



2023 Housing Legislation Wrap-Up

The following is a summary of all housing-related bills that Western Center and CRLAF sponsored in 2023, along with a list of other housing-related bills of interest to legal services organizations that either were signed into law or are two-year bills that may come up for a vote next year. Bills the Governor signed took effect on January 1, 2024, unless otherwise noted.

For text, analyses, votes, and other information on bills, visit: <http://leginfo.legislature.ca.gov>.

WCLP and/or CRLAF Sponsored Bills

*WCLP and CRLAF were both co-sponsors unless otherwise indicated. Bills marked with * were co-sponsored only by WCLP. Bills marked with ** were co-sponsored only by CRLAF.*

AB 653 (Reyes): Increasing Voucher Utilization

Status: 2-year bill

Summary: Would create a competitive grant program for public housing authorities (PHAs) to fund housing navigation services, landlord incentives, and deposit resources to increase lease-up success rates for tenants with Housing Choice Vouchers. The bill would also require PHAs to annually report their success rate and require those with a success rate below 60% to adopt certain policies to increase housing choice and work with HCD to analyze and improve their policies. *(Co-sponsored with Housing California, Corporation for Supportive Housing, United Ways of California, and National Housing Law Project)*

AB 846 (Bonta): LIHTC Rent Cap

Status: 2-year bill

Summary: Limits rent increases in low-income housing tax credit (LIHTC) properties.

***AB 920 (Bryan):** Housing Status as a Protected Class

Status: Dead

Summary: Adds housing status to the list of protected categories under the Fair Employment and Housing Act to prevent the routine discrimination of unhoused people by public and private entities that receive state funding. *(Co-sponsored with the American Civil Liberties Union, Disability Rights California, Housing California, and Public Advocates)*

***AB 1082 (Kalra):** Authority to Remove Vehicles

Status: 2-year bill

Summary: Prohibits towing or immobilizing a vehicle due to unpaid parking tickets, increases the number of unpaid tickets from one to eight before the DMV can place a registration hold, and improves the guidelines for parking ticket payment programs. *(Co-sponsored with End Poverty in California (EPIC), FreeFrom, and Lawyers' Committee for Civil Rights)*

***AB 1085 (Maienschein):** Medi-Cal Housing Support Services

Status: Vetoed

Summary: Requires the Department of Social Services to seek federal approval to make housing support services a Medi-Cal benefit for Californians experiencing homelessness. *(Co-sponsored with Corporation for Supportive Housing)*

AB 1418 (McKinnor): Limiting Crime-Free Housing Programs and Nuisance Ordinances

Status: Signed (Chapter 476, Statutes of 2023)

Summary: Prohibits the most common provisions of local “crime-free” housing programs and nuisance ordinances, such as requiring landlords to evict tenants for alleged criminal activity or for “excessive” contact with emergency services and makes any such existing provision void and unenforceable. *(Co-sponsored with Disability Rights California, National Housing Law Project, and Root & Rebound)*

****AB 1218 (Lowenthal):** Replacement Housing and Relocation Assistance Requirements

Status: Signed (Chapter 754, Statutes of 2023)

Summary: Clarifies and strengthens existing requirements from SB 330 (Skinner, Chapter 654, Statutes of 2019) related to the replacement of certain housing units and relocation assistance for displaced low-income occupants as a condition of approval of development projects, including applying the requirements to non-housing projects, adding a five-year lookback, and clarifying relocation assistance language to make the requirement implementable. *(Co-sponsored with the Public Interest Law Project)*

***ACA 10 (Haney):** Housing as a Human Right

Status: 2-year bill

Summary: Places a measure on a future statewide ballot to amend the California constitution to declare that every Californian has the fundamental human right to adequate housing on an equitable and non-discriminatory basis, creating an obligation on the part of state and local governments to take meaningful action to fully realize the right. *(Co-sponsored with Alliance of Californians for Community Empowerment (ACCE), End Poverty in California (EPIC), Housing Now, ACLU California Action, Abundant Housing LA, National Homelessness Law Center, and PowerCA Action)*

***SB 460 (Wahab):** Fair Chance Housing

Status: 2-year bill

Summary: Prevents rental housing providers from screening for criminal history during the advertisement, application, selection, or eviction process, unless required by federal law. *(Co-sponsored with All of Us or None, Just Cities, Legal Services for Prisoners with Children, and Root & Rebound)*

****SB 469 (Allen):** Article 34 Exemption

Status: Signed (Chapter 179, Statutes of 2023)

Summary: Exempts all HCD funding programs and LIHTC from triggering Article 34 of the Constitution, which requires majority local voter approval for the development, construction, or acquisition of a publicly funded “low-rent housing project.” *(Co-sponsored with the California Housing Partnership)*

SB 567 (Durazo): Homelessness Prevention Act

Status: Signed (Chapter 290, Statutes of 2023)

Summary: Closes some of the loopholes in AB 1482’s owner move-in and substantial rehabilitation no fault just cause provisions. The bill also increases enforcement by strengthening tenant defenses and providing additional public and private remedies for non-compliance. It goes into effect on April 1, 2024. *(Co-sponsored with Alliance of Californians for Community Empowerment (ACCE), Leadership Counsel for Justice and Accountability, PICO California, and Public Advocates).*

Other Housing Bills of Interest to Legal Services Programs

Codes and Standards

AB 42 (Ramos)

Status: Signed (Chapter 725, Statutes of 2023)

Summary: Prohibits jurisdictions from requiring fire sprinklers in temporary sleeping cabins, defined as having less than 250 square feet of floor area and not equipped with plumbing, on sites with 50 or fewer such structures, but requires them to comply with specified minimum fire and life safety standards.

AB 548 (Boerner)

Status: Signed (Chapter 744, Statutes of 2023)

Summary: Requires local code enforcement agencies, by January 1, 2025, to develop policies and procedures meeting specified requirements to inspect additional units in a multifamily building if they determine that a unit is substandard or a lead hazard and the defect or violation could reasonably be found in other units of the building.

Fair Housing

SB 267 (Eggman)

Status: Signed (Chapter 776, Statutes of 2023)

Summary: For any prospective tenancy where the tenant will have a governmental rent subsidy, requires that if the landlord assesses the applicant's credit history as part of the application process, the landlord must allow the applicant the option of providing verifiable alternative evidence of reasonable ability to pay the tenant's portion of the rent. If the tenant elects the alternative method, the landlord must use that evidence in lieu of the applicant's credit history.

SB 16 (Smallwood-Cuevas)

Status: 2-year bill

Summary: Would allow cities and counties to enforce the state Fair Employment and Housing Act starting in 2025 and requires the Civil Rights Department to promulgate regulations governing local enforcement by an unspecified date.

Homelessness

AB 271 (Quirk-Silva)

Status: Signed (Chapter 135, Statutes of 2023)

Summary: Authorizes counties to form "homeless death review committees" to assist local agencies in identifying the root causes of death of homeless individuals and facilitating communication among persons who perform autopsies and the various persons and agencies involved in supporting the homeless population, with a goal of improving services coordination.

AB 531 (Irwin)

Status: Signed (Chapter 789, Statutes of 2023)

Summary: Places the Behavioral Health Infrastructure Bond Act of 2024 on the March 2024 ballot to authorize \$6.38 billion in general obligation (GO) bonds to be issued to the state Department of Health Care Services and Department of Housing and Community Development for funding community-based treatment and residential

care settings, including locked psychiatric facilities, and permanent supportive housing for people experiencing or at risk of homelessness with behavioral health challenges.

AB 799 (L. Rivas)

Status: 2-year bill

Summary: Requires regions to develop a regional homelessness action plan every five years and submit it to the state for approval, makes various changes to round five and any future rounds of the Homeless Housing, Assistance and Prevention (HHAP) program to increase accountability and make the program ongoing, and requires the California Interagency Council on Homelessness to develop a financing plan to end homelessness by 2035.

SB 35 (Umberg)

Status: Signed (Chapter 283, Statutes of 2023)

Summary: Makes numerous changes to the statutes governing CARE Courts.

SB 326 (Eggman)

Status: Signed (Chapter 790, Statutes of 2023)

Summary: Places a measure on the March 2024 ballot to revise and recast the Mental Health Services Act as the Behavioral Health Services Act and makes various related statutory changes.

AB 1285 (Wicks)

Status: Signed (Chapter 727, Statutes of 2023)

Summary: Requires Continuums of Care that share geographic boundaries with cities and counties that receive Homeless Housing, Assistance, and Prevention (HHAP) Program or Encampment Resolution Grant Program funding to provide evidence of collaboration with that jurisdiction around prioritizing people living in homeless encampments for referral to permanent housing.

AB 1377 (Friedman)

Status: Signed (Chapter 728, Statutes of 2023)

Summary: Requires that Homeless Housing, Assistance, and Prevention (HHAP) program applicants provide a narrative summary of specific and quantifiable steps that the applicant has taken to improve the delivery of housing and services to people experiencing homelessness or at risk of homelessness on properties owned by transit districts.

Homeownership

AB 572 (Haney)

Status: Signed (Chapter 745, Statutes of 2023)

Summary: Limits assessment increases for deed-restricted affordable housing units in common interest developments with 20 or more units formed after January 1, 2024, to the lesser of 5% plus CPI or 10%, unless the development qualifies for one of three listed exemptions.

Housing Development Approvals

AB 821 (Grayson)

Status: Signed (Chapter 748, Statutes of 2023)

Summary: Requires that if a zoning ordinance becomes inconsistent with the general plan due to an amendment to the general plan or to any element of the general plan and a local jurisdiction receives a

development application that is consistent with the general plan but is inconsistent with the zoning ordinance, the jurisdiction either amend the zoning ordinance within 180 days to be consistent with the general plan or process the development application and apply the general plan standards.

AB 1449 (Alvarez)

Status: Signed (Chapter 761, Statutes of 2023)

Summary: Exempts affordable housing projects assisted with low-income housing tax credits (LIHTC) and meeting certain conditions from CEQA.

AB 1490 (Lee)

Status: Signed (Chapter 764, Statutes of 2023)

Summary: Makes adaptive reuse projects in which 100% of the units will be affordable to lower-income households and 50% will be affordable to very low-income households and that meet specified conditions a use by right.

AB 1633 (Ting)

Status: Signed (Chapter 768, Statutes of 2023)

Summary: Provides that a disapproval under the Housing Accountability Act includes a local agency's failure to make a determination of whether a project is exempt from CEQA, abuse of discretion, or failure to adopt certain environmental documents. The bill additionally limits the award of attorney's fees in related HAA challenges.

SB 4 (Wiener)

Status: Signed (Chapter 771, Statutes of 2023)

Summary: Makes affordable housing projects in which at least 80% of the units will be affordable to lower-income households and no more than 20% will be affordable to moderate-income households a use by right on land owned by faith institutions and private colleges and universities, regardless of the underlying zoning, subject to various requirements and limitations. The bill limits use of the tool to infill sites not located in various environmentally sensitive areas. The bill also limits the use of the tool on sites located near current or recent industrial uses, using a tiered system for distance from industrial sites depending on the type of industrial use. Developments within 500 feet of a freeway must comply with specified air filtration requirements. In addition, developers must comply with specified labor requirements.

SB 91 (Umberg)

Status: Signed (Chapter 732, Statutes of 2023)

Summary: Removes the sunset on the existing law that exempts motel conversions to permanent supportive or transitional housing from CEQA.

SB 423 (Wiener)

Status: Signed (Chapter 778, Statutes of 2023)

Summary: Makes a number of changes to SB 35 (Wiener, 2017), including:

- Extending the sunset to the end of 2035.
- Changing the applicable labor standards .
- Increasing to 10% very low-income (VLI) the required affordable set-aside for projects when SB 35 streamlining is turned on because the jurisdiction is failing to meet its share of the regional housing need for above moderate-income housing.

- Turning on SB 35 streamlining at the 10% VLI level if a jurisdiction does not have a compliant housing element.
- Lowering the required affordable housing percentages applicable to the alternative set-aside available only in the Bay Area from 20% at 120% area median income (AMI) to 20% at 100% AMI, with the average income of units at or below 80% AMI instead of 100% AMI.
- Expanding the use of SB 35 to certain parts of the coastal zone.
- Requiring a public meeting for any project proposed in a moderate- or low-resource area or an area of high segregation and poverty as designated on the most recent CTAC/HCD Opportunity Map.
- Exempting certain sites in equine or equestrian districts.
- Requiring HCD to determine SB 35 applicability every year for San Francisco rather than every four years as applies in all other jurisdictions.

SB 439 (Skinner)

Status: Signed (Chapter 779, Statutes of 2023)

Summary: Allows for a special motion to strike, similar to Anti-SLAPP law, to address non-meritorious challenges to approved affordable housing projects.

SB 684 (Caballero)

Status: Signed (783, Statutes of 2023)

Summary: Requires a local government to ministerially approve a parcel map or a tentative and final map for a housing project containing 10 or fewer single-family units, and ministerially approve the housing project itself, on infill lots of five acres or less zoned for multifamily residential development. If the site is a housing element site for low- or very low-income housing, projects must include as many affordable units as were indicated in the housing element.

Housing Finance

AB 1386 (Gabriel)

Status: Signed (Chapter 760, Statutes of 2023)

Summary: Creates a process to allow veterans with incomes up to 60% AMI to occupy a unit funded through the Veteran’s Housing and Homelessness Prevention (VHHP) program and set aside for veterans at 30% AMI if an income-qualified veteran is not found to occupy a unit within a certain amount of time.

AB 1657 (Wicks)

Status: 2-year bill

Summary: Puts a \$10 billion bond on the November 2024 ballot to fund various affordable housing programs.

ACA 1 (Aguiar-Curry)

Status: Chaptered by Secretary of State (Chapter 173, Statutes of 2023)

Summary: Places a constitutional amendment on the November 2024 ballot to lower the voter threshold from 2/3 to 55% for local governments to incur bonded indebtedness or impose certain special taxes to fund affordable housing, including permanent supportive housing, and infrastructure.

SB 555 (Wahab)

Status: Signed (Chapter 402, Statutes of 2023)

Summary: Defines social housing in state law, sets statewide social housing goals, and requires HCD to prepare a social housing study.

SB 734 (Rubio)

Status: Signed (Chapter 785, Statutes of 2023)

Summary: Codifies the existing Board of Equalization interpretation that lower-income residents in housing projects owned by joint powers authorities are not subject to possessory interest taxation.

Land Use**AB 323 (Holden)**

Status: Signed (Chapter 738, Statutes of 2023)

Summary: Requires that affordable ownership units built pursuant to state Density Bonus Law initially be sold to income-qualified household, except that if an income-qualified buyer does not purchase such a unit within 180 days of the issuance of the certificate of occupancy, the unit may be sold to a qualified non-profit (such as Habitat for Humanity) that will ensure owner occupancy by an income-qualified household. The bill also establishes a similar requirement for affordable ownership units built pursuant to a local inclusionary housing policy and establishes civil penalties for violations.

AB 480 (Ting)

Status: Signed (Chapter 788, Statutes of 2023)

Summary: Makes a number of changes to strengthen the Surplus Lands Act, including defining certain leases as dispositions subject to the Act and enhancing penalties for violations of the Act.

AB 1033 (Ting)

Status: Signed (Chapter 752, Statutes of 2023)

Summary: Allows cities and counties to pass an ordinance to allow the sale of an ADU separate from the primary residence as a condominium.

AB 1287 (Alvarez)

Status: Signed (Chapter 755, Statutes of 2023)

Summary: Requires jurisdictions to allow increased density and an additional concession or incentive for market-rate housing projects that include additional very low- or moderate-income units above and beyond the existing scales in Density Bonus Law.

SB 229 (Umberg)

Status: Signed (Chapter 774, Statutes of 2023)

Summary: Requires a jurisdiction to hold a public meeting if it has been notified by the Department of Housing and Community Development that its planned disposal of a parcel is in violation of the Surplus Lands Act.

Landlord/Tenant**AB 12 (Haney)**

Status: Signed (Chapter 733, Statutes of 2023)

Summary: Beginning July 1, 2024, limits security deposits in rental housing to no more than one month's rent, except that if the landlord is a natural person or an LLC in which all owners are natural persons and the landlord owns no more than two residential properties with a total of no more than four rental units, the landlord may charge up to two months' rent for anyone who is not an active service member.

AB 690 (Chen)

Status: Signed (Chapter 341, Statutes of 2023)

Summary: Extends the sunset on the law authorizing and regulating the work of legal document assistants and unlawful detainer assistants to Jan 1, 2030.

AB 1317 (Wendy Carrillo)

Status: Signed (Chapter 757, Statutes of 2023)

Summary: Requires owners of rental housing developments with more than 16 units constructed after January 1, 2025, in certain counties to charge for parking separate from the rent. The bill allows tenants in properties subject to the law the first right of refusal to parking spaces built for their property. Failure to pay for the parking cannot be a basis for an unlawful detainer, but a landlord can revoke the right of the tenant to lease that parking spot after 45 days of nonpayment. The bill does not apply to deed-restricted affordable housing projects.

AB 1620 (Zbur)

Status: Signed (Chapter 767, Statutes of 2023)

Summary: Amends the Costa-Hawkins Rental Housing Act to permit cities and counties to require under a local rent stabilization policy that a landlord allow a tenant seeking an accommodation for a disability related to mobility to transfer to an accessible unit and maintain the same rental rate and lease terms as their current unit under certain specified conditions. A tenant may not make this request if they are subject to an eviction for nonpayment of rent.

SB 712 (Portantino)

Status: Signed (Chapter 630, Statutes of 2023)

Summary: Requires landlords to allow tenants to own a micromobility device and store it in their rental unit, subject to certain conditions, unless the landlord provides free, secure storage elsewhere on the property.

Mobilehomes**AB 318 (Addis)**

Status: Signed (Chapter 736, Statutes of 2023)

Summary: Extends the sunset date on the Mobilehome Residency Law Protection Program within the Department of Housing and Community Development (HCD), which resolves complaints from homeowners relating to the Mobilehome Residency Law, to January 1, 2027. The bill additionally deletes requirements that HCD make a “good faith effort” to select the most severe violations and achieve geographic equity in evaluating complaints. It also removes the requirement that the parties negotiate in good faith to resolve the matter within 25 days before HCD can refer the complaint to the appropriate enforcement agency or a nonprofit legal services provider.

AB 319 (Connolly)

Status: Signed (Chapter 737, Statutes of 2023)

Summary: Requires HCD to establish policies to annually review mobilehome park inspectors’ statements of economic interests, including examining disclosures of all interests in real property, to ensure inspectors are not supervising mobilehome parks in which they have a financial stake. It also requires HCD to establish policies to document complaints against inspectors and detail the steps taken to address those complaints.

AB 1472 (Alvarez)

Status: 2-year bill

Summary: Stops the 30-day shuffle for RV homeowners by prohibiting a person from requiring an occupant, tenant, or resident in a recreational vehicle park to reregister if the purpose of the reregistration requirement is to prevent the occupant, tenant, or resident from gaining or maintaining status as a resident.

Other

AB 1485 (Alvarez)

Status: Signed (Chapter 763, Statutes of 2023)

Summary: Grants the state Attorney General and the Department of Housing and Community Development the unconditional right to intervene in any suit brought to enforce certain housing laws.

SB 71 (Umberg)

Status: Signed (Chapter 681, Statutes of 2023)

Summary: Increases the jurisdictional limit for small claims court over actions brought by a natural person to \$12,500 and increases the threshold for the amount in controversy in actions or proceedings to be treated as limited civil cases to \$35,000

SB 235 (Umberg)

Status: Signed (Chapter 284, Statutes of 2023)

Summary: Changes the standard for sanctions against a party of non-responsiveness in civil discovery, including UD's, and would increase the fine amount from \$250 to \$1000.

SB 478 (Dodd)

Status: Signed (Chapter 400, Statutes of 2023)

Summary: Starting July 2024, makes clear that it is unlawful to advertise a price for a good or service that does not include all required fees or charges other than taxes imposed by a government. The bill additionally allows broad civil enforcement of violations under the Consumer Legal Remedies Act.