



Senate Bill 619, Land Use

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SB 619 (Ducheny) which was signed into law and became effective January 1 (Chapter 793, Statutes of 2003), includes a number of important measures to increase affordable housing opportunities in California.

The bill is one in a number of land use measures sponsored over the years by California Rural Legal Assistance Foundation and Western Center on Law and Poverty to remove local barriers to affordable housing. SB 619 was also cosponsored by the California Association of Realtors and the California Building and Construction Trades Council and was supported by a broad coalition of housing business, labor, senior and religious groups

In support of the bill, we argued that statewide there is a demand for 220,000 new housing units each year, but half that number have been approved in the last decade, resulting in a shortage of hundreds of thousands of units. The result has been skyrocketing housing costs that hurt working families, the poor and seniors and also threaten the economy, the environment and our quality of life.

SUMMARY: SB 619 includes five major land use provisions:

- **Streamlining the Housing Approval Process**—Most commercial, industrial and single-family residential uses do not require a condition use permit, but many communities require a conditional use permit for multifamily housing. SB 619 added Government Code Section 65589.4 to streamline the review

process for routine affordable housing proposals that are properly zoned and consistent with local design, development and environmental standards. The original bill provided that such proposals were to be approved “by right,” as a permitted use, without a public hearing. Because of environmental opposition, the bill was significantly narrowed. As signed into law, SB 619 prohibits conditional use permits on multifamily housing developments that meet the CEQA affordable housing, farmworker or infill exemption and on affordable multifamily housing with 100 or fewer units, a density of at least 12 units/acre, located on an infill site in an urbanized area, consistent with the zoning and general plan, and has a negative declaration or mitigated negative declaration.

- **Nonprofits Can Receive Attorney Fees in Frivolous Lawsuits to Stop Affordable Housing**—Existing law permits local governments to collect attorney fees against a neighborhood group when a court determines that a lawsuit by neighbors to overturn local approval of an affordable housing development was frivolous and dilatory. SB 619 amended Government Code Section 65915 to permit non-profit developers whose affordable housing development is the subject of the lawsuit to also receive attorney fees against the neighborhood group.

- **Clarifying Prohibited Grounds for Denying Housing Proposals**—SB 619 amended Government Code Section 65008,

which prohibits local governments from denying or conditioning affordable housing developments for a variety of reasons including the race, ethnicity or income of occupants. SB 619 added to the law a specific prohibition against discrimination based upon the fact that a proposed development is multifamily housing.

- **Increasing Housing Opportunities on the Coast**—Language was removed from the Coastal Act in 1981 stating that increasing affordable housing opportunities was an important purpose of the Act. SB 619 amended Section 30604 of the Public Resources Code to restore language that states that the Coastal Commission “shall encourage housing opportunities for persons of low and moderate income”. The bill also amends the Coastal Act to require that the Commission adopt written findings prior to reducing densities on residential zoned land on the coast.

- **Limiting Localities From Turning Down Mixed-Use Residential Projects**—State Anti-Nimby law limits the ability of local governments to deny or impose conditions on affordable housing developments. SB 619 applies Anti-Nimby law, Government Code Section 65589.5, to affordable mixed-use developments, as well as residential developments. Mixed use is defined as developments consisting of neighborhood-serving commercial uses on the first floor of buildings that are two or more stories.