



**INFORMATIONAL  
PRESENTATION  
Agenda Item # 4**

**AGENDA REPORT SUMMARY**

**Meeting Date:** May 21, 2020

**Subject:** Update on Recently Enacted California Housing Laws

**Prepared by:** Jon Biggs, Community Development Director

**Attachments:**

1. Update on Recently Enacted California Housing Laws Power Point Presentation

**Initiated by:**

City Attorney and Staff

**Discussion**

Attached with this brief report is the City Attorney's power point presentation for the update on recently enacted California housing laws. This is the same presentation provided to the City Council at its meeting of April 28, 2020.

The City Attorney with staff will be providing this presentation to the Commission so it has the benefit of hearing and asking questions on the implications of these wide-ranging new laws.

**Recommendation**

Receive report, ask for clarifications, and discuss.

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# Update on Recently Enacted California Housing Laws



***Jolie Houston, Esq.***  
***Los Altos City Attorney***  
***Berliner Cohen LLP***

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# 2019 Housing Related Legislation

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- Over 100 Bills introduced
- Over 30 Bills signed
- 20+ with impacts on cities
- Most substantial changes:
  - SB 330 & ADUs
  - Changes to surplus property statutes
  - Increased density and concessions for 100% affordable and TOD projects

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# SB 330 “Housing Crisis Act of 2019”

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- General overview of bills, compliance status and next steps
- **KEY:**
  - Increase supply of housing
  - Further reduces the City’s discretion for housing projects
- Some provisions sunset in 2025
- Adds new sections of Government Code and amends others

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# SB 330 “Housing Crisis Act of 2019”

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- City requirements must be objective & transparent
- Preliminary application freezes fees & standards
- Maximum 5 public hearings (study sessions)
- Some Exceptions
- Limits request for new information
- Shortened deadlines under Permit Streamlining Act

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# SB 330 “Housing Crisis Act of 2019”

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- Invalidates
  - Housing caps
  - Moratoria
  - Down-zoning (maintain residential density as of January 2018)
- Protections for displacement of lower income residents-very complicated provisions
- Projects must still comply with CEQA

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# SB 330 “Housing Crisis Act of 2019”

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- Preliminary Application Completeness & Vested Rights
  - Comprehensive & complete list of application requirements up front – the **CHECKLIST**
  - Once deemed complete, locks in ordinances, policies and standards
  - No additional items after deemed complete
  - 30 days to determine completeness
  - **CHECKLIST** – either City’s or HCD’s
  - Must be based on State law

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# Reporting Requirements & Transparency

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- AB 1255 – Requires annual report to HCD of surplus land
- AB 1486 – Inventory and disposal of surplus land
- AB 1483 – Website info. to include current fee schedules, affordability requirements, zoning ordinances, development standards, annual fee reports and archives of impact fee nexus studies and cost of service studies

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# Streamlining Affordable Multifamily Housing Approvals (AB 1485)

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- Expands previous legislation to provide streamlined, ministerial approval for certain multifamily projects; special “Bay Area” provision (Santa Clara)
- “Reasonable Person” standard to find consistency with objective design / planning standards

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# Increased Density Bonus for 100% Affordable Projects (AB 1763)

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- Greater than  $\frac{1}{2}$  mile from Major Transit Stop
  - 80% density bonus
  - 4 concessions
- Less than  $\frac{1}{2}$  mile of Major Transit Stop
  - Unlimited density
  - 3 additional stories
  - 4 concessions

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# Tenant Protections

## (AB 1482, SB 329 & SB 222)

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- AB 1482 – Annual rent increase capped at 5% + CPI – for properties 15 years old or older
  - Just cause for eviction + relocation benefits
  - Sunsets 2030
- SB 222/329
  - Prohibits Section 8 discrimination (& other vouchers)

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# Accessory Dwelling Units

## (AB 68, AB 881, AB 587 & AB 671)

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- All single-family residential properties are entitled to:
  - Standard ADU
  - Junior ADU (<500 s.f. and located within existing structure)
- No limits on number of bedrooms
- Max. ADU size at least 1,000 s.f. (was 600 s.f.)
- Reduces setbacks from 6' to 4'

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# Accessory Dwelling Units (AB 68, AB 881, AB 587 & AB 671)

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- No owner occupancy requirements
- Reduced/eliminated parking requirements
- ADUs on multi-family lots
- Reduced time for ministerial approval
- No impact fees for ADUs <750 s.f.
- Promote and incentivize ADUs in Housing Element

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# Outreach and Next Steps

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- ADU State law changes - community outreach in February 2020
- *Draft* ADU Ordinance to Planning Commission in April
- *Revised Draft* to Planning Commission in May
- *Final Draft* Ordinance to City Council in June
- SB 330 Check List currently be drafted
- Objective standards- work to begin in next 2-3 weeks

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# Questions?

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***THANK YOU !***