



- a) Progress in meeting its RHNA share.
- b) Local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.
- c) Actions taken by the city or county towards completing programs contained within the housing element and the status of compliance with deadlines in the housing element.
- d) The number of housing development applications received in the prior year, as well as the number of units included in these applications and the number of units approved and disapproved.
- e) A list of sites rezoned to accommodate the city's or county's RHNA allocation for each income level that could not be accommodated on sites identified in the housing element's site inventory, and any additional sites that may be necessary to accommodate the city's or county's share of regional housing need.
- f) The number of net new units of housing, with a unique site identifier including but not limited to the parcel number, including both rental and for-sale housing, that have been issued a completed entitlement, building permit, or certificate of occupancy in the housing element cycle, and the income category that each unit satisfies.
- g) The number of SB 35 (Wiener, Chapter 366, Statutes of 2017) applications submitted and the total number of developments approved, the number of building permits issued, and the total number of units including both rental and for-sale housing by area median income, constructed through the SB 35 process.
- h) The number of density bonus applications received, and approved, by the city or county.

*Existing law regarding the State Historical Building Code:*

- 4) Establishes the State Historical Building Code to provide for the preservation of qualified historical buildings or structures; reasonable safety from fire, seismic forces, or other hazards for occupants of these buildings or structures; and reasonable availability to, and usability by, disabled individuals.
- 5) Requires local authorities to administer and enforce the State Historical Building Code with respect to qualified historical buildings and structures where applicable.
- 6) Defines "qualified historical building or structure" as follows:

- a) Any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state government jurisdiction.
  - b) Historical buildings or structures on existing or future national, state, or local historical registers of official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.
  - c) Places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state government jurisdiction.
- 7) Permits a city, county, or city and county to reduce or eliminate a parking requirement for developments of any type or location.

**This bill:**

- 1) Requires a local government to include in its APR a list of all historic designations listed on the National Register of Historic Places, the California Register of Historic Resources, or a local register of historic places by the city or county in the past year.
- 2) Also requires the APR to include the status of any housing development projects proposed for the new historic designations, including whether the project has been entitled, whether a building permit has been issued for it, and the number of units in the project.
- 3) Requires the housing element's analysis of government constraints upon the maintenance, improvement, or development of housing for all income levels to include historic preservation practices and policies and an assessment of how existing and proposed historic designations affect the locality's ability to meet its RHNA share.

**COMMENTS:**

- 1) *Author statement.* "AB 2580 enhances the transparency of the interaction between historic preservation and housing policy. It does so by requiring historic preservation policies and practices to be evaluated as potential constraints on housing in the Housing Element process, and ensures that cities disclose to HCD any newly adopted historical designations. By increasing this transparency, AB 2580 can help balance development of critically-needed housing production with protecting valuable historic resources."

- 2) *Housing Elements and RHNA*. Every city and county in California is required to develop a general plan that outlines the community's vision of future development through a series of policy statements and goals. A community's general plan lays the foundation for all future land use decisions, as these decisions must be consistent with the plan. State law mandates seven elements in a general plan: land use, circulation (e.g. traffic), housing, conservation, open-space, noise, and safety.

Each community's general plan must include a housing element, which outlines a long-term plan for meeting the community's existing and projected housing needs. The housing element demonstrates how the community plans to accommodate its "fair share" of its region's housing needs. Following a staggered schedule, cities and counties located within the territory of a metropolitan planning organization (MPO) must revise their housing elements every eight years, and cities and counties in rural non-MPO regions must revise their housing elements every five years. These five- and eight-year periods are known as the housing element planning period.

Before each revision, each community is assigned its fair share of the region's housing need for four separate income categories (very low-, low-, moderate-, and above-moderate income households) through a two-step process known as RHNA. In the first step, HCD determines the aggregate housing need for the region during the planning period the housing element will cover. In the second step, the council of governments (COG) for the region allocates the regional housing need to each city and county within the region.

In general, a housing element must identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet its share of the RHNA, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development.

- 3) *APRs*. APRs are an important tool for both local governments and the state, as both parties can rely on them to track progress in implementing the housing policy in their housing element, as well as to track outcomes. They also help highlight implementation challenges that may require technical assistance or other support from HCD. Additionally, APRs are important for informing statewide housing policy. The APRs provide the data that, aggregated across the state's 539 cities and counties, convey the amount, type, location, and affordability of housing to be produced in California. Existing law provides a list of requirements for what must be reported in the APR (see Existing Law, #7 above).

- 4) *Analysis of constraints.* Existing law requires each local government to include in its housing element an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and housing types. This includes land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permitting procedures, as well as any locally adopted ordinances that directly impact the cost and supply of residential development. This analysis must also include local efforts to remove governmental constraints that hinder the local government from meeting its RHNA share and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

Existing law also requires each local government to include in its APR information about its efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

Existing law does not specifically require historic designations to be included in the constraints analysis for either the housing element or the APR.

- 5) *Expanding the constraints analysis to historic preservation.* This bill would require the analysis of governmental constraints in each local government's housing element to include historic preservation practices and policies, and an assessment of how existing and proposed historic designations affect the local government's ability to meet its RHNA share. It would also require each local government to include in its APR a list of historic designations, the status of any housing development projects proposed for the new historic designations, and the number of units in the housing development project.

As part of their general police powers, local governments have the authority to designate historic districts, which set specific regulations and conditions to protect property and areas of historical and aesthetic significance. While well-intentioned, academics and others have pointed out that there are often negative impacts of historic districts on housing supply and racial equity. The author notes that not only does the process for designating a historic resource or district fail to require an assessment of the potential impact on a community's ability to meet its housing need, but local governments' analyses of governmental constraints often fail to include the impact of existing historic districts. This bill would add such an analysis to the housing element and APR requirements.

6) *Opposition concerns.* A coalition of historic preservation organizations states that this bill “unfairly stigmatizes historic preservation, ignoring the cost-effectiveness of historic rehabilitation in providing and retaining affordable housing.” The coalition notes that approximately 40% of projects applying for federal historic tax credits are used to create or maintain housing.

**RELATED LEGISLATION:**

**AB 2144 (Grayson, 2024)** — requires a local government to include in its Annual Progress Report (APR) specified information relating to compliance with existing law requirements to post specified fee and permit information on its website. *This bill is also being heard in this committee today.*

**AB 2263 ((Friedman, Chapter 234, Statutes of 2018)** — required a local agency to reduce the required number of parking spaces for development projects in which a designated historical resource is being converted or adapted.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: Yes

**POSITIONS:** (Communicated to the committee before noon on Wednesday, June 12, 2024.)

**SUPPORT:**

California YIMBY (Sponsor)  
Abundant Housing LA  
California Community Builders  
Circulate San Diego  
Housing Action Coalition  
Housing Leadership Council of San Mateo County  
LeadingAge California  
One San Mateo  
SPUR  
The Two Hundred  
YIMBY Action  
33 Individuals

**OPPOSITION:**

Alameda Architectural Preservation Society  
Berkeley Architectural Heritage Association  
California Preservation Foundation

Los Angeles Conservancy  
Napa County Landmarks  
Oakland Heritage Alliance  
Preservation Sacramento  
Preserve Orange County  
Rosie the Riveter Preservation Trust  
San Francisco Heritage  
Soho San Diego

**-- END --**