

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
 Legislation Fact Sheet



As part of the housing package, a variety of new laws have been adopted that will influence the City of Solana Beach as they achieve certification. The following chart provides a summary of these new laws.

2018 LEGISLATION
FUNDING MEASURES
SB 2 - Projected to generate hundreds of millions of dollars annually for affordable housing, supportive housing, emergency shelters, transitional housing and other housing needs via a \$75 to \$225 recording fee on specified real estate documents.
SB 3 - Placed a \$4 billion general obligation bond on the November 2018 ballot to fund affordable housing programs and the veteran’s homeownership program (CalVet).
STREAMLINING MEASURES
SB 35 - Streamlines multifamily housing project approvals, at the request of a developer, in a city that fails to issue building permits for its share of the regional housing need by income category. In an SB 35 city, approval of a qualifying housing development on qualifying site is a ministerial act, without CEQA review or public hearings.
SB 540 - Streamlines the housing approval process by allowing jurisdictions to establish Workforce Housing Opportunity Zones (WHOZs), which focus on workforce and affordable housing in areas close to jobs and transit and conform to California’s greenhouse gas reduction laws. SB 540’s objective is to set the stage for approval of housing developments by conducting all of the necessary planning, environmental review and public input on the front end through the adoption of a detailed Specific Plan. SB 540 provides the development community with certainty that for a five-year period, development consistent with the plan will be approved without further CEQA review or discretionary decision-making.
AB 73 – Similar to SB 540 the Bill streamlines the housing approval process by allowing jurisdictions to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the ordinance.
ACCOUNTABILITY MEASURES
SB 167 / AB 678 / AB 1515 – These three measures were amended late in the 2017 legislative session to incorporate nearly all of the same changes to the Housing Accountability Act (HAA). The HAA limits the ability of a jurisdiction to deny an affordable or market-rate housing project that is consistent with existing planning and zoning requirements.
OTHER MEASURES
AB 1505 - Allows a jurisdiction to adopt an ordinance that requires a housing development to include a certain percentage of residential rental units affordable to and occupied by households with incomes that do not exceed limits for households with extremely low, very low, low or moderate income. Such an ordinance must provide alternative means of compliance such as in-lieu fees, off-site construction, etc.
AB 879 - Expands upon existing law that requires, by April 1 of each year, general law cities to send an annual report, that includes information related to the implementation of the General Plan, including RHNA, to their respective city councils, the state Office of Planning and Research (OPR) and HCD.

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
Legislation Fact Sheet



AB 1397 - Makes numerous changes to how a jurisdiction establishes its housing element site inventory. Its purpose is to strengthen the obligation of local governments to identify a supply of adequate sites available to meet their housing needs for all income levels in their housing elements. Updated requirements include the following: Sites must be available and either vacant or have a “realistic and demonstrated potential for redevelopment during the planning period” for the designated income level. There is now a presumption that an existing use on a non-vacant site will impede development if more than 50% of the sites identified as available to accommodate the lower income RHNA are non-vacant. Sites identified to accommodate the lower income RHNA must be served by water, sewer and “dry” utilities. Sites identified in prior housing elements may only be included in a new element as available to accommodate the lower income RHNA if they are rezoned for by-right development and require at least 20% of the housing on those sites be affordable to lower income households. To identify these sites as available to accommodate lower income housing the analysis must demonstrate a history of affordable housing development on sites of these sizes. Calculating the unit capacity for sites must be realistic based on analysis demonstrating a history of development of affordable housing at the assigned density. A site cannot be presumed to accommodate the maximum density permitted.

AB 72 - Provides HCD new broad authority to find a jurisdiction’s housing element out of substantial compliance if it determines that the jurisdiction fails to act in compliance with its Housing Element and allows HCD to refer violations of law to the attorney general.

2019 LEGISLATION

AB 2753 - Seeks to expedite the processing of density bonus applications pursuant to the State Density Bonus Law. The State Density Bonus Law, originally enacted in 1979, requires an agency to grant a density bonus and/or a certain number of concessions or incentives to developers who agree to construct developments that provide affordable housing and meet certain criteria. Updates require local governments to provide determinations to developers regarding the amount of density bonus for which a development is eligible, all reductions in parking requirements for which the applicant is eligible and whether the applicant has provided adequate information for the local government to decide regarding any requested incentives, concessions, waivers or reductions in required parking. The law also requires determinations to be based on the development project at the time the application is deemed complete and provides that the local government shall adjust the amount of density bonus and required parking based on any changes during the development process.

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
Legislation Fact Sheet



<p>AB 2372 - Authorizes cities or counties to grant a developer of an eligible housing development under the State Density Bonus Law a floor area ratio bonus in lieu of a bonus on the basis of dwelling units per acre. The floor area bonus is calculated based on a formula prescribed in the new statute (i.e., allowable residential base density x (site area in square feet / 43,500) x 2,250). An eligible housing development under the law is a multifamily housing development that provides at least 20 percent affordable units, is located within a transit priority area or a half-mile from a major transit stop, meets requirements for the replacement of existing units and complies with height requirements applicable to the underlying zone. The law also prohibits cities and counties from imposing parking requirements in excess of specified ratios and allows an applicant for an eligible development to calculate impact fees based on square feet and not per unit.</p>
<p>SB 1227 - Extends the State Density Bonus Law to apply to student housing. It allows student housing projects where at least 20 percent of the units are affordable for lower income students to receive a 35 percent density bonus. The law also states that the development must provide priority to students experiencing homelessness. The density bonus under the law will be calculated based on the number of beds instead of units.</p>
<p>AB 2797 - Requires the State Density Bonus Law to be harmonized with the California Coastal Act so that both statutes can be given effect within the coastal zone to increase affordable housing in the coastal zone while protecting coastal resources and access.</p>
<p>AB 3194 - Makes three important revisions to strengthen the Housing Accountability Act (HAA). The HAA strictly limits local governments' authority to reject or restrict housing development projects that comply with applicable objective general plan, zoning and subdivision standards. This year, as revised by AB 3194, if the zoning for a project site is inconsistent with the general plan, a proposed housing development project cannot be considered "inconsistent" with a jurisdiction's zoning standards and cannot be required to seek a rezoning, as long as the project complies with the jurisdiction's objective general plan standards. Second, local agencies must now apply zoning standards and criteria to facilitate and accommodate development at the density allowed on the site by the general plan. Third, the Legislature declared its intent that a "specific, adverse impact on the public health and safety" – the only permissible basis on which a local government can reject or reduce the size of a project that complies with objective standards—will "arise infrequently."</p>
<p>SB 765 - Makes a series of "cleanup" revisions to SB 35, the major streamlining law enacted in 2017, which requires localities to grant a streamlined ministerial approval to housing projects that meet the locality's objective standards, commit to provide prevailing wage labor and provide a specified amount of affordable housing, among other criteria.</p>
<p>AB 2263 - Authorizes parking reductions for a development project in which a designated historical resource is being converted or adapted. For projects converting or adapting a designated historical resource to a residential use that is located within a half-mile of a major transit stop, an agency shall not require the project to provide parking spaces greater than the number of parking spaces that existed on the project site at the time the project application was submitted. For a project converting or adapting a designated historical resource to a nonresidential use, a local agency shall provide a 25 percent reduction in the amount of parking spaces that would otherwise be required.</p>

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
Legislation Fact Sheet



AB 2162 - Requires supportive housing to be considered a use "by right" in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified criteria. Supportive housing is housing linked to an onsite or offsite service that assists the resident in retaining the housing, improving his or her health status and ability to live and work in the community. Qualifying criteria relates to affordability, long-term deed restrictions, nonresidential floor use providing supportive services and other design requirements. The law requires a local government to approve, within specified periods, supportive housing developments that comply with these requirements. The law prohibits the local government from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within a half-mile of a public transit stop.

AB 829 - Prohibits local governments from requiring a developer of obtain a letter of acknowledgment or similar document prior to applying for state assistance for a housing development. The law defines state assistance as any state funds, a state tax credit or a federal tax credit administered by the state. The legislative analysis for the bill explained that in at least one case in the state, city council members have delayed projects for supportive housing requiring financial assistance by conditioning a project to receive official sign-off from the local elected official in order to receive funding. This law ends that practice for all jurisdictions.

SB 828 / AB 1771 - Makes several changes to the Regional Housing Needs Assessment (RHNA) process to use more data to more accurately and fairly reflect job growth and housing needs, with an emphasis on fair housing goals. RHNA is the process to identify the total number of housing units and income levels that each jurisdiction must accommodate in its housing element. The RHNA process has been in the spotlight recently due to claims that some cities have artificially low RHNA targets due to a politically driven process. New amendments revise the data that the council of governments (the entities that determine RHNA targets) must provide to HCD as part of the RHNA process. That data must now include new information regarding overcrowding rates, vacancy rates and cost-burdened housing (among other new data points). This law adds more opportunities for public comment and HCD adjustments to the council of governments' methodology for selecting RHNA targets, as well an ability for local governments to appeal RHNA targets. Additionally, the law prohibits a council of governments from using prior underproduction of housing, or stable population numbers, as justification for a determination or reduction in a local government's share of the RHNA.

AB 686 - Requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing and not take any action that is inconsistent with this obligation. "Affirmatively furthering fair housing" means, among other things, "taking meaningful actions ... that overcome patterns of segregation and foster inclusive communities" and "address significant disparities in housing needs and in access to opportunity." Additionally, an assessment of fair housing practices must now be included in upcoming housing elements.

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
 Legislation Fact Sheet



<p>SB 1333 - Makes charter cities (those governed by a city charter document rather than by general law) subject to several planning laws that previously only applied to general law cities. These include laws related to general plan amendment processing, accessory dwelling unit permitting and the preparation of housing elements. Notably, the new law now requires a charter city's zoning ordinances to be consistent with its adopted general plan.</p>
<p>AB 1919 - Recognizes that under current prohibitions against "price gouging," landlords cannot raise rents by more than 10 percent within 30 days of a declared disaster, but the prohibition does not apply to rental properties that were not on the market at the time of the emergency. This new law expands the existing crime of price gouging to include new rentals that were not on the market at the time of the emergency within the types of goods and services that are price-controlled in the immediate aftermath of an emergency. The law also makes other related reforms to limit rent increases and evictions following an emergency.</p>
<p>AB 2913 - Extends the duration of a building permit from six months (180 days) to 12 months, as long as construction has started and has not been abandoned. The law also provides that a permit is subject to the building standards in effect on the date of original issuance, and if the permit does expire, the developer may obtain approval from the local building official for one or more six-month extensions.</p>
<p>DEVELOPMENT, STREAMLINING, PRODUCTION AND INCENTIVES</p>
<p>SB 330 – Limits a jurisdiction’s ability to change development standards and zoning applicable to the project once a “preliminary application” is submitted. Amends the Permit Streamlining Act to specify what constitutes a “preliminary application” and states that a jurisdiction has one chance to identify incomplete items in an initial application, and after that may not request any new information. Prevents jurisdictions from increasing exactions or fees during a project’s application period, and only allows such increases if the resolution or ordinance establishing the fee calls for automatic increases in the fee over time. Prohibits jurisdictions from conducting more than 5 hearings if a proposed housing project complies with the applicable, objective general plan and zoning standards in effect at the time the application is deemed complete. Prohibits a jurisdiction from enacting development policies, standards or conditions that would change current zoning and general plan designations of land to “lessen the intensity of housing”; from placing a moratorium or similar restrictions on housing development; and from limiting or capping the number of land use approvals or permits. Creates the Housing Accountability Act.</p>
<p>AB 1763 – Creates enhanced density bonus options, including a potential 80% increase in base density and unlimited density bonuses for qualifying projects within a half-mile of a major transit stop. Applies only to projects that consist of 100% affordable housing (no more than 20% moderate-income, and the rest for lower-income).</p>

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
 Legislation Fact Sheet



<p>AB 1485 – Clarifies that the calculation to determine if a project qualifies for SB 35 where it consists of two-thirds residential excludes underground space. Clarifies that the 3-year expiration for SB 35 approval in case of litigation expires 3 years after a final judgment upholding the approval and clarifies that the approval also remains valid as long as vertical construction has begun and is in progress. Clarifies that local governments must issue subsequent permits without unreasonable delay, as long as those subsequent permit applications substantially comply with the approved SB 35 permit. Clarifies that a project complies with SB 35’s qualifying criteria as long as “there is substantial evidence that would allow a reasonable person to conclude” that the development qualifies. Clarifies that under existing law, SB 35 projects are entitled to protection under the Housing Accountability Act.</p>
<p>AB 1483 – Requires local agencies to make information available on housing development fees, applicable zoning ordinances and standards, annual fee reports and archived nexus fee studies. Requires cities to clearly post their impact fee schedules and nexus studies. HCD will be required to prepare a 10-year housing data strategy that identifies the data useful to enforce existing housing laws and inform state housing policymaking.</p>
<p>AB 101 – Effective as of July 31, 2019. Requires local governments to provide “by right,” CEQA-exempt approvals to certain qualifying navigation centers that move homeless Californians into permanent housing. Creates additional incentives for cities to comply with their mandates to plan for sufficient housing under housing element law. Creates steep penalties for cities that refuse to comply with Housing Element law and ties financial incentives to cities that adopt “pro-housing” policies.</p>
<p>CEQA FAST TRACK</p>
<p>AB 1560 – Broadens the definition of a “major transit stop” to include bus rapid transit. Provides that projects located within a ½ mile of a qualifying bus rapid transit stop may qualify for parking reductions, CEQA infill housing, aesthetic and parking exemptions, SB 375 streamlining for qualifying transit priority projects, and a less than significant VMT impact presumption. The new definition also applies to local incentives.</p>
<p>SB 744 – Streamlines the approval process for supportive housing projects by clarifying that a decision to seek funding through the No Place Like Home program is not a project for the purpose of CEQA.</p>
<p>AB 1197 – Exempts from CEQA, until January 1, 2025, any action taken by certain local public agencies to convey, lease, encumber land or provide financial assistance in furtherance of providing emergency shelters or supportive housing in the City of LA.</p>
<p>TENANT PROTECTIONS</p>
<p>AB 1482 - Enacts a yearly cap of 5% plus the change in cost of living on rent increases statewide for the next 10 years. Enacts a just cause provision to prevent landlords from evicting certain tenants absent just cause. Contains exemptions, the 2 most important of which are (i) properties built in the last 15 years, and (ii) single-family home rentals not owned by a REIT or corporation. Does not replace more stringent local measures, including existing local rent control with lower limits and local just cause eviction laws.</p>
<p>AB 1110 - Requires 90-day notice, rather than 60-day notice, before a landlord may increase the rent of a month-to-month tenant by more than 10%.</p>

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
 Legislation Fact Sheet



SB 329 - Prohibits landlords from discriminating against tenants who rely on housing assistance paid directly to landlords, such as a Section 8 voucher.
SB 18 - Removes the December 31, 2019 sunset date on a state law which gives tenants at least 90-days' notice before their tenancy can be terminated if a landlord loses ownership of their rental property as a result of a foreclosure sale
ACCESSORY DWELLING UNITS
AB 68 - Allows 2 ADUs on a single lot, as well as multiple ADUs on multifamily lots. Requires local agencies to approve or deny an ADU project within 60 days. Restricts local agencies' ability to adopt certain ordinances that would discourage ADUs.
AB 881 - Restricting local jurisdictions' permitting criteria. Clarifies that ADUs must receive streamlined approval if constructed in existing garages. Eliminates local jurisdictions' ability to require owner-occupancy for 5 years.
SB 13 - Sunsets on January 1, 2025. Creates a tiered fee structure which charges ADUs more fairly based on their size and location. Prohibits local jurisdictions from imposing impact fees on ADUs under 750 square feet. Prohibits conditional approval of an ADU on the applicant being an "owner-applicant."
AB 587 - Provides that local jurisdictions may allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met. Allows affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.
AB 670 - Prevents homeowners' associations from barring ADUs. Allows reasonable restrictions.
AB 671 - Requires local governments to include in their housing plans to incentivize and promote the creation of affordable ADUs. Requires HCD to develop a list of state grants and financial incentives for ADU development and post it by Dec. 31, 2020.
SURPLUS LAND
AB 1486 - Expands Surplus Land Act requirements for local agencies. Clarify what it means to grant "priority" to affordable housing proposals by requiring that agencies negotiate exclusively with the entity proposing the most units at the deepest affordability. Requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports. Requires HCD to maintain a searchable and public inventory of all publicly owned or controlled lands and their present usage. Provides that a local agency that violates the Act is liable for up 30 percent to 50 percent of the final sale price.
SB 6 - Requires DGS to create public searchable database of: (1) local land suitable and available for residential development based on information included in local Housing Elements; and (2) state land determined or declared to be excess.
AB 1255 - Requires cities and counties to report to the state an inventory of its surplus lands in urbanized areas. Requires the state to include this information in a digitized inventory of state surplus land sites.
FUNDING
AB 116 - Removes the requirement that Enhanced Infrastructure Financing Districts (EIFDs) must receive voter approval prior to issuing bonds.

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
Legislation Fact Sheet



MISCELLANEOUS
SB 128 - Extends the pilot program allowing certain counties to select a bidder on a “best value” basis for construction projects over \$1 million to January 1, 2025 and adds new counties to the program. Participating counties must submit a report describing, among other things, the projects awarded using the best value procedure.
AB 695 - Effective July 1, 2020. A design-build entity cannot be prequalified or shortlisted unless the entity provides an enforceable commitment to the school district that the entity and its subcontractors use skilled and trained workers or building and construction trade apprentices to perform all work on the project or contract.
AB 1768 - Workers employed on public works projects may not be paid less than the general prevailing rate of per diem wages. Expands the definition of public works to include preconstruction works such as design, feasibility studies, land surveying, and site assessments.
AB 197 - Department of Transportation is indefinitely prohibited from withholding retention proceeds when making progress payments for work performed by a contractor.