



CALIFORNIA - NEW LAWS 2023

AB 2011: Housing Development on Commercially Zoned Sites

AB 2011 allows for ministerial, by-right approval for affordable housing on commercially-zoned lands, and also allows such approvals for mixed-income housing along commercial corridors, as long as projects meet specified affordability, labor, and environmental criteria. The bill also requires that all projects seeking approval under its provisions ensure all construction workers earn prevailing wages and receive health benefits. AB 2011 takes effect July 1, 2023.

AB 2234: Timelines for Post-Entitlement Permits

AB 2234 borrows familiar aspects of the Permit Streamlining Act process and applies those standards to define “post-entitlement housing development permits” such as building permits, demolition permits and permits for minor or standard excavation, grading or off-site improvements. Public agencies must publish formal application checklists for post-entitlement housing development permits, as well as examples of complete applications for specific types of housing developments. Local agencies must respond within 15 business days after an agency receives an application by identifying any specific information from the published checklist that was missing from the application, or else the application becomes “deemed complete.” AB 2234 provides that a local agency’s failure to comply with the specified timelines is a violation of the Housing Accountability Act (HAA), exposing the local agency to the attorney’s fees, mandamus relief and potential fines provided by the HAA.

AB 2097: No Parking Minimums within Half-Mile of Public Transit

This law prohibits public agencies from imposing minimum parking requirements on residential, commercial or other development projects located within a half-mile of public transit. Public agencies may only impose parking minimums on such projects if the agency can make certain written findings that the inability to impose parking requirements would have substantial negative impacts on 1) a jurisdiction’s ability to meet its regional housing needs for low-income and very low-income households; 2) a jurisdiction’s ability to meet special housing needs for the elderly or persons with disabilities; 3) existing residential or commercial parking facilities located within a half-mile of the housing development project.

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AB 2221: ADU Accessory Dwelling Units

AB 2221 contains clean-up language and clarifications to reduce permitting hurdles for ADU applicants. Agencies that deny an ADU application must now provide a full set of comments to the applicant with a list of items that are deficient and a description of how the application can be remedied. AB 2221 expressly requires agencies to “approve or deny” an ADU application within 60 days of the completeness determination and clarifies that the construction of an ADU (attached or detached) cannot trigger a requirement to install fire sprinklers in an existing multifamily dwelling.

SB 897: Increased Height Limits for ADUs; Detached ADUs at Proposed Multifamily Projects

SB 897 increases the minimum height limits that local governments may impose on ADUs. Specifically, SB 897 provides minimum height limits of 16 feet (for detached ADUs on same lot with an existing or proposed single-family or multifamily dwelling); 18 feet (for detached ADUs located on lot that is within a half-mile of a major transit stop, or detached ADUs on lot with an existing or proposed multistory, multifamily dwelling); or 25 feet or base zone height, whatever is lower (for attached ADUs). The law introduces the potential for two-story ADUs if certain conditions are met, but ensures local agencies are not required to permit three-story ADUs. Lastly, SB 897 now clarifies that two detached ADUs may be constructed (and qualify for building permit ministerial review under Subdivision (e)) on lots with proposed multifamily dwellings. This change will allow developers to include two detached ADUs in their design and planning processes for new multifamily residential projects.

AB 916: Maximizing Bedroom Counts within Existing Units

AB 916 prevents local agencies from requiring a public hearing as a condition for proposals to reconfigure existing space within a dwelling unit to increase bedroom count. AB 916 applies to applications that seek to add no more than two additional bedrooms in an existing dwelling in a residential zone. The law does not prohibit agencies from holding public hearings for proposals that would increase the number of units, provided such proposals are not subject to other state laws that mandate ministerial review (e.g., ADUs, SB 9).

AB 2873: Promoting Diversity in Affordable Housing Development

AB 2873 is designed to encourage affordable housing developers to employ minority-owned business enterprises. It accomplishes this goal by requiring affordable housing developers to report on their efforts to employ women, minority, disabled veteran and LGBT owned business enterprises. This requirement applies to affordable housing developers that receive low-income housing tax credit (LIHTC) on or after Jan. 1, 2024, and that have either: 1) completed five or more housing projects by Jan. 1, 2023; or 2) received an annual LIHTC allocation of at least \$1 million.

AB 682: State Density Bonus Law Benefits for Shared Housing or Co-Living Buildings

AB 682 aims to ease roadblocks facing co-living housing projects by creating a new category of “shared housing” projects eligible for benefits under the State Density Bonus Law. A shared-housing building is defined as a residential or mixed-use structure with five or more housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. A shared-housing building qualifies for State Density Bonus Law benefits if it contains 10 percent lower-income units; 5 percent very low-income units; or is a senior housing development.

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