

2018-19 3Ps Housing Bills Signed by the Governor

AB 68 (Ting), SB 13 (Wieckowski), and AB 881 (Bloom) -- facilitate the development of Accessory Dwelling Units (ADUs). Among other provisions, AB 68 disallows local requirements on ADUs for lot coverage and minimum lot size and requires a local jurisdiction to approve or deny a permit application within 60 days of receipt. SB 13, among other provisions, prohibits impact fees on ADUs less than 750 square feet and creates an amnesty program for substandard ADUs. Among other provisions, AB 881 removed onerous owner-occupancy requirements.

AB 1482 (Chiu, Bonta, Grayson, et. al.)-- limits annual rent increases for the next ten years to 5% + CPI for tenants living in buildings that are 15 years old and older. The legislation also includes just cause eviction requirements for those same tenants that have completed 12 months of tenancy. It is important to note that the bill does not impact existing rent control ordinances that may have stricter requirements. In San Jose, for example, the units currently under rent control will continue to be subject to the City's requirements. However, units built after November 1978 and before 2005 will be impacted by the new rules.

AB 1483 (Grayson)-- requires cities, counties, and special districts to place on their web sites the current schedule of fees, exactions, and affordability requirements to be imposed on a proposed housing development. Sunshining the number and amount of fees required of development is important, as increasing fees are one reason that residential development has become so expensive in the Bay Area.

AB 1485 (Wicks)-- allows a residential development in the San Francisco Bay Area to access a streamlined approval process if it includes at least 20% of the total proposed units affordable to households earning 120% of Area Median Income (AMI) or below and with the average income of households in the units at 100% of AMI.

AB 1486 (Ting)-- strengthened the State Surplus Land Act by, among other provisions, clarifying the public agencies to which the Act applies, and revising the definitions of "surplus" and "agency use," and list of exemptions. While jurisdictions are required to make surplus property available for affordable housing development, many communities have resisted the State's requirements.

AB 1487 (Chiu)-- this bill, known as the San Francisco Bay Area Regional Housing Finance Act, authorizes the Metropolitan Transportation Commission (MTC) to serve as the governing board of the authority and place affordable housing revenue ballot measures before the region's voters. The legislation also authorizes the Executive Board of the Association of Bay Area Governments (ABAG) to impose a commercial linkage fee on new commercial development in an amount not to exceed \$10 per square foot, to fund affordable housing programs.

SB 6 (Beall, McGuire) – Requires that the State Department of General Services maintain a database of all local lands suitable and available for residential development as identified by local governments and to make the information available and searchable by the public. And, for any housing element adopted on or after January 1, 2021, jurisdictions must include an inventory of land to the State Department of Housing and Community Development.

SB 18 (Skinner) – Known as the Keep Californians Housed Act, SB 18 requires 90 days written notice prior to eviction for renters who occupy a property that has been foreclosed upon.

SB 330 (Skinner)- is known as the Housing Crisis Act of 2019. For five years, this bill will, among other provisions, prohibit downzonings, housing moratoria, and caps on building permits. In Santa Clara County, this bill would have limited Gilroy's recent actions to create a development moratorium, and brings into question Morgan Hill's system of restricting annual housing permits issued.