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# City Council Meeting

April 11, 2023

## **Housing Bills Overview**

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# AB 2011

**AB 2011, Affordable Housing and High Road Jobs Act of 2022** - Signed into law by Governor on September 29, 2022, effective July 1, 2023

- Permits residential development on sites currently zoned for commercial or retail.
- Creates a CEQA-exempt, ministerial approval process for multifamily housing developments on sites where office, retail or parking is the current principally permitted use.
- Slightly different qualifying criteria for (1) 100-percent affordable projects, and (2) mixed-income projects located in “commercial corridors

# AB 2011

- All AB2011 projects:
  - Provides for streamlined Ministerial Approval (e.g., for projects with more than 150 units, must be processed in 180 days)
  - Must propose a multifamily housing project.
  - May perform design review, but limited to objective standards only
  - Exempt from CEQA
  - FOR RENTAL PROJECTS: 8 percent must be very-low income and 5 percent extremely low-income; OR 15 percent lower income
  - Deed restriction requirement: 55 years for rental units
  - Projects must pay prevailing wages

- Mixed Income Projects:
  - No parking may be required except requirements related to bicycle parking, electric vehicle parking or parking accessible to persons with disabilities
  - For portion of property that fronts commercial corridor, no setbacks may be required
  - All parking must be set back at least 25 feet
  - Height limitations apply: these are based on the street right-of-way.

# SB 6

SB 6, the Middle-Class Housing Act of 2022 - Signed into law by Governor on September 29, 2022, effective July 1, 2023.

- Permits residential development on sites zoned for commercial or retail uses.
- NO ministerial approval pathway, but allows residential use on commercially zoned property without rezoning.
- Prevailing wages for workers and to "skilled and trained workforce" requirements apply.

# SB 6

## SB 6, the Middle-Class Housing Act of 2022

Proposed housing development must either:

- Include residential units only; OR Mixed-use project with MIN 50 % of the sq. ft. dedicated to residential
- **NO affordable Housing Requirements** unless local inclusionary requirements applicable
- **Prevailing wage required AND "Skilled and trained workforce"** required
- Must comply with local zoning, parking, design and other ordinances, local code requirements and procedures applicable to the processing of housing in zone allowing housing
- Must comply with all other objective local requirements for a parcel (except those that prohibit residential use or allow residential use only at a lower density) including impact fee and inclusionary housing requirements

# Builders Remedy

## Been around since 1990, California's Housing Accountability Act

- Allows developers of affordable housing projects to bypass the zoning code and general plan of cities that are out of compliance with the Housing Element Law
- 20% of the units in the project must be affordable to lower-income households, OR 100% affordable to moderate-income households.
- Can be blocked if City can show project is inconsistent with the city's zoning and general plan and the city “has adopted a revised housing element” in accordance with Statutory Deadlines that is in substantial compliance with state law.
- Does NOT exempt projects from CEQA and any builder's remedy project would almost certainly have to run the gauntlet of an EIR

# More Housing Laws

- AB 2334 (reforms to the State Density Bonus Law to define "base density" and provide further concessions for 100 percent BMR projects in low VMT areas)
- AB 1551 (Density Bonus Law benefits for mixed-use projects)
- AB 682 (Density Bonus Law benefits for shared/co-living housing)
- AB 2097 (prohibiting minimum parking requirements within a half-mile of public transit)
- AB 2536 (limits on agencies' ability to adopt connection fees and capacity charges) Accessory Dwelling Units (ADUs) and Increased Bedroom Counts:
- AB 2221 (comprehensive "cleanup" of ADU laws)
- SB 897 (increased height limits for ADUs; allowing detached ADUs on lots with proposed multifamily dwellings)
- AB 916 (maximizing bedroom counts within existing units) Surplus Property:
- SB 561, AB 2233 and AB 2592 (codification and expansion of Surplus Lands Executive Order prioritizing the use of surplus state-owned land for affordable housing) Planning, Equity and Lower-Income Housing Opportunities.
- SCA 2 (propose for 2024 ballot the repeal of state constitutional article requiring voter approval of certain "low rent housing projects")
- AB 2094 and AB 2653 (greater requirements for annual reports on housing progress)
- AB 2339 (planning for emergency shelters and clarifying Housing Element Law)
- AB 2873 (promoting diversity in affordable housing development)