

# Exploring New Housing Laws and Ordinances

*Thursday, April 1, 2021  
2:00 – 3:00 pm*



# Thank You for Joining!

## Webinar Host & Moderator

**Melissa Kuehne**

Senior Program Manager  
Institute for Local Government



# Webinar Overview

State laws and regulations pertaining to land use, housing and development are complex and ever changing. Today's webinar will provide an update on current housing laws and proposed legislation that will impact local housing development.

# Today's Agenda

## Welcome & Overview

## Setting the Stage & Polling

## Presentations by:

- Gustavo Velasquez, Director, Department of Housing and Community Development
- Sohab Mehmood, Housing Policy Specialist, Department of Housing and Community Development
- Chris Lee, Legislative Representative, California State Association of Counties
- Jason Rhine, Assistant Legislative Director, League of California Cities

## Q&A

## Contact Information

# How to Ask a Question During the Webinar

- All webinar participants will be on MUTE during the entire call.
- Please TYPE any questions into the question box at any time during the webinar.
- The moderator will read your questions during the question period at the end of the webinar.



# Non-Profit, Non-Partisan & Here to Help

ILG is the non-profit training and education affiliate of...



**California Special  
Districts Association**  
*Districts Stronger Together*



*We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground.*

# ILG's Programs & Services

## Program Areas

Leadership & Governance

Civics Education & Workforce

Public Engagement

Sustainable Communities



## Services

Education & Training

Technical Assistance

Capacity Building

Convening

*Our mission is to help local government leaders navigate complexity, increase capacity & build trust in their communities*

# Today's Presenters

**Gustavo Velasquez**

Director

Department of Housing and  
Community Development



**Sohab Mehmood**

Housing Policy Specialist  
Department of Housing and  
Community Development



**Chris Lee**

Legislative Representative  
California State Association  
of Counties



**Jason Rhine**

Assistant Legislative  
Director  
League of California Cities





# Setting the Stage

Ongoing  
through  
June  
2023

## Statewide Housing Technical Assistance Program

Statewide and  
Regional TA

Planning  
Commissioner  
Handbook



Trainings

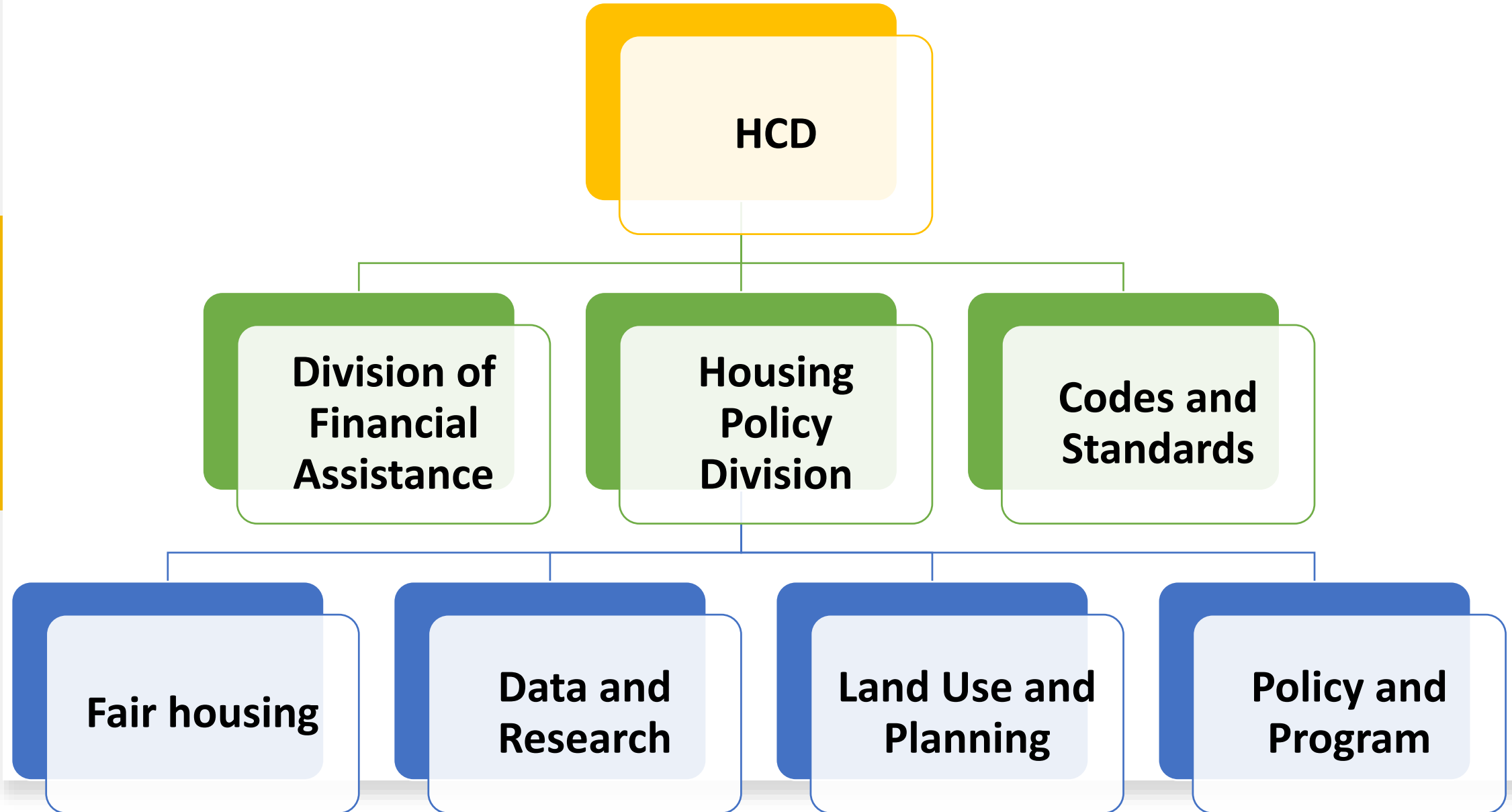
Elected Official  
Trainings

# Welcome

**Gustavo Velasquez**  
Director  
Department of Housing and  
Community Development



# HCD Overview





# What We Do: Land Use and Planning Unit

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Housing Element Reviews

Technical Assistance on Accelerating Housing  
Production

Funding Programs (SB2, LEAP, REAP)

Accountability and Enforcement of housing  
laws

Accessory Dwelling Units (ADUs)

Preservation

# What We Know

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Cities and Counties 6<sup>th</sup> cycle RHNA (regional housing needs allocation) may have increased from the last cycle.

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More policies and laws that limit discretionary action on specific projects

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Housing Element Compliance becomes more important – penalties, fines, funding

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Housing laws are changing: ADUs package, Density Bonus, Surplus Land Act, Housing Element Law, etc.,

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Need support for local decision makers



# What We Have

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Technical Assistance Program on Accelerating Housing Production:  
Regionally tailored

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Points of Contact throughout the state

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Funding: 2017-2019 Planning Grants: REAP, LEAP, SB2

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Incentives: Prohousing Designation Program

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# Technical Assistance Program on Accelerating Housing Production

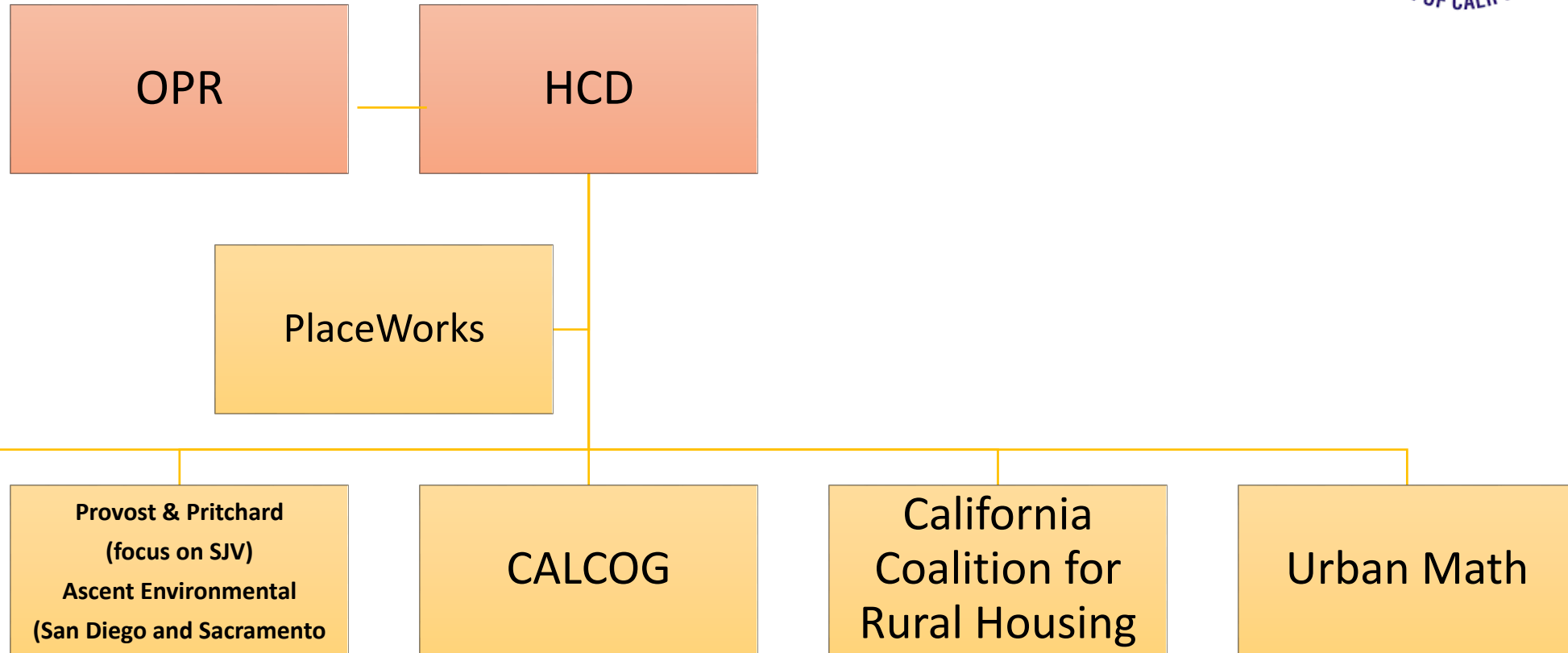
- Funded by SB2 (statutes of 2017)
- Supplemented by AB 101- LEAP and REAP (Statutes of 2019)
- Expenditure deadline: December 2023

**Goal:** Provide local and regional governments with the resources and guidance to implement housing policies that accelerate housing production.





# TA Team





## Public Education

- Training for cities, counties, public as well as campaigns around housing

## TA Plans (RTAPs)

- Regionally tailored TA delivery plans for over 30-50 regions across the state

## Planning Grant TA

- SB2, REAP, LEAP – Applying and implementation

## Statewide Tools and Resources (Toolkits, Guidance, Training)

- New laws and housing policy strategies

## Prohousing

- TA on applying and implementing Prohousing policies

## 6<sup>th</sup> Cycle RHNA

- Rezoning assistance, opportunity mapping, housing parcel templates, etc.,

## Emerging Legislative and Administrative Housing and Land use Strategies

- Legislative summaries, case studies, etc.,

## Priority Policy Areas (SB2)

- Toolkits and assistance on implementing PPAs – rezone to permit by-right, expedited processing, CEQA, Objective design and development standards

# TA Program Design

## Phase 1: SB2 (Direct Assistance)

- Provided TA to over 400 cities and counties across the state

## Phase 1A: LEAP and REAP (Direct Assistance)

- Provided TA to over 500 cities and counties across the state

## Phased 2: Ongoing TA until 2023: Regional TA Plans and other TA

- Tailored TA Plans for roughly 40-50 counties/regions or sub-cogs

# Current and Upcoming Tools

Current	Upcoming
Housing Hub Site	Toolkits and workshops on Prohousing polices
Objective Design and Development Standards Toolkit	Factsheets and handouts on various new laws
Checklist on AFFH and Public Engagement and Model Ordinances	Clearinghouse on best practices
Local Elected Officials Training – April 1 – October	HE handouts – FAQs, newsletters, customizable slide decks, city council reports, HE surveys,
Planning Commissioners handbook and trainings – Starting Summer	Traditional media and Social media campaigns including communications and education strategy
Housing Engagement Toolkit	Rezoning outreach programs





# Institute for Local Government

## April 1, 2021

Jason Rhine, Assistant Legislative Director, Cal Cities

[jrhine@cacities.org](mailto:jrhine@cacities.org)

Chris Lee, Legislative Representative, CSAC

[clee@counties.org](mailto:clee@counties.org)

# Reintroductions from 2020

## Housing in Commercial Zones

- **SB 6 (Caballero) Local Planning. Housing in Commercial Zones.** This measure would create the Neighborhood Homes Act, which would require cities to allow housing development projects on lots zoned for office or retail commercial that is not adjacent to an industrial use.
- **AB 115 (Bloom) Planning and Zoning. Commercial Zoning. Housing Development.** This measure would require local governments to allow housing developments in all commercial zones as long as the housing development sets aside at least 20% of the total number of units for affordable housing. This includes for rent and for sale units.

# Reintroductions from 2020, cont.

## **SB 15 (Portantino) Housing Development. Incentives. Rezoning of Idle Retail Sites.**

This measure, upon appropriation by the Legislature in the annual Budget Act or other statute, would require HCD to administer a program to provide incentives in the form of grants allocated to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of workforce housing.

# Reintroductions from 2020, cont.

## **SB 9 (Atkins) Housing Development Approvals.**

This measure would require a local government to ministerially approve a housing development containing two residential units in single-family zones. Additionally, this measure would require local governments to ministerially approve urban lot split.

# Appeals of Local Agency Decisions

## **AB 68 (Salas)/AB 989 (Gabriel) Housing Appeals Committee.**

These separate measures would both require the Department of Housing and Community Development (HCD) to establish a housing appeals committee and would establish procedures by which an applicant for a conditional use permit or other discretionary approval for a housing development project, could appeal to that committee the decision of a city or county to either deny the application or approve the application with conditions in a manner rendering it infeasible for the development of the housing development project.



# Wildfire Risk and Planning

## Prohibitions on Development

- **SB 55 (Stern) Very High Fire Hazard Severity Zone. State Responsibility Area. Development Prohibition.** This measure would prohibit the creation or approval of a new commercial or residential development in a very high fire hazard severity zone or a state responsibility area ().
- **AB 1295 (Muratsuchi) Residential Development Agreements. Very High Fire Risk Areas.** This measure would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill defines “very high fire risk area” for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

# Wildfire Risk and Planning, cont.

## **SB 12 (McGuire) Local government: planning and zoning: wildfires.**

This measure requires safety element updates to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires. Cities or counties would be required to amend the land use element of the general plan to identify very high fire risk areas and specify goals and policies to protect lives and property from unreasonable risk of wildfire in those areas. Finally, cities and counties would be precluded from approving discretionary development applications in very high fire hazard areas without making specified findings related to wildfire risk reduction.

# Parking Standards

## **AB 1401 (Friedman) Residential and Commercial Development. Parking Requirements.**

This measure would prohibit a local government from imposing a minimum parking requirement, or enforcing a minimum parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit or located within a low-vehicle miles traveled area.

# Local Government Financing

## **ACA 1 (Aguiar-Curry) Local Government Financing. Affordable Housing and Public Infrastructure. Voter Approval.**

This measure would reduce the voting threshold to 55% for ad valorem taxes to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes.

# Affordable Housing Funding

## **SB 5 (Atkins) Housing Bond.**

This measure expresses the intent of the Legislature to authorize the issuance of a \$6.5 billion bond, to fund unspecified housing-related programs.

# Homelessness

## **AB 71 (Rivas, Luz) Homelessness Funding Bring California Home Act.**

This measure would generate \$2.4 billion of state funding for long-term solutions to homelessness. These funds will go to local governments so they can invest in housing solutions that take into account a community's unique needs, whether urban or rural. The measure does so by conforming to federal tax law to close corporate tax loopholes and restoring historic corporate tax rates on corporations with \$5 million or more in profits.

# Homelessness, cont.

## **AB 816 (Chiu) State and Local Agencies. Homelessness Plan.**

This measure would, on or before January 1, 2023, require each local agency to submit to HCD an actionable county-level plan for meeting specific annual benchmarks, with the goal of reducing homelessness by 90% by 2029. Additionally, this measure would allow the Inspector General to bring an action against the state, a local agency, or a city to compel compliance with the homelessness action plan.

# Homelessness, cont.

## **AB 1372 (Muratsuchi) Right to Temporary Shelter.**

This measure would require every city, or every county in the case of unincorporated areas, to provide every person who is homeless with temporary shelter, mental health treatment, resources for job placement, and job training until the person obtains permanent housing if the person has actively sought temporary shelter in the jurisdiction for at least 3 consecutive days and has been unable to gain entry into all temporary shelters they sought for specified reasons. The measure would require the city or county to provide a rent subsidy, if it is unable to provide temporary shelter. This measure would also authorize a person who is homeless to enforce the bill's provisions by bringing a civil action.



# Housing Element

## **SB 809 (Allen) Multijurisdictional Regional Agreements. Housing Elements.**

This measure would allow a city or county to satisfy part of its requirement to identify zones suitable for residential development by adopting and implementing a multijurisdictional regional agreement. A multijurisdictional regional agreement shall identify the jurisdiction that is contributing suitable land for residential development and the jurisdiction or jurisdictions that are contributing funding for that development.

# Miscellaneous

## **ACA 7 (Muratsuchi) Local government. Police Power. Municipal Affairs. Land Use and Zoning.**

This measure would, if approved by the voters, provide that a county or city ordinance or regulation enacted under the police power that regulates the zoning or use of land would prevail over conflicting general laws.



# Upcoming Webinars



## TACKLING CALIFORNIA'S HOUSING CRISIS

A FREE WEBINAR SERIES FOR LOCAL GOV'T STAFF & ELECTED OFFICIALS

### ABOUT THE SERIES

California's housing crisis is growing. While local governments do not build housing units, local officials play an integral role in land use and housing decisions that set the stage for housing development.

This new series from ILG will help city and county leaders better navigate complex housing issues. Experts will tackle timely topics like land use and housing, legal regulations and parameters, and community engagement.

**REGISTRATION  
IS FREE!**

[WWW.CA-ILG.ORG](http://www.ca-ilg.org)

This series is hosted by the Institute for Local Government with funding from the California Department of Housing and Community Development

### Topics:

- Effective Leadership in Housing and Development
- Rental and Mortgage Assistance, Tenant Protection and Other Tools to Support Residents During the COVID Pandemic
- Strategies to Engage Your Community on Housing Issues
- Equity in Housing: Meeting and Exceeding California's Fair Housing Requirements
- Climate-Resilient Land Use and Housing Policies
- Housing Strategies to Help Address Homelessness

[www.ca-ilg.org/HousingWebinars](http://www.ca-ilg.org/HousingWebinars)

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# Thank You!



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