Plan Check Report, State Legislation 4/10/22
Stacy Shure: shurefamilyca@gmail.com

**AB 2097**

This bill is the successor to AB 1401, sponsored by YIMBY. Reduces parking minimums, and makes no provision for the savings to be used on affordable housing. This would apply to both residential and commercial developments.

**SB 1357** (Archuleta):

Effective January 1, 2023, would exempt 100% disabled veterans from property taxes, reduced amounts if partially disabled. Out of committee, going to floor.

**AB 2469** (Wicks)

This bill would require the department to develop and maintain a rental registry online portal designed to collect specified information related to housing and make that information available to the public. The bill would require the department to develop a rental registry form to collect information from landlords, as defined, including the address and owners of a rental property, the number and type of rooms in the rental property, and information related to the payments collected and the duration of tenancies. This bill would require a landlord to submit a rental registry form *when a lease is initiated, altered, or terminated,* under penalty of perjury. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

Existing law regulates the terms and conditions of residential tenancies and imposes various requirements on landlords, including that a landlord must provide written notice of their intention to terminate a tenancy if the term of the tenancy is not specified.
The bill would prohibit a landlord from providing a tenant notice of a rent increase, notice of an intention to terminate a tenancy, or notice of an unlawful detainer action unless the landlord has submitted a rental registry form, as specified.

In committee, Housing & Community Development.

**AB 2592** (McCarty) (set for 3rd and final vote 4/20/22)

This bill would require, by January 1, 2024, the department to prepare and report to the Legislature a streamlined plan to transition underutilized state buildings and surplus state lands into ~~housing that includes, but is not limited to, 20% of affordable units per housing development, as provided. The bill would require underutilized state buildings and surplus state lands to be transitioned into housing that includes, but is not limited to, 20% of affordable units per housing development. The bill would require 50% of the moneys appropriated for this purpose to be used in the County of Sacramento. The bill would make the bill's provisions contingent upon moneys being appropriated by the Legislature in the annual Budget Bill for purposes of expanding affordable housing development and adaptive reuse opportunities on state excess land sites and for adaptive reuse incentive grants.~~ *housing.*

For purposes of expanding affordable housing development and adaptive reuse opportunities on state excess land sites and for adaptive reuse incentive grants, by January 1, 2024, the Department of General Services shall prepare and report to the Legislature, in accordance with

Section 9795, a streamlined plan to transition underutilized state buildings and surplus state lands into ~~housing that includes, but is not limited to, 20 percent of affordable units per housing development. The plan shall be prepared in a manner that uses 50 percent of moneys appropriated for purposes of subdivision (b) in the County of Sacramento.~~ *housing.*

**NOTE: No requirement it has to be affordable housing!*

**AB 1738** (Horvath) (4/7/22 2nd reading and amended, waiting for 2nd vote)

Electric charging in existing buildings.
Existing law requires the Department of Housing and Community Development to propose to the commission for consideration mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings, as specified. Existing law requires the commission to adopt, approve, codify, and publish mandatory building standards for the installation of electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.

This bill would recast these provisions to instead require mandatory building standards for the installation of electric vehicle charging stations with Level 2 or direct current fast charger electric vehicle supply equipment, as defined, to be *researched, developed, and* proposed *for adoption (1)* by the Department of Housing and Community Development for the installation in existing *parking facilities serving* multifamily dwellings, hotels, and motels, *(2)* by the Division of the State Architect for the installation in existing *parking facilities serving* school buildings, and *(3)* by the commission for the installation in *parking facilities serving* existing nonresidential buildings, as specified.

This bill ~~would~~ *would, commencing with the next triennial edition of the California Building Standards Code,* require the ~~commission, by the intervening edition of the Building Standards Code effective July 1, 2024, to adopt, approve, codify, and publish~~ *commission, Department of Housing and Community Development, and the State Architect to research, develop, and propose for adoption* mandatory building standards for the installation of electric vehicle charging stations ~~at cost-effective trigger points~~ in existing multifamily dwellings, schools, hotels, motels, and nonresidential development during ~~retrofits~~ *certain retrofits, additions, and alterations* to existing ~~buildings~~ *parking facilities* that are issued permits on and after the effective date of those building standards.

This bill would require the Department of Housing and Community Development, the Division of the State Architect, and the commission to review those building standards every triennial code cycle and update those building standards with increasing percentages of parking spaces required to have electric vehicle supply equipment ~~installed, as specified.~~ *installed until specified goals are met.* The bill would make related findings and declarations.

**SB 1425** (Stern) (Amended after 2nd reading, going back to the Senate for 3rd vote)

Existing law requires cities and counties to prepare, adopt, and amend general plans and elements of those plans, as specified. Existing law requires the general plan to include a housing element and an open-space element, which is also called an open-space plan. Existing law sets forth various deadlines for updates to the housing element.
This bill would require every city and county to review and update, as specified, its local open-space plan by January 1, ~~2026, and every time it updates its housing element.~~ *2026.* By imposing additional duties on local officials, the bill would create a state-mandated local program.

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.
The bill would include findings that 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.

**AB 2863** (Stern) (Housing & Community Development for vote)

This bill would require the ~~commission,~~ Department of Housing and Community Development, upon the next triennial update of the California Green Building Standards Code that occurs on or after January 1, 2023, ~~in cooperation with the Department of Housing and Community Development and the State Architect, to adopt, approve, codify, and publish revised building standards related to bicycle parking that sets forth minimum bicycle parking requirements on a basis that is independent of the number of vehicle parking spaces.~~ to research, develop, and propose for adoption mandatory building standards for short-term and long-term bicycle parking in multifamily residential buildings, hotels, and motels. The bill would also require the commission, upon the next triennial update, to research, develop, and adopt revised mandatory building standards for short-term and long-term bicycle parking in nonresidential buildings. The bill would require the department and the commission, in developing these standards, to develop minimum mandatory bicycle parking standards using a method that is independent of the number of vehicle parking spaces. The bill would include related legislative findings.

**AB 2053** (Carillo, Lee & Wiener) (pending Housing & Comm. Develop., hearing 4/20 @ 9AM)

This bill would enact the **Social Housing Act** and would create the **California Housing Authority**, as an independent state body, the mission of which would be to produce and acquire social housing developments for the purpose of eliminating the gap between housing production and regional housing needs assessment targets, as specified. The bill would prescribe a definition of social housing that would describe, in addition to housing owned by the authority, housing owned by other entities, as specified, provided that all social housing developed by the authority would be owned by the authority. The bill would prescribe the composition of the California Housing Authority Board, which would govern the authority, and would be composed of appointed members and members who are elected by residents of social housing developments, as specified. The bill would prescribe the powers and duties of the authority and the board. The bill would provide that the authority is bound to revenue neutrality, as defined, and would require the authority to recover the cost of development and operations over the life of its properties through the mechanism of rent cross-subsidization, as defined. The bill would require the authority to prioritize the development of specified property, including vacant parcels and parcels near transit, and would prescribe **a process for the annual determination of required social housing units**. Under the bill, **social housing would accommodate a mix of household income ranges and would provide specified protections for residents, who would participate in the operation and management of the units in which they reside.**

This bill would require the California Housing Authority to employ 2 leasing models in social housing developments, to be referred to as the rental model and the ownership model, and would prescribe the characteristics of both models. Under the ownership model, the authority would extend a 99-year lease, in the form of a limited equity arrangement, as defined, to individuals who commit to a minimum 5-year term of residence, and would authorize the authority to act as a lender to residents who lease under the ownership model, for the purpose

of creating leasehold mortgages. The bill would prescribe how the amounts of rents and payments on leasehold mortgages are to be set in relation to household income, and with reference to property subject to the ownership model, how they may be sold and transferred. The bill would establish eligibility requirements for social housing residents and provide for the **selection of residents by lottery, *as specified,* providing that people who may have been displaced from a property as part of its development would be granted a preference for occupancy.**

This bill, among other things, would require the authority to accept a local jurisdiction's preference for a project parcel if specified conditions are met. The bill would prescribe requirements for the participation of labor in the production, rehabilitation, and maintenance of housing, including requiring the authority to enter into community workforce agreements, to obtain an enforceable commitment from an entity undertaking work for the authority, as specified, that the entity, and its contractors and subcontractors employ a skilled and trained workforce, and to comply with specified requirements for the payment of prevailing wages. The bill would state the intent of the Legislature to enact legislation to provide financing for the activities of the authority through the issuance of general obligations bonds. The bill would authorize the authority to issue revenue bonds, as specified. The bill would require the board to provide for regular audits of the authority's accounts and records, as specified.

**__SB 897__ (Wieckowski) (2nd amended, pending in the Senate Appropriations Cmmte)

Jr. ADUs - new height (16 to 25 feet), objective standards.
This bill would require that the standards imposed on accessory dwelling units be objective. For purposes of this requirement, the bill would define "objective standard" as a standard that involves no personal or subjective judgment by a public official and is uniformly verifiable, as specified.

This bill would require a local agency to review and issue a demolition permit for a detached garage that is to be replaced by an accessory dwelling unit at the same time as it reviews and issues the permit for the accessory dwelling unit. The bill would prohibit an applicant from being required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced by an accessory dwelling unit, as specified.

*Existing* law provides that an accessory dwelling unit may either be an attached or detached residential dwelling unit, and prescribes the minimum and maximum unit size requirements, height limitations, and setback requirements that a local agency may establish, including a 16-foot height limitation and a 4-foot side and rear setback requirement.

**This bill would increase the maximum height limitation that may be imposed by a local agency on an accessory dwelling unit to 25 feet.**

Existing law requires an ordinance that provides for the creation of an accessory dwelling unit to require accessory dwelling units to comply with local building code requirements that apply to detached dwellings, as appropriate. Existing law also prohibits an ordinance from requiring an accessory dwelling unit to provide fire sprinklers if they are not required for the primary residence.

This bill would provide that the construction of an accessory dwelling unit does not constitute an occupancy change under the local building code. The bill would also prohibit the construction of an accessory dwelling unit from triggering a requirement that fire sprinklers be installed in the proposed or existing primary dwelling.

Existing law provides that a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create not more than 2 accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation of 16 feet and a 4-foot side and rear setback requirement.

This bill would change the height limitation applicable to an accessory dwelling unit subject to ministerial approval to 25 feet. The bill, if the existing multifamily dwelling exceeds a height of 25 feet or has a rear or side setback of less than 4 feet, would prohibit a local agency from requiring any modification to the existing multifamily dwelling to satisfy these requirements.

The bill would prohibit a local agency from rejecting an application for an accessory dwelling unit because the existing multifamily dwelling exceeds a height of 25 feet or has a rear or side setback of less than 4 feet.

Existing law, until January 1, 2025, prohibits a local agency from imposing an owner-occupant requirement on a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling.

**This bill would delete the expiration date of this provision.**

Existing law prohibits a local agency from imposing parking standards on certain accessory dwelling units, including those that are located **within 1/2-mile walking distance of public transit**.
This bill would require a local agency, when a permit application for an accessory dwelling unit is submitted with a permit application to create new multifamily dwelling units, to **reduce the number of required parking spaces for the multifamily dwelling by 2 parking spaces for each accessory dwelling unit located on the lot.**

(2) Existing law also provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law requires an ordinance that provides for the creation of a junior accessory dwelling unit ~~to~~ *to, among other things, (A)* require *that* the unit ~~to~~ be constructed within the walls of the proposed or existing single-family ~~residence and to~~ *residence, (B)* require *that* the unit ~~to~~ include a separate entrance from the main entrance to the proposed or existing single-family ~~residence.~~ *residence, and (C) require owner-occupancy in the single-family residence in which the junior accessory dwelling unit is permitted.*

This bill would specify that enclosed uses within the proposed or existing single-family residence, such as attached garages, are considered a part of the proposed or existing single-family residence. The bill would require a junior accessory dwelling unit that does not include separate sanitation facilities to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. ***The bill would delete the requirement that the ordinance include an owner-occupancy requirement in the single-family residence.***

(3) Existing law requires a local agency, in enforcing building standards applicable to accessory dwelling units, to delay enforcement for up to 5 years upon the owner submitting an application requesting the delay on the basis that correcting the violation is not necessary to protect health and safety.

This bill would extend that delay in enforcement to the building standards applicable to the primary dwelling of the accessory dwelling unit, provided that correcting the violation is not necessary to protect health and safety.

This bill would prohibit a local agency from denying a permit for a constructed, but unpermitted, accessory dwelling unit ~~because~~ *because, among other things,* the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure

(4) Existing law requires the Department of Housing and Community Development to administer various programs intended to promote the development of housing, including the Multifamily Housing Program, pursuant to which the department provides financial assistance in the form of deferred payment loans to pay for the eligible costs of development for specified activities.

This bill, upon appropriation by the Legislature, would require the department to establish and administer a grant program for the purpose of funding the construction and maintenance of accessory dwelling units and junior accessory dwelling units. The bill would create the California Accessory Dwelling Unit Fund and, upon appropriation by the Legislature, require the department to distribute moneys in the fund to eligible recipients.

****SB 1067** (Portantino) (to be heard in the Senate Housing Cmte 4/28/22).

This bill would prohibit a city, county, or city and county from imposing any minimum automobile parking requirement on a housing development project that is located within 1/2 mile of public transit, as defined, and that either (1) dedicates 25% of the total units to very low, low-, and moderate-income households, students, the elderly, or persons with disabilities or (2) the developer demonstrates that the development would not have a negative impact on the city's, county's, or city and county's ability to meet specified housing needs and would not have a negative impact on existing residential or commercial parking within 1/2 mile of the ~~project.~~ *project, unless the city, county, or city and county makes specified findings.* By changing the duties of local planning officials, this bill would impose a state-mandated local program.

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

****AB 1910** (Christina Garcia)
Golf Courses to Affordable Housing
Introduced 2/9/2022; In committee for hearing, hearing cancelled at author's request. 4/6/22.

This bill would, upon appropriation by the Legislature, require the department to administer a program to provide incentives in the form of grants to local agencies that enter into a development agreement to convert a golf course owned by the local agency into housing and publicly accessible open space, as specified. This bill would require the department to award

funding in accordance with the number of affordable units a local agency proposes to construct.

In order to be eligible for a grant, a local agency shall enter into a disposition and development agreement with a developer that, at a minimum, meets the following requirements:
(1) The agreement ensures that at least 25 percent of all new dwelling units developed on the former golf course are affordable to, and occupied by, lower income households, in accordance with subdivision (c).
(2) At least 15 percent of the development is publicly accessible open space. Space used as a golf course shall not be considered open space.
(3) No more than one-third of the square footage of the development, excluding the portion reserved for open space, is dedicated to nonresidential uses. Parking shall be considered a nonresidential use.
(c) (1) Rental units developed pursuant to this section shall be subject to a recorded deed restriction of 55 years that provides that the units designated for use by lower income households are continuously available to or occupied by lower income households at rents that do not exceed those prescribed by Section 50053, or, to the extent that the terms of federal, state, or local financing or financial assistance conflicts with Section 50053, rents that do not exceed those prescribed by the terms of the financing or financial assistance. The deed restriction shall authorize the local agency to monitor the development for compliance with its terms.
(2) (A) Ownership units developed pursuant to this section shall be subject to a recorded deed restriction of 45 years that provides that the units designated for use by lower income households are continuously available to lower income households at affordable housing costs that do not exceed those prescribed by Section 50052.5, or, to the extent that the terms of federal, state, or local financing or financial assistance conflicts with Section 50052.5, affordable housing costs that do not exceed those prescribed by the terms of the financing or financial assistance. The deed restriction shall authorize the local agency to monitor the development for compliance with its terms.
(B) Ownership units developed pursuant to this section shall be subject to an equity sharing agreement consistent with paragraph (2) of subdivision (c) of Section 65915 of the Government Code, and the local agency shall utilize any proceeds received from an equity sharing agreement for programs to facilitate lower income home ownership.

****AB 2050** (multiple authors, including Stern, Allen, Bloom and Ting)
(in Judiciary Committee, 4/19 hearing)

Existing law, commonly known as the **Ellis Act**, generally prohibits public entities from adopting any statute, ordinance, or regulation, or taking any administrative action, to compel the owner of residential real property to offer or to continue to offer accommodations, as defined, in the property for rent or lease.

Existing law authorizes any public entity that has in effect any control or system of control on the price at which accommodations are offered for rent or lease to require by statute or ordinance, or by regulation, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease, and to require that the notice contain specified statements.

This bill would, when a public entity has a **price control system** (RSO) in effect, prohibit an owner of accommodations from filing a notice with a public entity of an intention to withdraw accommodations or prosecuting an action to recover possession of accommodations, or threatening to do so, if not all the owners of the accommodations have been **owners of record**

**for at least 5 continuous years,** with specified exceptions, or with respect to property that the **owner acquired within 10 years after** providing notice of an intent to withdraw accommodations at a different property.

This bill would require an owner of accommodations notifying the public entity of an intent to withdraw accommodations from rent or lease, as provided, to identify each person or entity with an ownership interest in the accommodations, as provided. That information would be available for public inspection. The bill would prohibit an owner or any person or entity with an ownership interest from acting in concert with a coowner, successor owner, prospective owner, agent, employee, or assignee to circumvent these provisions. The bill would provide specified, nonexclusive remedies for a violation.

The bill would include findings that 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.