Senate Bill 330

Senate Bill 330, The Housing Crisis Act of 2019, was amended on April 24, 2019 and again on May 7, 2019. The following is an overview of some major amendments and a complete version of amendments is available at https://leginfo.legislature.ca.gov.

I. Broadens the definition of "ordinances, policies, and standards" and incorporated language to ensure it does not conflict with other housing legislation.

SEC. 3. 65589.5 (o) (4)

(4) For purposes of this subdivision, "ordinances, policies, and standards" *includes* general plan, *community plan, specific plan, zoning, design review standards and criteria,* subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

II. Raises hearing limits from three to five and removes requirement to either approve or disapprove a permit within 12 months from when the date on which the application is deemed complete.

Note: The bill defines hearings to include public hearings, workshops, and similar meetings.

SEC. 4. 65905.5 (a)

(a) Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time *an application is deemed complete,* a city or county shall not conduct more than *five* de novo hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public *hearing in connection with the approval of that housing development project.* The city or county shall consider and either approve or disapprove the application at any of the *five* hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)). The city or county shall *schedule each hearing to occur within 30 days following the request by the applicant, or an earlier date if otherwise required by law. The city or county shall not continue any hearing subject to this section to another date.*

III. Considers a housing development project consistent with zoning standards and criteria if it is consistent with general plan objective standards even if zoning for the project site is inconsistent with general plan land use designation. Limits a local jurisdictions land use

authority when reviewing housing developments and the only reason to reduce density would be for specific adverse impacts upon public health and safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

SEC. 4. 65905.5 (c)

(c) (1) For purposes of this section, a housing development project shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant, or in conformity.

(2) A proposed housing development project *is not inconsistent with the applicable zoning standards and criteria, and* shall not require *a* rezoning, if the *housing development project is consistent with the objective general plan standards and criteria, but the zoning for the project site is inconsistent with the general plan. If the local agency complies with the written documentation requirements of paragraph (2) of subdivision (j) of Section 65589.5, the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning that is consistent with the general plan; however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed* on the site by the *general plan and proposed by the proposed housing development project.*

SEC. 5. 65913.3 (c)

(c) A *proposed* housing development project *is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria* in effect as of January 1, 2018, *but the zoning for the project site is inconsistent with the general plan. If the local agency complies with the written documentation requirements of paragraph (2) of subdivision (j) of Section 65589.5, the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning that is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed* on the site by the *general plan and proposed by the proposed housing development project.*

IV. Set January 1, 2018 as a benchmark for parking regulations

SEC. 5. 65913.3 (b)

(b) Notwithstanding any other law, with respect to land where housing is an allowable *use on or after January 1, 2018*, an affected county or an affected city, as applicable, shall not do either of the following:

(1) Impose any new, or increase or enforce any existing, requirement that a proposed housing development include *parking, as applicable:*

(A) A minimum parking requirement if the proposed housing development is within one-quarter mile of a rail stop in an affected city that meets either of the following:

(i) The affected city is located in a county with a population of greater than 700,000.

(ii) The affected city has a population of 100,000 or greater and is located in a county with a population of 700,000 or less.

(B) A minimum parking requirement in excess of 0.5 spaces per unit in affected cities that are not subject to subparagraph (A).

V. Gives authority to allow local jurisdictions to impose in-lieu fees for affordable housing.

SEC. 5. 65913.3 (b) (2) (D)

(D) (i) Notwithstanding any provision of this paragraph to the contrary, an affected county or affected city may charge a fee that is in lieu of a housing development's compliance with any requirement imposed by the affected county or affected city, as applicable, to include a certain percentage of affordable units.

(ii) Nothing in this section prevents an affected county or an affected city from charging a fee that is in lieu of a housing development's compliance with any requirement imposed by the affected county or affected city, as applicable, to include a certain percentage of affordable units.

VI. Includes time period for determination of "Affected Cities and Counties".

SEC. 5. 65913.3 (f)

(f) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a), within the following time periods:

(1) The department shall make an initial determination pursuant to this subdivision no later than June 30, 2020. The department's determination shall remain valid until the department's second determination pursuant to paragraph (2).

(2) The department shall review its initial determination and make a second determination pursuant to this subdivision no later than June 30, 2025. The department's determination shall remain valid until January 1, 2030.

SEC. 13. 66300 (d)

(d) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a), within the following time periods:

(1) The department shall make an initial determination pursuant to this subdivision no later than June 30, 2020. The department's determination shall remain valid until the department's second determination pursuant to paragraph (2).

(2) The department shall review its initial determination and make a second determination pursuant to this subdivision no later than June 30, 2025. The department's determination shall remain valid until January 1, 2030.

VII. Strengthens affordable housing requirements.

SEC. 5. 65913.3 (e)

(e) (1) Notwithstanding any other provision of this section, if a proposed housing development project subject to this section would require the demolition of residential property as described in paragraph (2), an affected county or an affected city may only approve that housing development if all of the following apply:

(A) There is no net loss of units being rented at an affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) The proposed housing development project *increases density above the density of* the existing residential use of the *property, including an increased number of deed-restricted low-income units.*

(C) Existing residents are allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following:

(i) Relocation benefits to the occupants of those affordable residential rental *units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.*

(ii) A right of first refusal for units available in the new housing development *affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code.*

VIII. A housing development project's provision of relocation assistance or a right to first refusal will be taken into consideration to determine whether or not the project meets an inclusionary housing ordinance.

SEC. 5. 65913.3 (e) (3)

(3) Any units for which a developer provides relocation assistance or a right of first refusal pursuant to subparagraph (D) of paragraph (1) shall be considered in determining whether the housing development project satisfies the requirements, if applicable, of an inclusionary housing

ordinance of the affected county or affected city requiring that the development include a certain number of units affordable at the applicable household income levels of the household.

IX. Declares that a preliminary application be resubmitted if the number of residential units or square footage changes by 20 percent or more after the submittal of initial preliminary application.

SEC. 7. 65941.1 (c)

(c) *After submittal of a preliminary application, if the* development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar *provision, the housing development project shall not be deemed to have submitted a preliminary application until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions. For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations)*

X. Amends Permit Streamlining Act to further reduce time within which agencies must act on housing projects, including projects that include affordable housing, for which an EIR must be certified.

SEC. 10. 65950. (a)

(a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Sixty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units

shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, "development project" means a housing development project, as that term is defined in paragraph (2) of subdivision (h) of Section 65589.5.

(d) For purposes of this section, "lead agency" and "negative declaration" have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 11. 65950 (a)

(a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) One hundred twenty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, "development project" means a use consisting of either of the following:

(1) Residential units only.

(2) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, "lead agency" and "negative declaration" have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall become operative on January 1, 2030.

XI. Specifies definition of "affected city" as determined by the Department of Housing and Community Development.

SEC. 13. 66300. (a) (1)

(1) (A) Except as otherwise provided in subparagraph (B), "affected city" means a city, including a charter city, for which the *Department of Housing and Community Development determines, pursuant to subdivision (d),* that the average of both of the following amounts *is greater than zero:*

(i) The percentage by which the city's average rate of rent exceeded 130 percent of the national median rent in 2017, based on the federal *2013–2017* American Community Survey 5-year Estimates.

(ii) The percentage by which the vacancy rate for residential rental units is less than the national vacancy rate, based on the federal 2013-2017 American Community Survey 5-year Estimates.

(B) Notwithstanding subparagraph (A), "affected city" does not include any city that has a population of 5,000 or less and is not located within an urban core

XII. Adds exception for "Predominantly Agricultural County" to enforce a limit on the number of housing units that can be approved.

SEC. 13. 66300. (b)(1)(E)

(E) Notwithstanding subparagraph (D), an affected city or county may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected city or county is located in a predominantly agricultural county. For the purposes of this subparagraph, "predominantly agricultural county" means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

XIII. Maintains height limits established by the electorate of an affected county or city before or on January 1, 2018.

SEC. 13. 66300 (f)

(f) (1) Notwithstanding Section 9215, 9217, or 9323 of the Elections Code or any other provision of law, except the California *Constitution and as provided in paragraph (2),* any requirement that local voter *approval, or the approval of a supermajority of any body of the affected county or the affected city,* be obtained to increase the allowable intensity of housing, to establish housing as an allowable use, or to provide services and infrastructure necessary to develop housing, is hereby declared against public policy and void. For purposes of this subdivision, "intensity of housing" is broadly defined to include, but is not limited to, height, density, or floor area ratio, or open space or lot size requirements, or setback requirements, minimum frontage requirements, or maximum lot coverage *limitations, or anything that would be a less intensive use or reduction in the intensity of land use as defined in this subdivision.*

(2) This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city on or before January 1, 2018.

XIV. Provides owner of occupied substandard building or unit a right to request a delay in enforcement of violations for substandard buildings and noncompliance with building standards in zones where residential uses are permitted.

SEC. 14. 17980.12 (a)

(a) As used in this section, "occupied substandard building or unit" means a building or unit in which one or more persons reside that an enforcement agency finds is in violation of any provision of this part, any building standards published in the California Building Standards Code, or any other rule or regulation adopted pursuant to this part.

(b) (1) An enforcement agency that issues to an owner of an occupied substandard building or unit in a zone where residential use is a permitted use, including areas zoned for mixed use, a notice to correct a violation of any provision of any building standard adopted pursuant to this part, or to abate a nuisance pursuant to this part, shall include in that notice a statement that the owner of the occupied substandard building or unit has the right to request a delay in enforcement of up to seven years.

(2) The owner of an occupied substandard building or unit that receives a notice to correct a violation or abate a nuisance, as described in paragraph (1), may submit an application to the enforcement agency, in the form and manner prescribed by the enforcement agency, requesting that

the enforcement of the violation be delayed for up to seven years on the basis that correcting the violation or abating the nuisance is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application submitted pursuant to paragraph (2) and delay enforcement if it determines that correcting the violation or abating the nuisance is not necessary to protect health and safety. An enforcement agency may require violations or nuisances that impact health and safety to be corrected or abated earlier than seven years.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.
