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# 2023 Legislative Update

## APA California Conference - Fresno, California



American Planning Association  
**California Chapter**



American Planning Association  
**California Chapter**

# Panelists



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# APA California Legislative Program Updates

# 2023-2024 APA California Platform

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## PLAN CALIFORNIA 2023-2024 Legislative Platform for APA California

Professional planners have a responsibility to comprehensively implement practical solutions to pressing issues that balance the needs of California's diverse population, environments and economies. Planners focus on a broad range of topics and issues such as land use, housing, transportation, infrastructure, environmental and human health, social equity, and economic vitality. Our pivotal role in the decision-making process at the local, regional, and state levels provides unique insight to help shape the policy landscape and ongoing debate on planning-related issues. This effort requires planners in California to monitor shifts in statewide policy and identify planning solutions in the context of local, state, and national trends.

- Housing
- Equity, Inclusion, and Social Justice
- Climate Resilience and Hazard Mitigation
- Infrastructure, Services, and Fees
- California Environmental Quality Act (CEQA)
- Neighborhood Vitality and Healthy Communities
- Coordinated Planning



# APA California Legislative Program

Internal Bill Review  
Legislative Review Team

Legislative Positions  
Letters  
Technical Feedback

Meetings/Advocacy  
Public Testimony

Partnerships with Other  
Organizations

eNews, Social Media, and  
Webinars

Resources Online to Get  
Involved

# Advocacy



## Legislative Platform

To address the priority issues facing California and to set the standard for our profession, APA California adopts a Legislative Platform prior to the start of each California two-year legislative session titled “Plan California”. The...

## Legislative Review Team

APA California’s Legislative Review Team is composed of volunteer APA California members including public and private sector planners with a wide range of experience, and students. The team includes members from all eight of the...

## Bills & Position Letters

2023 Full Bill List APA California Bills (September) 2023 Position Letters Assembly Bills Senate Bills

Resources

[Legislative Update Archive](#)  
[Legislative Review Team](#)

[National Legislative Program](#)  
[Amicus Committee](#)

[Bill Search](#)

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# Big Picture

# What's Influencing the Legislature in 2023

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Housing/Homelessness

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Accountability and Implementation

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Climate and Infrastructure

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So Many New Members!!

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Budget Deficit Impacts



# 2023-2024 State Budget

\$310 billion spending plan addresses core priorities and covers a **\$30 billion-plus deficit**, without touching key reserves. To do this, the budget:

- Delays and reduces some spending to future budget years
- Shifts appropriations to other sources
- While housing, homelessness and climate remain priorities, impacts to funding various programs for these priorities are impacted, especially climate – public transit
- Looking to Federal funding from the Inflation Reduction Act and the Infrastructure Investment and Jobs Act
- Potential climate bond – for discussion in 2024

## \*\*New funding for:

- **Comprehensive update of OPR's General Plan Guidelines as a result of several newly enacted laws and to align with California's housing, equity and climate priorities**
- Fifth round of \$1 billion in Homeless Housing, Assistance and Prevention (HHAP) grants – eligibility criteria to be based on compliance with housing laws

# Governor's Infrastructure Streamlining Package

Provides streamlining opportunities for clean infrastructure/energy projects throughout the state – energy, semiconductor, transportation, water

Executive Order creates *Infrastructure Strike Team* to work with agencies to facilitate planning and development of projects

## Package of bills:

- Streamline permitting and procurement processes
- Expedite CEQA judicial review “to the extent feasible”
- Address CEQA procedures related to process and document retention
  - Extends the date for Environmental Leadership Project certification January 1, 2032.
  - Shortens the admin record by removing internal communications on non-substantive materials
  - Allows agency to deny a request by a petitioner or plaintiff to prepare record of proceedings

## Bills signed by the Governor:

- SB 145 – Environmental Mitigation
- SB 146 – Infrastructure Contracting
- SB 147 – Fully Protected Species
- **SB 149 – CEQA Expedited Judicial Review/Administrative Record Reform**
- SB 150 – Workforce development – Public Contracts

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# 2023 Legislation

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# Keep in Mind...

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## **Two-Year Sessions**

The California Legislature convenes in two-year sessions – 2023 is the first of 2023-2024 Session

## **Two-Year Bills**

Bills introduced in the first year of Session can be carried over to the second year of the Session \*usually\*

## **Bills Held Under Submission**

Bills are held in the Appropriations Committees and cannot move in second year

## **2023 Legislative Session just ended September 14**

The Governor has until October 14 to sign or veto bills that pass the Legislature

**\*\*Can't cover it all today!**

# Housing and Homelessness

## Two-Year Bills

**AB 68 (Ward)** Creates new streamlining options for housing/“climate-smart” areas and restricts density increases and other development restrictions in “climate risk” areas.

**AB 1532 (Haney)** Provides streamlining for office conversion projects

**AB 1630 (Garcia)** Prohibits denials for student housing within ½ mile of university campus for zoning purposes

**SB 7 (Blakespear)** Creates the Homeless Housing Obligation Act and Fund

**SB 294 (Wiener)** Expands restrictions on floor area ratio standards

**SB 450 (Atkins)** SB 9 clean up

**SB 576 (Nguyen)** Requires land use element update to prohibit high-density housing within a 5-mile radius of a military installation or other site deemed sensitive to national security

## Held Under Submission

**AB 770 (Kalra)** Removed cap for residents in residential care facilities

**SB 405 (Cortese)** Required new mandatory noticing of property owners of proposed inventory sites listed in the Housing Element for the seventh cycle

**SB 634 (Becker)** Provided streamlining for “opportunity” housing projects



# Housing and Homelessness

## On the Governor's Desk

**AB 309 (Lee)** Creates the Social Housing Program within DGS to identify and develop up to three social housing projects on state-owned surplus land

**SB 555 (Wahab)** Requires HCD to develop and submit a study to the Legislature, on recommendations to creating enough affordable and social housing to meet RHNA

**AB 835 (Lee)** Requires the California State Fire Marshal to research standards for single-exit, single stairway apartment houses in buildings above three stories

**AB 1633 (Ting)** Provides that a disapproval under the Housing Accountability Act includes a local agency's failure to make a determination of whether a project is exempt from CEQA, abuse of discretion, or failure to adopt certain environmental documents under specified circumstances in urban areas until Jan 1, 2031

**AB 1490 (Lee)** Provides streamlining for an affordable housing project that adaptively reuses an existing building with residential units or allows temporary dwellings or occupancy

**SB 4 (Wiener)** Provides streamlining for affordable housing projects on educational and religious institution owned lands

# Housing Law Enforcement

## On the Governor's Desk

**AB 434 (Grayson)** Adds specified housing laws to the list that the HCD is required

to enforce if HCD finds that a local government has taken an action in violation of the law regarding the following:

- ADUs and JADUs
- SB 6 (Caballero, Chapter 659, Statutes of 2022)
- SB 9 (Atkins, Chapter 162, Statutes of 2021)
- AB 1218 (Lowenthal, 2023)
- SB 4 (Wiener, 2023)
- SB 684 (Caballero, 2023)

Shortens, from 90 days to 60 days, the time-period that HCD must review adopted housing elements or amendments

**AB 1454 (Haney)** Grants HCD and the Attorney General the unconditional right to intervene in any suit brought to enforce specified housing laws

# Funding for Housing and Homelessness

## Two-Year Bills

**AB 1657 (Wicks)** Enacts the Affordable Housing Bond Act of 2024, which upon approval by voters, authorizes bonds to finance affordable housing

**SB 225 (Caballero)** Establishes program to fund the acquisition and rehabilitation of unrestricted housing units for affordable housing

## Heading to the Voters (all subject to voter approval)

### March 2024

**AB 531 (Irwin)** Enacts the Behavioral Health Infrastructure Bond Act - \$6.38 billion bond for funding community-based treatment and residential care, permanent supportive housing for veterans and others experiencing homelessness, at risk of homelessness, and living with a behavioral health challenge – streamlining for these projects

**SB 326 (Eggman)** Recasts the Mental Health Services Act as Behavioral Health Services Act and modifies spending priorities under the Act, including requiring 30% of funds to be spent on housing and makes several other changes to local prevention-based programs

### November 2024

**ACA 1 (Aguiar-Curry)** Allows a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure, as specified.

**ACA 13 (Ward)** Requires an initiative constitutional amendment to comply with any increased voter approval threshold that it seeks to impose on future ballot measures

# AB 821 (Grayson) Zoning Consistency

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## On the Governor's desk

- Applies to all development projects, including commercial, not already covered by the Housing Accountability Act
- Allows resident or property owner to sue to enforce zoning consistency with the general plan within 90 days upon
  - The enactment of any new zoning ordinance.
  - The amendment of any existing zoning ordinance.
  - The failure of a local agency to comply with this section.
- When a general plan is amended but zoning is inconsistent and a development application is filed, agency must amend **inconsistent zoning specific to the development project** within 180 days of application filing or process the application.
- GP-consistent development does not have to be rezoned or be consistent with inconsistent zoning.

# SB 423 (Wiener) SB 35 Extension and Clean up

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- On the Governor's desk
- Extends SB 35's sunset from 2026 to 2036.
- Applies SB 35 in jurisdictions without a compliant Housing Element
- Allows DGS to ministerially approve housing development on state property
- Extends SB 35's provisions to the Coastal Zone on 1/1/25 and ministerial approval of a coastal development permit, if consistent with local coastal plan/land use plan – excludes environmentally sensitive areas
- Alters provisions relating to Fire Hazard Severity Zones
- Creates a new pre-application public comment meeting process
- **Removes public oversight meeting requirement and allows staff approval, but allows design review board or commission meeting**
- Carves out exception for equine sites between 1/1/25 and 7/1/25
- Amends labor standards – projects above 85 ft in height full skilled and trained unless failure to receive three bids to satisfy requirement; all other projects require AB 2011 labor standards



# SB 684 (Caballero) Small Lot Subdivisions

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- On the Governor's desk
- Applies to projects of 10 or fewer units on urban multifamily lots under 5 acres and not located in environmentally sensitive or hazard areas
- Creates ministerial subdivision process for up to 10 units on not more than 10 lots, sets minimum lot size of 600 square feet; no minimum lot width or depth regs
- Ministerial approval of the units to be built on the small lot subdivision
- Allows building permit issuance prior to recording parcel or final map
- Can't physically preclude projects meeting Mullin densities
- Limits setbacks, parking and FAR restrictions
- Requires decision in 60 days or deemed approved
- Another equine provision: SB 9 doesn't apply in "horsekeeping zone"
- Adoption of implementing ordinance is exempt from CEQA
- Most provisions effective 7/1/24

# ADU Bills

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## On the Governor's Desk

- **AB 671 (Ward)** Explicitly authorizes a community land trust to use CalHome Program funds to purchase property, construct ADUs or JADUs on that property, and separately lease or convey those units
- **AB 932 (Ting)** Requires the California Housing Finance Agency to report on the Accessory Dwelling Unit Program to the Legislature
- **AB 976 (Ting)** Makes permanent the existing prohibition on local government's ability to require owner-occupancy on an ADU
- **AB 1033 (Ting)** Authorizes local agencies to allow ADUs to be sold separately or conveyed from the primary residence as condominiums
- **AB 1332 (Carrillo)** Requires local agencies to develop a program for the preapproval of accessory dwelling unit plans

# Density Bonus Bills

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## On the Governor's Desk

- **AB 323 (Holden)** Limits the ability of developers to sell deed-restricted units intended for owner-occupancy to purchasers that would rent the unit unless there are no qualified owner-occupant buyers
- **AB 1287 (Alvarez)** Expands DB for moderate income if a developer includes the maximum amount of lower, very low and moderate-income units
  - Clarifies that base density for a development requesting a density bonus is the greatest allowable density in the zoning ordinance, specific plan, or the land use element of the general plan
- **SB 713 (Padilla)** Clarifies that "development standards" means those standards adopted by the local government or enacted by the local government's electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government

# Equity, Inclusion and Social Justice

## Two-Year Bills

**AB 833 (Rendon)** Requires the Department of Transportation to submit to the Legislature by 2030 a plan for adding caps to freeway segments that divide disadvantaged, underrepresented, and urban communities

**ACA 10 (Haney)** Establishes that the state recognizes the fundamental human right to adequate housing for everyone in California on a non-discriminatory and equitable basis

**ACR 38 (Alvarez)** Declares that the Legislature should utilize federal resources, in partnership with state agencies and local entities, to reconnect communities with, among other things, freeway lids

## On the Governor's Desk

**SB 18 (McGuire)** Creates a new Tribal Housing Grant Program in HCD for the construction and rehabilitation of rental and for-sale housing specific to tribal needs, subject to an appropriation

# Climate and Hazard Mitigation

## Two-Year Bills

**SB 571 (Allen)** Requires a development that would require the evacuation of 40 or more vehicles at any given time to include an evacuation plan when submitting an application if the development is in a high fire risk area

**SB 610 (Wiener)** Creates new standards for determining fire hazard areas within a jurisdiction that are different than the determination of the State Fire Marshall

\*Climate bond for November 2024 Ballot in the works\*

## Held Under Submission

**AB 45 (Boerner)** Allows the California Coastal Commission to authorize blue carbon demonstration projects

**SB 511 (Blakespear)** Requires CARB to develop and publish GHG emissions inventories for every jurisdiction, upon request

**SB 670 (Allen)** Requires CARB to develop maps of average light-duty VMT at the local, regional, and statewide levels, and provides direction to how those maps should be reconciled with existing ones

## On the Governor's Desk

**SB 272 (Laird)** Creates new sea level rise planning requirements



# Infrastructure, Services, and Fees

## Two-Year Bills

**AB 901 (Ting)** Creates Affordable Housing Financing Districts

**AB 930 (Friedman)** Authorizes new “Reinvestment in Infrastructure for a Sustainable and Equitable California” districts to create TIF for funding infrastructure and development near transit

**AB 1476 (Alvarez)** Creates the Community Redevelopment Law of 2023

## Held Under Submission

**AB 1504 (McCarty)** Requires local agencies to complete a plan for the installation of electric vehicle charging stations in the public right-of-way

**SB 83 (Wiener)** Set timelines for Investor-Owned Utilities to connect projects to the electrical grid

## On the Governor’s Desk

**AB 516 (Ramos)** Imposes additional reporting and disclosure requirements on local agencies relative to Mitigation Fee Act

**AB 965 (J. Carrillo)** Requires batch permit processing for broadband projects

**AB 1317 (W. Carrillo)** Adopts a pilot program that requires property owners of new multi-family residential properties in certain counties to unbundle the cost of parking from the cost of the housing unit

**AB 1308 (Quirk-Silva)** Prohibits parking requirements for single-family remodels, renovations, or additions

# AB 894 (Friedman) Shared Parking

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## On the Governor's Desk

- **Requires a local agency to allow sharing of underutilized parking** with the public, local agencies, or other entities, if those entities submit a shared parking agreement to the public agency.
- **Local agencies must allow parking spaces identified in a shared parking agreement to count toward meeting automobile parking requirements for a new or existing development or use.**
- If a shared parking agreement is used, a local agency must approve it if: (a) includes a parking analysis using peer-reviewed methodologies and (b) secures long-term provision of parking spaces or affords the opportunity for periodic review and approval by the public agency.
- Local agencies may not require parties to enter into a shared parking agreement.
- For projects with 10 units or larger, or 18,000 square feet or more, noticing required, and public meeting required if requested.
- Does not apply to local agencies that enact an ordinance that provides for shared parking agreements, including ordinances enacted before January 1, 2024.
- Other provisions and exceptions may also apply (see full bill text for details)

# AB 1176 (Zbur): Local Electrification Planning Act

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## Two-Year Bill

- Requires adoption of a local electrification plan, decarbonization plan, community energy plan, or other similar plan, on or after January 1, 2025 but no later than January 1, 2028.
- Can be either stand alone or integrated into the general plan.
- Goals, objectives, policies, and feasible implementation measures must:
  - **Expand electric vehicle charging** to meet the needs of current and future visitors, residents, and businesses
  - Identify where infrastructure may be needed for **public and private medium- and heavy-duty electric zero-emission vehicle fleets**.
  - Identify strategies for **electrification and decarbonization of new and existing buildings**.
  - Identify **grid upgrades** to meet electrification needs, in coordination with load-serving entities.
  - Address the needs of **disadvantaged communities, low-income households, and small businesses** for investments in zero-emission technologies that directly benefit these groups, as specified.

# Coordinated Planning, Neighborhood Vitality and Healthy Communities

## Two-Year Bills

**AB 6 (Friedman)** Creates new MPO GHG targets for Regional Transportation Plan/Sustainable Communities Strategies for 2035 and 2045

**AB 7 (Friedman)** Creates new requirements for transportation funding decisions to incorporate climate and equity principles

**AB 1000 (Reyes) and AB 1748 (Ramos)** Creates new standards for development of warehouse facilities near “sensitive receptors”

**AB 1335 (Zbur)** Makes changes to the housing projections included in Regional Transportation Plan/Sustainable Communities Strategies and adds additional reporting requirements for local governments.

# CEQA

## Two-Year Bills

**AB 340 (V. Fong)** Adds limitations on last-minute claims of noncompliance under CEQA

**AB 692 (Jim Patterson)** Creates a new CEQA exemption for egress routes and fire safety

**AB 1318 (L. Rivas)** Expands the CEQA exemption for infill projects by increasing the size of a residential project

**SB 393 (Glazer)** Requires disclosure of who's funding plaintiffs in a CEQA lawsuit/expedited judicial review

## On the Governor's Desk

**AB 1449 (Alvarez)** Exempt from CEQA certain 100% affordable housing funded through the Low Income Housing Tax Credit Program that meet specified standards until Jan 1, 2033

**SB 91 (Umberg)** Extends the CEQA exemption for hotel/motel conversions indefinitely

## Signed by the Governor

**AB 356 (Mathis)** Extends, until Jan 1, 2029, an existing provision that waives consideration of aesthetic effects under CEQA for projects that refurbish, convert, or replace derelict buildings

**SB 406 (Cortese)** Establishes a CEQA exemption for actions taken by a local agency to provide financial assistance or insurance for low- and moderate-income residential housing

# AB 1307 (Wicks): CEQA Noise Impacts and Student Housing Alternatives

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## Signed by the Governor

- Amends CEQA to clarify that “for residential projects, the effect of noise generated by project occupants and their guests on human beings is not a significant effect on the environment.” (PRC 21085)
- Amends CEQA to state that institutions of public higher education shall not be required, in an EIR prepared for a residential or mixed-use housing project, to consider alternatives to the location of the [project] if both of the following requirements are met:
  - (1) The project is located on a site that is no more than five acres and is substantially surrounded by qualified urban uses.
  - (2) The project has already been evaluated in the most recent long-range development plan EIR for the applicable campus.” (PRC 21085.2)

# SB 69 (Cortese): CEQA Notice Filings

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## On the Governor's Desk

- Requires a local agency to file a notice of determination (NOD) with the State Clearinghouse in the Office of Planning and Research (OPR), in addition to the county clerk of each county in which the project will be located.
- Authorizes a local agency to file a notice of exemption (NOE) with OPR in addition to county clerk.
- Requires either notice (NOD or NOE), including any subsequent or amended notice, to be posted on State Clearinghouse website within 24 hours of receipt, and must remain posted for 30 days.
- Specifies that the posting of the notice by OPR would not affect the applicable time periods to challenge an act or decision of a local agency.

# APA California 75<sup>th</sup> Anniversary Resolution – Senate Floor Presentation

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Member's resolution authored by Assemblymember Aguiar-Curry and Senator Caballero, to honor APA California for contributions to the planning profession and to extend best wishes for a continued success in the next 75 years and beyond.





# October Legislative Update Webinar

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This “Part 2” webinar may be of interest as we will cover key actions taken by the Governor *after the Conference*.

Date and Time:

Tuesday, October 17, 11:30 am – 1:00 pm



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**California Chapter**

# Contact Info

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