

STATE OF CALIFORNIA 2020 HOUSING LEGISLATION

Community & Economic Development

Housing and Homeless Committee
January 4, 2021

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BACKGROUND

1. Housing shortage in California
 - a) Production below demand
 - b) High land and development costs
 - c) Neighborhood opposition
 - d) Regulatory environment
 - e) Environmental regulations
2. September 2020 – 8 bills Passed
 - a) COVID-19 Assistance
 - b) Homeless Crisis Declarations
 - c) Process, Approvals and Density



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COVID-19 Assistance

2 Pieces of Legislation

Bill Number	Anticipated Impact
1 AB 1561 (Garcia) – Extension of Time for Housing Entitlements, Tribal Consultation	Low
2 AB 3088 (Ting) – Eviction and Foreclosure Protections	Low



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COVID-19 Assistance

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

- **When is it applicable?**
 - Entitlements in effect March 4, 2020 and Expiring December 31, 2021
- **What does it do?**
 - Extends the Expiration Date of Entitlements by 18 months
 - Allows for Housing Element analysis of constraints on the maintenance, improvement, or development of housing due to sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status
 - Extends CEQA Response Times for Native American Tribes by an Additional 30 days (to 60 days)



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What does this mean for Riverside?

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

- **Moving Forward**
 - Applicants can request time extension for entitlement expiration for 18 months
 - Includes Tentative Tract Maps
 - CEQA Process ensures Tribal Consultation, but may cause delays
- **Likely low impact – no additional review – but allows applicants additional time to satisfy conditions**



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COVID-19 Assistance

2 - AB 3088 (Ting) – Eviction and Foreclosure Protections

- **When is it Applicable?**
 - During COVID-19 Emergency Declaration
 - Expires February 1, 2021
- **What does it do?**
 - Establishes eviction and foreclosure protections
 - Residential tenants; and
 - Property owners
 - Clarifies the eviction process to protect tenancy



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What does this mean for Riverside?

2 - AB 3088 (Ting) – Eviction and Foreclosure Protections

- **Moving Forward**
 - Protects renters from evictions
 - Protects homeowners from foreclosures
- **Likely low impact – ensures residents maintain their housing at no cost to City**



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Homeless Crisis Declaration

1 Piece of Legislation

Bill Number	Anticipated Impact
3 AB 2553 (Ting) – Shelter Crisis Declarations	High



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Homeless Crisis Declaration

3 - AB 2553 (Ting) – Shelter Crisis Declarations

- **When is it applicable?**
 - When a jurisdiction declares a shelter crisis
- **What does it do?**
 - Requires a that any local jurisdiction that declares a shelter crisis must develop a public plan to address the crisis
 - Declared before January 1, 2021 - public plan is due on or before July 1, 2021
 - After January 1, 2021, the public plan is due on or before July 1 of the year after the shelter crisis is declared
 - Plan to include: development of homeless shelters and permanent supportive housing, providing onsite supportive services, and a way forward to transition residents from homeless shelters to permanent housing



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What does this mean for Riverside?

3 - AB 2553 (Ting) – Shelter Crisis Declarations

- **Moving Forward**
 - City must Prepare Plan before July 2, 2021
 - Identify
 - Future Homeless Shelters and Permanent Supportive Housing – with on-site services
 - Transition residents from Homeless Shelter to Permanent Housing
- **Likely High Impact – tight timeframe to complete the Plan**



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Process, Approvals and Density

5 Pieces of Legislation

Bill Number		Anticipated Impact
4	AB 168 (Aguiar-Curry) - Planning and Zoning: Annual Report: Housing Development: Streamlined Approvals	Low
5	AB 831 (Grayson) – Planning and Zoning: Housing: Development Application Modifications	Low
6	AB 725 (Wicks) – General Plans, Housing Element: Moderate-Income and Above Moderate-Income Housing: Suburban and Metropolitan Jurisdictions	Low
7	AB 1851 (Wicks) – Religious Institution Affiliated Housing Development Projects: Parking Requirements	Low
8	AB 2345 (Gonzalez): Planning and Zoning: Density Bonus: Annual Report: Affordable Housing	Moderate



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Process, Approvals and Density

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

- **When is it applicable?**
 - When an applicant uses the streamlined process that was originally adopted as part of SB 35 in 2019
 - This modification does not apply to projects that were previously approved before the bill was enacted
- **What does it do?**
 - Creates a new Tribal consultation requirement
 - Applicant must submit a notice to a local jurisdiction and initiate Native American consultation with those Tribes “traditionally and culturally affiliated with the geographic area [of the proposed development].”
 - If no agreement - the applicant cannot obtain streamlined approval

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What does this mean for Riverside?

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

- **Moving Forward**
 - SB 35 has not been used in Riverside
 - Required to follow streamline provisions
 - Additional Tribal consultation will be part of SB 35 application process
- **Likely Low Impact – Part of Development Process**



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Process, Approvals and Density

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

- **When is it applicable?**
 - For projects processed/approved under SB 35
 - Applicable if:
 - Project is revised with an increase in residential units or total square footage by 15% or more;
 - Project is revised with changes in residential units or total square footage by 5% or more and new planning standards apply that will mitigate a specific impact on public health and safety.
 - California Building Code standards must be applied to the project.
- **What does it do?**
 - Adds a mechanism for applicants to request a modification to a project approved under SB 35



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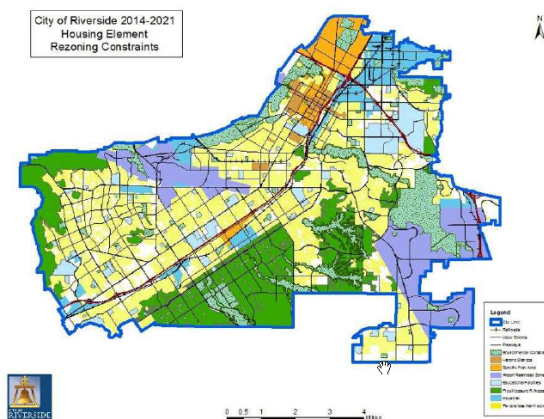
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What does this mean for Riverside?

5 - AB 168 (Aguiar-Curry) - Planning and Zoning: Annual Report: Housing Development: Streamlined Approvals

- **Moving forward**
 - 5th Cycle RHNA allows housing by right
 - Streamline Riverside streamlines current applications – capturing most of the requirements of SB 35
- **Likely Low Impact – current processes streamline approvals**



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Process, Approvals and Density

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

- **When is it applicable?**
 - January 2022
 - In all “metropolitan” jurisdictions (Riverside)
- **What does it do?**
 - Facilitates development of moderate-density “Missing Middle” housing like three- and four-plexes, bungalow courts and small garden apartments
 - 25% of moderate income housing – in areas zoned for 4-100 units/acre
 - 25% of above-moderate income – minimum 4 units/acre



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What does this mean for Riverside?

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

- **Moving Forward**

- City to plan for more density per lot
- Housing Element underway – included in update
 - The City must plan for a minimum of 25% for each of the Moderate- and Above-Moderate Income units to be built on sites that allow at least four units per parcel, but not more than 100 units per acre.
 - Effective Date (January 2022) will not affect the current 6th-Cycle Housing Element underway



- **Likely Low Impact**



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Accountability & Enforcement

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

- **When is it applicable?**

- When a place of worship develops housing on their site

- **What does it do?**

- Prohibits a local jurisdiction from requiring replacement parking at places of worship if the parking is being used for a housing project
- No more than 50% of spaces may be eliminated
- Parking on site – count toward housing project up to 1 space/unit
- Cannot require parking deficiencies be cured



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What does this mean for Riverside?

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

- **Moving Forward**
 - Expand opportunities for housing at places of worship
- **Likely Low Impact – City currently allows housing on places of worship sites**



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Accountability & Enforcement

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

- **When is it applicable?**
 - January 1, 2021
- **What does it do?**
 - Currently, a maximum density bonus of 35% is available
 - Modifies the maximum available density bonus up to 50%.
 - A project must comply with set aside requirements, based on targeted income levels.
 - Authorizes the number of concessions, up to three based on affordability and targeted income levels, of the housing project



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What does this mean for Riverside?

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

- **Moving Forward**
 - City Density Bonus Ordinance will be updated (SB 2 funds)
 - Allow more density and concession – based on affordability
 - Applicants could take advantage
- **Likely Moderate Impact – based on desire of Developers**



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RECOMMENDATIONS

That the Housing and Homelessness Committee receive and file this report on the California Legislature's 2020 Housing Bills.



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