Summary of SB 330:

A. The following apply across the State, everywhere including very high fire hazard and coastal zones:

1. No conditions, requirements or fees on a housing development project other than those in effect at the time the project application is filed (with "complete" information per point 2 below) absent specific findings or facts. There are exceptions for automatic indexed and published fees, a specific adverse impact on public health or safety that cannot otherwise be mitigated, CEQA, project changes affecting at least 20% of a project, and a project that has not commenced construction for 2.5 years after final approval. The concern is that the traditional utility connection fees, impact mitigation, neighborhood considerations and other significant modifications usually imposed after the project's effect on the surrounding community is assessed are no longer valid.

2. A local agency may not require that a developer provide more information with an application than a specific list of 17 points, creating a one size fits all statewide "checklist" that determines when a project application is "deemed" complete. The local agency may also require information regarding proximity to a military installation, if under low-level flight path or restricted airspace, if within an urbanized area and, for "affected" cities and counties, about existing tenants and rent controlled or affordable units to be demolished.

3. A local agency may not disapprove or place conditions on a housing development project except to enforce "objective" standards (defined as those that "involve no personal or subjective judgment by a public official" and that are "uniformly verifiable by reference to an external and uniform benchmark") unless the agency makes specific findings based on evidence in the record that there is no other feasible way to mitigate or avoid a specific adverse impact of the project on public health or safety. This language could be read to eliminate discretionary processes but its import is not clear because the language also references compliance with "design standards".

4. Any applicant, any person who would be able to apply for residency in the proposed project and any housing organization may sue the local agency for the disapproval or conditional approval of any housing development project. This is a significant incentive biasing the process toward approval of a project and a weapon in the hands of developers.

5. The period during which local laws remain "frozen" as of the time of a project's application is extended statewide to as long as it takes to obtain "final approval" of a project plus another 2 and 1/2 years to commence construction without specifying what happens if construction has been "commenced" but is nowhere near complete during that time period.

6. The determination that a site is or is not "historic" has to be made at the time the application is deemed complete and cannot be changed other than for archaeological, paleontological or tribal resources encountered during grading or excavation.

7. No more than 5 public hearings (and hearing includes workshops, meetings and continuances) by a city, county or any branch thereof may be required on any proposed housing development project that complies with "objective" general plan and zoning standards in effect at the

time an application provides the information in the 17 point standard checklist. This provision does not apply to meetings and hearings by state and national bodies or with neighborhood associations and communities.

8. A local agency must provide an "exhaustive list" of what is missing from an application within 30 days. This Section says "that list shall be limited to those items actually required on the lead agency's submittal requirement checklist" but local agencies should be prepared to respond with every requirement not met, whether or not on the initial checklist.

9. Shortens approval times for housing development projects to 90 (from 120) days after an environmental impact report and to 60 (from 90) days for a project financed by tax credits, bonds or other government assistance that reserves at least 49% of the units for low or very low income housing

B. The following changes apply to "affected" cities and counties (defined as urban or urbanized areas under the census EXCEPT cities of under 5000 not located in an urbanized area with carveouts for CEQA and Coastal Zones) and apply to cities, counties, and their electorate voters by ballot or initiative:

10. "Affected" cities and counties, and their voters by ballot initiative, are prohibited from downzoning any parcel to a "less intensive use" than what was permitted as of January 1, 2018 other than mobilehome parks, and lower income housing, unless any downzone is matched with a corresponding increase in the zoning and permitted use of other parcels in the area. The concern is that community plans and general plans with effect as of January 1, 2018 or later will be overridden. There is a specific carveout for regulating or prohibiting commercial uses including short term rentals.

11. **No enforcement of design standards enacted or effective after January 1, 2020.**

12. No limits on the number of permits issued, units approved or population growth except for limits enacted by voters prior to 2005 in agricultural counties.

13. Has unclear and confusing provisions regarding demolition of existing housing that is or has been rent controlled during the preceding 5 years. New section 66300 permits the demolition of even "occupied or vacant protected units" (meaning rent controlled or affordable housing covenanted units with a 5 year lookback) so long as the unit is replaced on a 1:1 basis, with the replacement units counted as affordable units required under the state density bonus law.

The demolition provision is phrased as a double negative ("An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless. . ." followed by a list of conditions. But that section also makes clear that it does not "supercede" any "objective" local provisions "that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households." It is still unclear whether an affected city or county has to approve a demolition that satisfies the listed conditions as long as any local conditions imposing greater protections or more affordability or relocation requirements are met.

Additionally, SB 330 permits cities and counties to legislate whether demolished units may be replaced by affordable housing units or must be replaced with units that comply with a local rent control ordinance, and expressly says that it does not supercede any local ordinance that is more protective of affordable housing or rent controlled units but there is no express carveout to the Costa Hawkins prohibition on subjecting new construction to local rent control. Similarly while residents are given the right to remain in place until 6 months prior to the commencement of construction, the "commencement" of construction is not defined and there is no enforcement mechanism. It also provides residents with relocation benefits and notice by cross-reference to the provisions of the Government Code that deal with a public entity's exercise of its right of eminent domain and a right of first refusal on a unit at an "affordable rent" (ie at 30% of average median income) which can be many times more than the rent controlled amount being paid prior to demolition and without any housing during the construction period (2.5 years statewide) without any clarity on how these cross-referenced sections are made applicable to private, new development.