



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION



Technical Assistance
for Local Planning
HOUSING

DISCLAIMER: This document is intended solely as a technical overview of new housing-related legislation. It is not 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.

2024 New Housing Legislation Checklist for Staff

This checklist contains potential action steps for the most common requirements based on new housing laws passed in 2024. There are other requirements that are not listed here, so be sure to review the laws in more detail. This checklist is meant to be used in conjunction with the [2024 New State Housing Legislation Summary](#).

How to use this document:

Step 1: Review the steps below.

Step 2: For more detailed information look at the [2024 New State Housing Legislation Summary](#) and the [2024 New State Housing Laws Webinar](#).

Step 3: Review the text of the legislation.

Step 4: Consult with the city attorney or county counsel.

Housing Accountability Act and the Builder's Remedy (AB 1893)

AB 1893 updates the Housing Accountability Act (HAA) by expanding the list of HAA violations, lowering the affordability requirements to be considered an affordable development under the HAA, and defining "builder's remedy projects."

Action Items:

- ☐ Separate "consistency" items from "completeness" items in completeness letters, labeling consistency issues as advisory and not required for a complete application. Alternatively, leave out consistency issues entirely from the completeness letter, and instead detail these issues in a separate letter following delivery of the completeness letter.
- ☐ Update code to allow appeals of all staff incompleteness decisions. This ensures that an applicant must appeal before going to court.
- ☐ Anticipate that more projects will be considered affordable under the HAA due to reduced affordability requirements, and will require Section 65589.5(d) findings to deny.

Annual Progress Reports (AB 2667 & AB 2580)

AB 2667 requires local agencies to include data on housing approvals and disapprovals within each opportunity area in annual progress reports (APRs). Opportunity area is defined as a highest, high, moderate or low resource area pursuant to the most recent CTCAC/HCD Opportunity Map. **AB 2580** mandates reporting of new historic site, district or property designations and their impacts on housing development projects in APRs.

Action Items:

- ☐ Determine how to capture permit and project data by opportunity area for the APR due in April 2026.
- ☐ Compile a list of new historic designations and any housing developments proposed for those sites for the APR due in April 2026.

Resources:

- [2025 CTCAC/HCD Opportunity Map](#)
- Guidance from HCD (expected in late 2025)

SB 9 (SB 450)

SB 450 updates SB 9, which streamlines urban lot splits and two-unit developments in single-family zones, to clarify approval timelines and update which standards may be applied.

Action Items:

- ☐ Update the SB 9 ordinance to ensure it does not apply stricter standards to SB 9 projects than those for single-family homes in the same zone.
- ☐ Update SB 9 ordinance to eliminate any standards for urban lot split projects that are unrelated to the design or improvements of the parcel.
- ☐ Establish procedures to approve or deny SB 9 projects within 60 days of receiving a completed application.

Resources:

Resources can be found on the [Regional Housing Technical Assistance Program SB 9 webpage](#) or on the external websites linked below.

- [SB 9 Application Checklist for Two-Unit Developments and Urban Lot Splits](#) (update coming soon)
- [SB 9 Legal Summary](#) (update coming soon)
- [SB 9 FAQs](#) (update coming soon)
- [SB 9: An Overview for Staff and Elected Officials](#) (update coming soon)

- [SB 9: An Overview for Public Audience](#) (update coming soon)
- [SB 9 Fact Sheet from HCD](#)

Small Lot Subdivisions (SB 1123)

SB 1123 amends SB 648 by expanding eligibility and adjusting density requirements for small lot subdivisions of 10 or fewer units.

Action Items:

- ☐ Consider creating a compliance checklist for small subdivision applications before the law takes effect on July 1, 2025.
- ☐ Update any previously-adopted implementing ordinance.

Resource:

- [SB 684 Template Application Review Checklist](#) (update coming soon)

Housing in Commercial Zones (AB 2243)

AB 2243 updates AB 2011 and SB 6 by revising qualifying criteria, adjusting standards and streamlining the approval process for mixed-income and affordable housing projects in commercial zones.

Action Item:

- ☐ Establish procedures to determine project consistency with objective standards within revised timelines.

Resources:

- [AB 2011 and SB 6 Summary of Key Details](#) (update coming soon)
- [Understanding AB 2011 and SB 6](#) (update coming soon)
- [How to Review AB 2011 Development Proposals](#) (update coming soon)
- [AB 2011 Affordable Project Application Checklist](#) (update coming soon)
- [AB 2011 Mixed Income Project Application Checklist](#) (update coming soon)

SB 35 (AB 3122)

AB 3122 clarifies the timeline to review submitted applications and limits the application of new standards for projects under the SB 35 ministerial approval process.

Action Items:

- ☐ Establish procedures to provide written notice of any remaining inconsistencies with objective standards within 30 days of an application's resubmittal.
- ☐ Identify when proposed subdivisions are exempt from CEQA and fall under SB 35 timelines.

Resource:

- [SB 35 Application Processing for Local Governments](#) (update coming soon)

ADUs (SB 1211, AB 2533, SB 477, AB 1332)

SB 1211 increases the number of detached ADUs allowed on existing multifamily properties and clarifies when replacement parking may be required. **AB 2533** limits enforcement against unpermitted ADUs constructed before January 1, 2020 and requires jurisdictions to provide guidance for legalization. **SB 477** rennumbers Government Code sections for ADUs and JADUs. **AB 1332** (enacted in 2023) went into effect on January 1, 2025 and requires local jurisdictions to develop a program for the preapproval of ADU plans.

Action Items:

- ☐ Update ADU ordinance to, among other things, address the increase in the number of detached ADUs that are allowed on a property with an existing multifamily dwelling and reference the new Government Code sections.
- ☐ Add to jurisdiction websites a checklist of substandard building conditions defined in Health & Safety Code Section 17920.3 and information that homeowners can request a confidential third-party inspection before submitting a permit application to legalize an unpermitted JADU or ADU.

Resources:

- Overview of ADU Laws memo (coming soon)
- ADU Amnesty and Unpermitted Units memo (coming soon)
- Affordability Programs memo (coming soon)
- [AB 1332 Information Sessions and Implementation Resources](#)

Density Bonus Law (AB 2694 & AB 3116)

AB 2694 expands density bonus eligibility to residential care facilities for the elderly. **AB 3116** updates criteria for student housing developments eligible for density bonuses.

Action Items:

- ☐ Become familiar with new requirements if an application is made for a density bonus for a student housing development.
- ☐ Update local ordinance if necessary.

Monitoring Fees for Affordable Units (AB 2430)

AB 2430 limits the ability of jurisdictions to charge a monitoring fee to 100% affordable housing developments when the units are monitored by another agency and meet specified requirements.

Action Item:

- ☐ Revisit projects with inclusionary or density bonus units that are paying a monitoring fee to determine if those fees may continue to be charged.

Inclusionary Housing In Lieu Fees (AB 2663)

Starting on January 1, 2026, **AB 2663** requires agencies with inclusionary housing in-lieu fees to, on a yearly basis, publish the fees collected in the previous year and their intended use. It also requires agencies to, every five years, report the total fees collected over the past five years and the projects funded with those fees.

Action Item:

- ☐ Begin tracking in-lieu fees collected and their intended or actual use so that the required information can be posted on the jurisdiction website starting on January 1, 2026. Consider incorporating the reporting process into existing procedures for the Mitigation Fee Act.

Traffic Impact Mitigation Fees (AB 2553)

AB 2553 expands the definition of “major transit stop” and limits the ability of cities and counties to levy traffic impact fees for housing developments near major transit stops and in transit priority areas.

Action Item:

- ☐ Review and potentially lower traffic impact mitigation fees to be charged for projects near major transit stops.

Impact Fees for Housing Developments Paid at Occupancy (SB 937)

SB 937 requires that payment of impact fees for many housing development projects be delayed until issuance of a certificate of occupancy, temporary certificate of occupancy or final inspection.

Action Items:

- ☐ Review the fees paid at building permit issuance to determine which may need to be collected upon occupancy or final inspection rather than at issuance of building permit.
- ☐ Establish procedures to collect fees at occupancy or final inspection.

Good Faith Fee Estimates (AB 1820)

AB 1820 requires cities and counties to provide good faith fee estimates to developers within 30 business days after a housing development project is approved and, if requested, after a preliminary application is filed.

Action Item:

- ☐ Determine which fees must be estimated and provided to developers and develop a method for estimating them.

18-Month Extension of Permit Approvals (AB 2729)

AB 2729 delays the expiration of certain permits issued for housing developments by 18 months.

Action Item:

- ☐ Determine which project approvals have been extended.