



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	12/13/2022
<b>AGENDA SECTION:</b>	Scheduled Presentations
<b>SUBJECT:</b>	Staff Presentation on New State Housing Laws
<b>FROM:</b>	Community Development Department

## **RECOMMENDATION/CITY COUNCIL ACTION**

No action is requested of the City Council at this time.

## **BACKGROUND/ISSUE**

During this past 2022 session, the California Legislature enacted a large volume of housing production laws affecting local governments. Community Development staff will provide an overview of the most significant new housing laws that will go into effect in 2023. A summary of the new housing laws most relevant to Folsom is also attached to this staff report.

## **ATTACHMENT**

Summary of New State Housing Laws for 2023

Submitted,

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Pam Johns, Community Development Director

# **ATTACHMENT 1**

## **SUMMARY OF NEW STATE HOUSING LAWS FOR 2023**

## SUMMARY OF NEW STATE HOUSING LAWS FOR 2023

A record number of Housing Bills were signed into law this year. Most of these laws take effect on January 1, 2023, with a few going into effect later in the year. Below is a brief summary, broken down by category, of those laws that are most relevant for Folsom.

### **Housing on Commercially Zoned Land**

#### **AB 2011 and SB6 - Housing Development on Commercially Zoned Sites**

AB 2011 creates a ministerial, CEQA-exempt, approval process for multifamily housing developments that meet specified objective standards are Below Market Rate (BMR) on commercially zoned property. The streamlined review process is very similar to SB 35 of 2017 and requires prevailing wage. The law sunsets in 2033.

SB 6 allows residential development (No BMR requirements) on property zoned for retail and office space without needing a rezoning, and allows project applicants to invoke the Housing Accountability Act (HAA) to limit local discretion to deny or condition approval. Requires prevailing wage.

### **Streamlining and Parking Reform**

#### **AB 2234 – Timelines for Post-Entitlement Permits**

This law establishes a concrete and time-limited approval process for issuing post-entitlement ministerial permits including building permits, demolition permits, and permits for minor or standard excavation, grading or off-site improvements.

#### **AB 2668 – SB 35 "Cleanup"**

AB 2668 makes a series of technical and clarifying changes to SB 35 of 2017, a law that provides for streamlined ministerial approval of qualifying housing and mixed-use projects that conform to objective zoning requirements, pay prevailing wages and meet minimum affordable housing requirements.

#### **AB 2097 – No Parking Minimums within Half-Mile of Public Transit**

This law prohibits public agencies from imposing minimum parking requirements on residential, commercial or other development projects located within a half-mile of public transit. Public agencies may only impose parking minimums on such projects if the agency can make certain written findings that the inability to impose parking requirements would have substantial negative impacts.

### **Accessory Dwelling Units**

#### **AB 2221 – ADU Law Cleanup**

This law contains clean-up language and clarifications to reduce permitting delays for ADU applicants. The law also requires agencies that deny an ADU application to provide a full set of comments to the applicant with a list of items that are deficient and a description of how the application can be remedied.

## SUMMARY OF NEW STATE HOUSING LAWS FOR 2023

### **SB 897 – Increased Height Limits for ADUs, Detached ADUs at Proposed Multifamily Projects**

This law increases the height limits that local governments may impose on ADUs by allowing 18 feet for detached ADUs located on lots that are within a half-mile of a major transit stop, or detached ADUs on lots with an existing or proposed multistory, multifamily dwelling; or 25 feet or base zone height (whatever is lower) for attached ADUs.

### **Density**

#### **AB 2334 - State Density Bonus Law Amendments – Defining "Base Density"; Concessions in Very Low Vehicle Travel Areas**

AB 2334 provides that if the density under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan or specific plan, the greater shall prevail. In addition, this law dictates a method for determining the "base density" in terms of units in cases where a local jurisdiction's general plan, specific plan or zoning does not provide dwelling unit per acre standard for density.

### **Housing Element Annual Progress Reports**

#### **AB 2094 and AB 2653 Greater Requirements for Annual Reports on Housing Progress.**

AB 2094 requires that the annual report specifically detail the local government's progress in meeting RHNA targets for the "extremely low income" category.

AB 2653 requires that the annual report additionally provide: the number of new housing units built, the number of housing units demolished, information specifying rental versus for-sale housing and details regarding approved projects that benefit from AB 2011 or the State Density Bonus Law.

For a more detailed summary of new Housing Laws please refer to Holland & Knight's **California's 2023 Housing Laws: What You Need to Know**

(website: <https://www.hklaw.com/en/insights/publications/2022/10/california-2023-housing-laws-what-you-need-to-know> )

In addition, the California Legislative Information website provides a search tool to easily access the entire Bill text. <https://leginfo.legislature.ca.gov/faces/home.xhtml>