

2019 Legislative Action Day

The 2019 Legislative Session is shaping up to be incredibly active in many policy areas, particularly with regard to housing and local land use authority. More than 2,700 bills are pending in the Legislature. Over 200 of these bills pertain to housing and nearly two dozen would have significant impact on local land use authority.

Governor Gavin Newsom has also made tackling the lack of housing production and housing affordability a top priority and has stated on numerous occasions that he will oversee the production of 3.5 million new housing units by 2025. To achieve this production goal, developers would need to construct roughly 500,000 units per year—nearly five times the average production (112,000 units) in recent years.

The Governor believes that housing is a fundamental human need and critical to the state's economy; he advocates for bold action to move the needle on production. He has proposed to tackle this issue on multiple fronts by proposing more funding in his budget for affordable housing, threatening to sue local jurisdictions out of compliance with state housing laws, and offering new financial incentives for local jurisdictions that plan and produce housing while proposing to penalize those that fall short of state goals by shifting local street and road funds to other jurisdictions.

Priority Bills – OPPOSE

SB 50 (Wiener) More HOMES Act (Housing, Opportunity, Mobility, and Stability)

This measure would, at the request of a developer, require upzoning around existing rail stations and ferry terminals (up to 55ft.), and greater housing density at bus stops along high-quality bus corridors with frequent service, and in communities with close proximity to jobs and high-quality public schools. HCD and the Governor's Office of Research (OPR) will determine proximity to jobs and high-quality public schools.

Key Messages:

- While we agree that more density around certain transit stops makes sense, SB 50 is too blunt of an instrument, and greatly limits local government officials' and community members' ability to shape development around transit.
- SB 50 gives developers, who are unaccountable at the local level, the power to exempt themselves from locally developed and adopted building height limitations, densities, parking requirements, and limits design review standards.
- SB 50 allows developers to take advantage of SB 35 streamlining and avoid CEQA and its required public engagement process on sites that meet SB 35 criteria.
- It works at cross-purposes with the state's environmental goals by also allowing developers to opt to build housing near transit at lower densities than zoned and desired by local agencies.
- It transfers local land use authority to state bureaucracies by letting them designate "high quality jobs-school areas" and effectively rezone the affected areas without due process for affected landowners and residents.

SB 330 (Skinner) Housing Crisis Act of 2019

This measure would, until 2030, prohibit a city from downzoning; imposing parking requirements; increasing impact fees; applying any fees to affordable housing; imposing a housing moratorium; imposing design standards that are more costly than those in effect in 2019; establishing a maximum number of conditional use permits; enforcing existing growth management ordinances.

Key Messages:

- SB 330 is an overreach by the state.
- Arbitrarily prohibiting parking requirements, freezing impact fees, prohibiting impact fees on affordable housing developments; and limited design review standards for a decade is extreme and will likely do little to increase housing production. Further, nothing in the bill guarantees that developers will pass any cost savings onto renters or homebuyers.
- SB 330 would even prohibit a city from establishing a new inclusionary housing ordinance to help construct affordable housing.

Other Bills of Interest

Planning and Zoning

AB 1279 (Bloom) High Resource Areas

Requires HCD to determine “high-resource areas”, areas of high opportunity and low residential density not experiencing displacement or gentrification. In these areas, cities would be required to approve, by-right, up to 100 units and 55 ft, if the project meets affordability requirements and site limitations.

Position Taken: Pending – Oppose Unless Amended

AB 1763 (Chiu) Density Bonus. Affordable Housing

Requires an 80% density bonus to be provided to a developer who agrees to construct a housing development in which 100% of the total units are for lower income households. AB 1763 would also require that a housing development receive four incentives or concessions under the Density Bonus Law.

Position Taken: Oppose Unless Amended

SB 4 (McGuire) Housing

Authorizes up to fourplexes to be built by-right on vacant lots in single-family neighborhoods; requires TOD heights one-story above existing heights; based on city population.

Position Taken: Pending – Oppose Unless Amended

Impact Fees

AB 1484 (Grayson) Fees. Reporting

Prohibits a local agency from imposing a fee unless the type and amount of the exaction is identified on the agency’s website at the time the development application is deemed complete. This effectively eliminates fees related to the specific impacts of a project, and freezes impact and development fees for two years after application is deemed complete.

Position Taken: Oppose Unless Amended

Accessory Dwelling Units (ADUs)

SB 13 (Wieckowski) ADU

Prohibits local jurisdictions from imposing any impact fees on ADUs less than 750 square feet, and limit the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot. Further, prohibits replacement parking when a garage, carport, or covered parking structure is demolished or converted into an ADU, and also prohibits owner-occupancy requirements.

Position Taken: Oppose Unless Amended

Tenant Protections

AB 53 (Jones-Sawyer) Rental Housing Discrimination

Prohibits landlords from asking about certain information, including criminal history.

Position Taken: Pending – Support if Amended

AB 1110 (Friedman) Rent Increases: Noticing

Expands existing notice requirements to 120 days if the rent increase is more than 15%.

Position Taken: Pending - Support

SB 18 (Skinner) Keep Californians Housed Act

Requires HCD to develop and publish a guide to all state laws pertaining to landlords and landlord-tenant relationship, and allocates funds to the California Emergency Solutions and Housing Program to support local governments and nonprofit organizations rental assistance and housing relocation and stabilization programs.

Position Taken: Pending – Support

SB 329 (Mitchell) Discrimination: Housing: Source of Income

Expands the “source of income” definition to include state, federal, or local funds, and housing vouchers.

Position Taken: Pending – Support