



ACCELERATING HOUSING PRODUCTION



# Planning Commissioner Training

## Housing Laws and Policies



ACCELERATING HOUSING PRODUCTION | TECHNICAL ASSISTANCE SERVICES

SUPPORTED BY:



PROVOST &  
PRITCHARD

THEHOUSINGWORKSHOP



URBAN MATH





# State of Housing in California

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What, How, Why, and Solutions



Minimum Wage  
**\$14**

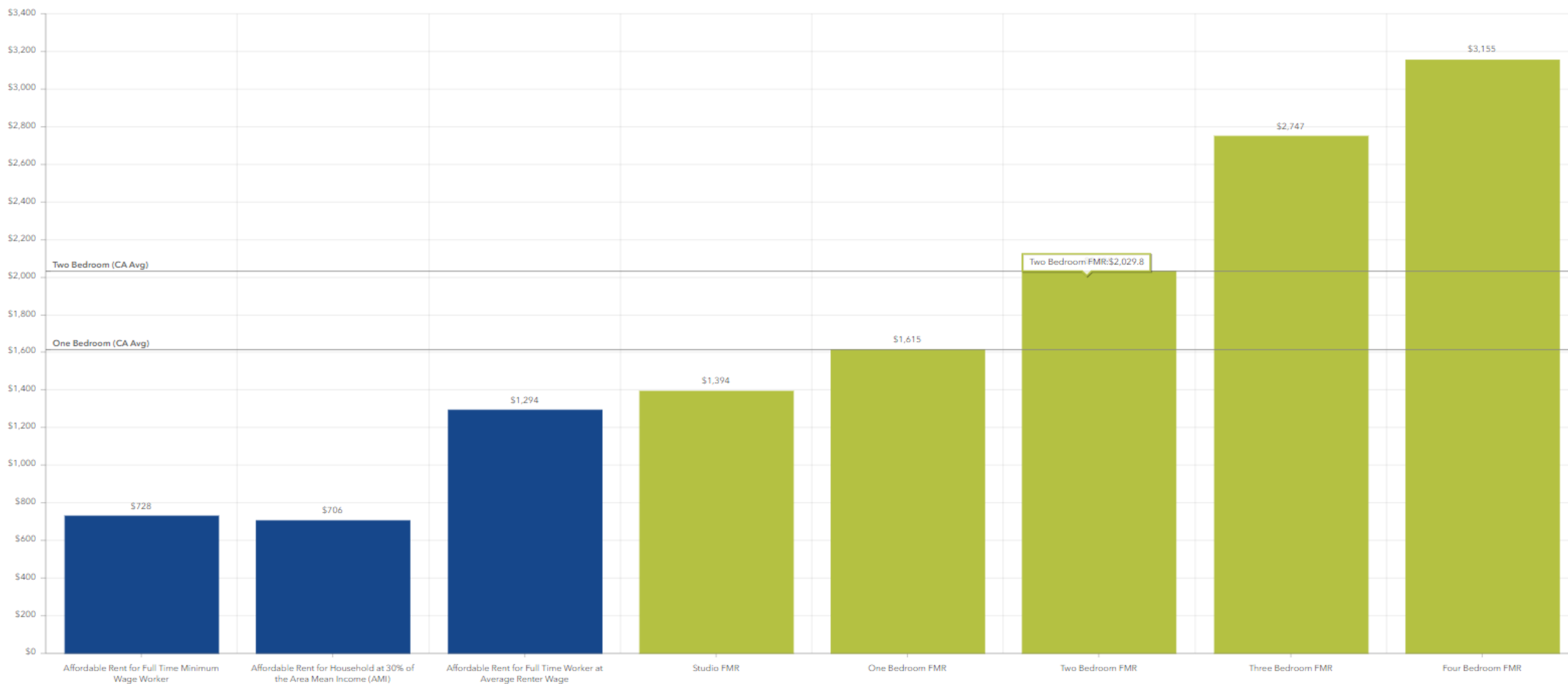
Average Renter Wage  
**\$25**

2-Bedroom Housing Wage  
**\$39**

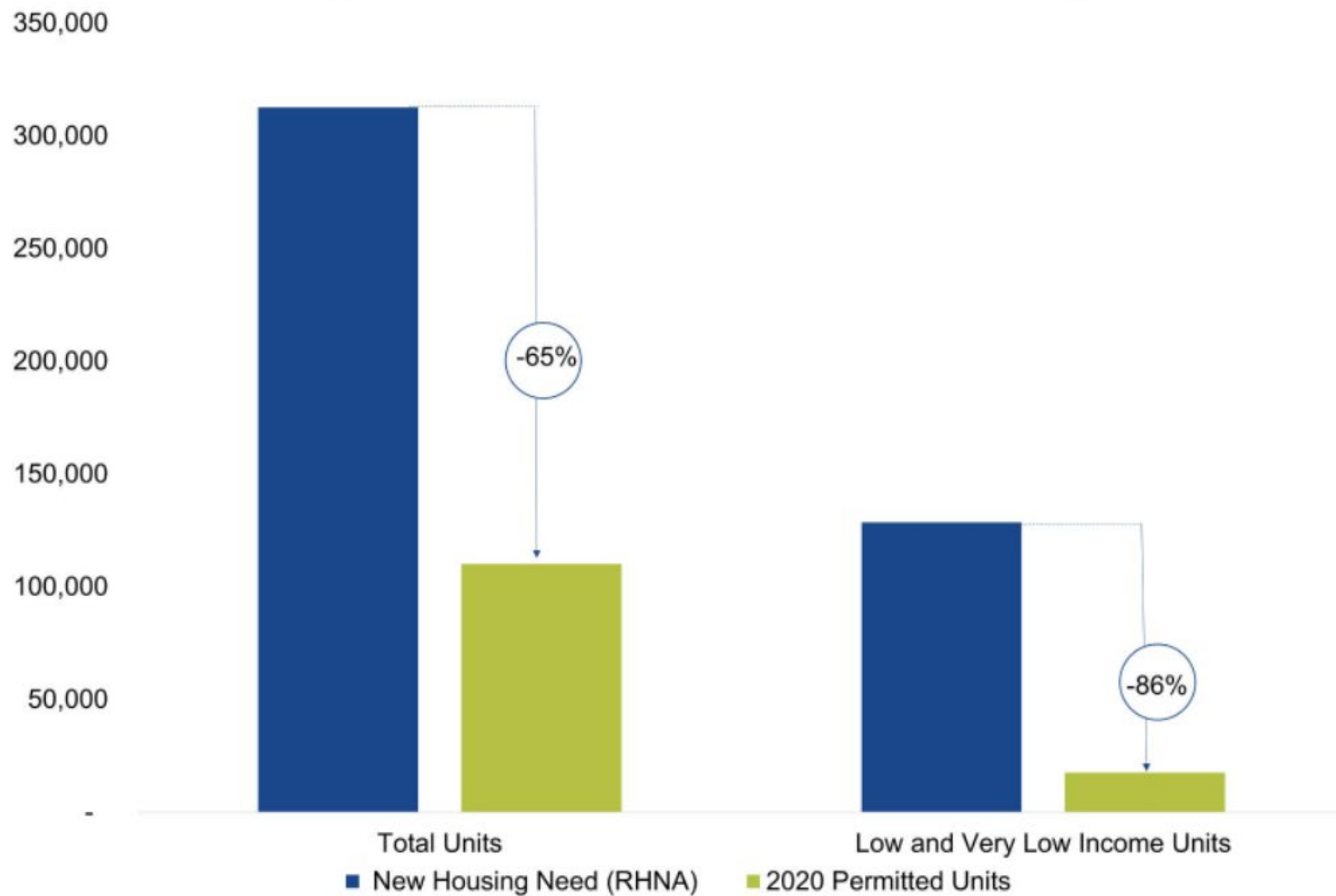
Total Renter Households  
**5.89M**

Percent Renter Households  
**45%**

Affordable Rent vs. Fair Market Rents (FMR)



## Current Housing Production Insufficient to Meet New Housing Need Goal





# What Happened?

Why don't families  
have access to  
housing?

Why is there not  
enough housing?

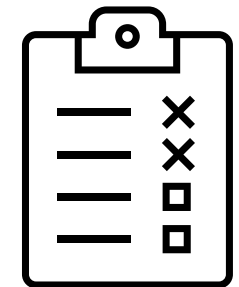
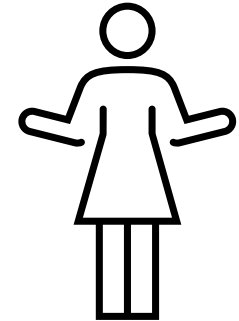
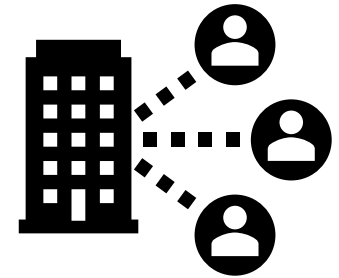
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What Do We  
Need To Do?  
Work Together



# Contributing Factors

- **Community opposition**
  - **Strategies:** technical assistance and education
- **Local entitlement and processes**
  - **Strategies:** Planning grants, state laws (SB 35, Housing Crisis Act, SB 330, HAA)
- **Insufficient zoning for housing**
  - **Strategies:** Rezoning for RHNA, Housing elements, Planning Grants, State laws (SB 9 and SB 10), ADUs, etc.,
- **Historical patterns of segregation and exclusion**
  - **Strategies:** Affirmatively Furthering Fair Housing (AB 686, 2018) data, assessment, and programs
- **Financial limitations**
  - **Strategies:** Increased funding for affordable housing, standardized affordable housing financing programs to align with each other





# Why Do We Need to Act?

- Current and future generations
- Climate change
- People are choosing between paying for food, housing, transportation, health
- Lack of housing that is affordable is the biggest leading cause to homelessness





# 2017-2021 Legislation and Programs

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## Housing Laws

Example:

Density bonus,  
supportive housing,  
ADUs, AFFH, SB 330,  
35, etc.,



## Planning Support

Example:

SB2 planning grants,  
LEAP, REAP,  
Statewide TA  
program



## Incentives

Example: Prohousing  
Designations and  
Incentive Program



## Accountability and Enforcement

Example: Housing  
element compliance,  
enforcement of  
housing laws





# How Do We Make Housing Happen?

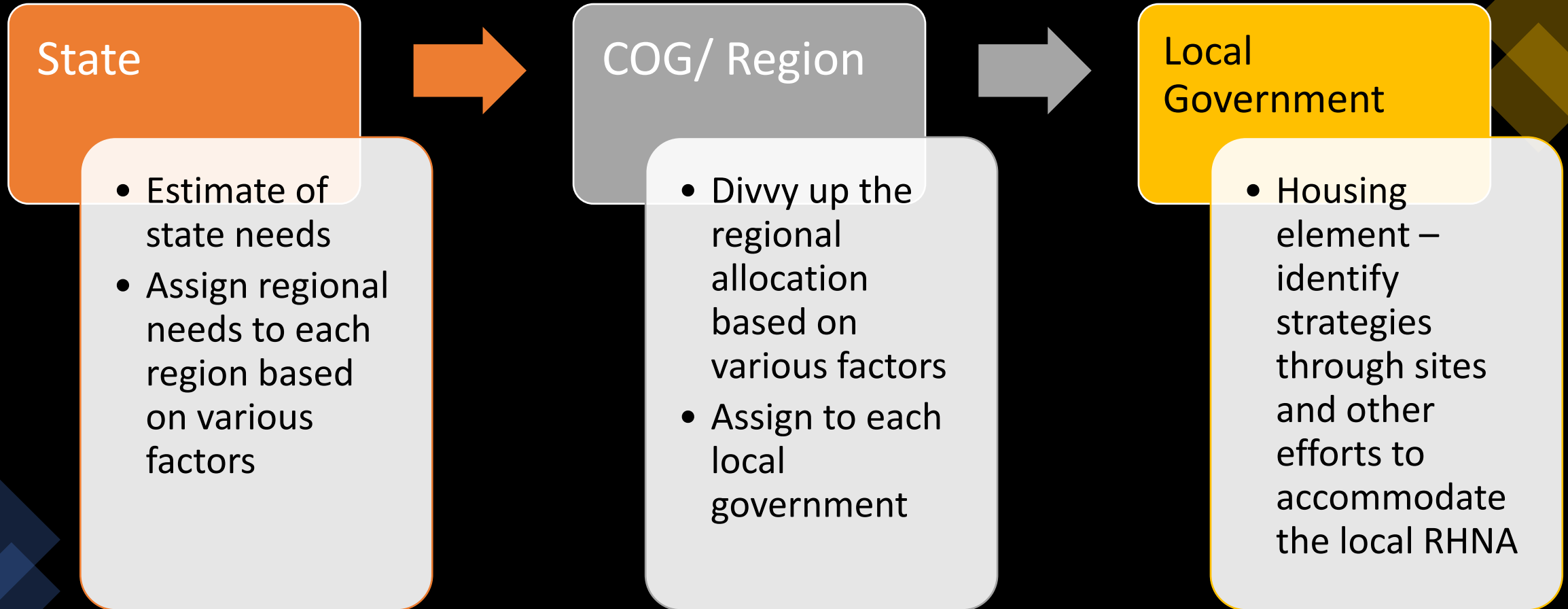
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Tools and Strategies



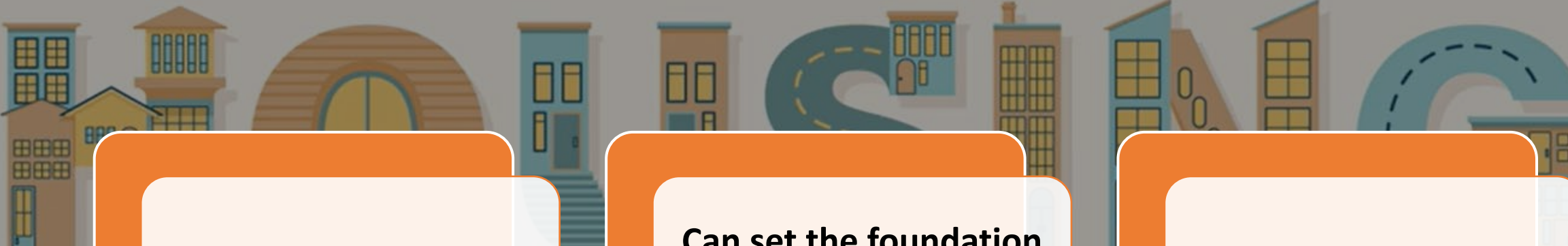
# Regional Housing Needs Allocation (RHNA)

Let start here – RHNA



# Statutory Objectives of RHNA

- Increase housing supply & mix of housing types, tenure & affordability **in an equitable manner**
- Promote infill development & socioeconomic equity, protect environmental & ag resources, & encourage efficient development patterns (the State “planning priorities”)
- Promote improved intraregional jobs-housing relationship **including jobs housing fit**
- Balance disproportionate household income distributions (more lower income RHNA to higher income areas and vice-versa)
- **Affirmatively furthering fair housing**



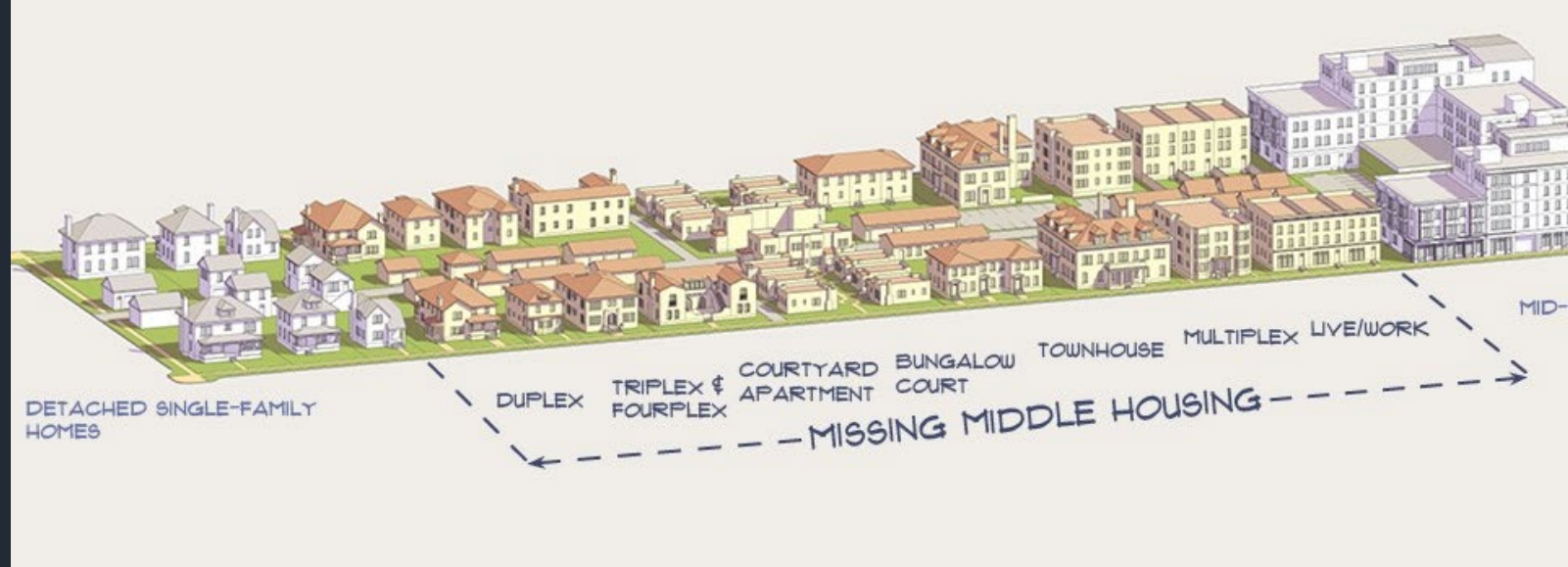
**Required element as  
part of the general plan**

**Can set the foundation  
of when, where, and  
how housing for all  
income levels can occur**

**Compliance required to  
access several funding  
and incentive programs**

**ELEMENT**

# Variety of Housing Types



- **Goal:** Affordability, accelerate housing production, and solve the housing crisis
- **Tools:** Various state laws making it easier to zone and allow for different housing types
- **Housing Types:** ADUs, 2-4 plex, traditional multifamily housing, small lot homes, hotels/motels, supportive housing, and many more!



# Let's Talk About Density

Default density for each jurisdiction – established using census population figures and based on methodology detailed in Government Code.

## Examples of Residential Density



Over 40 DU/Acre



9 to 39 DU/Acre



9 to 39 DU/Acre



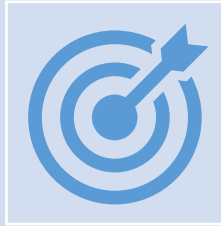
13 to 24 DU/Acre



13 to 30 DU/Acre

- Incorporated cities within non-metropolitan/rural counties and non-metropolitan counties with micropolitan areas **(15 units or more per acre)**
- Unincorporated areas in all non-metropolitan counties **(10 units or more per acre)**
- Suburban Jurisdictions **(20 units or more per acre)**
- Metropolitan Jurisdictions **(30 units or more per acre)**

# SB 10 (Statutes of 2021)



Goal: Address the supply and demand issue.



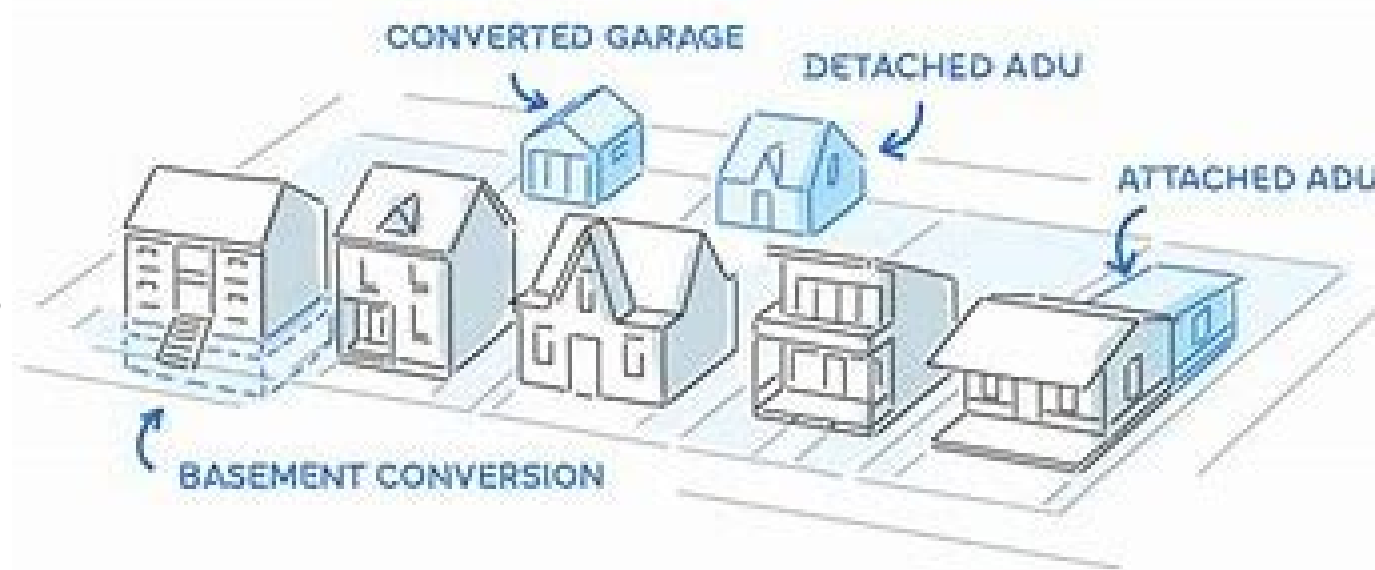
Allows zoning of certain parcels to allow up to 10 units and be exempt from CEQA.

## SB 9 (Statutes of 2021)

- Goal: Address the supply and demand issue.
- Requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both.
- Resource:  
<https://www.hcd.ca.gov/docs/planning-and-community-development/sb9factsheet.pdf>

# Accessory Dwelling Unit (ADU)

- **Goal:** supply and demand issue, affordability issue, help create more inclusive communities
- **ADU law updates (2021)**
  - Must be allowed in all zones that allow for residential uses including single-family, multifamily, and mixed-use zones.
  - Reduced/modified fees and parking requirements
  - Ministerial approvals including building permits
  - SF lots – allow for (1) ADU and (1) JADU
  - Many more!
- **Resources – Funding, Zoning, and Guidance:**  
<https://hcd.ca.gov/policy-research/accessorydwellingunits.shtml>





# Transitional and Supportive Housing, Cont..

- **Goal:** Provide housing to people experiencing homelessness.
- **Transitional Housing:** Housing that helps move people experiencing homelessness into permanent housing.
- **Supportive Housing:** Provides permanent housing to people who were experiencing homelessness and includes wrap around services to support the individual.







# Transitional and Supportive Housing

- **Use/Zoning:** Must be allowed as residential use and only subject to those restrictions that apply to other residential uses.
- **Streamlining for Supportive Housing (AB 2162):** AB 2162 requires supportive housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses.



# Streamlining Various Housing Types

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- **Goal:** Streamline, expediate, provide certainty, maintain affordable funding sources.
- **SB 35 – Streamlining**
  - For jurisdictions who have not permitted enough housing to meet their RHNA.
  - Provide a streamlined, ministerial approval process for certain developments that meet specific criteria
- **SB 330 – Local Review Process**
  - Only allowed 5 hearings on a proposed housing development
  - Project must be approved or disapproved 90 after certification of EIR
    - 60 days if a project includes at least 49% affordable

## SB 330: Other Provisions

- Generally (with specified exceptions) cannot change zoning and designations to a less intensive use or reducing the intensity of land use, unless it offsets that decrease through a concurrent increase on another parcel.
- Cannot impose or enforce design standards adopted after 2020 that are not objective.
- Cannot enforce any moratoriums or similar restrictions HCD approval.
- No growth caps or controls that limit or cap the number of land use approvals or permits for housing approvals or construction except under certain provisions.
- No population caps except under certain provisions.
- Replacement requirements for housing being demolished.

A high-angle, top-down photograph of five people (three women and two men) arranged in a circle on a light-colored, textured floor. They are all looking upwards with expressions of joy and excitement, and their hands are raised towards the center of the circle. The lighting is soft and even. The text 'Opportunities and Considerations' is overlaid in the center in a white, sans-serif font, with a thin white horizontal line underneath it.

# Opportunities and Considerations

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# Prohousing Program



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Accepting applications  
now!

Jurisdictions can  
receive a designation  
for being “pro-  
housing”

Benefits include  
additional scoring points  
on various competitive  
housing and  
transportation funding  
programs

# Considerations

HCD's enforcement authority

Housing element compliance

- General plan inadequacy
- Access to state incentives – funding and programs
- Potential lawsuits
- Loss of permitting authority
- Financial penalties

Enforcement of various housing laws

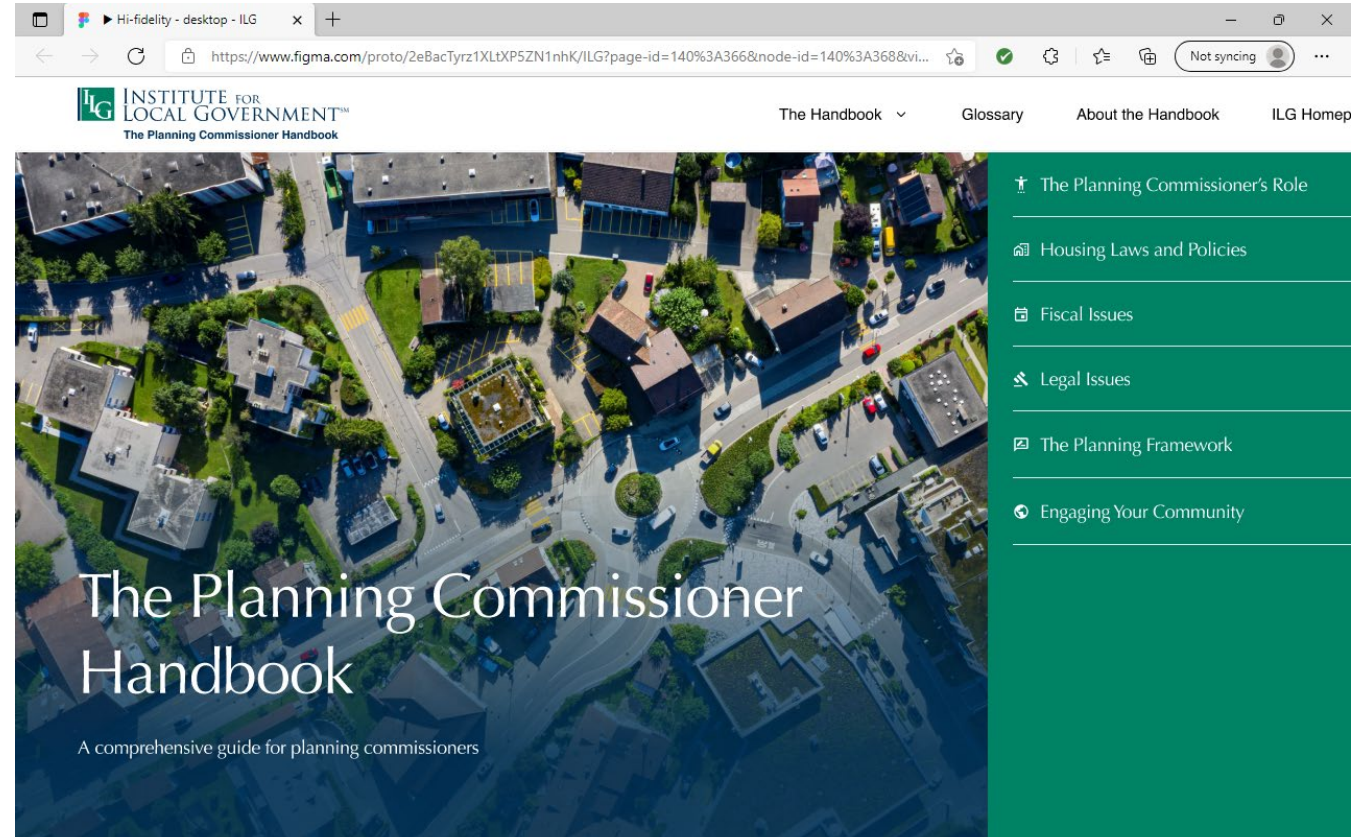
# Opportunities

- Variety of tools, laws, and resources to allow for and streamline a range of housing options and accelerate housing production.
- Ultimately leading to housing to address our current needs, future generations, and special needs populations.
- Opportunity to create housing that improves peoples overall quality of life.
- Address equity issues.
- Compliance with state law = access to funding and incentives



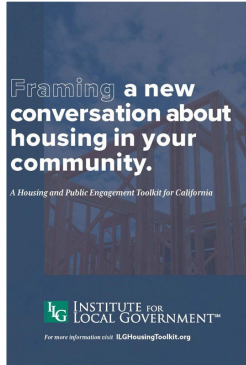
# PLANNING COMMISSIONER HANDBOOK

- New digital toolkit for planning commissioners
- Updated content on:
  - CEQA
  - Community Engagement
  - Legal Issues
  - Housing Laws
  - Financing
  - & More!



ILGPlanningHandbook.org

# ADDITIONAL RESOURCES



**Housing and Public Engagement Toolkit:**  
[www.ILGHousingToolkit.org](http://www.ILGHousingToolkit.org)



**Housing Planning Hub Site**  
<https://experience.arcgis.com/experience/b52bcd2cd9734f02b1c0502bbbe5028d/>



**Statewide Housing Plan**  
<https://statewide-housing-plan-cahcd.hub.arcgis.com/>



**Housing Element Video**  
<https://hcd.wistia.com/medias/9mr2gli886>

# ADDITIONAL RESOURCES

- California Office of Planning and Research (OPR)
  - <https://opr.ca.gov/planning/general-plan/guidelines.html>
- California Environmental Quality Act (CEQA)
  - <https://opr.ca.gov/ceqa/>
- Environmental Court Decisions
  - <https://ceqaportal.org/>
- California Legislative Information Code Search (laws)
  - <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- League of California Cities
  - [www.cacities.org/](http://www.cacities.org/)
  - Planning and Community Development Department  
[www.cacities.org/Member-Engagement/Professional-Departments/Planning-Community-Development](http://www.cacities.org/Member-Engagement/Professional-Departments/Planning-Community-Development)
- CalEnviroScreen
  - <https://oehha.ca.gov/calenvirosc>
- Housing and Community Development (HCD)
  - [www.hcd.ca.gov/](http://www.hcd.ca.gov/)
- State Department of Finance (DOF)
  - [www.dof.ca.gov/Forecasting/Demographics/](http://www.dof.ca.gov/Forecasting/Demographics/)
- CEQAnet
  - <https://ceqanet.opr.ca.gov/>



**Thank you  
for joining us!**