



2023 California Planning and Development Legislation

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Prepared for the San Bernardino County Transit Authority/San Bernardino Council of Governments (SBCTA/SBCOG)



Section 1: Housing Development Legislation

Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: Housing Development Streamlining				
SB 4 (Wiener) : Planning and zoning: housing development: higher education institutions and religious institutions.	Makes a housing development project, as defined, a “use by right” (no local discretionary review required and not a project under CEQA) on land owned by religious and higher education institutions if certain criteria are met.	January 1, 2024	Creates a new streamlined approval pathway for certain affordable housing development projects	Also known as the “Yes in Gods Backyard” or “YIGBY” Bill Land must be owned by qualifying organization prior to January 1, 2024. Provisions sunset on January 1, 2036. Project and site must meet specific criteria to qualify. Turner Center Report on the Housing Potential for Land Owned by Faith-Based Organizations and Colleges
SB 423 (Wiener) Land use: streamlined housing approvals: multifamily housing	Extends the sunset on the provisions of the SB 35 (2017) streamlined approval process for qualifying housing projects until 2036. Makes additional changes to the SB 35 streamlining process to clarify provisions and expand its use.	January 1, 2024	Updates the streamlining review/approval requirements upon request from qualifying applicant/project.	Applies the SB 35 streamlining process to projects in the coastal zone starting in 2025 under certain conditions. Amends required project labor standards to AB 2011 (2022) standards

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developments .				
SB 439 (Skinner) Special motions to strike: priority housing development projects.	Authorizes a party to file a special motion to strike in civil action lawsuits challenging approval or permitting of a 100% affordable housing project.	January 1, 2024	Provides a legal remedy for frivolous CEQA lawsuits challenging affordable housing projects in local jurisdictions.	Bill language was modeled after California's existing anti-Strategic Lawsuit against Public Participation (SLAAP) statute.
SB 684 (Caballero) Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres.	Requires local agencies to ministerially approve subdivision maps for specified projects that include 10 or fewer parcels for homeownership projects resulting in 10 or fewer housing units.	January 1, 2024 with most provisions becoming operative on July 1, 2024	Requires jurisdiction to provide a streamlined, ministerial approval for certain subdivisions and limits the development standards that may be imposed on the subdivision and subsequent development.	Only applies on legal lots in urban areas, as defined. Subject lot must: be zoned for multifamily residential, meet minimum density requirements, not exceed 5 acres, and be substantially surrounded by urban uses. Newly created parcels may be no smaller than 600 feet. Local agencies are not required to approve ADUs/JADUs on lots created using SB 684 provisions.
AB 281 (Grayson) Planning and zoning: housing: post-	Requires special districts to adhere to permitting timelines and procedures when reviewing post-entitlement phase permit applications for specified housing projects.	January 1, 2024	Brings special district permitting timelines and procedures in line with existing city/county	AB 2234 (2022) requires cities and counties to review and approve post-entitlement permits for housing development projects within certain timeframes, among other requirements. Click here for



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entitlement phase permits.			permitting requirements	an AB 2234 summary . This bill applies AB 2234 timelines to special districts as well.
AB 1114 (Haney) Planning and zoning: housing development projects: post-entitlement phase permits.	Expands definition of “post-entitlement phase permit” subject to expedited review processes under state housing law to include all building permits, as specified, whether discretionary or nondiscretionary. Clarifies provisions of the streamlined timeline for eligible housing development projects.	January 1, 2024	Local agencies must adhere to expanded and clarified requirements relating to post-entitlement phase permits for housing projects.	Like AB 281 (above), this bill builds on and clarifies provisions of AB 2234 (2022).
AB 1449 (Alvarez) Affordable housing: California Environmental Quality Act: exemption.	Exempts from CEQA certain actions, including the entitlement, lease, conveyance, purchase, financial assistance, or encumbrance, taken by a public agency related to affordable housing projects, as defined, until 2033. Exempts any action to facilitate those actions and exempts rezoning, specific plan amendments, or general plan amendments required for constructing of an affordable housing project.	January 1, 2024	If CEQA exemption is requested, jurisdiction must determine eligibility and adhere to prescribed noticing, review, and approval requirements and timelines. Jurisdictions will be limited on what special studies they may require.	Projects must meet affordability, parcel location, and other requirements to qualify. Notably, this bill uses an alternate definition of “infill”, defined here to mean parcels that that are surrounded on three sides by an urban use (not 75% surrounded). Requires that a Notice of Exemption be filed with OPR and the county clerk of the county in which the project is located. Applies AB 2011 (2022) labor standards to projects utilizing this exemption.



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<p>AB 1490 (Lee) Affordable housing development projects: adaptive reuse.</p>	<p>Makes an “extremely affordable adaptive reuse project” on an infill parcel an allowable use.</p> <p>“Extremely affordable adaptive reuse project” definition:</p> <ul style="list-style-type: none"> • A multifamily housing development project • Involves retrofitting and repurposing of a building that currently allows temporary dwelling or occupancy to create new units • Development falls within existing building envelope • Meets affordability criteria 	<p>January 1, 2024</p>	<p>Makes certain adaptive reuse projects allowable uses regardless of zoning/general plan designation.</p> <p>Limits what standards may be applied to these projects.</p> <p>Jurisdiction must determine eligibility within specified timeframes.</p>	<p>Intended to streamline the conversion of hotels and motels into 100% affordable housing (see occupancy requirement).</p> <p>Project may not be adjacent to a site dedicated to industrial uses, as defined. No open space may be eliminated.</p>
<p>SB 91 (Umberg) California Environmental Quality Act: supportive and transitional housing: motel conversion: environmental leadership transit projects.</p>	<p>Extends indefinitely an existing CEQA exemption for projects related to the conversion of a structure with a certificate of occupancy as a motel, hotel, or residential hotel, or hostel, to supportive or transitional housing, as defined, under certain conditions.</p> <p>Extends CEQA streamlining provisions for “environmental leadership transit projects” in Los Angeles County, as defined, until January 1, 2026 for projects approved on or after January 1, 2025.</p>	<p>January 1, 2024</p>	<p>Extends indefinitely a CEQA exemption for qualifying hotel/motel conversion housing projects.</p>	



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AB 356 (Mathis) California Environmental Quality Act: aesthetic impacts.	Extends an existing provision that waives consideration of aesthetic effects under CEQA for housing projects that refurbish, convert, or replace derelict buildings, as defined, until Jan 1, 2029.	January 1, 2024	Extends existing CEQA provision to waive consideration of aesthetic effects for qualifying housing projects	
SB 406 (Cortese) California Environmental Quality Act: exemption: financial assistance: residential housing.	Establishes a CEQA exemption for actions taken by a local agency to provide financial assistance or insurance for low and moderate income residential housing.	January 1, 2024	Exempts from CEQA specified actions taken by a local jurisdiction relating to project funding.	The local agency using this exemption may not be the lead agency for a later development project. This bill extends an existing exemption for actions taken by HCD and CalHFA to provide financial assistance to affordable housing.
AB 1307 (Wicks) California Environmental Quality Act: noise impact: residential projects.	Specifies that the effects of noise generated by project occupants and guests on human life is not a significant effect on the environment for residential projects for purposes of CEQA.	September 7, 2023	Restricts what may be considered to be a significant environmental impact under CEQA for housing projects.	Also specifies that institutions of higher education, in an EIR for a residential or mixed-use housing project, may not be required to consider alternatives to the location of the proposed project if certain requirements are met.



Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: Density Bonus and Housing Development Standards				
AB 323 (Holden) Density Bonus Law: purchase of density bonus units by nonprofit housing organizations: civil actions.	Limits the ability of developers to sell deed-restricted affordable units created through the state density bonus program or a local inclusionary ordinance to purchasers who would rent the unit. Requires density bonus affordable units be sold to, not just occupied by, lower-income households.	January 1, 2024	May require updates to local inclusionary ordinances; limits how local density bonus and inclusionary affordable units may be disposed.	If unit is not to a qualifying household after 180 days, a qualifying non-profit may purchase the unit(s). Qualifying nonprofits must be based in California. The primary activity of qualifying nonprofit must be development and preservation of affordable <u>home ownership</u> housing in California. The bill adds a \$15,000 penalty for each violation of this law.
AB 1287 (Alvarez) Density Bonus Law: maximum allowable residential density: additional density bonus and incentives or concessions	Requires a city, county, or city and county to grant additional density and concessions and incentives if an applicant agrees to include additional low or moderate income units on top of the maximum amount required of units for lower, very low, or moderate income units.	January 1, 2024	May require a jurisdiction to grant additional density and development concessions and incentives to qualifying projects incorporating additional affordable housing units.	Currently, only for sale housing may use moderate-income units to qualify for density bonus concessions and incentives.



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SB 713 (Padilla) Planning and zoning: density bonuses: development standard.	Specifies that for the purposes of state density bonus law, a “development standard” includes standards 1) adopted by the local government or 2) enacted by the local government's electorate exercising its local initiative or referendum power.	January 1, 2024	Upon request, agency may be required to grant density bonus concession to standards imposed by voter initiatives.	This bill codifies case law and guidance from HCD regarding the applicability of local voter initiatives to projects utilizing the state density bonus program.
AB 1308 (Quirk-Silva) Planning and Zoning Law: single-family residences: parking requirements.	Prohibits a public agency from increasing the minimum parking requirement that applies to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence.	January 1, 2024	Restricts agency's ability to impose additional parking requirements on single family residential remodels/additions	To be eligible, project may not cause the single-family residence to exceed any maximum size limit imposed by the applicable zoning regulations, including, but not limited to, height, lot coverage, and floor-to-area ratio.
Focus Area: Accessory and Junior Accessory Dwelling Units				
AB 976 (Ting) Accessory dwelling units: owner-occupancy requirements.	Makes permanent the prohibition on local government's ability to impose owner-occupancy requirements on any accessory dwelling units. Clarifies that a local agency may require leases be 30 days or longer.	January 1, 2024	Local jurisdictions are permanently prohibited from requiring owner-occupancy for ADUs. Agencies may restrict short-term leases.	Removes the sunrise provisions AB 881 and SB 13 (2019), which would have allowed local governments to impose owner-occupancy restrictions starting in 2025.
AB 1033 (Ting) Accessory dwelling units: local ordinances: separate sale	Authorizes a local agency to pass an ordinance allowing for the separate conveyance of a primary dwelling unit and accessory dwelling unit or units as condominiums, as specified.	January 1, 2024	Member jurisdictions have the <u>option</u> to allow for the separate conveyance of a primary residence	Los Angeles Times Article, “A new law allows homeowner to sell ADUs like condos, boosting homeownership...”



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or conveyance.			and accessory dwelling unit as condominiums.	Implementing ordinances must meet specified requirements.
AB 1332 (Carrillo) Accessory dwelling units: pre-approved plans.	Requires each local agency to develop a program for the preapproval of ADUs in areas zoned for residential use, as specified, by January 1, 2025.	January 1, 2024 Program must be in place by January 1, 2025	Mandates each agency create an ADU preapproval program by 2025.	Local agencies must: <ul style="list-style-type: none"> • Accept ADU plan submissions for preapproval (and not restrict who may submit plans) • Approve or deny an application for preapproval pursuant to standards established in prior ADU law • Post preapproved ADU plans on its website with contact information (applicant may request to have plans removed) Agency has 30 days to approve an application for detached ADU that uses a preapproved application.



Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: Surplus Land				
SB 747 (Caballero) Land Use: Surplus Land.	Makes various changes Surplus Land Act (SLA) law, including: <ul style="list-style-type: none"> Defining the term “dispose” to mean the sale of a property or entering into a lease for more than <u>15 years</u> and clarifies that “dispose” does not include entering a lease for surplus land on which no development or demolition will occur Expanding the small parcel exemption to parcels smaller than a half-acre, as specified (prior standard was 5,000 sf) Establishing new categories of exempt surplus land (public-use airports, community land trust, commercial activities for transit agencies, and future roadway development) 	January 1, 2024	Adds clarity to SLA law and the related land disposition process. May make certain parcels easier to dispose.	Prior to SB 747, the term “dispose” had not been defined in SLA statute. HCD’s guidelines specified that “dispose” included entering a lease for longer than 5 years. Makes other clarifying/technical changes related to the SLA.
AB 480 (Ting) Surplus Land	Also makes various changes to SLA law, including: <ul style="list-style-type: none"> Allowing a local agency to declare land “exempt surplus land” without a public hearing under specified circumstances and given proper noticing to the public and to HCD 	January 1, 2024	Local jurisdictions may now declare a site “exempt surplus” without a public hearing, provided noticing requirements are met.	Developments with an agreement in place in 2019 (prior to AB 1486 of 2020) will now have until 2027 to dispose of the subject property. Makes other clarifying changes to the SLA.



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	<ul style="list-style-type: none"> Extending the deadline for the disposal of "grandfathered" agreements outside of SLA until January 1, 2027. Including in the definition of "exempt surplus land" the exchange of easements necessary for an agency's use 		Small sites, easements, other sites meeting expanded exemption definition may now be easier to dispose.	
SB 229 (Umberg) Surplus land: disposal of property: violations: public meeting	Requires a local agency that has received a notification from HCD that its proposed disposition has violated the Surplus Land Act law to hold a public meeting to "review and consider the substance" of the notice before taking any final action to dispose of the property.	January 1, 2024	Member jurisdictions will be required to hold a public meeting to review an HCD SLA violation notice before disposing of property subject to an HCD violation.	Link to Download HCD SLA Letters/Violations Issued (Excel File)
SB 34 (Umberg) Surplus land disposal: violations: County of Orange	Requires the County of Orange, or any city located within the County of Orange, if notified by HCD that its planned disposal of surplus land is in violation of existing law to cure or correct the alleged violation within 60 days. The bill would prohibit the disposition of the land until the violation has been cured or corrected.	January 1, 2024	None, only affects jurisdictions within Orange County	Bill provisions sunset on January 1, 2030



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AB 1734 (Jones-Sawyer) Local Government: Surplus Land Act: exemptions	Creates a specific process under the SLA for the disposition of land in the City of Los Angeles for certain housing projects.	January 1, 2024	None, only applies to cities with more than 2,500,000 people (only Los Angeles meets the definition)	Types of projects housing/homeless projects exempted would be: (low-barrier navigation centers, supportive housing, transitional housing and affordable housing) Bill provisions sunset on January 1, 2034
SB 240 (Ochoa Bogh) Surplus state real property: affordable housing and housing for formerly incarcerated individuals	Adds "housing for formerly incarcerated individuals" as a priority as it relates to the disposal of state-owned surplus land. Provides that affordable housing development on state-owned land shall be a use by-right.	January 1, 2024	Limits local discretion over the development of state-owned land into qualifying affordable housing.	
Focus Area: Housing Financing				
Assembly Constitutional Amendment 1 Local government financing; affordable housing and public infrastructure:	Lowers the voter threshold that would allow a city, county, or special district to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure. If approved by voters, the voter threshold would be reduced from two-thirds to 55%.	Requires voter approval in the November 5, 2024 election	If approved by voters, a local agency may issue bond or impose taxes to fund public infrastructure, affordable housing, and permanent supportive housing projects with 55%,	Bond proceeds may be used to fund the construction, reconstruction, rehabilitation, or replacement of: <ul style="list-style-type: none"> • public infrastructure, • affordable housing, or • permanent supportive housing for persons at risk of chronic homelessness,



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voter approval.			instead of two-thirds, voter approval.	including persons with mental illness, OR <ul style="list-style-type: none"> • or the acquisition or lease of real property for the above purposes An agency's administrative costs may not exceed 5% of bond proceeds.
AB 519 (Shiavo) Affordable Housing Finance Workgroup: affordable housing: consolidated application and coordinated review process	Creates a statewide Affordable Housing Finance Workgroup to propose the creation of a consolidated application for affordable housing developers to access state housing funding programs and a coordinated review process for applications.	January 1, 2024		See Governor's signing message here , arguing that the bill is duplicative of recent efforts to consolidate housing financing system. Committee to be comprised of members of the following agencies: CTCAC, CDLAC, Cal HFA, and the Business, Consumer Services, and Housing Agency. Committee must meet specified deadlines.
AB 346 (Quirk-Silva) Income tax credits: low-income housing: California Debt Limit Allocation	Authorizes the California Tax Credit Allocation Committee (CTCAC or TCAC), to reallocate some of the \$500 million in state Low Income Housing Tax Credit (LIHTC) funding from the 4% program to the 9% program. Authorizes the California Debt Limit Allocation Committee (CDLAC) to	January 1, 2024		CDLAC is the state agency that regulates and allocates California's private activity bonds. Existing law currently prohibits the allocation of state credits to projects not also receiving federal subsidies. CTCAC is the state agency that administers the federal LIHTC program.



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Committee rulemaking.	adopt/change/peel rules and regulations without adhering to the Administrative Procedures Act until January 1, 2029.			
AB 1439 (Garcia) Low-income housing tax credit: farmworker housing.	Requires CTCAC to consider updating regulatory scoring system for LIHTC program to incentivize the development of farmworker housing. Stipulates that an annual state credit amount (the lesser of 5% of total credits or \$25,000,00) shall be reserved for farmworker housing from 2024-2034.	October 7, 2023		Once the scoring system is updated, farmworker housing projects in rural areas will receive maximum points in the “housing needs” category and an initial 5 points for site amenities beyond those required as additional thresholds in the LIHTC program.
AB 671 (Ward) CalHome Program: accessory dwelling units	Requires HCD to allow community land trusts (CLTs) to use CalHOME funds to develop and convey ADUs and JADUs.	January 1, 2024*		The CalHOME program provides loans and grants to nonprofits and local governments .*Changes will be implemented into Notices of Funding Availability (NOFAs) released after December 31, 2024
AB 1319 (Wicks) Bay Area Housing Finance Authority: housing revenue	Modifies how the Bay Area Housing Finance Authority (BAHFA) may collect and expend revenue.	January 1, 2024		



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AB 1386 (Gabriel) Veterans housing: tenant referrals.	Authorizes entities referring veterans to deeply affordable housing units funded by the Veterans Housing and Homelessness Prevention Program (VHHP) or tax credits and private activity bonds to refer veterans at higher income levels if units are unable to be filled at a lower income threshold for specified time periods.	January 1, 2024		
SB 482 (Blakespear) Multifamily Housing Program: supportive housing: capitalized operating reserves.	Authorizes and requires (in certain cases) that HCD offer capitalized operating reserves (COSR) to supportive housing units developed under the Multifamily Housing Program.	January 1, 2024		HCD may consider the following when determining project eligibility for COSRs: <ul style="list-style-type: none"> • The availability of funds. • The individual financial needs of the project. • Whether developers have sought rent or operating subsidies from other potential funding sources. • Any other factors the department deems appropriate.
SB 341 (Becker) Housing development.	Specifies that additional points or preference resulting from a prohousing designation shall be awarded only for the qualifying infill area portion of the IIG of 2007. Adds the qualifying infill area and catalytic qualifying infill area portions of the IIG Program of 2019 as one of	January 1, 2024		Makes other technical, clarifying changes to housing funding programs. Earlier versions of the bill included changes to the Affordable Housing and Sustainability (AHSC) program



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	the specified state programs for which additional points or preference is awarded due to a prohousing designation.			and additional changes to the IIG program.
SB 593 (Wiener) Re-development: successor agency debt: City and County of San Francisco.	Allows San Francisco's redevelopment successor agency to finance certain affordable housing projects using the successor agency's property tax revenue.	January 1, 2024		
SB 789 (Allen) Elections: Senate Constitutional Amendment 2 of the 2021–22 Regular Session and Assembly Constitutional Amendment 5 of the 2023–24 Regular Session	Moves SCA 2 and ACA 5 from the March 5, 2024 statewide primary election to the November 5, 2024 statewide general election. Submits ACA 1 to the voters for their approval at the November 5, 2024, statewide general election if the measure is adopted by the Legislature.	Subject to voter approval on November 5, 2024	Calls for a special election (consolidated with the statewide general election) to be held on November 5, 2024 to consider SCA 2, ACA 1, and ACA 5.	<p>SCA 2 (2021-2022) repeals Article 34 of the California Constitution which requires majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded affordable housing project.</p> <p>ACA 5 repeals a provision of the California Constitution that provides that only a marriage between a man and a woman is valid or recognized in California and instead provides that the right to marry is a fundamental right.</p>



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				<p>ACA 1 (2023-2024) is summarized under here.</p>
<p>Focus Area: Additional Housing Development Updates</p>				
<p>AB 812 (Boerner) Housing development approvals: reserving affordable units in or near a cultural district for artists.</p>	<p>Authorizes a local government with an inclusionary housing ordinance to require a set aside of up to 10% of any locally required affordable housing units for artists within a ½ mile of a qualifying arts district.</p>	<p>January 1, 2024</p>	<p>Authorizes a jurisdiction to pass/udpdate inclusionary housing ordinances to require housing reserved for artists in specified areas in qualifying housing projects.</p>	<p>See Governor Newsom's signing message here.</p>
<p>AB 911 (Shiavo) Unlawfully restrictive covenants: affordable housing.</p>	<p>Establishes a process for a prospective buyer of a property to receive notification if a county counsel has authorized the county recorder to record a modification document removing covenants that restrict the number, size, or location of affordable housing units that may be built on the property.</p>	<p>January 1, 2024</p>	<p>Updates county counsel required processes relating to the modification of unlawfully restrictive covenants</p>	<p>AB 721 (2021) made certain covenant restrictions relating to unit size/number/inhabitants of residents unenforceable if the site is developed into affordable housing. This bill adds a procedure for prospective buyers to modify unenforceable covenant restrictions.</p>



Section 2: More Housing Legislation

Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: Tenant Protections				
AB 12 (Haney) Tenancy: Security Deposits.	Limits maximum security deposits on certain kinds of housing to one month's rent (in addition to first month's rent).	July 1, 2024		Small landlords meeting requirements may ask for up to two months' rent. Applies whether the unit is furnished or not
AB 1620 (Chavez Zbur) Costa-Hawkins Rental Housing Act: permanent disabilities: comparable or smaller units.	Allows a jurisdiction with a rent control ordinance to require an owner of a rent-controlled unit to allow a tenant with a permanent physical disability to relocate to an available comparable or smaller unit located on an accessible floor of the property and retain their same rental rate.	January 1, 2024	Provides an optional tenant protection/relocation measure for jurisdictions with rent control ordinances.	
SB 267 (Talamantes Eggman) Credit history of persons receiving government rent subsidies.	Prohibits a landlord, in instances involving a government rent subsidy, from using person's credit history as part of the application process for a rental housing unless the landlord offers other options of providing lawful, verifiable alternative evidence of the applicant's reasonable ability to pay the portion of the rent to be paid by the tenant.	January 1, 2024		Alternative evidence may include (but is not limited to) government benefit payments, pay records, and bank statements.



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Focus Area: Property Taxation				
AB 84 (Ward) Property tax: welfare exemption: affordable housing.	Expands the low-income housing welfare property tax exemption by authorizing 501(c)(3) bonds as an eligible form of financing, and permits, for five years, a unit in a development that is not financed with LIHTC to remain eligible if the tenant's income rises to no more than 100% of the area median income (AMI).	October 11, 2023		
AB 1528 (Gipson) Housing authorities: property taxation.	Clarifies that property held by a nonprofit public benefit corporation that is controlled by a public housing authority (PHA) is included in the existing exemption from taxation.	January 1, 2024	Adds clarity to the tax-exempt status of land controlled by public housing authorities	Sponsored by the Housing Authority of County of Los Angeles, which received a \$3 million property tax bill for properties that had previously been considered tax-exempt. This bill clarifies that properties held by entities controlled by PHAs are tax-exempt and orders a cancellation/refund of any ad valorem tax, interest, or penalty levied or paid prior to January 1, 2024.
SB 82 (Seyarto) Property taxation: disabled veterans' exemption:	Requires a county assessor to accept an electronically-generated letter from the US Department of Veteran Affairs (USDVA) verifying service-connected disability in lieu of an original letter of service-connected disability when	January 1, 2024	County Assessors must accept electronically-generated versions of USDVA	Existing law allows qualifying disabled veterans to be granted a partial or whole property tax exemption. A claimant must provide a letter from the US Department of Veteran Affairs (USDVA) verifying their disability.



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eligibility letters.	verifying eligibility for the disabled veterans' property tax exemption.			This bill responds to a recent policy by the Placer County Assessor's Office to only accept original USDVA letters when verifying exemption claims.
SB 520 (Santiago) Property taxation: homeowners' exemption.	Extends existing labor law provisions applicable to the private sector to make a public entity, as defined, jointly and severally liable for unpaid wages when the public entity contracts for services in the property or long-term care industries.	January 1, 2024	Makes a jurisdiction liable for unpaid wages when contracting for services in the property or long-term care industries	Public entity must have been provided notice of such liability by the Labor Commissioner. Services covered by this bill include janitorial, security guard, valet parking, landscaping, and gardening as do services long term care facilities such as skilled nursing, intermediate care, congregate living, hospice, and home health facilities.
SB 734 (Rubio) Property tax: possessory interests.	Codifies the existing interpretation of the State Board of Equalization (BOE) regarding possessory interests in low-income residential units in a joint powers authority (JPA).	October 11, 2023	Potential loss in local property tax revenue due to clarification of possessory interests.	A possessory interest is a private interest held in public property and constitutes that portion of a public property which is exclusively, independently, and durably vested in a private entity.
AB 572 (Haney) Common Interest Developments : imposition of assessments	Limits maximum assessment increases imposed by common interest developments (homeowner associations or HOAs) on owners of deed-restricted units.	January 1, 2025		Assessment increases on subject properties may not exceed 5% plus the percentage change in the cost of living, not to exceed 10% greater than the preceding regular assessment for the association's preceding fiscal year.



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Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: Housing Accountability and Enforcement				
AB 434 (Grayson) Housing element: notice of violation.	Adds specified housing laws to the list of laws HCD is required to enforce. Requires HCD to review an adopted housing element or amendment and report its findings to the local planning agency within 60 days.	January 1, 2024	Expands HCD's oversight and enforcement power over actions taken by a jurisdiction. Shortens HCD review time for Housing Element Updates and Amendments.	Adds 13 Sections (mostly relating to recent housing and subdivision approval streamlining legislation, ADU/JADUs, etc.) to the list of statutes HCD must enforce. For a summary of the code Sections added to HCD's enforcement authority, download the Assembly Floor Analysis dated 9/12/2023 here . HCD previously had 90 days to complete housing element amendment/update review.
AB 1485 (Haney) Housing element: enforcement: Attorney General.	Permits HCD and the Attorney General to intervene as a matter of unconditional right in any legal action addressing a violation of the specified housing laws HCD is required to enforce (same list that was expanded by AB 434 of 2023, above).	January 1, 2024	Expands HCD and Attorney General oversight and authority over actions taken by a jurisdiction	
AB 548 (Boerner) State Housing Law: inspection.	Requires local code enforcement agencies to develop policies and procedures for inspecting multiple units in a building if an inspector or code enforcement officer has determined that unit in that building is substandard or is in violation of state habitability standards.	January 1, 2025	Jurisdiction must develop proactive code enforcement procedures/policies that trigger multi-unit inspections under specified circumstances.	See fact sheet from Bill Sponsor, Regional Asthma Management & Prevention here .



SBCTA/SBCOG – 2023 Planning and Development Legislation Matrix

Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
AB 1218 (Lowenthal) Development projects: demolition of residential dwelling units.	<p>Expands, updates, and clarifies provisions of the Housing Crisis Act of 2019 (SB 330), which provides that housing projects cannot demolish protected housing units unless replacing demolished units.</p> <p>Expands protections to housing on sites proposed to be developed with non-residential uses (i.e. commercial/office uses).</p>	January 1, 2024	Adds restrictions on a jurisdiction's ability approve <u>any</u> project that includes the demolition of protected housing units without replacement.	<p>The bill includes a "five-year lookback" provision that applies these protections to housing units demolished in the last five years or after January 1, 2020.</p> <p>Provisions do not apply for industrial projects in zones not allowing residential uses, under specified conditions.</p>
AB 1633 (Ting) Housing Accountability Act: disapprovals: California Environmental Quality Act.	Provides that a "disapproval" under the Housing Accountability Act includes a local agency's failure to determine whether a project is exempt from CEQA, abuse of discretion, or failure to adopt certain environmental documents.	January 1, 2024	Expands the definition of what local agency actions would violate state housing law.	<p>Adds various locational definitions and makes technical changes.</p> <p>Provisions sunset on January 1, 2031.</p>
Focus Area: Statewide Housing Plans & Studies				
AB 1474 (Reyes) California Statewide Housing Plan	Adds veterans to the list of population groups that must be considered in the California Statewide Housing Plan (SHP) and adds the Department of Veterans Affairs to the list of departments that must be consulted during CHP development.	January 1, 2024		<p>HCD is required to update the CSH every 4 years, in coordination with cross-sector stakeholders.</p> <p>The last plan was updated in March 2022. Click here to view the 2022 Statewide Housing Plan.</p>



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Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
AB 1508 (Ramos) Department of Housing and Community Development: California Statewide Housing Plan	Requires HCD to incorporate analyses of: 1) first-time homebuyer assistance programs, recommendations to increase homeownership opportunities for first-time homebuyers, and 2) a demographic disparities in homeownership attainment in future updates to the SHP.	January 1, 2024		Next update anticipated in 2026. See above for link to current SHP. Requires HCD to consult with the California Housing Finance Agency to inform the plan.
SB 555 (Hayward) Stable Affordable Housing Act of 2023	Requires HCD to complete a California Social Housing Study by December 31, 2026.	January 1, 2024		The study will analyze opportunities, resources, obstacles, and recommendations for the creation of affordable and social housing at scale.
Focus Area: Mobilehome Park Law				
AB 318 (Addis) Mobilehome Residency Law Protection Act.	Extends repeal of Mobilehome Residency Law Protection Act ("Act") to January 1, 2027, makes changes to HCD enforcement priorities and procedures, under the Act, and authorizes HCD to adopt regulations to implement the Act.	January 1, 2024		The Mobilehome Residency Law Protection Act (2018) was set to repeal on January 1, 2024. HCD is no longer required to limit violations to the most severe cases.
AB 319 (Connolly) Mobilehome Parks Act: inspectors: conflict of interest:	Extends provisions of the Mobilehome Parks Act ("Act") to January 1, 2025, extending the current prescribed fee (\$4/lot) and the delaying operative date for changes to fee. Adds requirements for HCD relating to the evaluation of inspectors for potential conflicts of	January 1, 2024		



Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
enforcement actions: sunset	interest and the process for documenting complaints against inspectors.			
Focus Area: Miscellaneous Housing Legislation				
AB 1317 (Carrillo) Unbundled Parking	Requires the owner of a qualifying residential property, as defined, that provides parking to unbundle parking from the price of rent, as specified.	January 1, 2024* Requirements for properties issued certificates of occupancy after January 1, 2025	Adds requirements for landlords of certain housing properties in ten specified Counties, including San Bernardino County.	“Unbundled parking”: the practice or selling or leasing parking spaces separate from the lease of the residential use. “Qualifying residential property”: any dwelling or unit that is intended for human habitation that meets all of the following criteria: <ul style="list-style-type: none"> • property was issued a certificate of occupancy on or after January 1, 2025 • property consists of 16 or more units • property is located in one of ten specified counties, including San Bernardino County Excludes various types of affordable housing as well as residential properties with garages that are functionally part of the unit (such as townhouses and row houses).



Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
AB 529 (Gabriel): Adaptive reuse projects.	Adds “the facilitation of the conversion or redevelopment of commercial properties into housing” to the list of qualifying prohousing policies for HCD’s Prohousing Designation Program . Requires HCD to convene adaptive reuse working group to identify challenges and opportunities of adaptive reuse residential projects.	January 1, 2024	Jurisdictions can receive points in Prohousing Designation Program for efforts to facilitate adaptive reuse projects.	Qualifying activities for these points include the adoption of adaptive reuse ordinances or other mechanisms that reduce barriers for these conversions.
AB 1764 (Committee on Housing and Community Development) Housing omnibus.	Makes a variety of minor, technical, non-controversial changes to numerous statutes relating to housing and housing funding programs.	January 1, 2024		



Section 3: Planning & Community Development Legislation

Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: Zoning Codes, Development Standards, & General Plan Updates				
AB 894 (Friedman) Parking requirements: shared parking	Requires local agencies to allow developments to count underutilized and shared parking spaces toward a parking requirement imposed by the agency, under specified conditions	January 1, 2024	Imposes a state-mandated local program to allow developments to share parking	Shared parking agreement, as defined, must be provided and approved by the local jurisdictions. Surrounding property owners must be notified of proposed agreement. Read letter of support from the American Planning Association here. Read letter from sponsor here.
AB 821 (Grayson) Planning and zoning: general plan: zoning ordinance: conflicts	Requires a local agency to approve developments that are consistent with general plan but not with zoning ordinance due to a general plan amendment or to make the zoning ordinance consistent with the general plan within 180 days. It also adds a legal remedy for residents/property owners to ensure compliance.	January 1, 2024	Adds enforcement mechanism for cases when a zoning code becomes inconsistent with a general plan following a general plan amendment.	180-day rezoning timeline is triggered following receipt of a development application



Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
Focus Area: CEQA (Not specific to housing)				
SB 69 (Cortese) California Environmental Quality Act: local agencies: filing of notices of determination or exemption.	Requires local agencies to file a notice of determination (NOD) with the State Clearinghouse in the Office of Planning and Research (OPR) in addition to the county clerk of each county in which the project is located. Requires OPR to post NOD to State Clearinghouse website within 24 hours of receipt.	January 1, 2024	Creates an additional step in the CEQA notification process.	Local agency <u>may</u> file a notice of exemption with the county clerk and OPR if the agency determines the project is not subject to CEQA. OPR's posting does not impact the relevant noticing periods under CEQA.
Focus Area: "Infrastructure Streamlining Package"				
SB 145 (Newman)	This bill requires the Department of Transportation (Caltrans) to ensure the construction of three wildlife crossings over Interstate 15 (I-15) if an intercity passenger rail projects is constructed, as specified; and authorizes Caltrans to take several actions related to its environmental mitigation or advanced environmental mitigation.	July 10, 2023		
SB 146 (Gonzalez) Public resources: infrastructure: contracting.	Authorizes the use of the progressive design-build project delivery method for the California Department of Transportation (Caltrans). Authorizes job order contracting procurement method for Caltrans and	July 10, 2023		



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Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
	<p>the Department of Water Resources (DWR).</p> <p>Expands and extends the existing authorization for the California Secretary of Transportation (CalSTA) to assume the responsibilities under the National Environmental Protection Act (NEPA) of 1969 for transportation projects from 2025 until 20.</p>			
<p>SB 147 (Ashby)</p>	<p>Authorizes the Department of Fish and Wildlife to issue a permit under CESA that would authorize the take of a fully protected species resulting from impacts attributable to the implementation of specified projects if certain conditions are satisfied.</p>	<p>July 10, 2023</p>		<p>Bill provisions sunset on December 31, 2033.</p>
<p>SB 149 (Caballero)</p> <p>California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining.</p>	<p>Makes various changes to CEQA statutes, including:</p> <ul style="list-style-type: none"> • Extending the sunset of the Leadership Act, which was most recently updated by SB 7 (2019). • Extends the date by which environmental leadership development project may be certified by the governor until January 1, 2034 • Allows energy, transportation, water, and semiconductor projects to be eligible for 	<p>July 10, 2023</p>		



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Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
	expedited judicial review under CEQA.			
SB 150 (Durazo)	This bill embeds workforce and community benefit requirements in procurement and contracting for infrastructure and manufacturing investments related to the federal Infrastructure and Investment Jobs Act (IIJA), the Inflation Reduction Act (IRA) and the CHIPS and Science Act (CHIPS Act).	July 10, 2023	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
Focus Area: Additional Planning and Community Development Updates				
AB 516 (Ramos) Mitigation Fee Act: fees for improvements : reports and audits	Requires local agencies to provide additional information on their Mitigation Fee Act (MFA) Reports. Expands the purposes of MFA audits to include a determination of when the revenue generated by a fee or charge is scheduled to be expended and when the project is scheduled to be completed.		Additional requirements for new MFA reports. <ul style="list-style-type: none"> • Agencies must also notify fee payers of their right to request an audit when a fee is required as a condition of approval. 	Additional information required includes specified updates (such as construction status) on public improvement projects identified in previous reports. Requested MFA audits may now also evaluate timelines of these improvement projects.



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Bill ID	Summary	Effective Date	Impact to Member Jurisdictions	Background, Resources, & Notes
<p>AB 781 (Maienschein) Accessibility to emergency information and services: emergency shelters: persons with pets.</p>	<p>Requires all county emergency plans, and cities with previously adopted emergency plans that designate emergency shelters, to update their emergency plan and designate emergency shelters able to accommodate persons with household pets.</p> <p>Requires cities and counties, to the extent practicable, to designate a cooling center or warming center open to pets when any number of centers are opened.</p>	<p>January 1, 2024</p>	<p>Imposes a state-mandated local program regarding city and county emergency and safety plan updates.</p>	<p>Requires a city or county to make available to the public by posting on its internet website information for pet emergency preparedness, including, but not limited to, among other things, information for creating an evacuation plan and emergency checklist for pets consistent with recommendations publicly published by the Department of Food and Agriculture and the Federal Emergency Management Agency.</p>

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