

4. Bill Overview Matrix

BILL	CATEGORIES	EFFECTS	POSSIBLE BENEFITS	ISSUES & CONSIDERATIONS
<p>AB 725 HOUSING ELEMENT: MODERATE-INCOME AND ABOVE MODERATE-INCOME HOUSING</p> <p>ASSEMBLYMEMBER WICKS</p>	<p>Developer Incentives; Regional Housing Target Programs</p>	<p>The bill would require that at least 25% of a metropolitan jurisdiction’s share of the regional housing need for both moderate and above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing.</p>	<ul style="list-style-type: none"> • Benefits duplex and multifamily construction. • Ensures that at least 25% of moderate and above moderate-income housing is NOT allocated to areas that are zoned for exclusively single-family. 	<ul style="list-style-type: none"> • Unclear effect on affordable housing as specific targets for lower income housing are required in the regional housing allocation law. • Possible interactions with SB 902 and AB 3155
<p>AB 1279 HOUSING DEVELOPMENT: HIGH-OPPORTUNITY AREAS</p> <p>ASSEMBLYMEMBER BLOOM</p>	<p>Upzoning; Developer Incentives</p>	<p>This bill would require the Department of Housing and Community Development to designate areas in the state as high-opportunity areas (see <i>criteria for designation in Note 1, below</i>), by January 1, 2022.</p> <p>In these areas, residential developments would be a use by right (up to 50 units at 40ft max height OR up to 120 units at 55ft max height), upon the request of a developer, if certain affordability requirements are met (varies by number of units in development).</p> <p>Units with 10 or fewer units would be allowed to pay a fee-in-lieu in order to construct market rate units instead of providing affordable units.</p>	<ul style="list-style-type: none"> • Would expand affordable housing development density bonus incentives to more (or larger) areas. • Appeal process for cities to dispute designated areas (unlike previous bills). 	<ul style="list-style-type: none"> • Designation criteria is vague and does not use objective standards (e.g. household income thresholds to determine excluded areas). Areas may consist of large portions of many cities. • High Opportunity Areas would be designated by statewide committee, not local authorities, although input is required from local agencies. Areas designated through top-down process instead of from individual community needs. • May not provide incentives to develop housing in areas where people who need affordable housing already live as low fees-in-lieu may encourage market rate housing development that can take advantage of bonuses.

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<p>SB 902 HOUSING DEVELOPMENT: DENSITY</p> <p>SENATOR WIENER</p>	<p>Upzoning</p>	<p>This bill would authorize a local government to pass an ordinance, that overrides any existing local restrictions (including those passed by voter initiative) on adopting zoning ordinances that allow up to 10 units of residential density per parcel, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site (see Note 2). Areas designated by this ordinance would not be a CEQA project.</p>	<ul style="list-style-type: none"> Does not have an affordable housing component but is focused on smaller market-rate units including duplexes and fourplexes. 	<ul style="list-style-type: none"> Expands areas that may be upzoned to include may single-family neighborhoods. As with SB-50 and AB-1279, areas will be designated after passage of the bill by the Housing and Community Development Department. This means that the effects of the bill cannot be adequately evaluated in its current form. Allows City Councils to override existing ordinances and voter approved initiatives, rendering them irrelevant. Although the bill seemingly allows local control over zoning, it erodes longstanding law that allows voters to approve ballot initiatives to protect existing neighborhoods, conservation areas, etc. Unclear how new zoning ordinances would be considered and applied. Potentially allows specific developments to be traditional “spot zones” under existing law.

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<p>SB 995 JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2011: HOUSING PROJECTS</p> <p>SENATORS ATKINS AND WIENER</p>	<p>Streamlined Approval</p>	<p>This bill would require a lead agency to prepare a master environmental impact report (EIR) for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR. SB-995 attempts to reduce the qualifying standard for a CEQA fast-track, lowering the affordable percentage requirement to 15% moderate-income. While a project is still required to be infill, there is no requirement that it be within a certain distance of public transit.</p>	<ul style="list-style-type: none"> Expands areas where affordable units would qualify for CEQA exemptions and potentially benefit from a master Environmental Impact Report (EIR). 	<ul style="list-style-type: none"> SB-995 lowers the percentage of affordable units a developer must include to qualify for CEQA fast-track – this, even as the state comes up short on affordable housing. This bill creates conflict between HCD’s established Regional Housing Needs Allocations (RNHA) targets as well as California’s Public Resource Code.
<p>SB 1085 DENSITY BONUS LAW: QUALIFICATIONS FOR INCENTIVES OR CONCESSIONS: STUDENT HOUSING FOR LOWER INCOME STUDENTS</p> <p>SENATORS SKINNER AND CABALLERO</p>	<p>Developer Incentives; Streamlined Approval</p>	<p>Modifies existing density bonus law, which rewards developers with larger housing projects than zoning allows, and in return developers provide affordable units. This bill lowers the affordability standard developers must meet to qualify for density bonuses, and allows for higher rents for low-income housing.</p>	<ul style="list-style-type: none"> Awards the 35% density bonus to a developer when the development includes only 20% moderate income units, as opposed to 40% moderate income units under current law. Sets low-income and moderate rent prices based on market-rate rents not based on tenant income. The rate set is a flat 30% below market rent. 	<ul style="list-style-type: none"> May discourage lower income housing development, by pitting lower income housing against moderate income housing, rewarding them equally. If a developer can choose to build 20% moderate-income housing versus 20% low-income housing, the incentive for low-income evaporates.

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<p>SB 1120 SUBDIVISIONS: TENTATIVE MAPS</p> <p>SENATORS ATKINS, CABALLERO, AND WIENER</p>	<p>Streamlined Approval; Upzoning</p>	<p>This bill would require a proposed housing development containing 2 residential units and/or an urban lot split to be considered ministerially (without discretionary review or hearing) in zones where allowable uses are limited to single-family residential development if the proposed housing development meets certain requirements: the proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. The bill also offers a CEQA exemption.</p>	<ul style="list-style-type: none"> Does not support affordable projects. 	<ul style="list-style-type: none"> Potentially upzones single-family areas in many communities with single-family zoning to allow duplexes (and potentially fourplexes). Overrides local zoning authority. There is no need to incentivize market-rate housing with a reduced parking requirement or streamlined approval process. Reduced parking requirements should be exclusive to low-income housing developments. Parking for market-rate housing should follow local zoning rules. Lot splits allowed by right. Might interact with minimum lot sizes regulated by local governments (i.e., encourage more lot splits). Focuses on duplex development, not necessarily affordable units.
<p>SB 1299 INCENTIVES: REZONING OF IDLE RETAIL SITES</p> <p>SENATOR PORTANTINO</p>	<p>Commercial Site Redevelopment</p>	<p>This bill would require the Housing and Community Development to administer a program to provide grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of workforce housing.</p>	<ul style="list-style-type: none"> Provides incentive to local governments to redevelopment idle retail sites. Could spur larger redevelopment projects. Workforce housing requirement (for households with income greater than or equal to 80 percent of the area median income, but no more than 120 percent of the area median income). 	<ul style="list-style-type: none"> Program may not be widely used if funds are not enough to incentivize local governments to rezone. Rezoning may start the conversation, but will it resolve the issue? Projects still need a developer to take over site and develop.

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<p>SB 1385 HOUSING: COMMERCIAL ZONES</p> <p>SENATORS CABALLERO AND RUBIO</p>	<p>Upzoning; Commercial Site Redevelopment; Developer Incentives</p>	<p>Establishes a housing development project as an authorized use on a neighborhood lot zoned for office or retail commercial use that is currently vacant or underutilized, effectively allowing residential developments to be developed in areas zoned for office or retail commercial.</p> <p>Proposed housing development projects must meet certain requirements and include an affordability requirement.</p>	<ul style="list-style-type: none"> • Incentivizes redevelopment of retail and office sites. May be beneficial with many vacant commercial sites due to Coronavirus and the “retail apocalypse”. • Unknown effect on affordable housing development, as proposed developments would not have specific affordability requirements beyond local zoning requirements (such as inclusionary zoning). 	<ul style="list-style-type: none"> • Does not have an affordable housing incentive or requirement. • Unclear how residential zoning standards would be applied to commercial and office zoned areas. • Potential interpretation issues for local governments.

Note 1: Definition of High Opportunity Areas (AB-1279):

(A) The department [Housing and Community Development] shall consider any area designated as “highest resource” or “high resource” on the most recent [Opportunity Maps](#) adopted by the California Tax Credit Allocation Committee as a potential high-opportunity area.

(B) The department shall not designate a potential high-opportunity area as a high-opportunity area if either of the following conditions apply:

(i) The area is at risk of displacement of lower income households and households of color, or has seen significant displacement of lower income households and households of color within the 10 years preceding the designation of high-opportunity areas pursuant to this subdivision.

(ii) Low wage workers in the potential high-opportunity area do not have significantly longer commutes to work than other low wage workers within the region.

(C) In determining potential high-opportunity areas to be excluded from the designation of high-opportunity areas pursuant to this subdivision, the department shall seek input from community-based organizations with experience working with low-income communities and communities of color.

(D) The department shall update its designations of high-opportunity areas pursuant to this subdivision within six months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.

Note 2: “Urban infill site” means a site that satisfies the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.



(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

Note 3: Income Definitions:

Income definitions for affordable housing in California are defined in [The Health and Safety Code, Division 31, Chapter 2. Definitions. \[50050 – 50106\]](#)