

# Production-Related Housing Bills

ABAG-MTC Housing  
Legislative Working Group

April 18, 2019



ASSOCIATION OF BAY AREA GOVERNMENTS  
METROPOLITAN TRANSPORTATION COMMISSION

# Production-Related Housing Bills for Review

## Zoning

- SB 330 (Skinner)      *Housing Crisis Act of 2019*
- AB 1279 (Bloom)      *Housing Development in High-Resource Areas*

## Fees/Transparency

- AB 1483 (Grayson)      *Housing Data Collection and Reporting*
- AB 1484 (Grayson)      *Mitigation Fee Act for Housing Development*

## Funding

- AB 1487 (Chiu)      *San Francisco Bay Area Regional Housing Finance Act*



# SB 330 – Housing Crisis Act of 2019

## Key Components

- Project approval process acceleration
- Greater certainty for project proponents
- Limitations on downzoning and building moratoria
- Legalize occupied substandard buildings



## SB 330: Project Approval Process Acceleration



- Creates a **new process** for submitting a complete initial application and restricts changes a local government can make after a complete application is submitted.
- Specifies criteria that must be included for a project to be complete and requires HCD to develop a standardized form for local governments.
- Provides that after an application is deemed complete and if a project complies with general plan and zoning standards, a local government may not:
  - Require more than 3 de novo public hearings
  - Delay decision beyond 12 months



## SB 330: Greater Certainty for Project Proponents

- Requires public agencies post on their web site all information required to submit a development application.
- Locks in historic designation of a site at the time an application is deemed complete.
- If a public agency determines an application is incomplete, it must provide applicant an exhaustive list of items in their application that were missing based on the agency's own check list.
- Key feature of the bill is to lock in policies, fees and standards at the time an application is deemed "complete," with some exceptions allowed.



## SB 330: Discussion Questions

- **Production** The bill aims to accelerate housing production by speeding up permit approvals and limiting public review. Is 12 months acceptable? What about 3 hearings? What does the group think about this?
- **Flexibility** The bill is not “one size fits all” in terms of where it applies but it does curtail local zoning authority with respect to downzoning in high rent/low vacancy rate areas. What does the group think about this?
- **Transportation/Infrastructure Impacts** A significant policy proposal in the bill is restriction on any *new* parking requirements for housing developments or enforcement of *existing parking requirements*. What does the group think about this?



## SB 330: Limitations on Downzoning and Building Moratoria

Designates “affected areas” of high rent and low vacancy rate where a local government, including its electorate, could not take actions that would:

- Result in a “less intensive use” than on 1/1/2018
- Establish design standards after 1/1/2008 not considered “objective”
- Limit number of land use approvals or permits
- Cap number of housing units or size of population

Exception: downzoning allowed in one location in an affected area if higher density allowed elsewhere so there is **no net loss** of residential capacity. Affected areas also prohibited from:

- Adopting new or enforcing existing parking requirements
- Charging fees or exactions, including for water & sewer, above rates on 1/1/2018
- Charging any fees to deed-restricted units affordable to low-income





## SB 330: Legalize “Occupied Substandard Buildings”

- A “**protection**” strategy to help residents remain in buildings that could be shuttered by building inspectors *if they meet certain life safety standards*.
- Requires HCD to develop building standards for buildings occupied by one or more people that an enforcement agency finds is in violation of any health and safety requirements.
- Sets minimum requirements, including:
  - Adequate sanitation and exit facilities
  - Seismic safety
  - Fire safety
  - Allows conditions otherwise prohibited today if they don’t endanger the “life, limb, health, property, safety, or welfare of the public or the occupant”



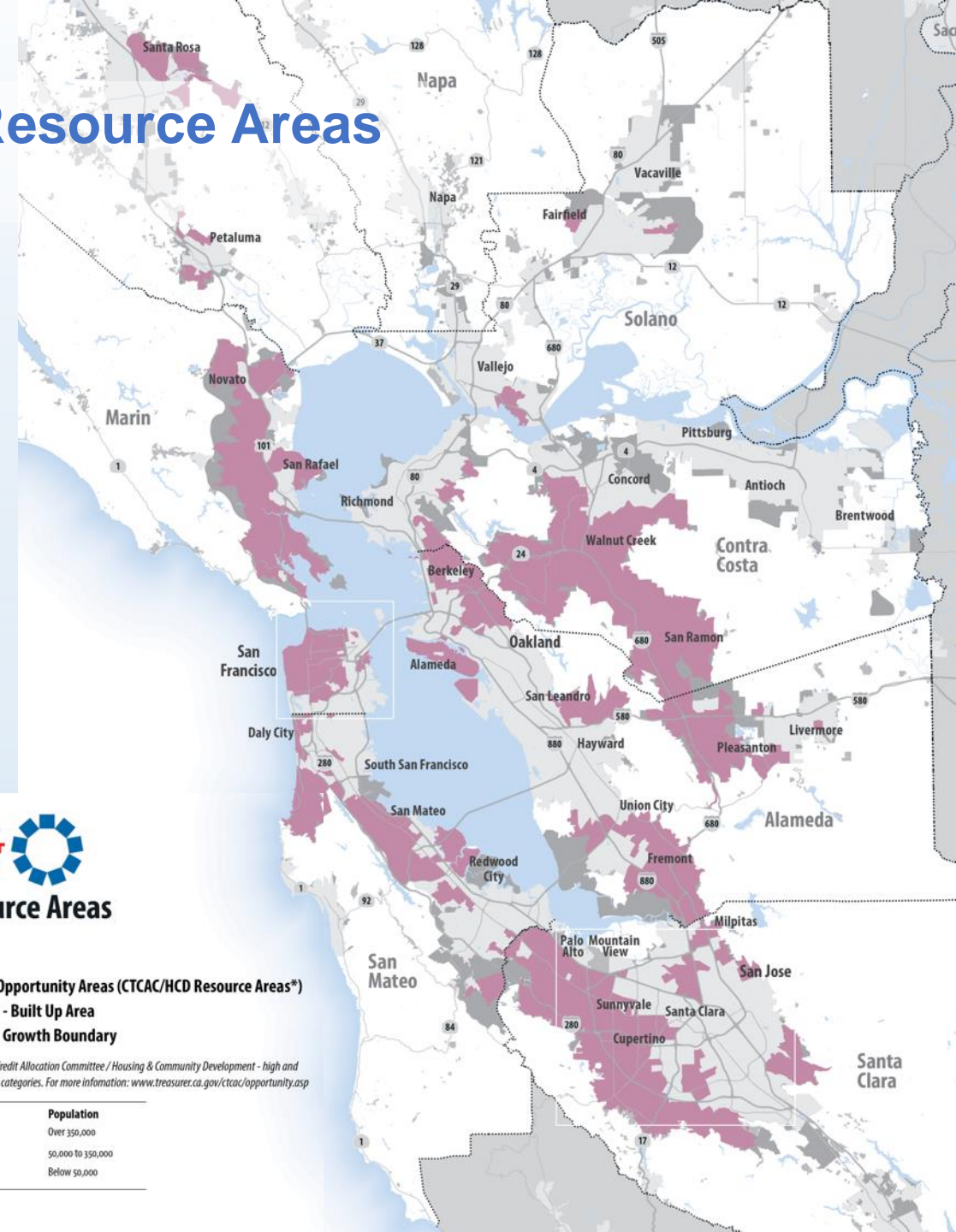


# AB 1279 – Housing Development in High-Resource Areas

## “Missing Middle” Housing

### Highlights:

- Applicable in state-designated **high-resource areas**; designation can be appealed
- “**By-right**” approval of projects with 2 to 100 units, depending on existing zoning and parcel size
- Subject to local “**objective**” design standards, but cannot trigger CEQA or undermine fair housing law
- **Larger projects** eligible for state density bonus but also subject to affordability requirements
- Parcels with **existing rental units** (in use for the last 10 years) excluded
- Parcels in **environmentally sensitive areas** and open space excluded



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## “Missing Middle” Housing

2-4 units and no more than 20 feet on single-family parcels, in high-resource areas



- Could be designed to compliment the existing neighborhood character.
- Increases walkability and safety by providing “eyes on the street.”
- Provides “naturally” affordable housing without public subsidies.

Image source: Berkeleyside



## “Missing Middle” Housing

5-40 units and no more than 30 feet on larger lots adjacent to an “arterial” road or commercial area, in high-resource areas



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Image source: various developer websites

# AB 1279 – Housing Development: High-Resource Areas

## “Missing Middle” Housing

### CURRENT ZONING/WHAT’S ALLOWED UNDER AB 1279

I

#### Single-Family Housing Only

1. Up to **4 units** and not more than **20 feet** high
2. Affordability requirement:
  - a. Affordable to households with incomes at 100 percent AMI**OR**
  - b. Fee of 10 percent of difference between affordable and market rate for units

II

#### Residential Areas

*Min. ¼-Acre, Near Major Road or Commercial Use*

1. Up to **40 units** and not more than **30 feet** high
2. Projects  $\leq 10$  units:
  - a. Same affordability requirements as for SF-zoned parcels
3. Projects  $> 10$  units:
  - a. 10 percent affordable to low- and 5 percent to very low-income HHs
  - b. Local inclusionary standards apply if higher

III

#### Housing & Commercial Development Allowed

*Min. ½-Acre, Near Major Road or Commercial Use*

1. Up to **100 units** and not more than **55 feet** high
2. Affordability Requirements:
  - a. 50% total; 25 percent affordable to low- and 25 percent to very low-income HHs





# AB 1279 – Housing Development: High-Resource Areas

## “Missing Middle” Housing

### *Discussion Questions*

- Many single-family homes are already two stories. Could tri- or fourplexes be designed to blend in?
- What does the group think about tying upzoning tied to high-resource areas, regardless of transit proximity?
- Do the proposed tenant protections in the bill go far enough, or go too far?
- Do the proposed affordability requirements in the bill go far enough, or go too far?



Image source: Valco Town Center Specific Plan



## AB 1483: Housing Data Collection and Reporting

- Bill's underlying assumption: Better data = better outcomes
- Seeks to improve quality and availability of information local governments provide related to housing project approvals, fees and zoning standards.
- Expands on data already reported through "APR" – annual performance report jurisdictions submit to HCD to require annual reporting to HCD **and MPOs**.
- Additional detail required, such as name of applicant, # units, permits issued, number of certificates of occupancy issued.
- Allows MPOs to request additional information from local jurisdictions about housing, subject to HCD approval and conditional on provision of technical assistance from MPO or HCD.
- Requires posting on web site of all fees, zoning and planning standards related to housing development projects.

***Note: AB 1484 amended to only include online posting of fees***



## AB 1483: Statewide Housing Data Strategy & Database

- Requires HCD develop a 10-year housing **data strategy** in its next revision of the CA Statewide Housing Plan
- Requires HCD establish an accessible statewide publicly accessible database with parcel-level housing data
- Requires HCD develop by January 1, 2022 protocols for data sharing, documentation, quality control, public access and promotion of open source platforms and decision tools related to housing data.





# AB 1487 – Housing Finance Act

## Production, Preservation and Protection

### *Highlights:*

- Establishes the [Housing Alliance for Bay Area](#) to provide funding and technical assistance for 3 Ps
- [18-member board](#) appointed by MTC and ABAG; 9-member committee to provide expert advice
- Broad [taxing authority](#) subject to voter approval; May assemble, lease or purchase [parcels for affordable housing](#); cannot use eminent domain
- [No regulatory authority](#) over local land use
- Counties to develop [expenditure plans](#); may administer funds instead of HABA



Senior housing



Affordable housing preservation



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# AB 1487 — Funding Distribution

## Expenditures

≥60% for affordable housing production

Min.15- Max. 20% for preservation

Min.5- Max.10% for protection

Min.5- Max.10% for general funds to local governments that achieve unspecified housing benchmarks



## Administration

75% of new revenue returned to county of origin; 25% available to be spent across region to highest need

- Counties have option to administer funds themselves or rely on HABA to allocate funds.



## AB 1487: Potential Funding Measures

The bill authorizes HABA to place a number of different measures on the ballot, balanced across businesses, general taxpayers, commercial developers, and property owners including:

- parcel tax
- commercial linkage fee
- gross receipts tax
- head tax
- ½-cent sales tax [only measure with an amount specified]
- A general obligation bond to be funded by an ad valorem
- tax on the assessed value of local properties.
- A revenue bond



# AB 1487 – Housing Finance Act

## Production, Preservation and Protection

### *Discussion Questions:*

- Do you think there is a role for a regional entity to raise and distribute housing funding, purchase and dispose of land and provide planning and technical assistance across the region?
- What are your thoughts about the funding sources listed in the bill?
- HABA is proposed to be governed equally by a board of MTC and ABAG, with 9 seats each. What do you think of this?
- The bill requires 75% of funds to be distributed to the county of origin. What do you think of this?
- What would be the best use of regional funds?
- Are there critical housing needs that jurisdictions are missing since the loss of redevelopment that HABA could fulfill at the regional level?

