

New Laws: Deeper Dive

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2017- 2019 Legislation

| HOUSING NEEDS SECTION | SITES INVENTORY | ZONING FOR A VARIETY OF HOUSING TYPES | CONSTRAINTS | PROGRAMS AND POLICIES | REVIEW AND REVISE SECTION | OTHER |
|-----------------------|-------------------|---------------------------------------|-------------------|-----------------------|---------------------------|-------------------|
| AB 139 (2019) | SB 6 (2019) | AB 139 (2019) | AB 879 (2017) | AB 879 (2017) | AB 139 (2019) | AB 1763 (2019) |
| AB 686 (2018) | AB 686 (2018) | AB 101 (2019) | AB 1483 (2019) | AB 686 (2018) | | SB 166 (2017) |
| | AB 1486 (2019) | AB 2162 (2018) | SB 330 (2019) | AB 671 (2019) | | |
| | | | SB 35 (2017) | | | |

Housing Needs Assessment Section





AB 686 (Statutes, 2018) AFFH

What does it mean to “affirmatively further fair housing?”

Take

Take meaningful actions to address significant disparities in housing needs and in access to opportunity.

Replace

Replace segregated living patterns with truly integrated and balanced living patterns.

Transform

Transform racially and ethnically concentrated areas of poverty into areas of opportunity.

Foster and maintain

Foster and maintain compliance with civil rights and fair housing laws.



AB 686 (Statutes, 2018) AFFH

- Summary of fair housing issues.
- Assessment of fair housing enforcement and outreach capacity.
- Analyzing data, integration and segregation patterns and trends, racially or ethnic concentrated areas of poverty, disparities in access to opportunity, disproportionate housing needs, and displacement risk.
- Assess factors that have contributed to fair housing issues and data results.



AB 139 (Statutes, 2019)

Emergency and Transitional Housing Act of 2019

- Revise the methodology to determine your homeless population:
 - Include current PIT count before the start of the planning period.
 - Need for emergency shelters based on the number of beds available on a year-round and seasonal basis.
 - Number of shelter beds that go unused on an average monthly basis within a one-year period.
 - Percentage of those in an emergency shelter that have moved into permanent housing.

- This will determine the need that you will have to accommodate for which may impact your zoning for emergency shelters.

Sites Inventory and Analysis Section





AB 686 (Statutes, 2018) AFFH

- Identify sites throughout the community within the housing element that affirmatively further fair housing.
 - Suggestion: Identify sites in both areas of opportunity and areas for potential community revitalization and paired with the appropriate programs.
 - Suggestion: Scatter sites equitably throughout the entire jurisdiction.



SB 6 (Statutes, 2019)

Submit an electronic sites inventory with the adopted housing element.
HCD will provide the form.



AB 1486 (Statutes, 2019)

Indicate if the site is publicly owned in the sites inventory.



AB 139 (Statutes, 2019)

Emergency and Transitional Housing Act of 2019

Development standards

- Prior to AB 139: Off-street parking was based upon “demonstrated need.”
- With AB 139: Only need to have sufficient parking for staff working at the emergency shelter.



AB 101 (Statutes, 2019)

Low-Barrier Navigation Centers

- Must allow low barrier navigation centers as by-right in areas zoned for mixed-uses and nonresidential zones permitting multifamily uses.
- Low-barrier navigation centers defined as:
“housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities such as supportive services. “



AB 2162 (Statutes, 2018)

Permanent Supportive Housing

Zoning:

- Allowing permanent supportive housing by-right in all zones where mixed-use and multifamily are permitted, including nonresidential zones permitting multifamily uses.
- Permanent supportive housing is only subject to the same restrictions of other residential dwellings of the same type in the same zone.

Streamlining:

- Local governments have 30 days to notify the applicant if the application is complete. Once it is complete, the local government must review the application within 60 days for projects with 50 or fewer units.
- Projects with more than 50 units must be reviewed in 120 days.

Constraints Section





AB 1483 (Statutes, 2019)

Requires cities, counties, and special districts to post on their website the following:

- A current schedule of fees, exactions, and affordability requirements, which shall be presented in a manner that clearly identifies the fees, exactions, and affordability requirements that apply to each parcel.
- All zoning ordinances and development standards, which shall specify the zoning, design, and development standards that apply to each parcel.
- Detailed information that will be required from any applicant for a development project.
- The current and five previous annual fee reports or the current and five previous annual financial reports.
- An archive of impact fee nexus studies, cost of service studies, or equivalent, conducted by the city, county, or special district on or after January 1, 2018.



SB 330 (Statutes, 2019)

- Requires jurisdictions to identify all requirements of a development application.
 - Creates preliminary application process that freezes fees and development standards (vesting rights).
 - Must have a checklist available on website.
 - Limits hearings to 5.
 - Establishes application completeness review timeframes and requires written comments (30 days first review, 90 days response, 30 days second review).
 - Shortens approval timeframes after CEQA review.
 - **Sunsets in 2025.**
- Affected Cities and Unincorporated Census Places “Urbanized Areas”:
 - Jurisdiction wide “no-net-loss.”
 - No reduction in density.
 - No moratoriums unless approved by HCD.
 - Limits on implementation of growth control requirements.
 - New design review standards must be objective.
 - Jurisdiction wide housing replacement requirements.



SB 35 (Statutes, 2017)

Requires a streamlined ministerial approval process for applicants that qualify under SB 35



AB 879 (Statutes, 2017)

Impacted section: Governmental constraints

- Include and analyze any locally adopted ordinances that impact the cost and supply of housing.
 - Do you have an inclusionary, short-term rental ordinance or any other ordinances that impact the cost/supply of housing?

Impacted section: Non-governmental constraints

- Analyze requests to develop at densities below those anticipated.
- Analyze the length of time between receiving approval for a housing development and submittal of an application for building permits that could hinder the localities ability to construct the localities RHNA.

Programs Section





AB 686 (Statutes, 2018) – AFFH

- **Identify** your fair housing priorities and goals – highest priority to those that limit or deny fair housing choice, access to opportunity, or negatively impact fair housing or civil rights compliance.
- **Identify** metrics and milestones for determining fair housing results.



AB 686 (Statutes, 2018) – AFFH

- Develop strategies and actions to implement the identified priorities and goals. This could include:
 - Enhancing mobility strategies.
 - Encouraging development of new affordable housing in areas of opportunity.
 - Place based strategies to encourage community revitalization.
 - Preservation of existing affordable housing.
 - Protecting existing residents from displacement.
- Program requirement: Provide Equal Housing Opportunities – Promote and affirmatively further fair housing opportunities and promote housing.



AB 671 (Statutes, 2019)

Each jurisdiction must identify specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives. Programs must include specific action steps the locality will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

1. Address and Remove (or Mitigate) Constraints
2. Assist in the Development of Housing
3. Identify Adequate Sites
4. Improve and Conserve the Existing Housing Stock
5. Preserve Units at-Risk of Conversion to Market Rates
6. Provide Equal Housing Opportunities
7. **NEW! Develop a plan that incentivizes and promotes ADUs that can be offered at an affordable rent.**



AB 879 (Statutes, 2017)

Include a program to address and remove non-governmental constraints to the maintenance, improvement, and development of housing.

1. Address and Remove (or Mitigate) Constraints (Governmental and Non-Governmental Constraints) (AB 879)
2. Assist in the Development of Housing
3. Identify Adequate Sites
4. Improve and Conserve the Existing Housing Stock
5. Preserve Units at-Risk of Conversion to Market Rates
6. Provide Equal Housing Opportunities (Promote and Affirmatively Furthering Fair Housing Opportunities) (AB 686)
7. Develop a plan that incentivizes and promotes ADUs that can be offered at an affordable rent (AB 671).

Review and Revise Section





AB 139 (Statutes, 2019) Emergency and Transitional Housing Act of 2019

Include a specific analysis of how you did on your programs in relation to your special needs population:

Progress in implementing those programs and where did you have gaps?