



WESTERN CENTER
ON LAW & POVERTY



**California Rural
Legal Assistance
Foundation**

**Western Center on Law and Poverty
&
California Rural Legal Assistance Foundation
State Housing Legislative Update
December 5, 2022**

As has become typical in recent years, this year, legislators introduced several hundred bills aimed at addressing California's severe affordable housing and homelessness crises. While there is wide recognition at the Capitol that California simply does not have adequate amounts of housing, other aspects of these crises often get overlooked, particularly the ways in which the crises disproportionately impacts low-income people and people of color. Unfortunately the narrative on solutions is heavily focused on production, and particularly on the production of market-rate units, with little emphasis on ensuring that production delivers affordability for people who are most underserved and does not exacerbate challenges in low-income communities. In addition, even as low-income Californians continue to bear the brunt of the economic consequences of the COVID-19 pandemic, the housing conversation in the Capitol has largely shifted away from protecting low-income tenants. With the legislative session now over for the year, numerous housing-related bills that will impact low-income Californians were signed into law and will take effect starting January 1 (in most cases). In addition to sponsoring several bills that got signed, our organizations successfully played defense on a number of bills that would harm our low-income clients.

Sponsored Bills

AB 1654 (R. Rivas): *(Sponsored by CRLAF and California Coalition for Rural Housing)* AB 1654 expands the existing farmworker set-aside in the state Low-Income Housing Tax Credit (LIHTC) program. The state's LIHTC program has an annual ongoing appropriation in the budget of \$70 million, which includes a set-aside of \$500,000 for projects serving farmworker households. Over the past three budget cycles, the Governor and Legislature have agreed to one-time \$500 million augmentations of LIHTC. However, that augmentation has not included a corresponding increase in the farmworker set-aside. Under AB 1654, beginning with the 2024 state budget, any one-time increases in LIHTC must include a set-aside of 5% for farmworker housing. In addition, the bill directs HCD to commission a statewide study of farmworker housing conditions, needs, and solutions to inform a comprehensive strategy for meeting the housing needs of the state's farmworkers. Status: Signed (Chapter 638, Statutes of 2022)



AB 1685 (Bryan): *(Sponsored by WCLP and Housing California)* AB 1685 aimed to lower the barriers posed by unpaid parking ticket debt for people experiencing homelessness by requiring local parking agencies to create a ticket relief program that waives at least \$1500 in parking fine and fees annually for homeless individuals. **Status: Vetoed.**

AB 1816 (Bryan): **Reentry Housing and Workforce Development Program (formerly AB 328, Chiu)** *(Sponsored by WCLP, Housing California, Corporation for Supportive Housing, Safe & Just, People Assisting the Homeless, and Los Angeles Regional Reentry Partnership)* AB 1816 would have established a funding source for permanent affordable housing and workforce development for formerly incarcerated individuals at risk of or currently experiencing homelessness. **Status: Dead**

AB 1911 (Gabriel): **Affordable Housing Preservation Tax Credit** *(Sponsored by WCLP, California Housing Partnership, California Coalition for Rural Housing, Non-Profit Housing Association of Northern California, and San Diego Housing Federation)* AB 1911 would have created an Affordable Housing Preservation Tax Credit to incentivize the preservation of the tens of thousands of units of affordable housing that are at risk of converting to market rate. The credit would have encouraged property owners to sell to affordable housing developers committed to long-term affordability and would have allowed thousands of lower-income households to stay in their homes. **Status: Dead**

AB 2339 (Bloom): **Emergency Shelters** *(Sponsored by Public Interest Law Project, CRLAF, and WCLP)* Under current law, all jurisdictions must identify a zone or zones where shelters are permitted by right. AB 2339 clarifies that the identified zone or zones must contain sites that are suitable and available for shelters and requires an analysis to demonstrate that the sites have sufficient capacity to accommodate the jurisdiction's identified need for shelters. In addition, the bill clarifies the state's No Net Loss Zoning law to ensure that the law applies to any "carryover sites" in a jurisdiction's housing element. Carryover sites are any sites a jurisdiction failed to zone in the prior housing element planning period, which must be zoned in the current planning period in addition to sufficient sites to accommodate the jurisdiction's current RHNA share. **Status: Signed (Chapter 654, Statutes of 2022)**

AB 2597 (Bloom): **Cool and Healthy Homes** *(Sponsored by WCLP, CRLAF, Inner City Law Center, Leadership Counsel for Justice and Accountability, and Regional Asthma Management and Prevention)* State law has long required that rental units be able to maintain a safe minimum indoor air temperature, but there is no analogous requirement for a safe maximum.. This gap leaves many renters living in homes that reach unhealthy and often dangerous temperatures indoors, sometimes even in excess of outdoor temperatures, and disproportionately impacts low-income households and people of color. AB 2597 would have both updated the state's



habitability code and required an update of state building standards to ensure that all rental units can maintain a safe maximum indoor air temperature. While AB 2597 died AB 209, a budget trailer bill that was signed into law, requires the Department of Housing and Community Development (HCD) to submit policy recommendations to the Legislature by January 1, 2025, that are designed to ensure that all residential dwelling units can maintain a recommended maximum safe indoor air temperature. A budget appropriations bill, AB 179, included \$5 million to complete the work. We will be working closely with HCD on implementation to ensure that the resulting recommendations meet the needs of low-income communities. **Status: AB 2597 Dead, AB 209 Signed (Chapter 251, Statutes of 2022), AB 179 Signed (Chapter 249, Statutes of 2022)**

AB 2713 (Wicks): AB 1482 clean up (*Sponsored by CRLAF and WCLP*). AB 2713 would have closed loopholes in AB 1482 (Chiu, Chapter 597, Statutes of 2019), the state's first statewide just cause eviction and anti-rent gouging law. Since AB 1482 was enacted in 2019, several loopholes have emerged related to the provisions around no-fault just causes for eviction, including owner move-in, substantial rehabilitation, and intent to remove the unit from the rental market. AB 2713 would have prevented misuse of these provisions by requiring owners who are attempting to evict tenants for owner move-in to move into the unit within 90 days and stay at the unit for a minimum of three years; owners attempting to evict based on substantial rehabilitation to obtain the necessary permits for the renovations and justify why the improvements cannot be completed with the tenants in place; and owners attempting to evict based on withdrawal from the rental market to clearly explain in the notice to the tenant what the alternative use of the property will be and the necessary permits to convert the unit to the intended use. In addition, the bill would have provided the tenant a right to return under the original terms of their rental agreement if the landlord did not move in, renovate, or remove the unit from the rental market. **Status: Dead**

SB 1017 (Eggman) (formerly AB 1493, Rubio): Keeping Survivors Housed (*sponsored by WCLP, California Partnership to End Domestic Violence, Crime Survivors for Safety and Justice, Dr. Beatriz Maria Solis Policy Institute – Women's Foundation of California, Family Violence Appellate Project*). SB 1017 allows survivors who are tenants to maintain their current housing and avoid eviction by expanding allowable documentation for lease termination policies, allows survivors to use eviction protections when the abusive person is on the lease but no longer residing in the residence, and allows survivors who live with the abusive person to remain in the unit on the same lease terms while removing the abusive person. **Status: Signed into Law (Chapters 558, Statutes of 2022)**

SCA 2 (Allen): (*Sponsored by CRLAF, WCLP, California Coalition for Rural Housing, California Housing Consortium, California Housing Partnership, California Association of*



Realtors, California YIMBY, Housing California, Non-Profit Housing Association of Northern California, and Southern California Association of Nonprofit Housing). SCA 2 places the repeal of Article 34 of the California Constitution on the next statewide ballot. Passed by voters in 1950, Article 34 requires majority approval by the voters of a city or county for the development, construction, or acquisition of certain forms of publicly subsidized rental housing. For decades the requirement has stifled the development of affordable housing, creating and perpetuating racially and economically segregated communities. **Status: Signed (Chapter 182, Statutes of 2022)**

Other Bills of Interest

COVID-19 PROTECTIONS

[AB 2179](#) (Grayon)

Status: Signed (Chapter 13, Statutes of 2022)

Position: None

Summary: Extended Civil Code Section 1179.11, originally enacted by AB 832 in 2021, for an additional three months for tenants who applied to the state emergency rental assistance program by March 31, 2022. In addition, this bill preempted local ordinances that were set to go into effect on April 1, 2022, for an additional three months.

FAIR HOUSING

[AB 2203](#) (L.Rivas)

Status: Dead

Position: Support

Summary: Would have prevented housing providers from requiring credit checks for applicants with publicly funded housing subsidies.

[AB 2383](#) (Jones-Sawyer)

Status: Dead

Position: None

Summary: Would have prohibited the use of criminal background checks in rental housing until the applicant has met all other screening criteria. The bill further prohibited landlords from requesting or relying on certain information, such as an arrest that did not result in conviction and provided a method for a tenant to provide evidence of inaccuracies on their background check or provide evidence of rehabilitation or other mitigating factors and seek reconsideration of the application.

[AB 2527](#) (Quirk-Silva)

Status: Dead

Position: None

Summary: Would have prohibited landlords from using credit reports while screening prospective tenants and prohibited landlords from inquiring about anything that would be included in a report, including eviction history.



[SB 971 \(Newman\)](#)

Status: Signed (Chapter 241, Statutes of 2022)

Position: None

Summary: Requires certain subsidized affordable housing developments that are financed after January 1, 2023, to allow households to have one or more pets in their unit.. The bill prohibits landlords from charging a monthly pet rent for these pets, but allows them to charge a pet security deposit.

[SB 1335 \(Eggman\)](#)

Status: Dead

Position: None

Summary: Would have amended the California Fair Employment and Housing Act to prohibit discrimination based on credit history for voucher holders.

HOMELESSNESS

[SB 1338 \(Umberg\)](#)

Status: Signed (Chapter 319, Statutes of 2022)

Position: Opposed

Summary: Creates a new civil court process geared towards unhoused individuals with behavioral health and psychotic spectrum disorders. Under SB 1338, family members, first responders, and others can refer an individual to a Community Assistance, Recovery, and Empowerment (CARE) Court, where they would be connected to legal representation and required to comply with court-mandated treatment. The bill does not provide housing, robust supportive services, or fully-funded intensive and voluntary treatment and may exacerbate racial inequities within the state's health and behavioral health systems.

[AB 2633 \(Cooley\)](#)

Status: Dead

Position: Opposed

Summary: Would have expanded local governments' and local parks agencies' ability to remove the unhoused from "special parklands." While we were able to stop the statewide proposal, a similar policy was recently adopted in Sacramento County.

[AB 2817 \(Reyes\)](#)

Status: Vetoed

Position: Support

Summary: Would have established the House California Challenge Program and authorized the state Health and Human Services Agency to provide rental assistance to people experiencing homelessness and grants to local jurisdictions and service providers to connect people to housing and rental assistance.

HOMEOWNERSHIP

[AB 1837 \(Bonta\)](#)

Status: Signed (Chapter 642, Statutes of 2022)

Position: Support

Summary: Resolves implementation gaps in California's Housing for Homeowners, Not Corporations Act by giving residents and non-profits a special window of time to match the bid



of investors at a foreclosure auction.

HOUSING FINANCE

AB 2483 (Maienschein)

Status: Signed (Chapter 655, Statutes of 2022)

Position: None

Summary: Requires the Department of Housing and Community Development (HCD) to provide incentives in the Multifamily Housing Program to developments that set aside at least 20% of units (50% for projects of 100 units or more) for people experiencing homelessness who are receiving Medi-Cal services under the Assisted Living Waiver, the Home and Community-Based Alternatives Waiver, and PACE. The bill additionally requires HCD to partner with the state Department of Health Care Services to determine the most effective way to align qualifying Medi-Cal services with housing projects that qualify for incentives and to assess the tenant outcomes for projects that receive priority points. It also amends the California Community Care Facilities Act to add assistance with independent activities of daily living or personal care, when needed, to the definition of “community living support services” and authorizes the state, in addition to counties, to contract with agencies or individuals to assist persons with disabilities in securing their own homes and to provide persons with disabilities with the supports needed to live in their own homes, including supportive housing.

SB 847 (Hurtado)

Status: Dead

Position: Oppose Unless Amended

Summary: Would have created the COVID-19 Tenancy Grant Program to provide grants to landlords who either applied to the now-shuttered state Emergency Rental Assistance Program and within 20 days were denied or received no response or sued their tenant in court for unpaid COVID rental debt and obtained a judgment.

ACA 14 (Wicks)

Status: Dead

Position: Support

Summary: Would have dedicated five percent of the state General Fund for the next ten years to fund solutions to end homelessness and build affordable housing.

LAND USE

SB 6 (Caballero)

Status: Signed (Chapter 659, Statute of 2022)

Position: Oppose

Summary: Makes a housing development project an allowable use on an infill parcel in a zone where office, retail, or parking are a principally permitted use if the project meets or exceeds the Housing Element Law default density for the jurisdiction and complies with all local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in a zone that allows for the housing at the



jurisdiction's default density. The bill does not require projects to include any affordable units in order to receive this streamlined rezoning, fails to protect existing small businesses from displacement, and offers insufficient protections to ensure that new housing is not located in proximity to industrial harms.

[AB 2011 \(Wicks\)](#)

Status: *Signed (Chapter 647, Statutes of 2022)*

Position: *Oppose Unless Amended*

Summary: Preempts local zoning and other local ordinances, such as those established to protect local cultural resources or mitigate displacement in low-income neighborhoods, to make both affordable and market-rate housing projects a use by right on many commercially zoned sites throughout the state. Under the bill, 100% affordable housing projects must be approved by right on infill sites on which office, retail, or parking are a principally permitted use. Market-rate projects must be approved by right on a subset of those sites: those that are less than 20 acres and located within a commercial corridor, which is defined as a highway that is not a freeway with a right-of-way that is between 70 and 150 feet. In addition, the bill prohibits mixed-income projects from using the bill's benefits on sites that would demolish certain existing housing, including deed-restricted or rent-controlled units and units occupied by tenants within the past 10 years. Market-rate rental projects must include at least 15% of the units affordable to low-income households or 8% affordable to very low-income households and 5% affordable to extremely low-income households. For homeownership projects, the requirements are 30% moderate-income or 15% lower-income. Housing justice organizations asked for numerous amendments to AB 2011 that were rejected. These amendments would have made the market-rate portion of the bill inapplicable in low-income neighborhoods in order to allow for community input in these areas and protect against the displacing and gentrifying impacts of new development; increased affordability requirements for market-rate projects; provided protections against displacement for existing small businesses; and provided better protections to ensure that new housing is not located in proximity to industrial harms.

[AB 2063 \(Berman\)](#)

Status: *Dead*

Position: *Oppose Unless Amended*

Summary: Would have prohibited the imposition of certain affordable housing fees on market-rate units added to a development project through a density bonus, undermining an existing policy in San Francisco that generates substantial funding for affordable housing.

[AB 1748 \(Seyarto\)](#)

Status: *Dead*

Position: *Oppose*

Summary: Would have allowed for the disposition of surplus land without first making the land available for affordable housing for jurisdictions that have met arbitrary development goals, undermining the Surplus Land Act.

[AB 1850 \(Ward\)](#)

Status: *Dead*

Position: *Support*

Summary: Would have established minimum standards for the acquisition of multifamily housing by cities, counties, and joint powers authorities to ensure public benefit in these



transactions, which claim the state's property tax welfare exemption.

[AB 2094 \(Rivas\)](#)

Status: Signed (Chapter 649, Statutes of 2022)

Position: Support

Summary: Requires cities and counties to report the production of units for extremely low income (ELI) households in their housing element annual progress reports.

[AB 2097 \(Friedman\)](#)

Status: Signed (Chapter 459, Statutes of 2022)

Position: Oppose Unless Amended

Summary: Prohibits cities and counties from imposing minimum parking requirements on any development within ½ mile of transit. For housing developments, the bill does not require developers to include any affordable units to access zero parking.

[AB 2334 \(Wicks\)](#)

Status: Signed (Chapter 653, Statutes of 2022)

Position: Support

Summary: Expands the applicability of the unlimited density bonus and additional height for 100% affordable housing projects, currently available only for projects located within ½ mile of transit, under state Density Bonus Law to any very low vehicle travel area in designated counties. Counties where the expanded geography applies are Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura.

[AB 2653 \(Wicks\)](#)

Status: Signed (Chapter 657, Statutes of 2022) Law

Position: Support

Summary: Allows the Department of Housing and Community Development to reject a jurisdiction's housing element annual progress report if it does not comply with statutory requirements.

LANDLORD TENANT

[AB 2050 \(Lee\)](#)

Status: Dead

Position: Support

Summary: Would have prohibited property owners who have owned a property for less than five years from using the Ellis Act to evict tenants and remove the property from the rental market. The bill provides exceptions for owners who own the property as a natural person, in the name of a trust held by a natural person, or as an LLC with no more than four natural persons as members and own four or fewer units.

[AB 2193 \(Gabriel\)](#)

Status: Signed (Chapter 486, Statutes of 2022)

Position: Support

Summary: Requires the Judicial Council to consider how the Sargent Shriver Civil Counsel Act will increase eviction defense services to all clients regardless of a person's citizenship or immigration status and, when reviewing and selecting a new program proposal the Judicial Council shall give additional consideration to a program that would provide services regardless of immigration status.



[AB 2297](#) (Wicks)

Status: Dead

Position: Oppose

Summary: Would have allowed a landlord to charge an unlimited monthly fee in lieu of a security deposit, exempting the fee from the protections in Civil Code section 1950.5. The bill was sponsored by Lease Lock, one of several companies looking to legalize these types of products, which generally protect the landlord from damages up to a certain amount but do not protect the tenant from a damages claim.

[AB 2559](#) (Ward)

Status: Signed (Chapter 288, Statutes of 2022)

Position: None

Summary: This bill authorizes a reusable tenant screening report that tenants can use multiple times during a 30 day period in applying for tenancy. The report must include tenant name, contact information, eviction history, employment history, rental history, and last known address. While the bill does not require that landlords accept these reports, if they do choose to accept them they are prohibited from charging the tenant a screening fee or a fee to access the report..

[SB 1133](#) (Archuleta)

Status: Dead

Position: Oppose

Summary: This bill would have undermined price gouging protections for renters during a state of emergency by requiring special findings to extend the application of Penal Code Section 396 to rental housing after one year. It would also have prohibited penalties for violation of Section 396 unless the local or state proclamation of emergency has been posted on the website of the state Office of Emergency Services.

[AB 1991](#) (Gabriel)

Status: Signed (Chapter 645, Statutes of 2022)

Position: None

Summary: Allows participants in certain publicly funded shelter, interim housing, motel voucher, and similar programs in which a public entity retains an oversight and accountability role to be removed from their housing without going through the unlawful detainer process but replaces that process with specific requirements around removal, including limits on allowable reasons for termination. In addition, the bill prohibits a hotel or motel participating in or providing rooms for a shelter program from adopting policies specifically for shelter program participants that do not apply to other motel or hotel occupants who are not participating in a shelter program, impose restrictions on the ability of shelter program participants to freely enter or exit the property or access certain areas or amenities of the property that do not apply to other motel or hotel occupants, or levy charges and fees, including fees for room card replacements, that do not apply to other motel or hotel occupants.

MOBILEHOMES

[AB 2031](#) (Lee)

Status: Signed (Chapters 648, Statutes of 2022)

Position: None



Summary: Expands the provisions in Civil Code Section 798.53 that require park management to “meet and consult” with homeowners upon written request of the homeowners. The bill expands the topics that homeowners can request to discuss and the manner in which the meeting must be conducted, including allowing for telephonic or video conferencing, allowing the presence of interpreters, and clarifying that management must meet with the homeowners’ designated representative if the homeowners so choose.

SB 940 (Laird)

Status: *Signed (Chapters 666, Statutes of 2022)*

Position: *None*

Summary: Amends Civil Code Section 798.7 and 795.45, which prohibit local rent stabilization ordinances from governing newly constructed mobilehome spaces first offered for rent after January 1, 1990. The bill modifies this prohibition by limiting it to the first 15 years after the space is initially held out for rent, after which the local rent stabilization ordinance can apply to the space. The bill clarifies that a mobilehome park space is considered “initially held out for rent” when a permit or certificate of occupancy is issued for that space. The bill also establishes a similar 15-year new construction exemption for spaces in a newly constructed park, which is defined as a mobilehome park in which a permit to operate is first issued on or after January 1, 2023. For spaces in these parks, the 15-year new construction period begins to run on the date that 50% of the spaces within the park are initially held out for rent.

SB 869 (Leyva)

Status: *Signed (Chapters 662, Statutes of 2022)*

Position: *None*

Summary: Requires that for each mobilehome or RV park licensed in the state, at least one person responsible for the management of the park must complete at least six hours of specified training related to the Mobilehome Residency Law, the rights and responsibilities of homeowners and managers, and other topics related to the operation and management of mobilehome parks. The bill authorizes HCD to enforce the requirement, including authority to suspend the park’s permit to operate for noncompliance.