



Bay Area Metro Center
375 Beale Street
Suite 800
San Francisco, California

Meeting Agenda - Final

Joint ABAG MTC Housing Legislative Working Group

Chair, Julie Pierce, Vice Mayor, Clayton
Vice Chair, Jake Mackenzie, Councilmember, Rohnert Park

Thursday, May 23, 2019

7:00 PM

Board Room

**Association of Bay Area Governments – Metropolitan Transportation Commission
Housing Legislative Working Group**

The meeting is scheduled to begin at 7:00 p.m.

Agenda, roster, and webcast available at <https://abag.ca.gov> and <https://mtc.ca.gov>

For information, contact Clerk of the Board at (415) 820-7913.

Location:

Bay Area Metro Center, 375 Beale Street, Board Room, San Francisco, California

Teleconference Locations:

Napa County Library, 2nd Floor Conference Room, 580 Coombs Street, Napa, California

**Rohnert Park Senior Center, The Drop-in Room Conference Room, 6800 Hunter Drive,
Rohnert Park, California**

1440 Calaveras Avenue, San Jose, California

**Marin County Civic Center: 3501 Civic Center Drive, Room 326, San Rafael, California
235 East Napa Street, Sonoma, California**

**Sunnyvale City Hall, West Conference Room, 456 W Olive Ave, Sunnyvale, California
City Hall, Mayor's Office, 650 Merchant Street, Vacaville, California**

Roster

Julie Pierce, Jake Mackenzie, Margaret Abe-Koga, Anthony Adams, Newell Arnerich, Judy Arnold, Marilyn Ezzy Ashcraft, Gina Belforte, Keith Carson, Anna Chouteau, Donna Colson, Joan Cox, Susan Ellenberg, Alice Fredericks, John Gioia, James Gore, Ryan Gregory, Amy Harrington, Laura Hoffmeister, Don Horsley, Larry Klein, Cliff Lentz, Mary Luros, Kevin McDonnell, Lily Mei, Trish Munro, John Rahaim, Ken Rich, Hilary Ronen, Ron Rowlett, John Vasquez

1. Call to Order / Roll Call / Confirm Quorum

2. Chair's Report

2. [19-0632](#) Chair's Report

Action: Information

Presenter: Julie Pierce

Attachments: [Item 02 Notes 20190501.pdf](#)
[Item 02 Schedule 20190404.pdf](#)
[Item 02 HLWG Roster 20190416.pdf](#)

3. Report on Housing Bill Landscape

3. [19-0630](#) Report on Housing Bill Landscape

Action: Information

Presenter: Rebecca Long

Attachments: [Handout Housing Bill Matrix 5 22 19 V2.pdf](#)

4. Report on Housing Bills

4. [19-0631](#) Report on Housing Bills including ABAG and MTC Bill Positions

Action: Information

Presenter: Rebecca Long

Attachments: [Handout Presentation 5.23.19.pdf](#)

5. Public Comment

Information

6. Adjournment / Next Meeting

The next meeting of the ABAG MTC Housing Legislative Working Group is to be determined.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

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Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
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Chair's Report

Julie Pierce

Information

Host: Housing Legislative Working Group Meeting

Date: Wednesday, May 1, 2019 3-7 PM

Location: Board Room, MTC

Staffing:

Julie Pierce, HLWG Chair

Jake Mackenzie, HLWG Vice Chair

Therese McMillan, Executive Director

Brad Paul, Deputy Executive Director

Alix Bockelman, Deputy Executive Director

Rebecca Long, Government Relations Manager

Georgia Gann Dohrmann, Associate Manager of Government Relations

Matt Lavrinets, Senior Counsel

Cindi Segal, Senior Deputy General Counsel

Fred Castro, ABAG Clerk of the Board

Notes taken by Lily Rockholt, Civic Edge Consulting

Attendance: Approximately 23, including call-ins.

Chair's Report: Reviewed meeting structure for members, thanked members for their time and ongoing commitment to the meetings. Chair Pierce met with Assemblymember David Chiu to discuss housing bills. She highlighted the value of providing feedback to Sacramento, particularly with Assemblymember Chiu's bills.

- Vice Chair Mackenzie mentioned that he texted with Assemblyman Chiu and told him that MTC Chair Haggerty and ABAG President Rabbitt were creating a committee to discuss MTC/ABAG governance issues.
- Chair Pierce mentioned that Chiu may also make AB 1487 a 2-year bill.

Report on Housing Bill Landscape Changes

Long:

- Stated that both bills related to Just-Cause Evictions have passed out of committees and are now on the Senate Floor. (AB 1481/Bonta and AB 1697/Grayson).
- Stated that Chiu removed references to MTC and ABAG each appointing nine representatives to serve on a governing board of the agency in AB 1487, leaving those details purposely vague so they could be worked out later by the two agencies.

Contra Costa:

- Asked if all the staffing language was removed from AB 1487. Noted he saw the language for working members.
 - **Long:** Clarified that MTC is still designated to staff to the agency.

Sonoma:

- Asked if AB 1487 had defined the sources for funding that the Housing Alliance for the Bay Area (HABA) planned on using.
 - **Long:** Stated intent of AB 1487 is to raise more money for affordable housing, there will have to be a lot of work before funding levels and revenue rates are determined.

Report on Housing Bills

Comments and Suggestions about AB 1279 (Bloom)

Long:

- Stated AB 1279 is viewed as a progressive alternative to SB 50, mandating up-zoning in high resource areas, even those that are not zoned for residential.
- Areas zoned for single family homes would allow fourplexes by-right but would require new units to be affordable to 100 percent AMI or pay an in-lieu fee.
- She noted there would be exclusions for environmentally sensitive areas.
- She noted the high-level comments she received from working group members included:
 - Concern about the definition of high resource areas.
 - Concern about financial impact and infrastructure impact.
 - Concern about lack of local control.
 - How it impacts school's funding.

Napa:

- Shared concerns for lack of local control and overriding of local restrictions. Stated a desire for better maps in order to fully understand impacts on individual jurisdictions.
- Expressed concern over lack of specific definitions in AB1279 (e.g. high resource areas).
- Expressed appreciation for inclusion of an appeal process, but concern that it could be challenging for smaller cities with less staff. Definitions in this section need improvement.
- Asked if AB 1279 would consider other kinds of affordable housing and solutions.
- Asked if there could be a tax credit, or a fund that prioritizes building affordable houses or providing resources with which to build affordable housing for smaller communities.
- Expressed concern that since this could greatly affect the character of neighborhoods, not having precise definitions and maps re: "high resource areas", is a problem
- Stated that cities not knowing where these new housing developments could occur will be challenging for city planning, also resource planning.
- Asked if bill could include above market housing that needs 50+ units to pencil out.

Sonoma

- Expressed concern that developers could buy up single family homes next to existing colleges, convert them to fourplexes, fill them with as many students as possible and turn whole neighborhoods into dormitories for the nearby schools.
- AB 1279 has potential to increase number of units that could be built beyond what is currently zoned in a neighborhood. Could we set upper limit on number of units per city?

Marin:

- Opposed to the lack of clarity around how "high resource areas" will be defined and where AB1279 would apply.
- Stated that AB 1279 conflicts with the density being allowed now, versus what is being proposed.

San Mateo:

- Asked from the author's perspective, what is the definition of "high opportunity areas?"
 - **Long:** Noted it's not the same as high density, has more to do with the presence of good schools, good jobs and a low risk of displacement.
- Expressed concern the areas of development targeted could be more rural areas, rather than those with good public transportation since one of the goals is to reduce traffic and greenhouse gas emissions.
- Stated AB 1279 is difficult to evaluate due to the lack of clear and specific definitions.
 - **Long:** Stated that AB 1279 is in its early stages of development.
- Concerned about the impact on the area around Stanford if single family homes can automatically be converted to by-right fourplexes and turned into student dorms.
- Expressed concerns about overriding a local jurisdiction's current inclusionary housing minimums. Worried that higher inclusionary levels that might pencil out in SF will be too high in other cities and despite these re-zonings, no housing will actually get built.
- Stated San Mateo County elected officials are not sure this would accomplish the goal of more affordable housing, that this legislation is one size fits all.

San Francisco:

- Noted AB 1279 high resource area regulations would impact land zoned to be exclusively commercial whereas SB 50 only applies to residential. Otherwise approves of AB 1279.
- Expressed concern that in already-dense areas, affordability requirements will not result in additional housing without public subsidies for affordable housing; agreed with Burlingame's mayor, you can't get this level of affordability without subsidy.

Santa Clara:

- Expressed desire for more concrete and defined terms, for example of "arterial roads."
- Expressed concern that AB 1279 is being considered as an alternative to SB 50, but it does not address transportation needs thoroughly enough.
- Noted many strategies in AB 1279 are already being implemented in Mountain View (including FAR bonus). Concerned additional affordable housing requirement may not be financially feasible, making it less likely affordable housing will actually be built.
- Concerned that streamlining projects may not be enough incentive for developers to prioritize building more affordable units.

Contra Costa:

- Expressed concerns that AB 1279 won't result in more housing because it doesn't address the fundamental problem, a lack of funding. Suggested public subsidies or property purchases to assist with affordable housing development.
- Gave example of Stinson Beach being built out if by-right fourplexes are implemented. Noted that this would not help address the jobs-housing imbalance.
- Expressed concern that the maps are misleading and could be improved.
- Expressed concern that for a development project that complies with the basic rules, cities can't stop it. This legislation limits ability to apply contextual design standards.
- Expressed concern that most low density, low population cities also have narrow roads and limited resources to accommodate additional development.

- Expressed concerns about unintended consequences, e.g. allowing both by-right ADUs and fourplexes on same site could create by-right eightplexes or if 40 owners in a 100-unit building opt for by-right ADUs, it goes from 100 units to 140 units.
- Worried that increasing density/students in high resource areas with no new funding for more schools/teachers will result in schools no longer being considered 'good schools'.
- Asked for follow-up about how AB 1279 would work with other proposed housing bills.

Comments and Suggestions about AB 1483 (Grayson)

Long:

- Stated AB 1483 was about housing data and putting more information online including specificity as to number of projects approved, permits issued, etc.
- Noted biggest concern heard to date is the need for more time for smaller jurisdictions to implement data requirements and author is building in time for implementation later.
- Noted the added allowance that MPOs, MTC for example, could request additional reporting and it would be required.
- Shared the goal that with better data there will be better outcomes, e.g. by stating all the fees perhaps more developers would be willing to take on the risk to build more housing.
- Noted there is going to be a Housing Data Strategy at the state level, with parcel level housing and protocols for sharing data and open sourced platforms included in AB 1483.

Marin:

- Expressed concern that they would need a longer timeline to implement due to lower amounts of available staff but believe in data share as a principle.
- Stated a need to know how data is being collected and being used before participating.

Solano:

- Asked what data does the bill's author feels is missing now? What is the need for this?
- Asked if the state's Housing and Community Development staff already has this info.
 - **Long:** Stated that she believed the additional data was related to specific details regarding development.
- Asked if the HLWG could have a side-by-side comparison chart outlining what is being asked for in AB 1483 versus what is being reported now.
 - **Long:** Stated that MTC has asked for this side-by-side.
- Requested a "toolkit" to help the smaller cities with compliance.
- Expressed concerns that smaller cities don't have enough staff to comply properly with AB 1483's requirements.

Contra Costa:

- Stated reporting should just go to the state. If MPOs need data they can go to the state.
- Stated they would have to hire additional staffing to comply with this and wondered where the funding would come from for this additional burden.
- Asked for side by side comparison of data currently sent to HCD and AB 1483 data.
- There is data not being collected that would be helpful: 1) number of units entitled (not just those built; 2) extensions requested; 3) why are entitled projects not being built.
- You can post generic fees online but some fees mitigate EIR findings that come later.
- Expressed concern with the amount of opposition already expressed against AB 1483.

- Asked if the additional information could be sent to the HCD to streamline reporting.

San Francisco:

- Requested a side-by-side comparison of what is required to be reported now versus what would be required with the implementation of AB 1483.

Santa Clara:

- Asked if this stemmed from project issues, or county issues.
- Asked how much extra work AB 1483 would require of the cities.
- Expressed concern that current reporting requirements are confusing and duplicative.

Comments and Suggestions about AB 1485 (Wicks):

Long:

- Explained that AB 1485 suggested some changes that clarified elements of SB 35.
- The changes include by-right approval of certain projects, with many exclusions, specified affordability.
- Adds one other option on the affordability mix for AMR units under SB 35. Developer can have 20% of the units affordable @ 80-120% of median (with average of 100%), or 10% for very low income households (60% of median).

Marin:

- Expressed concern that anything labeled by-right will not work for local governments due to lack of local control.
- Stated that even with the new more flexible affordability requirements, it would still be hard for projects to be economically feasible.

Napa:

- Asked for clarification on the density threshold and if AB 1485 would change the defined thresholds for affordability.
 - **Long:** Stated that is correct.

Sonoma:

- Asked how feasible it is to build projects requiring 20 percent below market rate units.

Contra Costa:

- Expressed concern AB 1485 will not lead to additional housing because projects still will not pencil out.
- Stated they have no big objections, but that some of the language is still unclear in the existing law that is not being amended by AB 1485 – opportunity to fix the transportation component in SB 35 (Wiener, 2017)
- Stated that in the current language, it is unclear if a city has higher standards, which should be the standard.

Solano:

- Stated support for the bill since it will help Solano's cities meet their RHNA requirements.
- Asked if AB 1485 does anything to clarify the terms between cities with higher standards of affordable housing.

Santa Clara:

- Concerned because Mountain View requires 15 percent affordable housing, at 10 percent they're concerned projects won't come to City Council because by-right inclusions based on this amendment.
- Shared concern that the affordability requirements seem low.
- Expressed concern that transportation impacts haven't been considered enough.
- Stated that design review is important so cities can have the amenities they would like to have in their cities.
 - **Long:** Clarified that the requirements for streamlining wouldn't apply to any city meeting their above moderate housing RHNA numbers. Stated that MTC Staff will share a map highlighting areas that would be impacted by AB 1485. For example, AB 1485 would apply in Vallejo, but not all of Solano County.

San Francisco:

- Stated they didn't think San Francisco was covered by this amendment to SB 35 and approved of AB 1485, because "the more we streamline, the better".
- Noted ministerial approvals have been helpful in getting housing built in San Francisco.

San Mateo:

- Stated support for AB 1485 because it will help create more moderate income housing.
- Asked if this bill would still require prevailing wage.
- Wanted to maintain local jurisdiction's requirements for affordable housing if they are higher than AB 1485.
- Stated this should apply to the entire state of California, not just the Bay Area.

Report on Bills Related to Public Lands

Comments and Suggestions about AB 1486 (Ting)

Dohrmann

- Shared AB 1486 updates existing requirement that public agencies offer right of first refusal for affordable housing developments, with projects with priority to deepest level of affordability (either by income or total units), when disposing of excess public land.
- Explained how local land disposal process would work under AB 1486.
- Stated HCD would have enforcement privileges that they do not currently have.
- Explained that 100 percent affordable housing developments would be allowed for all public lands receiving state subsidy regardless of zoning, unless the land is "exempt" or ineligible to receive state subsidy. Developments would still be subject to CEQA and local approvals/not a ministerial "by-right" allowance.

Sonoma:

- Asked if disposing of land language includes selling and leasing of public lands.
 - **Dohrmann:** Confirmed that AB 1486 would revert to current law – "disposal" is not defined. Earlier version of the bill would have defined "dispose of" as including both selling and leasing of land
- Expressed concern about the suitability of certain public lands for housing, especially regarding safety and proximity to public transit.

- **Dohrmann:** Stated that the development would still be subject to local reviews and zoning, unless it is 100 percent affordable. Even 100 percent affordable housing would still need to go through local reviews/EIR, no matter what was zoned before.
- Expressed concern that this would affect public lands being used as buffer zones.
- Suggested that the State develop their public lands program first, as a show of good faith, and a demonstration of how these processes will work under AB 1486.

Marin:

- Stated Marin County is generally opposed to AB 1486.
- Expressed concern with 100 percent affordable developments being allowed on any public land. Sees it undermining public safety and local jurisdictions land use authority.
- Concerned about the major changes to delegated enforcement for HCD.
- Stated they would like to see a process to transfer land between schools and other agencies to simplify, and not allow these lands to be disposed of to be used for housing development if cities intended for these parcels to be used for some other public need.

Napa:

- Stated that Napa County is generally opposed, since the laws surrounding public lands are already complicated without the implementation of AB 1486.
- Expressed concern this would limit sale prices, further limiting the financial systems that public agencies and cities need to address financial shortcomings.
- Stated that Napa County would like to see flexibility in the levels of affordable housing being offered via public lands, with reference to “missing middle” teacher housing.

Solano:

- Asked if the State is going to look at their surplus lands as defined by AB 1486.
 - **Dohrmann:** Stated that not only does AB 1486 push the State to reassess their excess land, it sets a goal that State dispose of 10 percent of excess land/year.
- Expressed concerns about public lands being used as buffers, especially around prisons.
 - **Dohrmann:** Stated that the buffer zones would be considered “government operations”- would be local discretion to set parameters.
- Asked if this included leased lands as well. Gave the example of the Solano County Fair Grounds in the city of Vallejo, and how Solano County is aiming to have part of this land used for a multiuse development.
 - **Dohrmann:** Stated that AB 1486 wouldn’t change current law.
- Asked about greenbelts under AB 1486.
 - **Dohrmann:** Land used for conservation is exempt under AB 1486.
- Asked about the implication of mixed land use on public lands.
- Expressed concern that AB 1486 doesn’t support bedroom communities.
- Expressed concern that in jobs-poor cities, this could worsen the job-housing balance.
- Stated that some surplus lands are not suitable for not mixed use, or housing in any way. Gave the example that housing should not be built in a marsh.
 - **Long:** Stated that proposed housing projects, including 100 percent affordable would still be subject to CEQA. Projects would not just be approved, not by-right, AB 1486 just required more specific and exclusive negotiations.

Contra Costa:

- Expressed concern about the language in the bill.
- Suggested surplus military bases (Concord Naval Weapons Stations) be specifically exempted from this bill.
- Suggested the State provide funding for work required with the changes in AB 1486, particularly to help fund some the affordable housing projects that might come out of it.
- Stated that HCD should not have enforcement privileges.
- Asked if local jurisdictions would be able to give land away for affordable housing development projects under AB 1486.
 - **Dohrmann:** Noted that current law leaves land sale up to the local jurisdiction. That states that the notice land is available, after the 60 days closes, the local agency will enter good faith negotiation with the proposed development with the highest level of affordable housing, like an RFP process.
- Suggested this be amended to not just be percentage requirement, but a density requirement.
- Expressed concerns that there are many unintended consequences with AB 1486.
- Suggested that the State have the same requirements about disposing land as the cities and counties would under AB 1486.
- Expressed concern about redevelopment properties being included in the AB 1486 – successors to redevelopment agencies must be able to meet existing obligations to various taxing entities.
- Asked who would close the funding gap caused by AB 1486.
- Asked if AB 1486 accounts for leasing of properties.
 - **Dohrmann:** Stated that current law doesn't define what "dispose of" means. Earlier versions of AB 1486 included a definition, but clarification was stripped because of local government concerns in amendments made to AB 1486.
- Expressed concern AB 1486 would not allow for mix of affordable units, across different AMLs.

San Mateo:

- Expressed concern with contradictions in local general plans about open space.
 - **Dohrmann:** Explained that there is an exception made for protected open space, but not for just zoning.
- Asked if a city has land that they do not know what they want to use a space for and an affordable housing agency wanted to build on it, could the city refuse under AB 1486.
 - **Dohrmann:** Stated that that is the intent of the surplus lands act, but that requirement would be that the city must try to sell the land, or "dispose" of the land.
- Expressed concern that this would limit the sales price for certain pieces of land, when sometimes what a local jurisdiction needs most in money.
 - **Dohrmann:** Stated that under current law that when disposing of surplus public land, affordable housing developments get right of first refusal, so this would not change the process that much.
- Suggested that the State take an inventory of their land before requiring local jurisdiction to do the same to show cities what the best way to implement AB 1486 would be.
- Exception for properties 'held in exchange' is a good thing (we are doing that now).
- Appreciate carve out for open space and recreation use.
- Stated the half acre requirement of public lands seems excessive considering that developed local jurisdictions often have parcels of land much smaller (e.g. 10,000 s.f.).

San Francisco:

- Agreed that half acre minimum should be decreased to include land in San Francisco.
- Requested clarification of policies about refusal process.
- Expressed concern about industrial zones and would like to see some protection of industrial zones included in AB 1486 to protect jobs.

Santa Clara:

- Stated that often the sales price is driven by zoning and asked how this would be affected by AB 1486.
 - **Dohrmann:** Stated that AB 1486 language limits negotiations to sales price and lease terms. The bill doesn't talk about the mechanics of how to execute these changes.
 - **Long:** Stated that zoning would only be overridden if project is 100 percent affordable, otherwise surplus land can only be used for housing if it's already zoned to allow residential as an underlying eligible use.
- Asked if there are 2 affordable developers, can a city choose the most feasible as opposed to the most affordable? Stated that financial feasibility is an important consideration in negotiations.
 - **Dohrmann:** AB 1486 would require the right of first refusal go to the affordable developers with the deepest level of affordability.
- Asked if sale for economic development would no longer apply.
 - **Dohrmann:** Stated that land should first be offered to affordable housing and public land and parks, then if not taken by those purposed could be used for economic development, as is required under current law.
- Expressed concern that the level of affordability couldn't be chosen, particularly if the missing RHNA numbers were for something other than the deepest level of affordability like the "missing middle."

Comments and Suggestions about SB 6 (Beall)

Dohrmann: Requires HCD to add to the state surplus land inventory locally identified sites suitable for development, as identified in housing element site inventories.

Marin:

- Stated that Marin is generally in favor of this but is concerned what HCD defines as realistic.
 - **Dohrmann:** Stated that SB 6 would require that HCD submit sites identified by locals as realistic for development in their housing elements.

Report on Bills Related to Funding

Comments and Suggestions about AB 11 (Chiu)

Long:

- Described the bill and the option it gave local agencies to use tax-increment finance by forming an "Affordable Housing Infrastructure Agency" (AHIA).
- Stated that bonds could be issued without voter approval, if there is at least 30 percent of the funds going toward affordable housing efforts for a list of approved purposes.

Napa:

- Concerned about safeguards to prevent abuse and misuse.
- Expressed concern with the eminent domain designation.
- Special districts shouldn't have eminent designation.
- Noted it would be important to add sewer and water pipes as well as fire resiliency, and infrastructure improvements to the list of acceptable uses for the use of the bond money under AB 11.

San Mateo:

- Appreciated the option to renew a form of redevelopment.
- Suggested adding tools for first time home buyers, to get them into the home buyers' market, including buy downs of down payments, for example, to the list of acceptable used for the bond money.
- Suggested increasing the amount of funds required to be spent on affordable housing.
- Expressed concern that AB 11 could unintentionally defund schools.
- Suggested list of acceptable uses for the bond money under AB 11 could be expanded to include: flooding, seawall infrastructure updates, and other natural disasters.
- Asked how members would be appointed to the bodies formed under AB 11.
 - **Long:** Stated that members would be appointed by the constituent members of the agencies involved and public members would be appointed by the board by the appropriate city council.
- Asked how these members would be removed if they did not perform their job as required.
 - **Long:** Stated MTC Staff would have to follow up on this.
- Expressed concern about eminent domain.
- Asked if cities in different counties could work together under AB 11.
 - **Long:** Stated that she hasn't seen any language regarding cities in different counties working together but MTC staff will follow up after researching.[Bill is silent on this]
- Each city would have equal rights to how it is seen, or would it be based on population? Or is it based on affected area. How would this be done?
 - **Long:** Stated there would be one seat per city participating if there were more than one city participating in the AHIA.
- Asked if two cities could modify this if both agreed to different terms for governance.
 - **Long:** Stated that AB 11 doesn't give cities the option for own governance in the current language.
- Stated support for the bill.

Marin:

- Expressed general support for the bill but concerned about eminent domain. Asked who is given the power of eminent domain under AB 11.
 - **Long:** Stated that new taxing agency would have the power of eminent domain.
- Expressed appreciation for the possibility the tax increment financing under AB 11.
- Expressed appreciation for the right to opt out of an agency under AB 11.
- Expressed support of the local jurisdiction maintaining local control under AB 11.
- Expressed concern about cross jurisdictional formation of an AHIA

Sonoma:

- Asked who is responsible for decided on the use of tax increment financing.
 - **Long:** The entity itself makes the decision under AB 11.

- Expressed concern that the bond funding would not need to be voter approved.
- Expressed concern AB 11 could defund schools.
- Expressed concern that the amount of money required to be spent on affordable housing was only 30 percent.
 - **Long:** Stated that the intent was to keep the implications of AB 11 flexible and not prescriptive.

Contra Costa:

- Suggested adding more 'green' acceptable uses for bond money such as stormwater retention bases and clarifying the acceptable uses for ports, ferries and water transportation (e.g. ferry terminals and ferry infrastructure).
- Expressed need for more definitive protections for schools' funding such as state could not renege on this commitment to schools without a vote of the people statewide.
- Expressed support for flexibility AB 11 gives cities... "More tools in the toolbox is good."
- Asked how AB 11 would interact with AB 1486.
 - **Long:** Stated tax money would go in for the bond, but for those agencies that did not want to participate, they'd have to be made whole financially under AB 11.
- Expressed concern about eminent domain precedent, cities already have this authority.
 - General agreement expressed from around the dais
- Expressed concern there was lack of clarity about how to remove appointed members who were not actively participating under AB 11.

Solano:

- Expressed Solano County's support, redevelopment 1.0 helped transform Suisun City.
- Requested that seawalls be added to the list of acceptable expenses under AB 11.
- Asked who would approve the members of the AHIA.
 - **Long:** Stated that the entities that formed the new AHIA would appoint the public member.
 - Asked if counties would have a member on the RDAs.
 - **Long:** Stated staff would have to follow up on whether counties would automatically have a seat on the AHIA under AB11. [They don't get a seat unless they are a part of it]
- Asked if water crisis would be an acceptable use for the funds under AB 11.
 - **Long:** Confirmed that water upgrades would be allowed under AB 11.

Santa Clara:

- Expressed concern that with other housing bills, AB 11 would be too much "to juggle." But if the decision was between AB 11, and AB 1487 (HABA), would prefer AB 11.
- Expressed approval for this bill bringing back RDA, but "how do we know a future governor won't pull the rug out from under us again the way Gov. Brown did?"
- Requested clarification on how housing bills would interact with AB 11 should they pass.

Sonoma:

- Expressed concern over approval requirements delegated to Strategic Growth Council.

San Francisco:

- Asked if a city could designate itself as the RDA under AB 11.
 - **Long:** Stated that public and affected taxing agencies can.
- Asked if a formal plan is required under AB 11.
 - **Long:** Yes but could have parcels not part of the area as part of plan. Plan needs to be approved by state's Strategic Growth Council.
- Expressed support of AB 11 widely as a tool to fund Redevelopment.
- Agreed with others who don't see any need for eminent domain.
- Suggested the Governing Board could decide their own rules about how they vote.
 - **Long:** Stated that the Governing Board could decide their own rules but would be subject to the Brown Act.
- Asked if there were any other terms
 - **Chair Pierce:** Stated that there doesn't seem to be whole lot of accountability for the board members.

Chair Pierce:

- Requested that the list of acceptable funded projects by AB 11 have expansion on some of the more general disasters, including fire and flooding resilience, infrastructure updates, sea level rise and related projects.
- Expressed concern that the members of an RDA wouldn't have to be elected officials, and the lack of accountability for the members of an RDA under AB 11.
- Expressed concern that most cities do not have a general fund they can draw fund for the kinds of development allowed under AB 11.
- Expressed concerns about the defunding of public schools under AB 11, and stated she is skeptical the states will fill the backlog of funding for public schools required to "make them whole."

Conclusion and Comments about Next Meeting:

- The HLWG agreed to meet on May 23, 2019 from 7-9 PM to hear how MTC and ABAG decided to advise legislature on the bills surrounding housing.
- Suggestion for SB 50 exemption for cities that have adopted master plans or specific plans *or* giving cities time to develop such a plan.
- State funding/financing should come at the same time as housing-related policy changes.

Public Comment:

1. **Jane Kramer:** Stated that it seems there is an overall demand for more affordable housing to be built, but many of the concerns made by cities and local jurisdictions contradict the housing being built.

**Proposed ABAG MTC Housing Legislative Working Group Meeting Calendar**

Location: Bay Area Metro Center, 375 Beale Street, San Francisco

Note: ABAG and MTC meetings are also listed for information purposes only.

Housing Legislative Working Group (HLWG)	Friday, 4/5/19	11:00 a.m. to 1:00 p.m.	Yerba Buena/Ohlone
HLWG	Thursday, 4/11/19	2:00 p.m. to 4:00 p.m.	Board Room
<i>Joint ABAG Legislation Committee and MTC Legislation Committee (Joint ABAG/MTC Legislation)</i>	<i>Friday, 4/12/19</i>	<i>9:15 a.m.</i>	<i>Board Room</i>
HLWG	Thursday, 4/18/19	7:00 p.m. to 9:00 p.m.	Board Room
<i>Metropolitan Transportation Commission (MTC)</i>	<i>Wednesday, 4/24/19</i>	<i>9:45 a.m.</i>	<i>Board Room</i>
HLWG	Thursday, 4/25/19	7:00 p.m. to 9:00 p.m.	Board Room
HLWG	Wednesday, 5/1/19	3:00 p.m. to 5:00 p.m.	Board Room
<i>Joint ABAG/MTC Legislation Committee</i>	<i>Friday, 5/10/19</i>	<i>9:15 a.m.</i>	<i>Board Room</i>
<i>ABAG Legislation Committee and ABAG Executive Board</i>	<i>Thursday, 5/16/19</i>	<i>5:00 p.m. and 7:00 p.m.</i>	<i>Board Room</i>
<i>MTC</i>	<i>Wednesday, 5/22/19</i>	<i>9:45 a.m.</i>	<i>Board room</i>
HLWG	Thursday, 5/23/19	7:00 p.m. to 9:00 p.m.	Board Room
HLWG	Friday, 5/31/19	1:00 p.m. to 3:00 p.m.	Yerba Buena/Ohlone
<i>Joint ABAG/MTC Legislation Committee</i>	<i>Friday, 6/14/19</i>	<i>9:15 a.m.</i>	<i>Board Room</i>
<i>MTC</i>	<i>Wednesday, 6/26/19</i>	<i>9:45 a.m.</i>	<i>Board Room</i>
<i>ABAG Legislation Committee and ABAG Executive Board</i>	<i>Thursday, 7/18/19</i>	<i>5:00 p.m. and 7:00 p.m.</i>	<i>Board room</i>



ABAG MTC Housing Legislative Working Group

Chair—Julie Pierce, Vice Mayor, City of Clayton

Vice Chair—Jake Mackenzie, Councilmember, City of Rohnert Park

County of Alameda—Supervisor Keith Carson

County of Contra Costa—Supervisor John Gioia

County of Marin—Supervisor Judy Arnold

County of Napa—Supervisor Ryan Gregory

City and County of San Francisco—Supervisor Hillary Ronen

County of San Mateo—Supervisor Don Horsley

County of Santa Clara—Supervisor Susan Ellenberg

County of Solano—Supervisor John Vasquez

County of Sonoma—Supervisor James Gore

Alameda County Mayors Conference—

Marilyn Ezzy Ashcraft, Mayor, City of Alameda

Lily Mei, Mayor, City of Fremont

Contra Costa County Mayors Conference—

Newell Arnerich, Councilmember, City of Danville

Laura Hoffmeister, Councilmember, City of Concord

Marin County City Selection Committee—

Joan Cox, Councilmember, City of Sausalito

Alice Fredericks, Councilmember, Town of Tiburon

Napa County City Selection Committee—

Mary Luros, Councilmember, City of Napa

Anna Chouteau, Councilmember, City of St. Helena



ABAG MTC Housing Legislative Working Group

City and County of San Francisco, Mayor—

Ken Rich, Development Director, Office of Economic and Workforce Development

John Rahaim, Planning Director

San Mateo County City Selection Committee—

Donna Colson, Mayor, City of Burlingame

Cliff Lentz, Councilmember, City of Brisbane

Cities Association of Santa Clara County—

Larry Klein, Mayor, City of Sunnyvale

Margaret Abe-Koga, Vice Mayor, City of Mountain View

Solano County City Selection Committee—

Ron Rowlett, Mayor, City of Vacaville

Anthony Adams, Councilmember, City of Suisun City

Sonoma County Mayors and Councilmembers Association—

Amy Harrington, Mayor, City of Sonoma

Gina Belforte, Mayor, City of Rohnert Park

Association of Bay Area Governments—

Kevin McDonnell, Vice Mayor, City of Petaluma

Metropolitan Transportation Commission—

Trish Munro, Councilmember, City of Livermore

4/16/19



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 19-0630 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 5/20/2019 **In control:** Joint ABAG MTC Housing Legislative Working Group

On agenda: 5/23/2019 **Final action:**

Title: Report on Housing Bill Landscape

Sponsors:

Indexes:

Code sections:

Attachments: [Handout Housing Bill Matrix 5 22 19 V2.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Housing Bill Landscape

Rebecca Long

Information

Shading indicates bills discussed by the Housing Legislative Working Group

2019 California Housing Bill Matrix

Last Updated: May 22, 2019 [corrected]

(Amendments since May 1st are noted in ***bold italics and strikethrough***)

Topic	Bill	Summary	Status	ABAG/MTC Position
PROTECTION				
Rent Cap	AB 36 (Bloom)	Loosens, but does not repeal, Costa Hawkins to allow rent control to be imposed on single family homes and multifamily buildings 20 10 years or older, with the exception of buildings owned by landlords who own just 10 or fewer one or two units.	Dead	No position
	AB 1482 (Chiu)	<i>Until 2030</i> , caps annual rent increases by five percent an unspecified amount above the percent change in the cost of living and limits the total rental rate increase within a 12 month period to 10 percent. Exempts housing subject to a local ordinance that is more restrictive than the bill. Prohibits termination of tenancy to avoid the bill's provisions. <i>Exempts any housing units that received a certificate of occupancy within the last 10 years.</i>	Assembly Floor <i>Substantially amended on 5/20/19</i>	Support
Just Cause Eviction	AB 1481 (Grayson/ Bonta)	<i>Until 2030, for a circumstance, in which the tenant has occupied the property for six months or more</i> , prohibits eviction of a tenant without just cause stated in writing. Requires tenant be provided a notice of a violation of lease and opportunity to cure violation prior to issuance of notice of termination. <i>Exempts landlords who lease four or fewer single family homes. Sets specified caps on the amount of relocation assistance that may be required for no-fault evictions.</i>	Assembly Floor <i>Substantially amended on 5/20/19</i>	Support
	AB 1697 (Grayson)	For a lease in which the tenant has occupied the property for 12 months or more, prohibits eviction of a tenant without just cause stated in writing.	Assembly Floor	No position
Topic	Bill	Summary	Status	ABAG/MTC Position

PROTECTION, cont.

Tenant Organizing Rights	SB 529 (Durazo)	<ul style="list-style-type: none"> • Declares that tenants have the right to form, join, and participate in the activities of a tenant association, subject to any restrictions as may be imposed by law, or to refuse to join or participate in the activities of a tenant association. • <i>Strikes provisions related to allowing members of a tenant association to withhold rent in response to grievances.</i> 	Senate Floor <i>Amended 5/17/19</i>	No position
Rent Assistance & Access to Legal Counsel Protections for Tenants Residing in Foreclosed Property	SB 18 (Skinner)	<ul style="list-style-type: none"> • Authorizes a competitive grant program to be administered by Department of Housing and Community Development (HCD) to provide emergency rental assistance and moving expenses and grants to local governments to provide legal aid for tenants facing eviction, mediation between landlords and tenants and legal education. The primary use of grant funds must be for rental assistance. • Requires HCD to post all state laws applicable to the tenant-landlord relationship on its web site by January 1, 2021 and to update biannually • Deletes repeal date for certain tenant protections applicable to tenants in housing that is sold in foreclosure. 	Senate Floor <i>Substantially amended on 5/21/19</i>	ABAG – Support MTC –No position (Supported rent assistance and legal aid through the FY 2019-20 State Budget because SB 18 amended 5/21/19 to remove these provisions)
PRODUCTION & PRESERVATION				
Accessory Dwelling Units (ADUs)	AB 68 (Ting)	<ul style="list-style-type: none"> • Prohibits local ADU standards from including certain requirements related to minimum lot size, floor area ratio or lot coverage, and parking spaces. • Requires an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. • Reduces the allowable time to issue a permit from 120 days to 60 days. 	Senate	Support

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
	AB 69 (Ting)	Requires HCD to propose small home building standards to the California Building Standards Commission governing accessory dwelling units and homes smaller than 800 square feet. <ul style="list-style-type: none"> Authorizes HCD to notify the Attorney General if they find that an ADU ordinance violates state law. 	Senate Desk	Support and Seek Amendments
ADUs (cont'd)	SB 13 (Wieckowski)	<ul style="list-style-type: none"> Maintains local jurisdictions' ability to define height, setback, lot coverage, parking and size of an ADU related to a specified amount of total floor area. Prohibits local agency from requiring the replacement of parking if a space is demolished to construct an accessory dwelling unit. Allows a local agency to count an ADU for purposes of identifying adequate sites for housing. Deferral of enforcement of non-health and safety building violations until January 1, 20402035 <i>Modifies provisions related to minimum ADU that must be allowed (efficiency unit of 850 sq. ft. or 1,000 sq. ft. for unit that provides more than one-bedroom).</i> 	Assembly Desk <i>Amended on 5/17/19</i>	Support if Amended
	AB 587 (Friedman)	Authorizes a local agency to allow, by ordinance, an ADU that was ministerially approved to be sold separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and a deed restriction exists that ensures the property will be preserved for affordable housing.	Senate Housing Committee	No position
	AB 671 (Friedman)	Requires local agencies to include in their housing element a plan that incentivizes and promotes the creation of ADUs that can be offered for rent for very low-, low- and moderate-income households.	Senate Desk	No position
	AB 881 (Bloom)	Eliminates ability of local jurisdiction to mandate that an applicant for an ADU permit be an owner-occupant.	Senate Desk	No position

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Zoning/ Housing Approvals	AB 1279 (Bloom)	<ul style="list-style-type: none"> Requires HCD to designate areas in the state as high-resource areas, by January 1, 2021, and every 5 years thereafter. Makes housing development in such areas “by right” if the project is no more than four units in an area zoned for single family homes or up to 40 units and 30 feet in areas generally zoned for residential, subject to certain affordability requirements. 	Assembly Floor	No position
	SB 4 (McGuire)	<ul style="list-style-type: none"> Allows an eligible transit-oriented development (TOD) project that is located within ½ mile of an existing or planned transit station and meets various height, parking, zoning and affordability requirements a height increase up to 15 feet above the existing highest allowable height for mixed use or residential use. Exempts a TOD project within ¼ mile of a planned or existing station from minimum parking requirements in jurisdictions > 100,000 in population. Establishes a new category of residential project – a “neighborhood multifamily project” as a project that on vacant land that is allowed to be a duplex in a nonurban community or a four-plex in an urban community and grants such projects ministerial approval. 	Dead	No position

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Zoning/ Housing Approvals (cont'd)	SB 50 (Wiener)	<ul style="list-style-type: none"> • <i>Excluded counties with fewer than 600,000 in population from height-related requirements in close proximity to transit stations.</i> • <i>Authorizes four-plexes in areas where housing is permitted, subject to existing setback and lot requirements on vacant parcels with limited conversions allowed (at least 75% of exterior walls must remain).</i> • <i>For cities > 50,000 in counties with fewer than 600,000 authorizes a waiver from density limits and permits an additional story to be built above current zoning within 1/2 mile of major transit stop. For cities > 100,000 prohibits minimum parking requirements within 1/4-mile of major transit stop.</i> • Allows upzoning within 1/2-mile of transit and in high-opportunity areas. Provides for a five-year deferral of bill's provisions in "sensitive communities" that would be defined by HCD in conjunction with community groups. • Defers applicability of bill in "sensitive communities" –to be defined by HCD in conjunction with local community-based organizations—until January 1, 2025. • Excludes sites that contain housing occupied by tenants or that was previously occupied by tenants within the preceding seven years or the owner has withdrawn the property from rent or lease within 15 years prior to the date of application. 	Two-year bill <i>Substantially amended on 5/1/2019</i>	No position but staff directed to work with author

Topic	Bill	Summary	Status	ABAG/MTC Position
	SB 330 (Skinner)	<ul style="list-style-type: none"> • Limited to five-year program, until 2025 • Limitation on fee increases deleted • Restricts a local jurisdiction or ballot measure from downzoning, establishing or implementing limits on permit issuance or population unless the limit was approved prior to January 1, 2005 in a predominately agricultural county, or imposing building moratoria on land where housing is an allowable use within an affected county or city identified by HCD as having fair market rate ___ percent higher than national average fair market rent for the year and a vacancy rate below ___ percent. • Prohibits a city or county from conducting more than five de novo hearings on an application for a housing development project. Modifies parking requirements to allow 0.5 space/unit, unless an affected city is located in a county with a population of 700,000 or greater or the affected city has a population of 100,000 or greater and is in a county of 700,000 in population or less. • Ten five-year emergency statute. 	Senate Floor <i>Substantially amended on 5/21/2019</i>	Seek Amendments
Fees/ Transparency	AB 724 (Wicks)	<ul style="list-style-type: none"> • Requires HCD to create a rental registry online portal designed to receive specified information from landlords and to disseminate this information to the general public. • Requires HCD complete the rental registry online portal by January 1, 2021, and would require landlords to register within 90 days and annually thereafter. Landlords that fail to register would be subject to a \$50 civil penalty per rental unit. • Requires a code enforcement officer to report a residential property owned or operated by a landlord subject to the registration requirement to HCD. 	Two-year bill	No position

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Fees/ Transparency (cont'd)	AB 847 (Grayson)	<ul style="list-style-type: none"> Requires HCD to establish a competitive grant program, subject to appropriation by the Legislature, to offset the cost of housing-related transportation impact fees. Qualifying recipients would be cities and counties, which may apply jointly with a developer. Projects must be at least 20 percent affordable (specific area median income (AMI) level unspecified) and be consistent with sustainable communities strategy (SCS); Preference for TOD. 	Two-year bill	No position
	AB 1483 (Grayson)	<ul style="list-style-type: none"> Requires a city or county to maintain a current schedule of fees applicable to a housing development project. Requires each local agency to post the fee schedule and all zoning ordinances and development standards on its website and provide the information to the HCD and any applicable metropolitan planning organization (MPO). Requires each city and county to annually submit specified information concerning pending housing development projects with completed applications HCD and any applicable MPO. 	Assembly Floor	Support and Seek Amendments
	AB 1484 (Grayson)	<ul style="list-style-type: none"> Prohibits a local agency from imposing a fee on a housing development project unless the type and amount of the exaction is specifically identified on the local agency's internet website at the time the development project application is submitted. Prohibits a local agency from imposing, increasing, or extending any fee on a housing development project at an amount that is in excess of information made available on its web site. <p>Applicable to all cities statewide, including charter cities.</p>	Senate Desk	No position

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Streamlining	AB 1485 (Wicks)	Modifies affordability requirements applicable to the by-right provisions in SB 35 (Wiener, 2017) such that a project can dedicate 10% of the total number of units to housing affordable to households making below 80 percent of the AMI or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent.	Senate Desk	Support
	AB 1706 (Quirk)	<ul style="list-style-type: none"> Provides specified financial incentives to a residential development project in the San Francisco Bay Area that dedicates at least 20 percent of the housing units to households making no more than 150 percent AMI. Incentives include exemption from CEQA, a cap on fees, a density bonus of 35 percent, parking reductions and a waiver of physical building requirements imposed on development, such as green building standards. 	Two-year bill	No position
	SB 621 (Glazer)	<ul style="list-style-type: none"> Requires the Judicial Council to adopt a rule of court applicable to an action to challenge an environmental impact report for an affordable housing project, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceeding with the court. Provides that these provisions do not apply to an affordable housing project if it is in certain locations. 	Senate Floor	No position

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Public Lands	SB 6 (Beall)	<ul style="list-style-type: none"> Requires HCD to provide the Department of General Services (DGS) with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. Authorizes HCD to provide local governments standardized forms to develop site inventories and requires that local governments adopting housing elements after January 1, 2021 electronically submit site inventories to HCD. Requires DGS to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website. 	Assembly Desk	Support
	AB 1255 (Rivas)	Requires the housing element to contain a surplus lands inventory and requires the city or county to separately identify those sites that qualify as infill or high density.	Assembly Floor	No Position
	AB 1486 (Ting)	<ul style="list-style-type: none"> Revises the definitions of “local agency” and “surplus land” applicable to the current Surplus Lands Act (SLA) requirement that local agencies provide right of first refusal to affordable housing developers when disposing of surplus land. Revises and clarifies state and local process requirements related to surplus land disposal. <i>For purpose of developing low- and moderate-income housing, would only require specified notice requirements for land located in an urbanized area.</i> Requires that HCD create and maintain a statewide inventory of local surplus lands. The inventory would be developed from information submitted by local agencies. Expands HCD’s enforcement mandate to include the SLA. Permits 100 percent affordable development on surplus land regardless of local zoning; Provision does not apply to exempt surplus land or land ineligible for state affordable housing financing programs. 	Assembly Floor Substantially amended 5/16/19	Support if Amended

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Funding	AB 10 (Chiu)	Expands the state's Low Income Housing Tax Credit program by \$500 million per year, up from \$94 million, leveraging an estimated \$1 billion in additional federal funds annually.	Senate Desk	No position
	AB 11 (Chiu)	<ul style="list-style-type: none"> • Authorizes a city or county or two or more cities acting jointly to form an affordable housing and infrastructure agency that could use tax increment financing to fund affordable housing and infrastructure projects. • Requires the Strategic Growth Council approve new agencies and that expenditure plans for such agencies be aligned with the state's greenhouse gas reduction goals. • A minimum of 30 percent of funds would be required to be invested in affordable housing. 	Two-year bill	Support and Seek Amendments
	AB 1487 (Chiu)	<ul style="list-style-type: none"> • Establishes the Housing Alliance for the Bay Area (HABA), a new regional entity serving the nine Bay Area counties to fund affordable housing production, preservation and tenant protection programs. • Authorizes HABA to place unspecified revenue measures on the ballot, issue bonds, allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs, • Provides that HABA will governed by a board composed of an unspecified number of voting members from MTC and ABAG, <i>to be determined by MTC and ABAG</i>, and staffed by <i>ABAG and</i> MTC. • <i>Authorizes MTC to place a revenue measure on the ballot in November 2020 and HABA to place a measure on the ballot in subsequent election cycles.</i> • <i>Specifies funding mechanisms including a 0.5-cent sales tax, a head tax, a parcel tax, a gross receipts tax, a bond and a commercial linkage fee.</i> • <i>Modifies the county expenditure provisions plan.</i> 	Assembly Floor Substantially amended 5/16/19	Seek Amendments

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Funding (cont'd)	AB 1568 (McCarty)	Conditions eligibility for state grants an HCD determination that a jurisdiction is in compliance with state law, including that a jurisdiction has an HCD-approved housing element and that HCD has not found the jurisdiction in violation of the Housing Accountability Act or Density Bonus law.	Two-year bill	No position
	AB 1717 (Friedman)	Establishes the Transit-Oriented Affordable Housing Program, to be administered by the California Housing Finance Agency (CalHFA). The program would allow a city or county to participate in the program by enactment of an ordinance establishing a TOD housing district. Such a district would be authorized to use tax-increment finance through a diversion of property taxes, including the school portion, to finance affordable housing projects. Funds would be redirected to CalHFA who would be authorized to issue bonds to pay for the projects.	Two-year bill	No Position
	SB 5 (Beall)	<ul style="list-style-type: none"> • Authorizes local agencies to apply to the state to reinvest their share of ERAF (Educational Revenue Augmentation Fund) funds in affordable housing or other community improvement purposes. Sets an initial limit of \$200 million per year for the first five years, growing to \$250 million in 2029. • Establishes the Local-State Sustainable Investment Incentive Program which would be administered by a new Sustainable Investment Incentive Committee comprised of state agency representatives and legislative and gubernatorial appointees. • Requires at least 50 percent of funds to be allocated for affordable housing and workforce housing and for 50 percent of the units to be affordable. • <i>Authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program.</i> 	Senate Floor	Support in Concept

Topic	Bill	Summary	Status	ABAG/MTC Position
PRODUCTION & PRESERVATION (cont'd)				
Funding (cont'd)	ACA 1 (Aguiar-Curry)	Reduces vote threshold for local bonds or special taxes for affordable housing production, preservation or public infrastructure.	Assembly Floor	Support and Seek Amendments
	SB 128 (Beall)	Eliminates the voter approval requirement for Enhanced Infrastructure Financing Districts (EIFDs), which can be used to finance affordable housing production and preservation, among other purposes.	Assembly Desk	Support
Planning	AB 725 (Wicks)	Prohibits more than 20% of a suburban or metropolitan jurisdiction's share of regional housing need for above moderate-income housing from being allocated to sites with zoning restricted to single-family development.	Two-year bill	No Position
	SB 235 (Dodd)	Allows the City and the County of Napa to reach an agreement under which the county would be allowed to count certain housing units built within the city toward the county's regional housing needs assessment (RHNA) requirement.	Assembly Desk	No Position
	SB 744 (Caballero)	Requires a lead agency to prepare the record of proceeding for a No Place Like Home project with the environmental review of the project if it is not eligible for approval as a use by right.	Assembly Desk	No Position



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

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On agenda: 5/23/2019 **Final action:**

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Indexes:

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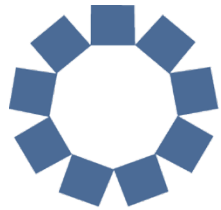
Attachments: [Handout Presentation 5.23.19.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Housing Bills including ABAG and MTC Bill Positions

Rebecca Long

Information



**Association of
Bay Area Governments**



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Presentation to Housing Legislative Working Group on ABAG/MTC Housing Bill Positions

May 23, 2019



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

“Support and Seek Amendments” to AB 69 (Ting)

- **ADU Design Template** - Request the Department of Housing and Community Development generate and make available to local jurisdictions template ADU design prototypes consistent with small state building codes.



“Support if Amended” on SB 13 (Wieckowski)

- **Owner-Occupancy** - Remove the provision prohibiting localities from imposing owner-occupancy requirements on ADUs
- **Impact Fee Waiver** –
 - Reduce the impact fee waiver threshold from 750 square feet to 500 square feet, consistent with existing school development fee exemption.
 - Discuss with author options to require ADU fees be reduced, while also allowing local jurisdictions to retain some discretion to structure fee reductions as an incentive for owners to make ADUs affordable via deed restrictions.



“Seek Amendments” to SB 330 (Skinner)

- **Fees** - Eliminate any freeze on impact fees after January 1, 2018; ✓ 5/21
Amendments
- **Parking** -
 - Provide greater flexibility on parking requirements within ¼-mile of major transit stops
 - Ensure that current requirements for disabled parking are unaffected
 - Provide exceptions from minimum parking restrictions to address public safety impacts associated with fire truck access on narrow streets
- **Restrictions on Zoning & Growth-Related Ballot Measures** – Discuss with author wisdom and legality of prohibiting local voter initiatives related to downzoning;
- **Zoning Lookback** - Eliminate bill’s “look back” provision allowing project to be built at a higher density if zoning would have allowed prior to January 1, 2018.



“Support and Seek Amendments” to AB 1483 (Grayson)

- ***MPO Provision*** - Clarify that the provision related to MPO data is intended to apply regionwide and not to data requests from individual jurisdictions.
- ***COG Provision*** - Add councils of government to the list of regional agencies that may request additional data.
- ***Timeline for Implementation & Purpose of Data*** - Work with the author and local agencies to ensure the data requests are reasonable (and would provide needed and meaningful information) and the timeline for implementation is feasible.



“Support if Amended” on AB 1486 (Ting)

- **Broader Negotiations** - Amend the bill to allow additional items beyond just sale and lease price (such as financial viability) in the scope of negotiations.
- **Redevelopment Agencies** - Ensure that the bill would not limit a successor agency's ability to comply with existing asset disposal requirements.
- **Require Local Support for Zoning Override** - Limit provision allowing 100 percent affordable housing developments to projects that have received local subsidies, thereby demonstrating local support and financial viability.
- **No Lookbacks** - Pursue amendments to ensure changes only apply to land disposals initiated after bill's effectiveness date.



“Support and Seek Amendments” Recommendation on AB 11

- **Broaden Eligibility to Include Resilience & Other Items** - The should add sea level rise infrastructure, such as sea walls, water and sewer infrastructure, as well as broader resilience purposes, such as ferry infrastructure, fire and disaster recovery, as eligible expenses.
- **Remove Eminent Domain Provision** -The bill can provide a very useful tool without this provision which draws unnecessary opposition and brings with it some risk of abuse.
- **Provide Term Limits for the Public Members of the AHIA** -To provide more accountability, the terms for the public members should be specified in the bill and limited.



“Seek Amendments” to AB 1487 (Chiu)

- **Revenue** - Exclude sales tax from revenue options
- **Start-up Funding** - Ensure no new responsibilities are assigned to MTC or ABAG without a guaranteed ongoing source of funding not dependent upon voter approval and bill includes a provision allowing for dissolution of HABA if not enough revenue is generated to be meaningful
- **Split Board** - Ensure the bill doesn't require MTC staff report to a newly structured board
- **Revenue Distribution** - Develop a distribution formula that distributes *more than* 25 percent of any employer-based revenue to a regional pool
- **Ad Hoc Committee on Governance** – Separate from the legislation, ABAG and MTC shall form an ad hoc committee of 3 representatives from ABAG and 3 from MTC to work with author on governance issues.



Joint Legislation Committee Recommendation to “Seek Amendments” to SB 50 – Not Formally Adopted

- **Jobs-rich area** - Ensure the definition identifies areas **with** higher-than-average concentrations of jobs and accurately identifies areas that would result in shorter commutes.
- **Transit-rich** - Allow for a density measure for transit-rich projects within 1/2-mile of rail or ferry stations to provide more flexibility than strictly minimum height allowances, but offer the same development capacity (i.e. units) within the general station area.
- **Parking** - Provide more flexibility related to local parking requirements within 1/2-mile of major transit stops based on local conditions.

