

2019 State Legislation Update

Assembly & Senate Bills Affecting
San Benito County

2019 Legislation Update

- The state legislature is currently in recess.
- October 13, 2019 was the last day for the Governor to sign or veto bills.
- Most bills will take effect on January 1, 2020.



SB 330 - Housing Crisis Act

Streamlines the permitting and approval processes, limits fees that can be collected after projects are approved, prohibits net loss in zoning capacity, and prohibits the creation of new rules that inhibit housing production.

- **Application Approvals:** Prohibits a local agency from disapproving a housing development project unless it makes certain, specified written findings pursuant to Section 65589.5. (a)(3)(d).
- **Preliminary Applications:** Limits the ability to change development standards and zoning applicable to a project once a preliminary application is submitted.
- **Application Completeness:** The County has only one opportunity to identify incomplete items in an application. After the initial identification, no additional items or information may be requested from the applicant.

SB 330 - Housing Crisis Act

- **Fees/Exactions:** Prohibits the increase of exactions or fees during a project's application period, unless a resolution or ordinance that established the fee prescribes an automatic increase.
- **Hearings:** Prohibits conducting more than 5 hearings if a project complies with the applicable, objective general plan and zoning standards.
- **Downsizing:** Prohibits enacting development policies, standards, or conditions that would change current zoning and general plan designations of land to “lessen the intensity of housing”.
- **Timeline:** Reduces the time period in which the County must approve or disapprove a project from 120 days to 90 days for most projects and from 90 days to 60 days for certain projects that meet affordability requirements.

SB 330 - Housing Crisis Act

- **Preliminary Applications:** Prohibits a County (including through a voter enacted initiative or referendum) from enacting a policy, standard, or condition that would:
 - **a)** Change the zoning designation of parcel(s) to a less intensive use or reducing the intensity of land use below what was allowed under the General Plan in effect in 2018;
 - **b)** Impose a moratorium on housing development;
 - **c)** Impose new subjective design standards established on or after January 1, 2020;
 - **d)** Establish certain limits on the number of permits issued or number of units approved, unless the limit was approved prior to January 1, 2005 in a predominately agricultural county.
- Many provisions of SB 330 sunset after 2025, but can be renewed.
- Monetary fines if fail to comply with regulations- \$10,000 per housing project unit
- If a project does not start construction within 2 ½ years of final approval, or if it is modified to include 20% of more units, then the project can be subjected to new standards.

Accessory Dwelling Units

New set of laws create new incentives and streamlined processes to build ADUs through 4 major Bills:

AB 68, AB 881, SB 13, AB 587, AB 671 & AB 670

- Ministerially approve or deny application within 60 days
- No public meetings or notices
- If no communication within 60 days application approved
- Jurisdiction cannot require a minimum lot size or floor area ratio
- ADUs cannot be required to provide side/rear yard greater than 4 ft
 - Can build a unit up to 800 square ft
- No impact fees if ADU is less than 750 square ft
 - Pay 25% of fees if greater than 750 square ft

Accessory Dwelling Units

- If zone single family residence can 2 units per existing residence
 - ADU
 - Junior ADU
- Must permit up to 1,200 square ft with 16 ft. high
- No replacement parking required for a garage or carport conversion
- No replacement parking required for a new unit 1/2 mile of transit
- Homeowner's Associates cannot limit ADU construction
- Cannot require owner occupancy for any units
 - Units can be rented

Accessory Dwelling Units

AB 68: Processing Timelines & Ordinance Prohibition

- Approve/Deny ADU within 60 days
 - CEQA exempt
 - Ministerial process
- Prohibits: minimum lot size for ADU, certain maximum ADU size, replacement parking
- Triplex-ActionIf zoned single family can add ADU & attached Junior ADU (JADU)

Accessory Dwelling Units

AB 881: Processing Timelines & Ordinance Prohibitions

Existing Law:

Local agency, special district, or water corporation consider an accessory dwelling unit to be a new residential use for purposes of calculating fees or capacity charges.

New Law:

Establish an exception from existing law prohibition in the case of an accessory dwelling unit that was constructed with a NEW single-family home

Accessory Dwelling Units

SB 13: Owner-Occupancy Prohibitions & Fee Limitations

- Approve/Deny ADU within 60 days
 - CEQA exempt
 - Ministerial process
 - If no response ADU approved
- Prohibits: minimum lot size for ADU, certain maximum ADU size, replacement parking

Accessory Dwelling Units

AB 587: Separate Conveyances

- Provides local agencies to sell or convey ADUs separately from single family home if meet certain conditions

AB 671: Local Government Assistance

- Requires local agencies' housing plans to encourage affordable ADU rentals. Provides for state grants and financial incentives for their construction.

Streamlining

- **AB 1783** – Creates a streamlined, ministerial CEQA-exempt approval process for farmworker housing developments.
- **AB 1483** – Requires local agencies to make information available regarding housing development fees, zoning ordinances and standards, annual fee reports and archived nexus fee studies. Requires local agencies to maintain the following on its website:
 - A current schedule of fees, exactions, and affordability requirements imposed that are applicable to a proposed housing development project.
 - All zoning ordinances and development standards.
 - Annual fee reports or annual financial reports.
 - An archive of impact fee nexus studies, cost of service studies, or equivalent.
- **AB 101** – Requires local agencies to provide CEQA-exempt approvals to qualifying navigation centers that move homeless individuals into permanent housing.

Density Bonuses & Housing Production

- **AB 1763** – Creates greater density bonuses for projects with 100% affordable housing by adding an 80% increase in base density and unlimited increases for projects within 0.5 miles of a major transit stop.
- **AB 1743** - Expands the properties that are exempt from CFD taxes to include properties that qualify for the property tax welfare exemption and limits the ability of local agencies to reject housing projects because they qualify for the exemption.

Surplus Land

- **AB 1486** – Amends the Surplus Land Act to ensure that local agencies comply with the requirement to first offer surplus land for sale or lease for the purpose of developing affordable housing. Requires agencies to submit information about its disposition process to the state Department of Housing & Community Development (HCD).
 - Local agencies must create an inventory of publicly-owned sites.
- **SB 6** – Requires local agencies who prepare a housing element or amendment after January 1, 2021 to create a list of land suitable for residential development for inclusion in an online state database maintained by the state Department of General Services (DGS) & HCD.
- **AB 1255** - Requires each city and county to report to the HCD an inventory of its surplus lands located in urbanized areas clusters. Requires HCD to provide this information to the state DGS for inclusion in a digitized inventory of state surplus land sites.

Tenant Protections

AB 1482 - Tenant Protection Act of 2019:

- Cap of 5% plus inflation per year on rent increase.
 - Reset rents to market rate at vacancy
- Landlord must first provide a reason before eviction & provide relocation assistance
 - Does not apply to homes built within 15 years or Single Family homes, unless owned by non-profit

SB 329 - Housing Discrimination

- Prohibits landlords from discrimination against tenants who rely on housing assistance paid directly
 - Section 8

Miscellaneous Bills

Voting & Elections

- **SB 72:** Requires voter registration to be available at polling places on election day.
- **AB 49:** Places timeline on when vote by mail ballots must be sent out.
- **AB 571:** Imposes the same campaign contribution limits applicable to state officials on local officials.
- **AB 849:** Outlines new requirements for redistricting.

Emergency Services

- **SB 160 & AB 477:** Requires counties to integrate cultural competence and input from the access and functional needs communities in preparing their emergency plans.

Boards & Commissions

- **SB 225:** Allows residents, whether citizens or not, to serve on boards and commissions