

**Metropolitan Transportation Commission
Policy Advisory Council**

May 8, 2019

Agenda Item 6

Review of Housing Legislation

- Subject:** Review of bills related to public lands, upzoning, housing data/transparency, streamlining and redevelopment.
- Background:** Matrix of California housing bills presented to the Joint ABAG MTC Housing Legislative Working Group on May 1, 2019. The Joint MTC Legislation Committee and ABAG Legislation Committee will be considering positions on housing bills at its May 10, 2019 meeting. A link to the recommendations will be provided once available.
- Recommendation:** Information
- Attachments:** Attachment A: 2019 California Housing Bill Matrix

Shading indicates bills discussed by working group

2019 California Housing Bill Matrix

Attachment A
Agenda Item 6

Last Updated: April 30, 2019 9:00 PM

Topic	Bill	Summary	Status as of 4/30/19
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.	Assembly Rules (Non-fiscal; Amended 4/22)
	AB 1482 (Chiu)	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.	Assembly Appropriations (Amended 4/22/19)
Just Cause Eviction	AB 1481 (Bonta)	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.	Assembly (Passed Assembly Judiciary Committee on 4/30/19; Amended 4/23/19)
	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 (Passed Assembly Judiciary Committee as amended on 4/30/19)*
Tenant Organizing Rights	SB 529 (Durazo)	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.	Senate Appropriations (Amended 4/23/19)*

Topic	Bill	Summary	Status as of 4/30/19
PROTECTION, cont.			
Rent Assistance & Access to Legal Counsel	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 	Senate Appropriations (Amended 4/23/19)*
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. 	Assembly Appropriations Suspense File
	AB 69 (Ting)	<ul style="list-style-type: none"> • 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. • Authorizes HCD to notify the Attorney General if they find that an ADU ordinance violates state law. 	Assembly Appropriations Suspense File
	AB 587 (Friedman)	<ul style="list-style-type: none"> • Authorizes an 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 Rules (Amended 4/22/19)
	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.	Assembly Appropriations
	AB 881 (Bloom)	Eliminates ability of local jurisdiction to mandate that an applicant for an ADU permit be an owner-occupant.	Assembly Third Reading

Topic	Bill	Summary	Status as of 4/25/19
PRODUCTION & PRESERVATION (cont'd)			
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. • Expires January 1, 2040 	Senate Appropriations (Amended 4/23/19)
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 Appropriations
	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. 	Senate Governance and Finance (No longer active; provisions of the bill to be incorporated into SB 50 (Wiener))

Topic	Bill	Summary	Status as of 4/25/19
PRODUCTION & PRESERVATION (cont'd)			
Zoning/ Housing Approvals (cont'd)	SB 50 (Wiener)	<ul style="list-style-type: none"> • Allows upzoning within ½-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. 	Senate Appropriations (Passed Senate Governance and Finance with substantial amendments, 4/24/19)*
	SB 330 (Skinner)	<ul style="list-style-type: none"> • Restricts a local jurisdiction or ballot measure from downzoning, establishing or implementing limits on permit issuance or population <i>unless the limit was approved prior to January 1, 2005 in a predominately agricultural county</i>, 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 <i>national statewide</i> average fair market rent for the year and a vacancy rate below __ percent. • Prohibits a city or county from conducting more than <i>five</i> three de novo hearings on an application for a housing development project. <i>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.</i> • Ten year emergency statute. 	

Topic	Bill	Summary	Status as of 4/25/19
PRODUCTION & PRESERVATION (cont'd)			
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. <i>Requires a code enforcement officer to report a residential property owned or operated by a landlord subject to the registration requirement to HCD.</i> 	Senate Appropriations (Passed Senate Housing with substantial amendments, 4/22/19)
	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. 	Assembly Appropriations (Amended 4/25/19)
	AB 1483 (Grayson)	<ul style="list-style-type: none"> Requires a city or county to <i>maintain a current schedule of fees applicable to a housing development project</i> compile of zoning and planning standards, fees, special taxes, and assessments in the jurisdiction. Requires each local agency to post the <i>fee schedule list and all zoning ordinances and development standards</i> on its website and provide the <i>information list</i> 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 Appropriations (Amended 4/29/19)

Topic	Bill	Summary	Status as of 4/30/19
PRODUCTION & PRESERVATION (cont'd)			
Fees/ Transparency, cont.	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>	Assembly Appropriations
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. <i>Substantially Amended</i> 4/11/19	Assembly Third Reading (Passed Assembly Local Government with amendments, 4/24/19)*
	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. 	Assembly Housing and Community Development (2-year bill)
	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. <i>Provides that these provisions do not apply to an affordable housing project if it is in certain locations.</i> Prohibits a court from staying or enjoining the construction or operation of an affordable housing project unless it makes certain findings. 	Senate Appropriations (Amended 4/30/19)*

Topic	Bill	Summary	Status as of 4/30/19
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. <i>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.</i> • 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. 	<p>Senate Appropriations (Heard April 29)</p> <p>(Amendments accepted and re-referred to Senate Appropriations, 4/23/19)</p>
	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 Appropriations Suspense File
	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. • 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. • 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. 	Assembly Appropriations

Topic	Bill	Summary	Status as of 4/30/19
PRODUCTION & PRESERVATION (cont'd)			
Funding <i>(Note: Funding is the most relevant category for affordable housing preservation)</i>	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.	Assembly Revenue and Taxation (urgency bill)
	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. 	Assembly Appropriations (Passed Assembly Local Government, 4/24/19)
	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, ABAG and gubernatorial appointees and staffed by MTC. 	Assembly Appropriations (Amended 4/29/19 to remove governance provisions to allow more time to negotiate this aspect of the bill.)
	AB 1568 (McCarty)	Conditions eligibility for <i>state grants</i> SB-1 local street and road fund on an HCD determination that a <i>jurisdiction</i> jurisdiction's housing element is in compliance with state law, <i>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.</i>	Assembly Appropriations

Topic	Bill	Summary	Status as of 4/30/19
PRODUCTION & PRESERVATION (cont'd)			
Funding (cont'd)	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.	Assembly Appropriations
	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> • MTC and ABAG support in concept 	Senate Appropriations (Heard April 30) (Amended 4/23/19)

Topic	Bill	Summary	Status as of 4/25/19
PRODUCTION & PRESERVATION (cont'd)			
Funding (cont'd)	ACA 1 (Aguiar-Curry)	<ul style="list-style-type: none"> Reduces vote threshold for local bonds or special taxes for affordable housing production, preservation or public infrastructure. MTC and ABAG support 	Assembly Appropriations Suspense File
	SB 128 (Beall)	<ul style="list-style-type: none"> 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. MTC and ABAG support 	Assembly Desk
Planning	AB 725 (Wicks)	Prohibits more than 20% of a <i>suburban or metropolitan</i> jurisdiction's share of regional housing need for above moderate-income housing from being allocated to sites with zoning restricted to single-family development.	Assembly Housing and Community Development (2-year bill)
	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
	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.	Senate Appropriations (Amended on 4/29/19)

* Amendments are not yet in print and/or staff has not yet incorporated amendments into this matrix.