



Housing and Land Use

2019 Legislative Update

Presented by

Elizabeth Hull, Michael Maurer, Todd Leishman & Lauren Langer



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Overview: Housing Legislation

- Presentation will cover:
 - New laws related to:
 - Accessory dwelling units (ADUs)
 - Streamlining for housing developments
 - Enforcement of housing elements
 - Density bonuses
 - Other housing-related legislation
 - Key bills that did not pass this year that may come back in 2020

****Booklet containing analysis of all major bills is available for download*



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Accessory Dwelling Units



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Accessory Dwelling Units

- Several bills enacted
(not all take effect)
- ~~AB 68 / SB 13 /~~ **AB 881, § 1.5 (2.5)**
- ~~AB 139 /~~ **AB 671, § 1.5**
- **AB 587**
- **AB 670**



Accessory Dwelling Units

Highlights: AB 881

- **MFR** lots
- **Multiple** ADUs on one lot
- Max **4-foot** setbacks
- No **replacement** parking
- No **owner-occupancy** (until 2025)



Accessory Dwelling Units

Highlights: AB 881 (cont'd)

- **BP-only** expands
(not just converted)
- **Nonconforming** okay
(no corrections, can replace)
- Any inconsistency **voids** the whole
(not just 2017)



Accessory Dwelling Units

Highlights: Other Bills

AB 671, § 1.5:

- **Housing Elements** must promote ADUs for affordable rent

AB 587:

- **Separate conveyance** of ADUs in limited circumstances

AB 670:

- **HOAs** limited like cities



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Accessory Dwelling Units

Recommendation

- 1. Prepare conforming ordinance**
(can adapt template, insert your ministerial standards)
- 2. Before Jan 1, adopt as urgency ordinance**
under GC 36937(b)
(concurrently with non-urgency as backup)



SB 330 – Restrictions on Local Control of Housing Developments

- **Overview:**

- Limits cities' and counties' ability to regulate “housing developments”
 - Residential
 - Mixed-use with 2/3 sf for residential
 - Transitional/supportive housing
- Makes changes to Permit Streamlining Act and Housing Accountability Act; adds the Housing Crisis Act



SB 330

New Preliminary Application Process

- **Creates a “Freeze”**
 - Existing development ordinances as those in effect when a preliminary application is submitted
- **Checklist**
 - Cities must have a checklist for information included in the pre-app (on website)
 - Cannot request anything not on checklist
 - Must disclose why rejecting a pre-app as incomplete



SB 330

New Preliminary Application Process

- **Contents of preliminary application:**
 - Project description
 - Site characteristics
 - Certain environmental concerns
 - Potential density bonus
 - Coastal zone concerns,
 - Number of units to be demolished
 - Location of recorded public easements.



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SB 330

Streamlining Provisions



- **Hearing limitation**

- No more than 5 hearings if project complied with GP and zoning objective standards when application deemed complete
- “Hearing” includes meeting and workshops

- **Rezoning limitation**

- Cannot require rezoning if consistent with objective GP standards
- Can only comply with objective zoning standards to extent they facilitate density allowed by GP

- **Approval timeframes**

- Shortened from 120 days to 90 days following EIR certification
- 60 days for low-income projects seeking tax credit or public funding



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SB 330

Housing Crisis Act

- **Applies to “urbanized areas”**
- **Applies starting January 1, 2020**
- **No rezoning**
 - If housing is a permitted use under either GP or zoning, cities may not change designation to remove housing
- **No reduction of density**
 - GP/zone densities for housing cannot be reduced below January 2018 numbers
 - Exception if concurrent change resulting in no net loss
 - No approval of projects demolishing residential units unless equal number are replaced
- **No moratoriums**
 - Only exception for imminent threats to public health and safety, if approved by HCD
 - No growth control measures limiting housing



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SB 330

Summary

- **Key Takeaways:**

- Start developing preliminary application forms for housing projects
- Consider objective zoning standards where applicable
- Review potential inconsistencies between zoning and GP densities



Housing Omnibus Bill (Assembly Bill 101)

- **Two key components:**
 - The stick: more stringent enforcement of housing element compliance
 - The carrot: targeted grant programs



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Housing Omnibus Bill

Housing Element Compliance

- **Judicial Enforcement**

- Attorney General to seek court orders against cities for HE compliance:

- Court retains jurisdiction
- Status conferences
- Imposition of Fines
- Appointment of receiver



- **Access to Funding**

- Compliant cities have preference in grant funding



Housing Omnibus Bill

New Grant Programs

- **\$650 Million for the Homeless Housing, Assistance, and Prevention Program**
 - One-time grant funds for regional coordination and expanding or developing “local capacity to address homelessness challenges.”
 - *The deadline to apply for funds is Feb. 15.*
- **\$250 Million for the Local Government Planning Support Grants Program**
 - One-time grants to cities, counties and councils of government (half to cities and counties, half to COGs) for technical assistance, preparation and adoption of planning documents, and “process improvements” to “accelerate housing production and ... facilitate compliance with” sixth-cycle regional housing needs assessments.
 - The amount available to a particular city depends on its population. *The deadline for cities and counties to apply for funds is July 1 (COGs have until January 2021).*
- **\$500 Million for the Infill Infrastructure Grant Program of 2019**
 - Funds capital improvement projects that are needed to facilitate development of qualifying infill projects and areas.
 - *HCD will release a notice of funding availability by Nov. 30.*



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Housing Omnibus Bill

Expansion of Existing Programs

- **CalHome Program Funds**
 - Now eligible for grants to local agencies and nonprofits for the construction or rehabilitation of accessory dwelling units and junior ADUs, as well as to assist disaster victims.
- **Housing Trust Grant Funds**
 - Native American Tribes may now receive funds from this Program.
 - Permissible uses of the funds now include construction or rehabilitation of ADUs and junior ADUs.
- **Tax Credits**
 - Additional \$500 million in tax credits to qualifying low-income housing projects
 - Some changes to the criteria to qualify
 - HCD and CalHFA directors added to TCAC
- **Self-Help Housing Fund for Special-Needs Housing**
 - \$500 million to facilitate low- and moderate-income housing for people with intellectual or developmental disabilities.



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Housing Omnibus Bill

Summary

- **Key takeaways:**

- Housing Element compliance is even more critical in light of AB 101's enforcement provisions
- There may be funding available for certain housing-related projects, but be aware of application windows and eligibility requirements



Density Bonus (AB 1763)

- **Background**
 - Existing density bonus law allows developers to increase density and receive other concessions in exchange for affordability restrictions of a percentage of units.
 - AB 1763 Increases density bonus and other concessions for 100% affordable housing projects



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Density Bonus (AB 1763)

- **Applies to:**
 - 100% affordable housing projects
 - Up to 20% may be moderate income units
 - At least 80% must be low income
- **Density Bonus:**
 - Up to 80% of the otherwise maximum allowable density
 - If within ½ mile of a major transit stop, then no density limit



Density Bonus (AB 1763)

- **Regulatory Concessions**
 - Projects will receive at least four
 - No minimum parking requirements
 - If within ½ mile of major transit stop, then given a height increase of up to three stories or 33 feet



Density Bonus (AB 1763)

- **Key Takeaways:**
 - Review and update existing density bonus ordinance to incorporate new provisions for 100% affordable housing projects



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Other Significant Housing Laws

- **Legislation:**

- AB 1255/SB6/AB 1483
 - New transparency and reporting requirements
- Tenant Protection Act (AB 1482)
 - Statewide residential rent control
- Surplus Land Act (AB 1486)
 - Extends surplus rules to some special districts and new rules related to property disposition



****Download booklet for additional information and analysis*



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What *Didn't* Pass This Year?

- **SB 50 (Wiener)**
 - Made a two-year bill
 - Would allow quadplexes by-right in all single family zones, with other streamlining provisions
- **SB 5 (Beall, McGuire and Portantino)**
 - Vetoed by Governor Newsom
 - Would have created the Affordable Housing and Community Development Investment Program
 - Essentially a new redevelopment program with a centralized funding source rather than traditional TIF financing
 - Cities and other public entities would have been able to apply for funding for housing, transit-oriented development, and other community projects
- **What should we expect next year?**



To-Do List

- Review and update your city's ADU ordinance
- Develop a SB 330 pre-application form for housing projects
- If desired, develop objective development standards for housing
- Incorporate new density bonus laws for 100% affordable projects into your density bonus ordinance
- Review potential grant opportunities



Thank you for attending

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