

San Joaquin Valley Guide to Recent California Housing Laws

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San Joaquin Valley
REAP
REGIONAL EARLY ACTION PLANNING

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About This Guide

Purpose

The legal landscape for local land-use policy and regulation is changing at an increasingly rapid pace. Amid the statewide housing crisis, California legislature has been issuing a record number of bills modifying the land-use parameters of local jurisdictions.

The San Joaquin Valley Guide to Recent California Housing Laws (“Guide”) summarizes recent California State laws, specifically within the last five years, that are most relevant to the San Joaquin Valley communities. The Guide is intended to provide an understanding of the today’s legal framework for the planning of housing within the San Joaquin Valley.

How to Use the Guide

This Guide is designed for use by planning staff to help clarify how to implement, or prepare and plan to implement state laws. The Guide may also be used to share information with the public that may include business owners, property owners and/or residents.

Each law included in this Guide is referenced in two formats:

- A brief form of the law, which provides an overview of the law and its general applicability across sub-topics relevant to the section’s Topic Area.
- A detailed form of the law, which expands upon the overview of the brief form and provides a synopsis of the law and its intent, important considerations embedded in the law, and a link to the full legislative text.

We hope that this Guide makes it easy to identify and understand laws for commonly occurring situations in your jurisdiction.

Guide by Topic Areas

In the Guide, the state laws are organized by Topic Areas. Each Topic Area features a brief description of sub-topics covered within its section. The Topic Area graphic on the next page lists the topic areas, provides an overview of what is included in that particular topic area, and depicts the wayfinding icon for that topic area that will help you navigate through the Guide.



How to Prioritize Laws in the Guide

Throughout the Guide, you will see the following icons that identify a level of action for each law. The prioritization icons are intended to help land use professionals determine whether the particular law needs to be acted upon, prepared for, or planned for in the future. A breakdown of the prioritization levels along with the associated icons are below:



Act

Laws in this category are items that need to be implemented now.



Prepare

Laws in this category are items that require preparation for implementing in the near or immediate future.



Plan

Laws in this category are items that need to be planned for over the long term.

MORE LAWS!

Wondering what new laws the legislature adopted during the most recent legislative year 2021-2022?¹

Another legislative year has just wrapped up and there's more laws to get familiar with and incorporate into your everyday work life if you're a land use professional. In this most recent legislative session, the state legislature remained active and continued to provide the legal framework for a variety of topics relevant to housing, governance, and planning for communities. Below is the quick snapshot of more laws that we thought would be most relevant to you as land use professionals. The snapshot touches on annexations, CEQA, development fees, wildfires, architectural drawings, parking requirements, standards and, of course, housing.

¹ <https://legiscan.com/CA/legislation/2021?sort=-desc&order=Last%20Action&status=passed>

CEQA

SB 886

CEQA: exemption: public universities, university housing development projects. Signed into law by the Governor on September 28, 2022. With a large number of qualifiers, including pay for construction labor, would exempt certain university faculty and staff housing projects and student housing projects from CEQA review.

Fees/Funding

AB 2536

Development fees: impact fee
nexus studies: connection fees and capacity charges. 2022-07-19. Chaptered by Secretary of State - Chapter 128, Statutes of 2022. Requires local agencies to evaluate and provide evidence that new connection fees or capacity charges do not exceed the cost of service.

Housing Element/Affirmatively Further Fair Housing

SB 197

Housing. 2022-06-30. Chaptered by Secretary of State. Chapter 70, Statutes of 2022. Statutory changes needed to implement provisions of the 2022 state budget related to housing element updates, pro-housing policy, homeless encampments, housing related grant funding, and infrastructure grants.

Streamlining and Other Incentives

AB 2139

Building standards: local rebuilding plans: state of emergency. 2022-08-26. Chaptered by Secretary of State. Chapter 184, Statutes of 2022. Allows use of template floor plans for rebuilding of structures in a declared emergency without the need to comply with subsequent building code changes.

AB 2011

Affordable Housing and High Road Jobs Act of 2022. Signed into law by the Governor on September 28, 2022. Would create a ministerial (i.e., not subject to CEQA), streamlined approval process for 100 percent affordable housing projects in commercial zones and for mixed-income housing projects along commercial corridors, as specified. Would impose certain requirements for pay for construction labor.

Parking

AB 2097

Residential, commercial or other development types: parking requirements. Signed into law by the Governor on September 22, 2022. Prohibits agencies from imposing minimum parking requirements on developments located within one-half mile of transit.

Miscellaneous

AB 2957

Local government: reorganization. 2022-06-21. Chaptered by Secretary of State - Chapter 37, Statutes of 2022. Changes definition of terms related to the local agency formation commission (LAFCO) statutes related to such things as annexation.

SB 896

Wildfires: defensible space: grant programs: local governments. 2022-08-29. Chaptered by Secretary of State. Chapter 222, Statutes of 2022. Incentivizes and improves defensible space assessment data.

SB 1214

Planning and zoning: local planning. 2022-08-29. Chaptered by Secretary of State. Chapter 226, Statutes of 2022. Requires local agencies to get permission before sharing protected information in architectural drawings.

Topic Areas



Accessory Dwelling Units (ADU)

(pages 7–17)



California Environmental Quality Act (CEQA)

(pages 19–35)



Density Bonus

(pages 37–48)



Fees/Funding

(pages 49–61)



Housing Element/Affirmatively Further Fair Housing

(pages 63–74)



Parking

(pages 75–78)



Streamlining and Other Incentives

(pages 79–116)



Surplus Land Availability

(pages 117–122)



Miscellaneous

(pages 123–133)



Accessory Dwelling Units (ADU)

This section contains laws pertaining to Accessory Dwelling Units (ADUs). These include the legalization of ADUs and laws that streamline ADU permitting processes, new and revised ADU development requirements, and land-use regulations and restrictions related to ADUs.

ADU AT A GLANCE

Senate Bill (SB) 13

Effective January 1, 2020

Applies to: ADU; owner-occupant requirements; parking; streamlined approval process

Overview: Authorizes several revisions to existing laws pertaining to ADUs including streamlined review, parking requirements, and owner occupation requirements. [LEARN MORE ON PAGE 10](#)

Assembly Bill (AB) 68

Effective January 1, 2020

Applies to: ADU and JADU

Overview: Legalize and streamline construction of ADUs and Junior ADUs (JADUs).

[LEARN MORE ON PAGE 11](#)

AB 345

Effective January 1, 2022

Applies to: ADU

Overview: Authorizes the sale of ADU separate from primary residences. [LEARN MORE ON PAGE 12](#)

AB 670

Effective January 1, 2019

Applies to: ADU and JADU

Overview: Limits ability to prohibit and restrict the development of ADUs and JADUs on a lot zoned for single-family residential use within a governing common interest development government.

[LEARN MORE ON PAGE 13](#)

AB 671

Effective January 1, 2020

Applies to: ADU; incentives

Overview: Requires local agencies to include a plan in its Housing Element that incentivizes and promotes development of ADUs at an affordable rent for very low-, low-, or moderate-income households. [LEARN MORE ON PAGE 14](#)

AB 881 

Effective January 1, 2020

Applies to: ADU

Overview: Authorizes several revisions to existing ADU legislation to clarify requirements such as lot coverage, lot size, setbacks, and replacement of off-street parking spaces. Prohibits a local jurisdiction from requiring a property owner to live in the main house or one of the accessory structures. Requires local agencies to ministerially approve ADUs on lots with multi-family residences and within existing garages. Provides a definition of public transit to mean a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop. [LEARN MORE ON PAGE 15](#)

AB 3182 

Effective January 1, 2021

Applies to: ADU; rental and lease restrictions; common interest developments

Overview: Limits rental and lease restrictions for common interest developments associated with dwelling units, including ADUs. Additional streamlining approval process for ADUs applications are included. [LEARN MORE ON PAGE 16](#)

AB 587 

Effective January 1, 2020

Applies to: ADU; sale or separate conveyance

Overview: Allows, by ordinance, ADUs to be sold or conveyed separately from the primary residence, if certain conditions are met. [LEARN MORE ON PAGE 17](#)

SB 13 – Effective January 1, 2020 

Applies to: ADU; owner-occupant requirements; parking; streamlined review

Intent: SB 13 authorizes several revisions to existing laws pertaining to ADUs including requiring streamlined review, parking requirements, and owner occupation requirements, among others.

Requirements for ADUs:

- Local agencies may adopt less restrictive requirements for ADUs.
- Allows ADUs to be developed in areas zoned for single-family or multi-family units.
- ADU may be within or attached to a garage, storage space, or other structure, such that the total floor area does not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet (for attached ADU) or does not exceed 1,200 square feet (for detached ADU).
- Maximum unit sizes, by ordinance, can exceed 1,200 square feet.
- Minimum square footage may not be imposed that prohibits an efficiency unit.
- Maximum square footage may not be imposed for ADU less than 850 square feet, or 1,000 square feet if it includes more than one bedroom.
- Minimum and maximum square footage may not be imposed based on percentage of proposed or existing primary dwelling unit, limits on lot coverage, FAR, open space, or minimum lot size that would prohibit at least an 800 square foot ADU that is at least 16 feet in height with 4-foot rear- and side-yard setbacks.

Parking:

- Requiring replacement parking spaces for ADU constructed by demolishing a garage, carport, or covered parking area is not permitted.
- Parking standards may not be imposed for ADUs located within one-half mile walking distance of public transit, within an architecturally and historically significant historic district, within an existing or proposed primary residence or accessory structure, or there is a car share located within one block.

Streamlined Approval:

- Local agencies are required to consider and approve ministerially an application for an ADU within 60 days. If the local agency does not act on the application within 60 days, it will be considered approved.

Owner-Occupant Requirements:

- Local agency cannot impose owner-occupant requirements for an ADU.

Impact Fees:

- Local agency, including special district or water corporation, are prohibited from imposing impact fees for ADUs under 750 feet. Any impact fees for ADUs greater than 750 feet would need to be proportional to the primary dwelling unit square footage.

Housing Element:

- ADUs may be counted towards identifying adequate sites for housing in the housing element.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 13 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB13

AB 68 – Effective January 1, 2020 

Applies to: Approval process for ADUs and JADUs; local ordinances related to ADUs and JADUs

Intent: AB 68 legalized and streamlined ADUs (small, independent homes built alongside, or within, an existing single – or multi-family home) and JADUs (ADUs of 500 square feet or smaller, which must be built entirely within an existing home and have a functioning kitchen and bathroom).

Highlighted streamlined policies and procedures include:

- By-right approval for JADUs and ADUs (see eligibility below);
- Reducing the timeframe for issuing permits from 120 days down to 60;
- Prohibiting local agencies from requiring that existing zoning nonconforming conditions be corrected as part of the ministerial approval process;
- Prohibiting ministerially approved ADUs from being used as short-term rentals;
- Prohibiting burdensome local ordinances that include provisions regarding lot coverage, size, and floor area ratios, among others, that deter homeowners from building ADUs;
- Eliminating the requirement that off-street parking be replaced for a converted garage; and,
- Granting HCD the authority to evaluate whether local agencies' ADU ordinances comply with state law and notify the Attorney General of violations.

Eligibility requirements for by-right approval for JADUs and ADUs includes:

___ JADU or ADU built within an existing space.

___ ADU that is new construction of up to 800 square feet. And no taller than 16 feet.

___ Not an ADU in a multi-family building area that is currently used as livable space.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 68 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB68

AB 345 – Effective January 1, 2022 

Applies to: ADU

Intent: AB 345 authorizes the sale of ADU separate from primary residences.

Local agencies must allow ADU to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. Conditions of tenancy in common agreement must include specified information, including delineation of co-tenant’s responsibilities for taxes and insurance, in addition to resolution among co-tenants prior to any legal action.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 345 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB345

AB 670 – Effective January 1, 2020 

Applies to: ADU; Covenants

Intent: Ability to limit development of ADU and JADU

AB 670 makes void and unenforceable any provision of a governing document of a common interest development (i.e., covenants, conditions and restrictions) that prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 670 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB670

AB 671 – Effective January 1, 2020

Applies to: ADU; Incentives

Intent: Incentives for development of ADUs at an affordable rent

AB 671 requires local agencies to include a plan in its Housing Element that incentivizes and promotes development of ADUs at an affordable rent for very low-, low-, or moderate-income households. AB 671 also requires the Department of Housing and Community Development (HCD) to develop and post online a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 671 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB671

AB 881 – Effective January 1, 2020 **Applies to: ADU**

Intent: AB 881 authorizes revision to existing ADU legislation to clarify requirements such as owner-occupant, setback, and replacement of off-street parking spaces, among others.

AB 881 imposes the following revisions:

- Local agency is required to designate areas where ADUs may be permitted based on adequacy of water and sewer services, in addition to impact of an ADU on traffic flow and public safety.
- Local agency is prohibited from issuing a certificate of occupancy for an ADU prior to issuing one for the primary residence.
- Local agency is prohibited from an ordinance that imposes minimum lot size.
- Local agency is prohibited from requiring off-street parking spaces if a garage, carport, or covered parking structure is removed.
- Local agency is prohibited from imposing owner-occupant requirements until January 1, 2025.
- Setback of no more than four feet required for a non-converted ADU within an existing structure or new structure constructed in the same location with the same dimensions.
- Requires ministerial approval or denial for ADU or JADU application required within 60 days from completed application receipt if there is an existing single-family or multi-family housing structure on-site.
- If certain conditions are met, requires ministerial approval of building permit application within a residential or mixed-use zone for (1) an ADU or JADU on an existing or proposed single-family housing unit site (2) detached ADU (3) multiple ADUs on an existing multi-family housing unit site or (4) no more than two ADUs on an existing multi-family housing unit site.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 881 can be found in the complete bill text here: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB881

AB 3182 – Effective January 1, 2021 

Applies to: ADU; rental and lease restrictions; common interest developments

Intent: AB 3182 limits rental and lease restrictions for ADUs.

Restrictions for ADUs:

Prohibits common interest development from enforcing provision that restricts rental or lease of separate interest to less than 25% in the common interest development.

Owner of separate interest in a common interest development would not be subject to any governing document that restricts rental or leasing of ADU or JADU.

Additional Considerations:

- Common interest developments are required to amend governing documents by December 31, 2021, but need to comply with the law regardless of whether the governing documents have been amended. A violation of the provisions of the law are liable for a civil penalty of up to \$1,000.
- Permit application for ADU or JADU is considered approved if local agency does not act upon completed application within 60 days.
- Requires ministerial approval of a building permit application for ADU or JADU within a residential or mixed-use zone if certain conditions are met.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 3182 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3182

AB 587 – Effective January 1, 2020 **Applies to: Sale or separate conveyance of ADUs**

Intent: AB 587 authorizes a local agency, by ordinance, to allow ADU to be sold or conveyed separately from the primary residence if certain conditions are met.

Eligibility requirements for sale or separate conveyance of ADU includes:

- ___ Sold or conveyed separately to a “qualified buyer.” “Qualified buyer” means persons and families of low or moderate income.
- ___ Property was developed by a qualified nonprofit corporation.
- ___ Affordability restrictions to ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a “qualified buyer.”

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 587 can be found in the complete bill text here:
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB587



California Environmental Quality Act (CEQA)

This section contains laws pertaining to the California Environmental Quality Act (CEQA). These include updates to CEQA approval processes and expansions of benefits related to CEQA. Additionally, this section includes various laws that clarify CEQA exemptions.

What's changing in CEQA?

The California Legislature has long been engaged in efforts to streamline environmental review, believing that the CEQA process can represent a barrier to certain types of development and preservation that lawmakers would like to encourage. This has been true of the five years of legislative action that are the focus of this Guide. Several laws dictate by-right or ministerial approval for housing, which in turn, since lead agency discretion triggers CEQA review, means that environmental review could be streamlined for additional projects. Lead agencies are authorized by SB 540 to create “Workforce Housing Opportunity Zones” and by “housing sustainability districts” with environmental review at the plan level, but not at the project level. SB 10 exempts certain zoning and housing projects that require zoning changes from CEQA review.

Similarly, revisions to CEQA Guidelines Section 15357 could increase the range of activities that are considered ministerial and therefore not subject to CEQA review. These changes clarify that the definition of “discretionary” in the CEQA Guidelines does not apply to governmental decisions that merely determine conformity with a set of standards without exercising judgment as to the wisdom of executing the project. Lead agencies with clear and objective standards may be able to further streamline review for a broad range of housing projects that are consistent with those standards.

Other changes are potentially useful for housing projects, such as the revisions to CEQA Guidelines, Section 15182 to allow an exemption for mixed-use projects (that include housing) near transit from further CEQA review if they are included in a Specific Plan that had environmental review (previously, there was only a residential exemption).

Whether CEQA represents a barrier can depend on the subject project, the timing of a proposal, the lead agency, the neighborhood, and many other factors. The public review and comment process required by CEQA can combine with NIMBY (“not in my backyard”) issues to create delays and additional risk for development projects.

The iterative changes related to CEQA in the past several years could be helpful. However, the most powerful and still perhaps most underutilized streamlining provision of CEQA is not a recent phenomenon. Under the “partial exemption” provided under Public Resources Code 21083.3 and CEQA Guidelines 15183, CEQA only applies to issues “peculiar to the site.” Lead agencies can use programmatic environmental impact reports (EIRs) for a general plan or other plan or zoning code to analyze impacts of projects that could be accommodated, and limit later project-level analysis to site-specific issues. CEQA Guidelines Section 15183 (f) establishes that impacts are not peculiar to the project if uniformly applied development policies or standards substantially mitigate that environmental effect. The planning work should be used as a process to investigate policies and programs that can serve as uniformly applied standards and therefore substantially limit the scope of analysis for projects consistent with the plan. If the transition from Level of Service (LOS) analysis to Vehicle Miles Traveled (VMT) analysis is creating challenges for lead agencies with project-level review, the general plan and general plan EIR can instead be used to estimate VMT effects, leaving projects consistent with the plan with no further review. Any vexing local issue can use the same programmatic treatment.

To help planners in this constantly changing legal environment of planning for housing, public agencies may consider the following CEQA exemptions for applicable projects:

Laws and Policies	Effective Date	Overview of Applicability
PRC 21080.20 (SB 288)	January 1, 2021	Certain transportation-related projects
PRC 21159.25 (AB 1804)	January 1, 2020	Infill Housing in Unincorporated Counties
PRC 21159.24 (SB 35)	January 1, 2020	Infill Housing in Urbanized Areas near Transit
PRC 2155.1 (SB 375)	January 1, 2020	Transit Priority Projects
PRC 21094.5 (SB 226)	January 1, 2020	Infill Housing
PRC 21155.4 (SB 743)	January 1, 2020	Transit Oriented Housing
PRC 21099 (SB 743)	January 1, 2020	Transit Oriented Housing
SB 7	May 20, 2021	Qualifying mixed-use and residential projects that were not previously eligible for certification (Jobs and Economic Improvement Through Environmental Leadership Act of 2021)
AB 140	January 1, 2022	Homelessness and COVID Hardship Housing

California Environmental Quality Act Exemptions

Looking for a CEQA exemption for one of your projects?

The following CEQA exemptions can be considered by local agencies for applicable projects. The exemptions have been grouped by topic that include infill housing, transit-oriented development housing, mixed-use housing, transportation-related projects, and homelessness housing.

Transportation-Related Projects

PRC 21080.20 (SB 288)
Certain transportation-related projects
(Effective January 1, 2021)

PRC 2155.1 (SB 375)
Transit Priority Projects
(Effective January 1, 2020)



Transit-Oriented Housing

PRC 21155.4 (SB 743)
Transit Oriented Housing
(Effective January 1, 2020)

PRC 21099 (SB 743)
Transit Oriented Housing
(Effective January 1, 2020)





Infill Housing

PRC 21159.25 (AB 1804)

Infill Housing in Unincorporated Counties
(Effective January 1, 2020)

PRC 21159.24 (SB 35)

Infill Housing in Urbanized Areas near Transit
(Effective January 1, 2020)

PRC 21094.5 (SB 226)

Infill Housing
(Effective January 1, 2020)



Mixed-Use Housing

SB 7

Qualifying mixed-use and residential projects that were not previously eligible for certification (Jobs and Economic Improvement Through Environmental Leadership Act of 2021)
(Effective May 20, 2021)



Homelessness

AB 140

Homelessness and COVID Hardship Housing
(Effective January 1, 2022)



CEQA AT A GLANCE

SB 7

Effective May 20, 2021 (urgency statute)

Applies to: CEQA; Environmental leadership development projects (ELDPs); streamlining

Overview: Enacts the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 and expands streamlining benefits related to CEQA for certain projects, including housing projects, until January 1, 2024. [LEARN MORE ON PAGE 26](#)

SB 9

Effective January 1, 2022

Applies to: lot splits and housing approvals

Overview: requires ministerial approval of lot splits and small housing developments meeting specified criteria, as addressed under “Streamlining and Other Incentives.” May also have CEQA streamlining benefits to the extent that previously discretionary approvals are now ministerial (and therefore, CEQA would not apply). [LEARN MORE ON PAGE 27](#)

SB 10

Effective January 1, 2022

Applies to: CEQA

Overview: allows local agencies to adopt ordinances to allow approval of upzoning or a proposed project needing such upzoning to accommodate up to 14 dwelling units without CEQA review.

[LEARN MORE ON PAGE 28](#)

SB 35

Effective January 1, 2018

Applies to: by-right affordable housing approvals

Overview: requires by-right approval of housing projects meeting a series of criteria. Would have CEQA streamlining benefits to the extent that previously discretionary approvals are now ministerial (and therefore, CEQA would not apply). [LEARN MORE ON PAGE 29](#)

AB 73

Effective January 1, 2018

Applies to: CEQA

Overview: authorizes local agencies to establish, by ordinance, “housing sustainability districts” that are covered by an EIR, and where projects meeting certain requirements within these districts shall be expedited without further CEQA review.

[LEARN MORE ON PAGE 30](#)

AB 140 

Effective July 19, 2021 (urgency statute)

Applies to: COVID hardship housing; homelessness; CEQA

Overview: Provides funding for affordable housing including to help address homelessness. Provides a CEQA exemption until July 1, 2024, for projects that receive funding under this law.

[LEARN MORE ON PAGE 31](#)**SB 450** 

Effective January 1, 2020

Applies to: CEQA

Overview: creates a CEQA exemption for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing.

[LEARN MORE ON PAGE 32](#)**SB 540** 

Effective January 1, 2018

Applies to: CEQA

Overview: authorizes local agencies to establish “Workforce Housing Opportunity Zones” with a Specific Plan and EIR and requires, with some exceptions, expedited review with no additional CEQA for projects proposed within the Zone.

[LEARN MORE ON PAGE 33](#)**SB 744** 

Effective January 1, 2020

Applies to: CEQA

Overview: streamlines approval for supportive housing and creates a CEQA exemption for the State’s No Place Like Home permanent supportive housing program. [LEARN MORE ON PAGE 34](#)

AB 1804 

Effective January 1, 2019

Applies to: CEQA

Overview: extends previous CEQA infill exemption for residential and mixed-use projects with housing to unincorporated county areas with several qualifying criteria. [LEARN MORE ON PAGE 35](#)

SB 7 – Effective May 20, 2021 

Applies to: CEQA; environmental leadership development projects (ELDPs)

Intent: SB 7 enacts the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 and expands streamlining benefits related to CEQA for certain projects until January 1, 2024.

Eligible housing development related projects include:

- Project located on infill site.
- Project consistent with applicable Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS).
- Project will result in a minimum investment of \$15,000,000, but less than \$100,000,000, in California upon completion of construction.
- At least 15 percent of the project housing units is dedicated for lower income households, unless an applicable local inclusionary zoning ordinance establishes a higher minimum percentage.
- No part of the project shall be used as a hotel, motel, or other transient lodging use, or as a rental unit with a term shorter than 30 days.
- No part of the project shall be used for manufacturing or industrial purposes.

Additional Considerations:

- Governor would be authorized to certify a project before the lead agency certifies the final EIR for the project.
- Project applicant would be required to pay the costs of the trial court in hearing and deciding a case challenging a lead agency's action on a certified project.
- If the lead agency fails to approve a project certified under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 before January 1, 2025, the certification would no longer valid.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 7 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB7

SB 9 – Effective January 1, 2022 

Applies to: Local approval of lot splits and certain approvals for small housing projects

Intent: Promote small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot.

This is not primarily a CEQA streamlining bill. Please see “Streamlining and Other Incentives” for more detail.

SB 10 - Effective January 1, 2022 

Applies to: CEQA review for proposals to upzone qualifying properties and approve housing projects requiring such upzoning

Intent: Provide cities with a tool to facilitate housing through allowing additional density in existing urbanized areas.

Eligible properties include:

- ___ The parcel(s) must be an “urban infill” site (i.e., surrounded by urban uses on at least 75 percent of the parcel perimeter and meeting other specified requirements) and/or in a “transit-rich” area (i.e., located within one-half mile of a major transit stop and/or on a “high quality” bus corridor);
- ___ The parcel(s) must be zoned for residential or mixed-use development, in which case at least two-thirds of the project’s square footage must be allocated for residential use;
- ___ The parcel(s) must not be located in a high or very high fire severity zone, unless certain applicable fire hazard reduction measures have been adopted;
- ___ The parcel(s) must not be publicly-owned land designated as open space or for park and recreational purposes by a local initiative;
- ___ The zoning ordinance must be adopted by a two-thirds majority of the legislative body if it would override any voter-imposed restrictive land use initiative.

Additional Considerations:

- Expires January 1, 2029.
- Allows up to 14 dwelling units (up to 10 standard dwelling units, plus up to two accessory dwelling units and two junior accessory dwelling units).

SB 35 - Effective January 1, 2018 

Applies to: By-right approvals of qualifying affordable housing projects using objective zoning and design standards

This is not primarily a CEQA streamlining bill. Please see “Streamlining and Other Incentives” for more detail.

AB 73 - Effective January 1, 2018 

Applies to: CEQA review for projects meeting certain requirements within established “housing sustainability districts”

Intent: Facilitate construction of affordable housing on infill sites around public transportation by incentivizing local governments to complete up-front zoning and environmental review.

Eligibility requirements include:

- ___ Within one-half mile of public transit or an area that, by virtue of existing infrastructure, transportation access, existing underutilized facilities, or location, is highly suitable for a residential or mixed-use development.
- ___ At least 10 percent of the housing units shall be affordable to lower-income households unless the city or county has adopted a local ordinance that requires a greater percentage of units.

Additional Considerations:

- Authorizes the subject lead agency to apply to the Department of Housing and Community Development for a zoning incentive payment, which shall be approved if the lead agency meets the bills requirements and has a housing element with a letter of substantial compliance from HCD.
- Requires prevailing wages for construction.

AB 140 – Effective July 19, 2021 

Applies to: COVID hardship housing; homelessness; CEQA

Intent: AB 140 provides funding for affordable housing including to help address homelessness.

Of the several funding sources and programs introduced, AB 140 requires that the Multifamily Housing Program disperse funds appropriated for providing housing for people experiencing homelessness, or who are at risk of homelessness, and who are impacted by or at increased risk due to the COVID-19 pandemic. AB 140 also requires that any project funded pursuant to the above provisions that meet certain requirements be exempt from CEQA until July 1, 2024.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 140 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB140

SB 450 - Effective January 1, 2020 

Applies to: CEQA review for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing

Intent: Streamline motel conversions, which will help to alleviate public safety concerns caused by identified nuisance motels while simultaneously providing supportive housing units to address the state's housing and homeless crisis.

Expires: January 1, 2025.

SB 540 - Effective January 1, 2018 

Applies to: CEQA review of proposed projects within established Workforce Housing Opportunity Zones

Eligible: Requires, with some exceptions, expedited review and eliminates project-level CEQA review for proposed projects within a Workforce Housing Opportunity Zones that has an adopted Specific Plan and EIR. At least 30 of the units will be sold or rented to households of moderate income, at least 15 percent of the units shall be sold or rented to lower-income households, and at least 5 percent will be restricted for very low-income households.

Additional Considerations:

- Proposed projects must be approved or rejected within 90 days of a submitted application.
- Requires a minimum of 100 units and a maximum of 1,500 dwelling units.
- Local agency may not include more than 50 percent of its Regional Housing Needs Allocation.
- No more than 50 percent of the units in the Zone may be sold or rented to persons or families above moderate-income.
- Traffic, water quality, public utility, and natural resource protection mitigation measures must apply to all projects in the Zone.
- Density for multi-family housing must be appropriate for lower-income households and single-family detached housing must not be less than 10 units per acre.

SB 744 - Effective January 1, 2020 

Applies to: CEQA review for supportive housing

Intent: Facilitate permanent supportive housing for homeless individuals who are living with a serious mental illness. Clarifies that the by-right process for permanent supportive housing is not subject to CEQA.

Eligible: Supportive housing developments qualifying for AB 2162 approval. AB 2162 requires that supportive housing be a by-right use in zones where multi-family and mixed uses are permitted if the proposed housing development meets specified criteria.

AB 1804 - Effective January 1, 2019 

Applies to: CEQA review for residential and mixed-use projects with housing within unincorporated county areas meeting several qualifying criteria

Intent: Remove CEQA as a barrier for residential and mixed-use, small infill projects.

Eligibility requirements include:

- At least two-thirds of the square footage of the development is designated for residential use.
- Surrounded by existing development on at least 75 percent of the perimeter of the project site.
- Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- Project site has no value as habitat for endangered, rare, or threatened species.
- Approval of the project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.
- Site can be adequately served by all required utilities and public services.
- There are no significant cumulative impacts related to successive projects of the same type in the same place.
- The project would not result in damage to scenic resources.
- Project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (Cortese list [i.e., polluted property]).
- The project would not cause a substantial adverse change in the significance of a historical resource.

Additional Considerations:

Expires January 1, 2025



Density Bonus

This section contains laws pertaining to the State Density Bonus Law. These include various modifications to the law and amendments to the applicability of the bonus for specified projects.

DENSITY BONUS AT A GLANCE

SB 290 

Effective January 1, 2022

Applies to: Density Bonus Law modifications; inclusionary zoning requirements; incentives and concessions

Overview: Modifications to Density Bonus Law to clarify items such as student housing incentives, parking requirements for moderate-income housing. [LEARN MORE ON PAGE 40](#)

AB 634 

Effective January 1, 2022

Applies to: Density Bonus Law; affordability restrictions

Overview: Authorizes revisions to affordability restrictions for projects qualified for a density bonus. [LEARN MORE ON PAGE 41](#)

SB 728 

Effective January 1, 2022

Applies to: Density Bonus Law

Overview: Revises requirements relating to the sale of density bonus units by nonprofit housing organizations.

[LEARN MORE ON PAGE 42](#)

SB 1227 

Effective January 1, 2019

Applies to: State Density Bonus Law; density bonuses; student housing

Overview: Amends State Density Bonus Law to apply to certain student housing projects applicable to all cities, including charter cities. [LEARN MORE ON PAGE 43](#)

AB 1763 

Effective January 1, 2020

Applies to: Housing development projects; affordable housing units

Overview: Density bonus and other incentives for proposed housing development projects that include 100 percent affordable housing units. [LEARN MORE ON PAGE 44](#)

AB 2345 

Effective January 1, 2021

Applies to: Approvals

Overview: Expands Density Bonus Law to encourage affordable housing development. [LEARN MORE ON PAGE 45](#)

AB 2372 

Effective January 1, 2019

Applies to: Density bonus; floor area ratio (FAR); development impact fees; parking requirements

Overview: Allows local agencies to grant a floor area ratio (FAR) bonus to developers of eligible housing development projects. The statute defines “eligible housing development” as a development that meets specified criteria related to residential use or mixed use, location, zoning, replacement of units, and affordability.

[LEARN MORE ON PAGE 47](#)**AB 2753** 

Effective January 1, 2019

Applies to: State Density Bonus Law; density bonuses; application revisions

Overview: Amends State Density Bonus Law to streamline density bonus application. [LEARN MORE ON PAGE 48](#)

SB 290 – Effective January 1, 2022 

Applies to: Density Bonus Law modifications; inclusionary zoning requirements; incentives and concessions

Intent: Modifications to Density Bonus Law to clarify items such as student housing incentives and parking requirements for moderate-income housing.

Incentives or Concessions:

- One incentive or concession must be granted for student housing development projects that include at least 20% dedicated units for lower-income students
- Units designated to satisfy inclusionary zoning requirements must be included in total number of units upon which a density bonus and subsequent incentives or concessions are based
- Eligible housing development projects including a specified percentage of dedicated moderate-income units are eligible for density bonus and subsequent incentives or concessions
- Removes “specified adverse impact on the physical environment” from the list of reasons for which a local agency can deny a concession or incentive

Parking Ratios:

- Upon request from a developer, a local agency can be prohibited from imposing certain parking ratios if the proposed residential development meets certain requirements including:
 - Project contains at least 40% dedicated moderate-income units
 - Project site is located within one-half mile of a major transit stop

Annual Report:

- Local agency required to include the number of units within a student housing development for lower-income students for which a density bonus was granted

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 290 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB290

AB 634 – Effective January 1, 2022 

Applies to: Density Bonus Law; affordability restrictions

Intent: AB 634 authorizes revisions to affordability restrictions for projects qualified for a density bonus.

Local agencies may adopt an ordinance that requires an affordability period longer than 55 years for density bonus projects financed without Low Income Housing Tax Credits (LIHTC).

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 634 can be found in the complete bill text here:
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB634

SB 728 – Effective January 1, 2022 

Applies to: Density Bonus Law

Intent: SB 728 revises requirements relating to the sale of density bonus units.

The current Density Bonus Law requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income, lower-, or very low-income households and meets other requirements. The current law also requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low-, low-, or moderate-income.

SB 728 requires a developer and local agency to ensure that for-sale units:

- Are provided at an affordable cost and initially occupied by occupants of very-low, low, or moderate-income, as required; and,
- A non-profit housing organization purchases the unit pursuant to a contract that includes a repurchase option requiring the purchaser to offer non-profit organization the first opportunity to repurchase the property.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 728 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB728

SB 1227 – Effective January 1, 2019 

Applies to: Amendments to State Density Bonus Law to apply to certain student housing projects

Intent: SB 1227 requires a local agency to provide a density bonus to the applicant/developer for certain proposed student housing projects.

Qualifying Projects:

Housing development projects containing student housing may be eligible for a density bonus of up to 35 percent, upon satisfaction of a number of qualifying criteria.

Eligibility requirements includes:

- ___ Project includes all units dedicated to students enrolled full-time at an accredited institution of higher education.
- ___ Developer enters into an agreement with an accredited institution of higher education to dedicate 20 percent of units for lower income students.
- ___ Project provides priority for the applicable affordable units for lower income students experiencing homelessness.
- ___ Dedicated lower income units would be subject to a recorded affordability restriction of 55 years.

Refer to the complete bill for additional requirements that may apply. ¹

See [SB 290](#) for clarifications to SB 1227.

¹ Additional actions required by SB 1227 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1227

AB 1763 – Effective January 1, 2020 

Applies to: Housing development projects that include 100 percent affordable housing units

Intent: AB 1763 amends the Density Bonus Law to increase the density bonus (e.g. number of units per acre) and incentives offered for projects with 100 percent dedicated affordable housing units.

Qualifying Projects:

Proposed housing development projects that include 100 percent of the total units, excluding managers unit, restricted to very-low, low, and moderate (maximum of 20 percent) income households are eligible for:

- Density bonus of 80 percent;
- Four concessions of incentives (as provided under the Density Bonus Law);
- Height increase of up to 3 additional stories or 33 feet, and exempt from maximum controls on density, if located within ½ mile of a major transit stop.
- Parking ratios of no more than 0.5 spaces per unit (inclusive of handicapped and guest parking), if located within ½ mile of a major transit stop and there is unobstructed access to the major transit stop from the proposed housing development.
- No parking minimums, if a proposed a special needs housing development or a supportive housing development.

Additional Considerations:

- Requires rent for at least 20% of the units in the proposed housing development project be set at an affordable rent pursuant to existing law.
- Prohibits a proposed housing development project that receives a waiver from any maximum controls on density under these provisions from receiving a waiver or reduction of development standards pursuant to existing law.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1763 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1763

AB 2345 – Effective January 1, 2021 

Applies to: Housing development projects that include affordable housing units

Intent: AB 2345 amends the Density Bonus Law to increase the density bonus (e.g. number of units per acre) for projects with dedicated affordable housing units. Parking reductions along with additional incentives and concessions are also available for qualifying affordable housing projects. The maximum density bonus increased from a maximum of 35 percent to 50 percent for qualifying affordable housing projects under AB 2345. Table 1 below provides a comparison of available density bonuses pre-2021 Density Bonus Law compared to changes with AB 2345.

Table 1. Levels of Bonus Density Pre-2021 Density Bonus Law Compared to Changes with AB 2345

	Pre-2021 Density Bonus Law	AB 2345 (2021)
Very Low Income (VLI)	35% bonus for 11% VLI units	50% bonus for 15% VLI units
Lower Income (LI)	35% bonus for 20% VLI units	50% bonus for 24% LI units
Moderate Income (MI)	35% bonus for 40% MI units (for sale units only)	50% bonus for 44% MI units (for sale units only)

Source: AB 2345 Complete Law Text¹; Gibson Dunn 2021²; Turner Center 2020³

Qualifying Projects:

Proposed housing development projects are eligible to receive a density bonus upon satisfaction of certain criteria. The proposed housing development project only has to satisfy one of the criteria below.

Eligibility requirements include:

- Project includes at least 5 percent of housing units dedicated to VLI.
- Project includes at least 10 percent of housing units dedicated to LI.
- Project includes at least 10 percent of housing units dedicated to MI (for-sale units only).
- Project includes 100 percent of housing units (not including managers unit) dedicated to VL, LI, and MI (maximum of 20 percent).
- Project includes at least 10 percent of housing units dedicated to transitional foster youth, disabled veterans or homeless persons, with rents restricted at VLI.
- Project includes at least 20 percent of housing units dedicated to LI college students.

Incentives and Concessions:

Projects utilizing the density bonus described herein are eligible for additional incentives or concessions based on the percentage of dedicated affordable housing units. Incentives and concessions include the following:

- Reduction in site development standards or a modification of zoning code requirements or architectural design requirements; or
- Approval of mixed-use zoning; or
- Other regulatory incentives or concessions that result in identifiable and actual cost reductions.

¹ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

² <https://www.gibsondunn.com/californias-ab-2345-expands-and-enhances-density-bonus-law-development-incentives/>

³ https://turnercenter.berkeley.edu/wp-content/uploads/2020/12/01Revisiting_Californias_Density_Bonus_Law-1.pdf

The above incentives and concessions are available for the following types of projects:

Table 2. Number of Incentives or Concessions Based on Percentage of Affordable Units

	VLI Units	LI Units	MI Units
One Incentive or Concession	5%; or	10%; or	10%
Two Incentives or Concessions	10%; or	17%; or	20%
Three Incentives or Concessions	15%; or	24%; or	30%;

Source: AB 2345 Complete Law Text¹

Parking Reductions:

Reduced parking ratios (inclusive of parking for persons with a disability and guests) are available, upon request by the developer, for projects utilizing the density bonus described herein, as listed below:

Table 3. Parking Ratios for Projects Utilizing Density Bonus

Unit Type	Number of Spaces
Studio/ 1-Bedroom	1 space
2-Bedroom/ 3-Bedroom	1.5 spaces
4-Bedroom or More	2.5 spaces

Additional Considerations:

- Upon request by the developer, a jurisdiction may not require a project to provide more than 0.5 parking spaces per housing unit (inclusive of parking for persons with a disability and guests) if the project (1) provides at least 11 percent units dedicated VLI or 20 percent units dedicated LI, (2) is located within one-half mile of a major transit stop, and (3) there is unobstructed access to the major transit stop from the site.

Refer to the complete bill for additional requirements that may apply.²

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

² Additional actions required by AB 2345 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

AB 2372 – Effective January 1, 2019 

Applies to: Density bonus; floor area ratio (FAR); development impact fees; parking requirements

Intent: AB 2372 allows local agencies to grant a FAR bonus to developers of eligible housing development projects.

City councils or county board of supervisors are authorized to establish an ordinance that would create a procedure to grant a FAR bonus to developers of eligible housing development projects instead of a density bonus awarded on the dwelling units per acre.

Requirements for “eligible housing development” projects include:

- Multi-family housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded by this law.
- The development is located within one of the following:
 - An urban infill site that is within a transit priority area.
 - One-half mile of a major transit stop.
- Site of the development is zoned to allow residential use or mixed-use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low-density residential use or exclusive nonresidential use.
- Development satisfies the replacement requirements specified in subdivision (c) of Section 65915 of the Government Code.
- Development includes at least 20 percent of the units, excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided in this law, with an affordable housing cost or affordable rent to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, as determined pursuant to Section 50093 of the Health and Safety Code, and subject to an affordability restriction for a minimum of 55 years.
- Development complies with the height requirements applicable to the underlying zone.

Additional Considerations:

- Parking requirements may not be imposed beyond specified ratios.
- For projects taking advantage of the FAR bonus described above, allows developer to calculate impact fees based on square feet instead of per unit.
- The law authorizes an applicant for a floor area ratio bonus to submit a proposal for specified additional incentives or concessions, as provided.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 2372 can be found in the complete bill text here: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2372

AB 2753 – Effective January 1, 2019 

Applies to: Streamlining; density bonus application pursuant to the State Density Bonus Law

AB 2753 requires a local agency to provide determinations to the applicant/developer regarding the following items:

- Amount of density bonus for which a development is eligible.
- Any parking ratios requested by the applicant for which the development is eligible.
- Whether the applicant has provided sufficient information for the local agency to make a determination as to any incentives, concessions, or waivers/reductions in development standards requested by the applicant.

Additional Considerations:

- Requires any determination made by the local agency to be based on the proposed development project at the time the application is deemed complete.
- Requires local agency to adjust amount of density bonus and/or parking ratios awarded based on any changes to the project during the course of development.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 2753 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2753



Fees/ Funding

This section contains laws pertaining to programmatic and administrative fees, the streamlining of approval processes related to public funds, and the establishment or authorization of funds for specified programs.

FEES/FUNDING AT A GLANCE

SB 2 

Effective January 1, 2018

Applies to: Fees, funding

Overview: Establishes a permanent \$75 recording fee on each real estate document to establish a permanent, ongoing funding source for affordable housing. [LEARN MORE ON PAGE 52](#)

SB 3 

Effective January 1, 2018

Applies to: Affordable housing; Veterans

Overview: Authorizes \$4 billion in general obligation bonds for affordable housing programs and a veteran's homeownership program. [LEARN MORE ON PAGE 53](#)

AB 116 

Effective January 1, 2020

Applies to: Funding

Overview: Removes the requirement for Enhanced Infrastructure Financing Districts (EIFDs) to receive voter approval before issuing bonds. [LEARN MORE ON PAGE 54](#)

SB 196 

Effective January 1, 2020

Applies to: Fees, community land trusts; property taxes

Overview: Enacts a new welfare exemption from property tax for property owned by a Community Land Trust (CLT) and makes other changes regarding property tax assessments of property subject to contracts with CLTs. [LEARN MORE ON PAGE 55](#)

AB 571 

Effective January 1, 2018

Applies to: Farmworker housing; funding; low-income housing

Overview: Eases the Farmworker Housing Tax Credit qualifications by expanding eligibility to include those who receive federal credits for buildings located in designated difficult development areas or qualified census tracts. [LEARN MORE ON PAGE 56](#)

AB 571 

Effective January 1, 2022

Applies to: Affordable housing units; fees

Overview: Prohibits fees, including inclusionary zoning and in-lieu fees, from being imposed on proposed affordable units of projects eligible for the State Density Bonus. [LEARN MORE ON PAGE 57](#)

AB 602 

Effective January 1, 2022

Applies to: Fees

Overview: Establishes specific standards and practices for agencies adopting impact fees. [LEARN MORE ON PAGE 58](#)

AB 829 

Effective January 1, 2019

Applies to: Fees; funding; local governments

Overview: Prohibits local governments from requiring a developer to obtain a letter of acknowledgment, letter of approval, or similar document from a legislative body of a local agency or from a member of a local legislative body before applying for state funding for housing development. [LEARN MORE ON PAGE 59](#)

AB 857 

Effective January 1, 2020

Applies to: Funding; creation of public bank

Overview: Allows local governments to create public banks that would provide loans to borrowers for local needs.

[LEARN MORE ON PAGE 60](#)**AB 1483** 

Effective January 1, 2020

Applies to: Fees, residential development projects; housing data; California Statewide Housing Plan

Overview: Requires local governments to publish online additional information that is currently required of applicants with residential development projects. Requires that the California Statewide Housing Plan include the development of tools to assist and better coordinate tracking of housing production. [LEARN MORE ON PAGE 61](#)

SB 2 – Effective January 1, 2018 **Applies to: Fees, funding**

Intent: SB 2 establishes a permanent \$75 recording fee on each real estate document to establish a funding source for affordable housing. This fee fills the gap in funding lost from the dissolution of redevelopment agencies and the exhaustion of prior bond funds.

The fee shall be paid at the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees per every single transaction of real property. The total fee shall not exceed \$225.

Exceptions

___ If you are recording a deed transferring ownership and you are paying a transfer tax on this deed then it is exempt, as well as any document in the same transaction that has to be recorded

___ If you have a deed in which you are not paying a transfer tax on, but you are transferring ownership to someone who is going to be occupying it as a principal residence, then this Deed and any documents in that same transaction will also be exempt

Additional Considerations:

- For moneys collected on and after January 1, 2019, 70% of the moneys deposited in the fund be provided to local governments in accordance with a specified formula and 30% be made available to the Department of Housing and Community Development for specified purposes, including a continuous appropriation of moneys to the California Housing Finance Agency for the purpose of creating mixed income multi-family residential housing for lower- to moderate-income households, as provided.
- The law would also provide that funds allocated to a local government that does not have a documented plan to expend certain moneys allocated to it within 5 years would revert and be deposited in the Housing Rehabilitation Loan Fund, to be used for specified purposes.
- By continuously appropriating moneys for use by the California Housing Finance Agency, this law would make an appropriation.
- Requires that 20% of all moneys in the fund be expended for affordable owner-occupied workforce housing and that moneys in the fund allocated to local governments be expended to support affordable housing, home ownership opportunities, and other housing-related programs, as specified.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 2 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB2

SB 3 – Effective January 1, 2018 

Applies to: Affordable housing; veterans

Intent: SB 3 authorizes \$4 billion in general obligation bonds for affordable housing programs and a veteran's homeownership program, both targeted toward veterans experiencing homelessness.

SB 3 allocates \$3 billion to fund the following existing state programs while helping to leverage billions in federal, local, and private funds for residential investment:

- Multifamily Housing
- CalHome
- Joe Serna Farmworker Housing
- Local Housing Trust Fund Matching Grant
- Building Equity and Growth in Neighborhoods (BEGIN)
- Transit-Oriented Development
- Infill Infrastructure Financing

\$1 billion is also allocated toward funding for a specified program created under the Veterans' Bonds Act of 2008 for farm, home, and mobile-home purchase assistance for veterans.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by SB 3 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB3

AB 116 – Effective January 1, 2020 **Applies to: Funding**

Intent: Local agencies are currently authorized to establish Enhanced Infrastructure Financing Districts (EIFDs) to finance public projects of communitywide significance.

The EIFD is authorized to issue bonds for these purposes, and AB 116 removes the requirement for the EIFD to receive voter approval before issuing bonds. The resolution for the issuance of bonds must still include specified information regarding the bond issuance. The local agency must hold three public hearings on an enhanced infrastructure financing plan.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 116 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB116

SB 196 – Effective January 1, 2020 

Applies to: Fees, community land trusts; property taxes

Intent: Under state law, properties used for religious, hospital, scientific or charitable purposes are exempt from property taxes under the “welfare exemption.” SB 196 enacts a new welfare exemption from property tax for property owned by community land trusts (CLT).

The exemption is extended during the construction phase until the homes on the CLT are sold. However, the CLT will be liable for property taxes if the property was not developed, rehabilitated, or in the course of construction within five years of the lien date following its acquisition.

In addition, the following changes regarding property tax assessments of property subject to contracts with CLTs are made:

___ Land trusts are taxed on the value of both land and housing with affordability restrictions instead of the market value of the property.

___ Resale restrictions are now accounted for in the tax assessment.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by SB 196 can be found in the complete bill text here:
https://www.leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB196

AB 571 – Effective January 1, 2018 

Applies to: Farmworker housing; funding; low-income housing

Intent: AB 571 facilitates farmworker housing development by expanding eligibility for the Farmworker Housing Tax Credit to include those who receive federal credits for buildings located in designated difficult development areas or qualified census tracts.

Additionally, “farmworker housing” is redefined as housing in which at least 50 percent of the units are available to and occupied by farmworkers and their households.

Through AB 571, the director of the state HCD may provide for advance payments of up to 20 percent of annual operating costs of the migrant farm labor centers to contractors to assist in the development, construction, reconstruction, rehabilitation, or operation of migrant farm labor centers.

Operational duration

Migrant farm labor centers are open to migratory agricultural workers and their families for occupancy for 180 days per calendar year. The state HCD can extend this period if certain conditions are met.

AB 571 deletes the condition that funds appropriated or authorized to fund the cost of subsidizing occupancy periods be for the first 14 days only. It also prohibits the standard 180-day occupancy period from being combined with any extended period under these provisions from exceeding a cumulative operating period of 275 days in any calendar year.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for AB 571 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB571

AB 571 – Effective January 1, 2022 

Applies to: Fees imposed on proposed affordable units

Intent: Local agencies often charge development impact fees to offset the costs of public facilities related to new development projects. AB 571 provides additional flexibility for a proposed housing development eligible for a density bonus under the State Density Bonus Law by prohibiting local agencies from imposing affordable housing impact fees, including inclusionary zoning and in-lieu fees, on affordable units.

Refer to the complete bill text for additional information. ¹

¹ Additional actions required by AB 571 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB571

AB 602 – Effective January 1, 2022 **Applies to: Fees**

Intent: AB 602 requires local agencies to provide certain fee information to the public, in addition to requirements for completing an impact fee nexus study.

The following fee information shall be provided in person or online, and updated within 30 days of any changes:

- ___ Current written schedule of fees, exactions, and affordability requirements that apply to each parcel, and each new water and sewer utility connection
- ___ All zoning ordinances and development standards that apply to each parcel
- ___ List of information required from any application for a development project
- ___ The current and five previous annual fee reports as well as water and sewer connection fees
- ___ An archive of impact fee nexus studies, cost of service studies or the equivalent, conducted on or after January 1, 2018

Local agencies must also request from the developer the total amount of fees and exactions associated with a project, upon issuing a certificate of occupancy or the final inspection, whichever occurs later.

Impact Fee Nexus Study:

- Before adopting an impact fee, the local agency must adopt an impact fee nexus study that determines a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- The study is to identify the current level of service for each public facility, the proposed new level of service and must explain why the new level of service is appropriate.
- If the study is adopted after July 1, 2022, the nexus study must provide for fees that are proportional to the square footage of the proposed development, or an explanation as to why that calculation is not an appropriate metric.
- Large jurisdictions of more than 250,000 people are required to adopt a capital improvement plan as a part of any nexus study.
- Local agencies must update nexus studies every eight years.

Additional Considerations:

- By January 1, 2024, HCD must publish an impact fee nexus study template that includes a method of calculating the feasibility of housing being built with a given fee level.
- AB 602 does not affect local agencies' ability to impose water or sewer connection fees or capacity charges, nor does it apply to any exactions including taxes, in-lieu payments or dedication requirements.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 602 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB602

AB 829 – Effective January 1, 2019 

Applies to: Fees; funding; local governments

Intent: Previously in some jurisdictions, a legislative body of a local agency or a member of a local legislative body was asked to submit a letter of acknowledgment when a development proposal was awaiting approval in their district. If the council member were to withhold the letter, the permitting process would not be able to move forward.

AB 829 eliminates letters of acknowledgment by prohibiting local governments from requiring a developer to provide them or a similar document before applying for state funding for housing development.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for AB 829 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB829

AB 857 – Effective January 1, 2020 

Applies to: Funding; creation of a public bank

Intent: AB 857 authorizes local agencies to create public banks and aims to redirect funds into local needs such as affordable housing, small business investment, and other public infrastructure.

AB 857 requires that the local agency proposing a public bank develop a specified purpose statement in its articles of incorporation and would require a study of the viability of a public bank in their jurisdiction before submitting an application for its establishment.

For local agencies that are not charter cities, the development of a public bank would have to obtain voter approval before establishment.

If the public bank is approved, the county would be able to lend its available funds to it, and local agencies would be able to deposit funds and invest in it.

The public bank would be authorized to distribute funds to the public bank's shareholder members or stockholder members and conduct retail activities with local financial institutions. However, the public bank would not be able to compete with local financial institutions.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 857 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB857

AB 1483 – Effective January 1, 2020 

Applies to: Fees; residential development projects; housing data; California Statewide Housing Plan

Intent: AB 1483 creates more transparency requirements for local governments to publish information online related to fees. The bill requires a local agency to make available and maintain the following information on their internet website:

- Current schedule of fees applicable to proposed housing development project
- Exactions applicable to proposed housing development
- Affordability requirements applicable to proposed housing development
- All zoning ordinances and development standards, applicable to each parcel
- The current and five previous annual fee reports or annual financial reports
- An archive of impact fee nexus studies, cost of service studies, or equivalent conducted by the public agency after January 1, 2018.

Pursuant to Government Code Section 65940.01, a “Housing development project” is defined as a use consisting of any of the following:

- (A) Residential units only.
- (B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
- (C) Transitional housing or supportive housing.

Revisions to California Statewide Housing Plan:

AB 1483 also includes a revision to the California Statewide Housing Plan that requires the inclusion of a 10-year housing data strategy. This strategy would be developed in tandem with a workgroup that consists of members of the California Department of Technology, metropolitan planning organizations, local governments, relevant academic institutions, and nonprofits.

The strategy will include:

- An evaluation of data priorities
- A strategy for how to achieve more consistent terminology for housing data across the state
- An assessment of the quality of data submitted by annual reports
- Recommendations based on the ‘quality of data’ assessment

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1483 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1483



Housing Element/Affirmatively Further Fair Housing

This section contains laws pertaining to the definition of requirements and processes in Housing Element/Affirmatively Further Fair Housing (AFFH), and amendments to its requirements. Additionally, this section includes laws pertaining to state-mandated obligations for local jurisdictions to affirmatively further fair housing and related practices.

HOUSING ELEMENT/AFFIRMATIVELY FURTHER FAIR HOUSING (AFFH) AT A GLANCE

SB 166

Effective January 1, 2018

Applies to: Housing Elements; housing supply; residential density and affordability

Overview: Strengthens requirements for local agencies to maintain sites for residential development as identified in the Housing Element. [LEARN MORE ON PAGE 66](#)

AB 215

Effective January 1, 2022

Applies to: Housing Elements; HCD

Overview: Revises publication requirements for draft revisions of housing element. [LEARN MORE ON PAGE 67](#)

AB 491

Effective January 1, 2022

Applies to: Housing developments; affordable and market rate units

Overview: Requires that a mixed-income, multi-unit residence provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. Prohibits isolating the affordable housing units within a mixed-income multifamily structure to a specific floor or area. [LEARN MORE ON PAGE 68](#)

AB 686

Effective January 1, 2019

Applies to: AFFH; housing discrimination

Overview: Introduces an “Affirmatively Furthering Fair Housing” obligation into state law. [LEARN MORE ON PAGE 69](#)

AB 787

Effective January 1, 2022

Applies to: Housing Elements; converted affordable housing units; general plan annual reports

Overview: Expands annual report standards to include converted affordable housing units. [LEARN MORE ON PAGE 70](#)

AB 879 

Effective January 1, 2018

Applies to: Housing Elements; annual report

Overview: Imposes requirements for annual reports submitted as part of the implementation of the housing element, in addition to additional requirements related to the discussion of potential constraints for housing. [LEARN MORE ON PAGE 71](#)

AB 1304 

Effective January 1, 2022

Applies to: Housing Element; AFFH

Overview: Clarifies that a public agency has a mandatory duty to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing and not to take any action that is materially inconsistent with this obligation. [LEARN MORE ON PAGE 72](#)

AB 1397 

Effective January 1, 2018

Applies to: Housing Elements; inventory of suitable land for residential development

Overview: Strengthens requirements for Housing Element to outline inventory of land suitable for residential development. [LEARN MORE ON PAGE 73](#)

AB 1398 

Effective January 1, 2022

Applies to: Housing Elements; rezoning of sites

Overview: Requires a local government that fails to adopt a housing element that HCD has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the housing element adoption. Additionally, it shortens the length of time a local agency must rezone its inventory sites to accommodate RHNA allocation. [LEARN MORE ON PAGE 74](#)

SB 166 – Effective January 1, 2018 

Applies to: Housing Elements; housing supply; residential density and affordability

Intent: SB 166 strengthens requirements for local agencies to maintain sites for residential development as identified in the Housing Element.

Housing Element Amendments:

- Prohibits a local agency from reducing residential development sites that would result in overall residential sites being insufficient in meeting required need for lower and moderate-income households
- Requires local agency to make written findings if it allows development of an identified site in the Housing Element with fewer units by income category than was specified.
- If approval of development project would result in fewer units by income category that was specified in the Housing Element and the remaining sites identified in the Housing Element would not accommodate the need for housing in the income category, the local agency is required to identify additional adequate sites to meet this unmet need within 180 days.
- Identification of such sites described above would not be subject to CEQA to identify, analyze, or mitigate any environmental impacts.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 166 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB166

AB 215 – Effective January 1, 2022 

Applies to: Housing Elements; HCD

Intent: AB 215 revises publication requirements for draft revisions of housing element.

Housing Element Amendments:

- Local agencies must circulate the first draft revisions of the housing element for public comment for 30 days. Local agency must consider comments for at least 10 business days and incorporate comments into the draft revision prior to sending to HCD.
- Local agency must post draft revision online and email a link to the draft revision to anyone who has requested notices.
- HCD is prohibited from reviewing first draft revisions of the housing element without the local agency first circulating for public comment for 30 days, in addition to reviewing and incorporating comments for another 10 days.
- HCD is required to review and report on its findings of a draft within 90 days of receipt of the first draft revision, or within 60 days of receipt of any additional subsequent draft amendments.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 215 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB215

AB 491 – Effective January 1, 2022 

Applies to: Housing developments; affordable and market-rate units

Intent: In order to prohibit discrimination in mixed-income housing developments, AB 491 requires that mixed-income, multi-unit residences provide occupants of the affordable housing units and occupants of the market-rate housing units with equal access to common entrances, areas, and amenities.

AB 491 also prohibits these residences from isolating affordable housing units within the development to a specific floor or an area on a specific floor.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 491 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB491

AB 686 – Effective January 1, 2019 

Applies to: Affirmatively Further Fair Housing; housing discrimination

Intent: AB 686 introduces an “Affirmatively Furthering Fair Housing” obligation into state law. “Affirmatively Furthering Fair Housing” is defined as taking meaningful actions that “overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity” for communities of color, persons with disabilities, and others protected by California law.

The following requirements are included:

- Agencies are to administer their programs and activities related to housing and community development in a way that affirmatively furthers fair housing
- Prohibition of agencies from taking actions materially inconsistent with their Affirmatively Further Fair Housing obligation
- The Affirmatively Further Fair Housing obligation is to be interpreted as consistent with U.S. Department of Housing and Urban Development’s 2015 regulation, regardless of federal action regarding the regulation
- Addition of an Affirmatively Further Fair Housing analysis to the Housing Element, beginning in 2021
 - Requirement of the Housing Element’s Affirmatively Further Fair Housing analysis to include an examination of issues such as segregation and resident displacement, as well as the required identification of fair housing goals

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for AB 686 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB686

AB 787 – Effective January 1, 2022 

Applies to: Housing Elements; converted affordable housing units; general plan annual report

Intent: AB 787 expands annual report standards to include discussion of converted affordable housing units.

Annual Report:

Local agency may include units in an existing multi-family development that were converted to deed-restricted rental units for moderate-income households under affordability covenants and restrictions for up to 25% of the moderate-income Regional Housing Needs Allocation (RHNA).

Eligibility requirements for converted units to be included in the calculations noted above include:

- ___ Prior to unit conversion, the rental rent was not affordable to very low, low-, or moderate-income households and the initial post-conversion rent for the unit is at least 10% less than the average monthly rent charged over the 12 months prior to conversion
- ___ Unit is subject to an agreement that requires the unit to be affordable and occupied by an individual(s) of moderate-income for 55 years
- ___ Unit is subject to governmental monitoring program to ensure continued affordability and occupancy by qualifying households

Additional Considerations:

- Local agency may reduce its RHNA of the converted units income category on an as-need basis.
- Department of Housing and Community Development is not required to implement the provisions of this law until January 1, 2023. However, for reports issued after January 1, 2023, planning agencies may report conversions that occurred on or after January 1, 2022.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 787 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB787

AB 879 – Effective January 1, 2018 

Applies to: Housing Elements; annual report

Intent: AB 879 imposes requirements for annual reports submitted as part of the implementation of the housing element, in addition to additional requirements related to discussion of potential constraints for housing.

Housing Element – Constraints:

- Analysis of any governmental constraints shall include discussion on any local adopted ordinances that affect the cost and supply of residential housing development.
- Analysis of non-governmental constraints shall include discussion relating to requests to develop housing at densities below those anticipated in the specific analysis, including the length of time between granting approval for a housing development project and submittal of build permit applications that might hinder construction of housing per Regional Housing Needs Allocation (RHNA).
- Analysis of non-governmental constraints shall also include discussion relating to demonstrating the jurisdictions efforts to remove non-governmental constraints that result in a gap between planning and construction of housing for all income levels.

Housing Element – Program for Schedule of Actions during Planning Period:

- Program shall discuss and remove any non-governmental constraints to the maintenance, improvement, and development of housing.

Annual Report:

- Required to include the following:
 - Number of housing development application received in prior year
 - Number of units included in housing development applications in prior year
 - Units approved and disapproved in prior year
 - Listing of sites rezoned to accommodate RHNA for each income level that could not be accommodated on specific sites
- Report shall be prepared utilizing standards adopted by HCD.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 879 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB879

AB 1304 – Effective January 1, 2022 

Applies to: Housing Element, AFFH

Intent: AB 1304 clarifies that a public agency has a mandatory duty to administer its programs and activities relating to housing and community development to affirmatively further fair housing and not take any action that is materially inconsistent with this obligation.

“Affirmatively Furthering Fair Housing” is defined as “taking meaningful actions, in addition to combating discrimination, that overcome segregation patterns and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”.

AB 1304 expands how local agencies must affirmatively further fair housing in their housing elements through:

- ___ Revising its assessment of fair housing to include an analysis of available federal, state, and local data and knowledge, among other things, to identify integration and segregation patterns, and would require that analysis be done in a specified manner
- ___ Requiring local agencies, when compiling inventories of land suitable and available for the development of housing, to analyze the relationship of the sites identified in the inventory to the jurisdiction’s duty to affirmatively further fair housing
- ___ Requiring the schedule of actions to assess the local and regional historical origins and current policies and practices that contribute to fair housing factors identified in the schedule.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1304 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1304

AB 1397 – Effective January 1, 2018 ↑

Applies to: **Housing Elements; inventory of suitable land for residential development**

Intent: AB 1397 strengthens requirements for Housing Element to outline inventory of land suitable for residential development.

Housing Element Amendments:

Requires inventory of land for residential development to include:

- Vacant sites and sites that have realistic potential for redevelopment during the planning period, which is the time the local government is undertaking, or intends to undertake, to implement the policies and achieve the goal and objectives of the housing element.
- Listing of properties by assessor parcel number (APN)
- Properties having sufficient utility (water, sewer, dry utilities) capacity available to support residential development or be included in program or plan to secure sufficient utilities to support residential development
- For each site, identify number of units that can be accommodated and whether it is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing
- For each site identified in previous elements, must only be utilized to accommodate lower income households if rezoned for by-right development with at least 20 percent of units dedicated to lower income households

Additional Considerations:

- If nonvacant sites constitute more than 50% of development need for lower income households, local agency must demonstrate existing use does not constitute an impediment to residential development during the planning period

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1397 can be found in the complete bill text here: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1397

AB 1398 – Effective January 1, 2022

Applies to: Housing Elements; rezoning of sites

Intent: AB 1398 shortens the length of time a local agency must rezone its inventory sites to accommodate Regional Housing Needs Allocation (RHNA).

If a local agency fails to adopt a Housing Element in compliance with State law within 120 days of the statutory deadline, the local agency must complete rezoning of its inventory sites to accommodate its RHNA allocation no later than one year from the statutory deadline for adoption of the Housing Element.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1398 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1398



Parking

This section contains laws pertaining to state-mandated parking requirements. These include amendments for and eliminations of parking requirements for specified land uses.

PARKING AT A GLANCE

AB 1851

Effective January 1, 2021

Applies to: Parking requirements; housing development; faith-based organizations

Overview: Reduces or eliminates local parking requirements that would otherwise preclude faith-based organizations from developing affordable housing in their parking lots.

[LEARN MORE ON PAGE 77](#)

AB 2263

Effective January 1, 2019

Applies to: Historic resources; parking; conversion or adaptation

Overview: Authorizes parking reductions for a development project where a designated historical resource is being converted or adapted. [LEARN MORE ON PAGE 78](#)

AB 1851 – Effective January 1, 2021 

Applies to: Affordable housing development parking requirements for faith-based organizations (i.e., churches and other places of worship)

Intent: AB 1851 eliminates or reduces local parking requirements that would otherwise preclude faith-based organizations from developing affordable housing in their parking lots.

How to Apply: Eligibility requirements include:

- Project is located on one or more contiguous parcels owned by a religious institution.
- Project qualifies as being near co-located religious-use parking.
- Project qualifies for a density bonus under the state’s Density Bonus Law.
- Number of religious-use parking spaces requested to be eliminated does not exceed 50 percent of the existing spaces that are available at the time the request is made.

Additional Considerations:

- Prohibits local agency from requiring the replacement of religious-use parking spaces that a religious institution affiliated housing development project proposes to eliminate.
- Prohibits local agency from requiring developer to cure a preexisting shortage of the number of religious-use parking spaces as a condition of approval.
- Allows the number of religious-use parking spaces that will be available after completion of the affiliated housing development project to count toward the number of parking spaces otherwise required for approval.
- Prohibits local agency from denying a housing development project proposed by a religious institution solely on the basis that the project will reduce the total number of parking spaces available at the place of worship (provided that the total reduction does not exceed 50 percent of existing parking spaces).
- Local agency can require up to one parking space per unit, unless (1) project is located within one-half mile walking distance of public transit or (2) there is a car share vehicle within one block of the site.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1851 can be found in the complete bill text here: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1851

AB 2263 – Effective January 1, 2019 

Applies to: Historic resources; parking; conversion or adaptation

Intent: AB 2263 authorizes parking reductions for a development project where a designated historical resource is being converted or adapted unless otherwise required by local ordinance.

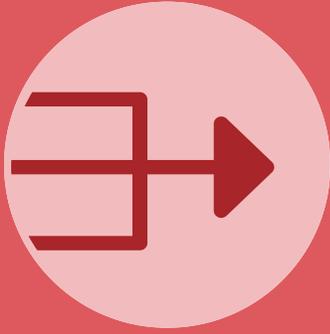
The following parking reductions are provided:

- ___ For a project converting or adapting a designated historical resource to residential use located within a half mile of a major transit stop, the project does not have to provide parking spaces greater than the number of parking spaces that existed on the project site at the time the project application was submitted.
- ___ For a project converting or adapting a designated historical resource to non-residential use, a local agency shall provide a 25 percent reduction in the number of parking spaces that would otherwise be required.

A development project in which a designated historical resource is being converted or adapted that is eligible for reductions in required parking must comply with regulations and standards necessary for the continued use of the designated historical resource. A “designated historical resource” is a structure or property officially on a local register of historical resources, the California Register of Historical Resources, or the National Register of Historic Places.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for AB 2263 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2263



Streamlining and Other Incentives

This section contains laws pertaining to the streamlining of existing processes, by-right approvals, including local permit processes and programmatic requirements. Additionally, it also includes laws defining incentives for specified land-use configurations.

STREAMLINING AND OTHER INCENTIVES AT A GLANCE

SB 8

Effective January 1, 2022

Applies to: SB 330 modifications

Overview: Modifications and clarifications to SB 330, Housing Crisis Act of 2019, including revisions to development review process and unit replacement and tenant protections. [LEARN MORE ON PAGE 86](#)

SB 9

Effective January 1, 2022

Applies to: Housing development and property subdivision; approvals

Overview: Ministerial approval of certain housing development projects containing up to two dwelling units (i.e., duplexes) and qualifying lot splits on a single-family zoned parcel.

[LEARN MORE ON PAGE 88](#)

SB 10

Effective January 1, 2022

Applies to: Local zoning ordinance

Overview: Allows local governments to adopt an ordinance to zone any parcel for up to 10 units residential units if the parcel is located in a transit-rich area or an urban infill site. The measure also specifies that any resolution to amend the jurisdiction General Plan, ordinance or other local regulation adopted to be consistent with that ordinance is not a project for purposes of CEQA. This measure expires on January 1, 2029. [LEARN MORE ON PAGE 90](#)

SB 35

Effective January 1, 2018

Applies to: Affordable housing; streamlined approval process

Overview: Requires use of a streamlined, ministerial approval process for qualified housing developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need. [LEARN MORE ON PAGE 91](#)

AB 73

Effective January 1, 2018

Applies to: Housing sustainability districts

Overview: Authorizes local governments to establish housing sustainability districts. [LEARN MORE ON PAGE 92](#)

AB 101 

Effective January 1, 2020

Applies to: Low Barrier Navigation Center developments; streamlined approval process

Overview: Authorizes streamlined, by-right approval for Low Barrier Navigation Center developments. [LEARN MORE ON PAGE 94](#)

SB 167 

Effective January 1, 2018

Applies to: Housing Accountability Act

Overview: Amends the Housing Accountability Act of 1982 to further limit local agencies' ability to disapprove applications for affordable housing projects and emergency shelters.

[LEARN MORE ON PAGE 95](#)

AB 168 

Effective September 25, 2020

Applies to: SB 35 modifications; tribes

Overview: Modifications to SB 35 related to California Native American Tribal consultation. [LEARN MORE ON PAGE 96](#)

SB 330 (Housing Crisis Act of 2019) 

Effective January 1, 2020

Applies to: Housing development; approvals; local zoning ordinance

Overview: Faster approvals for housing and zoning changes, protects existing units, provides expedited approval process, including prohibiting "downzoning" (reduce zoned capacity for housing). [LEARN MORE ON PAGE 97](#)

SB 478 

Effective January 1, 2022

Applies to: Housing development projects; floor area ratio (FAR)

Overview: Prohibits a local agency from imposing an FAR of less than 1.0 on eligible housing development projects with 3 to 7 units, or less than 1.25 on eligible housing development projects with 8 to 10 units. [LEARN MORE ON PAGE 99](#)

STREAMLINING AND OTHER INCENTIVES AT A GLANCE, CONTINUED

SB 540 

Effective January 1, 2018

Applies to: Workforce Housing Opportunity Zones

Overview: Authorizes local governments to establish Workforce Housing Opportunity Zones. [LEARN MORE ON PAGE 100](#)

SB 591 

Effective January 1, 2022

Applies to: Senior housing; intergenerational housing development

Overview: This bill authorizes the establishment of an intergenerational housing development that includes senior citizens and caregivers and transition-age youth. This measure requires that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. [LEARN MORE ON PAGE 101](#)

AB 678 

Effective January 1, 2018

Applies to: Housing Accountability Act; revisions

Overview: Amends Housing Accountability Act to revise requirements including for disapproving a project, definition of “housing development project”, among other things.

[LEARN MORE ON PAGE 102](#)

AB 721 

Effective January 1, 2022

Applies to: Affordable housing; covenants and restrictions

Overview: Clarifies that density restrictions in any covenants cannot be used to discourage an affordable or supportive housing development, including restricting the number, size, or location of residences or number of persons or families, that is otherwise consistent with local zoning. [LEARN MORE ON PAGE 103](#)

AB 725 

Effective January 1, 2022

Applies to: Housing Elements

Overview: Requirements for local jurisdiction’s Housing Element regarding medium-density housing for moderate-income and above moderate-income households related to inventory of land suitable for residential development. [LEARN MORE ON PAGE 104](#)

SB 744 

Effective January 1, 2020

Applies to: Streamline approval process; supportive housing development projects; CEQA

Overview: Streamline approval process for supportive housing development projects that seek funding through the No Place Like Home Program. [LEARN MORE ON PAGE 105](#)

SB 765 

Effective January 1, 2019

Applies to: SB 35 amendments

Overview: Authorizes several revisions to SB 35 pertaining to streamlined approval process, workforce labor requirements, covenants, among other. [LEARN MORE ON PAGE 106](#)

AB 831 

Effective September 28, 2020

Applies to: SB 35 modifications

Overview: Modifications and clarifications to SB 35's streamlined ministerial approval process to limit local agency discretion regarding review and approval of a SB 35 project.

[LEARN MORE ON PAGE 107](#)

SB 1030 

Effective September 25, 2020

Applies to: SB 330 modifications including definition of "deemed complete", reporting on surplus land and excess land, revisions to percolation test requirements.

Overview: Modifications and clarifications to SB 330, Housing Crisis Act of 2019. [LEARN MORE ON PAGE 108](#)

AB 1174 

Effective January 1, 2022

Applies to: Development approvals and modifications; housing development; multi-family housing

Overview: Revises requirements for certain multi-family housing development projects including validity of project approval, and definition of "affordable rent", among other things.

[LEARN MORE ON PAGE 109](#)

STREAMLINING AND OTHER INCENTIVES AT A GLANCE, CONTINUED

AB 1485

Effective January 1, 2020

Applies to: SB 35 amendments; streamlined approval process; housing development

Overview: Authorizes several revisions to SB 35 pertaining to two-thirds residential projects definition, subsequent permits, approval expiration dates, among others. [LEARN MORE ON PAGE 110](#)

AB 1505

Effective January 1, 2018

Applies to: Zoning regulations; affordable rental housing

Overview: Authorizes local jurisdictions to adopt ordinances to require residential developments to include a certain percentage of residential rental units affordable to moderate-income, lower-income, very low-income, or extremely low-income households or by persons and families of low- or moderate-income.

[LEARN MORE ON PAGE 111](#)

AB 1515

Effective January 1, 2018

Applies to: Housing Accountability Act; housing development and emergency shelter; consistency with local plans

Overview: Amends Housing Accountability Act to address housing development and emergency shelter consistency with local plans.

[LEARN MORE ON PAGE 112](#)

AB 1521

Effective January 1, 2018

Applies to: Housing developments; affordable housing

Overview: Strengthens the Preservation Notice Law by requiring additional notice of a scheduled expiration of rental restrictions and requiring owners of expiring affordable rental properties to accept any market-rate purchase offer from a qualified preservation entity that intends to maintain the property's affordability restrictions.

[LEARN MORE ON PAGE 113](#)

AB 1783 

Effective January 1, 2020

Applies to: Farmworker housing; CEQA; streamlined approval process

Overview: Streamlines approval process for qualified farmworker housing development projects. [LEARN MORE ON PAGE 114](#)

AB 2162 

Effective January 1, 2019

Applies to: Supportive housing; streamlined approval process; CEQA

Overview: Authorizes streamlined, by-right approval for supportive housing developments. [LEARN MORE ON PAGE 115](#)

AB 3194 

Effective January 1, 2019

Applies to: Housing Accountability Act; project approval

Overview: Authorizes several revisions to strengthen the Housing Accountability Act related to project approval.

[LEARN MORE ON PAGE 116](#)

SB 8 – Effective January 1, 2022 

Applies to: Modifications and clarifications to SB 330.

Intent: SB 8 includes revisions to Housing Crisis Act such as the development review process and unit replacement and tenant protections

SB 8 includes several modifications and clarifications to SB 330 including:

Definition of “Housing Development Project”

- Clarifies “Housing Development Project” definition includes the following projects:
 - Involve no discretionary approvals;
 - Involve both discretionary and nondiscretionary approvals; and,
 - Include a proposal to construct a single dwelling unit.

Development Review Process

- Clarifies “reducing the intensity of land use” includes any action that would individually or cumulatively reduce a site’s development capacity.
- An appeal hearing can now be considered a hearing for purposes of the five-hearing limit established previously under SB 330.

Unit Replacement and Tenant Protections

- Modifies requirement to provide relocation benefits and right of first refusal to only occupants of “protected units.”
 - Requirement does not apply to an occupant of a short-term rental that is rented for a period of fewer than 30 days.
 - Proposed housing development project which an application was submitted after January 1, 2019, but before January 1, 2020, that is located in a jurisdiction with a population of under 31,000, and that has adopted a rent or price control ordinance is exempt from the above provisions.
- Additional exemptions for modifications to right of first refusal for “protected units” include:
 - Proposed housing development project that consists of a single residential unit located on a site where a single protected unit is being demolished; and,
 - Proposed housing development project that consists of 100% of the units are reserved for lower income households, not including any manager’s units, unless the occupant of a protected unit qualifies for residence in the new development and the occupant is not precluded from occupancy.
- Existing occupants of “protected units” required to leave units shall be allowed to return to the property at their prior rental rate if demolition does not occur and property is returned to the rental market.

Additional Considerations:

- Extends expiration of the law from 2025 to 2030.
- Preliminary applications submitted prior to January 1, 2030 can invoke vesting rights until January 1, 2034.
- If housing development project does not start construction within 3.5 years of final approval (as opposed to 2.5 years specified in SB 330), local jurisdiction may impose new ordinances, policies, and standards.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 8 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB8

SB 9 – Effective January 1, 2022 

Applies to: Approval process for certain housing development projects and lot splits on a single-family zoned parcel

Intent: SB 9 allows for the ministerial approval (i.e., without discretionary review or hearings) of certain housing development projects containing up to two dwelling units (i.e., duplexes) and qualifying lot splits pursuant to a parcel map, upon meeting a number of criteria. If these criteria are satisfied, the local agency must approve the project ministerially. Projects approved ministerially are not subject to the CEQA.

Qualifying Projects:

Housing development projects containing no more than two dwelling units on a single-family zoned parcel must be permitted on a ministerial basis, upon satisfaction of a number of qualifying criteria below.

How To Apply: Eligibility requirements include:

- ___ Project site is in a city or urbanized portion of an unincorporated county.
- ___ Project site is not located on or in any of the following: (1) prime farmland, or farmland of statewide importance, (2) wetlands, (3) within a very high fire severity zone, (4) a hazardous waste or hazardous list site, (5) within a delineated earthquake fault zone, (6) within a 100-year flood zone, (7) within a floodway, (8) identified for conservation in an adopted natural community conservation plan, (9) habitat for protected species or (10) lands under conservation easement.
- ___ Project site does not require demolition or alteration of any housing if (1) housing is restricted affordable housing, (2) subject to rent control, or (3) has contained tenant occupied housing in the last three years.
- ___ Project site cannot have been withdrawn from the rental market (i.e., under the Ellis Act) within the past 15 years.
- ___ Project does not propose demolition of more than 25 percent of the existing exterior walls unless either (1) the local ordinance allows more demolition, or (2) the site has not been occupied by a tenant in the past three years.
- ___ Project site is not within a historic district or property included on the California Historical Resources Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- ___ Parking of no more than one space per dwelling unit is allowed, except no parking required for projects (a) within a half-mile walking distance of a high-quality transit corridor or a major transit stop or (b) within one block of car share.

Additional Considerations:

- No setbacks are required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Otherwise, the local agency may require four-foot side and rear yard setbacks.
- A local agency may impose objective zoning, subdivision, and design review standards, providing such objective standards do not preclude the construction of either of the two units being less than 800 square feet in floor area.

- A local agency may deny such a housing development project if there is a written finding that the project would create a specific adverse impact upon public health and safety or the physical environment that there is no way to mitigate.
- A local agency cannot be required to permit an ADU or JADU in addition to the second unit if there is a lot split. No more than two units (inclusive of ADUs and JADUs) per lot will be allowed on lots created through SB 9.
- A local agency may not reject housing solely on the basis that a project proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance (transfer of ownership).
- The rental of any unit created must be for a term longer than 30 days.

Lot Splits:

Allow qualifying lot splits to be approved ministerially pursuant to a parcel map, upon meeting a number of criteria, including many of the same criteria for the two units described above. Additional criteria are described below.

Eligibility requirements includes:

- ___ Each parcel must be at least 40 percent of the original parcel's size.
- ___ Each parcel must be at least 1,200 square feet in lot size (unless the local agency permits smaller lot size per ordinance).
- ___ There cannot be a sequential lot split on the same parcel, nor can there be a lot split if the owner of the parcel being subdivided (or someone working in concert with that owner) has subdivided an adjacent parcel pursuant to this lot split legislation.
- ___ The parcel must be limited to residential use.
- ___ An affidavit that the applicant intends to use one of the housing units as a principal residence for at least three years from the date of approval.

Additional Considerations:

- The local agency shall not require a condition that requires correction of nonconforming zoning conditions.
- No right-of-way dedication or off-site improvement may be required.
- For each parcel created through this legislation, a local agency is not required to permit more than two dwelling units on a parcel.
- A local agency may require, as conditions of approval:
 - Easements for public services and facilities
 - Access to the public right-of-way

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 9 can be found in the complete bill text here: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9

SB 10 – Effective January 1, 2022 ↑

Applies to: Local government's ability to rezone for increased density

Intent: SB 10 authorizes local governments to adopt an ordinance to zone any parcel for up to 10 units, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. Adopting a local ordinance or resolution to amend the General Plan, ordinance, or other locally adopted regulation would be exempt from CEQA. However, if the new project authorized by the General Plan, ordinance, or other locally adopted regulation would require discretionary approval, subsequent CEQA review and approval would be required.

Eligibility requirements for this action include:

___ Parcel is located in a transit-rich area or urban infill site.

___ Parcel is not located within a very high fire severity zone.

Additional Considerations:

- Prohibits additional ordinances adopted under this action from superseding a local restriction that designates publicly owned land as open-space land or for park or recreational purposes.
- Prohibits projects consisting of 10 or more units on a parcel zoned for up to 10 units pursuant to this action to be approved ministerially, by-right, or be exempt from CEQA.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 10 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB10

SB 35 – Effective January 1, 2018 

Applies to: Approval process for qualified housing developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need.

Intent: SB 35 requires streamlined review and approval for eligible housing developments in California cities and counties where the production of new housing has not met the state-mandated Regional Housing Need Allocation (RHNA) targets¹, upon meeting a number of criteria. If these criteria are satisfied, the local agency must approve the project ministerially within 60 days (if the development includes less than 150 housing units) or within 90 days (if the development includes more than 150 housing units). Projects approved ministerially are not subject to the CEQA.

Qualifying Projects:

Housing development projects proposed within localities that fail to meet its RHNA goals to be permitted on a ministerial basis, upon satisfaction of a number of qualifying criteria below.

Eligibility requirements include:

- Project is a multifamily housing development consisting of two or more units.
- Project dedicates either 10% or 50% of units affordable to 80% of average median income (AMI)²
- Project site is on land zoned for residential or mixed-use residential use.
- Project site is on land in an urbanized area where 75% of the perimeter of site is developed.
- Project is consistent with objective zoning and design review standards.
- Project site is not located on or in any of the following: (1) coastal zone, (2) prime farmland, or farmland of statewide importance, (3) wetlands, (4) within a very high fire severity zone, (5) a hazardous waste site, (6) within a delineated earthquake fault zone, (7) within a flood plain, (8) within a floodway, (9) identified for conservation in an adopted natural community conservation plan, (10) habitat for protected species or (11) lands under conservation easement.
- Project does not propose demolition of (1) housing subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, or (2) housing subject to rent or price control, or (3) housing occupied by tenants within the past 10 years.

Refer to the complete bill for additional requirements that may apply. ³

See [AB 831](#), [AB 168](#), [AB 1485](#), [SB 1174](#), and [SB 765](#) for subsequent changes to SB 35 including amendments to preliminary application process, among other things.

¹ Jurisdictions subject to SB 35 can be found here:
https://www.hcd.ca.gov/policy-research/docs/sb35_statewidedeterminationsummary.pdf

² Varies depending on local jurisdictions housing production. See HCD website above in footnote number 1.

³ Additional actions required by SB 35 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB35

AB 73 – Effective January 1, 2018 **Applies to: Housing sustainability districts**

Intent: AB 73 authorizes local governments to establish by ordinance housing sustainability districts.

How To Apply: Eligibility requirements include:

- ___ Located within ½ miles of public transit.
- ___ Land area that is already substantially developed, including existing parks and open space.
- ___ Area that can be feasibly developed into residential or mixed-use development.

AB 73 requires governments proposing to establish housing sustainability districts to adhere to the following requirements:

- Authorize local government to incorporate provisions in the housing sustainability district ordinance including prescribing contents of an application for a permit for residential development, adopting design review standards, etc.
- Require that the housing sustainability district ordinance be effective for no more than 10 years, but would authorize the local government to renew the ordinance for no more than 10 years.
- Authorize residential use within the district through the ministerial issuance of a permit.
- Authorize a developer to develop a project in a housing sustainability district in accordance with the already existing land use approval procedures that would otherwise apply to the parcel in the absence of the establishment of the housing sustainability district.
- Requires lead agency, when designating housing sustainability districts, to prepare an EIR pursuant to CEQA for the designation.
- Exempts from CEQA housing projects undertaken in the housing sustainability districts that meet specified requirements.

Zoning Incentive Payment:

- AB 73 also authorizes local governments to apply to the Department of Housing and Community Development for approval for a zoning incentive payment by providing specified information about the proposed housing sustainability district ordinance.
- A local government would be entitled to an incentive payment and require that 1/2 the amount be provided upon zone approval by the department and 1/2 the amount upon verification by the department of the issuance of permits for the projected units of residential construction within the zone, provided that the local government has received a certificate of compliance for the applicable year.

The bill, if a proposed development within a housing sustainability district includes any parcels being used for affordable housing, would require that the approving authority condition approval of the application on the applicant's agreement to replace those affordable housing units.

Additional Considerations:

- If the local government reduces the density of sites within the district, the local government would be required to return the full zoning incentive payment received.

- Developers are authorized to develop a project in a housing sustainability district in accordance with the existing land use approval procedures that would otherwise apply to the parcel in the absence of the establishment of the housing sustainability district.
- Requires prevailing wages be paid, and a skilled workforce employed, in connection with all projects within the housing sustainability district.
- Approving authority shall conduct a public hearing on an application and issue a written decision within 120 days of receipt of the application.
- If a proposed development within a housing sustainability district includes any parcels being used for affordable housing, requires the approving authority to condition approval of the application on the developers agreement to replace those affordable housing units

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 73 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB73

AB 101 – Effective January 1, 2020 

Applies to: Low Barrier Navigation Center developments; streamlined approval

Intent: AB 101 authorizes streamlined, by-right approval for Low Barrier Navigation Center developments.

Definition:

- Low Barrier Navigation Center is defined as a “Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.”

Streamlined Approval:

- Low Barrier Navigation Center developments would be a use by-right in areas zoned for mixed uses and non-residential zones permitting multi-family uses, upon meeting certain criteria. The law defines the term “use by right” to mean that the local government’s review may not impose certain requirements, such as a conditional use permit or other discretionary review or approval.
- Projects approved by-right are not subject to the California Environmental Quality Act (CEQA).
- Local agency required to notify developer within 30 days of receipt of application whether it is deemed complete.
- Local agency required to act upon review of application within 60 days of receipt of completed application.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 101 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB101

SB 167 – Effective January 1, 2018 **Applies to: Housing Accountability Act**

The Housing Accountability Act of 1982 was adopted to prevent local agencies from creating barriers to the development of affordable housing and emergency shelters. It limits local agencies' ability to disapprove applications for affordable housing projects and emergency shelters to certain circumstances and based on specific factual findings.

SB 167 further restricts local agencies' ability to limit affordable housing and emergency shelters by requiring findings based on "the preponderance of the evidence" in the record.

Furthermore, local agencies are to deem housing development projects and emergency shelters compliant with all applicable plans, programs, policies, ordinances, and requirements so long as "substantial evidence that would allow a reasonable person to conclude" that the proposed project is compliant.

Housing Accountability Act Amendments:

___ Increase eligibility for mixed-use projects by broadening the definition of "mixed-use" to include any development consisting of both residential and non-residential uses, where at least 2/3 of the square footage is designated for residential uses

___ Tighten the definition of "Objective Standards" and limit jurisdictions' ability to apply those standards if they are in effect at the time a project's application is deemed complete

___ Require a local agency that disapproves a housing development project on the basis that the project does not comply with a plan, ordinance, or policy, to provide the applicant with written documentation of the plan, ordinance, or policy and the reasons why the local agency believes the project does not comply

- If the local agency does not provide such written documentation within a specified time period, then the project is to be deemed compliant with all plans, ordinances, and policies

___ Increased availability of attorney's fees to include affordable housing developers whose projects are disapproved or conditionally approved, housing organizations, residents who would qualify to live in the disapproved project, and developers of market-rate housing

___ Increased fines for local agencies that are found by a court to have violated the Housing Accountability Act and increased authority for courts to order projects to be approved

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by SB 167 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB167

AB 168 – Effective September 25, 2020 

Applies to: Modifications to SB 35 related to consultation with California Native American tribes.

AB 168 includes several modifications to SB 35 including:

- Prior to submitting application for streamlined approval (as described in SB 35), project proponent must submit a notice of intent via a preliminary application prior to proceeding under SB 35.
 - Within 30 days of receiving notice of intent, local jurisdiction must provide formal notice to each California Native American tribe (that is traditionally and culturally affiliated with the area of the proposed development) to engage in a scoping consultation regarding any potential effects the proposed development could have on a potential tribal cultural resource.
 - California Native American tribes contacted would have 30 days from the receipt of the formal notice to accept invitation to engage in a scoping consultation.
 - If accepted, local jurisdiction would have 30 days to initiate scoping consultation.

Additional eligibility requirements for SB 35 now include any of the following:

___ A California Native American tribe received a formal notice for a proposed development project's notice of intent and did not accept invitation to engage in scoping consultation within 30 days.

___ A California Native American tribe accepted an invitation to engage in scoping consultation within 30 days, but failed engage after repeated documented attempts by the local jurisdiction to initiate consultation.

___ The scoping consultation concluded that no potential tribal cultural resource would be affected by the proposed development project.

___ The scoping consultation identified potential impacts to potential tribal cultural resources, and the parties involved committed to a documented, enforceable agreement regarding the treatment of potential resources.

Projects ineligible for SB 35 include any of the following:

___ Project site contains tribal cultural resource that is on a national, state, tribal, or local historic register list.

___ Parties involved in scoping consultation process do not agree as to whether a potential tribal cultural resource would be affected by the proposed development project.

___ Potential tribal cultural resource could be affected by the proposed development project, and parties involved in scoping consultation process do not document an enforceable agreement regarding the treatment of potential resources.

Additional Considerations:

- California Native American tribe scoping consultation conducted would be exempt from provisions of CEQA.
- Requires Annual Progress Report submitted by each jurisdiction include information related to progress on adoption or amendment to General Plan to support its obligations to consult with California Native American tribes.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 168 can be found in the complete bill text here:
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB168

SB 330 (Housing Crisis Act of 2019) – Effective January 1, 2020 

Applies to: Streamline review and approval process for certain housing development projects.

Intent: SB 330 aims to expedite new housing construction and protect existing units. SB 330 has several main components including:

Revised Definition of “Housing Development Project”

The revised “Housing Development Project” definition includes any of the following:

- Residential units only;
- Mixed-use development consisting of at least 2/3rds dedicated for residential uses; or,
- Transitional or supportive housing;

Preliminary Application Process

- Requires lead agencies to compile a checklist and application form that applicants for housing development projects may use.
- Preliminary application is deemed completed by submitting required information as specified by SB 330 and is considered complete regardless of approval by the governing body.
- Requires applicant to submit application with all necessary information within 180 days of submitting the preliminary application.
- If application is deemed incomplete, lead agencies are required to provide applicant with an exhaustive list of items that were not complete
- Prohibits city or county from changing development standards and zoning applicable to the project once a preliminary application is submitted.
- Prohibits city or county from increasing fees during a project's application period. Increases are allowed if the resolution or ordinance establishing the fee calls for automatic escalations.

Development Review Process

- Proposed housing development projects are only subject to ordinances, policies, and standards adopted and in effect when a preliminary application is submitted, except as specified in SB 330.
- Reduces timeline to approve or disapprove a project after certification of an EIR (under the Permit Streamlining Act) from 120 days to 90 days or from 90 days to 60 days if certain affordability conditions are met, including the project includes at least 49 percent of units are affordable to very low or low-income households.
- Restrictions on local actions under certain circumstances such as prohibiting cities or counties from:
 - Conducting more than 5 public hearings for proposed housing development projects that complies with applicable objective general plan and zoning standards in effect at the time an application is deemed complete.

- Enacting development policies, standards or conditions that would modify current zoning and/or general plan designations where housing is an allowable use to "lessen the intensity of housing".
- Placing a moratorium on housing development.
- Enforcing design standards established on or after January 1, 2020.
- Limiting number of land use approvals or permits that will be issued in the jurisdiction, unless the jurisdiction is predominately agricultural.

Unit Replacement and Tenant Protections

- Prohibits cities and counties from approving housing development projects that require demolition of residential units, unless several conditions are met including:
 - Project would at least create as many units as are proposed to be demolished.
 - Project would replace all existing or demolished "protected units".
 - "Protected units" include units subject to a form or rent or price control or are/were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
 - Replacement units would be made "affordable". If rental, units would be subject to recorded affordability restriction for at least 55 years.
 - Existing residents would be able to occupy units until 6 months before start of construction.
 - Relocation benefits provided to occupants of affordable residential units.
 - Right of first refusal in the new housing development for existing residents.

Additional Considerations:

- Under certain conditions, prohibits local jurisdictions from disapproving a housing development project for farmworker housing, very low, low-income, or moderate income households, or emergency shelters.
- Local jurisdictions may be fined up to \$10,000 per unit (as of the date of application) for violation of the law.
- Local jurisdiction may impose new ordinances, policies, or standards, if the housing development project does not start construction within 2.5 years of final approval, or is modified to include 20 percent or more residential units or square footage.

Refer to the complete bill for additional requirements that may apply. ¹

See [SB 1030](#) and [SB 8](#) for subsequent changes to SB 330 including extending the provisions of the Housing Crisis Act, among other things.

¹ Additional actions required by SB 330 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330

SB 478 – Effective January 1, 2022 

Applies to: Housing development projects; floor area ratio (FAR)

Intent: SB 478 prohibits a local agency from imposing a FAR of less than 1.0 on eligible housing development projects with 3 to 7 units, or less than 1.25 on eligible housing development projects with 8 to 10 units.

Floor Area Ratio (FAR):

- For eligible projects with 3 to 7 units, FAR may not be less than 1.0
- For eligible projects with 8 to 10 units, FAR may not be less than 1.25

Requirements for eligible housing development related projects include:

- ___ Located in multi-family residential zone or mixed-use zone
- ___ Not located within a single-family zone, historic district or property on the State Historic Resources Inventory, or within a site designated or listed as a city or county landmark
- ___ Located on a legal parcel

Additional Considerations:

- Local agency cannot deny a housing development project based on the reasoning that the proposed lot area does not meet the local agency's requirement for minimum lot size.
- Local agency cannot impose a lot coverage requirements that would prevent a housing development project from achieving the FAR noted above.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 478 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB478

SB 540 – Effective January 1, 2018 ☰

Applies to: *Workforce Housing Opportunity Zones*

Intent: SB 540 authorizes local governments to establish Workforce Housing Opportunity Zones.

SB 540 imposes several requirements for local governments proposing to adopt a Workforce Housing Opportunity Zone including the following:

- Prepare an EIR pursuant to CEQA;
- Adopt a specific plan that includes text and a diagram or diagrams containing specified information;
- Hold public hearings on the specific plan;
- After a specific plan is adopted and the zone is formed, authorize local governments to impose a specific plan fee upon all persons seeking governmental approvals within the zone.
- Require local government to comply with certain requirements when amending the specific plan, including completing a new EIR;
- For 5 years after the plan is adopted, require the local government to approve developments that satisfy certain criteria, unless the local government makes certain findings regarding the site;
- Require local government to approve housing developments located within the zone that are consistent with the plan and meet certain criteria within 60 days after the application for the development is deemed complete.
- Requires local governments to include within the annual report the status of the general plan and progress in meeting the regional housing needs, the number of housing units approved within the zone that complies with certain criteria.

Additional Considerations:

- After the Workforce Housing Opportunity Zone is adopted, the local government is not required to prepare an ND or EIR for housing developments that occur within the zone, if certain criteria are met.
- Local governments are authorized to apply for a grant or no-interest loan, or both, from the Department of Housing and Community Development to support its efforts to develop a specific plan and accompanying EIR within the zone.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by SB 540 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB540

SB 591 – Effective January 1, 2022 

Applies to: Senior housing, intergenerational housing development

Intent: SB 591 authorizes the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition-age youth. The state is to create a policy supporting these developments. It would permit developers with certain funds or tax credits designated for affordable rental housing to restrict occupancy to senior citizens, caregivers, and transition-age youth.

Requirements

- ___ At least 80 percent of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen
- ___ Up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition-age youth
- ___ The development must be affordable to “lower-income households”

Additional Considerations

- ___ Prohibition of evictions or lease terminations of families with children in order to comply with the senior citizen occupancy requirement

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 591 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB591

AB 678 – Effective January 1, 2018 

Applies to: [Housing Accountability Act; revisions](#)

Intent: AB 678 amends the Housing Accountability Act to revise requirements in the following ways:

- Requires a local agency’s findings for disapproving or conditionally approving a project to be based on a “preponderance of the evidence” in the record.
- A zone change or general plan land use designation change after an application is “deemed complete” would not be a valid reason to disapprove or conditionally approve a project.
- “Housing development project” is defined as including mixed-use development projects. This bill clarifies that “mixed-use developments” must include two-thirds of the square footage for residential use.
- Housing development projects or emergency shelters are to be “deemed consistent” with all applicable plans, programs, policies, ordinances, and requirements so long as “substantial evidence” that would allow a reasonable person to conclude” that the proposed project is compliant.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 678 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB678

AB 721 – Effective January 1, 2022 

Applies to: Affordable housing; covenants and restrictions

Intent: AB 721 will make density restrictions in private restrictive covenants unenforceable against an affordable housing developer, allowing more housing to be built while adhering to local zoning laws.

Any recorded covenants or restrictions that restrict the number, size, or location of the residences that may be built on the property or that restrict the number of persons or families who may reside on the property are unenforceable against the owner of an affordable housing development if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided unless a specified exception applies.

Additional Considerations

AB 721's provisions do not apply to:

___ Restrictive covenants that relate to purely aesthetic objective design standards;

___ Conservation easements that meet certain conditions;

___ Or any recorded deed restriction, public access easement, or other similar covenant required by a state agency for the purpose of compliance with state or federal law.

Additionally, AB 721's provisions do not provide:

___ Fees or assessments for the maintenance of common areas; or

___ Limits on the amount of rent that may be charged to tenants

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 721 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220AB721

AB 725 – Effective January 1, 2022 **Applies to: State-mandated Housing Element**

Intent: AB 725 requires jurisdictions to plan for medium-density housing (i.e. duplexes, fourplexes, etc.) for moderate-income and above moderate-income households through their respective Housing Elements. Specifically, AB 725 requires jurisdictions to specify in their Housing Elements the allocation of:

- At least 25 percent of a jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but no more than 100 units per acre of housing;
- At least 25 percent of a jurisdiction’s share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 4 units of housing.

Additional Considerations:

- The sites detailed above must be identified in the Housing Element inventory of land suitable for residential development.
- ADUs and JADUs do not count toward the 25 percent allocation.
- Unincorporated areas are exempt from this requirement.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 725 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB725

SB 744 – Effective January 1, 2020 **Applies to: Approval process for supportive housing development projects**

Intent: Streamline approval process for supportive housing development projects that seek funding through the No Place Like Home Program. The No Place Like Home Program provides funding to eligible counties for development of permanent supporting housing projects.¹

Streamlined Approval:

- The decision of an agency to seek funding from or the departments awarding of funds pursuant to, the No Place Like Home Program is not a project for purposes of CEQA.
- If No Place Like Home Project is not eligible for by-right approval, development applicant may request within a specific time period that the lead agency prepare concurrently the record of proceeding for the project with the performance of the environmental review of the program.
- If subject to CEQA, lead agency is required to file a notice of the approval or determination within two working days of approval.
- If not subject to CEQA, lead agency is required to file notice of exemption within two working days of approval.
- Person challenging the lead agency's action on the grounds of noncompliance with CEQA must file the action or proceed within 30 days of the filing of the notice of determination or, if the local agency fails to comply with the applicable timelines for filing a notice of approval or determination or a notice of exemption, the earlier of 30 days from the date of the local agency's late filing of the notice or 90 days from the date the notice was required to be filed.

Additional Considerations:

- Local government's review of supportive housing development is not a project for purposes of CEQA.
- Policy to approve as a use by right a development with a limit higher than 50 units is not a project for purposes of CEQA.
- Local governments are not prohibited from imposing fees and other exactions, but local governments are prohibited from adopting any requirement, including increased fees, that applies to a project solely or partially on the basis that the housing project constitutes a permanent supportive housing development or based on the development's eligibility for ministerial approval pursuant to these provisions.

Refer to the complete bill for additional requirements that may apply.²

¹ Additional information on No Place Like Home Program can be found at HCD's website here: <https://www.hcd.ca.gov/no-place-like-home>

² Additional actions required by SB 744 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB744

SB 765 – Effective January 1, 2020 **Applies to: SB 35 Amendments**

Intent: SB 765 authorizes several revisions to SB 35 pertaining to streamlined approval, workforce labor requirements, covenants, among other things.

Workforce:

- Skilled and trained workforce required for projects that are no 100% subsidized affordable housing and meet certain criteria, including number of units.

Percentage of Below Market Rate (BMR) Units:

- Housing development projects subject to minimum percentage BMR units, as described in SB 35, would be based on the local agency's most recent production report.

Covenants:

- Prior to a local agency issuing the first building permit, project proponent must commit to a land use restriction or covenant stating any affordable units must remain affordable for 55 years (for rental units) or 45 years (for owned units).

CEQA:

- For development projects subject to the Subdivision Map Act, in addition to receiving or received funding from Low Income Housing Tax Credits (LIHTC) and subject to requirements related to prevailing wages, the application to the Subdivision Map Act would be exempt from CEQA.
- For development projects for very low-, low-, and moderate-income units approved under SB 35, the agency's determination of an application would be exempt from CEQA.

Parking Standards:

- Parking standards may not be imposed on developments approved under SB 35.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 765 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB765

AB 831 – Effective September 28, 2020 **Applies to: Modifications and clarifications to SB 35**

Intent: AB 831 includes several modifications and clarifications to SB 35:

- Authorizes modifications to the development (approved under SB 35) prior to the issuance of the final building permit, if the project continues to meet specified objective planning standards that were in place when the original application was submitted to the local jurisdiction and requires jurisdiction to either approve or deny the request for modification within 60 days if development includes 150 or fewer housing units or 90 days if development includes more than 150 housing units.
- Required off-site public improvements (located on land owned by the local government) shall be approved without delay, in a manner that would not inhibit, chill, or preclude the development.
 - Prohibits local agency from unreasonably delaying in its consideration, review, or approval of the application for the public improvement.
- Clarifies that mixed-use developments eligible for streamlined approval include at least two-thirds of its square footage (not the underlying zoning) dedicated to residential uses.
 - Clarified by California Court of Appeal (Ruegg & Ellsworth v. City of Berkeley (2021) 63 Cal. App.5th 277.)

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 831 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB831

SB 1030 – Effective September 25, 2020 

Applies to: **Modifications and clarifications to SB 330.**

Intent: SB 1030 authorizes several revisions to SB 330 including related to the definition of “deemed complete”, reporting on surplus land and excess land, revisions to percolation test requirements, etc.

SB 1030 includes several modifications and clarifications to SB 330 including:

- “Deemed complete” includes the submission of a completed application if the applicant has not submitted a preliminary application.
- Modifies requirements for application resubmission per SB 330 (i.e. proposed development project revises units or square footage by 20% or more, etc.) to exclude from this calculation additional density dedicated through the State Density Bonus Law.
- Local agency must provide list of surplus and excess land upon request without payment.
- Percolation test may require a permit application to develop an ADU that is connected to an onsite wastewater treatment system.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 1030 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB1030

AB 1174 – Effective January 1, 2022 

Applies to: Development approvals and modifications; housing development; multi-family housing

Intent: AB 1174 revised requirements for certain multi-family housing development projects including validity of project approval, definition of “affordable rent”, and the applicability of objective development standards.

- Approved development requirements are valid indefinitely
- Approval of a development project would remain valid for 3 years from the day of judgment by the local agency.
- Revised “affordable rent” definition to include rent that is consistent with appropriate rent applied towards housing development projects that receive LIHTC.
- Allows objective building standards to be applied to applications submitted before the building permit application.
- Applications for subsequent permits shall be based on objective standards in place when the development application was submitted, unless otherwise agreed upon by the developer.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1174 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1174

AB 1485 – Effective January 1, 2020 

Applies to: SB 35 Amendments; streamlining; housing development

Intent: AB 1485 makes various changes to SB 35 to allow for streamlining of housing developments that include a percentage of low income and/or moderate-income housing. The revisions under AB 1485 to SB 35 include those pertaining to two-thirds residential projects definition, subsequent permits, and approval expiration dates, among others.

A project is eligible for local entitlement and CEQA streamlining approval under SB 35 if it meets one of the following requirements:

- ___ A jurisdiction fails to produce its annual report or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period; or
- ___ The project in the San Francisco Bay Area contains 10 or more units and it dedicates 20% of the total number of units to housing affordable to households making below 120% of the area median income with the average income of the units at or below 100% of the area median income.

Two-Thirds Residential Project Definition:

- Under SB 35, housing development projects are eligible if they included at least two-thirds of square footage as residential. AB 1485 clarifies that “square footage” cannot include underground spaces such as basements or parking garages.

Approval Expiration Date:

- The approval for housing development projects that do not meet certain criteria as outlined in SB 35 is valid for 3 years.

Subsequent Permits:

- Requires any permits subsequent to the streamlined, ministerial approval, such as demolition, grading, and building permits or, if required, final map, to be issued if the application substantially complies with the development as it was approved. Upon receipt of the application, the local government shall process subsequent permits without unreasonable delay and shall apply the same procedures and requirements to all projects.

Additional Considerations:

- States that the rent or sale price charged for units for these households shall not exceed 30% of the gross income of the household.
- SB 35 projects are protected under the Housing Accountability Act.
- Housing development projects are considered consistent with objective planning standards if there is “substantial evidence” that allows a reasonable person to conclude the development project is consistent.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1485 can be found in the complete bill text here: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1485

AB 1505 – Effective January 1, 2018 

Applies to: Zoning regulations; affordable housing

Intent: AB 1505 declares the legislative intent to supersede the decision made in the 2009 Palmer v. City of Los Angeles court case that conflicts with a local jurisdiction's authority to impose inclusionary housing requirements on rental housing.

In this declaration, AB 1505 authorizes local jurisdictions to adopt ordinances requiring residential developments to include a certain percentage of residential rental units affordable to moderate-income, lower income, very low income, or extremely low-income households or by persons and families of low or moderate-income.

Department of Housing and Community Development (HCD) Authorizations

State HCD is authorized to review local ordinances that require that more than 15 percent of the total number of units rented in a residential development be affordable to households at 80 percent or less of the area median income.

Additionally, HCD is authorized to request and require that local jurisdictions provide evidence that their ordinance does not constrain housing production through the submittal of an economic feasibility study that meets HCD's specified standards.

- If HCD finds that the economic feasibility study does not meet these standards, or if the local jurisdiction fails to submit the study within 180 days, AB 1505 requires the local jurisdiction to limit any requirement to provide rental units in a development affordable to households at 80 percent or less of the area median income to no more than 15 percent of the total number of units in the development.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1505 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1505

AB 1515 – Effective January 1, 2018 

Applies to: Housing Accountability Act; housing development and emergency shelter; consistency with local plans

Intent: AB 1515 amends Housing Accountability Act to address consistency with local plans.

AB 1515 authorizes that a housing development project or emergency shelter is considered consistent with applicable plans, programs, policies and other similar provisions if based upon preponderance of the evidence that someone could conclude that the project is consistent with the applicable plan, program, policy and other similar provision.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1515 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1515

AB 1521 – Effective January 1, 2018 

Applies to: Housing developments; affordable housing

Intent: AB 1521 strengthens the state’s existing Affordable Housing Preservation Notice Law by requiring that rental housing with expiring federal or state subsidies, or affordability protections be offered for sale first to qualified preservation purchasers at market value.

Affordable Housing Preservation Notice Law

California’s existing Preservation Notice Law defines the state’s interest in multi-unit rental properties that are affordable to lower-income households due to various forms of subsidies and covenants restricting the incomes of their occupants and the rents that they may charge.

The Preservation Notice Law describes various actions that owners of these properties must take before prepaying subsidized mortgages, terminating rental subsidies, or otherwise allowing covenants that protect the rental units’ affordability from expiring.

These actions include:

- Notifying tenants and local governments of the impending loss of affordability within three years of a scheduled expiration of rental restrictions
- Notifying qualified preservation entities of the opportunity to submit a non-binding offer to purchase covered properties

Entities that are provided an opportunity to purchase the development are:

___ Regional or national nonprofit organizations, regional or national public agencies, and profit-motivated organizations that own and operate at least three comparable rent – and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States

___ Certified by the state Department of Housing and Community Development (HCD) based on demonstrated relevant prior experience in California and current capacity as capable of operating the housing and related facilities

AB 1521 additionally requires state HCD to monitor compliance with the law and allows affected tenants and local governments the right to enforce the law.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for AB 1521 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1521

AB 1783 – Effective January 1, 2020 

Applies to: Farmworker housing; CEQA; streamlined approval process

Intent: AB 1783 streamlines approval process for qualified farmworker housing development projects.

AB 1783 authorizes developers to submit an application for streamlined, ministerial approval of eligible agricultural employee housing development projects, if certain conditions are met. Projects approved ministerially are not subject to the CEQA.

Qualifying Projects:

Housing development projects containing no more than two dwelling units on a single-family zoned parcel must be permitted on a ministerial basis, upon satisfaction of a number of qualifying criteria below.

How To Apply: Eligibility requirements includes:

- Project site located on lands zoned primarily for agricultural uses
- Project site is not located on or in any of the following: (1) coastal zone, (2) wetlands, (3) within a very high fire severity zone, (4) a hazardous waste or hazardous list site, (5) within a delineated earthquake fault zone, (6) within a 100-year flood zone, (7) within a floodway, (8) identified for conservation in an adopted natural community conservation plan, (9) lands under conservation easement, (10) lands with groundwater levels within five feet of soil surface
- Project is an eligible agricultural employee housing development meeting several requirements including (1) does not contain dormitory-style residential units and (2) consists of no more than 36 residential units for use by a single family or household.
- Project is operated and maintained by a qualified public housing agency or organization
- Maintain affordability for no less than 35 years

Additional Considerations:

- Local agency must notify developer if proposed development project does not meet requirements within 30 days for developments containing 50 units or fewer, or within 60 days for developments containing more than 50 units.
- Projects approved under this process would not be subject to density limitations (unless otherwise required in agricultural land use) and would be exempt from local approval, taxes, and fees.
- Establishes that the funding predevelopment of, developing, or operating of any housing for farmworkers holding federal H-2A visas shall be ineligible for state funding.
- Provides that a tenant residing in agricultural employee housing has all the rights applicable to a person residing in employee housing.
- States that a local government may subject an eligible agricultural employee housing development to specified, objective development standards.
- Requires HCD to establish an application and review process for certifying that a person is an affordable housing organization qualified to operate agricultural employee housing.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 1783 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1783

AB 2162 – Effective January 1, 2019 

Applies to: Supportive housing; streamlined approval; CEQA

Intent: AB 2162 authorizes streamlined, by-right approval for supportive housing developments.

Streamlined Approval:

- Supportive housing developments would be a use by-right in areas zoned for mixed uses and multi-family uses, including non-residential zones permitting multi-family uses, upon meeting certain criteria.
- Projects approved by-right are not subject to the California Environmental Quality Act (CEQA). Authorizing supportive housing as a use by right under the specified circumstances would expand the exemption for the ministerial approval of projects under CEQA.
- Local agency required to notify developer within 30 days of receipt of application whether it is deemed complete.
- Local agency required to act upon review of application within 60 days of receipt of completed application (for projects with 50 or fewer units), or within 120 days of receipt of completed application (for projects with greater than 50 units).

Additional Considerations:

Developer required to prepare and provide a plan for providing supportive services to local agency.

- Minimum parking standards may not be imposed for supportive housing projects located within one-half mile of public transit stop.
- Provisions of this bill would not prevent a developer from obtaining a density bonus from the local agency or coordinating with the local agency to adopt or expand a local action, such as an ordinance, that promotes support housing development.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 2162 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2162

AB 3194 – Effective January 1, 2019 

Applies to: [Housing Accountability Act; project approval](#)

Intent: AB 394 authorizes several revisions to strengthen the Housing Accountability Act related to project approval.

Project Approval:

- If a proposed housing development project site zoning is inconsistent with the general plan, the local agency cannot require rezoning if the proposed project is consistent with objective general plan standards.
- Local agency can apply general plan objective standards and zoning standards to the proposed housing development project to facilitate development at the density allowed at the project site.
- The only basis for which a local agency can reject a project is if a “specific, adverse impact upon the public health and safety (would) arise infrequently.”

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 3194 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB3194



Surplus Land Availability

This section contains laws pertaining to Surplus Land Availability. These include an amendment of the state definition of Exempt Surplus Land, defining requirements for local agencies' reporting of surplus lands, and the development of inventory of available surplus lands.

SURPLUS LAND AVAILABILITY AT A GLANCE

SB 6

Effective January 1, 2020

Applies to: Surplus land availability; residential development; housing data

Overview: Requires the state to create a public inventory of local sites suitable for residential development, along with state surplus lands. [LEARN MORE ON PAGE 119](#)

AB 1180

Effective January 1, 2022

Applies to: Surplus public land; tribes

Overview: Amends “exempt surplus land” definition related to tribes. [LEARN MORE ON PAGE 120](#)

AB 1255

Effective January 1, 2020

Applies to: Surplus Land Act; surplus public land inventory

Overview: Amends Surplus Land Act to include requirements for local agencies that include preparation of a central inventory of specified surplus land and excess land in urbanized areas/clusters by December 31 of each year; preparation of a description of each parcel with present uses, and reporting this information to HCD no later than April 1 each year. [LEARN MORE ON PAGE 121](#)

AB 1486

Effective January 1, 2020

Applies to: Surplus Land Act; affordable housing; housing data

Overview: Requires local agencies to include specified information relating to surplus lands in their housing elements and annual progress reports (APRs), and requires the state Department of Housing and Community Development (HCD) to establish a database of surplus lands, as specified. [LEARN MORE ON PAGE 122](#)

SB 6 – Effective January 1, 2020 

Applies to: Surplus land availability; residential development; housing data

Intent: To assist in streamlining residential development, SB 6 requires the state Department of Housing and Community Development (HCD) to provide the state Department of General Services (DGS) with a list of local sites suitable for residential development.

Any local agencies preparing a General Plan Housing Element are required to submit an inventory of land suitable and available for residential development to HCD. HCD is then to share the information with DGS, who will publish the information on a public database containing available surplus local and state lands.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by SB 6 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB6

AB 1180 – Effective January 1, 2022 

Applies to: “Exempt surplus land” definition.

Intent: AB 1180 amends the “exempt surplus land” definition to include the transfer of surplus land by a local agency to a federally recognized California Native American tribe.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1180 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1180

AB 1255 – Effective January 1, 2020 

Applies to: Amendments to Surplus Land Act to include additional requirements for local agencies.

Intent: Require local agencies to create a central inventory of surplus land.

AB 1255 requires each city and county to:

- Create a central inventory of specified surplus land and excess land identified on or before December 31 of each year.
- Create a description of each parcel including its present uses a matter of public record and report this information to HCD no later than April 1 of each year, beginning April 1, 2021.
- Upon request, provide a list of its surplus governmental properties to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

Information reported to HCD shall include, but not be limited to, with respect to each site:

- Street address
- Assessor's Parcel Number
- Existing Use
- Whether the site is surplus land or exempt surplus land
- Size in acres

Additional Considerations:

- Requires HCD to provide reported information from each city and county to the Department of General Services for inclusion in a digitized inventory of all state-owned parcels that are in excess of state needs.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1255 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1255

AB 1486 – Effective January 1, 2020 

Applies to: Surplus Land Act; affordable housing; housing data

Intent: AB 1486 clarifies the existing Surplus Lands Act to promote the use of saleable public land for affordable housing projects.

Clarified Definitions:

- The definition of “surplus land” is clarified to mean any publicly-owned land not needed for a local government agency’s operations. Property becomes surplus when the agency initiates action to dispose of it.
- The definition of “local governments” includes those who can hold and distribute surplus public land, and is expanded to include sewer, water, utility, local and regional park districts, joint power authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of the state.

Enforcement:

- Local governments must include information relating to surplus lands in their Housing Element and annual progress report. This information must be reported to HCD. Additionally, notices of availability must be sent to housing sponsors who have indicated interest to HCD.
- HCD is required to establish and maintain by September 30, 2021, a publicly-accessible online database of the statewide surplus lands and notices of availability reported by local governments.
- Starting January 1, 2021, prior to disposing public lands, local governments are required to report information of the disposition process to HCD. HCD must review the information provided and report back if the proposed land disposal is in violation of the Surplus Land Act.
- HCD can impose penalties on the final sale price of surplus public lands if found in violation. However, if found in violation, there is a process to verify compliance and a 60-day cure period in which the violation can be fixed.

Additional Considerations:

- Under AB 1486, residential uses are by right on surplus land that is necessary to meet a jurisdiction’s RHNA. Whenever the intended use of saleable surplus public land is residential, the existing minimum 15 percent affordability requirement applies. Furthermore, when negotiating the sale of surplus lands, priority is given to affordable housing entities that propose the most units at the deepest affordability levels.
- AB 1486 specifies that State agencies will have to prioritize and expedite the disposition of surplus land by imposing a minimum percentage of surplus property to be disposed of annually.

This provision sunsets on December 31, 2028.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1486 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1486



Miscellaneous

This section contains laws that affect local land use planning, but do not fall under the categories of the previous Topic Areas. These laws include, but are not limited to general land use planning, amendments to specified programs, and COVID-19 pandemic response.

MISCELLANEOUS AT A GLANCE

AB 362 

Effective January 1, 2022

Applies to: Homeless shelters, safety regulations

Overview: Requires a local agency that receives a complaint from an occupant of a homeless shelter alleging that a homeless shelter is substandard to inspect the homeless shelter. Upon determination that the shelter is substandard, the local agency must issue a notice to correct the violation to the owner or operator within ten business days of the inspection or immediately if the violation constitutes an imminent threat to health and safety.

[LEARN MORE ON PAGE 126](#)

SB 574 

Effective January 1, 2022

Applies to: Agricultural preserves; California Land Conservation Act of 1965

Overview: Revises provisions of the California Land Conservation Act of 1965 to no longer require the assessor to provide notice to the Department of Conservation regarding non-renewals, diminishment, withdrawals, new contracts, and specific aspects of public acquisitions and cancellations. [LEARN MORE ON PAGE 127](#)

AB 957 

Effective January 1, 2020

Applies to: State Housing Law; housing programs

Overview: Housing Omnibus Bill; provides that the inventory of land suitable for residential development in each local government's Housing Element, include sites owned or leased by a local government, adds new notification requirements to the State Housing Law, authorizes the state HCD to provide grants to counties for rental assistance, makes changes to the Housing for a Healthy California program, and amends the No Place Like Home Program.

[LEARN MORE ON PAGE 128](#)

AB 1043 

Effective January 1, 2022

Applies to: State Health and Safety Code; rental housing development, affordable rent

Overview: Amendment to the state Health and Safety Code to add "acutely low income" as an income category for the purpose of defining affordable rents. [LEARN MORE ON PAGE 129](#)

AB 1095 

Effective January 1, 2022

Applies to: Affordable Housing and Sustainable Communities Program, Strategic Growth Council

Overview: Revises laws governing the Affordable Housing and Sustainable Communities Program (AHSC) and the Strategic Growth Council (SGC) to specify that both programs promote affordable housing rental units and owner-occupied affordable housing units.

[LEARN MORE ON PAGE 130](#)**SB 1333** 

Effective January 1, 2019

Applies to: Charter cities; zoning regulations

Overview: Requires charter cities (those governed by a city charter document rather than general law) to be subject to several planning laws that previously only applied to general law cities.

[LEARN MORE ON PAGE 131](#)**AB 1466** 

Effective January 1, 2022

Applies to: Property records, removal of restrictive covenants; fees

Overview: Requires the county recorder to establish a program that identifies and redacts unlawfully restrictive covenants from property recordings and eases restrictions on the ability of other parties to seek to remove such covenants. [LEARN MORE ON PAGE 132](#)

AB 3088 

Effective January 1, 2021

Applies to: Rental payment, mortgage forbearance; COVID-19

Overview: Protects residential tenants and property owners from eviction or foreclosure because of conditions exacerbated by the COVID-19 pandemic. Additionally, allows small landlords and homeowners mortgage forbearance if they are experiencing financial hardship due to COVID-19. [LEARN MORE ON PAGE 133](#)

AB 362 – Effective January 1, 2022 

Applies to: Homeless shelters, safety regulations

Intent: AB 362 requires a local agency that receives a complaint from an occupant of a homeless shelter alleging that a homeless shelter is substandard to inspect the homeless shelter.

This measure requires the local agency that determines that a homeless shelter is substandard to issue a notice to correct the violation to the owner or operator of the homeless shelter within ten (10) business days of the inspection. However, if the violation constitutes an imminent threat to the health and safety of the homeless shelter occupants, the issuance of the notice to correct the violation must happen immediately.

Additionally, this measure authorizes a city or county to issue an emergency order directing the owner or operator to take immediate action to rectify violations if the city or county determines that the violations are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the homeless shelter unfit to for human habitation. The city or county must provide free, certified copies of any inspection report or citation issued to a complaining occupant or their agent.

Local agencies are:

___ Authorized to impose additional civil penalties on the owner or operator that fails to correct a violation within the required period.

___ Required to submit a report by April 1 of each year that provides specified information on any pending uncorrected violations, a list of emergency orders issued, and a list of any owners or operators who received three or more violations within any 6-month period.

- State agencies are, then authorized to deem an owner or operator of a shelter ineligible for state funding, based on the information provided in the report

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 362 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB362

SB 574 – Effective January 1, 2022 

Applies to: Agricultural preserves; California Land Conservation Act of 1965

Intent: SB 574 revises the California Land Conservation Act of 1965 to no longer require the assessor to notify the Department of Conservation (DOC) regarding non-renewals, diminishment, withdrawals, new contracts, and specific aspects of public acquisitions and cancellations.

Recasted provisions:

- ___ DOC is now required to, on or before May 1, post information regarding the implementation of the act on its internet website instead of providing a report to the Legislature and would revise the specified information required.
 - ___ The local agency is now required to provide the DOC with GIS data files, by January 30 of each year, of all agricultural preserves and Williamson Act contracted land.
- Removals from the California Land Conservation Act of 1965 (Williamson Act)
- ___ DOC and the landowner are no longer authorized to agree on a cancellation value of land under the Williamson Act.
 - ___ Local boards of supervisors or city councils are no longer required to provide the director of the DOC with a sample of a form contract when a new contract is used.
 - ___ DOC is no longer authorized to approve the cancellation of a farmland security contract.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by SB 574 can be found in the complete bill text here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB574

AB 957 – Effective January 1, 2020 

Applies to: State Housing Law; housing programs

AB 957 is a housing omnibus bill that addresses several topics:

- Provides that the inventory of land suitable for residential development in each local government’s Housing Element, until a specific date, includes residentially zoned sites that can be developed at a higher density, including sites owned or leased by a local government.
- Requires that a petition to the court of a receiver appointed for a substandard building found in violation of the State Housing Law must include proof of notice that the petition was posted in a prominent place and mailed to all persons with a recorded interest in the property within three days of filing the petition.
- Authorizes the state Department of Housing and Community Development (HCD) to provide grants to counties for rental assistance in addition to capital and operating subsidies.
- Makes changes to the Housing for a Healthy California program:
 - ___ Expands the definition of long-term rentals assistance to include rental subsidies provided to supportive housing, private market landlords, and sponsors master leasing private market apartments
 - ___ Clarifies that counties are not required to use grants for both construction and operating costs of supportive housing units but can use the grants for one or both. Counties can also use the grants for long term rental assistance to support supportive housing
 - ___ Requires state HCD to submit federal Housing Trust Fund allocation plans to U.S. Department of Housing and Urban Development (HUD) on or before August 31 for three years following 2018
 - ___ Removes the requirement that a county must agree to contribute funding for projects assisted through the federal Housing Trust Fund in order to be eligible
 - ___ Modifies ranking criteria by no longer requiring the criterion to include an individual that is eligible for Supplemental Security Income, and by requiring the criterion to include those who are eligible for Medi-Cal
- Amends the No Place Like Home Program to completely convey the ways in which the State may not act in adverse interest to bondholders.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for AB 957 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB957

AB 1043 – Effective January 1, 2022 

Applies to: State Health and Safety Code; rental housing development; affordable rent

Intent: AB 1043 amends the State Health and Safety Code to add “acutely low-income” as an income category for the purpose of defining affordable rents.

Defines acutely low-income as persons and households with incomes not exceeding 15 percent of area median income (AMI), adjusted for family size, and revised annually.

Affordable rent for “acutely low-income households” is defined as 30 percent multiplied by the 15 percent AMI, adjusted for family size appropriate to the unit. The new income category applies only to leases entered into on or after January 1, 2022.

Refer to the complete bill for additional requirements that may apply.

AB 1095 – Effective January 1, 2022

Applies to: Affordable Housing and Sustainable Communities Program; Strategic Growth Council

Intent: AB 1095 revises laws that govern the Affordable Housing and Sustainable Communities Program (AHSC) and the Strategic Growth Council (SGC) to specify that both programs aim to promote affordable housing rental units and owner-occupied affordable housing units to promote equity in homeownership.

AB 1095 requires the SGC to adopt guidelines or selection criteria for the AHSC program that is inclusive of both affordable housing rental and owner-occupied affordable housing units.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1095 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1095

SB 1333 – Effective January 1, 2019 

Applies to: Charter cities; zoning regulations

Intent: SB 1333 requires charter cities (those governed by a city charter document rather than general law) to be subject to several planning laws that previously only applied to general law cities.

The following sections of the government code are amended to include charter cities:

- Adoption of a general plan, and general plan amendment processing
- Prohibition of the adoption of a transit village plan or a specific plan, unless it is consistent with the general plan
- Accessory dwelling unit permitting
- Rebuilding of multi-unit residential developments following catastrophic events
- Zoning ordinance consistency with the adopted general plan
- Preparation of housing elements
- Public notification of zoning ordinance amendments allowing for multi-unit dwellings
- Public notification of the conversion of a mobile home park into another use
- Development agreements

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional qualifications for SB 1333 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1333

AB 1466 – Effective January 1, 2021 

Applies to: Property records, removal of restrictive covenants; fees

Intent: AB 1466 requires county recorders to establish a program that identifies and redacts unlawfully restrictive covenants from property recordings and eases restrictions on the ability of other parties to seek to remove such covenants.

The program is to create a redacted version of each identified document that includes restrictive covenant language. Once a redacted version of the document is made, it is to be re-recorded and become part of the Official Records of the County Recorder's office.

Funding

The redaction program may be funded by county recorders who are authorized but not required to impose a \$2 fee on the recording of certain documents. Any such fee would be slated to sunset on December 31, 2027, or, if reauthorized by the county board of supervisors, could be extended to no later than December 31, 2032.

Other Considerations

Effective July 1, 2022, the bill also imposes several new requirements on title and escrow companies including a requirement that they notify a buyer or seller in a real estate transaction to the existence of an unlawfully restrictive covenant if they have actual knowledge that such a restriction is contained within a declaration, governing document, or deed that the title or escrow company is directly delivering to the buyer or seller.

Also effective July 1, 2022, the bill requires that, if requested before the close of escrow, a title or escrow company directly involved in a pending transaction shall assist in the preparation of a restrictive covenant modification (RCM) form for submission and possible redaction of the unlawful restrictive covenant.

Refer to the complete bill for additional requirements that may apply.¹

¹ Additional actions required by AB 1466 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1466

AB 3088 – Effective January 1, 2021 

Applies to: Rental payment; COVID-19

Intent: AB 3088 includes new provisions intended to assist homeowners and renters struggling financially due to the COVID-19 pandemic.

This law establishes a moratorium on evictions for non-payment of rent due to COVID-19 financial hardship, subject to numerous conditions.

Tenant protections:

___ Protections from evictions for non-payment for renters affected by COVID-19

- Tenant cannot be evicted for a COVID-19 related hardship that accrued between March 4 and August 31, 2020 if tenant returns declaration of hardship.
- Tenant cannot be evicted for a COVID-19 related hardship that accrues between September 1, 2020 and January 31, 2021 if tenant returns declaration of hardship and pays at least 25% of the rent due

Landlord protections

___ Any unpaid rent due between March 4, 2020 and January 31, 2021 is still owed to the landlord as a form of consumer debt

___ Small claims court jurisdiction is temporarily expanded to allow landlords to recover these amounts. Landlords are able to begin to recover this debt as of March 1, 2021. This provision will sunset on February 1, 2025

___ Extends the Homeowners' Bill of Rights' anti-foreclosure protections to small landlords, defined as those with one to four units

___ Mortgage forbearance on a limited basis for owners of small rental properties

Additional considerations

Permits landlords to sue tenants for unpaid COVID-19 rental debt beginning March 1, 2021

Requires landlords to provide all tenants with a notice informing them of their rights under this law

Expands the Homeowners Bill of Rights until January 1, 2023 to cover small landlords

Requires a mortgage servicer that denies a borrower's request for forbearance on mortgage payments for a property consisting of no more than four residential units to provide the borrower with a written explanation of the denial.

Refer to the complete bill for additional requirements that may apply. ¹

¹ Additional actions required by AB 3088 can be found in the complete bill text here:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3088

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