawsuit against infill housing.

AB 2234 Faster approval of building permits.

### REDUCING COSTS

AB 1056 Modular housing program.  
AB 2513 Reduce construction defect insurance costs.  
AB 2063 Remove fees on density bonus units.

### HOMEOWNERSHIP

AB 1837 Helps occupants & nonprofits buy foreclosed homes, limits investor buying.  
AB 2013 State plan to increase homeownership among people of color.

AB 2123 Housing grants for healthcare workers.  
AB 2166 Sets aside 30% of federal CDBG money for helping low & moderate income homebuyers.  
AB 2170 Gives current & future occupants & nonprofits priority in buying foreclosed 1-4 unit buildings.

### HOMELESSNESS

SB 513 Funding for pet facilities, food, & health.  
SB 914 Goal to end homelessness among domestic violence survivors, their children, & unaccompanied women.  
SB 1083 Grants to prevent homelessness for families & pregnant people.

AB 1685 Waiver of parking fines for people who are homeless.  
AB 2011 Funding for RV parks and subsidies for RV dwellers.  
AB 2325 Interagency coordination to end homelessness.

AB 2483 Prioritizing funding for housing that contains at least 25 units for elderly people who are homeless.

AB 2547 Grants to prevent homelessness for older adults & people with a disability.  
AB 2623 Allows exception to Housing First policy to allow sober housing in facilities that have children.

### TENANT APPLICATIONS

SB 649 Preference for local residents in affordable housing.  
SB 1026 Energy efficiency disclosure for rental housing.  
SB 1335 No credit checks required for tenants receiving subsidies.

### ACCESSORY DWELLING UNITS

SB 897 2-story ADUs & garage conversions.  
AB 916 Adding bedrooms.  
AB 2221 Cleanup edits of previous ADU laws.  
AB 2430 Tiny houses.

### PARKING

SB 1067 No parking if >=20% low/mod income or <20 units near transit.  
AB 2097 No parking needed for housing or businesses near transit.  
AB 2244 Parking reduction for sites with housing & religious buildings.

### ZONING

AB 2011 & SB6 Housing in office/retail zones.  
AB 682 Cohousing with shared kitchens.  
SB 1369 Conversion of commercial/industrial/public bldgs to housing.  
AB 1551 Density bonus for commercial projects that incl. affordable housing.  
AB 2619 Makes it easier to open a residential care facility serving more than 6 people.

### BALLOT MEASURES Will be on 2024 ballot

SCA 2 Eliminates requirement that public housing be approved by ballot measure.  
SCA 9 Creates a right to housing.  
ACA 14 \$10 billion/year for affordable housing and housing the homeless.  
AB 411 \$600 million bond for veterans' housing.  
SB 1457 \$25 billion affordable housing bond.

### TAXES

AB 1771 Tax on profit from homes sold within 7 years of purchase.

### PUBLIC LAND

AB 2233 Affordable housing on surplus state land.  
AB 1748 Easier sales of surplus land zoned for low or middle density housing.  
AB 1910 Converting golf courses to parks and housing.  
AB 2357 Website listing orgs interested in public land for affordable housing.  
AB 2439 Housing on DMV land.  
SB 2762 Affordable housing on parking lots at parks.

### DATA

AB 889 Transparency on who owns property.  
AB 2094 Extremely low income housing production.  
AB 2469 Rental registries.  
AB 2531 Fees, zoning, and other requirements.  
AB 2873 Diversity in affordable housing production.

### AFFORDABLE HOUSING PRODUCTION

AB 2334 More density in areas with less driving.  
AB 2443 Makes it more costly to file lawsuits opposing affordable housing.

### FUNDING

SB 948 Statewide reserve fund for affordable projects.  
AB 1288 Prioritizes tax credits for new construction.  
SB 1466 \$200-250 million a year for affordable housing.  
AB 1945 Disaster recovery & rebuilding fund.  
AB 2006 Streamlined monitoring of affordable projects.  
AB 2186 Grants for cities that waive fees.  
AB 2305 Consolidated funding application.

### CREATING AFFORDABLE HOUSING AGENCIES IN SOCAL

SB 679 Los Angeles County.  
SB 1105 San Diego County.  
SB 1177 Burbank, Glendale, Pasadena.  
SB 1344 San Gabriel Valley.

### SOCIAL HOUSING

AB 2053 Mixed income social housing.

### SCHOOL EMPLOYEES

AB 1719 Community college worker housing.  
AB 2295 Allows school employee housing to exceed some local zoning.

### STUDENT HOUSING

SB 886 Faster approvals for housing.  
AB 1602 Revolving loan fund.  
AB 1764 Student housing insecurity data + community college student housing reviewed by local gov't bldg dept instead of the state.  
AB 2272 Loans for maintenance of private college student housing.

### PRESERVING AFFORDABLE HOUSING

SB 490 Technical assistance.  
AB 1850 Rent limits on market-rate buildings converted to affordable housing.  
AB 1911 Tax credits for preserving affordability.

### PROPERTY TAXES

AB 1206 Tax break for low-income units in limited equity co-ops.  
SB 1456 Eliminate property tax on more types of affordable housing.  
AB 1933 Eliminate property tax on land that will be used for building low income homes.



### YOUTH

AB 1615 Foster youth housing.

### TENANT PROTECTIONS

SB 843 Bigger state tax refunds for renters.  
SB 847 Grants for landlords who participated in the COVID rent relief program.

SB 971 Allows pets in new affordable housing buildings.  
SB 1017 Protects domestic violence survivors from eviction.

AB 1858 Building safety standards for people living in nonresidential buildings.  
AB 2050 Limits on when the Ellis Act can be used to close an apartment building and evict everyone.  
AB 2179 Extension of emergency COVID tenant protections.

AB 2240 Rent cap & protections for mobile homes.  
AB 2597 Right to air conditioning / cooling.  
AB 2710 Opportunity for tenants to purchase when bldg is sold.  
AB 2713 Limits on owner move-in & Ellis Act evictions.

### RENAMING THINGS

AB 2503 Studies renaming "Landlord"/"tenant" in laws.

### GREEN BUILDING

AB 2446 Reducing carbon emissions from building materials.

AB 1816 Re-entry housing for people released from jail or prison.  
AB 1961 Centralized website for applying for affordable housing.  
AB 2203 No credit checks required for tenants receiving subsidies.  
AB 2297 Regulations on monthly fee instead of a security deposit.  
AB 2383 Bans asking about criminal record on initial application.  
AB 2527 No credit checks required for any tenant.  
AB 2559 Reusable credit / tenant screening reports.

# Legislative Themes

County Planning Commission  
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Topic	Introduced	Passed	% Passed
<b>Housing Bills</b>			
Tenant Protections	11	3	27%
Tenant Applications	10	2	20%
Homelessness	9	3	33%
Funding	7	2	29%
Public Land	6	1	17%
Zoning	5	3	60%
Homeownership	5	2	40%
Data Collection	5	2	40%
ADUs	4	3	75%
Housing Elements	4	3	75%
Affordable Housing Agencies in SoCal	4	2	50%
Student Housing	4	2	50%
Parking	3	2	67%
Project Approvals	3	1	33%
Reducing Costs	3	0	0%
Preserve Affordable Housing	3	0	0%
Property Taxes	3	2	67%
Wildfires	2	0	0%
Affordable Housing Production	2	1	50%
School Employees	2	2	100%
Renaming/Clarifications	1	1	100%
Green Building	1	1	100%
Taxes	1	0	0%
Social Housing	1	0	0%
Youth	1	0	0%
<b>Total</b>	<b>100</b>	<b>38</b>	<b>38%</b>
<b>Ballot Measures for 2024 (Total)</b>			
	<b>5</b>	<b>1</b>	<b>20%</b>



# **KEY HOUSING-RELATED BILLS SIGNED INTO LAW**

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# Accessory Dwelling Units (ADUs)

## AB 2221 (QUIRK-SILVA)

Within existing timeframes, permitting agencies must either:

- approve ADU permit applications or
- provide applicants with a list (in writing) of items that are deficient and a description of how the application can be remedied

“Permitting Agency” = planning departments, building departments, utilities, and special districts

Cannot impose front yard setbacks if it prevents development of an ADU

ADU may be attached to, or located in, a detached garage

Local ordinances do not supersede State ADU law

## SB 897 (WIECKOWSKI)

Detached ADUs may be ≤ 18' on a lot:

- Developed with an existing or proposed multifamily dwelling unit or
- Within ½ mile walking distance of a major transit stop or high quality transit corridor

ADUs attached to a primary dwelling may be ≤ 25' or max height of primary dwelling allowed by local ordinance, whichever is lower

# Density Bonuses

## AB 682 (BLOOM)

Must grant a density bonus for:

- Development of  $\geq 5$  units and either:
  - 10% of units for lower income households or
  - 5% of units for very low-income households

No minimum unit size or number of bedrooms

Shared housing buildings may include:

- Dwelling units besides shared housing units
- Commercial uses on ground-floor

“Shared housing building” = residential or mixed-use structure with:

- $\geq 5$  shared housing units
- $\geq 1$  common kitchens and dining areas
- Tenants must reside  $> 30$  days

## AB 1551 (SANTIAGO)

Extends State density bonus program for commercial properties to January 1, 2028:

- AB 1934 (Santiago) Chapter 747, Statutes of 2016
- Create affordable housing through commercial development projects
- 6 possible bonuses and 3 financing options for affordable housing

# Housing in Commercial Zones

## AB 2011 (WICKS) AFFORDABLE HOUSING AND ROAD JOBS ACT

Ministerial, streamlined approval for:

- 100% affordable housing projects in commercial zones
- Mixed-income housing projects along commercial corridors

Exempt from CEQA

Local government must identify inconsistencies with qualifying criteria 60 ( $\leq 150$  homes) or 90 ( $> 150$  homes) days, otherwise development is deemed to comply with standards

Approve within 90 ( $\leq 150$  homes) or 180 ( $> 150$  homes) days

## SB 6 (CABALLERO) MIDDLE CLASS HOUSING ACT

Establishes housing as an allowable use on any parcel zoned for office or retail uses

No new ministerial approval process

- Projects can invoke Housing Accountability Act and SB 35 even if they don't comply with underlying zoning

Adoption of local ordinance - CEQA exempt



# Housing in Commercial Zones (Cont.)

## AB 2011 (WICKS) AFFORDABLE HOUSING AND ROAD JOBS ACT

Developer must pay laborers general prevailing wage

Contractors developing  $\geq 50$  units must:

- Participate in an apprenticeship program or request dispatch of apprentices from a State-approved apprenticeship program and
- Make certain healthcare expenditures for construction craft employees

## SB 6 (CABALLERO) MIDDLE CLASS HOUSING ACT

Developer must pay laborers general prevailing wage

Contractors must employ a “skilled and trained workforce” unless only one prequalified contractor promises to use “skilled and train workforce” bid on the contract

# Housing in Commercial Zones (Cont.)

## AB 2011 (WICKS) AFFORDABLE HOUSING AND ROAD JOBS ACT

Affordability requirements:

- 100% lower-income rental or for-sale units; or
- Mixed-income housing with at least:
  - 8% very low income and 5% extremely low income or 15% lower income rental units; or
  - 30% moderate income or 15% low-income sale units
- Deed restriction for 55 years (rental) or 45 years (for-sale)

## SB 6 (CABALLERO) MIDDLE CLASS HOUSING ACT

No new affordability requirements

Must comply with local inclusionary standards

If using SB 35, SB 35 affordability standards apply

# Housing in Commercial Zones (Cont.)

## AB 2011 (WICKS) AFFORDABLE HOUSING AND ROAD JOBS ACT

Located in zone where office, retail, or parking are principally permitted uses

In a City or unincorporated urban area/urban cluster

Not adjacent to a site with > 1/3 of square footage in industrial use

Density must meet or exceed:

- Existing zoning standards or
- Zoning standards from closest parcel that allows required residential density

Specifies certain height and setback standards

## SB 6 (CABALLERO) MIDDLE CLASS HOUSING ACT

Located in a zone where office, retail, or parking are principally permitted uses

In an urbanized area or cluster

Not adjacent to a site with > 1/3 of square footage in industrial use

Density must meet or exceed:

- Existing zoning standards or
- Zoning standards from closest parcel that allows required residential density

Project site is  $\leq$  20 acres

Either 100% residential or mixed-use project with  $\geq$  50% residential

# Annual Progress Report Requirements

## AB 1743 (MCKINNOR)

Disclose whether each housing development application is ministerial or discretionary

## AB 2011 AFFORDABLE HOUSING AND ROAD JOBS ACT

Added to list of reporting requirements

## AB 2653 (SANTIAGO)

HCD may reject housing element portion of annual report if report does not substantially comply with State law; if so:

- Within 90 days of receipt, State HCD must provide reasons the report is inconsistent
- HCD must notify local agency of violations of AB 2653
- Local agency must make requested corrections within 30 days
- Attorney General can take enforcement action

# Ministerial & Streamlined Approval Process

## AB 2234 (RIVAS) POSTENTITLEMENT PHASE PERMITS

“Postentitlement Phase Permit:”

- ❑ Local agency nondiscretionary permits and reviews filed after the entitlement process that are required to begin construction
- ❑ Examples: building and grading permits
- ❑ Applies to projects that are  $\geq 2/3$  residential
- ❑ Excludes permits, entitlements, and approvals subject to Permit Streamlining Act [Government Code Chapter 4.5 (Sections 65920 – 65964.5)]

## AB 2234 (RIVAS) POSTENTITLEMENT PHASE PERMITS

Within 15 business days:

- ❑ Determine whether an application for a postentitlement phase permit is complete
- ❑ Provide written notice of this determination to the applicant

Within 30 business days:

- ❑ For projects with  $\leq 25$  units, complete review and return either comments or an approval to the applicant

Within 60 business days:

- ❑ For projects with  $> 25$  units, complete review and return either comments or an approval to the applicant

Failure to meet these timeframes = “disapproval of a housing development project” and a violation of the Housing Accountability Act

# Ministerial & Streamlined Approval Process (Cont.)

## AB 2234 (RIVAS) POSTENTITLEMENT PHASE PERMITS

By January 1, 2024, local agencies must:

- Compile a list of information needed to approve or deny application
- Post examples of complete approved application and set of postentitlement phase permits for  $\geq 5$  types of projects (e.g., ADU, duplex, and/or multifamily)
- Provide option to apply by email until process is established
- Provide current processing status information via website or email

## SB 886 (WIENER) CEQA EXEMPTION FOR COLLEGE HOUSING PROJECTS

Exempts, until January 1, 2030, certain faculty, staff, and housing projects from CEQA environmental review

- Applies to UC, CSU, and California community colleges
- College/university must own the property and hold a hearing to receive public comment
- Buildings must be Leadership in Energy and Environmental Design (LEED) platinum level-certified
- Must fully mitigate construction impacts
- Project cannot be located on site:
  - With prime soils, environmentally sensitive habitat, and/or habitat for listed species
  - Subject to a conservation easement
  - Subject to flood hazards, earthquake hazards, and/or very high fire hazards
  - With a hazardous waste site

# Minimum Parking Requirements

## AB 2097 (FRIEDMAN)

- ❑ Prohibits imposing/enforcing minimum parking requirements for certain residential, commercial, and other development located within 1/2 mile of public transit
- ❑ Exception if doing so would result in substantial adverse impact to:
  - ❑ Very low- and low-income housing to satisfy regional housing need
  - ❑ Special housing needs of elderly or people with disabilities or
  - ❑ Existing commercial or residential parking within ½ mile of project site

## AB 2097 (FRIEDMAN)

- ❑ However, exception does not apply to certain housing projects:
  - ❑ 20% for very low, low-, or moderate-income households, students, the elderly, or persons with disabilities
  - ❑ < 20 units or
  - ❑ Subject to parking reductions pursuant to another law

# Recommended Action

- Receive and file this report
- Find the receipt and filing of this staff report are not a “project” and, therefore, are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(C)(3) and 15378(b)(5)

# Thank you

County of Monterey

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