



BY-RIGHT SUPPORTIVE HOUSING PROVISIONS

Government Code §§ 65650-65656

INTRODUCTION

Supportive housing is housing with no limit on length of stay that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing projects that meet certain conditions must be processed as a by-right use in zones that allow multifamily residential development or mixed-use development. In smaller jurisdictions, specific limitations apply to by-right approval based on population and homelessness figures.

KEY PROVISIONS

Project Eligibility

To qualify for by-right approval, a project must designate 100 percent of its units, excluding managers' units, as affordable to lower-income households. In addition, at least 25 percent of the units must be used for supportive housing, except for projects with 12 or fewer units, where all units must be designated as supportive housing. A deed restriction must ensure the specified affordability for 55 years. If any qualifying residential units are being demolished as part of the project, the developer must comply with replacement housing requirements under State Density Bonus Law even if the project is not using the benefits of that law.

Limitations for Smaller Jurisdictions

In cities and unincorporated areas with populations under 200,000, where the most recent point-in-time count shows fewer than 1,500 individuals experiencing homelessness, by-right approval is limited to supportive housing projects of 50 units or fewer. However, jurisdictions may choose to allow by-right approval for larger projects.

Development Standards and Parking Requirements

Jurisdictions may require projects to comply with objective, written development standards that apply to other multifamily residential developments in the same zone. They may not impose development standards that are specific to supportive housing projects. This aligns with Housing Element Law, which mandates that transitional and supportive housing be treated the same as all other residential uses in a given zone. In addition, jurisdictions are prohibited from imposing parking requirements on supportive housing units if the project is located within one-half mile of transit.

Application Review and Approval Timelines

As part of the application submittal, the developer is required to provide a plan for providing supportive services onsite to residents. The plan must include the name of the

The Housing Law Fact Sheets provide an overview of existing laws which the California Department of Housing and Community Development (HCD) has statutory authority to enforce. The fact sheet does not constitute legal advice but is intended to be a resource for local agencies and decision-makers within California, including members of City Councils, Boards of Supervisors, and Planning Commissions.

proposed entities that will provide supportive services, proposed funding sources for the supportive services, and proposed staffing levels.

Jurisdictions must notify developers within 30 days of submission whether the application is complete. Once the application is complete, the review process must be completed within 60 days after the application is complete for projects with 50 or fewer units and within 120 days after the application is complete for projects exceeding 50 units. If a project meets all statutory requirements, it must be approved.

RECENT HCD TECHNICAL ASSISTANCE LETTERS

[City of Sutter Creek](#),
May 24, 2022

AB 2162 requires supportive housing projects meeting specific criteria to be processed by-right in zones allowing multifamily residential or mixed-use development, meaning local governments must approve qualifying projects without requiring discretionary permits such as conditional use permits. Additionally, local jurisdictions must review by-right supportive housing applications within 60 days for projects with 50 or fewer units and within 120 days for projects with more than 50 units to ensure timely approval.

LEGISLATIVE HIGHLIGHTS

Supportive Housing: Administrative Office Space

[AB 1801](#), Jackson (2024); amended Gov. Code, §§ 65650 and 65651

Builds on AB 2162 by refining supportive housing requirements. It mandates that developments with over 20 units allocate at least 3 percent of total floor space for supportive services and allows administrative office space within the nonresidential area, capped at 25 percent of total floor space. It also expands “supportive housing” to include transitional housing for youth and young adults. These updates provide greater flexibility in supportive housing design while maintaining streamlined, by-right approvals.

Supportive Housing By-Right

[AB 2162](#), Chiu (2018); amended Gov. Code, § 65583 and added Article 11 (commencing with § 65650)

Requires that supportive housing be a use by right—without a conditional use or other discretionary permit—in zones where multifamily and mixed uses are permitted, including nonresidential zones where multifamily uses are permitted, if the proposed housing development meets specified local objective standards.