



**SPUR**

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# California Housing Laws

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A guide to post-2016 legislation for local planners, housing advocates, architects, developers, and community stakeholders



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# Why We Need for a Guide to California's Housing Laws

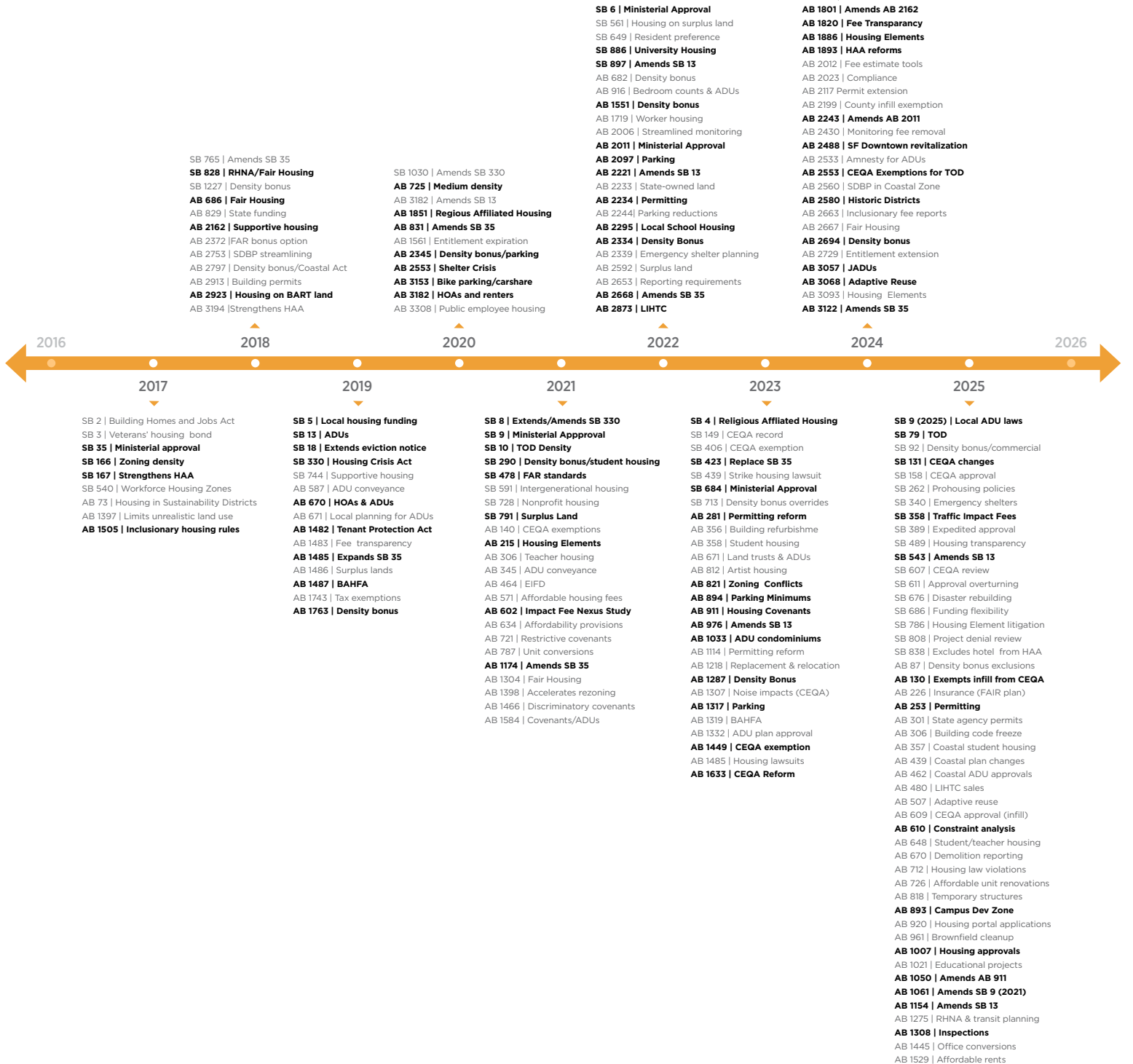
California's severe housing shortage has led to a surge in proposed solutions, including a significant uptick in the number of housing-related state laws passed each year, a trend that began in the late 2010s. Since 2017, the state has adopted more than 200 laws designed to spur housing development through a variety of means (Exhibit 1). Many of these laws build on previous legislation, and some "cleanup bills" correct for unintended consequences or fine-tune policy tools to make them more efficient and effective. With each new law, the volume and complexity of the housing legislation landscape grows.

While this legislative bounty holds great promise for addressing the state's housing shortage, it has proven challenging to navigate for housing developers, community advocates, planning departments, and others involved in housing construction and community development. This guide to recent housing laws explains what they do and how they interact with each other and with local housing policies. It also describes the types of projects and circumstances where they apply. We focused on the 100-plus laws that address project approval, affordable housing, density, and design standards.

EXHIBIT 1

State Housing Legislation, 2017–2025

California passed an astounding 209 housing policy bills between 2017 and 2025. In this guide, we cover the 100-plus laws that address project approval, affordable housing, density, and design standards, noted in bold.



**BACKGROUND:**

# California's Housing Crisis

The national housing affordability crisis is particularly acute in California and the San Francisco Bay Area.<sup>1</sup> Decades of scarcity have made housing unaffordable for many families, and homeownership opportunities are rare for all but high-income households.<sup>2</sup> While many factors influence how much housing is actually built and the market-rate rents or sale prices for those units, state and local laws play a major role in creating environments that promote or deter new construction of different housing types.

Fragmented, highly localized policy decisions by different jurisdictions over many decades have made housing scarce, difficult to build, and prohibitively expensive to rent or own in most California cities. Local laws have constrained housing production by:

- Adopting exclusionary zoning policies that reserve most available residential land in the state for single-family homes<sup>3</sup>
- Making it illegal to build multifamily housing, affordable housing, and supportive housing in many neighborhoods
- Creating complex bureaucratic processes that delay and block project approvals for months or years
- Adopting subjective, arbitrary, or prohibitively expensive design standards that prevent new housing from being built
- Failing to adopt policies that would realistically allow enough housing to be built to accommodate current and future residents
- Failing to implement existing pro-housing laws, especially those with weak enforcement mechanisms

When housing becomes unaffordable for many families, communities suffer. Economic pressures displace families from neighborhoods that once provided affordable housing and spaces for small businesses. High costs and low availability drive more young adults and families out of

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<sup>1</sup> Public Policy Institute of California, "Californians and the Housing Crisis," <https://www.ppic.org/interactive/californians-and-the-housing-crisis/>.

<sup>2</sup> In California, 55% of renters and 40% of homeowners are considered cost-burdened, spending more than 30% of their income on housing costs.

<sup>3</sup> Stephen Menendian, Shahan Shahid Nawaz, and Samir Gambhir, *Single-Family Zoning in California: A Statewide Analysis (A California Zoning Atlas Report)*, UC Berkeley Institute of Othering and Belonging, May 22, 2024, <https://belonging.berkeley.edu/single-family-zoning-california-statewide-analysis>.

cities and negatively impact many social services and institutions. Schools serve fewer children and have difficulty hiring and retaining new teachers, transit ridership falls, neighborhoods become more segregated by race and income, and homelessness increases. Housing is fundamental, and cities cannot flourish when the essential needs of their residents are not met.

All these considerations prompted SPUR to join a housing advocacy coalition in 2020 to champion policies that would have the greatest impact on accelerating housing production in the Bay Area. The coalition has been instrumental in securing passage of legislation by state and local governments to address systemic barriers to building new affordable housing.<sup>4</sup>

The State of California has been enacting laws to ensure that residents have access to safe and affordable housing since 1909.<sup>5</sup> The following legislation builds on, expands, or is a core tenet of state housing policy:

- **California Government Code Article 10.6, Sections 65580–65589.8, requires all cities and counties to create a “housing element.”** Enacted in 1969, the code requires that every eight years, each local jurisdiction submit a plan to the state to provide sufficient housing to meet the projected needs of current and future residents. Subsequent state laws defined additional responsibilities for local jurisdictions and established enforcement mechanisms for noncompliant housing elements.
- **The Housing Accountability Act was enacted in 1982 to prevent local policies from blocking infill development and to expedite housing project approval.** A 1990 amendment created the “builder’s remedy,” a provision that allows the state to step in when local housing policies unduly restrict new housing production. Later strengthened and codified by Assembly Bill 1893 (2024), the builder’s remedy allows the state to override local discretion and approve housing projects that meet basic health and safety standards when a local jurisdiction fails to comply with existing state housing law.
- **Assembly Bill 686 affirmatively furthers fair housing.** Enacted in 2018, it requires state and local governments to ensure that housing policies do not have undue negative impacts on any particular racial, ethnic, or social group. As of January 2021, local jurisdictions must include a fair housing assessment in their housing elements when revising them.

Recent state laws have focused on shifting housing policy in the following ways:

- Expediting local approval processes for certain housing development projects
- Incentivizing affordable housing production
- Increasing housing density by promoting multifamily and infill development, especially near transit stops

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<sup>4</sup> Erika McLitus, “Building Relationships to Build Housing,” *The Urbanist*, Issue 578, SPUR, October 27, 2025, <https://www.spur.org/publications/urbanist-article/2025-10-27/building-relationships-build-housing>.

<sup>5</sup> California Department of Housing and Community Development, “Program History,” September 15, 1985, <https://www.hcd.ca.gov/building-standards/shi/program-history>.

- Introducing some limits to local control over land use to ensure that local policies do not unduly restrict housing production
- Addressing niche barriers to housing production, or the housing needs of particular groups that are not addressed by broader legislative efforts
- Allowing more housing to be built in more neighborhoods, including diverse housing solutions such as accessory dwelling units

Lawmakers balanced these housing goals against other public interests, tempering the impacts of policy tools by including provisions to support construction labor, protect existing housing and tenants, and ensure that new housing is built on safe sites that are not historically significant or environmentally fragile.

# How to Use This Guide

This guide describes an important subset of housing laws passed since 2017 and their intended impact on four key housing policy goals:

- 1 Expediting project approval and permitting
- 2 Incentivizing and promoting affordable housing
- 3 Allowing increased density in new housing projects
- 4 Requiring local jurisdictions to base their design, building, and land use rules on reasonable and objective standards

Each section presents summaries of new housing laws that advance one of these goals, including “cleanup” bills that amend, expand, or refine the policy tools created by state law. The sections can be read in any order and allow the reader to move between policy areas to explore the laws that directly impact their area of interest.

Bills that advance other policy goals are described in [Other Policy Impacts](#) on page 44. [Appendix A](#) provides a glossary of key terms and abbreviations, and [Appendix B](#) offers links to guidance from municipal planning departments.

The general provisions commonly included in state housing laws, including compliance with local housing policies, basic site suitability, protections for existing affordable housing, and project labor standards, are covered in greater detail in SPUR’s State Housing Law Database at [spur.org/CAhousinglaws](http://spur.org/CAhousinglaws). The database includes other recent housing laws not discussed here.

This guide and its associated database aim to provide a general overview of California’s recent housing legislation. They should not be considered a substitute for legal text or advice.

# Project Approval

Multifamily housing is more expensive to build in California than in any other state, reflecting a strong correlation between higher costs and longer production timelines.<sup>6</sup> The most stubborn clogs in California's housing production pipeline obstruct projects before construction. Local processes for project approval and entitlement often involve long waiting periods for application approval or feedback, complex or shifting land use requirements, subjective design standards, and unlimited public hearings. These conditions have led to unpredictable project delays that inflate costs and discourage developers from building housing in any area that might be contentious, including multifamily or affordable housing in more affluent neighborhoods.

Approved housing development projects often stall again as they navigate notoriously slow, byzantine, and expensive local permitting programs to obtain the necessary authorizations to start work. In some cases, local governments and community activists have acted in bad faith to inhibit, chill, or preclude the construction of new housing by misusing discretion in project entitlement decisions or by abusing the California Environmental Quality Act (CEQA) to submit false environmental claims, impose unnecessary study requirements, and file spurious lawsuits.

Recent state housing laws have moved to address these delays by mandating that cities and counties across California offer expedited project approval and permitting to housing projects that meet certain requirements or provide specific benefits (Exhibit 2). Generally speaking, these laws are aimed at removing zoning barriers to housing in infill development locations. These mandates:

- Require cities and counties to create local programs that offer streamlined, ministerial approval for eligible projects. *Ministerial approval* means that local agencies review project applications for compliance with local planning and building requirements and do not add discretionary reviews, subjective standards, or extra hearings.
- Establish deadlines for local agencies to review, approve/deny, and provide feedback on certain project and permit applications.
- Exempt eligible projects and related local laws from CEQA.
- Streamline certain permitting processes for eligible projects.
- Require local jurisdictions to modernize permitting processes (moving certain information online and allowing email communication).

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<sup>6</sup> Jason M. Ward and Luke Schlake, *The High Cost of Producing Multifamily Housing in California*, RAND Center on Housing and Homelessness, April 2, 2025, [https://www.rand.org/pubs/research\\_reports/RRA3743-1.html](https://www.rand.org/pubs/research_reports/RRA3743-1.html).

- Provide enforcement mechanisms for the California Department of Housing and Community Development (HCD) to deter local jurisdictions from ignoring state housing laws.

Prior to state intervention, the full approval and entitlement process for a new housing project frequently took several years in many California cities. A 2019 study of entitlement processes in five Bay Area cities, including San Francisco, Oakland, and San José, found average entitlement process times ranging from 10 months to three years, depending on local requirements and project size; outlier cases extended beyond five years.<sup>7</sup>

State-mandated ministerial approval programs have streamlined and reformed entitlement processes, significantly reducing delays and eliminating opportunities to misuse CEQA or other discretionary approval processes to block housing development projects. Local planning departments responded to new state laws not only by creating ministerial approval programs and publishing extensive guidance to help project applicants understand state laws, but also by applying a critical lens to local policies to improve efficiency for projects ineligible for ministerial review.<sup>8</sup> Local implementation efforts helped uncover administrative and programmatic issues in recent state housing laws and led to “cleanup” bills that adjust ministerial approval requirements for applicants and reviewing agencies, making ministerial approval programs more efficient.

## General Project and Site Requirements

The legislature’s intention has been to promote infill development by requiring that projects be located on sites that meet basic suitability requirements. For our purposes, *basic suitability* means that a site is not:

- Zoned for industrial use
- Located within the coastal zone (with some exceptions), prime farmland, wetlands, high fire hazard severity zones, delineated earthquake fault zones, flood plains or floodways, community conservation plan areas, habitats for protected species, conservation easements, or hazardous waste sites
- Particularly close to freeways or facilities that actively extract or refine oil or natural gas

Unless exceptions are noted in the applicable state law, projects must comply with all local requirements that apply to the project and site, as detailed in the jurisdiction’s objective, written standards related to zoning, subdivision, architecture and design, and so on, published at the time the developer submits the project application. For some bills, additional location and site requirements apply.

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<sup>7</sup> Moira O’Neill, Giulia Gualco-Nelson, and Eric Biber, “Developing Policy from the Ground Up: Examining Entitlement in the Bay Area to Inform California’s Housing Policy Debates,” *Hastings Environmental Law Journal* 25 (1), [https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1560&context=hastings\\_environmental\\_law\\_journal](https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1560&context=hastings_environmental_law_journal).

<sup>8</sup> See Appendix A for local planning staff’s guidance on ministerial approval and other state housing laws for San Francisco, Oakland, and San José.

## Labor Standards

Some state housing laws that offer ministerial approval include specific compensation requirements for construction labor. Provisions vary across laws and programs, but they often require construction contractors and subcontractors to pay prevailing wages and appropriate healthcare costs, participate in a state-approved apprenticeship program or employ a workforce with specific skills and training, and meet reporting requirements to confirm compliance. For more detailed information, see the [State Housing Law Database](#) or “[Labor Standards for Construction Workers](#)” on page 44.

## State Laws with Additional Impacts or Special Requirements

Some state laws that offer expedited project approval and permitting are tied to additional density, development incentives, and the inclusion of affordable units. A given project may be able to leverage multiple state laws to expedite development through ministerial approval programs, receive a density bonus, and request concessions that waive certain local requirements that increase project costs. For more information about density bonuses and affordability requirements, see “[Density](#)” on page 31 and “[Affordability](#)” on page 22.

### EXHIBIT 2

#### State Housing Laws That Streamline Project Approval and Permitting, 2017–2025

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
SB 167/AB 678: Housing Accountability Act	<p>Strengthens requirements for local jurisdictions to disapprove a housing development</p> <p>Local jurisdictions that violate HAA must comply within 60 days.</p>	<p>Basic site suitability</p> <p>Affordability</p>
<p>SB 423: Land use: streamlined housing approvals: multifamily housing development</p> <p>Replaces SB 35 and AB 1845</p>	<p>Ministerial approval within:</p> <ul style="list-style-type: none"> <li>• 90 days for projects with fewer than 150 units</li> <li>• 180 days for projects with more than 150 units</li> </ul> <p>Ministerial approval for code-compliant projects with 2 or more units in jurisdictions without compliant housing elements or that have not issued building permits proportional to RHNA goals by income category</p> <p>CEQA exemptions for eligible projects</p>	<p>Basic site suitability</p> <p>Affordability</p> <p>Labor standards</p> <p>Projects may not demolish rental or price-controlled units or historic structures on a national, state, or local register.</p>
<p>↳ AB 3122: Streamlined housing approvals: objective planning standards and subdivision applications</p> <p>Amends SB 423</p>	<p>Local jurisdictions must review and respond to revisions submitted to address written feedback on a housing project application within 30 days.</p> <p>Expands CEQA exemptions to include larger projects</p>	<p>Adds other project categories and affordability amendments</p>

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
<p>AB 2162: Planning and zoning: housing development: supportive housing</p>	<p>Supportive housing is permitted by-right where multifamily and mixed-use development is allowed.</p> <p>Ministerial approval for supportive housing projects within:</p> <ul style="list-style-type: none"> <li>• 60 days for projects with fewer than 50 units</li> <li>• 120 days for projects with more than 50 units</li> </ul>	<p>Basic site suitability</p> <p>Affordability</p> <p>Other project requirements amended by AB 1801</p>
<p>↳ AB 1801: Supportive housing: administrative office space</p> <p>Amends AB 2162</p>	<p>Expands by-right provisions (including ministerial approval) for supportive housing projects that include administrative office space</p> <p>CEQA exemption</p> <p>Clarifies that “supportive housing” specifically includes transitional housing for youth and young adults</p>	<p>Sets minimum floor-area requirements for onsite supportive services and maximum floor-area requirements for administrative office space</p>
<p>SB 330: Housing Crisis Act of 2019</p>	<p>The lead agency must approve or disapprove eligible projects within 90 days of EIR certification and within 60 days of the EIR certification for projects that meet additional affordability requirements.</p> <p>Limits local jurisdictions’ ability to deny eligible housing projects or to condition approval on lower density</p> <p>Includes enforcement mechanism (fines for wrongful disapprovals)</p>	<p>Affordability</p> <p>Projects cannot require the demolition of residential dwelling units unless certain conditions are met (“protected unit” replacement, affordability, relocation assistance, right of first refusal, and so on).</p>
<p>↳ AB 130: Housing</p> <p>Amends SB 330 and SB 13</p>	<p>Removes sunset date from SB 330 to make ministerial approval provisions, including the 5-hearing limit, in the Permit Streamlining Act permanent</p> <p>Tightens ministerial approval requirements for certain ADU variations under SB 13 and related bills</p> <p>Public agencies must approve or disapprove a development project within 60 days if it is subject to ministerial review and within 30 days if the project is exempt from CEQA.</p> <p>Freeze on building code updates for 6 years</p> <p>CEQA exemptions for any aspect of eligible housing development projects, including any required permits, approvals, or public improvements</p>	<p>Basic site suitability</p>

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
SB 13/AB 68/AB 881: Accessory dwelling units	Expands/strengthens ministerial approval for ADUs	
	Shortens approval from 120 days to 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot	
	Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create any of the following: <ul style="list-style-type: none"> <li>• 1 ADU and 1 junior ADU (JADU) per lot with a proposed or existing single-family dwelling</li> <li>• A detached, new-construction ADU</li> <li>• Multiple ADUs within the portions of an existing multifamily dwelling structure</li> <li>• Up to 2 detached ADUs that are located on a lot that has an existing multifamily dwelling, subject to certain height and rear yard and side setback requirements</li> </ul>	
↳ AB 3182: Housing: governing documents: rental or leasing of separate interests: accessory dwelling units	Strengthens ministerial approval for ADUs/JADUs if the local agency has not acted on the completed application within 60 days	
Amends SB 13, strengthens AB 68	Expands ministerial approval to include applications to create 1 ADU and 1 JADU	
↳ AB 2221: Accessory dwelling units	Clarifies ADU construction rules to prevent delays or onerous requirements	
Amends SB 13	Establishes a 60-day timeline for review of ADU denials	
↳ SB 897: Accessory dwelling units: junior accessory dwelling units	Requires a local permitting agency to: <ul style="list-style-type: none"> <li>• Review and issue a demolition permit for a detached garage that is to be replaced by an ADU at the same time as it reviews and issues the permit for the ADU</li> <li>• Return a full set of written comments with a list of items that are defective or deficient and a description of how the application can be remedied, if the agency denies the application</li> </ul>	
Amends SB 13		
↳ SB 1211: Land use: accessory dwelling units: ministerial approval	Expands ministerial approval to projects with up to 8 detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling	
Amends SB 13		

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
<p>↳ AB 3057: California Environmental Quality Act: exemption: junior accessory dwelling units ordinances</p> <p>Amends SB 13</p>	<p>Expands existing CEQA exemption for the adoption of local ordinances that allow ADUs in areas zoned for residential use to include JADUs</p>	
<p>↳ SB 9 (2025): Accessory Dwelling Units: ordinances</p> <p>Amends SB 13</p>	<p>If a local agency fails to submit a copy of its local ADU ordinance to HCD within 60 days of adoption, or fails to respond to HCD's findings that the ordinance does not comply with applicable standards within 30 days, the local ordinance is invalid and all ADU applications are subject to ministerial review.</p>	
<p>AB 2553: Shelter crisis declarations</p> <p>Amended by SB 1395</p>	<p>Expands shelter crisis law to state that upon a declaration of a shelter crisis by any county or city, actions by a state or local agency relating to land owned by a local government to be used for, or to provide financial assistance to, a homeless shelter are exempt from CEQA and provides that homeless shelters constructed or allowed pursuant to these shelter crisis declarations are not subject to specified laws</p> <p>A "homeless shelter" includes a parking lot owned or leased by a county/city specifically identified as one allowed for safe parking by homeless and unstably housed individuals.</p>	
<p>↳ SB 1395: Shelter crisis: Low Barrier Navigation Center: use by right: building standards</p> <p>Amends AB 2553</p>	<p>Expands CEQA exemptions to include action taken by a state or local agency to approve a contract to provide services for people experiencing homelessness to a homeless shelter as well as actions taken to establish/support low-barrier navigation centers</p>	
<p>SB 9 (2021): Housing development: approvals</p>	<p>Ministerial approval for eligible projects containing no more than 2 residential units within a single-family residential zone (4 units with an approved lot split) and for parcel maps for urban lot splits that meet certain requirements</p>	<p>Basic site suitability</p> <p>Cannot require demolition of more than 25% of the existing exterior structural walls</p> <p>Cannot require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income</p> <p>Owner-occupancy requirement for urban lot split projects</p>

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
<p>↳ SB 450: Housing development: approvals Amends SB 9</p>	<p>Requires local jurisdictions to consider and approve or deny the proposed housing development application within 60 days and would deem the application approved after that time</p> <p>Requires a permitting agency to provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied if it denies an application</p> <p>Removal of subjective design standards and denial basis</p>	<p>Removes the requirement that a proposed project not allow for the demolition of more than 25% of the existing exterior structural walls to be considered for ministerial approval</p>
<p>↳ AB 1061: Housing developments: urban lot splits: historical resources Amends SB 9</p>	<p>Ministerial approval for eligible housing projects that are not located in a contributing structure within a historic district, within a historic property or local historic district, or within a property individually designated as a local landmark</p> <p>Ministerial approval for eligible housing projects that are not listed as a historical resource in the State Historical Resources Inventory</p> <p>Ministerial approval for eligible urban lot splits if the parcel is not located within a historic landmark property or local landmark</p>	<p>A proposed urban lot split cannot require demolition or alteration of contributing structures located in a historic district, including exterior structural walls.</p>
<p>↳ SB 543: Accessory dwelling units and junior accessory dwelling units Amends SB 9</p>	<p>Ministerial approval for JADUs if the local jurisdiction has not adopted an ordinance for such approvals</p> <p>Prohibits other local policies related to JADUs from delaying or denying building or use permits under this provision</p> <p>Prohibits impact fees under 500 square feet</p> <p>Requires permitting agencies to determine whether an application for ADU or JADU is complete and to notify the applicant within 15 business days of receiving the application</p> <p>If the agency determines that an application is incomplete, it must provide a written list of incomplete items and a description of how the application can be made complete. If the application is determined to be incomplete or is denied, the agency must provide a process for the applicant to appeal that decision.</p> <p>Requires local permitting agency to provide a final, written determination within 60 business days of receipt of the written appeal</p>	

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
AB 2011: Affordable Housing and High Road Jobs Act of 2022	Ministerial approval for eligible affordable housing and mixed-income housing development projects within 90 days for projects with fewer than 150 units and 180 days for projects with more than 150 units	<p>Affordability</p> <p>Labor standards</p> <p>Basic site suitability</p> <p>Mixed-income projects must be located in an infill commercial corridor and may not demolish rental housing (occupied by tenants within the last 10 years), price-controlled housing, or historic sites.</p>
SB 6: Local planning; housing: commercial zones	Ministerial approval for residential or mixed-use projects on a site zoned for office or retail commercial use	<p>Affordability</p> <p>Labor standards</p> <p>Basic site suitability</p> <p>Developer must provide relocation assistance to eligible commercial tenants.</p>
SB 886: California Environmental Quality Act: exemption: public universities: university housing development projects	CEQA exemptions for eligible university housing development projects carried out by a public university on real property owned by the public university	<p>Basic site suitability</p> <p>Labor standards</p>
Amended by SB 312	Prohibits local governments from denying an application on the basis that a public university did not comply with any additional permit requirement, standard, or action applicable to the site if the public university is able to satisfy all applicable federal qualifying criteria to demonstrate that the site is otherwise eligible to be exempt from CEQA	Eligibility criteria modified by SB 312
↳ SB 312: California Environmental Quality Act: university housing development projects: exemption	University housing development projects carried out by the University of California are exempt from CEQA if they are located on a campus site identified for housing in the most recent long-range development plan EIR or an EIR prepared for any subsequent housing-related amendment to that plan.	
Amends SB 886	Clarifies streamlining using LEED (Leadership in Energy and Environmental Design) certification	

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
AB 2234: Planning and zoning: housing: post-entitlement phase permits	<p>By 1/1/2024: Local jurisdictions must give applicants information needed to approve or deny a post-entitlement phase permit, an example of a complete application, and an example of a complete set of post-entitlement phase permits for at least 5 types of housing development projects in the jurisdiction.</p> <p>Establishes time limits for completing reviews for post-entitlement phase permit applications and makes any failure to meet these time limits a violation of the Housing Accountability Act</p> <p>Requires local agencies to create online options to complete and check the status of post-entitlement phase permit applications</p>	Affordability
AB 2295: Local educational agencies: housing development projects	<p>A housing development project is an allowable use on any real property owned by a local educational agency.</p> <p>A project that meets this use requirement is deemed consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan.</p>	Must satisfy other objective standards (zoning, subdivision, and design review)
SB 4: Planning and zoning: housing development: higher education institutions and religious institutions	<p>Ministerial, by-right approval for affordable housing on any land owned by an independent institution of higher education or religious institution on or before 1/1/2024:</p> <ul style="list-style-type: none"> <li>• Within 90 days for projects with fewer than 150 units</li> <li>• Within 180 days for projects with more than 150 units</li> </ul>	<p>Affordability</p> <p>Labor standards</p> <p>Site suitability</p> <p>May include ancillary uses that are limited to the ground floor of the development</p> <p>Cannot demolish rental or price-controlled units or historic structures on a national, state, or local register</p>
SB 684: Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres	<p>Ministerial approval for a parcel map or a tentative and final map for a housing development project that meets specified requirements and for an application for a housing development project on a lot that is subdivided pursuant to these provisions</p> <p>Local jurisdictions must approve or deny a completed application within 60 days. If not, the application is approved.</p> <p>If the local jurisdiction denies the application, it must return a full set of written comments within 60 days of receipt of the application, with a list of items that are defective or deficient and possible remedies.</p>	<p>The proposed subdivision must result in 10 or fewer parcels and be located on a lot zoned for multifamily residential development that is no larger than 5 acres and that is substantially surrounded by qualified urban uses.</p> <p>The housing development project must consist of no more than 10 residential units and meet minimum parcel size and density requirements.</p>

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
<p>AB 821: Planning and zoning: general plan: zoning ordinance: conflicts</p>	<p>If a zoning ordinance becomes inconsistent with a general plan due to an amendment to the general plan and a local agency receives a development application for a project that is not subject to specified provisions of law relating to housing development projects and that is consistent with the general plan but inconsistent with a zoning ordinance, the agency must process the development application unless it amends the zoning ordinance to be consistent with the general plan within 180 days.</p>	<p>Authorizes any resident or property owner to bring an action or proceeding in the Superior Court to enforce compliance with these provisions within 90 days of a local agency's failure to comply</p>
<p>AB 1633: Housing Accountability Act: disapprovals: California Environmental Quality Act</p>	<p>Prohibits local jurisdictions from disapproving a housing development project without written findings based on a preponderance of evidence</p> <p>Expands the definition of “disapproval” to include any abuse of discretion or failure by local agencies to determine whether the project is exempt from CEQA, to adopt a negative declaration or addendum for the project, to certify an EIR for the project, or to approve another comparable environmental document</p> <p>The local jurisdiction must provide documentation explaining why a proposed project is inconsistent with an applicable plan, program, policy, ordinance, standard, or requirement:</p> <ul style="list-style-type: none"> <li>• Within 30 days for projects with fewer than 150 units</li> <li>• Within 60 days for projects with more than 150 units</li> </ul> <p>If the local agency fails to provide the required documentation, the project is deemed consistent with the applicable provision.</p>	<p>A housing development project subject to these provisions must be located on a legal parcel or parcels within an urbanized area and must have at least 15 dwelling units per acre.</p>
<p>AB 2553 (2024): Housing development: major transit stops: vehicular traffic impact fees</p>	<p>CEQA exemptions for residential projects on infill sites and transit priority projects that meet certain requirements</p>	<p>Must be located within a half mile of a major transit stop</p> <p>Basic site suitability</p>
<p>AB 1820: Housing development projects: applications: fees and exactions</p>	<p>Requires local jurisdictions to be transparent about impact fees and exactions by:</p> <ul style="list-style-type: none"> <li>• Providing a preliminary fee and exaction estimate, if requested, within 30 business days of receiving a preliminary application for a housing development project</li> <li>• Providing an itemized list and a good faith estimate of the total sum amount of all applicable fees and exactions within 30 business days of final approval for the project</li> </ul>	

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
<p>AB 893: Housing development projects: objective standards: campus development zone</p>	<p>Ministerial review for eligible mixed-income housing development projects located in campus development zones</p> <p>Easements for public right-of-way, public or private utilities, or other public improvements shall not make an otherwise eligible property ineligible for ministerial review for either affordable or mixed-income housing developments.</p>	<p>Affordability</p> <p>Site suitability</p>
<p>SB 79: Housing development: transit-oriented development</p>	<p>Housing development projects within a specified distance of several tiers of TOD stops are an allowed use on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements.</p>	<p>Affordability</p> <p>Minimum density</p> <p>Must be in or near a TOD zone</p> <p>Height limits dependent on the project's proximity to specified tiers of TOD stops</p> <p>Cannot be located on sites where the development would require demolition of housing or sites previously used for housing subject to rent or price controls, including housing for lower-income households that has been occupied by tenants within the past 7 years</p> <p>Must be consistent with specified height, noise, safety, and fire standards</p>
<p>AB 253: California Residential Private Permitting Review Act: residential building permits</p>	<p>Requires local jurisdictions to provide an estimated time frame in which the agency will determine if a completed residential building permit application is compliant with permit standards</p> <p>Authorizes applicants to retain private professional providers to perform the plan check if the estimated time frame exceeds 30 business days or the agency has not determined the completed application is compliant within 30 days</p> <p>The local jurisdiction must consider a report of this plan check within 10 business days and either issue the residential building permit or notify the applicant that the plans and specifications do not comply.</p>	

BILL NAME	IMPACT ON PROJECT APPROVAL OR PERMITTING PROCESSES	PROJECT/SITE REQUIREMENTS
<p>AB 1308: Residential building permits: inspections: Housing Accountability Act</p>	<p>Requires the building department to conduct an inspection of the permitted work for specified new residential construction and residential additions to an existing building within 10 business days of receiving a notice of the completion of work authorized by a building permit</p> <p>Makes failure of a building department to inspect permitted work for those projects within that time limit a violation of the HAA</p> <p>The HAA prohibits a local jurisdiction from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low-, low-, or moderate-income households. This bill expands the definition of “disapprove the housing development project” to include any instance in which a building department fails to inspect permitted work within the above timeline.</p>	
<p>SB 131: FY 2025–26 State Budget Trailer bill; includes AB 607 and AB 609</p>	<p>Exempts all urban housing and certain types of infill development from lengthy CEQA reviews</p>	

# Affordability

The statewide housing crisis reflects both the limited supply and high cost of available housing units. To encourage developers to include more affordable housing units in their projects, lawmakers passed statewide legislation that either removes local barriers to building fully affordable housing on certain sites or provides incentives to make it financially feasible to include some affordable housing units in a market-rate project (Exhibit 4). Establishing specific affordability benchmarks has been a process of trial and error; thresholds vary from bill to bill, and several “cleanup” bills have been passed to adjust affordability targets and the types of incentives available to developers for projects that include affordable units.

## Affordable Housing Projects

“Affordable housing” is an umbrella term that encompasses several types of projects intended to serve different socioeconomic groups earning below the median household income in their region or metropolitan area. The area median income (AMI) for each jurisdiction is updated annually by the California Department of Housing and Community Development, and affordable housing units are subject to cost restrictions based on the AMI for a household of the appropriate size for those units.<sup>9</sup>

Crafting policies that support the specific types of affordable housing projects that communities need can be difficult. State housing laws focus on two broad categories of affordable housing projects: fully affordable housing projects, for which 100% of units are subsidized to some degree, and mixed-income projects that include both subsidized and market-rate units. Both categories include rental and for-sale housing development projects.

Affordability of rental units is guaranteed by limiting the maximum monthly rent that projects can charge for certain units for a set period, as outlined in a deed restriction.<sup>10</sup> Most state housing laws require deed restrictions of at least 55 years. Affordable rents must include a reasonable utility allowance. Some affordable housing projects may also provide additional supportive services targeted to particular subgroups within income brackets (such as seniors, emancipated foster youth, or formerly incarcerated individuals). These supportive housing projects may be subject to different housing cost restrictions imposed by public financing programs that fund them, including the Low-Income Housing Tax Credit and the Housing Choice Voucher programs.

For-sale units must be sold to the initial buyer at an affordable housing cost, which includes related costs such as mortgage loan payments, mortgage insurance payments, property taxes and

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<sup>9</sup> “Appropriate size” is defined as one person for a studio unit, two people for a one-bedroom unit, three people for a two-bedroom unit, four people for a three-bedroom unit, and so on.

<sup>10</sup> California Health and Safety Code § 50050-50106, [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&sectionNum=50053](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=50053).

assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, and maintenance costs.<sup>11</sup> While these restrictions apply only to the first-time buyer of an affordable unit, state and local laws may impose penalties for reselling a unit before certain conditions are met (such as a set number of years or a level of equity). Current state housing laws provide incentives for affordable units that target moderate-income households only in projects with a for-sale component.

Both fully affordable and mixed-income projects may include units that target different income groups within the same project. Layering different levels of affordability can be advantageous, allowing higher rents to offset the revenue “lost” by affordable units and support operations and maintenance costs. The state defines five income cohorts that may be served by affordable housing projects, each with its own cost restrictions (Exhibit 3).

**EXHIBIT 3**  
**Income Cohorts and Affordable Housing Costs**

Costs to the occupants of affordable units may not exceed the following limits for the term of the deed restriction.

Source: SPUR.

INCOME COHORTS	HOUSEHOLD INCOME	Housing Cost Restrictions	
		RENTAL UNITS*	FOR-SALE UNITS
Acutely low income	0% to 15% AMI	30% of 15% AMI	N/A
Extremely low income	15% to 30% AMI	30% of 30% AMI	30% of 30% AMI
Very low income	30% to 50% AMI	30% of 50% AMI	30% of 50% AMI
Lower income**	50% to 80% AMI	30% of 60% AMI	30% of 70% AMI
Moderate income	80% to 120% AMI	30% of 110% AMI	35% of 110% AMI

\* In 100% affordable housing developments, the rent for at least 20% of the units must meet these rent standards, and the remaining units may instead meet rent standards for the Low-Income Housing Tax Credit.

\*\* “Lower income” is sometimes used to mean 0% to 80% AMI.

Many jurisdictions have local inclusionary housing ordinances that require new housing development projects to include a certain number of affordable units or to pay an in-lieu fee to support the development of affordable housing elsewhere. Affordable units included in a project to leverage state housing laws are also counted toward equivalent inclusionary requirements. Local inclusionary requirements may be more stringent than those in state housing laws, mandating a higher percentage of affordable units or setting a lower income threshold. In most cases, the developer must meet whichever standard is strictest to be eligible for the benefits provided by various state housing laws.

<sup>11</sup> California Health and Safety Code § 50052.5, <https://law.justia.com/codes/california/code-hsc/division-31/part-1/chapter-2/section-50052-5/>.

## Affordable Housing Construction

California legislators have passed state housing laws to create programs and pathways that allow eligible, fully affordable and mixed-income housing projects to bypass certain local restrictions in exchange for building affordable units. A given project may be able to leverage multiple state laws to make it easier or more cost-effective to build new housing. Multiple state laws have aimed to expand the number of sites where affordable housing can be built, reduce bureaucratic delays in housing project approvals, overcome local opposition to new housing development, and lower project costs associated with local requirements. Typical measures include:

- Allowing affordable housing to be built “by-right” on certain sites, meaning that local jurisdictions cannot impose additional restrictions on eligible affordable housing projects built on these sites.
- Expediting and streamlining approval processes for eligible projects (“ministerial approval”). For more information, see “[Project Approval](#)” on page 10.
- Offering “density bonuses” that allow eligible projects to build more units, taller buildings, or both on a site. For more information, see “[Density](#)” on page 31.
- Allowing eligible projects to request “concessions” to avoid meeting certain local requirements that increase project costs. These concessions may include waivers of objective design standards, zoning requirements, or architectural design requirements, such as height limits, setback requirements, parking requirements, floor area ratios, and open space requirements.

## General Project and Site Requirements

Specific site requirements vary from law to law. In general, projects must be located on sites that meet basic suitability requirements. For our purposes, *basic suitability* means that a site is not:

- Zoned for industrial use
- Located within the coastal zone, prime farmland, wetlands, high fire hazard severity zones, delineated earthquake fault zones, flood plains or floodways, community conservation plan areas, habitats for protected species, conservation easements, or hazardous waste sites
- Particularly close to freeways or facilities that actively extract or refine oil or natural gas

Unless exceptions are noted in the applicable state law, projects must comply with all local requirements that apply to the project and site, as detailed in the jurisdiction’s objective, written standards related to zoning, subdivision, architecture and design, and so on, published at the time the developer submits the project application.

## Labor Standards

Many state laws that offer incentives for affordable housing also have specific compensation requirements for construction labor. Provisions vary across laws and programs but may require construction contractors and subcontractors to pay prevailing wages and appropriate healthcare costs, participate in a state-approved apprenticeship program, employ a workforce with specific skills and training, or meet reporting requirements to confirm compliance. For more detailed information, see the [State Housing Law Database](#) or “[Labor Standards for Construction Workers](#)” on page 44.

### EXHIBIT 4 State Housing Laws That Incentivize Affordable Housing Development, 2017–2025

BILL NAME	AFFORDABILITY REQUIREMENTS	BENEFIT OR INCENTIVE	OTHER NOTABLE RESTRICTIONS/ REQUIREMENTS
SB 35: Planning and zoning: affordable housing: streamlined approval process	Replaced by SB 423		
↳ SB 423: Land use: streamlined housing approvals: multifamily housing development  Replaces SB 35	<p><b>For-Rent Projects</b> At least 10% of the total units, before calculating any density bonus, must be affordable to households making at or below 50% AMI.</p> <p><b>For-Sale Projects</b> At least 10% of the total units, before calculating any density bonus, must be affordable to households making at or below 80% AMI.</p> <p><b>Bay Area Projects</b> May instead dedicate 20% of the total units, before calculating any density bonus, to households making below 100% AMI, with the average income of the units at or below 80% AMI</p> <p>Local inclusionary requirements that are stricter always apply instead.</p> <p>The rent or sale price charged for units that are dedicated to households earning between 80% and 100% AMI must not exceed 30% of the gross income of the household.</p> <p>Units must be subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units.</p> <p>Projects with 10 units must comply with local inclusionary requirements.</p> <p>Projects with 2 to 9 units have no affordability requirements.</p>	<p>Ministerial approval</p> <p>CEQA exemptions</p>	<p>Basic site suitability</p> <p>Labor standards</p> <p>Projects may not demolish rental or price-controlled units or historic structures on a national, state, or local register.</p>

BILL NAME	AFFORDABILITY REQUIREMENTS	BENEFIT OR INCENTIVE	OTHER NOTABLE RESTRICTIONS/ REQUIREMENTS
<p>↳ AB 3122: Streamlined housing approvals: objective planning standards and subdivision applications</p> <p>Amends SB 423</p>	<p>Introduces a new category for eligible projects in jurisdictions that have not issued enough building permits for housing affordable to very low-income or low-income households, as mandated by RHNA</p> <p>Projects must dedicate at least 50% of the total number of units, before calculating any density bonus, to households making at or below 80% AMI.</p> <p>For applications submitted before 1/1/2019 seeking approval or modifications to a prior approval: Projects with at least 500 units must dedicate at least 20% of the total number of units, before calculating any density bonus, to affordable units, with at least 9% affordable to households making at or below 50% AMI and the remainder affordable to households making at or below 80% AMI.</p>	<p>Expedited planning review time frame in addition to ministerial approval</p> <p>Expands eligibility for CEQA exemptions</p>	
<p>AB 2162: Planning and zoning: housing development: supportive housing</p>	<p>All units (except manager units) are restricted to lower-income households for at least 55 years.</p> <p>At least 25% of units (or 12 units, whichever is greater) must be reserved for the target population for supportive housing.</p> <p>Projects with fewer than 12 units must reserve all units for the target population.</p>	<p>By-right development for multi-family and mixed-use development is allowed.</p> <p>Ministerial approval</p> <p>Projects located within a half mile of a public transit stop are exempt from minimum parking requirements for the supportive housing units.</p>	<p>Must reserve a requisite amount of nonresidential floor area for onsite supportive services and administrative office space</p> <p>Must provide a plan for providing supportive services onsite</p>
<p>SB 330: Housing Crisis Act of 2019</p>	<p>At least 49% of the units must be affordable to very low- or low-income households.</p> <p>Rents for these units shall be affordable, as defined by the Department of Housing and Community Development, for at least 30 years.</p>	<p>Expedited ministerial approval</p>	

BILL NAME	AFFORDABILITY REQUIREMENTS	BENEFIT OR INCENTIVE	OTHER NOTABLE RESTRICTIONS/ REQUIREMENTS
<p>AB 2011: Affordable Housing and High Road Jobs Act of 2022</p>	<p>All units (except manager units) are restricted to lower-income households for 55 years for rental units and 45 years for owner-occupied units.</p> <p>Rental projects must restrict either:</p> <ul style="list-style-type: none"> <li>• 8% of the units for very low-income households and 5% of the units for extremely low-income households</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• 15% percent of the units for lower-income households</li> </ul> <p>Ownership projects must restrict either:</p> <ul style="list-style-type: none"> <li>• 30% of the units for moderate-income households</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• 15% of the units for lower-income households</li> </ul> <p>Highest inclusionary requirement (local ordinance or AB 2011) applies.</p> <p>For projects with a local inclusionary requirement greater than 15%, rental projects must restrict 8% of the units for very low-income households and 5% for extremely low-income households.</p>	<p>Ministerial approval</p>	<p>Must be located on a legal parcel in a zoning district where office, retail, or parking is permitted</p> <p>Mixed-income projects must be located in a commercial corridor and may not demolish rental housing (occupied by tenants within the last 10 years), price-controlled housing, or historic sites.</p> <p>Labor standards</p>
<p>↳ AB 2243: Housing development projects: objective standards: affordability and site criteria</p> <p>Amends AB 2011</p>	<p>Affordability thresholds under AB 2011 apply only to base units of the project and exclude units added by a density bonus.</p>		
<p>AB 2234: Planning and zoning: housing: post-entitlement phase permits</p>	<p>Affordable units must be subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units. Alternatively, the first purchaser of each unit must participate in an equity-sharing agreement.</p>	<p>Permitting reform</p>	
<p>AB 1287: Density Bonus Law: maximum allowable residential density: additional density bonus and incentives or concessions</p>	<p>The housing development must conform to specified requirements and:</p> <p>Provide 24% of the total units to lower-income households</p> <p>OR</p> <p>Provide 15% of the total units to very low-income households</p> <p>OR</p> <p>Provide 44% of the total units to moderate-income households</p>	<p>Density bonus</p>	<p>Sites cannot include occupied rental units or units that were vacated or demolished within 5 years of the application if those units were reserved or occupied by lower-income households, unless the proposed project replaces those units.</p>

BILL NAME	AFFORDABILITY REQUIREMENTS	BENEFIT OR INCENTIVE	OTHER NOTABLE RESTRICTIONS/ REQUIREMENTS
SB 4: Planning and zoning: housing development: higher education institutions and religious institutions	<p>All units must be restricted for households making 80% AMI, except that up to 20% of the total units may be restricted for households making 120% AMI and up to 5% of the units may be for staff of the higher education or religious institution that owns the land.</p> <p>Units must be subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units.</p>	<p>Ministerial approval</p> <p>Minimum density or height requirements</p>	<p>Project must be on land owned by an independent institution of higher education or religious institution on or before 1/1/2024.</p> <p>Labor standards</p>
SB 684: Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres	<p>The project must result in at least as many low- or very low-income units as projected in the housing element for that parcel.</p> <p>These units must be subject to a recorded affordability restriction of at least 45 years.</p>	<p>Ministerial approval</p>	
AB 893: Housing development projects: objective standards: campus development zone	<p>Rental projects must include either: 5% of the base units for extremely low-income households, faculty and staff, or students experiencing homelessness and 8% of the base units for very low-income households, faculty and staff, or students experiencing homelessness</p> <p>OR</p> <p>15% of the base units for lower-income households, students, faculty, or staff</p> <p>Owner-occupied projects must include either: 30% of the base units for moderate-income households</p> <p>OR</p> <p>15% of the base units for lower-income households, students, faculty, or staff</p> <p>If there is a local affordable housing requirement, the project must include the required percentage of affordable units, following either this section or the local requirement, whichever is higher. Additionally, 15% of units affordable to lower-income households will be deducted from the local requirement at the highest affordability level.</p>	<p>Ministerial approval</p> <p>Density bonus</p> <p>Exemptions to local setback and parking requirements for certain projects</p>	<p>Site must be within a campus development zone or commercial corridor (A campus development zone is the set of parcels that are contained either wholly or partially within a half-mile radius of a main campus of the University of California, the California State University, or the California Community Colleges.)</p> <p>Must provide relocation assistance to eligible commercial tenants</p> <p>Affordable units must have the same bedroom and bathroom count ratio as the market-rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.</p>

BILL NAME	AFFORDABILITY REQUIREMENTS	BENEFIT OR INCENTIVE	OTHER NOTABLE RESTRICTIONS/ REQUIREMENTS
<p>AB 1893: Housing Accountability Act: housing disapprovals: required local findings</p>	<p>Onsite affordability requirements for builder’s remedy projects:                      13% of units must be designated for lower-income households                      OR                      10% of units must be designated for very low-income households                      OR                      7% of units must be designated for extremely low-income households</p> <p>The local affordable housing requirement for rental projects is capped at a maximum of 20% of the total units, and if 20% is required, the income level cannot be lower than the lower-income category.</p> <p>Ownership projects must include 100% of units affordable to moderate-income households (120% AMI).</p> <p>There is no affordability requirement for builder’s remedy projects with fewer than 10 units (excluding any density bonus units).</p> <p>All affordable units are restricted for 55 years for rental units and for 45 years for owner-occupied units.</p>	<p>A local government may not disapprove a builder’s remedy project if the local government’s housing element was not compliant with state law when the project application was deemed complete.</p>	<p>Affordable units must have a bedroom and bathroom count comparable to that of the market-rate units.</p>
<p>SB 79: Housing development: transit-oriented development</p>	<p>Eligible projects with more than 10 units must include housing for lower-income households by complying with one of the following requirements:</p> <ul style="list-style-type: none"> <li>• At least 7% of the total units are dedicated to extremely low-income households</li> <li>OR</li> <li>• At least 10% of the total units are dedicated to very low-income households</li> <li>OR</li> <li>• At least 13% of the total units are dedicated to lower-income households</li> </ul> <p>All units dedicated to extremely low-income, very low-income, and low-income households must have an affordable housing cost and must remain affordable for a period of at least 55 years for rental housing and 45 years for ownership units.</p> <p>If a local inclusionary housing requirement mandates a higher percentage of affordable units or a deeper level of affordability, the local requirement applies instead.</p>	<p>Makes TOD housing development an allowable use on a site zoned for residential, mixed, or commercial development</p>	<p>Minimum density</p> <p>Must be in or near a TOD zone</p> <p>Cannot be located on sites that would require demolition of housing or that were previously used for rent- or price-controlled housing, including housing for lower-income households occupied by tenants within the past 7 years</p> <p>Must be consistent with specified height, noise, safety, and fire standards</p> <p>Local jurisdictions may adopt an SB 79 ordinance, a TOD alternative plan to modify certain SB 79 applicable sites or development standards, or both.</p>

BILL NAME	AFFORDABILITY REQUIREMENTS	BENEFIT OR INCENTIVE	OTHER NOTABLE RESTRICTIONS/ REQUIREMENTS
AB 1763: Planning and zoning: density bonuses: affordable housing	All units except manager units must be dedicated to lower-income households.  Projects eligible for the State Density Bonus Program (SDBP) may dedicate up to 20% of the total units to moderate-income households.	Density bonus  Developers may request exemp- tion from local minimum vehicular parking requirements.	
AB 1551: Planning and zoning: development bonuses: mixed-use projects	Commercial developers must partner with a housing developer onsite or offsite to provide at least 30% of the total units for low-income households or at least 15% of the total units for very low-income households.	Development bonus (increase in maximum allowable intensity, increase in maximum allowable FAR, increase in maximum height requirements, reduction in minimum parking requirements, limited-use elevator for upper- floor accessibility, or an exception to a zoning ordinance or other land use regulation)	Housing must be constructed on the site of the commercial development or on a site within the boundaries of the local government, close to public amenities, including schools and employment centers, and within a half mile of a major transit stop.
AB 2334: Density Bonus Law: affordability: incentives or concessions in very low-vehicle- travel areas: parking standards: definitions	Adjusts requirements for affordable rents that SDBP projects may charge	Qualifying 100% affordable housing projects receive additional density, height, concession, and parking benefits.	

# Density

The statewide housing crisis has been driven in part by local policies that almost exclusively prioritize the construction of single-family homes, often making it illegal to build dense multifamily housing, affordable housing, or both in many neighborhoods. In the Bay Area, 85% of residential land is zoned only for single-family residences, making it difficult to build enough housing for current and future residents.<sup>12</sup> Recent state housing laws have aimed to mitigate this problem by strengthening programs that allow eligible projects to bypass local restrictions and build dense multifamily housing in more neighborhoods throughout California.

The State Density Bonus Program (SDBP) allows housing projects that include affordable units to exceed local height limits and density restrictions. Building more units can make including affordable ones financially feasible in mixed-income projects, and building more units per site allows fully affordable projects to house more community members. SDBP was established by legislators in 1979 and refined by subsequent state laws to streamline the application process.<sup>13</sup> Since 2019, new state housing laws have expanded the program to provide additional incentives to include more affordable units at deeper levels of affordability. Eligible projects can “stack” density bonuses, receiving an initial increase for including a certain number of affordable units and additional height/density allowances for dedicating more units to households in different affordability cohorts (Exhibit 5). For more detailed information about density bonuses and stacking, see the [State Housing Law Database](#).

## General Project and Site Requirements

Specific site requirements vary from law to law. In general, projects must be located on sites that meet basic suitability requirements. For our purposes, *basic suitability* means that a site is not:

- Zoned for industrial use
- Located within the coastal zone, prime farmland, wetlands, high fire hazard severity zones, delineated earthquake fault zones, flood plains or floodways, community conservation plan areas, habitats for protected species, conservation easements, or hazardous waste sites
- Particularly close to freeways or facilities that actively extract or refine oil or natural gas

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<sup>12</sup> Stephen Menendian, Shahan Shahid Nawaz, and Samir Gambhir, *Single-Family Zoning in California: A Statewide Analysis (A California Zoning Atlas)*, UC Berkeley Institute of Othering and Belonging, May 22, 2024, <https://belonging.berkeley.edu/single-family-zoning-california-statewide-analysis>.

<sup>13</sup> 7 California Government Code § 65915-65918, [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915&lawCode=GOV](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV).

Unless exceptions are noted in the applicable state law, projects must comply with all local requirements that apply to the project and site, as detailed in the jurisdiction’s objective, written standards related to zoning, subdivision, architecture and design, and so on, published at the time the developer submits the project application.

## Labor Standards

Many state laws that offer density bonuses or related incentives also have specific compensation requirements for construction labor. Provisions vary across laws and programs but may require construction contractors and subcontractors to pay prevailing wages and appropriate healthcare costs, participate in a state-approved apprenticeship program, employ a workforce with specific skills and training, or meet reporting requirements to confirm compliance. For more detailed information, see the [State Housing Law Database](#) or “[Labor Standards for Construction Workers](#)” on page 44.

## State Laws with Additional Impacts or Special Requirements

The same project may leverage multiple state laws to expedite development through ministerial approval programs or concessions that waive certain local requirements, thereby reducing project costs. For more information about ministerial approval and affordability requirements, see “[Project Approval](#)” on page 10 and “[Affordability](#)” on page 22.

### EXHIBIT 5 State Housing Laws That Impact Density and Height Limits, 2017–2025

BILL NAME	DENSITY BONUS	PROJECT/SITE REQUIREMENTS
SB 166: Residential density and affordability	If a local jurisdiction reduces residential density for any parcel that would make the remaining sites identified in the housing element insufficient to meet its share of the regional housing need for lower- and moderate-income households, it must identify sufficient available sites with an equal or greater residential density in the jurisdiction within 180 days to avoid a net loss of residential capacity.	
SB 35: Planning and zoning: affordable housing: streamlined approval process	Replaced by SB 423	
↳ AB 3122: Streamlined housing approvals: objective planning standards and subdivision applications		Adds other project categories and amends affordability requirements
Amends SB 423		

BILL NAME	DENSITY BONUS	PROJECT/SITE REQUIREMENTS
<p>AB 2345: Planning and zoning: density bonuses: annual report: affordable housing</p>	<p>Increases the maximum density bonus from 35% to 50%</p>	<p>See AB 1287.</p>
<p>Amends SDBP</p>		
<p>↳ AB 2334: Density Bonus Law: affordability: incentives or concessions in very low vehicle travel areas: parking standards: definitions</p>	<p>If the SDBP project is within a very low-vehicle-travel area in designated counties (including Alameda, Santa Clara, and San Francisco), it is eligible for height increases, and no maximum density standards apply.</p>	
<p>Amends SDBP and AB 2345</p>		
<p>↳ AB 1287: Density Bonus Law: maximum allowable residential density: additional density bonus and incentives or concessions</p>	<p>Density bonuses between 20% and 50% are available.</p>	<p>Affordability</p>
	<p>Allows density bonus stacking</p>	<p>Sites cannot include occupied rental units or units that were vacated or demolished within 5 years of the application if those units were reserved or occupied by lower-income households, unless the proposed project replaces those units.</p>
<p>Amends SDBP and AB 2345</p>		
<p>SB 4: Planning and zoning: housing development: higher education institutions and religious institutions</p>	<p>In zones that allow for residential uses (including single-family zones):</p>	<p>Project must be on land owned by an independent institution of higher education or religious institution on or before 1/1/2024.</p>
<p>In zones that do not allow for residential uses:</p>	<p>Minimum density is 30 units per acre. If the zoning allows for a higher density on the site or an adjacent site, the highest density applies.</p>	<p>Affordability</p>
<p>Minimum density is 40 units per acre.</p>		<p>Labor standards</p>
<p>Minimum height is 1 story above the zoned height.</p>	<p>Minimum height is 1 story above the zoned height. If the zoning allows for a higher height on an adjacent site, the higher height applies.</p>	
<p>Eligible projects may also apply for density incentives under the SDBP but cannot use it to increase the height limit allowed by SB 4.</p>		

BILL NAME	DENSITY BONUS	PROJECT/SITE REQUIREMENTS
<p>SB 684: Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres</p> <p>Amended by SB 1123</p>		<p>The proposed subdivision must result in 10 or fewer parcels.</p> <p>Must be located on a lot zoned for multifamily residential development that is no larger than 5 acres and that is substantially surrounded by qualified urban uses</p>
<p>↳ SB 1123: Planning and zoning: subdivisions: ministerial review</p> <p>Amends SB 684</p>	<p>The project must result in at least 66% of the maximum allowable residential density or 66% of the applicable residential density, whichever is greater.</p>	
<p>AB 893: Housing development projects: objective standards: campus development zone</p>	<p>Sets minimum density based on the size of the project site</p> <p>Eligible projects may apply for incentives and concessions under the SDBP, but they cannot use it to reduce local ground-floor retail requirements.</p>	<p>Site must be within a campus development zone or commercial corridor (A campus development zone is the set of parcels contained wholly or partially within a half-mile radius of a main campus of the University of California, the California State University, or the California Community Colleges.)</p> <p>Affordability</p> <p>Must provide relocation assistance to eligible commercial tenants</p>
<p>SB 79: Housing development: transit-oriented development</p>	<p>Projects must include at least 5 units and meet requirements concerning height limits in accordance with a development's proximity to specified tiers of TOD stops.</p> <p>Sets a minimum density requirement of at least 30 units per acre or the minimum density required under local zoning, whichever is greater</p> <p>Provides additional concessions for projects using the SDBP, depending on the level of affordability included</p>	<p>The average total FAR for the proposed units in the project shall not exceed 1,750 net habitable square feet.</p> <p>Affordability</p> <p>Must be in or near a TOD zone</p> <p>Development cannot occur on sites that would require the demolition of existing housing or on sites used for rent- or price-controlled housing, including housing for lower-income households, within the past 7 years.</p>
<p>AB 130: Housing</p>	<p>By-right housing development projects are entitled to a height of 1 story, or 11 feet, above the maximum height otherwise applicable to the parcel.</p>	<p>Basic site suitability</p> <p>Labor standards for projects more than 85 feet tall</p> <p>CEQA exemption</p>
<p>AB 1763: Planning and zoning: density bonuses: affordable housing</p>	<p>Density bonus for 100% affordable projects</p> <p>Projects eligible for the SDBP may dedicate up to 20% of the total units to moderate-income households.</p>	<p>Affordability</p>

The [State Housing Law Database](#) includes a more detailed breakdown of specific bonus amounts and stacking triggers.

# Objective Design Standards and Local Requirements

California housing law authorizes local jurisdictions to establish policies that shape the architectural form and character of the built environment, protect local resources, serve the public interest, and shape overall community development. Local government agencies primarily exercise this power through design guidelines, building and planning code requirements, and discretionary review processes.

Opponents of new and affordable housing development have sometimes misused these processes to block or delay projects, grinding housing production to a halt. Adding to this uncertainty for developers, many local governments have adopted loosely defined design standards that have been applied inconsistently across projects within the same jurisdictions or that have imposed design requirements that make certain housing projects financially infeasible. Unpredictable opposition, delays, and cost increases may dissuade developers from even proposing projects.

To address the urgent need to build more housing, faster, recent state laws have required local jurisdictions to be more transparent about their design guidelines and to remove subjective aspects of discretionary review processes. To comply with state law, local standards must be based on objective criteria, and applicants must be allowed to review the written standards and criteria before submitting their applications. Additionally, some state laws establish minimum or maximum standards for certain local requirements (parking, setback, floor area ratio) or create exemptions from local requirements for eligible projects.

## General Project and Site Requirements

Specific site requirements vary from law to law. In general, projects must be located on sites that meet basic suitability requirements. In this guide, *basic suitability* means that a site is not:

- Zoned for industrial use
- Located within the coastal zone, prime farmland, wetlands, high fire hazard severity zones, delineated earthquake fault zones, flood plains or floodways, community conservation plan areas, habitats for protected species, conservation easements, or hazardous waste sites
- Particularly close to freeways or facilities that actively extract or refine oil or natural gas

Unless exceptions are noted in the applicable state law, projects must comply with all local

requirements that apply to the project and site, as detailed in the jurisdiction’s objective, written standards related to zoning, subdivision, architecture, and design published at the time the developer submits the project application.

## Labor Standards

Some state laws that impact local requirements and design standards also have specific compensation requirements for construction labor. Provisions vary across laws and programs but may require construction contractors and subcontractors to pay prevailing wages and appropriate healthcare costs, participate in a state-approved apprenticeship program, employ a workforce with specific skills and training, or meet reporting requirements to confirm compliance. For more detailed information, see the [State Housing Law Database](#) and “[Labor Standards for Construction Workers](#)” on page 44.

## State Laws with Additional Impacts or Special Requirements

To be eligible for some exemptions or alterations to local requirements, housing projects must advance other state housing goals, such as providing affordable housing or building dense multifamily housing near transit stops or other neighborhood resources (Exhibit 6). For more information about project approval, affordability requirements, and density incentives, see “[Project Approval](#)” on page 10, “[Affordability](#)” on page 22, and “[Density](#)” on page 31.

### EXHIBIT 6 State Housing Laws That Impact Local Requirements and Design Standards, 2017–2025

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
AB 3122: Streamlined housing approvals: objective planning standards and subdivision applications  Amends SB 423	Local governments may apply objective planning standards adopted after a project applicant requested modifications if the revisions would (1) increase or decrease the total number of residential units by 15% or more or (2) increase or decrease the total number of residential units by 5% or more and impose an objective standard necessary to mitigate or avoid a specific, adverse impact on public health or safety.	Eligible for ministerial approval  Basic site suitability  Affordability  Labor standards  Projects may not demolish rental or price-controlled units or historic structures on a national, state, or local register.
AB 2162: Planning and zoning: housing development: supportive housing	For projects located within a half mile of a public transit stop, no local minimum parking requirements apply to units occupied by supportive housing residents.	Affordability and supportive services  Must provide the local government with a plan for providing supportive services onsite

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
SB 8: Housing Crisis Act of 2019	An affordable housing project can be subject to ordinances, policies, and standards adopted after the preliminary application was submitted if the project has not commenced construction within 3.5 years.	
SB 13/AB 68/AB 881: Accessory dwelling units	Limits local jurisdictions' ability to impose impact fees and requirements on ADUs with regard to setbacks, parking/parking replacement, minimum unit size, lot coverage, minimum lot size, and owner-occupant requirements	
	Allows amnesty units	
↳ AB 2221: Accessory dwelling units Amends SB 13	Prohibits local jurisdictions from establishing limits on front setbacks that do not permit the construction of at least an 800-square-foot ADU that is at least 16 feet in height	
↳ SB 897: Accessory dwelling units: junior accessory dwelling units Amends SB 13	<p>Requires that standards imposed on ADUs (parking, height, setback, landscape, architectural review, maximum unit size, etc.) be objective</p> <p>Increases the maximum height limitation that may be imposed on an ADU to 18 feet if the unit is within a half-mile walking distance of a major transit stop or a high-quality transit corridor or if the ADU is detached and on a lot that has an existing multifamily, multistory dwelling</p> <p>The maximum height limitation is 25 feet if the ADU is attached to a primary dwelling.</p> <p>Prohibits local jurisdictions from:</p> <ul style="list-style-type: none"> <li>• Denying an application for a permit to create an ADU or JADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the unit</li> <li>• Requiring applicants to provide written notice or post a placard for the demolition of a detached garage that is to be replaced by an ADU</li> <li>• Imposing any parking standards on an ADU that is included in an application to create a new single-family dwelling unit or a new multifamily dwelling on the same lot</li> <li>• Imposing any impact fee on ADUs less than 750 square feet</li> <li>• Requiring ADUs to provide fire sprinklers if they are not required for the primary residence</li> </ul>	

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
<p>↳ AB 976: Accessory dwelling units: owner-occupancy requirements</p> <p>Amends SB 13</p>	<p>Prohibits local jurisdictions from imposing an owner-occupancy requirement on any ADU</p>	
<p>↳ SB 1211: Land use: accessory dwelling units: ministerial approval</p> <p>Amends SB 13</p>	<p>Prohibits local jurisdictions from:</p> <ul style="list-style-type: none"> <li>• Requiring the replacement of off-street parking spaces if an uncovered parking space is demolished in conjunction with the construction of, or is converted to, an ADU</li> <li>• Imposing any objective development or design standard that is not specifically authorized for any ADU that meets the requirements for ministerial approval</li> </ul>	
<p>↳ AB 1154: Junior accessory dwelling units</p> <p>Amends SB 13</p>	<p>Under existing law, local ordinances for the creation of JADUs must require owner occupancy in the single-family residence in which the JADU is permitted. This bill amends existing law by:</p> <ul style="list-style-type: none"> <li>• Clarifying that the owner-occupancy requirement only applies if the JADU has a shared bathroom with the existing structure</li> <li>• Requiring that JADU ordinances require rental terms longer than 30 days</li> </ul>	
<p>↳ SB 543: Accessory dwelling units and junior accessory dwelling units</p> <p>Amends SB 13</p>	<p>Expands limits on construction, connection, and impact fees and capacity charges imposed on ADUs to also apply to construction, connection, and impact fees and capacity charges imposed on JADUs</p>	
	<p>Prohibits impact fees for the development of ADUs with 750 or fewer square feet of interior livable space and JADUs with 500 or fewer square feet of interior livable space and requires that any impact fee on ADUs with more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit</p>	

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
<p>AB 1851: Religious institution-affiliated housing development projects: parking requirements</p>	<p>Limits allowable parking requirements for religious institution-affiliated housing development projects</p> <p>Prohibits a local agency from:</p> <ul style="list-style-type: none"> <li>• Requiring the replacement of religious-use parking spaces that the developer proposes to eliminate (The number of religious-use parking spaces to be eliminated cannot exceed 50% of the available spaces.)</li> <li>• Requiring the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval</li> <li>• Denying the application solely because the project will reduce the total number of religious-use parking spaces if the total reduction does not exceed 50% of existing parking spaces</li> </ul> <p>Requires local jurisdictions to allow the number of religious-use parking spaces that will be available after the project is complete to count toward the number of parking spaces otherwise required for approval</p> <p>Authorizes local jurisdictions to require up to 1 parking space per unit for a religious institution-affiliated housing development project, unless it is within a half mile of public transit or a nearby car share</p>	
<p>SB 9 (2021): Housing development: approvals</p>	<p>Establishes what a local agency can and cannot require in approving projects containing no more than 2 residential units, an urban lot split, or both, including limiting local setback, FAR, and occupancy requirements</p>	
<p>↳ SB 450: Housing development: approvals Amends SB 9</p>	<p>Prohibits local jurisdictions from:</p> <ul style="list-style-type: none"> <li>• Imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone, unless these standards are more permissive</li> <li>• Denying a proposed housing development if the building official makes a written finding that the proposed project would have a specific, adverse impact on the physical environment</li> </ul>	
<p>↳ AB 1061: Housing developments: urban lot splits: historical resources Amends SB 9</p>	<p>Authorizes local jurisdictions to adopt objective standards to maintain the historical value of a historic district listed in the California Register of Historical Resources</p>	

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
<p>AB 2923: San Francisco Bay Area Rapid Transit District (BART): transit-oriented development</p>	<p>Requires BART’s board of directors to adopt new TOD zoning standards for each station with minimum local zoning requirements for height, density, parking, and FAR for eligible TOD projects</p> <p>Requires affected jurisdictions to adopt local zoning ordinances that conform to the TOD zoning standards by July 2022</p>	<p>BART-owned parcels that are at least 75% within a half mile of any existing or planned BART station entrance within the BART district</p>
<p>SB 478: Planning and Zoning Law: housing development projects</p>	<p>Prohibits local jurisdictions from imposing a FAR standard that is less than 1.0 on a project that consists of 3 to 7 units, or less than 1.25 on a project that consists of 8 to 10 units</p> <p>Prohibits the imposition of lot coverage requirements that would physically preclude a housing project from achieving these FARs</p> <p>Local jurisdictions cannot deny a housing development project located on an existing legal parcel solely because the lot area of the proposed lot does not meet local requirements for minimum lot size.</p>	
<p>AB 2097: Residential, commercial, or other development types: parking requirements</p>	<p>Prohibits public agencies from imposing any minimum automobile parking requirement on residential, commercial, or other development projects located within a half mile of public transit</p> <p>These projects must still meet any local requirements to provide electric vehicle supply equipment, installed parking spaces, or parking spaces that are accessible to persons with disabilities.</p> <p>Otherwise, public agencies may impose or enforce minimum automobile parking requirements on development projects if the agency makes written findings, within 30 days of receipt of a completed application, that not imposing/enforcing minimum parking requirements would have a substantially negative impact on the public agency’s ability to meet its share of specified housing needs or existing residential or commercial parking within a half mile of the project.</p> <p>This requirement does not apply to housing development projects that (1) dedicate a minimum of 20% of the total number of housing units to very low-, low-, or moderate-income households, students, the elderly, or persons with disabilities; (2) contain fewer than 20 housing units; (3) are subject to parking reductions based on any other applicable law; or (4) are hotels, motels, or transient lodging.</p>	

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
<p>AB 1287: Density Bonus Law: maximum allowable residential density: additional density bonus and incentives or concessions</p>	<p>Concessions requested under the SDBP impact local control, including waivers for height limits, setback requirements, parking requirements, floor area ratios, open space requirements, etc.</p>	<p>Affordability Basic site suitability</p>
<p>SB 684: Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres</p>	<p>Exempts these projects from certain requirements relating to minimum parcel size and dimensions and the formation of a homeowners' association</p> <p>Prohibits local jurisdictions from imposing certain standards, including those that physically preclude the development of a project built to specified densities; imposing a requirement that applies to a project solely or partially on the basis that the subdivision or housing development receives approval pursuant to this bill's provisions; or imposing certain requirements related to parking, setbacks, or FARs</p>	<p>The proposed subdivision must result in 10 or fewer parcels.</p> <p>It must be located on a lot zoned for multifamily residential development that is no larger than 5 acres and that is substantially surrounded by qualified urban uses.</p>
<p>↳ SB 1123: Planning and zoning: subdivisions: ministerial review</p> <p>Amends SB 684</p>	<p>Eligible projects are not required to comply with a minimum requirement on the frontage of an individual parcel created by the development.</p>	<p>If located on a vacant lot zoned for single-family residential development, that lot can be no larger than 1.5 acres.</p>
<p>AB 894: Parking requirements: shared parking</p>	<p>Requires local jurisdictions to allow entities with underutilized parking to share it with the public, local agencies, or other entities, if they submit a shared parking agreement identifying the benefits of the proposed agreement.</p> <p>Local jurisdictions must allow parking spaces identified in these agreements to count toward meeting automobile parking requirements for a new or existing development or use.</p> <p>Requires local jurisdictions to:</p> <ul style="list-style-type: none"> <li>• Approve shared parking agreements that include a parking analysis using peer-reviewed methodologies developed by a professional planning association.</li> <li>• Decide whether to approve or deny the shared parking agreement and determine how many parking spaces can be reasonably shared among uses to fulfill parking requirements if the agreement does not include this parking analysis.</li> <li>• Notify all property owners within 300 feet of the shared parking spaces of the proposed agreement and hold a public meeting if the jurisdiction receives a request to do so within 14 days of notifying property owners.</li> </ul> <p>These notification and public meeting requirements do not apply to local jurisdictions that enact an ordinance that provides for shared parking agreements.</p>	

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
SB 937: Development projects: fees and charges	<p>Prohibits local jurisdictions from imposing utility service fees related to water and sewer connections on housing development projects that include a requisite percentage of affordable units and caps those fees at the connection costs incurred by the utility provider</p> <p>Extends this exemption for units in a residential development that meets those conditions to any housing developer (formerly only nonprofit developers)</p> <p>Payment of connection fees or charges is deferred until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, except for utility service fees or when the fees or charges are to reimburse the local agency for expenditures.</p> <p>Developers of projects that reserve at least 49% of the total units for occupancy by lower-income households may guarantee payment of certain fees or charges by posting a performance bond or a letter of credit from a federally insured, recognized depository institution.</p>	Affordability
AB 893: Housing development projects: objective standards: campus development zone	<p>Limits or removes setback and parking requirements for eligible projects</p> <p>Creates minimum density standards for eligible projects</p>	<p>The site must be within a campus development zone or commercial corridor.</p> <p>Affordability</p> <p>Must provide relocation assistance to eligible commercial tenants</p>
SB 79: Housing development: transit-oriented development	<p>Limits local requirements on maximum density and building height in accordance with a development's proximity to specified tiers of TOD stops</p>	<p>The average total FAR for the proposed units in the project shall not exceed 1,750 net habitable square feet.</p> <p>Affordability</p> <p>Must be in or near a TOD zone</p> <p>Cannot be located on sites that would require demolition of housing or that were used for rent- or price-controlled housing, including housing for lower-income households, within the past 7 years</p>

BILL NAME	IMPACT ON LOCAL STANDARDS, REQUIREMENTS, OR FEES	PROJECT/SITE REQUIREMENTS
SB 358: Mitigation Fee Act: mitigating vehicular traffic impacts	Existing law requires that local vehicular traffic impact mitigation fees imposed on a housing development that meets prescribed mitigation characteristics reflect a lower rate of automobile trip generation, unless the local agency adopts findings after a public hearing establishing that the eligible project would not generate fewer automobile trips. This bill requires that those findings be supported by substantial evidence in the record before or as part of the housing development project approval process.	Eligible projects must provide no more than 1 onsite parking space for 0- to 2-bedroom units, and 2 onsite parking spaces for 3-bedroom and larger units. They must be located within a half mile of 3 or more specified locations, including a supermarket or grocery store, a pharmacy or drugstore, or a restaurant.
AB 130: Housing	<p>From 10/1/2025 to 6/1/2031: Prohibits local jurisdictions from making changes to building standards applicable to residential units unless a certain condition is met, including that the California Building Standards Commission deems those modifications necessary as emergency standards to protect health and safety</p> <p>Prohibits local jurisdictions from adding fees and other financial requirements to restrict the construction, transfer, or use of an ADU or JADU on a lot zoned for single-family residential use</p> <p>Amends SB 13 to remove the authorization for a local agency to impose objective standards on certain ADU variations</p>	<p>Specific requirements for different laws and programs, including surplus land and religious-use developments</p> <p>Density increase</p> <p>Labor standards</p>

# Other Policy Impacts

Recent state housing laws have included specific provisions on labor standards for construction workers, the interaction of state housing laws with local housing policies and processes, and transit-oriented development.

## Labor Standards for Construction Workers

State housing laws have included provisions to ensure fair compensation for construction workers and to help the construction industry attract and retain new workers so that labor shortages do not prevent new housing projects from moving forward. These provisions typically include requirements regarding prevailing wage standards, healthcare mandates, worker training or apprenticeship, and reporting. Exhibit 7 compares the labor standards included in recent state housing laws to highlight key differences. For more detailed information, see the [State Housing Law Database](#).

**EXHIBIT 7**

**State Housing Laws That Include Labor Standards, 2017-2025**

BILL NAME	LABOR STANDARDS	PROJECT/SITE REQUIREMENTS
AB 2011: Affordable Housing and High Road Jobs Act of 2022	<p>All construction contractors and subcontractors must pay prevailing wages.</p> <p>Projects with more than 50 units must make appropriate healthcare expenditures and participate in a state-approved apprenticeship program or request apprentices from such a program.</p> <p>Employers are subject to reporting requirements to confirm that these provisions are met.</p>	Ministerial approval
SB 6: Local planning: housing: commercial zones	<p>All construction contractors and subcontractors must pay prevailing wages. All construction work must be performed by a “skilled and trained” workforce, with few exceptions.</p>	Ministerial approval
SB 4: Planning and zoning: housing development: higher education institutions and religious institutions	<p>Any development that contains more than 10 units and is not a public work in its entirety must ensure that all construction workers employed in executing the development, including those employed by contractors and subcontractors, are paid at least prevailing wages.</p> <p>Employers are subject to reporting requirements to confirm that these provisions are met.</p>	<p>Ministerial approval</p> <p>Density bonus</p>

BILL NAME	LABOR STANDARDS	PROJECT/SITE REQUIREMENTS
<p>SB 423: Land use: streamlined housing approvals: multifamily housing development</p> <p>Replaces SB 35 and AB 1845</p>	<p>Any development that contains more than 10 units and is not a public work in its entirety must ensure that all contractors and subcontractors pay prevailing wages. Projects with 50 or more units must provide appropriate healthcare expenditures for all construction workers.</p> <p>For developments taller than 85 feet, all contractors and subcontractors must ensure that apprenticeable-occupation work in the building and all construction trades are performed by a “skilled and trained” workforce, with some exceptions.</p>	<p>Ministerial approval</p>
<p>AB 130: Housing</p>	<p>Projects eligible for CEQA exemptions under this law must pay prevailing wage rates, regardless of whether the housing development project is a public work.</p> <p>Specified projects, including projects of at least 50 units in San Francisco, must comply with specified labor standards, extend the liability to a development proponent for any debt owed to a wage claimant under specified law, and authorize a joint labor-management cooperation committee to bring an action to enforce these requirements.</p>	<p>Density bonus</p>

## Interaction of State Housing Laws with Local Housing Policies and Processes

One of the more controversial aspects of recent state housing laws is how these laws interact with — and sometimes bypass or override — local housing policies and processes. Local control is a longstanding principle of California’s housing laws, allowing communities to weigh in on proposed projects, protect local resources, influence the architectural form and character of the built environment, and shape overall community development. However, opponents of new and affordable housing development have sometimes misused local processes to block and delay projects, grinding housing production to a halt and dissuading developers from proposing projects that might result in unpredictable opposition, delays, and cost increases.

To address the urgent need to build more housing, faster, state legislators have curbed local control over certain housing projects. Building on existing laws that allow the state to approve housing project applications when local jurisdictions do not have an approved housing element (builder’s remedy) and that allow developers of affordable and mixed-income housing projects to build taller and denser buildings (the State Density Bonus Program), recent state housing laws have limited opportunities to block or delay new housing projects (Exhibit 8).

**EXHIBIT 8**  
**State Housing Laws That Limit Local Control over Land Use, 2017–2025**

BILL NAME	IMPACTS ON LOCAL CONTROL OVER LAND USE
<p>AB 831: Planning and zoning: housing: development application modifications</p> <p>Amends SB 35</p>	<p>Local government cannot use its discretion over any approval relating to a required public improvement in a manner that would inhibit, chill, or preclude eligible housing developments.</p>

SB 330: Housing Crisis Act of 2019	<p>Limits local jurisdictions from conducting more than 5 hearings for projects that comply with applicable objective standards</p> <p>Limits local jurisdictions' ability to disapprove eligible housing development projects or to condition approval on lower density</p> <p>Includes enforcement mechanism (fines for certain wrongful disapprovals)</p>
SB 13: Accessory dwelling units	<p>Local jurisdictions must identify areas where ADUs can be built, considering the availability of water and sewer services, as well as potential effects on traffic flow and public safety.</p> <p>Restricts excessive fees or parking requirements</p>
AB 725: General plans: housing element: moderate-income and above-moderate-income housing: suburban and metropolitan jurisdictions	<p>At least 25% of a local jurisdiction's share of the RHNA for moderate-income housing must be allocated to sites with zoning that allows at least 4 units but no more than 100 units per acre of housing.</p> <p>At least 25% of a metropolitan jurisdiction's share of the regional housing need for above-moderate-income housing must be allocated to sites with zoning that allows at least 4 units of housing.</p>
SB 10: Planning and zoning: housing development: density	<p>Authorizes local governments to adopt an ordinance before January 2029 to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site</p>
SB 4: Planning and zoning: housing development: higher education institutions and religious institutions	<p>Creates exceptions to local zoning for eligible projects</p> <p>An SB 4 project may include ancillary uses that are limited to the ground floor of the development. In RH-1 districts, ancillary uses may include childcare facilities and community facilities. In all other zoning districts, ancillary uses may include any principally permitted uses within that zoning district.</p>
AB 821: Planning and zoning: general plan: zoning ordinance: conflicts	<p>Requires local jurisdictions to amend zoning ordinances to be consistent with the general plan within 180 days of receipt of the application or to process the development application</p> <p>A proposed development will be considered to be consistent with any zoning ordinance or related standards if it aligns with the objective standards and criteria of the general plan, even if the zoning for the project site does not match the general plan. Additionally, the development is not required to undergo rezoning under this circumstance.</p>
AB 1893: Housing Accountability Act: housing disapprovals: required local findings	<p>A local government may not disapprove a builder's remedy project if the local government's housing element was not in substantial compliance with the HAA on the date the project application was deemed complete.</p>
SB 1210: New housing construction: electrical, gas, sewer, and water service: service connection information	<p>By 1/1/2026: Local publicly owned utilities, including municipal utility districts, public utility districts, and irrigation districts, must post on their websites (1) the schedule of estimated fees for typical service connections for each type of new housing construction, including ADUs, mixed-use, multifamily, and single-family developments, and (2) the estimated time frames for completing typical service connections for each type.</p>

## Transit-Oriented Development

Recent state housing laws have created incentives to encourage more housing development around transit stops and hubs. These laws offer tiers of incentives based on a project’s proximity to a transit stop, the level of service the stop receives, and other factors. Exhibit 9 compares the transit-oriented development tiers established by recent state housing laws to highlight key differences. For more detailed information or exact provisions, see the [State Housing Law Database](#).

**EXHIBIT 9**

**State Housing Laws That Incentivize Transit-Oriented Development, 2017–2025**

BILL NAME	TOD REQUIREMENTS AND PROVISIONS
<p>AB 2553: Housing development: major transit stops: vehicular traffic impact fees</p>	<p>Eligible projects located within a half mile of a major transit stop are exempt from CEQA. (A major transit stop can mean an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a service frequency of 20 minutes or less during peak commute periods.)</p> <p>Eligible projects located within a half mile of any rail or light-rail station, ferry terminal, bus hub, or bus transfer station, including planned stations that will be completed before the construction of the project, are subject to lower vehicular traffic mitigation fees.</p>
<p>SB 79: Housing development: transit-oriented development</p>	<p>For TOD housing projects within a quarter mile of a Tier 1 TOD stop (a stop located within a county with more than 15 passenger rail stations and served by heavy-rail transit or very high-frequency commuter rail):</p> <ul style="list-style-type: none"> <li>• Local governments cannot impose any height limit less than 75 feet.</li> <li>• Local governments cannot impose maximum density standards less than 120 dwelling units per acre.</li> <li>• Local standards cannot physically preclude achieving a residential FAR of up to 3.5.</li> <li>• Eligible projects that achieve a minimum density of 90 dwelling units per acre are eligible for additional concessions.</li> </ul> <p>For TOD housing projects farther than a quarter mile but within a half mile of a Tier 1 TOD stop and within a city with a population of at least 35,000:</p> <ul style="list-style-type: none"> <li>• Local governments cannot impose any height limit less than 65 feet.</li> <li>• Local governments cannot impose maximum density standards less than 100 dwelling units per acre.</li> <li>• Local standards cannot physically preclude achieving a residential FAR of up to 3.</li> <li>• Eligible projects that achieve a minimum density of 75 dwelling units per acre are eligible for additional concessions.</li> </ul> <p>For TOD housing projects within a quarter mile of a Tier 2 TOD stop (a stop located within a county with more than 15 passenger rail stations and served by light-rail transit, high-frequency commuter rail, or bus service):</p> <ul style="list-style-type: none"> <li>• Local governments cannot impose any height limit less than 65 feet.</li> <li>• Local governments cannot impose maximum density standards less than 100 dwelling units per acre.</li> <li>• Local standards cannot physically preclude achieving a residential FAR of up to 3.</li> <li>• Eligible projects that achieve a minimum density of 75 dwelling units per acre are eligible for additional concessions.</li> </ul> <p>For TOD housing projects farther than a quarter mile but within a half mile of a Tier 2 TOD stop and within a city with a population of at least 35,000:</p> <ul style="list-style-type: none"> <li>• Local governments cannot impose any height limit less than 55 feet.</li> <li>• Local governments cannot impose maximum density standards less than 80 dwelling units per acre.</li> <li>• Local standards cannot physically preclude achieving a residential FAR of up to 2.5.</li> <li>• Eligible projects that achieve a minimum density of 60 dwelling units per acre may request additional concessions.</li> </ul>

## More Housing, Faster

Collectively, the state housing laws detailed in this guide represent a major shift in the state's approach to housing policy and a major legislative victory for housing advocates. SPUR will continue working closely with legislators and other housing advocates to pass additional reforms to state housing law, amplify the impact of existing laws, and evaluate the benefits to projects that use them. We will also continue to support the efforts of local planning agencies and other city staff in educating elected officials, developers, architects, real estate professionals, and community members about how state laws interact with local policies.

Given constraints beyond the control of state and local policymakers — including the cost of materials and availability of labor, market-rate rents, and economic uncertainty following the COVID-19 pandemic — it may take time to see the full impact of recent laws on housing production. Challenging housing markets in the Bay Area may be particularly difficult to change. However, the cohort of projects that have been able to use recent laws, and those that have tried but failed, can provide valuable insights into the obstacles blocking new housing construction in California and ways to overcome them. We hope that increased outreach, education, and programmatic adjustments will quickly lead to more housing being built where it's needed.

Any future state housing laws that impact the policy areas discussed in this guide will be added to SPUR's State Housing Law Database at [spur.org/CAhousinglaws](https://spur.org/CAhousinglaws).

# Appendix A: Glossary and Abbreviations

**ADU** – Accessory dwelling unit

**AMI** – Area median income

**By-right development** – Applications for eligible projects that meet local planning and building requirements are not subject to discretionary review.

**Builders' remedy** – A longstanding principle of California's housing law that authorizes the state to step in when local housing policies unduly restrict new housing production, allowing housing projects that meet basic health and safety standards to move forward. The local jurisdiction may not enforce discretionary standards until its local policies are deemed compliant with state housing law.

**Campus development zone** – A set of parcels contained either wholly or partially within a half-mile radius of a main campus of the University of California, the California State University, or the California Community Colleges.

**CEQA** – California Environmental Quality Act

**Discretionary review** – An additional review of a housing project application that has already met local planning and building requirements, usually conducted by a planning commission or similar local authority, that may require modifications to the project that it deems necessary to protect the public interest.

**EIR** – Environmental impact report

**Entitlement process** – Permits or approvals issued by a government agency for land use policies and building code requirements, such as zoning, density, design, use, and occupancy. The entitlement process is the legal process through which developers or other project applicants seek a local government's approval for their development plans. Applicants must secure all required entitlements before the project can move forward.

**FAR** – Floor area ratio

**HAA** – Housing Accountability Act

**HCD** – California Department of Housing and Community Development

**JADU** – Junior accessory dwelling unit

**LIHTC** – Low-Income Housing Tax Credit

**Ministerial approval** – A streamlined housing project review process whereby local agencies review project applications for compliance with local planning and building requirements without adding discretionary reviews, subjective standards, or extra hearings.

**Objective standards** – Written standards with objective criteria that do not involve subjective judgment by a public official. These standards must be available for review by applicants and officials before the application submission.

**Project labor agreements** – A collective bargaining agreement with one or more labor unions that establishes the terms and conditions of employment, including wages and benefits, for a specific construction project before any workers are hired.

**RHNA** – Regional Housing Needs Allocation

**SDBP** – State Density Bonus Program

**Supportive housing** – Affordable housing with no time limit on length of stay, reserved for a target population, that is linked to supportive services provided onsite or offsite to help residents retain housing, improve their health, or maximize their ability to live and work in the community.

**TOD** – Transit-oriented development

# Appendix B: Guidance from City Planning Departments

## San Francisco

State Accessory Dwelling Unit Program

Planning Director Bulletin No. 3, Updated February 2026

Ministerial Approval Processes for Affordable and Supportive Housing

Planning Director Bulletin No. 5, Updated September 2025

References SB 35/SB 423, AB 2162, AB 2011/AB 2243, SB 4

Implementing the State Density Bonus Program

Planning Director Bulletin No. 6, Updated December 2025

Housing Crisis Act of 2019: Project Review and Zoning Actions

Planning Director Bulletin No. 7, Updated October 2024

References Housing Crisis Act, Housing Accountability Act, Permit Streamlining Act

Streamlined Housing Development

Planning Director Bulletin No. 8, Updated September 2025

References SB 9, SB 684

Ministerial Approval Processes for Mixed-Income Housing

Planning Director Bulletin No. 9, Updated September 2025

References SB 35/SB 423, AB 2011/AB 2243

Review and Approval Procedures for Projects Subject to the Housing Accountability Act

Planning Director Bulletin No. 10, Updated December 2025

## San José

Memorandum: Overview of Senate Bill 9 and Senate Bill 10 and Implications to Planning Policy and Zoning Regulations

Presented to the San José City Council on October 15, 2021

SB 9, Duplex Project or Subdivision, webpage: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/start-a-new-project-or-use/sb-9-duplex-project-or-subdivision>

Memorandum: Analysis of Senate Bill 6 and Assembly Bill 2011  
Presented to the San José City Council on June 3, 2024

Senate Bill 79, Abundant and Affordable Homes Nears Transit Act, webpage: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/ordinances-proposed-updates/senate-bill-79-abundant-and-affordable-homes-nears-transit-act>

## Oakland

Housing Projects Eligible for Faster, Streamlined Review: Affordable Housing, Locally Zoned, & State Law-Eligible Projects webpage: <https://www.oaklandca.gov/Planning-Building/Your-Commercial-Projects-Permits/Housing-Projects-Eligible-for-Faster-Streamlined-Review>  
References AB 2011, AB 2162, SB 4, SB 9, SB 35/SB 423, SB 684

Applicability of Replacement Unit Provisions to Non-Residential Developments and Conversions  
Zoning Code Bulletin, Published August 2023  
References AB 1218





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