**AB 1397 Model Language**

Housing Element Reuse Sites (Government Code Section 65583.2)

**June 2024**

**Overview**

Assembly Bill 1397 (AB 1397, 2017) requires sites identified in prior housing elements to only be included in a new element as available to accommodate the lower income RHNA if they are rezoned for by‐right development and require at least 20 percent of the housing on those sites be affordable to lower income households. This model presents language that local jurisdictions can customize to address the requirements of Government Code Section 65583.2.

**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.

**Model Language**

A local jurisdiction can use the following text to establish by-right provisions for projects on housing element “reuse” sites:

*As required by Government Code Section 65583.2, residential development projects proposed to include at least 20 percent lower income units, as defined in Health and Safety Code Section 50079.5, and not including an application for a subdivision map, shall be approved as a use by right. A use by right may not be subject to any City discretionary approval that constitutes a project under the California Environmental Quality Act; however, such use by right does not exempt projects from design review or the requirements of the California Coastal Act.*