

## California Legislation 2022 – Significant Housing Bills Passed:

\*Note: over 31 housing bills as defined by the State were signed by the Governor in 2022, this list is what I consider to be the most significant. -Pam

**SB 6 – Allows residential development on property zoned for retail and office space, without needing a re-zoning.** It does allow other opportunities for local input, like CEQA, but project applicants may invoke the Housing Accountability Act to limit local discretion to deny or condition approval. *It doesn't have any Below Market Rent (BMR) requirements.* Developers must commit to both paying prevailing wage and "skilled & trained workforce" requirements for project labor in most cases. ([See also: AB2011](#))

**SB 649 – Local Tenant Preference to Prevent Displacement Act.** To the extent feasible and consistent with state and federal laws, the low-income housing tax credit program and tax exempt bonds for qualified residential rental properties used to create and preserve affordable housing may be used to support access to housing that would allow households facing or at risk of displacement (gentrification due to rapid growth or increasing housing prices) to remain in the community.

**SB 886 – Student & Faculty Housing Act.** This bill will allow universities to build housing projects on their campus faster and at lower costs by streamlining the CEQA review process. Projects must meet certain criteria such as: not located in very high wildfire risk area, farmland, hazardous waste site, earthquake zone, flood zone, etc. Projects may not demolish rent-controlled, deed-restricted affordable, historic or rental housing.

**SB 897 – Accessory Dwelling Units & Jr. Accessory Dwelling Units (ADU/JADU).** This bill clarifies and expands upon previous legislation regarding ADUs ([See also: AB 2221](#)):

**Objective Standards Only:** All standards imposed on ADUs must be objective. Clarification: An objective standard involves no personal or subjective judgement by a public official and is uniformly verifiable.

**Height Limit Increase:** This bill increases the height maximum to 18 feet for properties within High Transit Areas and for detached ADUs on properties that contain multistory multifamily buildings. For all attached ADUs, the new height maximum is 25 feet.

**Nonconforming Structures:** ADU & JADU permits can't be denied for nonconforming zoning conditions, building code violations, or unpermitted structures on the property unless they pose a threat to public health and safety. A local agency may not deny a permit for an unpermitted ADU constructed before January 1, 2018.

**Concurrent Permit Review:** Agencies must review and issue demolition permits at the same time as ADU permit. Applicants are no longer required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced by an ADU.

**Residential Group:** An ADU construction does not constitute a Group R occupancy change; cities may not require ADU permit applicants to install sprinklers in the primary dwelling.

**Multifamily:** If an existing multifamily dwelling on the property exceeds the height limit or has rear or side setbacks smaller than 4 feet, a local agency may not require correction of the nonconforming attributes as a condition of issuing an ADU permit, nor can the agency reject an ADU application on these grounds.

**SB 948 – Affordable Housing Pooled Reserves.** This bill will cut costs for affordable housing projects by shifting the responsibility to hold a certain amount of money (“*transition reserves*”) from the individual project level to a pooled reserved model operated by the Department of Housing and Community Development (HCD). Reserves are designed to continue assistance for a year after a contract ends in order to transition tenants to higher rents. *This would mitigate the impacts on tenants in the event of a total loss of rental assistance. This bill applies to housing constructed from a variety of state affordable housing programs, including the Multifamily Housing Program, the Infill Infrastructure Grant Program, The No Place Like Home Program, and others.*

**AB 682 – Planning and Zoning: Density Bonuses: Shared Housing Buildings.** Existing Density Bonus Law requires a city or county to provide a housing developer with a density bonus and other incentives or concessions if the developer agrees to construct one of the following: 10% of the total units of the development for rental or sale to lower income households; or 5% of the total units for rental or sale to very low income households; or a mobile home park that limits residency based on age requirements (seniors); or 100% of all units in the development for lower income households. This bill provides that a housing development eligible for a density bonus as provided under this provision includes a shared housing building that will contain: 10% of units for lower income households; contain 5% of units for very low income household; or is a senior housing development, or in which 100% of all units are for lower income households. This bill prohibits the city, county or city and county from requiring any minimum unit size requirements or minimum bedroom requirements in conflict with this bill’s provisions with respect to a shared housing building eligible for a density bonus.

**AB 1206 – Property Taxation: Affordable Housing: Welfare Exemption.** Property used exclusively for an emergency or temporary shelter and related facilities for homeless persons and families and owned and operated by religious, hospital, scientific, or charitable funds, foundations, limited liability companies, or corporations meeting all of the above requirement of this section shall be deemed to be within the exemption.

**AB2011 – The Affordable Housing & High Road Jobs Act.** This bill will fast-track housing development by creating a ministerial, CEQA (California Environmental Quality Act)-exempt, time-limited approval process for multifamily housing developments on commercially zoned property (such as strip malls, for example). Projects must pay prevailing wages to construction workers and meet specified Below Market Rate (BMR) affordable housing targets. There are two options: one for 100% BMR projects and one for mixed-income (typically 15% BMR) projects located specifically on “commercial corridors”. There are numerous location, site and project criteria to be met. (*See also SB 6*)

**AB 2097 – Parking Mandates.** This bill will help to reduce the cost of housing by eliminating parking mandates for homes and commercial buildings near transit, or in neighborhoods with low rates of car use. Parking mandates require parking for cars to be included in new housing and can add \$40,000 or more to the cost of construction per parking spot. This bill increases housing choice and will make it easier to provide housing at lower cost with walkable and transit-accessible housing.

**AB 2221 – Accessory Dwelling Units (ADUs).** This bill clarifies state ADU law to allow developers to propose and build ADUs along with new multifamily housing (previously, developers had to build the multifamily housing first, and then add ADUs after.). There are also technical changes to reduce arbitrary decisions at the local level that block ADUs, including “front setbacks” or intentional misinterpretation of what qualifies as a “permitting agency”.

It further requires that permitting agencies need to return comments on a proposed ADU within 60 days. ([See also SB 897](#))

**AB 2334 - Density Bonus Law: Affordability: Incentives or Concessions in Very Low Vehicle Travel Areas: Parking Standards.** Allows a housing development project in 17 specified counties ([Including Ventura](#)) to receive added height and unlimited density if the project is located in an urbanized very low vehicle travel area; at least 80% of the units are restricted to lower income households, and no more than 20% are for moderate income households.

**AB 2339 – Housing Element: Emergency Shelters: Regional Housing Need.** This bill revises the requirements of the housing element in connection with zoning designations that allow residential use, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. *A city or county would be prohibited from establishing overlay districts to comply with these provisions.* This bill deletes language regarding emergency shelter standards structured in relation to residential and commercial developments and instead requires that emergency shelters only be subject to specified written, objective standards. Emergency shelters for purposes of these provisions include other interim intervention, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.

This bill requires that identified zoning designations where emergency shelters are allowed to include sites that meet at least one of the following: sites must be either 1. Vacant and zoned for residential use; 2. Vacant and zoned for nonresidential use if the local government can demonstrate how the sites are located near amenities and services that serve people experiencing homelessness; or 3. Nonvacant if the site is adequate and available for use as a shelter in the current planning period. Identified zoning designations must include sufficient sites to accommodate the need for shelters, as specified. This bill also requires that the number of people experiencing homelessness that can be accommodated on each identified site under these provisions be demonstrated by calculating a minimum of 200 square feet per person.

Each city, county, or city and county are required to ensure that its housing element inventory or its housing element program can accommodate its remaining unmet share of the regional housing need and any remaining unaccommodated portion of the regional housing need, as defined, from the prior planning period, at all times throughout the planning period.

*This bill prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need, as defined, from the prior planning period, unless the city, county, or city and county makes specified written findings supported by substantial evidence.*

**AB2483 – Housing for Individuals Experiencing Homelessness.** This bill requires the Department of Housing and Community Development (HCD), by 12/31/2023, to award incentives, as specified, to Multifamily Housing Program project applicants that agree to set aside at least 20% of the project’s units, or no more than 50% of the project’s units if the project includes more than 100 units, for individuals that are either experiencing homelessness, as defined, or eligible to receive specified services including those received under the Program of All-Inclusive Care for the Elderly.

This bill also requires the department to partner with the State Department of Health Care Services to determine the best way to align qualifying services in housing projects funded by the Multifamily Housing Program. The department is required to assess tenant outcomes and

engage with an evaluator to identify specified information with respect to projects receiving incentives under these provisions, including the number and demographics, including age, race, or ethnicity, and pre-subsidy housing status, of people being served.

This bill authorizes the state to contract with agencies or individuals to assist persons with disabilities in securing their own homes and to provide persons with disabilities with the supports needed to live in their own homes, including supportive housing. Additionally, this bill includes assistance with independent activities of daily living or personal care, when needed, in the definition of “community living support services”, which also includes assistance with arrangements to meet the individual’s basic needs, such as financial benefits, food, and housing.

Information collected from the following:

Open States <https://openstates.org>

Track Bill <https://trackbill.com>

California Housing Partnership <https://chpc.net>

HUB for Urban Initiatives – Homeless Strategy.com

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California Legislative Information <https://leginfo.legislature.ca.gov>

California YIMBY <https://cayimby.org>