

Support Material Agenda Item No. 2

City/County Manager's Technical Advisory Committee Meeting

Thursday, October 6, 2022

10:00 AM

LOCATION:

*San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410*

TELECONFERENCE LOCATIONS:

*Needles City Administration & Utility Office
817 3rd Street, Needles, CA 92363*

*Big Bear Lake City Hall
39707 Big Bear Blvd., Big Bear Lake, CA 92135*

Discussion Items

Council of Governments

- 2. 2022 Housing Legislation Update - Taylor Libolt Varner, National Core**
Receive a presentation on the recently passed Housing Legislation.

The PowerPoint presentation is attached.



AMPLIFY
COMMUNITIES

2022 Housing Legislative Update
Taylor Libolt Varner | October 6, 2022



Planning and Zoning Legislation



Housing on Commercial Land

- **AB 2011** and **SB 6** are both designed to fast-track the development of housing on land zoned for commercial, retail, or parking.

AB 2011 (Wicks)

Provides for by-right (ministerial and streamlined) approval, like that of SB 35, of 100% affordable housing on land zoned for office, retail, or parking and of mixed-income housing in commercial corridors, if specific conditions are met.

SB 6 (Caballero)

Provides that a housing project is an allowable use on a parcel zoned for office, retail, or parking if specified conditions are met.

Housing on Commercial Land

Affordability Restrictions

AB 2011		SB 6
100% Affordable Housing	Mixed-Income Housing in Commercial Corridors	None
<ul style="list-style-type: none"> • 100% of units affordable to lower income households, rental or homeownership 	<ul style="list-style-type: none"> • Rental: 8% very low income or 5% extremely low income OR 15% lower income • Ownership: 30% moderate income or 15% low income 	
<p><i>Deed Restriction required on property for 55 years for rental housing and 45 years for ownership housing projects.</i></p>		

Housing on Commercial Land

Projects and sites must meet additional requirements specific to each bill including, but not limited to:

- **Project size** (more than 5 units or less than 20 acres, depending on bill)
- **Infill requirements** (75% infill)
- **Site location requirements** (cannot be located next to industrial uses, near refineries or freeways, on farmland/wetlands/habitat areas, etc. depending on Bill) Note that SB 6 has fewer location restrictions than AB 2011.
- **Labor requirements** (prevailing wage, healthcare spending, and “skilled and trained workforce” for construction workers, depending on Bill)
- **Development standards** (i.e. minimum density)

Housing on Commercial Land

Local governments must:

- **NOT require rezoning** for qualifying housing development projects
- **Provide ministerial, CEQA-exempt approval** for qualifying project within specified timelines (90 or 180 depending on project size, AB 2011 only) OR
- **Identify inconsistencies** with qualifying criteria/standards within 60 or 90 days of application (AB 2011 only)
- **Limit project review** to objective development and design standards of the residential zone allowing for the required minimum density
- **Comply with notification and relocation assistance requirements** for qualifying commercial tenants

Minimum Parking Requirements

- **AB 2097 (Friedman)** prohibits a local agency from imposing or enforcing minimum parking requirements on a residential, commercial, or other development project if the project is located within ½ mile of a major transit stop.
- "Major transit stop" means a site containing any of the following:
 - a) An existing rail or bus rapid transit station.
 - b) A ferry terminal served by either a bus or rail transit service.
 - c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Updates to Density Bonus Law

Bill Number	Description
AB 1551 (Santiago)	Extends a density bonus incentive to commercial developers who provide affordable housing (on- or off-site, may be in partnership with housing developer)
AB 682 (Bloom)	Expands density bonus law (DBL) to include shared housing or co-housing buildings with qualifying affordable housing
AB 2334 (Wicks)	Adds a "very low vehicle travel area in a designated County" definition to DBL and provides incentives to qualifying projects in these areas. San Bernardino County is a designated County.

Updates to ADU/JADU Law

Bill Number	Description
AB 2221 (Quirk-Silva)	Makes clarifying changes to ADU/JADU law regarding detached garages, the approval timeframes for permitting, and setback requirements
SB 897 (Wieckowski)	Makes changes to clarify and expand ADU/JADU law regarding objective design review standards, demolition permit timing, height limitations, and bathroom access

Housing Element Annual Progress Report

Bill Number	Description
AB 1743 (McKinnor)	Requires planning agency to report whether separate housing development project applications were subject to ministerial or discretionary review processes
AB 2094 (Rivas)	Requires planning agencies to report the locality's progress in meeting the needs of extremely low-income households (30% AMI or less)
AB 2653 (Santiago)	Requires planning agency to report number of new housing units, number of housing units demolished, and data from all projects approved to receive a density bonus. Authorizes HCD to request revisions to APR.

Planning for Emergency Shelters

Bill Number	Description
AB 2339 (Bloom)	Revises housing element update requirements to ensure that zones identified for emergency shelters and other interim housing are suitable and available for emergency shelters. Jurisdictions must demonstrate sufficient capacity on sites to meet the identified need for interim housing.

Permit Streamlining

Bill Number	Description
AB 2334 (Rivas)	Builds on Permit Streamlining Act and the Housing Accountability Act to streamline post-entitlement applications (i.e. grading, demolition) by requiring local agencies to compile a list of information needed for each permit, imposing timelines limits for local agency review/approval, and requiring online permitting system by specified dates.
SB 2668 (Grayson)	Clarifies provisions of the ministerial, streamlined approval process for affordable housing development created by SB 35 of 2017.
AB 916 (Salas)	Prohibits local government from requiring a public hearing for adding bedrooms to existing dwelling units.

Permit Streamlining, Continued

Bill Number	Description
AB 2295 (Bloom)	Deems a housing development project an allowable use and consistent with local zoning standards on land owned by school districts under certain conditions.
SB 886 (Wiener)	Exempts from CEQA a university housing development project carried out by a public university on land owned by the university if certain requirements are met.

Other Housing-Related Adopted Legislation

Mobilehome Park Management

Bill Number	Description
SB 1307 (Rubio)	Requires HCD to detail the process for a local jurisdiction to assume enforcement responsibilities of mobilehome parks.
AB 2031 (Lee)	Provides clarity around mandatory mobilehome park management meetings with homeowners or their representatives/interpreters
SB 940 (Laird)	Preempts imposition of local mobilehome rent control ordinances for newly-constructed mobilehome spaces or parks for 15 years
SB 869 (Leyva)	Requires HCD to update regulations for mobilehome parks and RV parks to require onsite manager training.

Property Taxation and Foreclosure

Bill Number	Description
AB 1206 (Bennett)	Allows a community land trusts (CLT) whose land is leased to low-income households to qualify for welfare tax exemption until 2028.
AB 1933 (Friedman)	Expands welfare tax exemption to eligible nonprofit corporations that build and rehabilitate affordable housing units for sale, subject to certain limitations, to low-income families, as defined.
AB 1837 (Bonta)	Adds provisions addressing fraud, operational improvements, and affordable housing preservation to “the SB 1079 process”, which facilitates acquisition of homes in foreclosure by certain parties.
AB 2651 (Petrie-Norris)	Adds two years to several key dates in CLT welfare exemption from property taxes.

Housing Funding Programs

Bill Number	Description
AB 1695 (Santiago)	Requires HCD to clarify that adaptive reuse projects are eligible activities in notices of funding availability for all affordable housing loan programs.
AB 1991 (Gabriel)	Allows hotels and motels to provide housing to people enrolled in shelter programs, as specified, for longer than 30 days without establishing tenancy.
AB 2006 (Berman)	Requires HCD, CAL HFA, and California Tax Credit Allocation Committee (CTCAC) to streamline compliance monitoring of affordable housing developments.
SB 948 (Becker)	Prohibits HCD from requiring development transition reserves for projects receiving subsidies and creates a Pooled Transition Reserve Fund.

Housing Funding Programs, Continued

Bill Number	Description
SB 649 (Cortese)	Allows local government to adopt a local tenant preference ordinance, which would allow units of affordable housing using tax credits to be reserved for local tenants at risk of displacement.
AB 1978 (Ward)	Expands HCD's authority in the administration of federally-funded grant programs, primarily to provide notices of funding available sooner and provide payments up-front instead of as reimbursements.
AB 2483 (Maienschein)	Requires HCD to incentivize the development of affordable housing units set aside for individuals experiencing homelessness or eligible to receive certain services through the Multifamily Housing Program
AB 1654 (Rivas)	Requires HCD to commission study of and strategy to meet farmworker housing conditions and needs and requires a portion of rural housing tax credits be set aside for farmworker households.

Regional or Jurisdiction-Specific Legislation

Bill Number	Description
SB 1444 (Allen)	Authorizes the establishment of the South Bay Regional Housing Trust by the County of Los Angeles and cities within South Bay Cities COG
SB 959 (Portantino)	Makes change to Roberti Act to encourage sale of homes owned by California DOT to low- and moderate-income households along State Route 710 Corridor in Pasadena
SB 679 (Kamlager)	Establishes the Los Angeles County Affordable Housing Solutions Agency (LACAHS) and authorizes LACAHS to utilize specified local financing tools to fund renter protections and the preservation and production of affordable housing

State Surplus Land

Bill Number	Description
SB 561 (Dodd) and AB 2233 (Quirk-Silva)	Both help codify the State Excess Land for Affordable Housing Executive Order, requiring HCD and the Department of General Services (DGS) to identify and evaluate development feasibility of state surplus land that can be used for affordable housing.
SB 2592 (McCarty)	Requires DGS to prepare a plan to transition underutilized multistory state buildings into housing.

Miscellaneous

Bill Number	Description
State Constitutional Amendment 2 (Allen)	Adds a measure to the 2024 ballot that would repeal Article 34 of the CA Constitution, which requires voter approval of publicly-funded low-rent housing projects in a city or County.
AB 1719 (Ward)	Authorizes community college districts to establish and implement programs that address the housing needs of faculty or employees.
SB 1252 (Committee on Housing)	Makes minor, technical changes to sections of law relating to housing.
SB 1396 (Bradford)	Requires Department of Financial Protection and Innovation to evaluate impact of fee imposed on state program that offers tenants the option to report rent payments to consumer reporting agencies.

Miscellaneous, Continued

Bill Number	Description
SB 1421 (Jones)	Adds a current or formerly homeless person with a development disability to the California Interagency Council on Homelessness.
SB 914 (Rubio)	Enacts the Homeless Equity for Left Behind Populations (HELP) Act requiring recipients of state homelessness funding to develop housing strategies for domestic violence survivors and unaccompanied woman by 2024.

For More
Information
Consult the
Legislative Matrix
Provided

Use Links in Matrix See Bill Text
and Explore Additional Resources

Housing on Land Zoned for Commercial Uses		July 1, 2023
AB 2011 (Wicks) – Affordable Housing and High Road Jobs	Provides for by-right (ministerial and streamlined) approval, like that of SB 35, of 100% affordable housing on land zoned for office, retail, or parking and of mixed-use developments. Projects and sites pertaining to site work, summarized analysis (linked to the	
	visions of this Bill are to construction, an apprenticeship contractors must pay into health coverage for employees.	

AB-2011 Affordable Housing and High Road Jobs Act of 2022. (2021-2022)

Text	Votes	History	Bill Analysis	Today's Law As Amended ⓘ	Compare Versions	Status	Comments
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HCD's Prohousing
Designation
Program

Apply now under Emergency Regulations to help secure important funding for projects in your jurisdiction.

Projects in Prohousing Jurisdictions now have an advantage in the follow programs:

- Affordable Housing & Sustainable Communities (AHSC)
- Infill Infrastructure Grant (IIG)
- Transformative Climate Communities (TCC)
- Transit and Intercity Rail Capital Program (TIRCP)



Thank you

Taylor Libolt Varner
(909)639-1857
tvarner@nationalcore.org