

2019 Housing Bills

City of Lafayette
City Council
September 24, 2019



Big Picture

2700 bills introduced

Approximately 200 bills focused on housing

\$2.5 billion annual shortfall in the Bay Area to address affordable housing crisis

Major Themes

Affordable Housing

Streamlining Development Review

Increased State Reporting

Erosion of Local Control



Bills of Interest to Lafayette

1. AB 68 – Accessory Dwelling Units
2. AB 881 – Accessory Dwelling Units
3. SB 13 – Accessory Dwelling Units
4. AB 1487 – Bay Area Housing Finance Authority
5. SB 5 – Affordable Housing and Community Development Investment Program
6. SB 268 – Ballot Measures: Local Taxes
7. SB 330 – Housing Crisis Act of 2019
8. AB 1482 – Tenant Protection Act of 2019
9. AB 1485 – Housing Development Streamlining



Additional Bills

2 Year Bills

Additional Bills

- 10. AB 1483 – Housing data – Collection and Reporting
- 11. AB 1486 – Surplus Land
- 12. SB 450 – CEQA Exemption: Supportive and Transitional Housing: Motel Conversion

2 Year Bills

- 13. SB 592 – Housing Accountability Act: Permit Streamlining
- 14. SB 50 – More HOMES Act of 2019
- 15. AB 1484 – Mitigation Fee Act: Housing Developments



Accessory Dwelling Units



- Provides that ADUs may be attached to, located within, an attached garage, storage area, or an accessory structure
- Ministerial approval or denial within 60 days instead of 120 days, if there is an existing home or multifamily dwelling on the lot
- No replacement of parking spaces if garage is demolished to construct an ADU

Accessory Dwelling Units

- No requirements on minimum lot size
- Must permit at least:
 - an 800 s.f. ADU
 - 16 ft. in height
 - with 4 ft. side and rear setbacks
- No max. s.f. requirement that is less than 850 s.f. and 1,000 s.f. if there is more than 1 bedroom
- No setback req. for accessory structure in the same location and to the same dimensions as an existing structure that is converted to an ADU



Accessory Dwelling Unit

- Allows for rentals longer than 30 days, cannot require owner occupancy until 1/1/25
- Prohibits a City from issuing a Certificate of Occupancy on the ADU before issuing it on the primary residence
- Allows for ADUs to count for identifying adequate sites for RHNA purposes



Accessory Dwelling Units

- No impacts fees for ADUs of 750 s.f. or less and impact fees charged for larger units shall be proportional to the s.f. of the primary unit
- Enforcement of nuisance abatement violations can be delayed for 5 years if not necessary to protect public health and safety
- Requires HCD to notify the Attorney General if a city violate state law and does not amend its ordinance to comply with state law



AB 1487 - San Francisco Bay Area Regional Housing Finance Act

- Creates the Bay Area Housing Finance Authority
- Raises, administers, and allocates funding for:
 - Tenant protection
 - Affordable housing preservation
 - New affordable housing in the Bay Area (9 Counties)
- MTC Governing Board serves as the Authority's governing board
- Can impose taxes and issue bonds



AB 1487 - San Francisco Bay Area Regional Housing Finance Act

Parcel Tax and Special Tax

80% to county of origin per county expenditure plan
20% per the regional expenditure plan

Special Tax Based upon Number of Employees

50% to county of origin per county expenditure plan
50% per the regional expenditure plan

Commercial Linkage Fee

To each city and county per the nexus study



SB 5- Affordable Housing and Community Development Investment Program

- Creates an Affordable Housing and Community Development Investment Committee
- A city can apply for funding for affordable housing, infrastructure, and economic development projects that support state policies
- Uses tax increment financing



SB 268 – Ballot Measures: Local Taxes

Allows certain tax measures to include a statement to see the voter guide for tax rate information rather than provide it in the ballot language



SB 330 – Housing Crisis Act of 2019

Housing Accountability Act (HAA) – Existing Law

Prohibits a city from disapproving or conditioning approval in manner that render the housing project infeasible for affordable housing or emergency shelters unless specific findings are made



SB 330 – Housing Crisis Act of 2019

Housing Accountability Act (HAA) – Existing Law

Specific adverse impact finding:

There is a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable



SB 330 – Housing Crisis Act of 2019

If the housing project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards at the time the preliminary application is submitted the City must make the specific adverse impact finding if there is no feasible method to mitigate the impact in order to deny the project



SB 330 - Housing Crisis Act of 2019

- Application is deemed complete when the preliminary application is submitted
- Until 1/1/25, a housing development project can only be subject to the gp, sp, design review, ordinances, policies, mitigation fees and standards adopted and in effect when the application is submitted, unless the project is subsequently revised by increasing the units or s.f. of construction by 20% or more, exclusive of density bonus provisions



SB 330 - Housing Crisis Act of 2019

- Locks in place nearly all fees imposed on the project once a developer submits the preliminary application
- Developer has 2 ½ years to begin construction and not be subject to any new fee, except CEQA related fees and CPI increases
- Until 1/1/25, prohibits a city from conducting more than 5 hearings, if the project complies with applicable objective standards at the time an application is deemed complete



SB 330 – Housing Crisis Act of 2019

- If an application is deemed incomplete then the City shall provide an exhaustive list of items that were not complete, and any subsequent review cannot include new items
- The City shall approve or disapprove the project within 90 days instead of 120 days from the date of EIR certification and 60 days instead of 90 days from the date of EIR certification for projects with 49% very low or low income



SB 330 – Housing Crisis Act of 2019

- Where housing is an allowable use, the city shall not enact a development policy, standard or condition that would have any of these effects:
 - Change the GP or SP land use designation, or zone a parcel to a less intensive use or reduce the intensity of land use in effect as of January 1, 2018. A city can do so, if it can rezone other parcels so there is no net loss



SB 330 – Housing Crisis Act of 2019

- Imposing a moratorium, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of the area subject to the moratorium. Cannot be enforced without approval from HCD
- Imposing design review standards after 1/1/20 that are not objective
- Limits the number of land use approvals or permits
- Caps on housing units that can be approved
- Limit the population



AB 1482 – Tenant Protection Act of 2019

- Cannot terminate a lease without just cause when the tenant has occupied the residential property for 12 months
- Requires notice for curable just cause evictions
- For no fault just cause terminations, the owner shall provide for one month's rent to the tenant or waive the final month of rent
- If local ordinances adopted before 9/1/19 are more protective than this bill does not apply



AB 1482 – Tenant Protection Act of 2019

Rent Increases

- Cannot increase rent by more than 5% plus cost of living or 10%, whichever is lower
- Applies to all residential rent increases as of 3/15/19
- Remains in effect until 1/1/30



AB 1485 – Housing Development Streamlining



- This bill updates SB 35
- In the Bay Area, can dedicate 20% of units to moderate income when a city has not met its above moderate income RHNA to qualify
- To qualify 2/3 of s.f. must be for residential use and excludes underground spaces such as basements and underground parking
- CEQA does not apply to BART to lease, convey, or encumber land owned by it that is related to a development approved for streamlined approval

AB 1483 - Housing Data Collection and Reporting

The City's website shall include:

- Current schedule of fees
- Exactions
- Affordability requirements
- All zoning ordinances and development standards
- Annual fee reports or annual financial reports
- Archive of impact fee nexus studies and costs of service studies



AB 1486 – Surplus Land

- Revises the definition of surplus land to mean land owned by a local agency, with the governing body taking formal action, in a regular public meeting, with written findings that the land is surplus and is not necessary for the agency's use



AB 1486 – Surplus Land

- Cannot prohibit residential use as a condition of sale/lease
- Removed priority to affordable housing for seniors and disabled persons
- The City, prior to agreeing to terms for the disposition of surplus land, shall provide HCD with the process followed
- HCD can make findings that the disposal violates state law and notify the Attorney General
- Penalties imposed if land is disposed of in violation of the law



SB 450 – CEQA Exemption for Supportive and Transitional housing; Motel Conversion

Until 1/1/25 exempts from CEQA projects related to the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing



SB 592 – Housing Accountability Act; Permit Streamlining (2 year bill)

- Extends the HAA to ADUs
- Any resubmittal must receive a written explanation why it is not in conformance with laws within 30 days
- Application is complete when submitted
- Lower density is defined to include a condition requiring a reduction in the number of bedrooms
- Disapproval also includes a local agency taking action on the project to disapprove it

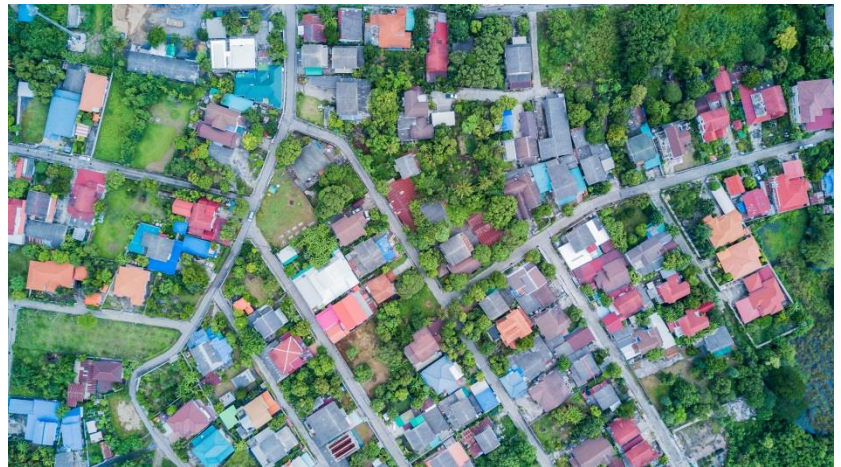


SB 50 – More Homes Act of 2019

(2 year bill)

Neighborhood multifamily projects

A multifamily structure on vacant land or converts an existing structure that does not require a substantial exterior alteration into a multifamily structure that consists of 4 residential dwelling units that meets local height, setback, and lot coverage zoning requirements that exists as of 7/1/19



SB 50 – More Homes Act of 2019 (2 year bill)

- Establishes a streamlined ministerial process for neighborhood multifamily projects and exempts these projects from CEQA
- The City must notify the applicant within 60 days of submission if the proposal conflict with any requirements otherwise it will be deemed to comply with those requirements
- Limits imposition of parking standards



SB 50 – More Homes Act of 2019 (2 year bill)

- Approvals expires after 3 years, unless it qualifies for a 1 time, 1 year extension
- A city would need to grant an equitable communities incentive for:
 - a job-rich housing project; or
 - a transit-rich housing project
- Also allows for waivers on maximum density and parking requirements



AB 1484- Mitigation Fee Act: Housing Developments (2 year bill)

- No housing impact requirement on a housing project unless it is roughly proportional in both nature and extent to the impact created
- The City shall make an individualized determination that the project will have the same type and amount of impact projected for the type of development as proposed in a nexus study



Conclusion

Questions?

