

Housing Processing Comparison Chart

April 2024

Overview

California has enacted several pieces of legislation that require cities and counties to evaluate certain housing projects through a streamlined process. State laws require that certain uses be approved or denied within a specified time limit. This comparison chart provides a summary of these laws for local jurisdictions to use as a reference when processing various housing projects.

Purpose

The purpose of this material is to provide guidance, which agencies and other entities may use at their discretion. This guidance does not alter lead agency discretion in decision-making, independent judgment and analysis, and preparing environmental documents for project or governmental action subject to CEQA requirements. This material is for general information only and should not be construed as legal advice or legal opinion.

Law	Government Code Section	Jurisdictions Where Law Applies	Project Type	Required Site Characteristics	Affordability Requirement	Affordable Rent/Cost Definition	Ministerial, Discretionary, or Use By Right	CEQA Exemption	Eligible for Density Bonus, Waivers, Concessions, or reduced Parking Ratios under Government Code Section 65915?	Required to Comply with Applicable Local Objective Development Standards	Restrictions on Local Parking Requirements?	Notice of Complete Application	Determination of Consistency or Compliance	Approve/Deny Project	Triggers Prevailing Wage Requirements	Law Sunset
Housing Accountability Act (SB 330, 2019)	65589.5	All cities and counties	2 or more units, including residential units only; mixed use where at least 2/3 of the square footage is residential; transitional housing; supportive housing; emergency shelters.	N/A	None. If using subsection (d), either (A) at least 20 percent of the total units affordable to lower income households, or (B) 100 percent of the units affordable to moderate or middle income.	Housing cost for lower income households: 30 percent of 60 percent of area median income adjusted for household size. Housing cost for moderate income households: 30 percent of 100 percent of area median income adjusted for household size. Middle income cost not defined.	Discretionary	No, but may challenge local CEQA determination.	Yes. Considered consistent with objective standards.	Yes in most cases.	No	Within 30 days of receipt of application.	Within 30 days of the date the application is determined to be complete if the project is 150 or fewer units; Within 60 days of the date the application is determined to be complete if the project is 150 or fewer units.	See Permit Streamlining Act	No	No. Some sections sunset in 2030 and 2031.
Ministerial Streamlining for Housing (SB 35, 2017)	65913.4	A city or county that (i) did not issue enough building permits to meet its RHNA or (ii) has not adopted a housing element that HCD has found in substantial compliance or (iii) has not submitted an Annual Progress Report to HCD	A multifamily development that includes two or more residential units	Complete tribal consultation prior to accepting project application. Must meet standards under Government Code 65913.4(a)	One of the following as specified by HCD: 10% for households earning below 50% AMI, 10% for households earning below 80% AMI, 20% to households earning 100% AMI with the average income of units at or below 80% AMI (SF Bay Area only), or 50% for households earning at or below 80% AMI.	Affordable sales price: Health and Safety Code Section 50052.5. Affordable Rent: Health and Safety Code Section 50053, except, for 100% affordable, rent that is consistent with the public program providing financing.	Ministerial, including subdivision approval.	Exempt	Yes	Yes, with exceptions	Maximum one parking space per unit with many exceptions.	Within 30 days of receipt of application	Within 60 days of receipt of application if 150 or fewer units; within 90 days if more than 150 units	Within 90 days of receipt of application if 150 or fewer units; within 180 days if more than 150 units	Yes; also skilled and trained workforce requirements.	1/1/2036
Accessory Dwelling Units	65852.2	All cities and counties	Attached, detached, or interior accessory dwelling unit	Single family home or multifamily building must exist or be proposed with ADU	No	N/A	Ministerial	Exempt	No	Yes, with exceptions	One per ADU or per room, whichever is less, but many exemptions from any parking requirements.	Within 30 days of receipt of application.	Within 60 days of receipt of complete application. The review may be delayed until a proposed primary dwelling is approved.	Within 60 days of receipt of complete application. The review may be delayed until a proposed primary dwelling is approved.	No	No
Junior Accessory Dwelling Units	65852.22	All cities and counties	Junior accessory dwelling unit within single family home	Single family home must exist or be proposed with JADU	No	N/A	Ministerial	Exempt	No	No	No parking can be required, but may require replacement parking if JADU is developed in attached garage.	Within 30 days of receipt of application	Within 60 days of receipt of complete application. The review may be delayed until a proposed primary dwelling is approved.	Within 60 days of receipt of complete application. The review may be delayed until a proposed primary dwelling is approved.	No	No
ADUs with Preapproved Plans (AB 1332, 2023)	65852.27	All cities and counties	Attached, detached, or interior accessory dwelling unit	Single family home or multifamily building must exist or be proposed with ADU	No	N/A	Ministerial	Exempt	No	Yes, with exceptions	One per ADU or per room, whichever is less, but many exemptions from any parking requirements.	Within 30 days of receipt of application	Within 60 days of receipt of completed application. If plan is identical to the plan used in an application for a detached ADU approved by the local agency during the current triennial California Building Standards Code rulemaking cycle or if the plan was preapproved within the current rulemaking cycle, 30 days from receipt of a completed application.	Within 60 days of receipt of completed application. If plan is identical to the plan used in an application for a detached ADU approved by the local agency during the current triennial California Building Standards Code rulemaking cycle or if the plan was preapproved within the current rulemaking cycle, 30 days from receipt of a completed application.	No	No
Two Unit Development (SB 9, 2021)	65852.21	Cities that include a portion of an urbanized area or urban cluster and parcels in unincorporated areas wholly within an urbanized area or urban cluster.	One to two residential units	Single family residential zone; meets Government Code 65852.21 standards	No	N/A	Ministerial	Exempt	No	Yes, with exceptions	One parking space per unit with exceptions where near transit or car share.	Within 30 days of receipt of application	Same as Housing Accountability Act if 2 or more units proposed.	Permit Streamlining Act.	No	No
Urban Lot Split (SB 9, 2021)	66411.7	Cities that include a portion of an urbanized area or urban cluster and parcels in unincorporated areas wholly within an urbanized area or urban cluster.	Subdivision of a lot in a single-family zoned area. No more than two units/lot.	Meets standards under Government Code 66411.7(a)(3)	No.	N/A	Ministerial	Exempt	No	Yes, with exceptions	One parking space per unit with exceptions where near transit or car share.	Within 30 days of receipt of application	Same as Housing Accountability Act.	Permit Streamlining Act.	No	No
Middle Class Housing Act of 2022 (SB 6, 2022)	65852.24	Cities that include a portion of an urbanized area or urban cluster and parcels in unincorporated areas wholly within an urbanized area or urban cluster.	Residential units or mixed use development with at least 50% of new construction square footage for residences.	Parcel zoned for office, retail, or parking. Meet standards under Government Code Section 65852.24(b)	No, unless seek approval under Government Code Section 65913.4.	As required by Section 65913.4 if used.	Discretionary unless Section 65913.4 is used.	No, unless Section 65913.4 is used.	Yes	Yes, with exceptions	None.	Within 30 days of receipt of application	Same as Housing Accountability Act if discretionary; if Section 65913.4, use Section 65913.4 timelines.	Permit Streamlining Act if discretionary; if Section 65913.4, use Section 65913.4 timelines.	Yes; also skilled and trained workforce requirements.	1/1/2033

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Affordable Housing and High Road Jobs Act (AB 2011, 2022)	65912.100 et seq.	Cities that include a portion of an urbanized area or urban cluster and parcels in unincorporated areas wholly within an urbanized area or urban cluster.	Multifamily housing development in areas designated for office, retail, or parking development	Parcel zoned for office, retail, or parking. Meets standards under Government Code Section 65912.110 - 65912.113 (affordable housing) or 65912.120 - 65912.123 (mixed-income housing).	100% affordable for lower income households; OR Mixed income housing (Rental: 8% very low income and 5% low income; or 15% lower income. Ownership: 30% moderate income or 15% lower income.	Affordable housing: affordable sales price as defined in Health and Safety Code Section 50052.5; affordable rent as set by the California Tax Credit Allocation Committee. Mixed-income housing: Affordable sales price as defined in Health and Safety Code Section 50052.5; affordable rent as defined in Health and Safety Code Section 50053.)	Ministerial	Exempt	Yes	Yes, with many exceptions and may be standards from a different zone	Affordable housing: eligible for density bonus reductions. Mixed-income housing: no parking shall be required except electric vehicle spaces and disabled parking.	Within 30 days of receipt of application	Within 60 days of receipt of application if 150 or fewer units; within 90 days if more than 150 units	Within 90 days of receipt of application if 150 or fewer units; within 180 days if more than 150 units	Yes	1/1/2033
Adaptive Reuse (AB 1490, 2023)	65913.12	All cities and counties	Residential or commercial building that allows temporary occupancy retrofitted to multifamily housing within existing building envelope.	Infill site within 1/2 mile of public transit. No more than 1/3 of the site's or adjoining site's square footage is designated for industrial use.	100% lower income, including 50% very low income.	Affordable sales price as defined in Health and Safety Code Section 50052.5; affordable rent as set by the California Tax Credit Allocation Committee.	Discretionary	Not Exempt	No maximum density can be imposed.	Objective design review standards.	Local agency cannot impose requirement to add additional parking.	Within 30 days of receipt of application	Within 60 days of receipt of complete proposal if 150 or fewer units; within 90 days if more than 150 units	See Permit Streamlining Act	No	No
Starter Home Revitalization Act of 2021 (AB 803, 2021)	66499.40, 66499.41, and 65852.28	An incorporated city, the boundaries of which include some portion of an urbanized area and urbanized areas or urban clusters in a county with a population greater than 600,000 based on the most recent United States Census Bureau data. Most of 66499.41 becomes operative 7/1/24.	Small home lot development (subdivision for and single family homes on lots). Must have # of units included in housing element or meet maximum density.	Lot must be zoned for multifamily residential, no larger than 5 acres, and substantially surrounded by qualified urban uses. Meet additional site requirements in 66499.40(b) or 66499.41(a).	For subdivisions under 66499.41, if the parcel is identified to accommodate any portion of the jurisdiction's share of the regional housing need for low- or very low income households, the development will result in at least as many low- or very low income units as projected in the housing element. For subdivisions under 66499.41 that have affordability requirement, at least 45 years.	Health and Safety Code Section 50053.	Discretionary for 66499.40; Ministerial for 66499.41 and 65852.28	Development under 66499.40 not exempt. Parcel, tentative, and final maps approved under 66499.41 are exempt; Developments under 65852.28 are exempt.	No	Yes, with some exceptions	Development under 66499.40: yes, local agency cannot require parking to be covered or enclosed. Development under 65852.28: yes, local agency cannot require parking to be covered or enclosed or inconsistent with Government Code 65852.21(c)(1).	Within 30 days of receipt of application	For the application under 66499.40: See Housing Accountability Act. For the application under 66499.41 and 65852.28: within 60 days from receipt of a completed application.	For the application under 66499.40: See Permit Streamlining Act. For the map application under 66499.41: within 60 days from receipt of a completed application.	No	No
Affordable Housing on Faith and Higher Education Lands Act (SB 4, 2023)	65913.16	All cities and counties	Housing development as defined in Housing Accountability Act	Land owned on or before 1/1/2024 by a private institution of higher education or religious institution. Must meet standards under Government Code 65913.16(c)	100% affordable to lower income households, except 5% may be for staff of the institution and 20% may be for moderate income households.	Affordable sales price as defined in Health and Safety Code Section 50052.5; affordable rent as set by the California Tax Credit Allocation Committee	Ministerial	Not a project for purposes of CEQA	Yes	Yes, with exceptions	One parking space per unit with exceptions where near transit or car share.	Within 30 days of receipt of application	Within 60 days of receipt of application if 150 or fewer units; within 90 days if more than 150 units	Within 90 days of receipt of application if 150 or fewer units; within 180 days if more than 150 units	Yes	1/1/2036
Housing on Local Education Agency Land (AB 2295, 2022)	65914.7	All cities and counties	Rental housing with 10 or more units; priority for local education agency employees	Infill site adjacent to property that permits residential uses; within any applicable urban limit line or urban growth boundary. Property owned by local public education agency as of 1/1/2023.	Majority of units affordable to lower or moderate income households; at least 30% affordable to lower income households.	Health and Safety Code Section 50053	Discretionary	Not Exempt	Yes	Yes, with exceptions	No provisions related to parking.	Within 30 days of receipt of application	Same as Housing Accountability Act.	Permit Streamlining Act	No	1/1/2033
Supportive Housing Streamlining (AB 2162, 2018)	65650 et seq.	All cities and counties. Limited to 50 units within a city with a population less than 200,000 or the unincorporated area of a county with a population less than 200,000, and homeless population of 1,500 or fewer, unless the city or county approves a policy to allow larger projects.	Affordable housing where at least 25% of units are supportive housing serving homeless and those at risk of homelessness. Must receive public funding for lower income households.	Sites where multifamily housing and mixed use is permitted, including nonresidential zones permitting multifamily uses.	100% of the units affordable to lower income households with 25% or at least 12 units providing supportive housing.	Rents consistent with the rent limits set by the public program providing financing.	"Use by right" as defined in Section 65583.2(i).	Exempt	Yes	Yes, limited to objective development standards that apply to other multifamily developments in the zone	If within one half mile of a public transit stop, no minimum parking requirements for units occupied by supportive housing residents	Within 30 days of receipt of application	Within 60 days after application is complete for 50 or fewer units; within 120 days for more than 50 units	Within 60 days after application is complete for 50 or fewer units; within 120 days for more than 50 units	No	No
Navigation Centers (AB 101, 2019)	65660 et seq.	All cities and counties	Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities	Sites zoned for mixed use and nonresidential zones permitting multifamily uses	Not specified, but the target population is the population of individuals experiencing homelessness	N/A	"Use by right" as defined in Section 65583.2(i).	Exempt	No; does not provide dwelling units.	Yes, limited to objective design review standards, and must be approved if meets Section 65662.	Must be approved if meets Section 65662, which does not require parking.	Within 30 days of receipt of application	Within 60 days of receipt of a completed application	Within 60 days of receipt of a completed application	No	1/1/2027