

Assembly Bill No. 2244

CHAPTER 122

An act to amend Section 65913.6 of the Government Code, relating to housing.

[Approved by Governor July 19, 2022. Filed with Secretary of State July 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2244, Wicks. Religious institution affiliated housing: place of worship.

Existing law prohibits a local agency from requiring the replacement of religious-use parking spaces, as defined, that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. Existing law prohibits the number of religious-use parking spaces requested to be eliminated from exceeding 50% of the number that are available at the time the request is made.

This bill would clarify that the definition of "religious-use parking spaces" applies to both existing parking spaces and those parking spaces required of a proposed development for a new place of worship. The bill would recast the provisions relating to the elimination of parking spaces to prohibit the number of spaces proposed to be eliminated in the case of a proposal for a newly constructed place of worship from exceeding 50% of the spaces that would otherwise be required. The bill would also prohibit the number of spaces proposed to be eliminated in the case of an existing place of worship from exceeding 50% of the spaces that exist at the time the request is made. The bill would not preclude the enforcement of any requirement otherwise imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

The people of the State of California do enact as follows:

SECTION 1. Section 65913.6 of the Government Code is amended to read:

65913.6. (a) For purposes of this section, all of the following definitions shall apply:

(1) "Housing development project" means a housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(2) "Local agency" means any county, city, or city and county, including a charter city, or city and county.

(3) “Place of worship” means a property owned or operated by a religious institution, that is used for the purpose of regular assembly by members of the institution.

(4) “Religious institution” means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multidenominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the Corporations Code.

(5) “Religious institution affiliated housing development project” means a housing development project that meets all of the following criteria:

(A) The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.

(B) The housing development project qualifies as being near colocated religious-use parking spaces by being any of the following:

(i) Located on one or more parcels that collectively contain religious-use parking spaces.

(ii) Located adjacent to a parcel owned by the religious institution that contains religious-use parking spaces.

(iii) Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking spaces.

(C) The housing development project qualifies for a density bonus under Section 65915.

(6) “Religious-use parking spaces” means parking spaces that are required under the local agency’s parking requirements for existing places of worship, or parking spaces that would be required in a proposed development for a new place of worship.

(b) (1) Notwithstanding any other law or ordinance, a local agency shall not require the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate, or reduce in the case of a plan for a new development, as part of that housing development project pursuant to this section.

(2) The number of religious-use parking spaces requested to be eliminated, or reduced in the case of a plan for a new development, by a developer of a religious institution affiliated housing development project pursuant to this section shall not exceed the following:

(A) In the case of an existing place of worship to be retained, 50 percent of the number of religious-use parking spaces that are available at the time the request is made.

(B) In the case of a newly constructed place of worship, 50 percent of the number of religious-use parking spaces that would be required for a newly constructed place of worship.

(3) The elimination of religious-use parking spaces pursuant to a religious institution affiliated housing development project that has been approved by a local agency does not constitute a concession pursuant to Section 65915.

(c) Notwithstanding any other law or ordinance, a local agency shall not require the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.

(d) Notwithstanding any other law or ordinance, a local agency shall allow the number of religious-use parking spaces that will be available after completion of a religious institution affiliated housing development project to count toward the number of parking spaces otherwise required for approval of the housing development project under any other law or ordinance.

(e) Notwithstanding any other law or ordinance, a local agency shall not deny a proposed religious institution affiliated housing development project solely on the basis that the project will reduce the total number of parking spaces available at the place of worship provided that the total reduction does not exceed 50 percent of existing parking spaces, or 50 percent of the parking spaces that would be required of a new development of a place of worship.

(f) (1) Notwithstanding any provision of this section, except as provided in paragraph (3), the reduction in parking spaces authorized in this section shall not reduce the minimum parking standards that a local agency may require of a religious institution affiliated housing development project below one space per unit.

(2) For the purposes of this subdivision, a local agency shall not be required to allow the remaining religious-use parking spaces to count toward the number of parking spaces otherwise required for approval of the housing development project as provided in subdivision (d) to the extent that the application of subdivision (d) would prohibit a local agency from requiring up to one parking space per unit.

(3) This subdivision shall not apply to a religious institution affiliated housing development project if either of the following is true:

(A) The parcel is located within one-half mile walking distance of public transit. For the purposes of this paragraph, “public transit” means either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(g) This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that otherwise applies.

(h) The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, and therefore this section applies to all cities, including charter cities.