

California Housing Legislation

In order to mitigate and take preventative actions towards California's statewide housing crisis, Governor Gavin Newsom recently signed a packet of housing legislation intended to jump start housing production throughout the state. Below is a summary of the recent changes to state laws with most taking effect January 1, 2020.



ACCESSORY DWELLING UNITS

AB 670 (Friedman) - Requires homeowners associations to allow ADUs and junior accessory dwelling units (JADUs) as of Jan. 1, 2020.

AB 68 (Ting) - Reduces barriers to ADU approval and construction by reducing approval time of ADU application to 60 days and limiting development requirements.

AB 881 (Bloom) - Restricts local jurisdictions' permitting criteria - clarifying that ADUs must receive streamlined approval if converted from existing garages and eliminates owner occupancy until 2025.

AB 587 (Friedman) - Provides exemption for qualified nonprofit corporations to sell deed-restricted land to eligible low-income homeowners.

AB 671 (Friedman) - Requires housing elements to incentivize and promote the creation of accessory dwelling units that can be offered at rent affordable for very low to moderate-income households. Requires the state to develop a list of state grants and financial incentives for affordable ADUs.

SB 13 (Wieckowski) - Creates a tiered fee structure that charges ADUs more fairly based on their size and location (i.e. no impact fees for units less than 750 square feet) - Lowers the application approval time frame, creates an avenue to get unpermitted ADUs up to code and enhances an enforcement mechanism to allow the state to ensure that localities are following ADU statutes.

Supporting housing options



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HOUSING ELEMENT COMPLIANCE AND PROGRAM FUNDING

AB 101 (Committee on Budget) - Creates more stringent enforcement of housing element compliance as well as targeted grant programs to pro-housing jurisdictions. Modifies and expands the Low-Income Housing Tax Credit Program. Appropriates funding for new and existing programs targeted at planning, infill development, and building local government capacity to address homelessness. Streamlines transitional housing for the homeless and improves incorporation of "housing first" principles into existing housing programs. Cleans up various processes with technical assistance, such as: California Tax Credit Allocation Committee (CTCAC), SB 35 streamlining, CalHome, farmworker housing, matching grants and transitional housing programs.

STREAMLINING

SB 330 (Skinner) - Makes changes to the Permit Streamlining Act and Housing Accountability Act. Changes will streamline the housing application processes through a required "pre-application" process, set maximum number of hearings and workshops for any given project, reduced review and approval timeframes, and ensure no net loss in zoning capacity.

AB 1010 (Garcia) - Will allow duly constituted governing bodies of a Native American reservation or rancheria to become eligible for affordable housing programs.

AB 1255 (Rivas) - Requires local cities and counties to report an inventory of surplus lands in urbanized areas to the Department of Housing and Community Development (HCD) by April 1, 2021. Also requires the state to include this information in a digital inventory of statewide surplus land sites.

AB 1486 (Ting) - Expands on the Surplus Land Act and requires local governments to include information relating to surplus lands in their housing elements and annual progress reports.

SB 6 (Beall) - Requires the state to create a public inventory of local sites suitable for residential development.



REGULATORY & FINANCIAL RELIEF

AB 1743 (Bloom) - Expands the properties that are exempt from community facility district (CFD) special district taxes to include properties that qualify for the property tax welfare exemption and limits the ability of local agencies to reject housing projects because they qualify for the exemption.

SB 196 (Beall) - Enacts a new welfare exemption from property tax for property owned by a community land trust (CLT) prior to construction of affordable housing on the property.

AB 116 (Ting) - Removes the requirement for enhanced infrastructure financing districts (EFIDs) to receive voter approval prior to issuing bonds.

AB 1483 (Grayson) - Requires local jurisdictions to publicly share information about zoning ordinances, development standards, fees, exactions, annual fee/financial reports and affordability requirements. Requires HCD to develop and update a 10-year housing data strategy.

TENANT PROTECTIONS

AB 1482 (Chiu) - Restricts landlords from raising rents by more than 5% plus the percentage change in the cost of living. Establishes eviction limitations by requiring a "just cause" for eviction or tenant is provided with relocation benefits.

AB 1188 (Gabriel) - Authorizes a tenant to temporarily permit the occupancy of their dwelling unit by a person who is at risk of homelessness regardless of the terms of the lease or rental agreement.



DENSITY BONUS

AB 1763 (Chiu) - Increases maximum density bonus for projects that are being developed with 100% of the units offered as affordable for low-moderate income households. If located within 1/2 mile of a major transit stop, there is no limit on density and project is allowed a 33ft. height increase.