



# Housing Crisis Act of 2019 (SB330)

February 18, 2020

## SB330 Summary

- Housing Crisis Act of 2019
- Effective for 5 years as of January 1, 2020
- Restricts actions to reduce housing, protects existing housing, incentivizes production of housing by supplementing discretionary review process
- Adds to and amends Permit Streamlining Act, Housing Accountability Act and Planning & Zoning law, all under Title 7 of the California Government Code
- No mandated upzoning, no new ministerial approvals
- CEQA, Coastal Act, Short Term Rental regulations still apply
- Does not apply to by-right projects and projects that are not Housing Development Projects

Date: 2/18/20

Submitted in PLUM Committee

Council File No 19-0400, 20-0047

Item No 2

Deputy L. Campin

Communication from Dept of City Planning, LADBS & HCIDLA



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# Restrictions on Actions to Reduce Housing



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## Restrictions on Actions to Reduce Housing

- Site Intensity Restrictions
  - Prohibits the adoption of plans, zoning ordinances, moratoria, conditions, and other certain actions that could result in fewer housing units than would be allowed
- Project Intensity Restrictions
  - Prohibits the establishment of new non-objective development standards, design guidelines
  - Prohibits discretionary Housing Development Projects from resulting in a net loss of units
  - Expands rights for residential occupants in "Protected Units" when removed by discretionary Housing Development Projects



# Development Review Process Changes for Housing Development Projects

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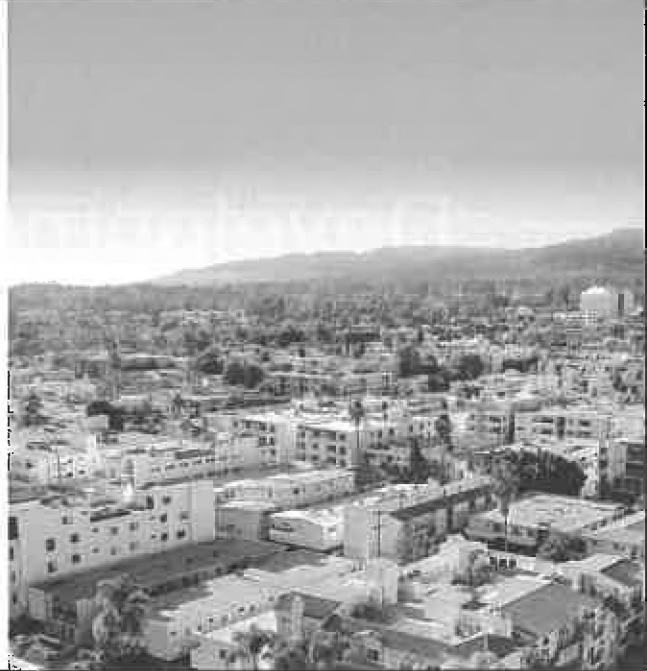


## Housing Development Project Defined

- Residential-only project that creates at least two residential units
- New mixed-use project, at least 2/3 of the Building Area dedicated to residential uses
- Transitional Housing
- Supportive Housing

# Project Review Process Changes

- Historic Cultural Monument approvals must be made by the time a City Planning application is deemed complete
- Time to approve/disapprove a Housing Development Projects with EIR shortened from **120 days to 90 days**; and from **90 days to 60 days** for HDPs 49% affordable to low income households and public funding application
- 5 hearing limit for HDPs that meet all applicable, objective zoning standards
- New Application Features for discretionary Housing Development Projects deemed complete on or after January 1, 2020
  - Optional vesting SB330 Preliminary Application
  - Required LADBS Preliminary Zoning Assessment
  - Required HCIDLA SB330 Replacement Unit Determination
- New City Planning case number suffixes: HCA and VHCA



# Preliminary Zoning Assessment Purpose

- Conformance with SB330 and State housing, law for the **expeditious review** of Housing Development Projects
- Reduces late zoning hits
- Reduces time spent figuring out zoning conformance during process
- Helps get discretionary entitlement requests right upfront
- For the broad range of discretionary Housing Development Projects

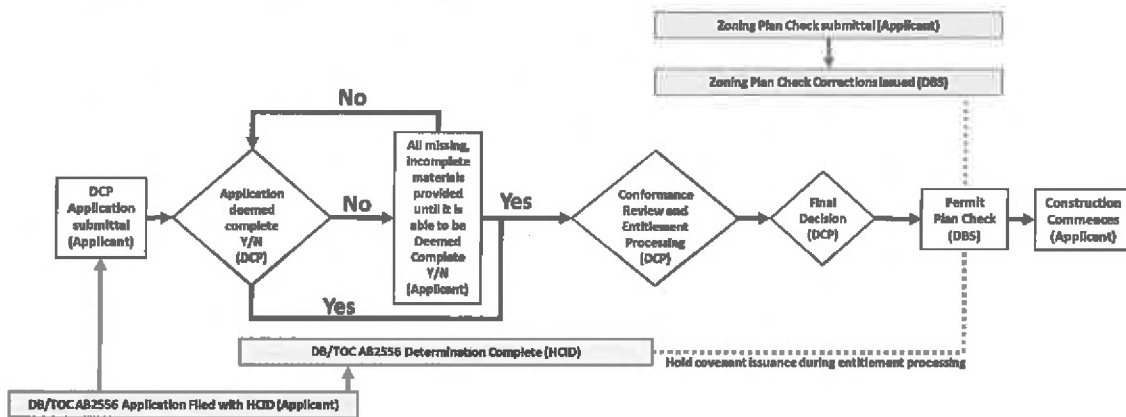


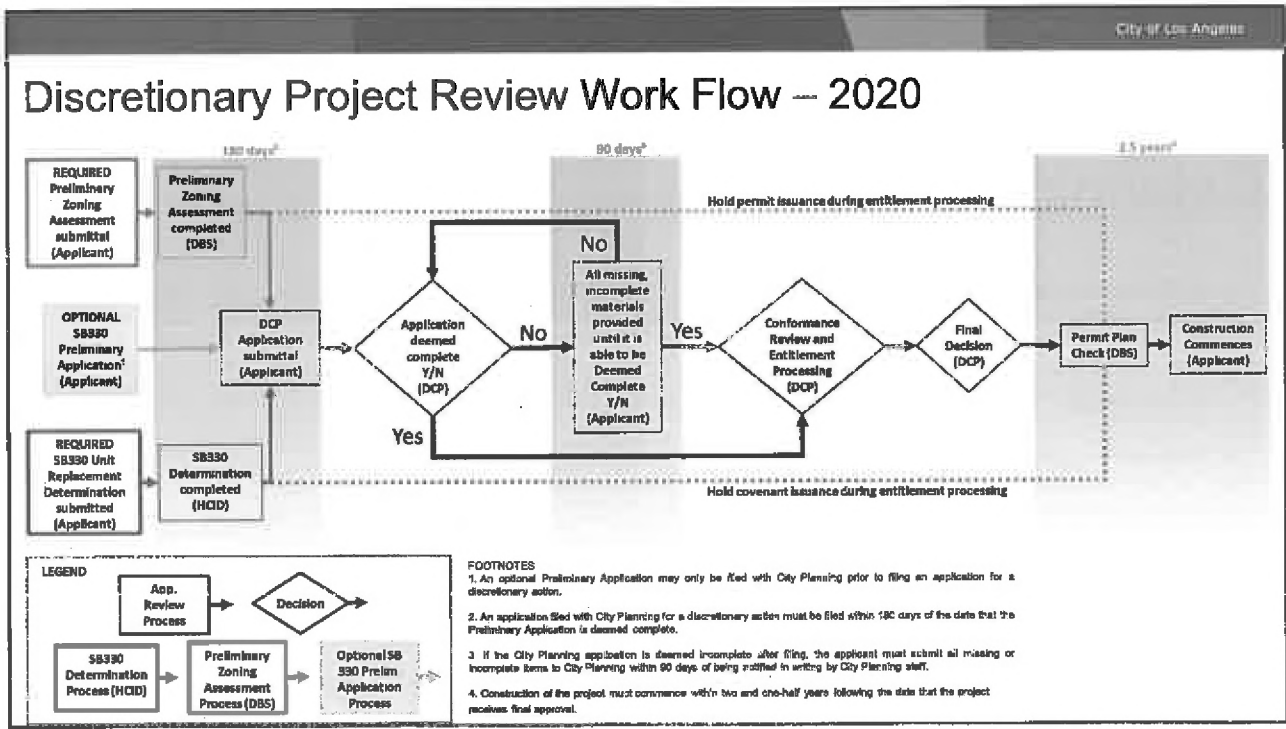
# Replacement Unit Determination Purpose


- Existing units to be replaced by new units equivalent in bedroom count
- Occupants can live in units up to six months prior to demolition
- Relocation assistance
- Occupants have first right-of-return at an affordable rate
- Applies to all discretionary Housing Development Project deemed complete per the Permit Streamlining Act on or after January 1, 2020



# Discretionary Housing Development Project Work Flow – 2019



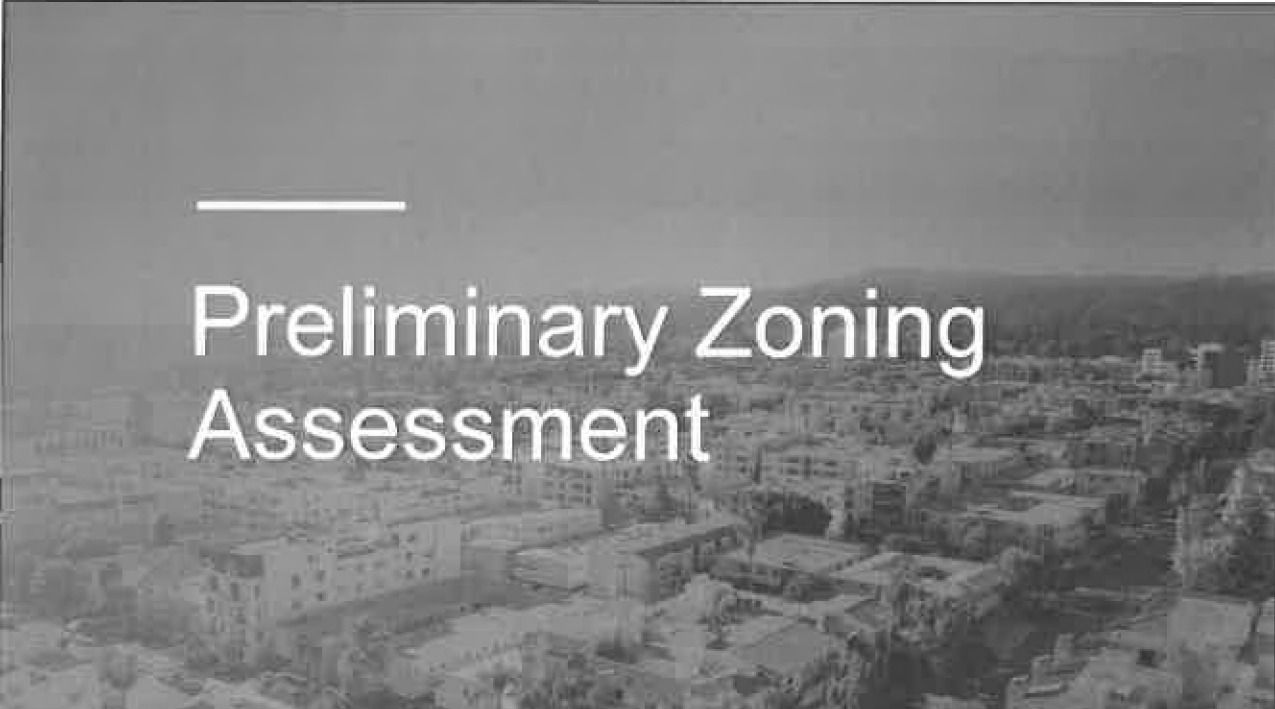




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## Optional Vesting SB 330 Preliminary Application


- Vests to development rules in place on day that Preliminary Application is "deemed complete"
- If used, this would supersede local vesting options
- Provides more certainty and flexibility than local options
- Must be filed before main case
- Cases will be tagged with VHCA suffix
- Applicant obligations:
  - File within 180 days
  - Project stays within 20% of unit count and Building Area proposed
  - Provide all missing information within 90 days
  - Commence construction within 2.5 years of final approval



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# Preliminary Zoning Assessment





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## LADBS PROCESS - PRELIMINARY ZONING ASSESSMENT REPORT (PZA)

- **Preliminary Zoning Assessment Report (PZA)**
  - The Preliminary Zoning Assessment Report shall be completed by LADBS through a zoning only plan check process in order to determine what planning entitlements would be required.
  - Applicant shall submit the PZA form along with a zoning only plan check set to LADBS.
  - After the zoning review, the PZA form can be completed and the applicant can continue to file their entitlement case to City Planning

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# SB330 Replacement Unit Determinations for Protected Units





## Replacement Requirements for Protected Units

Type of Unit	SB 330 replacement requirement	Existing DB/TC Replacement Req.	Minilateral/By Right Replacement Req.
Units with <b>restricted affordability</b> in the past 5 years	One for One. Same affordability level.	Same as 330	No replacement requirement if covenant/regulatory agreement expired
Units <b>occupied by lower- or very low-income households</b> within the last 5 years	One for One. Same or lower affordability level.  If tenant incomes are unknown, determination defaults to HUD's CHAS database (70%).	Same as 330	No replacement requirement
Units that <b>subject to rent or price control</b> in the past 5 years	One for One.	Same as 330, but only includes local RSO not 1482 units	One for one RSO replacement (unless more than 20% affordable)
Units <b>Ellis'd within the past 10 years.</b>	Unclear	No replacement requirement	No Replacement Requirement if 5 years have passed since Ellis

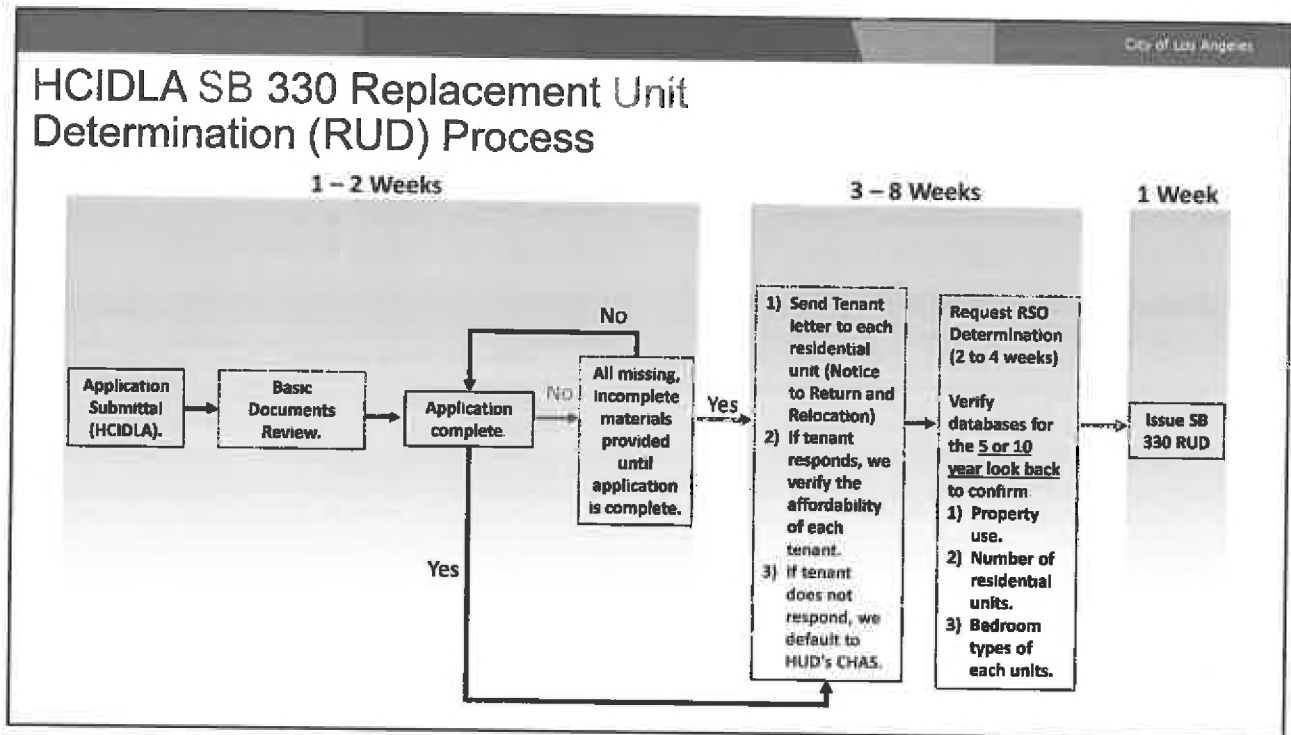
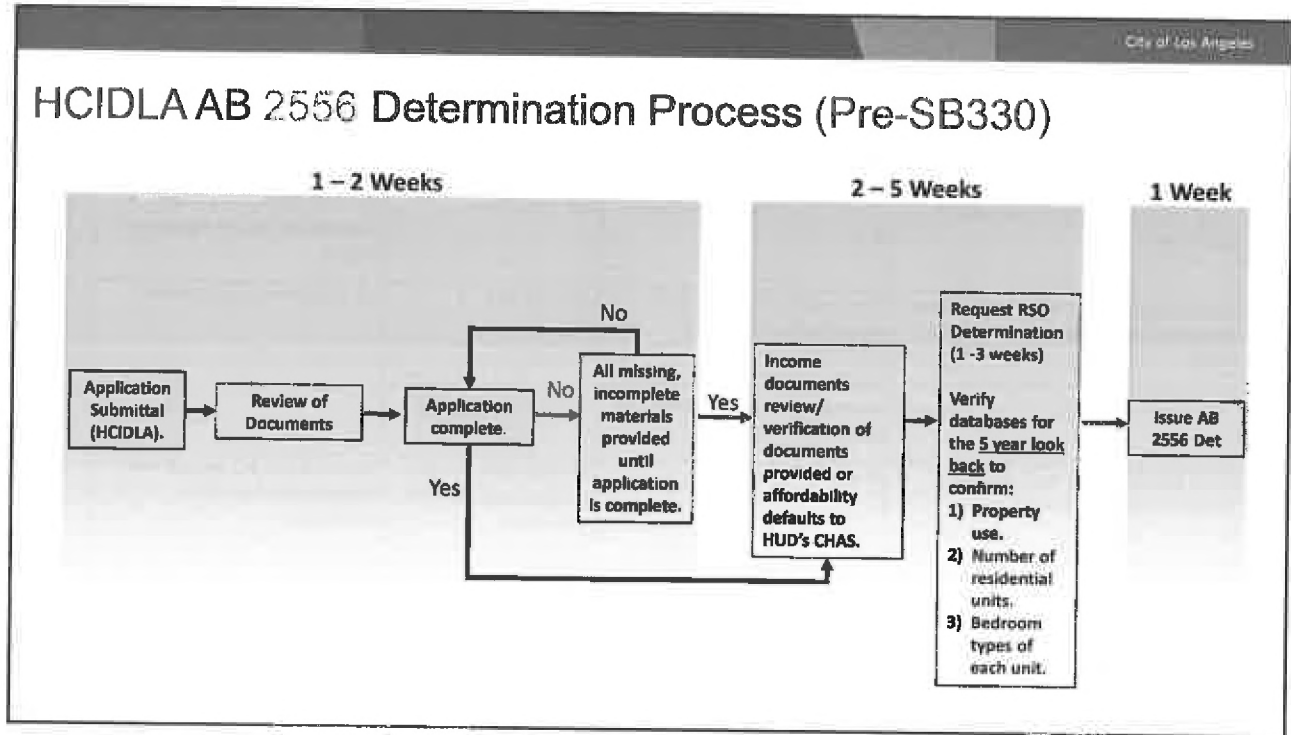
## HCIDLA Application Review Checklist

### Replacement Determination Process

- Process and review application for completion
- Determine replacement requirements
  - Conduct Land Use review
    - Property research
    - Tenant outreach
    - Inform tenants of Right to Return
  - Conduct RSO review
    - Property research
    - Ellis lookback
- Issue final replacement determination
- Process and record covenant
- Issue building permit clearance once covenant is executed

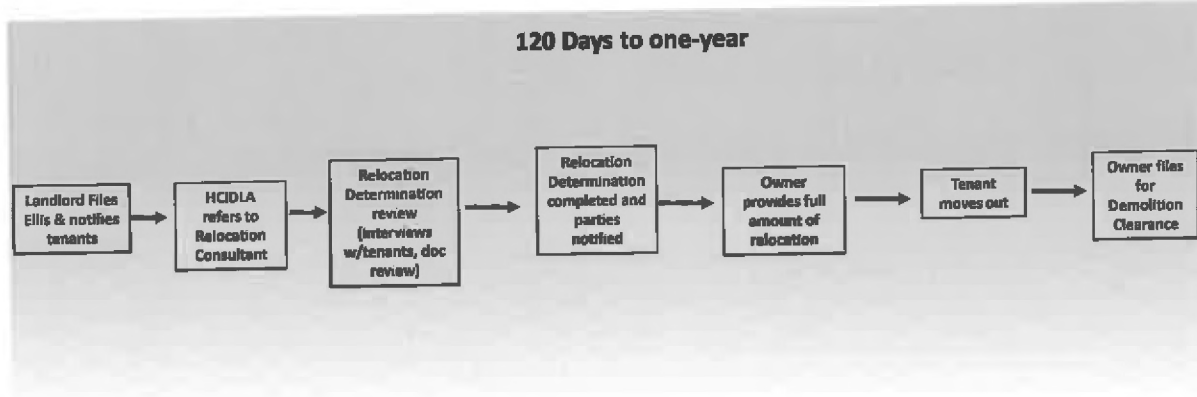
### Relocation Process

- Process and review unit withdrawal application
- Determine tenant relocation
  - Conduct tenant outreach
  - Respond to any appeals
- Verify relocation was paid prior to clearing demolition
- Issue demotion clearances



# Unit withdrawal & tenant relocation process

Independent of 330 application, but required for demo permit





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## Implementation Milestones

- **October-December 2019:**
  - Weekly, multi-hour inter-agency implementation coordination meetings
  - Online appointment scheduling begins for optional vesting SB330 Preliminary Application
  - New, updated application forms, instructions
  - Announcements of newly modified processes
- **January-February 2020:**
  - Interdepartmental Implementation Memo
  - Filing appointments begin for optional vesting SB330 Preliminary Application
  - HCID and DBS determinations required for City Planning cases related to HDPs not yet deemed complete
  - New case suffixes: HCA, VHCA

A black and white photograph of two men in an office. One man is seated at a desk, looking at a computer monitor. The other man is standing next to him, also looking at the screen. The office has shelves with binders in the background.



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## Contacts

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