



Technical Assistance
for Local Planning
HOUSING



2025 New Housing Legislation Overview

Barbara E. Kautz
Gabrielle B. Janssens
Erin Lapeyrolerie
Nazanin Salehi

Goldfarb & Lipman LLP
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Presentation Overview

- Updates to AB 130/SB 131
- Permit Streamlining Act
- Annual Progress Reports
- ADUs/JADUs
- Updates to AB 2011, SB 9, and Density Bonus
- Housing Accountability and Penalties
- Other Bills
- SB 79

Presentation Key

NOTE: All references to sections throughout this presentation are to the California Government Code as it will exist in 2025 unless otherwise indicated.

ACTION ITEM
Green Background

IMPACTS YOUR JOB
Yellow Background

GOOD TO KNOW
Blue Background

SB 158: Updates to AB 130/SB 131 & SB 838

SB 158: AB 130 Updated Timeline

Timeline	Required Actions and Details
Within 14 days of: • Notification that project is exempt (projects whose applications deemed complete before 7/1/26; or • Application for project being deemed complete	Notify Tribes
60 days from formal notification	Tribes must respond
Within 14 days of tribal acceptance	Initiate consultation
45 days from consultation initiation (plus optional 15-day extension)	Conclude consultation
Within 30 days from the later of: • Conclusion of consultation • Deadline for sending consistency letter (30-60 days after project found complete)	Make decision on project File notice of exemption with state and County Clerk

SB 158: Updated Eligibility Threshold for Builder's Remedy Projects

- For a builder's remedy project to be eligible for either the AB 130 infill exemption or "near miss" processing, it can't exceed four acres (previously five acres).
- Effective October 11, 2025.

Transient Occupancy Uses Not Part of 'Housing Developments' (SB 838)

- No mixed-use housing development project can include a transient occupancy use (hotel, motel, bed & breakfast, etc.).
 - Transient lodging must either be approved separately from the rest of the project, and not eligible for any "housing development project" benefits; or
 - If it remains included in the project, the entire project is not a "housing development project."
- Doesn't include a residential hotel or use for short-term rental by a resident after final inspection.
- No grandfathering provision for projects submitted before January 1, 2026.

Permit Streamlining Act

AB 1007: Permit Streamlining Act

- Shortens time from 90 to 45 days for responsible agency to approve or disapprove housing development project for which lead agency has certified environmental impact report.
 - Except for Coastal Commission, Regional Water Quality Control Board.
- A responsible agency is any public agency other than the lead agency which has discretionary approval power over all or a portion of the project.

Annual Progress Reports (APRs)

AB 726: 2026 APRs

For the April 1, 2026 APR:

- AB 726 allows local agencies to include in their APR the number of existing deed-restricted units that are:
 - At least 15 years old and substantially rehabilitated with at least \$60,000 per unit of local funds, and
 - Affordable at an average of 45% Area Median Income.
- These units are not considered when determining local agency's affordability requirements under SB 35.

AB 253: 2027 APRs

For the April 1, 2027 APR:

- AB 253 requires local agencies to include in their APR the number of residential building permits reviewed by:
 - Jurisdiction staff,
 - Private professional providers, and
 - Full-time equivalent staff involved in processing building permits.

AB 670: 2027 APRs

For the April 1, 2027 APR:

- AB 670 requires information on:
 - Whether development projects are subject to replacement housing or relocation assistance requirements,
 - Number of replacement units required, and
 - Information on replacement units entitled, permitted, and issued certificate of occupancy.

Q&A - Part 1

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

AB 462: ADUs

Requires a local agency to issue a certificate of occupancy for an ADU even if the certificate of occupancy for the primary dwelling has not been issued if:

- The ADU is in a county subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025;
- The primary dwelling unit was substantially damaged or destroyed by an event referenced in the emergency proclamation;
- The ADU has been issued construction permits and passed all required inspections; and
- The ADU is not attached to the primary dwelling.

Good to Know: AB 462 is an urgency statute and is effective immediately.

Impacts Your Job: Coastal development permits for accessory dwelling units must be issued within 60 days or the application will be deemed approved.

AB 1154: JADUs

- Prohibits short-term (less than 30 days) rentals of JADUs.
- Limits the owner occupancy requirement to scenarios in which the JADU has shared sanitation facilities with the existing single-family dwelling.

Action Item: Local agencies should amend their ordinances to prohibit short-term rentals of JADUs and to only require owner occupancy when the JADU shares sanitation facilities with the single-family dwelling unit.

SB 9 & SB 543: [J]ADU Ordinances

Impacts Your Job: If a local agency does not submit a copy of its ADU/JADU ordinance to HCD within 60 days of adoption or does not respond to HCD's findings that the local ordinance does not comply with this article within 30 days, the adopted ordinance is null and void.

Good to Know: SB 543 adds Government Code Section 66333.5, which mirrors Government Code Section 66326 except it applies specifically to ordinances adopted to regulate JADUs.

SB 543: ADU/JADU Application Process and Impact Fees

Impacts Your Job: Creates a 15-business-day review period to determine whether an application to create or serve an ADU/JADU is complete.

Impacts Your Job: Impact fees cannot be imposed on JADUs.

Action Item: Local jurisdictions must adopt an appeal process for incomplete or denied applications to create or serve an ADU/JADU. A written determination for the appeal must be provided within 60 business days of receipt of a written appeal from the applicant.



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SB 543: ADU/JADU Maximum Size

- Measures maximum square footage for ADUs/JADUs by the “interior livable space”.
- "Livable space" is a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Examples of where “interior livable space” is used:

- The maximum size of a JADU is 500 square feet of **interior livable space**.
- If imposing a maximum size on ADUs, the ordinance has to allow at least 850 square feet of **interior livable space** for up to a one bedroom or at least 1,000 square feet of **interior livable space** for a two-or-more-bedroom ADU.
- Certain development standards must be waived to allow for an ADU with up to 800 square feet of **interior livable space** with four-foot side/rear setbacks.
- A state-exempt detached ADU on a single-family property can include up to 800 square feet of **interior livable space**.

SB 543: Action Item and Good to Know

Action Item: Update the local ordinance and permit application forms to measure ADU/JADU size based on interior livable space.

Good to Know: SB 543 clarifies that any combination of ADUs that meet the standards of Government Code Section 66323 may be proposed on a single parcel.

Good to Know: JADUs are not subject to impact fees by local agencies, special districts, or water corporations.

Updates to AB 2011, SB 9, and Density Bonus

AB 893: AB 2011 Projects in “Campus Development Zones”

All sites in a "campus development zone" are eligible for AB 2011 streamlined, ministerial review if the parcels are wholly or partially within ½ mile of:

- A main University of California,
- California State University, or
- California Community College campuses.

AB 893: AB 2011 Projects in “Campus Development Zones” Objective Standards

Defines different objective standards that such projects must meet, including:

- Maximum residential density:
 - 80 du/ac (metropolitan jurisdiction).
 - 70 du/ac (non-metropolitan jurisdiction).
- Minimum density of 75% of the maximum residential density.
- Height limit is greater of:
 - Maximum height allowed by the local government, or
 - 65 feet for a metropolitan jurisdiction or 45 feet for a non-metropolitan jurisdiction.
- Affordable housing may be designated for students, faculty, or staff.

AB 893: Amendments Applicable to All AB 2011 Projects

- Limits review of a site or property for eligibility “to the area described as being physically disturbed by construction in the application.”
 - Unless expressly stated otherwise, may not review contiguous or noncontiguous areas even if under the ownership or control of project proponent.
- Provides that easements for public right-of-way, public or private utilities, or other public improvements in, under, or over the property may not make a property ineligible for streamlined, ministerial review.

AB 893: Takeaways

Good to Know: For jurisdictions that are near a main UC, CSU, or CCC campus, different standards apply to projects using AB 2011 within a “campus developmental zone.”

Impacts your job: Limits review of project sites or property for eligibility to only those areas that will be physically disturbed by construction.

AB 1061: Historic Resource Provisions for SB 9 (2021) "Two-Unit Developments"

- A "two-unit development project" permitted under Government Code Section 65852.21 cannot be located:
 - In a contributing structure within a historic district included on the State Historic Resource Inventory or a historic property/district pursuant to a local ordinance; or
 - On a parcel individually listed as a historical resource included in the State Historic Resources Inventory or designated/listed as a city or county landmark under a local ordinance.

AB 1061: Historic Resource Provisions for SB 9 (2021) Urban Lot Splits

Urban lot splits are prohibited if:

- The parcel is within a historical landmark included in the State Historic Resources Inventory or as designated by a local ordinance; or
- The lot split would require the demolition or alteration of:
 - A contributing structure located within either a historic district that is included on the California Register of Historical Resources or listed/designated pursuant to a local ordinance; or
 - An existing exterior structural wall of a building within either a historic district that is included on the California Register of Historical Resources or listed/designated pursuant to a local ordinance.

AB 1061: Historic Resource Provisions for Urban Lot Splits and Two-Unit Developments

Impacts Your Job: Mere location in a historic district does not exempt the site from SB 9. The particular site must be a contributor to the district.

AB 87 and SB 92: Density Bonus

- Concessions are prohibited if they would result in a development with a commercial FAR greater than 2.5x the commercial FAR allowed in the base zoning if project is submitted after January 1, 2026.
- A jurisdiction does not have to grant a concession that would require the approval of, or waive or reduce development standards for, a hotel, motel, bed and breakfast inn, or other transient lodging.
 - This provision became effective on January 1, 2026 and appears to apply to projects submitted before that date if they have not yet been approved.

Q&A - Part 2

Housing Accountability and Penalties

AB 712: Increased Penalties

- Fine of \$10,000/unit (min. of \$50,000) if local agency advised by HCD or AG in writing that agency's action or inaction would violate a "housing reform law" if applicant is the prevailing party.
- To use this provision, applicant must provide written notice to agency of intent to file litigation at least 60 days before action is filed. Statute of limitations extended 60 days from notice.
- If agency violates same law within planning period, or Housing Element is not approved, fine is \$50,000/unit.

SB 786: Implementation of Housing Element & Penalties for Inadequate Housing Element

- HCD directed to review agency compliance with **timelines** in Housing Elements related to processing changes & changes in "quantified development standards."
 - "Quantified development standards" = density, height, setback, lot size, and FAR.
 - Most recently adopted plan element prevails regarding these standards.
- Clarifies that court **must** set deadline for adopting adequate Housing Element and necessary rezoning and impose penalties if Housing Element found inadequate.

Other Bills

Housing Elements

- **SB 507:** Tribal housing may count towards regional housing needs allocation (RHNA) through local tribal agreements.
- **AB 610:** Requires additional analysis on governmental constraints.
- **SB 233:** Establishes RHNA consultation timeline to meet with COGs.
- **AB 1275:** Extends RHNA determination and timeline in 7th cycle.
- **AB 36:** Prohousing designation evaluation for small rural jurisdictions based on materials in housing element.

Applications and Post-Entitlement Permits

- **AB 253:** Allows private plan check if delays in building department exceeds 30 business days for certain projects of 10 units or less. Local government has 10 business days to review private plan check. Applicant must indemnify city.
- **AB 920:** Requires cities and counties with population over 150,000 to establish centralized online housing application portals.

Adaptive Reuse and Single-Room Occupancy (SROs)

- **AB 507:** Adaptive reuse housing allowed by right with ministerial review and CEQA exemption; specified affordability requirements; lengthy requirements (e.g. site requirements, affordability requirements, labor requirements, approval timelines, etc.).
- **SB 21:** If SRO demolished, allows developer to provide fewer replacement SRO units than demolished, when specified requirements are met.

Housing on Education Properties

- **AB 648:** Exempts community college districts from complying with local zoning ordinances for university housing development if site within ½ mile of any campus.
- **AB 1021:** Updates to housing on school district property.

Impact Fees

- **SB 358:** Amends criteria for reduced traffic impact fees for housing development projects.

Q&A - Part 3

SB 79 Transit-Oriented Housing Development (TOD)

SB 79: Overview

- Authorizes qualified transit-oriented housing development as an allowed use on sites zoned for residential, mixed-use, or commercial near specified transit stops.
- Applies to “urban transit counties” that are served by 15 or more passenger rail stations.
 - Bay Area counties: Alameda, San Francisco, San Mateo, Santa Clara.
- Applies in TOD zones, as specified.

SB 79: TOD Tiers and Zones

Within 1/4-mile of TOD stop:
Applies to parcels in cities and unincorporated areas.

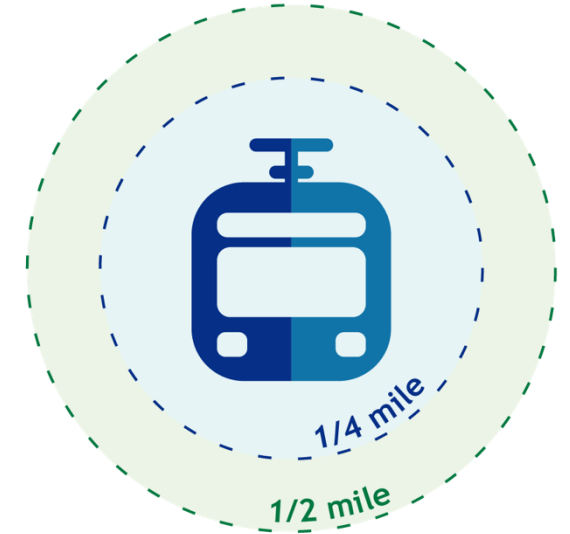
Between 1/4- and 1/2-mile of TOD stop:
Applies to parcels in cities with 35,000+ population.

Tier 1



Heavy Rail
Very High Frequency Commuter Rail
(Example: BART, Caltrain)

Tier 2



Light Rail
High Frequency Commuter Rail
Bus Rapid Transit (BRT)
(Example: SF Muni, VTA light rail)

SB 79: Tier 1 Definitions

Heavy Rail:

- Public electric rail line with capacity for heavy volume of traffic using high-speed and rapid acceleration passenger rail cars on fixed rails; separate rights-of-way from which other vehicular and foot traffic are excluded.
- Does **not** include California High Speed Rail.

Very High Frequency Commuter Rail:

- Commuter rail service with a total of at least **72 trains per day** across both directions, not including temporary service changes of less than one month or unplanned disruptions, at any point in the past three years.

Examples: Caltrain, BART

SB 79: Tier 2 Definitions

Light Rail:

- Streetcar, trolley, and tramway service; does **not** include airport people movers.

High Frequency Commuter Rail:

- Commuter rail service operating a total of at least **48 trains per day** across both directions, not including temporary service changes of less than one month or unplanned disruptions; does not meet standard for very high frequency commuter rail.

Bus Rapid Transit (BRT):

- Public mass transit service provided by a public agency or public-private partnership that includes full-time dedicated bus lanes or operation of a separate right of way dedicated to public transportation with frequency of service interval of **15 minutes or less** during morning and afternoon peak commute periods.

Examples: SF Muni Metro, V.T.A. light rail, A.C. Transit Tempo

SB 79: Project Requirements

- Must be a “housing development project” as defined in Housing Accountability Act (e.g. residential only; mixed-use if 2/3 sq ft residential use)
 - No portion may be designated for use as a hotel, motel, bed & breakfast, other transient lodging.
- Must include five or more housing units.
- Must be on a site zoned for residential, mixed-use, or commercial.
- Must comply with applicable airport compatibility plan or zone and objective statewide fire safety standards.

SB 79: Project Requirements (cont'd)

- Minimum density of the project must meet the greater of
 - At least 30 du/a; or
 - Minimum density under local zoning.
- Average unit size may not exceed 1,750 net habitable square feet
 - Net habitable square feet:
 - Finished and heated floor area fully enclosed inside surface of walls/windows/doors/partitions and having a headroom of at least 6.5 feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas.
 - Excludes garages, carports, parking spaces, cellars, half stories, and unfinished attics and basements.

SB 79: Affordability Requirements

- If project includes at least 11 units, must include affordable units:
 - 7% total units for extremely low income households; or
 - 10% total units for very low income households; or
 - 13% total units for lower income households.
- If local inclusionary housing requirement imposes higher percentage of affordable units or deeper level of affordability, the local requirement applies instead.

SB 79: Anti-Displacement & Labor Requirements

- May **not** be on a site containing more than two units where:
 - Project requires demolition of housing subject to rent or price control and occupied by tenants within past 7 years, OR
 - Units subject to rent or price control were demolished within past 7 years.
- Must comply with Housing Crisis Act replacement housing requirements.
- Must comply with local replacement and anti-displacement requirements.
- Labor requirements apply to buildings over 85 feet.

SB 79: Development Standards

Location	Permitted Development: Tier 1 Stop	Permitted Development: Tier 2 Stop
Adjacent to TOD stop (within 200 feet of pedestrian access point)	• Height: 95 feet • Density: 160 du/ac • FAR: 4.5	• Height: 85 feet • Density: 140 du/ac • FAR: 4.0
Within ¼ mile of TOD stop	• Height: 75 feet • Density: 120 du/ac • FAR: 3.5	• Height: 65 feet • Density: 100 du/ac • FAR: 3.0
Between ¼ and ½ mile of TOD stop in a city with at least 35,000 residents	• Height: 65 feet • Density: 100 du/ac • FAR: 3.0	• Height: 55 feet • Density: 80 du/ac • FAR: 2.5



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SB 79: State Density Bonus

- Project may use State Density Bonus provisions.
- Density allowed by SB 79 is used as the project's base density.
- Jurisdictions are not required to grant additional height increase beyond those in SB 79.
- Certain projects are eligible for up to three additional concessions if meet minimum SB 79 density requirements:
 - Three additional concessions for extremely low income.
 - Two additional concessions for very low income.
 - One additional concession for low-income.

SB 79: SB 35/SB 423

- **No** ministerial approval process or CEQA exemption in SB 79.
- But may use SB 35/SB 423 AND meet all SB 79 requirements for ministerial approval and CEQA exemption.
- SB 35/SB 423 applies regardless of RHNA progress or housing element compliance.
- May qualify for other CEQA exemptions if do not use SB 35/SB 423.

SB 79: Options to Modify (HCD review required)

Option	Requirements for that Option
Exempt certain areas through ordinance	Only applies to: • Sites that lack pedestrian path of less than one mile to TOD stop. • Areas designated prior to 1/1/2025 in general plan as industrial employment hub of at least 250 acres (in jurisdictions with 15+ TOD stops).
Exclude certain sites	• Must already allow at least half the density and FAR, be subject to local TOD alternative plan, or fall within sensitive areas. • Only applies until one year after adoption of 7th cycle Housing Element.
Adopt local TOD alternative Plan	• Cannot reduce site capacity more than 50% or increase more than 200%.

SB 79: Transit Agency Owned Land

Transit Agencies may adopt TOD zoning standards for land they own within one-half mile of a qualifying transit stop

- Notice and consulting requirements:
 - Public hearing.
 - Consult with affected local governments and infrastructure agencies.
 - Review local jurisdiction's housing needs and barriers to development.
- Public review period:
 - 30 days' public notice before board meeting where TOD standards are considered.
 - Draft standards available for public review.

SB 79: Transit Agency Owned Land (cont'd)

When city/county and transit agency zoning conflict:

- City/county may adopt local zoning standards that conform to transit agency's TOD standards.
- After two years, if city/county zoning does not conform with transit agency's TOD standards, the transit agency's standards automatically take effect for agency-owned parcels.
 - Except for height limits that exceed SB 79's standards.
- City/county may apply objective, written development standards that are not inconsistent with transit agency's TOD standards.
 - If standards conflict, the transit agency's standards prevail.

SB 79: Action Items and Impacts Your Job

Action Item: Cities/counties may, but are not required to, adopt an implementing ordinance and establish objective design standards and policies.

Action Item: Cities/counties should update their application checklists for SB 79 projects.

Impacts Your Job: If local ordinance is adopted, it must be submitted to HCD for review at least 14 days prior to adoption and must be submitted again to HCD within 60 days of enactment.

SB 79: Good to Know

Good to Know: SB 79 goes into effect on July 1, 2026 for cities and applies to incorporated areas starting at Housing Element 7th Cycle.

Good to Know: HCD must provide standards on how to allow capacity to be counted in a city or county's inventory of land suitable for TOD development by July 1, 2026.

Good to know: MTC will publish a map of transit-oriented development stops and zones by tier after HCD guidance is available.

Q&A - Part 4



Thank You.

Contact us: HousingTA@bayareametro.gov