

## **Summary of Housing Bills - 2020**

### **1. AB 1561 (Garcia) – Extension of Time for Housing Entitlements, Tribal Consultation**

- A. Extends expiration of “housing entitlements” by 18 months for:
  - i. Entitlements issued before and in effect on March 4, 2020; and
  - ii. Entitlements that will expire before December 31, 2021.
- B. Includes housing entitlements that are:
  - i. A legislative, adjudicative, administrative, or other approval, permit, or other entitlement for a housing development project issued by a state agency;
  - ii. Any approval, permit, or other entitlement issued for a housing development project that is subject to the Permit Streamlining Act (California Government Code § 65920 et seq);
  - iii. A ministerial approval, permit, or entitlement required as a prerequisite to the issuance of a building permit for a housing development project;
  - iv. Any requirement to submit an application for a building permit within a specified time period after the effective date of a housing entitlement; or
  - v. A vested right associated with an approval, permit, or other entitlement.
- C. Excludes some housing entitlements:
  - i. Development agreements authorized pursuant to California Government Code § 65864;
  - ii. Approved or conditionally approved tentative maps which were previously extended for at least eighteen (18) months on or after March 4, 2020 pursuant to California Government Code § 66452.6;
  - iii. Preliminary applications under SB 330 (the Housing Crisis Act of 2019); and
  - iv. Applications for development approved under SB 35 (California Government Code § 65913.4).
- D. Defines a “housing entitlement” as:
  - i. Most approvals, permits or other entitlements issued by a local jurisdiction for housing development projects, including tentative tract maps and any approval subject to the Permit Streamlining Act; and
  - ii. Ministerial approvals that are prerequisites for a building permit
- E. Includes exceptions for development agreements and preliminary applications.
- F. Amends the Housing Element Law to authorize (but not require) the Housing Element’s analysis of actual and potential to also address constraints on housing for persons due to their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.
- G. Extends response time under California Environmental Quality Act:

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- i. California Native American Tribes have an additional 30 days to respond in writing to a lead agency's consultation request (for a total of 60 days).
- ii. Extension of time is only for housing development projects with a project application completed between March 4, 2020, and December 31, 2021.

### **2. AB 3088 (Ting) – Eviction and Foreclosure Protections**

- A. Establishes eviction and foreclosure protections for tenants and property owners facing financial hardships as a result of the COVID-19 crisis.
- B. Sets an effective date to February 1, 2021.
- C. Modifies the rules governing the residential eviction process

### **3. AB 2553 (Ting) – Shelter Crisis Declarations**

- A. AB 2553 expands the authority to declare a shelter crisis, by adopting an ordinance that includes "reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein", to all cities and counties statewide.
- B. These local standards and procedures apply in lieu of state and local health, habitability, planning and zoning, or safety procedures and laws
- C. If a shelter crisis is declared, AB 2553 requires the jurisdiction to create a public plan to address the crisis. This can include building homeless shelters and permanent supportive housing that provide onsite supportive services, and a plan to transition residents from homeless shelters to permanent housing.
- D. If the shelter crisis is declared within a jurisdiction before January 1, 2021, the public plan is due on or before July 1, 2021.
- E. If the shelter crisis is declared after January 1, 2021, the public plan is due on or before July 1 of the year after the shelter crisis is declared.
- F. AB 2553 makes other changes to the shelter crisis declaration law, such as expanding the definition of "homeless shelter" to include parking lots "owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals."

### **4. AB 168 (Aguiar-Curry) - Planning and Zoning: Annual Report: Housing Development: Streamlined Approvals**

- A. AB 168 make changes to SB 35, the law that allows developers of multi-family housing in urban areas to pursue a streamlined, ministerial process to obtain entitlements upon notice to the local jurisdiction that they will pursue this process.
- B. Consultation with Native American Tribes that are "traditionally and culturally affiliated with the geographic area [of the proposed development]" is required. If no agreement is reached, the applicant may not use streamlined approval.
- C. This new provision related to Native American tribe consultation does not apply to projects that were previously approved before the bill was enacted.

**5. AB 831 (Grayson) – Planning and Zoning: Housing: Development Application Modifications**

- A. Adds a mechanism for an applicant to request a modification to an approval that was issued under the streamlined, ministerial process (SB 35) if no final building permit has been issued.
- B. Local jurisdictions must evaluate such requested modifications “for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved from streamlined, ministerial approval” when the project began.
- C. Local jurisdictions will have 60 days to make a determination, or 90 days if Design Review is required.
- D. Local jurisdictions “may apply objective planning standards adopted after the development application was first submitted” when considering a request for modification if:
  - i. The development is revised to change the total number of residential units or total square footage of construction by 15% or more;
  - ii. The development is revised to change total number of residential units or total square footage of construction changes by 5% or more and it is necessary to “subject the development to an objective standard beyond those ineffective when the development application was submitted in order to mitigate or avoid a specific, adverse impact . . . upon the public health and safety and there is no feasible alternative to satisfactorily mitigate or avoid the adverse impact”; and/or
  - iii. It is necessary to apply building standards in the California building code.

**6. AB 725 (Wicks) – General Plans, Housing Element: Moderate-Income and Above Moderate-Income Housing: Suburban and Metropolitan Jurisdictions**

- A. Effective January 2022.
- B. Local jurisdictions are required to adopt a General Plan that includes a Housing Element.
- C. AB 725 requires jurisdictions to plan at least 25% of moderate income housing to be located in areas zoned for at least four units/parcel but not more than 100 units/acre.
- D. AB 725 also requires jurisdictions to plan for at least 25% of above-moderate income homes to be located in areas zoned for at least four units/parcel.

**7. AB 1851 (Wicks) – Religious Institution Affiliated Housing Development Projects: Parking Requirements**

- A. AB 1851 prohibits local agencies from requiring the replacement of required parking spaces for a place of worship when those parking spaces are being eliminated as a part of a religious institution affiliated housing development project, provided that no more than 50% of the required parking spaces are proposed for elimination.

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- B. A local jurisdiction must allow the remaining parking spaces for the place of worship to be counted toward the number of parking spaces required for the housing development project.
- C. A local jurisdiction may require up to one parking space per unit in the housing development project notwithstanding any other provision of AB 1851 unless the project is within one-half mile of public transit or there is a car share vehicle within one block.
- D. The law prohibits a local jurisdiction from requiring that an existing parking deficiency be cured as a condition of approval of a religious institution affiliated housing development.
- E. AB 1851 also specifies that the parking reduction is not a “concession” for the purposes of the Density Bonus Law.

### **8. AB 2345 (Gonzalez): Planning and Zoning: Density Bonus: Annual Report: Affordable Housing**

- A. AB 2345 makes several changes to the Density Bonus Law.
- B. AB 2345 makes several changes to the Density Bonus Law. Under existing State law, a maximum density bonus of 35% is available based on the composition of the project. Density bonus includes:
  - i. 20% of project units to low-income households;
  - ii. 11% of units to very low-income households; or
  - iii. 40% of for-sale units to moderate-income households.
- C. AB 2345, which takes effect on January 1, 2021, modifies the maximum available density bonus up to 50%. To receive the 50% density bonus, a project must comply with unit replacement requirements and set aside at least:
  - i. 24% of units for low-income households;
  - ii. 15% of units for very low-income households; or
  - iii. 44% of for-sale units for moderate-income households.
- D. In addition, an applicant may receive 2 concessions for projects that include at least:
  - i. 17% of the total units for lower income households;
  - ii. 10% of the total units for very low income households; or
  - iii. 20% for persons or families of moderate.
- E. An applicant may receive 3 incentives or concessions for projects that include at least:
  - i. 24% of the total units for lower income households;
  - ii. 15% of the total units for very low income households; or
  - iii. 30% for persons or families of moderate income.