

# 2023 California Housing Law

During the 2021-2022 Legislative Session, lawmakers passed over 40 new bills related to housing that took effect on January 1, 2023. Below is a summary of the key bills applicable to Placer County.

## Streamlining

**AB 2011 (Affordable Housing and High Road Jobs Act of 2022)** – Creates new CEQA-exempt, ministerial approval pathway for qualifying residential development on commercially zoned land that meets affordable housing targets and pays prevailing wages.

**SB 6 (Middle Class Housing Act)** – Allows residential use on commercially zoned property without requiring a rezoning for projects that pay prevailing wages and meet "skilled and trained workforce" requirements.

*\*Note: Both AB 2011 and SB 6 will go into effect July 1, 2023*

**AB 2234** – Establishes strict timelines and potential Housing Accountability Act liability for local agencies when issuing post-entitlement ministerial permits such as grading and building permits.

**AB 2668** – Makes a series of technical and clarifying "cleanup" changes to SB 35 of 2017's streamlined ministerial approval process.

## Density Bonus

**AB 2334** – Amendments to State Density Bonus Law to update the definition of "maximum allowable residential density" to determine the "base density" to which bonus density may be added; also makes 100% affordable housing projects located within one-half mile of a major transit stop or is located in a "very low vehicle travel area" (existing residential development generates VMT per capita that is below 85% of the regional VMT per capita) eligible for an automatic height increase of up to three stories or 33 feet; prohibits local agencies from imposing maximum controls on density if the project is located in a designated county and within a very low vehicle travel area. (Note: Placer County is not a "designated county".)

**AB 1551** – Density bonus incentives for qualifying commercial developers of mixed-use projects.

**AB 682** – Density bonus benefits for eligible shared/co-living housing projects; prohibits jurisdictions from requiring any minimum unit size requirements or minimum bedroom requirements for an eligible shared-housing building project.

## Parking Reform & Other Cost Reductions

**AB 2097** – Prohibits public agencies from imposing or enforcing minimum parking requirements on developments within a half-mile of a major transit stop or high quality transit corridor.

**AB 2244** – Prohibits local agencies from requiring replacement of religious-use parking spaces proposed to be eliminated as part of a housing development project on the religious site.

**AB 2536** – Requires local agencies, prior to levying a new fee or capacity charge or approving an increase in an existing fee or capacity charge, to evaluate the amount of the fee or capacity charge; the evaluation to include evidence to support that the fee or capacity charge does not exceed the estimated reasonable cost of providing service; requires all information in the evaluation to be made publicly available at least 14 days prior to a specified meeting.

## Accessory Dwelling Units & Increased Bedroom Counts

**AB 2221** – Cleanup law that creates numerous changes to the laws governing accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). (Including: approve or deny within 60 days, limits on front setbacks, ADUs allowed in new multifamily housing developments, expands ‘permitting agencies’ definition, confirms objective standards only may be used for review, no Group R change).

**SB 897** – Increases height limitation applicable to ADUs subject to ministerial approval from 16 to 18 feet, if the ADU is within one-half mile walking distance of major transit stop or a high-quality transit corridor, or if the ADU is detached and on a lot with an existing multifamily, multistory dwelling; also allows height of 25 feet for ADU attached to a primary dwelling.

**AB 916** – Maximizing bedroom counts (no more than 2) within existing units.

## Planning, Equity and Lower-Income Housing Opportunities

**AB 2094** – Greater requirements for annual reports on housing progress (detail local government's progress in meeting RHNA targets for “extremely low income” category).

**AB 2653** – Greater requirements for annual reports on housing progress (number of new housing units built and demolished, info specifying rental versus for-sale housing, and details regarding approved projects that benefit from AB 2011 or the State Density Bonus Law).

**AB 1743** – Greater requirements for annual reports on housing progress (housing development applications received and # of units approved or disapproved in prior year); also requires reporting on whether developments are subject to ministerial or discretionary approval process.

**AB 1932** – Extends sunset date in existing law which allows counties to enter into construction manager at-risk contracts.

**AB 2339** – Emergency shelters must be in residential or suitable area and clarification regarding the “No Net Loss” law.

**SB 1214** – Requires planning agency to share architectural drawings with public in a way that does not facilitate their copying.

## Funding

**AB 1695** – Ensures adaptive reuse/affordable housing projects are eligible for funding.

**AB 1978** – Authorizes HCD to publish NOFA application deadlines before availability of funding; issue funding up-front rather than reimbursement.

**SB 948** – Housing finance programs: shifts development/transition reserves from individual project to pooled model operated by HCD.

**Highlighted** – Most important to note

## Further Resources

### California Legislative Information

<https://leginfo.legislature.ca.gov/>

### Holland & Knight Analysis

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

### 2022 California Housing Legislation Highlights – Illustrative Graphic by Alfred Twu

<https://alfredtwu.medium.com/2022-california-housing-legislation-highlights-7ae3515cc723>



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