

## **Highlights of 2018 Housing Legislation**

After adopting far-reaching legislation in 2017, the legislature continued to focus on housing in 2018. The key measures related to housing sought to further limit local control, modify the process for assigning jurisdiction's their share of regional housing goals, and begin to reframe those goals as requirements.

In brief, legislation passed in 2018:

Deletes existing language in the housing laws that acknowledges that cities may *not* meet RHNA and replacing it with language that states "reasonable actions should be taken by local and regional governments to ensure that future housing production meet, at a minimum, the regional housing need established for planning purposes." (SB 828-Wiener)

Reforms the RHNA allocation process to give the State more oversight and require considerably more jurisdiction and specific detail in the RNHA plan. For example, the RHNA document must report on the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction. (SB 828 and AB 1771)

Requires approval of projects consistent with the General Plan at the maximum density allowed by the General Plan and without regard to zoning if the applicant can show that the zoning is inconsistent with the General Plan. (AB 3194 - Daly)

Requires that supportive housing be a "use by right" in zones where multiple family and mixed uses are permitted, including in non-residential zones permitting multifamily uses, if the proposed housing development meets specified criteria. The bill requires local governments to approve supportive housing developments that comply with the requirements. (AB 2162 – Chiu)

The following provides additional information about the bills above but is still just a short summary of complicated legislation.

### **AB 3194 (Daly) Housing Accountability Act. Project Approval**

This measure makes two important changes to the Housing Accountability Act. These changes are as follows:

- Provides that a proposed project is not inconsistent with applicable zoning standards and criteria, and shall not require a rezoning, if the proposed project is consistent with objective general plan standards and criteria but the local agency's adopted zoning for the project site is inconsistent with the general plan; and
- Allows a local agency to require a proposed project to comply with objective standards and criteria of the zoning consistent with the general plan, but requires

the standards and criteria to be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the project.

#### SB 828 (Wiener) Land Use. Housing Element

This measure makes numerous changes to the regional housing needs allocation (RHNA) process. These changes include:

- Deleting existing language that acknowledges that cities may not meet RHNA and replacing it with language that states “reasonable actions should be taken by local and regional governments to ensure that future housing production meet, at a minimum, the regional housing need established for planning purposes.”
- Expanding the scope of data the Council of Government (COG) must provide to HCD to include a wide range of new items including the percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. (“Cost burdened” is defined to mean the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs and the “rate of housing cost burden for a healthy housing market” means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.)
- Prohibiting a COG from lowering a jurisdiction’s RHNA based on 1) prior underproduction of housing in a city or county from the previous regional housing need allocation; or 2) stable population numbers in a city or county from the previous regional housing needs cycle.

#### AB 1771 (Bloom) Planning and Zoning. Regional Housing Needs Assessment

This bill made numerous changes to the State RHNA process. Chief among the changes are an expansion of the RHNA objectives to include:

- Achievement of the region’s greenhouse gas reductions targets;
- Improving the balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction; and
- Affirmatively furthering fair housing. (The bill states that affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of

opportunity, and fostering and maintaining compliance with civil rights and fair housing laws).

The bill sets forth a range of new requirements for highly detailed specific information that must be included for each jurisdiction (such as a requirement to include an estimate of the number of low-wage jobs within each jurisdiction and how many housing units within the jurisdiction are affordable to workers at those wage levels). The bill also establishes a new process for expanded State and public review of the RHNA allocations.

#### AB 2162 (Chiu) Planning and Zoning. Supportive Housing

This bill requires that supportive housing (an affordable rental with intensive services promoting housing stability) be a “use by right” in zones where multiple family and mixed uses are permitted, including in non-residential zones permitting multifamily uses, if the proposed housing development meets specified criteria. The bill requires local governments to approve supportive housing developments that comply with the requirements.