# 2019 Legislative Update on Housing

presented by Jeffrey Mitchell & Andreas Booher
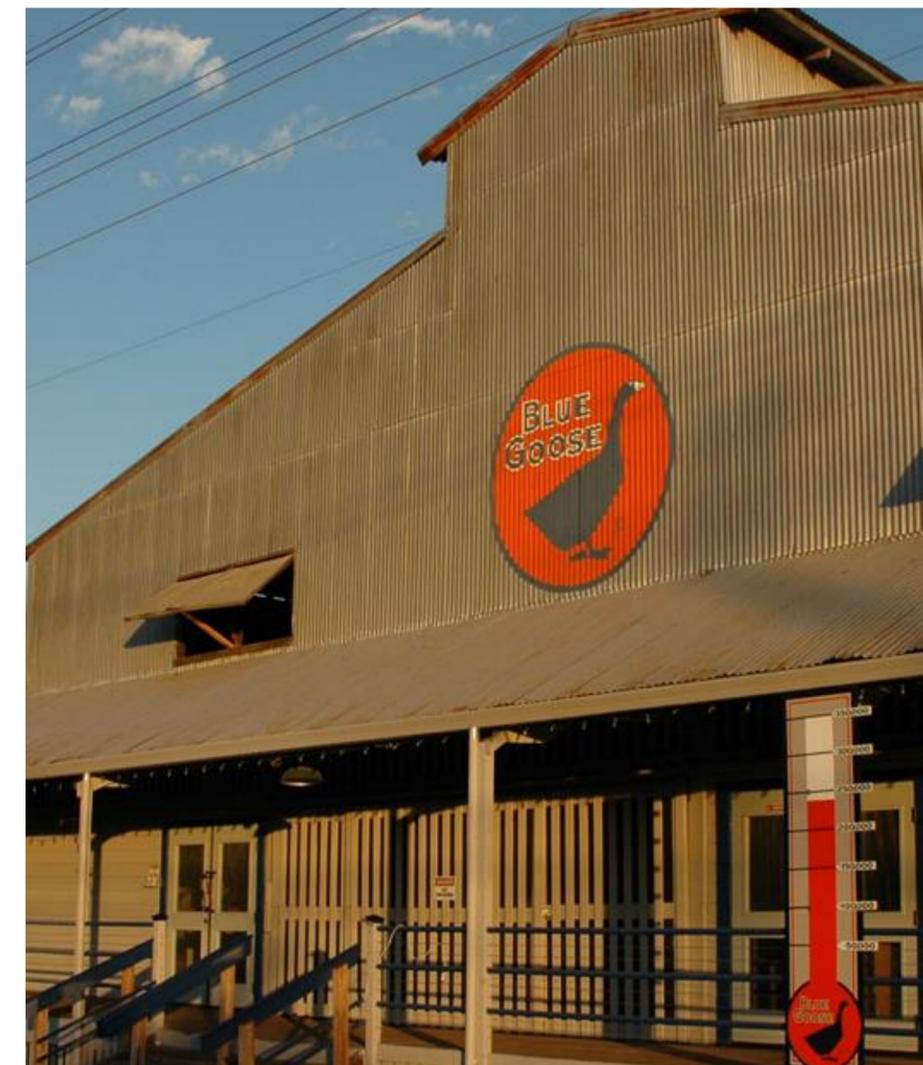
Overview of the 2019 Legislative Session
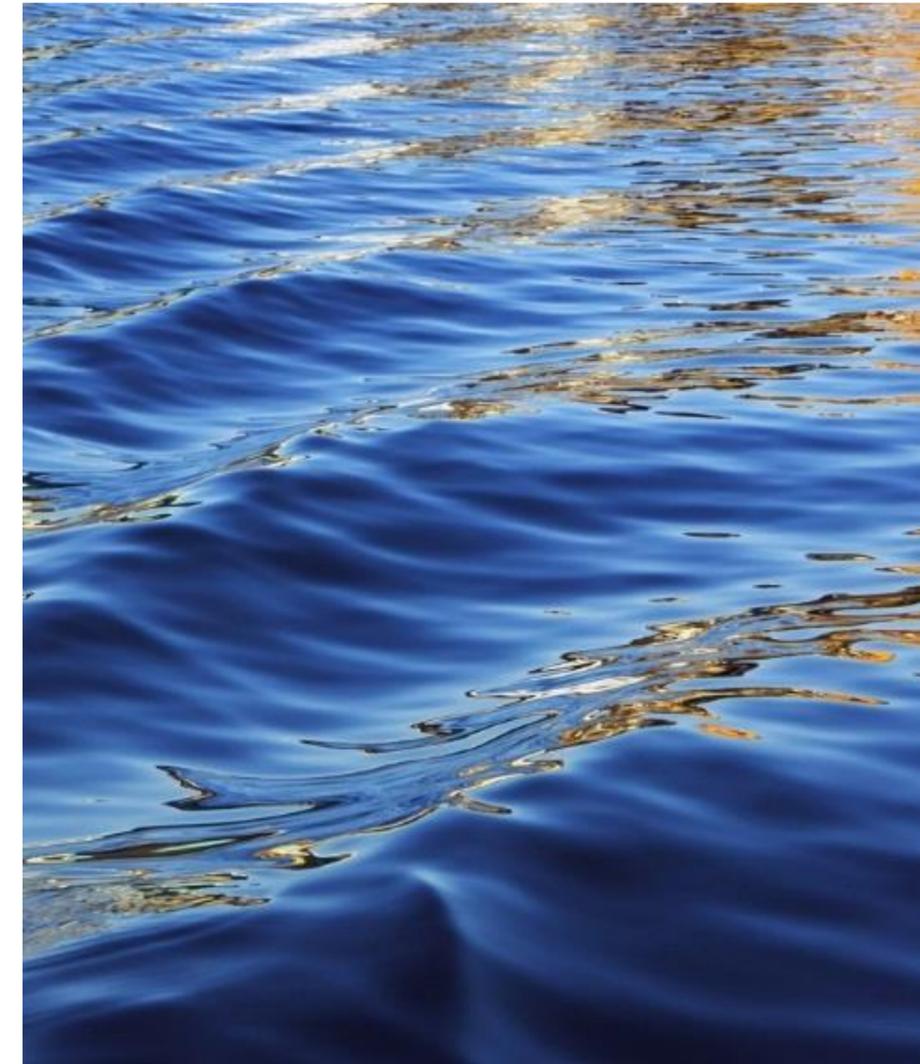
Overview of the 2019 Legislative Session

- **AB 68 (Ting, D-San Francisco)**

  - Streamlines approval and development of Accessory Dwelling Units ("ADUs") and addresses other barriers to construction of ADUs.

- **AB 116 (Ting, D-San Francisco)**

  - Eliminates voter approval requirement for bond issuance by Enhanced Infrastructure Financing Districts ("EIFDs").

- **AB 587 (Friedman, D-Glendale)**

  - Creates narrow exemption for affordable housing organizations to sell deed-restricted land to low-income homeowners that meet certain eligibility requirements.

- **AB 670 (Friedman, D-Glendale)**

  - Limits restrictions on ADUs that may be imposed in common interest developments.

- **AB 671 (Friedman, D-Glendale)**

  - Mandates state to prepare a list of state grants and financial incentives for affordable ADUs.

  - Requires that local housing plans encourage affordable ADU rentals.

Overview of the 2019 Legislative Session (cont.)

- **AB 881 (Bloom, D-Santa Monica)**
  - Provides for ADU permit streamlining.
  - Removes ability to require owner-occupancy of ADUs for five years.
- **AB 1010 (Garcia, D-Coachella)**
  - Allows governing bodies of Native American reservations or Rancherias to become eligible applicants to participate in affordable housing programs.
- **AB 1255 (Rivas, D-Hollister)**
  - Requires cities and counties to report surplus land for inclusion in statewide online inventory.
- **AB 1483 (Grayson, D-Concord)**
  - Mandates local jurisdictions publicly share information about zoning ordinances, development standards, fees, exactions, and affordability requirements.
  - Requires the Department of Housing and Community Development ("HCD") to develop and update a 10-year housing data strategy.

Overview of the 2019 Legislative Session (cont.)

- **AB 1485 (Wicks, D-Oakland)**

  - Promotes moderate-income housing development by streamlining approvals for multi-family projects meeting specific criteria.

- **AB 1486 (Ting, D-San Francisco)**

  - Requires information regarding surplus land to be included in housing elements and annual progress reports (APRs).

  - Requires HCD to establish a database of surplus land.

- **AB 1743 (Bloom, D-Santa Monica)**

  - Adds properties that qualify for the property tax welfare exemption to exemption from community facility district taxes.

  - Imposes limits on local agencies' rejection housing projects on the basis of exemption.

- **AB 1763 (Chiu, D-San Francisco)**

  - Provides additional by-right density bonus for 100 percent affordable housing developments.

Overview of the 2019 Legislative Session (cont.)

- **SB 6 (Beall, D-San Jose)**
  - Mandates development of a public inventory of suitable site for residential development.
- **SB 13 (Wieckowski, D-Fremont)**
  - Provides for streamlined approval of ADUs.
- **SB 196 (Beall, D-San Jose)**
  - Provides new welfare exemption from property tax for property owned by a Community Land Trust (CLT).
- **SB 330 (Skinner, D-Berkeley)**
  - Establishes the Housing Crisis Act of 2019.
  - Promotes accelerated housing production by streamlining permitting and approval processes.

Senate Bill 330
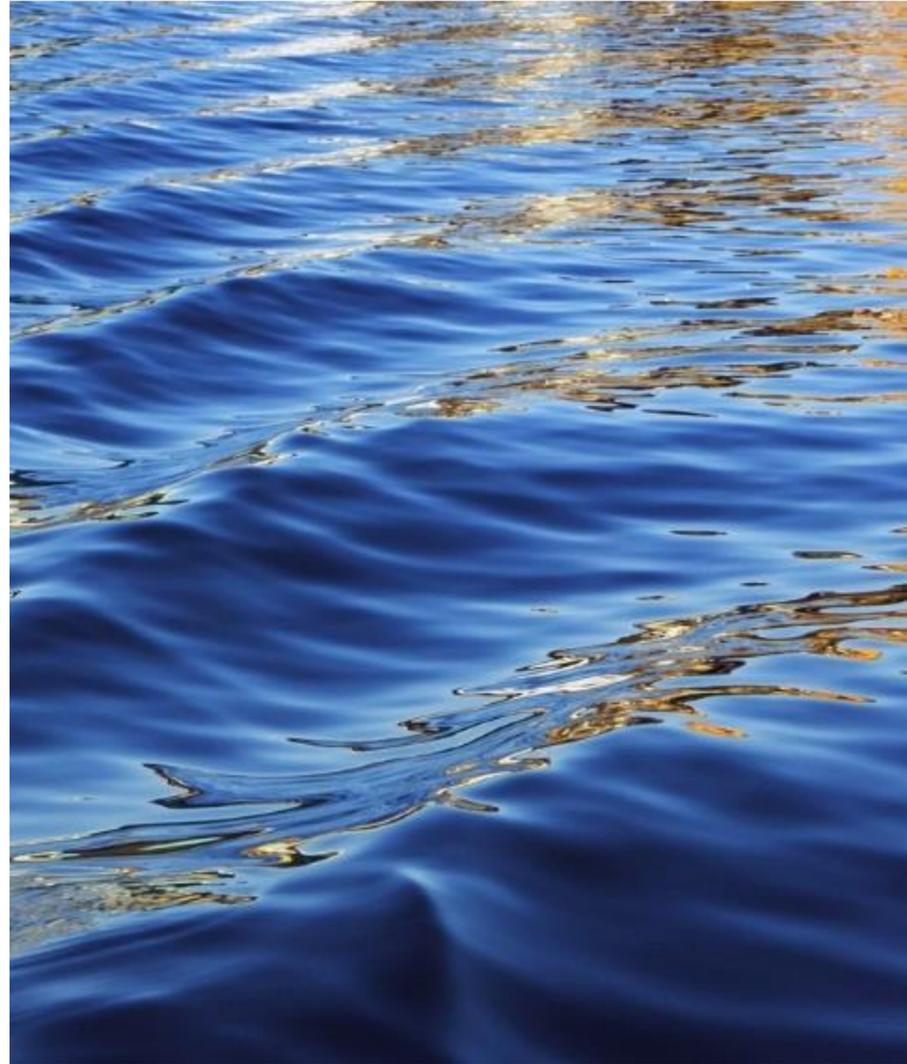
Senate Bill 330

- **Legislative Intent**
  - Goal is to create new housing stock
  - Focuses on creation of multi-family housing, particularly affordable units

- **Limits Regulations that Can be Imposed on "Housing Development Projects"**
  - Defined in the Housing Accountability Act as development projects proposing:
    - Residential only
    - Mixed-use developments dedicating at least 2/3 of square footage to residential
    - Transitional or supportive housing
  - Must still comply with "objective, quantifiable, written development standards, conditions, and policies."

Senate Bill 330 (cont.)

- **Streamlined Application Process**

  - Cities required to develop application form that contains standardized information (HCD to develop template)

  - Limits additional information cities can request from applicants

- **Streamlined Approval Process**

  - Limits ability to impose project-specific conditions

  - Limited to five public hearings, workshops, or other meetings considering the project until a decision must be made

    - Adjourned meetings count as separate hearings

    - Unclear if appeals count towards this limit

Senate Bill 330 (cont.)

- **Moderate-, Low-, and Very Low-Income Projects**
  - Cannot be denied unless specific findings are made about compliance with housing numbers or impacts that cannot be mitigated.

- **Zoning Changes**
  - Effective January 1, 2020, zoning designations are frozen at what they were on January 1, 2018.
  - Up-zoning is still permitted; down-zoning is also permitted so long it is coupled with up-zoning elsewhere resulting in no net loss of housing capacity.

- **Violations**
  - Court orders compelling action
  - Fines that are "a minimum amount of $10,000 per housing unit"

Accessory Dwelling Unit Legislation
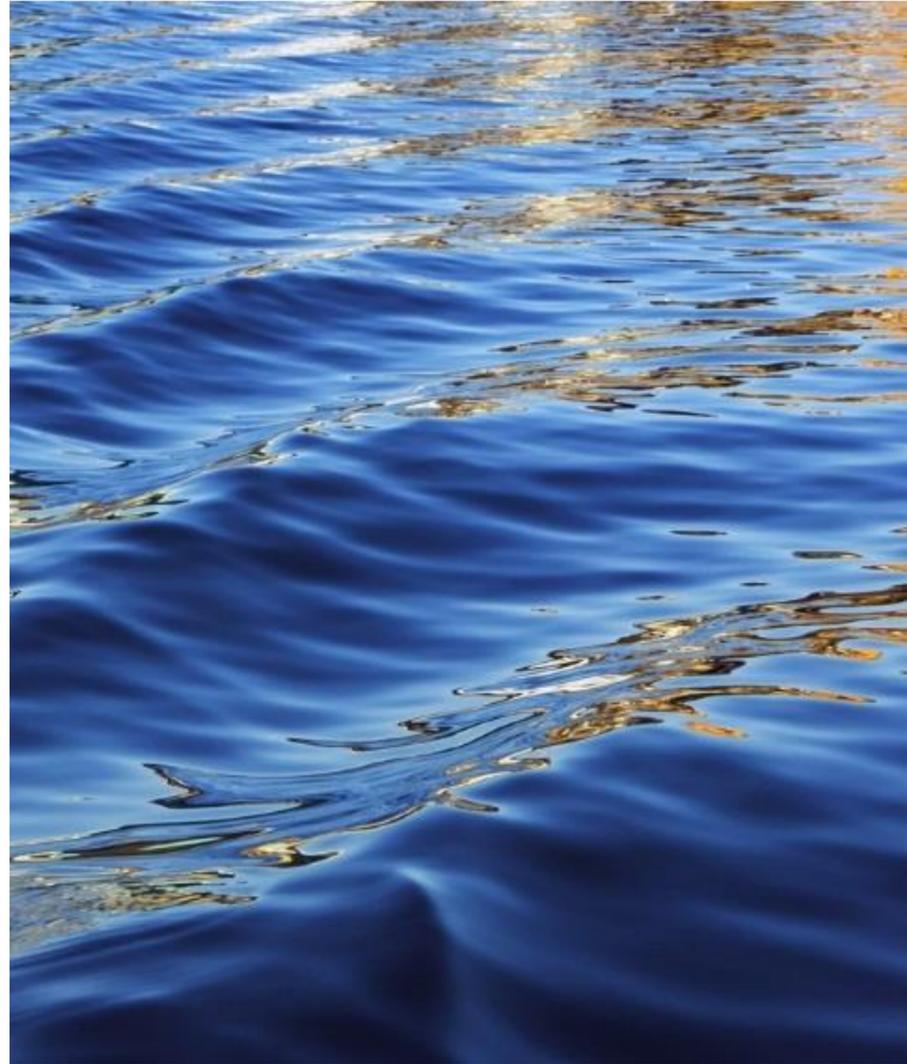
Assembly Bill 881

- Provides for ADU permit streamlining by making ADU approval a ministerial action to be taken within 120 days of receipt of application.

- Eliminates lot coverage limitations; imposes 4-foot setback limit.

- Modifies minimum unit sizes for ADUs; eliminates minimum unit size for efficiency units.

- Eliminates parking requirements for ADUs located within 1/2 mile of public transit.

- Removes ability to require owner-occupancy of ADUs for five years.

  - Units developed while this moratorium is in effect will retain that status.

  - Short-term rental restrictions may still be enforced.

Assembly Bill 671

- **New Housing Element Requirement**

  - General Plan housing elements must now include a plan that incentivizes and promotes the development of ADUs as affordable housing units.

- **Grant Database**

  - By December 31, 2020, HCD must develop an inventory of grant programs and other financial incentives available for the planning, construction, and operation of affordable ADUs.

Examples & Questions

Thank you!