

Planning Commissioners Academy

2018 Legislative Update



What Happened Last Year?

- ✓ 15 bills comprised the “Housing Package” signed by the Governor.

- ✓ Three broad categories of bills:
 - Local Accountability.
 - Streamlining.
 - Funding.



2017 Housing Package

Local Accountability Bills

- ✓ Housing Accountability Act (SB 167/AB 678/AB 1515).
- ✓ Housing Element
 - New Content (AB 879).
 - Site Inventory Changes (AB 1397).
 - New Authority for HCD (AB 72).
- ✓ Annual Reports (AB 879/SB 35/SB 540).
- ✓ No Net Loss (SB 166).



2017 Housing Package

Streamlining Bills:

- ✓ City-Initiated (SB 540, AB 73).
- ✓ Developer-Initiated (SB 35).



2017 Housing Package

Funding Bills

- ✓ The Building Homes and Jobs Act (SB 2).
 - May generate \$250 million per year.
- ✓ Veterans and Affordable Housing Bond Act (SB 3).
 - \$4 billion GO Bond.



2018 Housing and Land Use Legislation

What's Coming This Year?

- ✓ More than 300 bills introduced – housing, land use, homelessness, ADUs, economic development.
- ✓ 5361 total bills introduced in the 2017-18 Session.
- ✓ Nearly every area of housing law is impacted – HAA, density bonus, parking, Mitigation Fee Act, RHNA.



2018 Housing and Land Use Legislation

Planning and Zoning Bills

- ✓ SB 827 (Wiener) Planning and Zoning: Transit
 - Effectively rezones all land within one-half mile radius of a “major transit stop” or one-quarter mile radius of a transit stop on a “high quality transit corridor” to accommodate buildings up to 10 stories tall.



2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ SB 827 (Wiener) Planning and Zoning: Transit
 - Exempts housing projects from locally developed and adopted height limitations, densities, parking requirements, and limits design review standards.
 - Allows developer to determine density and height: 45ft-105ft. State density bonus law applies.



2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ SB 827 (Wiener) Planning and Zoning: Transit
 - “High-quality transit corridor stop” means a corridor with fixed route bus service that has service intervals of no more than 15 minutes during peak commute hours.
 - “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ SB 827 (Wiener) Planning and Zoning: Transit
 - 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.



2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ SB 827 (Wiener) Planning and Zoning: Transit

Next Steps

- Get your city to oppose (105 cities opposed).
- Encourage city to hold a public hearing.
- Identify council members that can help.
- Engage community groups.
- Contact you Legislator!

2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ SB 828 (Wiener) Land Use: RHNA
 - Requires a local jurisdiction to plan and accommodate 200% of RHNA – low and very low-income.
 - Establish a methodology for the comprehensive assessment for unmet housing need.
 - Communities with high rates of income growth shall also have a high rate of new housing production for households of all income levels.



2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ AB 1771 (Bloom) Regional Housing Needs Assessment
 - Focused on the assessment methodology.
 - Jobs housing imbalance.
 - Allocate a higher proportion of housing need to an income category when a jurisdiction already has a disproportionately low share of households in that income category.
 - Increase access to areas of high opportunity for lower-income residents, avoiding displacement and affirmatively furthering fair housing.

2018 Housing and Land Use Legislation

Planning and Zoning Bills Cont.

- ✓ AB 2923 (Chiu, Grayson, Mullin) BART: TOD
 - Gives BART land use authority over their property.
 - Requires BART to establish TOD zoning standards – minimum 75 units per acre, no parking requirements, mix use.
 - City must update their zoning within 2 years.
 - Applies to 250 acres at 27 current and planned stations.
 - Applies SB 35 streamlining even in non SB 35 cities.
 - Requires SB 35 labor provisions.



2018 Housing and Land Use Legislation

Accessory Dwelling Units

- ✓ SB 831 (Wieckowski)
- ✓ AB 2071 (Bloom)
- ✓ AB 2890 (Ting)

Basically Rewrites ADU Law!



2018 Housing and Land Use Legislation

Accessory Dwelling Units Cont.

- ✓ SB 831 (Wieckowski) Accessory Dwelling Units
 - Allows ADUs on any lot that allows for the construction of a home.
 - Local agency must act within 120 days of submitted application or application is deemed approved.
 - No minimum lot size requirements unless specific findings are made that identify adverse public safety impacts.
 - No fees – impacts fees, connection fees, capacity charges, or ANY other fee levied by a local agency, school district, special district, or water corporation.

2018 Housing and Land Use Legislation

Density Bonus

- ✓ SB 1227 (Skinner) Density Bonus
 - Requires a density bonus to be provided if the development includes at least 20% of the total rental beds for students enrolled at an institution of higher education accredited by the Western Association of Schools and Colleges.
 - Requires that these units be subject to a recorded affordability restriction of 55 years and be provided at the same affordability level as very low income units.
 - Sets the density bonus at 35% of the number of these units.



2018 Housing and Land Use Legislation

Density Bonus Cont.

- ✓ AB 2753 (Friedman) Density Bonus
 - Requires that if a city or county does not determine whether a density bonus application is complete within 30 calendar days after it was submitted, or within 10 days in the case of a resubmitted application, then that application is deemed approved.
 - Requires that a city or county, within 60 calendar days after determining an application is complete, act to approve or disapprove the density bonus, and would provide that if the city or county fails to do so within that time period the application is deemed complete and the requested bonus is granted.

2018 Housing and Land Use Legislation

Homelessness

- ✓ AB 2161 (Chiu) Housing: Homeless Integrated Data Warehouse
 - Directs the Department of Housing and Community Development to create a state homeless integrated data warehouse, in coordination with the Homeless Coordinating and Financing Council, to develop a composite portrayal of the homeless population in the state and the services provided to this population or to those at risk of becoming homeless.
 - Data includes: the number of individuals and families experiencing homelessness, their access to benefits, and the stated reasons for their homelessness.



2018 Housing and Land Use Legislation

Homelessness Cont.

- ✓ AB 2162 (Chiu) Planning and Zoning: Supportive Housing
 - Requires that supportive housing be a use by right in zones where multiple dwelling uses are permitted, including commercial zones.
 - Projects must:
 - Be subject to recorded affordability restrictions for 55 years.
 - 100% of the units are dedicated to "low-income households" (80%).
 - 35% of the units are restricted to supportive housing.



2018 Housing and Land Use Legislation

Homelessness Cont.

- ✓ AB 3171 (Ting) Homeless Persons Services Block Grant
 - Establishes the Local Homelessness Solutions Program and creates the Local Homelessness Solutions Account for the purpose of providing funding to cities to create innovative and immediate solutions to the problems caused by homelessness.
 - Big 11 City Mayors are asking for \$1.5 billion.

- ✓ Assembly Member Chiu Budget Request Letter \$1 billion
 - \$500 million for programs that target chronically homeless.
 - \$500 million for the Multifamily Housing Program for affordable housing development.



2018 Housing and Land Use Legislation

Homelessness Cont.

- ✓ SB 912 (Beall) Homelessness and Housing
 - Would state that it is the intent of the Legislature to enact legislation that would make a one-time allocation of \$2,000,000,000 in general funds for the purpose of funding programs that serve the homeless as well as existing housing programs administered by the Department of Housing and Community Development dedicated to housing low- and moderate-income families.



2018 Housing and Land Use Legislation

Homelessness Cont.

- ✓ SB 918 (Wiener) Homeless Youth Act
 - Establishes the Office of Homeless Youth in the Department of Housing and Community Development.
 - Requires the office to identify funding, policy, and practice gaps across state systems that serve, or hold the potential to serve, young people experiencing homelessness, develop specific recommendations and timelines for addressing these gaps, and report to the Legislature.
 - Appropriates up to \$60 million in General Funds for grants to nonprofits or a continuum of care administrative entity.

2018 Housing and Land Use Legislation

CEQA

- ✓ SB 1340 (Glazer) CEQA Expedited Review
 - Requires a court to complete a CEQA suit against a housing project within 270.
 - Allows the project to proceed during court proceedings.



2018 Housing and Land Use Legislation

Other Bills of Note

- ✓ SB 946 (Lara) Sidewalk Vendors
 - Prohibits a local authority from adopting rules or regulations that regulate or prohibit sidewalk vendors unless it first adopts a sidewalk vending licensing program that requires a sidewalk vendor to obtain a license from the local authority before selling food or merchandise.
 - Prohibits restricting the location of a licensed sidewalk vendor unless the restriction is directly related to objective health, safety, or welfare concerns.
 - Prohibits restricting licensed sidewalk vendors from selling food or merchandise in a park.



2018 Housing and Land Use Legislation

Other Bills of Note Cont.

- ✓ AB 2598 (Quirk) Nuisance Abatement
 - Updates the existing fine schedule for violations of city or county ordinances and building codes. Authorizes an additional fine for repeated violations of commercial property owners who fail to maintain their properties.

- ✓ AB 3147 (Caballero) Mitigation Fee Act
 - Prohibits a housing development project from being subject to a fee, charge, dedication, reservation, or other exaction that is more than that in effect at the time that the application for the housing development project is determined to be complete.



2018 Housing and Land Use Legislation

Other Bills of Note Cont.

- ✓ AB 3162 (Friedman) Alcoholism or Drug Abuse Recovery or Treatment Facilities
 - Requires, for any licensing application submitted on or after January 1, 2019, the department to deny an application for a new facility license, if the proposed location is in proximity to an existing facility that would result in overconcentration (300 ft.).
 - Requires that the initial license be provisional for 1 year.
 - Requires the department, at least 45 days prior to approving any application for any new facility, to post on its Internet Web site the address of the proposed new facility.
 - Increases fines and penalties for operating outside of license (was \$25, now \$1,000 min & \$15,000 max per day, per violation).



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