City of Healdsburg Housing Element 2023-2031

***Appendix B.* Summary of State Legislation**

Adopted May 1, 2023

HCD Certified June 29, 2023

HIGHLIGHTS OF NEW HOUSING LAWS SINCE THE LAST HOUSING ELEMENT

AB 72 (2017) strengthened California's 50-year-old "Housing Element law," which requires local governments to adequately plan for future housing needs at all income levels. The bill grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted Housing Element or Housing Element law. This includes failure to implement program actions included in the Housing Element. HCD may revoke Housing Element compliance if the local government's actions do not comply with State law. In addition, HCD can refer violations to the State Attorney General's Office for enforcement any time it determines that a local jurisdiction is in violation of State law for non-compliance with Housing Element law, the Housing Accountability Act, the "No Net Loss" law, the density bonus law or anti- discrimination laws. Since 2018, HCD has sent more than 250 enforcement letters to jurisdictions up and down the State. The most notorious case involving the Attorney General's office was that of Huntington Beach, which held that, for multiple reasons, the RHNA did not apply to them. The case was settled in 2020 when the City agreed to amend one of its Specific Plans to provide adequate sites to meet its RHNA obligation. In late 2021, HCD added a Housing Accountability Unit to further hold local jurisdictions accountable for their Housing Element commitments and other State laws. This illustrates why it is vitally important to achieve compliance with Housing Element Laws ("certification") and maintain local land use control.

SB 35 (2017) requires that jurisdictions that are not meeting their RHNA obligations have a "streamlined ministerial approval process" for housing developments of two or more units when 10% or 50% of project units are provided as affordable and deed restricted. "Streamlined ministerial approval process" means that officials cannot exercise discretion over a qualifying project, but can only compare it against adopted, objective design and development standards. Because Healdsburg is on track with its Above Moderate Income RHNA obligations for the current Housing Element cycle, the City is currently subject to the provisions of SB 35 at 50% affordability.

AB 1397 (2017) requires that cities zone appropriately for their share of the regional housing need, and zone for all types of housing. The new law requires strong justification when non-vacant sites are zoned to meet the housing need, especially for lower-income housing.

SB 166 (2017), the new "No Net Loss" law, requires that a City replace any site that was zoned and listed in the sites inventory for low-income housing if it ends up being developed as anything else, unless the City can make findings that enough additional sites that are adequately zoned remain to allow the City to continue to accommodate its remaining housing need (RHNA), by income category. The intent is to ensure that jurisdictions have adequate sites with appropriate zoning to accommodate their share of the regional housing need throughout the Housing Element period. As noted above, AB 72 provides that HCD and the State Attorney General can intercede if a jurisdiction fails to uphold the "No Net Loss" provisions.

AB 686 (2018), also known as the anti-discrimination or "Affirmatively Furthering Fair Housing" (AFFH) law, requires specific analysis around patterns of socio-economic concentration within the City and the larger region. This new law requires Healdsburg to examine past and current zoning, land use, funding, and other practices. New programs may be needed to ensure compliance.

SB 330 prohibits local jurisdictions from enacting new laws that would have the effect of reducing the legal limit on new housing within their borders, or delay new housing via administrative or other regulatory barriers.

SB 9 and SB 10. While these bills do not directly affect Housing Element law or RHNA allocations, they may be considered when making development capacity assumptions or when exploring policy approaches to encourage housing development to meet the City's needs. SB 9 builds on existing accessory dwelling unit (ADU) law by allowing duplexes and lot splits on most single-family parcels in California, and SB 10 is an opt-in provision to allow low-density multiplexes with streamlined rezoning and flexible parameters tailored to local needs.

In addition to the above, Government Code Section 65583(c) requires that the Housing Element include a five-year schedule of actions (programs) the City is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. Significantly, if the City's housing sites inventory "does not identify adequate sites to accommodate the [RHNA] need for groups of all household income levels ..., the program shall identify sites that can be developed for housing within the planning period pursuant to § 65583.2(h)." Those sites must typically be identified and rezoned to allow housing by-right at default densities within three years from the beginning of the Housing Element period. However, AB 215 (2021) now shortens that rezoning period from three years to one year for any subject jurisdiction that does not adopt a Housing Element in time.