

Overview of Selected Amendments to Housing Element Laws in 2017 Bill Package

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AB 1397

- Strengthened site identification requirements
- Requires more analysis in evaluation of what land is likely to be redeveloped

AB 1397 - Summary

- ▶ Sites with existing uses must be individually analyzed for devlpt potential.
- ▶ If non-vacant sites are used to accommodate 50% or more of need for lower income households, jurisdiction must overcome presumption that existing use is an impediment to development.
- ▶ Replacement requirement for sites identified with existing low-income covenants/tenants or RSO units.
- ▶ Sites re-used from previous inventories must be rezoned by-right for projects with at least 20% of units affordable to count toward lower-income need.

AB 1397 - Effects

- ▶ More analysis = more real sites
- ▶ In built out cities, may need to plan now to rezone
- ▶ Inclusionary and replacement requirements

SB 166

SB 166

Strengthened the housing element “no-net-loss” requirement.

No net loss already applied to reductions in residential site capacity overall.

Now it applies to sites designated for LI and MI housing where those sites are not built for LI and MI.

SB 166 - Summary

- ▶ If jurisdiction allows development of fewer units by income category than identified in housing element, must find that either:
 - ▶ Sufficient excess capacity exists; or
 - ▶ Identify and “make available” new sites within 180 days.
- ▶ Must *quantify* unmet need and existing capacity, by income level, as part of findings.
- ▶ Cannot approve development at lower density without making such findings.

SB 166 - Effects

- ▶ Cities will need to quantify unmet need and existing capacity, by income level, on an ongoing basis.
- ▶ Creates incentive to identify excess capacity in inventory to avoid needing to identify replacement sites within 180 days of project approval.

Takeaways: 166 and 1397

- ▶ Bottom line - likely - substantial upzoning or rezoning will be required, along with greater monitoring of sites in inventory.
- ▶ SB 166 now requires assessment of whether LI sites are being built for LI housing.
- ▶ AB 1397 invokes replacement and inclusionary requirements.
- ▶ More tools in toolbox for affordable housing!

More information

- ▶ Local Zoning Best Practices Guide (For Shelter, Transitional Housing and Supportive Housing):
- ▶ <http://homeless.lacounty.gov/wp-content/uploads/2017/11/Public-Counsel-SB-2-Best-Practices-Guide-FINAL.pdf>