

THE STATE OF AFFORDABLE HOUSING

New 2019 Housing Laws

New Tools to Incentivize Housing Production and Remove Key Local Barriers

▶ SB 330

- ▶ Establishes the Housing Crisis Act of 2019, which will accelerate housing production in California by streamlining permitting and approval processes, ensuring no net loss in zoning capacity and limiting fees after projects are approved.

▶ AB 1763

- ▶ Creates more affordable housing by giving 100 percent affordable housing developments an enhanced density bonus to encourage development.

▶ AB 116

- ▶ Removes the requirement for Enhanced Infrastructure Financing Districts (EIFDs) to receive voter approval prior to issuing bonds.

▶ AB 1485

- ▶ Will build on existing environmental streamlining law and encourage moderate-income housing production.

▶ AB 1255

- ▶ Requires cities and counties to report to the state an inventory of its surplus lands in urbanized areas. The bill then requires the state to include this information in a digitized inventory of state surplus land sites.

▶ AB 1486

- ▶ Expands Surplus Land Act requirements for local agencies, requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports (APRs), and requires the state Department of Housing and Community Development (HCD) to establish a database of surplus lands, as specified.

- ▶ SB 6
 - ▶ Requires the state to create a public inventory of local sites suitable for residential development, along with state surplus lands.
- ▶ SB 751
 - ▶ Creates the San Gabriel Valley Regional Housing Trust to finance affordable housing projects for homeless and low-income populations and address the homelessness crisis in the region.
- ▶ AB 1483
 - ▶ Requires local jurisdiction to publicly share information about zoning ordinances, development standards, fees, exactions, and affordability requirements. The bill also requires the Department of Housing and Community Development to develop and update a 10-year housing data strategy.
- ▶ AB 1010
 - ▶ Will allow duly constituted governing bodies of a Native American reservation or Rancheria to become eligible applicants to participate in affordable housing programs.
- ▶ AB 1743
 - ▶ Expands the properties that are exempt from community facility 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
 - ▶ Enacts a new welfare exemption from property tax for property owned by a Community Land Trust (CLT), and makes other changes regarding property tax assessments of property subject to contracts with CLTs.

Laws to Eliminate Barriers to Building ADUs

▶ AB 68

- ▶ Makes major changes to facilitate the development of more ADUs and address barriers to building. The bill reduces barriers to ADU approval and construction, which will increase production of these low-cost, energy-efficient units and add to California's affordable housing supply.

▶ AB 881

- ▶ Removes impediments to ADU construction by restricting local jurisdictions' permitting criteria, clarifying that ADUs must receive streamlined approval if constructed in existing garages, and eliminating local agencies' ability to require owner-occupancy for five years.

▶ AB 587

- ▶ Provides a narrow exemption for affordable housing organizations to sell deed-restricted land to eligible low-income homeowners.

▶ SB 13

- ▶ Creates a tiered fee structure which charges ADUs more fairly based on their size and location. The bill also addresses other barriers by lowering the application approval timeframe, creating an avenue to get unpermitted ADUs up to code, and enhancing an enforcement mechanism allowing the state to ensure that localities are following ADU statute.

▶ AB 671

- ▶ Requires local governments' housing plans to encourage affordable ADU rentals and requires the state to develop a list of state grants and financial incentives for affordable ADUs.

New Housing Rental Tenant Protections

- ▶ AB 1482

- ▶ 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

- ▶ 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.

2018 New Housing Laws

Housing Accountability Laws

- ▶ SB 167

- ▶ AB 678

- ▶ AB 1515

- ▶ These are three measures that were amended late in the 2017 legislative session to incorporate nearly all of the same changes to the Housing Accountability Act (HAA). The HAA significantly limits the ability of a jurisdiction to deny an affordable or market-rate housing project that is consistent with existing planning and zoning requirements.

- ▶ AB 72

- ▶ Provides HCD new, broad authority to find a jurisdiction's housing element out of substantial compliance if it determines that the jurisdiction fails to act in compliance with its housing element and allows HCD to refer violations of law to the attorney general.

New State Funding Resources

▶ SB 2

- ▶ Projected to generate hundreds of millions of dollars annually for affordable housing, supportive housing, emergency shelters, transitional housing and other housing needs via a \$75 to \$225 recording fee on specified real estate documents.

▶ SB 3

- ▶ Is a \$4 billion general obligation bond to fund affordable housing programs and the veterans homeownership program (CalVet).

Affordable Housing Incentives

▶ SB 35

- ▶ Streamlines multifamily housing project approvals, at the request of a developer, in a city that fails to issue building permits for its share of the regional housing need by income category.

▶ AB 1505

- ▶ Allows a jurisdiction to adopt an ordinance that requires a housing development to include a certain percentage of residential rental units affordable to, and occupied by, household with incomes that do not exceed limits for household with extremely low, very low, low or moderate income.

▶ AB 1521

- ▶ An owner of an assisted housing development proposing the termination of a subsidy contract or prepayment of governmental assistance, or the owner of an assisted housing development for which there will be the expiration of rental restrictions, to provide a notice of the proposed change to each affected tenant household residing in the assisted housing development, as specified and provide a copy of any notices issued to any prospective tenant at the time he or she is interviewed for eligibility.

▶ AB 571

- ▶ The California Tax Credit Allocation Committee is authorized to allocate the farmworker housing credit even if the taxpayer receives

federal credits for buildings located in designated difficult development areas or qualified census tracts.

▶ SB 540

- ▶ Streamlines the housing approval process by allowing jurisdictions to establish Workforce Housing Opportunity Zones (WHOZs), which focus on workforce and affordable housing in areas close to jobs and transit and conform to California's greenhouse gas reduction laws.

▶ AB 73

- ▶ Streamlines the housing approval process by allowing jurisdictions to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the ordinance.

Housing Element Bills

▶ AB 1397

- ▶ Makes numerous changes to how a jurisdiction establishes its housing element site inventory.

▶ SB 166

- ▶ A city or county must ensure that its housing element inventory can accommodate its share of the regional housing need throughout the planning period.

▶ AB 879 –New Housing Report

- ▶ Expands upon existing law that requires, by April 1 of each year, general law cities to send an annual report to their respective city councils, the state Office of Planning and Research (OPR) and HCD that includes information related to the implementation of the General Plan.