



2006 Priority Land Use Laws

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Housing Element Reports

AB 2511 (Jones)(Chapter 888, Statutes of 2006), puts teeth into the obligation of local jurisdictions to annually report to HCD their progress in implementing their housing elements. The bill provides that the deadlines in the statute are mandatory and mandates courts to order jurisdictions that fail to comply to comply within 60 days, and it authorizes the court to grant sanctions.

Housing Elements: Extremely Low-Income Need

In AB 2634 (Lieber) (Chapter 891, Statutes of 2006), the Legislature took a step towards ensuring that communities assess the housing needs of *extremely low* income households. While it doesn't require HCD or the COGs to include extremely low in the allocation of Regional Need, the legislation mandates that localities calculate the subset of the very low income regional need that constitutes the communities need for extremely low income housing. Local governments can either come up with their own methodology for calculating the need or presume that the need is 50% of the total very low income need.

Permit Streamlining

The Permit Streamlining Act requires local approvals of certain affordable housing developments within 90 days rather than the 180 days required for other developments.

The law, however, does not specify what constitutes affordable housing. AB 2511 (Jones)(Chapter 888, Statutes of 2006), clarifies that applicants are entitled to the shorter 90 day time period if at least 49% of the units are affordable to low and very low income households. In addition, some localities routinely ignore the deadlines in Permit Streamlining Law. AB 2511 provides that the deadlines in the law are mandatory.

Downzonings

AB 2511 (Jones)(Chapter 888, Statutes of 2006) made mostly technical, clarifying changes to existing law that requires that localities make findings before reducing the density of a proposed development below the zoned density. The bill largely makes the law consistent with housing element legislation enacted two years ago.

Discrimination in Planning

Government Code Section 65008 prohibits discrimination by local governments in their planning and zoning activities. AB 2511(Jones) (Chapter 888, Statutes of 2006) clarifies that the discrimination prohibited by 65008 is not just discrimination pursuant to zoning and planning law but pursuant to any law.

Land Use Mediation

AB 2511 (Jones, Chapter 888, Statutes of 2006) removes the 2006 sunset date on current law providing for a voluntary mediation process for land use cases.

Index of Planning Laws

The Legislature has enacted a number of laws that are intended to streamline the affordable housing approval process and provide incentives for affordable housing production but those laws are spread throughout the Planning and Zoning laws and may be overlooked by many local governments and other practitioners. AB 2511 (Jones) Chapter 888, Statutes of 2006) highlights those laws in one place in Planning and Zoning law, Government Code Section 65582.1.

Anti-Nimby Law

AB 2511 (Jones) (Chapter 888, Statutes of 2006) renames what is popularly known as state "Anti-Nimby" law, the "The Housing Accountability Act," affirmatively emphasizing the accountability of local governments for their fair share of housing.

Granny Flat Law

AB 2511(Jones) (Chapter 888, Statutes of 2006) repeals a rarely-used granny flat law that was superseded by enactment of second unit law and grandfathers housing built under the prior granny flat law.

By-Right Employee Housing

SB 1802 (Ducheny) (Chapter 520, Statutes of 2006) amends Section 17021.6 of the Health and Safety Code to provide that group housing for 36 or fewer farmworkers does not require a conditional use permit or public hearing.