



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 potential new bills, 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. The content of these bills is still in development. Visit leginfo.legislature.ca.gov for the latest information.

2023 Potential New Housing Legislation

Below is a summary of some of the housing legislation that could have a significant impact on local jurisdictions if it is enacted into law.

Density Bonus Law

(AB 1287)

AB 1287 Expands maximum incentives or concessions from 4 to 5. Allows density bonuses of up to 88.75% for a project that includes 25% very low-income units. **High Impact**

Accessory Dwelling Units

(AB 976, AB 1332)

AB 976 Permanently prohibits any local requirements that require ADUs to be owner-occupied. **High Impact**

AB 1332 Requires each local jurisdiction to develop a program for the preapproval of ADU plans. It allows any party to submit plans for preapproval and would require review within 30 days of a permit for a proposed ADU using preapproved plans, effective until January 1, 2025. **High Impact**

Land Use and Zoning

(AB 747, SB 423, SB 684, AB 821, SB 894, AB 1308)

AB 747 Amends the Surplus Land Act to allow local jurisdictions to bypass the requirement to offer surplus land for affordable housing development if the jurisdiction proposes to use the land for economic development. Also makes other substantial changes to the Act. **High Impact**

AB 821 Requires local jurisdictions, if asked, to make zoning consistent with general plan within 180 days for non-residential projects, or else process consistent with general plan.

AB 1308 Prohibits a jurisdiction from increasing the parking minimum for single-family residences for remodels, renovations, or add-ons, if the project is consistent with other zoning rules.

AB 1317 Requires landlords to “unbundle” parking costs from rent. Only applies in the San Francisco Bay Area to Alameda and Santa Clara Counties.

SB 423 Extends by right approval of both affordable and market-rate multifamily housing projects pursuant to SB 35 until 2036 and amends the labor standards. Extends provisions to apply to coastal zones and local governments that

Regional Housing Technical Assistance Program

have not adopted an HCD-approved housing element. Issues with building (and other post-zoning-entitlement) permits cannot be used to deny SB 35 approval. **High Impact**

SB 684 Allows building permits to be issued for projects of 10 units or less before the final map is recorded. Would require a local jurisdiction to ministerially approve, without a hearing, a parcel map or a tentative and final map for 10 units or less that meet specified requirements. **High Impact**

SB 894 Jurisdictions must allow shared parking if deemed feasible by a technical study. **High Impact**

Development Projects

(AB 1218, AB 1490, SB 469)

AB 1218 Expands replacement housing requirements to non-residential developments and requires replacement of any units demolished in the last five years. **High Impact**

AB 1490 Establishes new rights for applicants to reuse existing structures to provide extremely affordable housing. Allows jurisdictions to impose some objective design standards that do not limit maximum density or require additional parking or open space. Requires jurisdictions to include affordable adaptive reuse as an eligible project for affordable housing funding.

SB 469 Expands exemptions from the state constitution's Article 34 requirement. Developments receiving funds from state HCD, CalHFA or BCSH agency, or TCAC would be newly exempt from the article's requirement that local voters approve their construction.

California Environmental Quality Act

(AB 1307)

AB 1307 Noise generated by occupants is not a CEQA impact for residential projects.

Seismic Retrofitting

(AB 1505)

AB 1505 Funds the Seismic Retrofitting Program for Soft Story Multifamily Housing.

The Social Housing Act

(AB 309)

AB 309 Creates the California Housing Authority, as an independent state body, to develop mixed-income social housing developments on state-owned property. The bill calls for a trial with developing up to three properties statewide that proceed without regard to local planning and zoning.