

Exhibit B1: State Land Use and Planning Laws Related to Housing Development

The following is an inventory of many of the State laws and requirements related to the development of housing. The laws are then categorized by type of law (guiding development, removing barriers, or incentivize housing), the development phase, and includes a brief description of the law.

DEVELOPMENT PHASE	NAME	CODE SECTION	DESCRIPTION
Planning	General Plan	Gov't Code § 65300 et seq.	A General Plan is the local government's long-term blueprint for the community's vision of future growth and is typically updated every 20 years. Mandatory elements include: Land Use, Circulation (Traffic & Utilities), Housing (State-mandated affordable housing program), Conservation (natural resources), Open Space, Noise, Safety. All subsequent planning documents (e.g., zoning ordinance) and land use actions (and public works decisions) must be consistent with the General Plan.
Planning	Housing Element	Gov't Code § 65580	<p>Local governments plan for current and future housing needs, including their share of the regional housing need, through the housing element update process. Unlike other parts of the General Plan, a housing element must be revised every five to eight years. Among other provisions, the housing element provides an inventory of land adequately zoned or planned for residential zoning, certainty in permit processing procedures, and a commitment to assist in housing development through regulatory concessions and incentives. It also requires the adoption of specific program actions to facilitate the development of housing within the jurisdiction.</p> <p>Housing element law requires local governments to rezone, if necessary, to provide sufficient capacity in higher density zones to accommodate the RHNA for lower-income households. They are required to allow multifamily housing on those sites for rental and ownership through ministerial approval. Ministerial approval means the local government may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of CEQA .</p>

Exhibit B1: State Land Use and Planning Laws Related to Housing Development

DEVELOPMENT PHASE	NAME	CODE SECTION	DESCRIPTION
Planning	Regional Housing Needs Allocation	Gov't Code § 65584	<p>The RHNA, established by legislation in 1980, is a process whereby HCD, in consultation with the Department of Finance, projects housing demand by income group to accommodate population growth for all regions of the State. These regions, through their Council of Governments (COG), then determine each city and county's fair share of the housing need. Each jurisdiction's updated housing element must demonstrate enough residential capacity, through adequate zoning, to accommodate this projected growth. The RHNA process has the following objectives:</p> <ol style="list-style-type: none"> 1. Increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties in an equitable manner. 2. Promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns. 3. Promote intraregional relationship between jobs and housing
Planning	The Cortese-Knox-Hertzberg Local Government Reorganization Act	Gov't Code § 56000, et seq	<p>Local Agency Formation Commissions (LAFCo) approve annexation requests by local governments. Factors that the LAFCO considers in reviewing annexation proposals include, but are not limited to, the following (Section 56841):</p> <ol style="list-style-type: none"> 1. Population, land area and use, per capita assessed valuation, topography, natural boundaries, drainage basins, proximity to populated areas, and the likelihood of significant growth, during the next 10 years. 2. Need for organized community services, present cost and adequacy of government services, effect of the on the cost and adequacy of services and controls in the area and vicinity. 3. Conformity of the proposal and its effects with LAFCO policies on providing planned, orderly, efficient patterns of urban development and with State policies and priorities. 4. Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open-space use. 5. Consistency with appropriate city or county general and specific plans.

Exhibit B1: State Land Use and Planning Laws Related to Housing Development

DEVELOPMENT PHASE	NAME	CODE SECTION	DESCRIPTION
Planning	Sustainable Community Strategy of SB 375	Cal. Public Resource Code § 75125 Gov't Code § 65080	In an effort to reduce California’s carbon emissions, legislation such as SB 375 required regions to develop a Sustainable Community Strategy plan (SCS) to integrate housing in their transportation plans in a way that encourages infill development and reduces vehicle miles travelled, achieving their greenhouse gas reduction goals. This planning is adopted at the regional level, and while many jurisdictions implement the objectives of the plan, they are not required to do so.
Planning	Williamson Act	Gov't Code § 51200	Enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural, or related, open space use. In return, landowners receive property tax assessments.
Planning, Permitting	California Environmental Quality Act (CEQA)	Public Resources Code § 21000 et seq.; 14 CCR § 15000 et seq.	Requires that decision makers consider the environmental consequences of an action before action is taken. CEQA applies to all discretionary decisions of government, including land use approvals and public works decision. Where a federal permit is required (as for construction in a wetland or a navigable waterway), compliance with the National Environmental Policy Act (NEPA), 42 USC 4321 et seq., is also required.
Zoning	Specific Plan	Gov't Code § 65450	Specific Plans are commonly used to tailor land use requirements for a particular subdivision or planning area (such as an historic old town or a redevelopment area) and can include development or other specific standards. The plan must be consistent with the general plan.
Zoning	Zoning Ordinances	Gov't Code § 65850 et seq	Zoning ordinances divide city or county into use districts, such as single-family residential, multifamily residential, commercial, industrial, in conformity with the land use element of the general plan. Among other things, zoning ordinances describe permitted uses, conditionally permitted uses, development standards, and special incentives such as density bonus. Variances allow exceptions to zoning laws to account for unique circumstances of a property, such as an odd shape.

Exhibit B1: State Land Use and Planning Laws Related to Housing Development

DEVELOPMENT PHASE	NAME	CODE SECTION	DESCRIPTION
Zoning	Subdivision Map Act	Gov't Code § 66410	The Subdivision Map Act provides procedures for the orderly subdivision of land by regulating the division of land into separate parcels for lease, sale or financing. Common approvals under this law are: subdivision maps (which create five or more parcels), parcel maps (which create four or fewer parcels), and lot line adjustments (which affect fewer than four parcels).
Zoning	Federal and State Fair Housing Law	Fair Housing 42 U.S.C. § 3601, et seq; 42 U.S.C. § 5304(b)(2); 42 U.S.C. § 5306(s)(B); 42 U.S.C. § 12705	Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, sex, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income and age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.
Zoning	Limits on Moratoriums on Housing	Gov't Code §65858	A jurisdiction cannot extend any interim ordinance that puts a moratorium on the development of housing for the development of projects with a significant component of multifamily housing except upon specific written findings (noted in the statute) adopted by the legislative body, supported by substantial evidence on the record. Moratoriums on multifamily housing development cannot include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.
Zoning	Least Cost Zoning	Gov't Code § 65913.1.	Least Cost Zoning Law requires local governments to zone sufficient land for residential use with appropriate standards in relation to zoning for nonresidential uses, to meet the housing needs of all income groups. Appropriate standards are defined to mean densities and development standards must contribute to the economic feasibility of producing housing at the lowest possible cost.

Exhibit B1: State Land Use and Planning Laws Related to Housing Development

DEVELOPMENT PHASE	NAME	CODE SECTION	DESCRIPTION
Zoning	Mitigation Fee Act	Gov't Code § 66000	The Mitigation Fee Act authorizes local governments to impose fees on new development and requires that a nexus be shown between the fee charged and its purpose. Local governments can impose development fees to defray all, or a portion of, the cost of public facilities related to the development of the project. These fees commonly include planning-related fees to contribute to the cost of staff time when processing applications and preparing environmental documents, and impact fees related to the building of the development such as water and sewer connections. Local governments may also impose fees on new development for other public benefits such as roads, parks, libraries, and affordable housing.
Zoning	Enhanced Infrastructure Financing Districts	Gov't Code § 53398.50	SB 628 (Beall, 2014) authorized a new type of Infrastructure Financing District (IFD) called an Enhanced IFD, or EIFD. Differing from former Redevelopment Areas (RDAs) an EIFD may not redirect property tax revenue from K-14 schools. EIFDs can be created by cities or counties without voter approval. All participating affected taxing entities must first agree to provide their tax increment revenue to the EIFD. However, approval from at least 55 percent of impacted residents is required before the EIFD may issue tax increment-financed debt. EIFDs may fund projects including housing for rental or purchase, transit priority projects, sustainable communities strategies, military base reuse, and brownfield restoration among other uses. EIFDs may overlap with RDA project areas, but cities and counties that formerly operated RDAs may participate in an EIFD once the Successor Agency has received a Finding of Completion from the Department of Finance, and cleared their audit findings from the State Controller's Office asset transfer reviews.
Zoning	Community Revitalization and Investment Authorities	Gov't Code § 62000	AB 2 (Alejo, 2015) authorized the creation of a Community Revitalization Investment Authority (CRIA) at the local level. This agency would be empowered to invest the property tax increment of consenting local agencies (other than schools) and use other available funding to improve conditions leading to increased employment opportunities, including reducing high crime rates, repairing deteriorated and inadequate infrastructure, and developing affordable housing. AB 2 requires more rigorous accountability criteria than former Redevelopment Agencies.

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Zoning, Permitting	Emergency Shelter, transitional and supportive housing zoning requirements (SB 2)	Gov't Code § 65583.(a)(4)(5)	Under SB 2 a local government must identify where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. In addition, transitional housing and supportive housing are considered a residential use of property and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
Zoning, Permitting	Second Unit Law	Gov't Code § 65852.2 and 65583.1.	Second Unit Law requires local government to establish a process to consider approval of the development of secondary dwelling units. Local governments are required to provide ministerial approval of second units and promote their development.
Zoning, Permitting	Junior Accessory Dwelling Units	Government Code § 65852.22	Jurisdictions are allowed to create an ordinance allowing junior accessory dwelling units, in single-family residential zones. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure.
Zoning, Permitting	Manufactured and Factory Built Housing Law	Gov't Code § 65852.3.	Local governments must allow the siting and permit process for manufactured housing in the same manner as a conventional or stick-built structure.
Zoning, Permitting	Group Home Law	Health and Safety Code § 1267.8, 1566.3, 1568.08.	Local governments are required to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the operator, the operator's family or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use.
Zoning, Permitting	Employee Housing Act	Health and Safety Code § 17021.5, 17021.6, 17021.5.	Employee housing for six or fewer persons must be treated as a single-family structure and residential use in a residential zone. Section 17021.6 generally requires employee housing consisting of not more than 36 beds in group quarters or 12 units or less designed for use by a single family or household to be treated as an agricultural use.
Zoning, Permitting	Density Bonus Law	Gov't Code § 65915	State Density Bonus allows for a developer to get a density bonus of up to 35 percent, up to three incentives or concessions, and allows developments reduced parking standard for provision of housing affordable to lower-income households.

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Permitting	Permit Streamlining Act	Gov't Code § 65920	Sets deadlines for action on land use permits and grants automatic approval ("deemed approved") if action is not taken in a timely manner.
Permitting	Housing Accountability Act	Gov't Code § 65589.5	Limits local governments' ability to reject or make infeasible through conditions affordable housing developments, including emergency shelters and farmworker housing. Specifically, the local government can only deny a project affordable to moderate-, low- and very low- income households if the jurisdiction's housing element is in compliance with State law and the jurisdiction has met, or exceeded, the RHNA for the income group of the proposed project, makes specific health and safety findings, or is located on certain agriculturally zoned land.
Permitting	No-Net-Loss	Gov't Code § 65863.	No-net-low law ensures sites are available throughout the housing element planning period to accommodate the local government's RHNA. It also prohibits a local government from reducing the allowable density on a site identified in the housing element's sites inventory unless certain findings are made or an alternative parcel's density is increased.
Permitting	Multifamily Permit Streamlining	Gov't Code § 65589.4	Under specific conditions, multifamily infill housing projects with housing affordable to at least 50 percent moderate-income units, 20 percent low-income units, or 10 percent very low-income units must be allowed as a permitted use and is not subject to a conditional use permitting process.
Permitting	Prohibiting discrimination against affordable housing	Gov't Code §65008	A jurisdiction action is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because the development or shelter is intended for occupancy by persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income or the development consists of a multifamily residential project that is consistent with both the jurisdiction's zoning ordinance and general plan as they existed on the date the application was deemed complete.

Exhibit B1: State Land Use and Planning Laws Related to Housing Development

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Permitting	CEQA Streamlining	California Public Resources Code § 21000	Certain types of development such as some affordable housing, infill projects, or transit-oriented development are exempt from the provisions of CEQA. Streamlining in the form of exemptions, or being able to use existing environmental documentation (tiering) when evaluating a project, are available for Transportation Priority Projects (TPPs) that are consistent with the Regional SCS.
Permitting	Attorney's fees	Gov section 65914	Attorney fees are awarded to the public entity or non-profit developer in cases where frivolous lawsuits are filed against low and moderate-income housing to stop development.
Building	Affordable Housing Beneficiary Districts	Health and Safety Code § 34191.30	Allows a jurisdiction to redirect its distribution of property tax revenue payable to the city or county from the Redevelopment Property Tax Trust Fund to an affordable housing beneficiary district. The jurisdiction is then authorized to issue bonds against the property tax revenue to provide financial assistance for the development of affordable housing in the form of loans, grants, and other incentives.
Building	State Housing Law	California Health and Safety Code §17910.	The California Health and Safety Code provisions known as The State Housing Law, often referred to as building code, were enacted to encourage uniformity in building standards and to protect the health, safety and general welfare of the public and occupants of residential buildings statewide. HCD's State Housing Law Program (SHL) develops and proposes the adoption of residential building standards to the California Building Standards Commission for approval and adoption into the California Code of Regulations These building standards apply to new construction of hotels, motels, lodging houses, apartments, dwellings and accessory buildings. Local governments may adopt local amendments to these codes provided they make express findings that they are reasonable and necessary based upon climatic, geological or topographical conditions. Prior to construction of a development, the local government must ensure that building plans conform to all codes and regulations. After completion of the project, the local officials inspect the property to ensure compliance with standards and conditions for development placed on the project.

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Building	California Green Building Standards (CalGreen)		CalGreen requires new buildings and renovations in California to meet certain sustainability and ecological standards. Jurisdictions which aspire to be more green and sustainable may voluntarily adopt more stringent provisions from CALGreen, known as "Tier 1" or "Tier 2" from the CALGreen Appendix A4 Residential Voluntary Measures. These enhanced green building measures contain prerequisites and electives for jurisdictions to determine their own level of local green building code.
Building	Surplus Sites	Gov't Code § 11011, GC Section 54200	Current State law allows the State to dispose of surplus real property through the Department of General Services. Disposal of surplus sites at less than fair market value is allowed to promote the development of housing affordable to persons and families of low- and moderate-income. For locally controlled surplus property, local agencies, including school districts, must prioritize the use of surplus property to increase the supply of housing.