

**DISCLAIMER:** This document is intended solely as a technical overview of new housing-related legislation. It is not intended to serve as legal advice regarding any jurisdiction's specific policies or any proposed housing development project. Local staff should consult with their city attorney or county counsel before taking any actions suggested herein.

# 2022 New Housing Legislation Checklist for Staff

This checklist contains potential action steps for the most common requirements based on new housing laws passed in 2022. *There are other requirements that are not listed here, so be sure to review the laws in more detail.* This document does not cover AB 2011/SB 6 as well as a number of bills that impact fewer jurisdictions. This checklist is meant to be used in conjunction with the *2022 New Legislation Summary* and *Action Item and Issue Spotting Chart*.

How to use this document:

**Step 1:** Review the steps below.

**Step 2:** Refer to the [*2022 New Legislation Action Item and Issue Spotting Chart*](https://abag.ca.gov/tools-resources/digital-library/2022-new-housing-legislation-action-item-and-issue-spotting).

**Step 3:** For more detailed information look at the [*2022 New Legislation Summary*](https://abag.ca.gov/tools-resources/digital-library/2022-new-housing-legislation-summaryfinal111622pdf).

**Step 4:** Review the text of the legislation.

**Step 5:** Consult with the city attorney or county counsel.

## ADUs (SB 897 and AB 2221)

* **Update ADU ordinance** (heights, front yard setbacks).
* **Train staff/update procedures for approving ADUs** (fire rules, corrections, notice to neighbors), including advance coordination with local utilities and special districts. Review times now apply to these entities.

## Parking (AB 2097)

* **Eliminate or do not enforce parking requirements within ½ mile of major transit stop** unless the required study has been done. Determine whether to complete studies to see if there are parking deficiencies near transit.

## SB 35 (AB 2668)

* **Update SB 35 procedures** including incomplete applications, written explanations, calculating affordable units, etc.

## Density Bonus (AB 2334, AB 682)

* **Review density bonus ordinance to see if changes are needed.** If using “lot area per unit” as the density standard, consider changing to “units per acre.” If using form-based code, add requirement for a “base density study” to the application form. This study shows how to calculate density if the zoning code does not regulate it.
* **Review changes to density bonus law regarding** co-housing, unlimited density for affordable projects in low-vehicle-miles traveled areas, and commercial development provisions. If appropriate, update local ordinance, procedures, internal checklist and public guidance.

## Emergency Shelters (AB 2339)

* **Ensure enough land is zoned for emergency shelters**. Note: This will apply to Seventh Cycle Housing Elements, or to Sixth Cycle Housing Elements where the first draft is submitted after January 31, 2023, or a draft is submitted after April 1, 2023.

## Annual Progress Report (AB 1743, AB 2094, AB 2011)

* **Be ready for new APR requirements**. Update permitting and approval systems to ensure that all required information for the APR is being collected. Information on the new requirements will be shared in an HCD webinar in January 2023.

## Open Space Element (AB 1425)

* Update your open space element by January 1, 2026

## Permits (AB 2234)

* **Meet new permit processing deadlines.** Update building permit and other procedures to meet new, very fast, processing timelines and definitions for housing projects
* **Do not publish copyrighted drawings or plans** without permission from the architect or preparer of the document.
* **Update website** to list the requirements for building permits and other information that must NOT be included online.
* **Create an online system to accept building and postentitlement applications** by January 1, 2024 or January 1, 2028, depending on jurisdiction size.

## Educational Facility Housing (AB 2295, SB 886)

* **Review the new affordable housing opportunities on school sites and community college sites** and for certain faculty and student housing projects.

## Fair Housing (SB 649)

* Consider whether to adopt a local tenant preference policy as permitted by new statute.