

1) **AB 686**

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB686

AB 686, Santiago. Housing discrimination: affirmatively further fair housing.

Existing federal law, the federal Fair Housing Act, requires, among other things, certain federal executive departments and agencies to administer their programs relating to housing and urban development in a manner affirmatively to further the purposes of the federal act. Existing federal law requires specified state and local agencies that contract with, or receive funding from, specified federal agencies to certify that they will affirmatively further fair housing by completing an assessment of fair housing and submitting that assessment to the United States Department of Housing and Urban Development.

Existing law, the California Fair Employment and Housing Act, generally prohibits housing discrimination with respect to the personal characteristics of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information. Existing law also prohibits the discrimination through public or private land use practices, decisions, and authorizations because of one of those personal characteristics. Existing law establishes the Department of Fair Employment and Housing in the Business, Consumer Services, and Housing Agency, with the powers and duties to, among other things, receive, investigate, and conciliate complaints relating to housing discrimination. Existing law requires the Director of Fair Employment and Housing to investigate verified complaints that allege a violation of the act, subject to certain procedures and requirements, and requires the director, if attempts at mediation or other forms of dispute resolution do not eliminate a violation of the act, to file a civil action on behalf of the aggrieved person, as provided.

This bill would require a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation, as provided.

The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element that is required to contain specified information and analysis, including a program setting forth a schedule of actions during the planning period that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element, as provided.

The bill would require the above-described program for achieving the goals and objectives of the housing element to affirmatively further fair housing pursuant to provisions added by this bill, and for revisions to the housing element that occur on and after January 1, 2021, would require the program to include an assessment of fair housing within the jurisdiction, as specified.

Existing law requires the housing element to include an inventory of land suitable and available for development and requires that inventory to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels.

This bill would require the inventory to be used to identify sites throughout the community, consistent with the provisions requiring the above-described program, within the housing element to affirmatively further fair housing.

By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill would incorporate additional changes to Section 65583 of the Government Code proposed by AB 2162 to be operative only if this bill and AB 2162 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65583.2 of the Government Code proposed by SB 1078 to be operative only if this bill and SB 1078 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

2) **SB 828**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB828

SB 828, Wiener. Land use: housing element.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires a planning agency to submit a draft of the housing element to the Department of Housing and Community Development for review, as specified.

Existing law requires the department, in consultation with each council of governments, to determine the existing and projected need for housing for each region in accordance with specified requirements. Existing law requires the appropriate council of governments, or the department for a city and county that does not have a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county in accordance with certain requirements and procedures, including that a specified type of ordinance or policy that limits the number of residential building permits issued by a city or county may not be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need.

This bill would prohibit the prior underproduction of housing in a city or county from the previous cycle and stable population numbers in a city or county from the previous cycle from being used as a justification for a determination or a reduction in the jurisdiction's share of the regional housing need.

(2) Existing law requires, at least 26 months prior to the scheduled revision of the housing element and developing the existing and projected housing need for a region, the department

to meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. Existing law requires the council of governments to provide data assumptions from the council's projections, including, if available, specified data factors for the region, including, data relating to the percentage of renter's households that are overcrowded and vacancy rates for healthy housing market functioning and regional mobility. Existing law requires the department, after consulting with the council of governments, to determine, in writing, the data assumptions for each of the data factors provided, as well as the methodology the department will use. This bill would additionally require the council of governments to provide data on the overcrowding rate for a comparable housing market, and would define the vacancy rate for a healthy rental housing market for those purposes to be no less than 5%. The bill would also require the council of governments to include data on the percentage of households that are cost burdened, the rate of housing cost for a healthy housing market, and data on the projected household income growth. This bill would provide that statutory changes enacted after the date the department issued a final determination do not provide a basis for a revision of the final determination.

This bill would require the methodology approved by the department to grant allowances to adjust for data factors relating to overcrowding, vacancy rates, and households that are cost burdened, as described above, based on the region's total projected households, which includes existing households as well as future projected households.

(3) Existing law requires the council of governments, or delegate subregion as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or subregion, as applicable, that is consistent with specified objectives. Existing law, to the extent that sufficient data is available as provided, requires each council of governments, or delegate subregion as applicable, to include specified factors to develop the methodology that allocates regional housing needs including, among other factors, the opportunities and constraints regarding development of addition housing in each member jurisdiction, such as lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

This bill would revise this factor to also include lands zoned or designated for agricultural protection or preservation that are subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts their conversion to nonagricultural uses.

(4) By expanding the duties of local governments relating to the housing element program and the final regional housing need plan, this bill would impose a state-mandated local program.

(5) This bill would incorporate additional changes to Section 65584 of the Government Code proposed by AB 1771 to be operative only if this bill and AB 1771 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.01 of the Government Code proposed by AB 1771 and AB 2238 to be operative only if this bill and either or both AB 1771 and AB 2238 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65584.04 of the Government Code proposed by AB 1771 and AB 2238 to be operative only if this bill and either or both AB 1771 and AB 2238 are enacted and this bill is enacted last.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

3) **AB 829**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB829

Existing law authorizes a local government to fund all or a part of a housing project or development. Existing law states legislative findings and declarations regarding the need for affordable housing and local authority to approve housing developments.

This bill would prohibit the award, availability, or utilization of state assistance, as defined, for any housing development that is subject to a requirement as a threshold or condition for applying or being eligible for the award of any funding that the development proponent receive a letter of acknowledgment, letter of approval, or similar document from a legislative body of a local agency or from a member of a local legislative body.

4) **AB 2162**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2162

AB 2162, Chiu. Planning and zoning: housing development: supportive housing.

The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes, among other mandatory elements, a housing element. That law requires the housing element to contain, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs and a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation. That law specifies that transitional housing and supportive housing are a residential use of property, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

This bill would make a nonsubstantive change to this requirement.

The Planning and Zoning Law requires the rezoning of sites identified in the inventory of sites by specific deadlines where the inventory does not identify adequate sites to accommodate the need for groups of all household income levels. That law further requires this rezoning to accommodate 100% of the need for housing for very low and low-income households, as specified, on sites zoned to permit owner-occupied and rental multifamily residential use by right during the planning period and defines the term "use by right" for these purposes.

This bill would require that supportive housing be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified criteria, and would require a local government to approve, within specified periods, a supportive housing development that complies with these requirements. The bill would require that a developer of supportive housing provide the planning agency with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project and describing those services, as provided. The bill would prohibit the local government from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within ½ mile of a public transit stop. The bill would specify that its provisions do not (1) preclude or limit the ability of a developer to seek a density bonus from the local government or (2) expand or contract the authority of a local government to adopt or amend an ordinance, charter, general plan, specific plan, resolution, or other land use policy or regulation that promotes the development of supportive housing.

The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the ministerial approval of projects.

This bill, by authorizing supportive housing as a use by right under certain circumstances, would expand the exemption for the ministerial approval of projects under CEQA.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 65583 of the Government Code proposed by AB 686 to be operative only if this bill and AB 686 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

5) **AB 2753**

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2753

AB 2753, Friedman. Density bonuses: density bonus application.

Existing law, known as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the jurisdictional boundaries of that city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land, within the development if the developer agrees to

construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, and meets other requirements. Existing law requires a city or county to adopt procedures and timelines for processing a density bonus application and provide a list of documents and information required to be submitted with the application in order for it to be deemed complete. Existing law requires a city or county to notify an applicant whether the application is complete within 30 calendar days of receiving the application, or a resubmittal of that application, and establishes an appeal process for that decision.

This bill would additionally require a city or county to provide the applicant with a determination as to the amount of density bonus and any parking ratios requested by the applicant for which the development is eligible and whether the applicant has provided adequate information to make a determination as to any incentives, concessions, or waivers or reductions development standards requested by the applicant. The bill would require that this determination be based on the development project at the time the application is deemed complete and that the city or county adjust the amount of density bonus and parking ratios awarded based on any changes to the project during the course of development. By adding to the duties of local planning officials in considering applications for density bonuses and other incentives or concessions, the bill would impose a state-mandated local program.

The bill would include findings that the changes proposed by the bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill would incorporate additional changes to Section 65915 of the Government Code proposed by SB 1227 and AB 2797 to be operative only if this bill and either or both SB 1227 and AB 2797 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

6) **SB 1227**

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1227

SB 1227, Skinner. Density bonuses.

Existing law, known as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the jurisdictional boundaries of that city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents and meets other requirements.

This bill would additionally require a density bonus to be provided to a developer that agrees to construct a housing development in which all units in the development will be used for students enrolled full-time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges and the

developer enters into an agreement with an institution of higher education to that effect, where 20% of the units are used for lower income students, as defined, provided at a specified rent level, and the development provides priority for the applicable affordable units for lower income students experiencing homelessness. The bill would require that these units be subject to a recorded affordability restriction of 55 years. The bill would set the density bonus at 35% of the number of these units. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill would incorporate additional changes to Section 65915 of the Government Code proposed by AB 2753 and AB 2797 to be operative only if this bill and either or both AB 2753 and AB 2797 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes