



Housing Elements and Housing Approvals: Get ready for Change on January 1

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**Housing Elements and Housing Approvals:
Get ready for Change on January 1**

Objectives of the New Legislation

- A. Strengthen housing element requirement to identify sites that provide for a city’s share of the Regional Housing Need Allocation (RHNA) for all income levels.
- B. Enforce the housing element requirement to identify sites by connecting that requirement to actual approval of housing development on those sites at those income levels.
 - 1. Monitor city/county approval of housing developments by income level through annual general plan report.
 - 2. Require by-right approval of certain types of housing projects if RHNA progress is not made.
 - 3. Require rezoning or identification of additional sites if insufficient sites remain to accommodate RHNA allocation at each income level.
- C. Plug perceived “holes” in the Housing Accountability Act by:
 - 1. Requiring cities to identify development application’s inconsistencies with planning documents;
 - 2. Changing the standard of review; and
 - 3. Creating new court remedies: mandatory fines; court approval of land use applications.
- D. Authorize inclusionary housing ordinance for rental housing (“Palmer fix”).
- E. Allow the Department of Housing and Community Development (HCD) to reconsider housing element compliance during the planning period.
- F. Provide state funding for planning and housing production.

**Housing Accountability Act (HAA)
Section 65589.5**

I. Existing Law

The HAA restricts cities’ ability to deny, reduce the density of, or make infeasible all housing development projects, whether affordable or market rate, and places the burden of proof on the city to justify one of these actions. (§ 65589.6.) While different provisions apply to affordable and market-rate projects, cities should consider the possible applicability of the HAA whenever any housing project is proposed.

A “housing development project” under the HAA includes: (1) residences only; (2) transitional or supportive housing; or (3) mixed-use projects where the only nonresidential uses are “neighborhood commercial” uses limited to the first floor of buildings that have two or more stories. (§ 65589.5(h)(2)). It is applicable to charter cities. (§ 65589.5(g).)

Note that in contrast to “by-right” approvals required by other statutes, a city must make all findings required by CEQA prior to considering a housing development project under the HAA. All projects must also comply with the Coastal Act and any congestion management program.

A. Provisions applicable to very low, low, or moderate income housing development projects:¹

1. 65589.5(d): A city must approve a housing project for very low, low, or moderate income households or an emergency shelter unless one of five specific findings can be made.²
2. 65589.5(i): If a city denies approval or imposes restrictions on a housing development project (including reducing density) that have a “substantial adverse effect on the viability or affordability of a housing development for very low, low, or moderate income households, the burden of proof is on the city to show that the decision is consistent with findings described in section 65589.5(d) and that such findings are supported by substantial evidence.

B. Provisions applicable to all housing development projects:

1. 65589.5(f): A city may require a housing project to comply with “objective, quantifiable, written development standards, conditions and policies appropriate to and consistent with meeting city’s share of RHNA.”
2. 65589.5(j): If a housing project complies with all “applicable, objective general plan and zoning standards and criteria, including design review standards,” and the city proposes to disapprove the project or approve it at a lower density, the city council must make findings supported by substantial evidence that: (1) the project would have a specific adverse impact upon the public health or safety unless the project is disapproved or approved at a lower density; and (2) there is no feasible method to mitigate or avoid the impact other than disapproval or development at lower density.

¹ Section 65589.5(h)(3): At least 20% sold or rented to lower income; or 100% sold or rented to moderate income or middle income

² *But see* section 65589.5(e) [“Nothing in this section shall be construed to relieve the local agency from complying with ... the California Coastal Act of 1976...Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required by [CEQA].”]

3. 65589.5(l): If a court finds that a local agency acted in bad faith when it disapproved or conditionally approved a housing development and failed to carry out the court's order or judgment within 60 days, the court may impose fines.

II. Changes in the Law [SB 167/AB 678/AB 1515]:

- A. Modifies definition of mixed-use development to apply where at least two-thirds of the square footage is designated for residential use. (65589.5(h)(2)(B).)
- B. The findings required by section 65589.5 subdivisions (d), (i) and (j) must be supported by a preponderance of the evidence, rather than by substantial evidence.
- C. Defines "lower density" to mean "any conditions that have the same effect or impact on the ability of the project to provide housing." (65589.5(i) and (j)(4).)
- D. Requires an applicant to be notified if the city considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. The city must provide such notice within 30 days of the application being determined complete for a project with 150 or fewer housing units, and within 60 days for project with more than 150 units. If the city fails to provide the required notice, the project is deemed consistent, compliant, and in conformity with the applicable plan, program, policy ordinance, standard, requirement or other similar provision. (65589.5(j)(2).)
- E. A housing development project is "deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant or in conformity." (65589.5(f)(4).)
- F. Remedies: Authority of Court [65589.5(k), (l)]:
 1. If a court finds that (1) a city's findings under section 65589.5, subdivision (d) are not supported by a preponderance of the evidence; or (2) a city's findings under section 65589.5, subdivision (j) are not supported by a preponderance of the evidence the court must issue an order compelling compliance within 60 days. The court may issue an order directing the city to approve the housing development project if the court finds that the city acted in bad faith when it disapproved or conditionally approved the housing development project.
 2. If a city fails to comply with the court order within 60 days, the court must impose fines on the city at a minimum of \$10,000 per unit in the housing development project on the date the application was deemed complete.

3. If a city fails to carry out a court order within 60 days, the court may issue further orders including an order to vacate the decision of the city and to approve the housing development project as proposed by the applicant at the time the city took the action determined to violate the HAA along with any standard conditions.
4. If the court finds that a city acted in bad faith when it disapproved or conditionally approved a housing project and failed to carry out the court's order or judgment within 60 days, the court must multiply the \$10,000 per unit fine by a factor of five. "Bad faith includes but is not limited to an action that is frivolous or otherwise entirely without merit."

III. Questions and Issues

- A. What is the difference between "substantial evidence" and "preponderance of the evidence?"
- B. What is the practical impact of this change in the standard of review?
- C. How will the "deemed consistent" language in section 65589.5(f)(4) impact decisions and litigation?
- D. What is a reasonable process for complying with the requirements of section 65589.5(j)(2) regarding notifying an applicant of inconsistencies between the application and plans, programs, ordinances, etc.?
- E. What is the relationship, if any, between the notification requirements of section 65589.5(j)(2) and determinations of completeness under the Permit Streamlining Act (section 65943)?
- F. What is the relationship, if any, between the notification requirements 65589.5(j)(2) and CEQA?
- G. What changes can be made, if any, to a city's "objective planning standards" in response to changes to the HAA? What is an "objective" standard (see SB 35)?
- H. Does the requirement for notification of inconsistencies apply to 'pipeline' projects deemed complete before January 1, 2018?
- I. Can cities within the coastal zone continue to apply subjective standards contained in the Coastal Act (see *Kalnel Gardens v. City of Los Angeles*)? Will the changes in the standard of review extend to Coastal Act findings?

Annual General Plan Report
Government Code³ Section 65400

I. Existing Law:

By April 1 of each year, general law cities must send an annual report to their respective city councils, the Office of Planning and Research (OPR), and HCD that includes information relating to the implementation of the general plan, including:

- A. The city's progress in meeting its share of RHNA;
- B. The city's progress in removing governmental constraints to the maintenance, improvement, and development of housing; and
- C. Actions taken by the city towards completion of the programs identified in its housing element and the status of the city's compliance with the deadlines in its housing element.

HCD has adopted regulations including forms for use in preparing the Annual Reports.

II. Changes in the Law [AB 879/SB 35/SB 540]

The requirement for an annual report has been extended to charter cities. Additional information that will be required each April 1 includes:

- A. The number of housing development applications received in the prior year;
- B. The number of units included in all development applications in the prior year;
- C. The number of units approved and disapproved in the prior year;
- D. A listing of sites rezoned to accommodate that portion of the city's RHNA for each income level that could not be accommodated in its housing element inventory and any additional sites identified under the 'no net loss' provisions (discussed below);
- E. The number of net new units of housing that have been issued a "completed entitlement," building permit, or certificate of occupancy thus far in the housing element cycle (identified by APN), and the income category that each unit of housing satisfied (distinguishing between rental and for sale units);
- F. The number of applications submitted under the new processing provided for by section 65913.4 (enacted by SB 35), the location and number of developments approved pursuant to this new process, the total number of building permits issued pursuant to this new process, and total number of units constructed pursuant to this new process
- G. The number of units approved within a Workforce Housing Opportunity Zone.

HCD is exempt from the Administrative Procedures Act in adopting standards, forms, and definitions to implement the new requirements.

³ All subsequent references are to the Government Code unless otherwise specified.

III. Questions and Issues:

A. Can the existing annual report guidelines for determining income categories for units with building permits be used for this purpose? What about units that are approved but not yet constructed? .

B. When is housing “approved?” Is this the same as a "completed entitlement" (defined elsewhere in SB 35 as receipt of all "land use approvals or entitlements necessary for the issuance of [a] building permit")?

C. Must this new information be included in the annual report due on April 1, 2018 if HCD has not adopted standards, forms, and definitions to implement the new requirements?

No Net Loss Section 65863

I. Existing Law:

A. A general law city must ensure that its housing element inventory in conjunction with its housing element program to rezone to make sites available can accommodate its share of RHNA for each income category throughout the planning period.

B. A city may not take any action to reduce, require, or permit the reduction of residential density for any parcel, or allow development of any parcel at a lower residential density unless the city makes findings supported by substantial evidence that reduction is consistent with the city’s adopted general plan and remaining sites identified in its housing element are adequate to accommodate the city’s share of RHNA. (§ 65863(b).)

C. But if reduction in density would result in remaining sites not being adequate to accommodate the city’s share of RHNA, the city may reduce density if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density, so that there is no net loss of residential unit capacity. (§ 65863(c).)

D. Reduction in residential density means allowing fewer units on the site than were projected in the housing element inventory or on sites that were rezoned as part of housing element program. (§ 65863(g)(1).)

II. Changes in the Law [SB 166]:

A. A city must ensure that its housing element inventory can accommodate its “unmet” share of the RHNA throughout the planning period. (§ 65863(a).)

- B. Findings under section 65863(b)(1) must include quantification of the remaining unmet need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level. (§ 65863(b)(1)(B).)
- C. If city allows development with either lower density or fewer units by income category than identified in housing element, the city must make written findings supported by substantial evidence as to whether or not remaining sites identified in housing element can accommodate city's share of RHNA. Such findings must include a quantification of the remaining unmet need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level. (§ 65863(b)(2).)
- D. If approval of a project results in fewer units by income category than are identified in a city's housing element, and remaining sites in the housing element cannot accommodate the RHNA for that income category, the city must, within 180 days, "identify and make available" additional adequate sites to accommodate the jurisdiction's share of the RHNA by income level. (§ 65863(c)(2).)
- E. "Nothing in this section shall authorize a city ...to disapprove a housing development project on the basis that approval of the housing project" would require the city to find an additional site. (§ 65863(c)(2).)
- F. 65863(h) addresses CEQA and 65863(c)(2): Nothing in this subdivision shall be construed as a determination as to whether or not the action to identify and make available additional adequate sites is a "project" for purposes of CEQA. City is not "obligated" to include any subsequent rezoning needed to provide additional sites in its CEQA review of the project.

III. Questions and Issues:

- A. Application of "no net loss" to development by income category as well as number of units on the site.
- B. Check housing approvals during this planning period (prior to effective date of bill). City may find itself in a deficit in terms of sites if city approved, for example, a market rate project on a site housing element inventory identified for lower income. (§ 65863(a).)
- C. What does it mean to "identify and make available" additional adequate sites?
- D. Confusing CEQA language. Can city consolidate CEQA review of project and later rezoning although not "obligated" to do so?
- E. To what extent can cities require affordable housing at income levels identified in housing element inventory? Is it possible to adopt "objective standards" under HAA that require projects to comply with income categories in housing element inventory?

F. How are “income levels” determined if units are not required to be restricted?

G. How is “unmet” need calculated?

SB 35
Streamlined Housing Approvals
Developer-Requested
Section 65913.4

I. New Law:

A. New Information to be added to annual production report (§ 65400) in April, 2018 [see page 2 above].

B. Developer-requested streamlined process.

C. Eligibility for new process:

1. HCD determines city-by-city eligibility for streamlined approval process: Is number of units that have been issued building permits less than locality’s share of the RHNA by income category for that reporting period. Locality remains eligible for four years; AND

2. Either:⁴

- Not enough above-moderate: Production report reflects that there were fewer units of above-moderate income housing “approved” than were required for that reporting period; or no production report submitted. If this alternative is selected by developer and project contains more than 10 units of housing, project must dedicate 10% of total to households with 80% of median income or below. [City can enforce higher percentage through local ordinance]; or
- Not enough affordable to 80% and below: Production report reflects that there were fewer units of housing affordable to 80% or below “approved” than were required for that reporting period; or no production report submitted. If this alternative is selected by developer then project must dedicate 50% of total number of units to housing affordable to 80% or below. [City can enforce higher percentage through local ordinance] .

D. Certain sites excluded. Exclusions include: (65913.4(a)(6))

⁴ Section 65913.4(a)(4)(B)(iii) allows developer to select either of the above. Language is ambiguous if this choice applies when the production report reflects **either** of the above deficiencies in production, or when the production report shows **both** of the above deficiencies.

1. Coastal Zone
 2. Wetlands
 3. Delineated earthquake fault zone
 4. Flood plain or floodway
 5. Lands under conservation easement
 6. Sites where any housing occupied by tenants in past 10 years
 7. Projects involving subdivisions unless pay prevailing wages and use "skilled and trained workforce"
 8. Many others.
- E. Development is consistent with “objective zoning standards and objective design review standards” in effect at time application is submitted. Objective standards involve “no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.”
- Development is “deemed consistent” with housing density if density is “compliant with maximum density.” (65913.4(a)(5)(B).)
- If city determines that development is in conflict with “objective planning standards,” then must provide written documentation within 60 days of submittal if development contains 150 or fewer housing units and within 90 days of submittal if more than 150 housing units.
- F. Development must be “public work” or otherwise paying prevailing wages. May also be required to use a "skilled and trained workforce" etc.
- G. Approval must be ministerial, not subject to CEQA. Can hold hearing on development application but cannot "inhibit, chill, or preclude" the ministerial approval. Must be completed within 90 days of submittal of application (not determination that application is complete) if 150 or fewer units or within 180 days if more than 150 units.
- H. Parking requirements. No parking requirements can be imposed on a streamlined development if located within ½ mile of public transit; located within an architecturally and historically significant historic district; when on-street parking permits are required but not offered to the occupants of the development; or when there is a car share vehicle located within one block of the development. One parking space per unit can be required of all other streamlined developments 65913.4(d.)
- I. Expiration of Approval. (65913.4(e).)

1. No expiration if project includes public investment in housing affordability beyond tax credits where 50% of units are affordable to households making below 80% of area median income.
2. If project does not include 50% of units affordable to below 80% of AMI, approval automatically expires in 3 years except for one-year extension if significant progress made preparing development construction ready (such as filing building permit application).
3. All approvals remain valid for 3 years and so long as vertical construction has begun and is in progress.

HCD may adopt guidelines to clarify the bill's provisions.

II. Questions and Issues:

- A. How are income levels determined when units are not restricted?
- B. How are income levels determined on annual report?
- C. How can we follow HCD's adoption of rules to implement this bill, since HCD is not required to comply with the APA?
- D. How will city's "share" for that reporting period be determined?
- E. What is relationship between requirement to document inconsistencies with Section 65943, requiring determination of completeness within 30 days? Is an application incomplete if it is inconsistent with objective standards?
- F. Note the difficulty of complying with 90/180 day time period when measured from the date of submittal rather than from the date the application is determined complete.
- G. How does a city verify the public work/prevaling wage requirements? If the project is subject to prevailing wages but is not a "public work," is city responsible for monitoring compliance?
- H. Does the word "approvals" in Section 65913.4(a)(4)(B)(i) and (ii) mean something different than "issued building permits" in Section 65913.4(a)(4)(A)?
- I. In order for a site to be excluded, must the characteristic (e.g. wetlands) occupy a certain percentage of the site?

SB 540: Workforce Housing Opportunity Zone (WHOZ)
Streamlined Housing Approvals
City-Initiated
Sections 65620 *et seq.*

I. New Law:

- A. WHOZ: An area of contiguous or non-contiguous parcels that were identified on a city's housing element land inventory. Development within the WHOZ must be consistent with the adopted SCS/APS.

- B. Process for establishing WHOZ
 - 1. Adoption of a specific plan (EIR);
 - 2. 100 – 1500 units within the WHOZ;
 - 3. Not more than 50% of its RHNA in the WHOZ;
 - 4. Uniformly applied mitigation measures for traffic, water quality, natural resource protection, etc.;
 - 5. Uniformly applied development policies such as parking ordinances, grading ordinances, habitat protection, public access, reduction of Greenhouse Gas emissions;
 - 6. Design review standards; and
 - 7. Source of funding for infrastructure and services.

- C. Plan reviewed every 5 years, including Public Resources Code section 21166 CEQA analysis.

- D. Requirements for housing within the WHOZ:
 - 1. Consistent with SCS;
 - 2. Compliance with specific plan for the WHOZ;
 - 3. At least 30% affordable to moderate or middle income; 15% affordable to lower income; 5% for very low income. No more than 50% for above moderate. [zone-wide requirements; not project specific]
 - 4. Development affordable to families of above moderate must include 10% of units for lower income unless local ordinance requires higher percentage.
 - 5. Development complies with “public work” standards.

- E. Mandatory approval of development that satisfies all requirements (#4 above) unless city identifies physical condition that would have a specific, adverse impact upon public health or safety. If development does not include a majority of units affordable to families of lower income, approval expires within 3 years if construction has not begun.

- F. HCD funding might be available for initial planning efforts.

Inclusionary Housing (“Palmer Fix”)
Section 65850; 65850.1

I. Background:

The court in *Palmer/Sixth Street Properties L.P. v. City of Los Angeles* (2009)175 Cal. App. 4th 1396, invalidated a Los Angeles inclusionary housing requirement contained in a specific plan for an area of the city as applied to rental units on the basis that its pricing controls violated the Costa-Hawkins Act, which outlawed traditional rent control in new buildings in the state. The Court reasoned that the Costa-Hawkins Act pre-empted the application of inclusionary housing ordinances to rental housing. As a result of the decision, many cities with inclusionary housing ordinances suspended or amended their ordinances as applied to rental units; some adopted affordable housing rental impact fees. AB 1505 offers a solution and response to the *Palmer* decision.

II. NEW Law (AB 1505):

- A. A city may adopt an ordinance that requires a development to include a certain percentage of residential rental units affordable to and occupied by households with incomes that do not exceed limits for very low, extremely low, low, or moderate income households. Such an ordinance must provide alternative means of compliance (in-lieu fees, off-site construction, etc.). (§ 65850(g).)

- B. HCD Review:
 - 1. HCD may review a city’s inclusionary housing ordinance adopted after September 15, 2017 if the city (1) requires more than 15% to be occupied by households at 80% or less of area median income; and (2) failed to either (a) meet at least 75% of its share of its above moderate income RHNA (prorated based on the length of time within the planning period); or (b) submit an annual report under section 65400. (§ 65850.01(a).)
 - 2. Based on a finding under section 65850.01(a), HCD may request an economic feasibility study with evidence that the ordinance does not unduly constrain the production of housing. (§ 65850.01(b).)
 - 3. Within 90 days of submission of the economic feasibility study, HCD must decide whether the study meets the section’s requirements. If not, the city must limit ordinance to 15% low income. (§ 65850.01(d).)

III. Questions and Issues:

- A. If a city did not amend its ordinance post-*Palmer*, can it simply begin implementing it again on January 1, 2018?

- B. What are the pros and cons of adopting an ordinance that requires in excess of 15%?

- C. Does the 15% 'safe harbor' apply even to very low income units?
- D. Can cost of economic feasibility study be recovered through planning fee?

Housing Element
Section 65580 *et seq.*

I. Existing Law:

The Planning and Zoning Law requires a city to include including a housing element for the preservation, improvement, and development of housing in its general plan. The housing element must contain, among other things, an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment. (Sections 65583 and 65583.2.) Existing law prescribes requirements for the preparation of the housing element, including a requirement that a city submit a draft of the element to HCD before adopting the element. Existing law requires HCD to review the draft and report its written findings, including a determination of whether the draft substantially complies with the housing element. A city may change the draft element in response to HCD's findings or adopt the draft element without changes based upon written findings which explain the reasons the city council believes that the draft element substantially complies with the law despite the findings of HCD (Section 65585(f)).

II. NEW Authority for HCD (AB 72):
Section 65585

- A. Requires HCD to review “any action or failure to act by a city” that it determines is “inconsistent” with an adopted housing element or Section 65583, including any failure to implement any program actions included in the housing element. (§ 65585(i)(a).)
- B. Requires HCD to issue written findings to the city as to whether the city’s action or failure to act complies with the city’s housing element or Section 65583; provides no more than 30 days for the city to respond to such findings. If HCD finds that the city does not comply, then HCD can revoke its findings of compliance until the city comes into compliance. (§ 65585(j).)
- C. HCD may notify AG that city is in violation of HAA, Section 65863, 65915, 65008. (§ 65585(j).)

III. New Housing Element Content (AB 879)
Section 65583

- A. A city’s analysis of governmental constraints must include local ordinances that “directly impact the cost and supply of residential development.” (65583(a)(5).)

- B. A city’s analysis of nongovernmental constraints must include requests to develop housing at densities below those anticipated in site inventory; length of time between receiving approval for housing development and submittal of an application for building permit. (§ 65583(a)(6).) Must include policies to remove nongovernmental constraints.

**IV. Housing Element Site Inventory (AB 1397)
Section 65583.2**

- A. Restrictions on using nonvacant sites as part of the housing element inventory. (§ 65583.2(c), (g).)
- B. Requirement that parcels have sufficient water, sewer, and dry utilities or part of a mandatory program to provide such utilities. (§ 65583.2(b)(5)(B).)
- C. Sites must be “available” for residential development and have “realistic and demonstrated” potential for redevelopment. (§ 65583(a)(3).)
- D. Limitations on continuing identification of nonvacant sites and certain vacant sites that have not been approved for housing development. (§ 65583.2(c).)
- E. Lower income sites must be between ½ acre and 10 acres in size unless evidence provided that smaller or larger site is adequate. (§ 65583.2(c)(2).)

V. Questions and Issues:

- A. What is the standard of review for HCD’s findings that city’s action or failure to act complies with the housing element or Section 65583?
- B. Does HCD’s new authority give it a “second bite” at reviewing adequacy of housing element during the planning period?
- C. Does city have option to adopt findings (e.g. 65585(f)(2)) in response to HCD’s findings?
- D. What happens after HCD makes out-of-compliance determination?

**Building Homes and Jobs Act
Section 27388.1
Health & Safety Code section 50470**

New recording fee on every real estate transaction (\$75 - \$225). Money is deposited into Building Homes and Jobs Trust Fund.

Use of Funds collected from 1/1/18 through 12/31/18:

- 50% of Fund to local governments to update planning documents and zoning ordinances in order to streamline housing production. HCD will prepare guidelines.
- 50% of Fund made available to assist persons experiencing or at risk of homelessness.

Use of funds collected on and after 1/1/19:

- 20% of all funds in all categories must be expended for affordable owner-occupied workforce housing
- 70% available to local governments (90% based upon CDBG formula; 10% allocated equitably to jurisdictions in nonentitlement areas)
- 30% to HCD for state incentive programs (5%); farmworker housing (10%); mixed income multifamily housing (15%).

Suggested Next Steps⁵

1. Review housing element inventory to become familiar with distribution of RHNA by income category. Review housing development approvals since the beginning of the planning period⁶ to analyze status of “unmet” need by income category on remaining parcels. Review inclusionary requirements to maximize actual production of affordable housing.
2. Develop new information required for Annual General Plan Report (possibly due on April 1, 2018).
3. Prepare lists of “objective planning standards” to be applied to projects under SB 35 and the HAA. Determine whether new standards should be added.
4. Develop SB 35 eligibility checklist and process for reviewing applications where SB 35 is invoked.
5. Analyze relationship between Permit Streamlining Act and new provisions of HAA to determine appropriate process for notifying applicant of inconsistencies between housing development project and city planning documents.
6. For projects utilizing SB 35 or AB 540, verify compliance with requirements for payment of prevailing wage or utilizing a “skilled and trained workforce.”

⁵ Many of these steps will be taken in conjunction with the city planning department.

⁶ The “planning period” is the time period between the due date for one housing element and the due date for the next housing element (65588(f)(1)).