



Housing Law Update: 9 Changes to Know



California Association of Councils of Governments



- Association of transportation planning agencies
- 8 SJV members
- Best practices & information sharing
- Interact with state agencies
- Targeted advocacy
- Regional governance education

Plus 41 other members!



Housing Law Update: 9 Changes to Know

**Don't Procrastinate
Get started now.**



1. Regional Housing Needs Assessment

- Numbers have been higher across the state
- SB 828 (Weiner) required additional factors that raised numbers, esp. in urban areas
- These changes do not appear to be as dramatic in the SJV,
- **Fresno, Merced, Stanislaus, and San Joaquin Counties have largest increases**

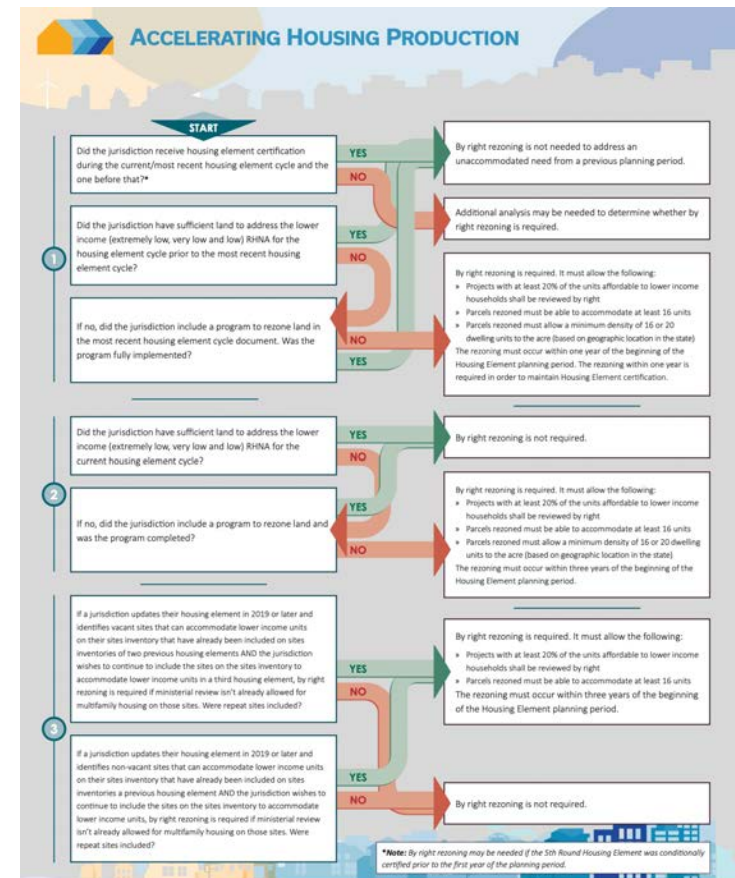




Regional Housing Needs Assessment

And Remember SB 35?

SB 35 (Weiner) limits local agency discretion for affordable housing on infill sites in the inventory when local agencies fail to permit enough units at either the half way point (half) or at the end of the planning period (all).





Regional Housing Needs Assessment

Practice Tip: Cities and counties should get started on developing new sites and policies prior to receiving their RHNA to get a head start on process. You will be glad you did as timelines approach.





2. Housing Element



- Accommodate RHNA
- Inventory of sites
- Programs and policies
- Certified by HCD
- On a timeline
- Significant penalties for obtuse non-performance



Housing Element



What's New

- Inventory requirements have been tightened for how non-vacant sites can be used in inventory.
- Must address AFFH (see below)
- HE's not adopted within one year are subject to stricter zoning timelines (AB 1398)
- **Don't Procrastinate!**



3. No Net Loss Law

- If a project is approved with less units than what was counted in an inventory, must make a finding that there are adequate sites or “upzone” another site
- HCD recommends an inventory that accounts for 130% of need to address this issue
- Conditions have been tightened under SB 166 (Skinner)





4. Inclusionary Housing

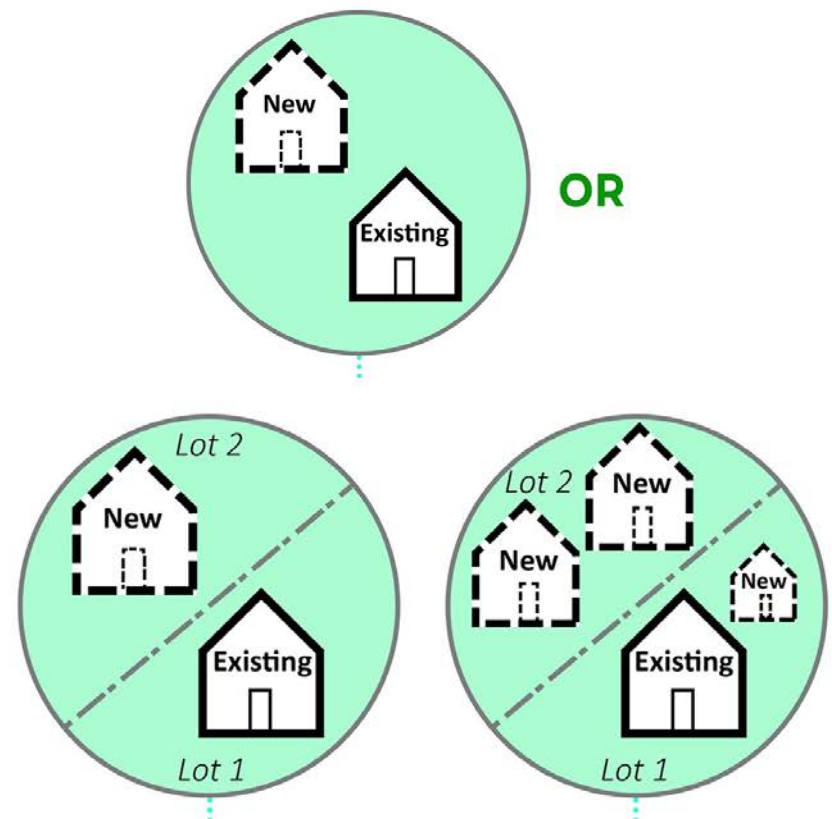
- Allowable for rental units (again) under AB 1505 (Bloom) (no Costa-Hawkins Act issue)
- But AB 1505 also permits HCD to review inclusionary policies for exclusionary effect if a jurisdiction fails to permit at least 75% of its above-moderate income RHNA share over five consecutive years, or fails to submit an APR two consecutive years.





5. Single Family Zone Lot Splits (SB 9)

- A single family lot may be divided into two lots.
- Up to 2 homes on each lot
- Set backs limited to four feet
- Limited local discretion
- Objective standards must not preclude two units of 800 sq ft or a lot of at least 1200 sq ft.

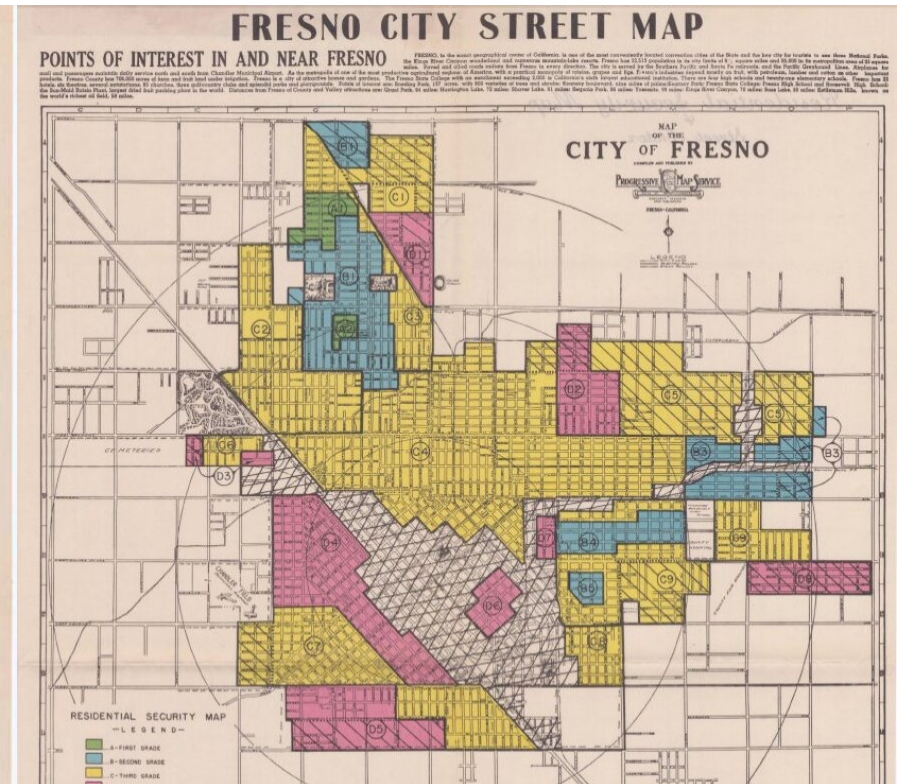




6. CEQA Exemption for 10 units

- Upzones involving 10 units or less do not have to go through CEQA under SB 10 (Wiener).







Affirmative Furthering Fair Housing



**Fair Housing
Enforcement and
Outreach
Capacity**



**Segregation and
Integration**



**Disparities in
Access to
Opportunity**



**Disproportionate
Housing Needs /
Displacement
Risks**



**Racially and
Ethnically
Concentrated
Areas of Poverty
and Affluence**



**Supplemental
Data**



Affirmative Furthering Fair Housing



In the Housing Element

- Requires tailored policies based on detailed consideration and analysis
- To address community issues of racial concentration and access to resources and neighborhood
- Policies must be included in the housing element
- **Review HCD Guidance ASAP!!**



8. SB 330 (Local Discretion Curtailed)



- Receipt of HCD standardized “preliminary application” freezes development standards and fees
- No more than 5 hearings on an application when project complies with the applicable zoning standards.
- Reduces time to approve to 90 days (from 120) after EIR cert. & to 60 days (from 90) if 49% affordable units.



SB 330 (Local Discretion Curtailed)



Additional prohibitions applicable in most urbanized areas:

- Change land use or reducing its intensity where housing is allowable.
- Imposing a moratorium except for an imminent threat to health & safety (reviewed by HCD).
- Imposing design review standards after 2019 that are not objective.
- Limits on permits issued or units constructed.



9. VMT & Climate Goals



- SB 743 should increase the costs of mitigation on projects that would require more driving
- May make infill projects more desirable
- Work with your MPOs to identify locations that will result in lower VMT



Housing Element Update: 9 Changes to Know

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