
SENATE COMMITTEE ON HOUSING
Senator Nancy Skinner, Chair
2023 - 2024 Regular

Bill No: AB 2728 **Hearing Date:** 6/24/2024
Author: Gabriel
Version: 6/17/2024 Amended
Urgency: No **Fiscal:** Yes
Consultant: Hank Brady

SUBJECT: Planning and zoning: housing development: independent institutions of higher education and religious institutions.

DIGEST: This bill requires local agencies to report data on the production of housing under the Affordable Housing on Faith and Higher Education Lands Act of 2023 in the Annual Progress Report (APR), and requires the Department of Housing and Community Development (HCD) to prepare information related to these developments.

ANALYSIS:

Existing law:

- 1) Requires every city and county to adopt a general plan that sets out planned uses for all of the area covered by the plan, and requires the general plan to include seven mandatory elements, including a housing element.
- 2) Requires each city and county to submit an APR to the Governor’s Office of Planning and Research (OPR) and HCD by April 1 of each year. The report is to evaluate the general plan’s implementation, including how local housing needs have been met (construction of new units, changes to zoning laws, facilitating regulatory hurdles to housing development, etc.).
- 3) Establishes the Affordable Housing on Faith and Higher Education Lands Act of 2023 and requires a housing development project to be a “use by right” on land owned by an independent institution of higher education or a religious institution, as specified, until January 1, 2036.
- 4) Establishes, pursuant to SB 35 (Weiner, Chapter 366, Statutes of 2017), and SB 423 (Weiner Chapter 423 Statutes of 2023), until 2036 a streamlined, ministerial review process for infill housing development projects that meet

strict objective standards and are on sites that are zoned for residential use or residential mixed-use development (SB 35 Developments).

This bill:

- 1) Requires local agencies to include all of the following information regarding development proposals authorized under the Affordable Housing on Faith and Higher Education Lands Act of 2023 in their APR:
 - a) The number of applications received.
 - b) The location and number of developments approved.
 - c) The total number of building permits issued.
 - d) The total number of units constructed.
- 2) Requires HCD to develop and publish a list of grants and financial incentives available for affordable housing developments located on land owned by higher education and religious institutions, as specified.
- 3) Requires HCD to prepare a set of model partnership agreements that can be used by higher education and religious institutions when they partner with affordable housing developer.

COMMENTS:

- 1) *Author's Statement.* "AB 2728 supports the production of affordable homes on land owned by faith institutions. This bill adds common sense measures and tools to support the efforts of our faith leaders to house the unhoused and low-income families. This kind of locally driven leadership will help us address our crippling housing crisis."
- 2) *APR Reporting.* Planning and Zoning Law requires each city and county's legislative body to adopt a "general plan" for land use within its jurisdiction, which includes an assessment of the development, zoning, and affordability of housing, known as a "housing element." The local government planning agency in each city and county must then submit an APR by April 1st of each year to the local legislative body, OPR, and HCD. The APR must include information about all proposed and approved development projects, a list of rezoned sites to accommodate housing for each income level, and information on density bonus applications and approvals, among other provisions. The report documents the city's or county's progress towards meeting its general plan goals and RHNA.

- 3) *Housing Development Projects and CEQA*. In light of the state’s ongoing housing crisis, the Legislature created several statutory exemptions from CEQA for specific types of housing development projects in order to increase the production of housing. The Legislature also created several statutory schemes that require local governments to approve specified housing development projects ministerially. Ministerial approvals remove a project from all discretionary decisions of a public agency, and thus are not subject to CEQA which only applies to discretionary approvals.

Bypassing CEQA can provide a tremendous benefit to property owners, developers, local governments and other parties involved in the approval of a project as it allows for the project to be completed in an expedited fashion. The Legislature balances the risk of allowing projects to proceed without a full environmental review by ensuring that these projects comply with scores of objective standards and criteria and that they are not located on environmentally sensitive sites. These standards and criteria are an expression of the state’s values and ensure that these projects do not result in harm to public health and safety and the environment.

- 4) *APR Reporting streamlined projects*. Several recently enacted laws created new categories of housing development projects that local agencies must approve ministerially (i.e. projects that are not subject to CEQA). For example, SB 35 created a streamlining process for certain multifamily developments and the law includes a requirement for local agencies to include data on any projects approved pursuant to the provisions of SB 35 in the APR. With respect to SB 35 developments, local agencies are required to report on the total number of developments approved, the total number of building permits issues, and the total number of units built, as specified. This bill would require local agencies to report this same type of information on projects authorized under the Affordable Housing on Faith and Higher Education Lands Act of 2023 in their APR.

RELATED LEGISLATION:

SB 423 (Weiner, Chapter 778, Statutes of 2023) — extended the sunset, amended the labor standards, and made other changes to SB 35 (Wiener), Chapter 366, Statutes of 2017.

SB 4 (Weiner, Chapter 771, Statutes of 2023) — established the Affordable Housing on Faith and Higher Education Lands Act of 2023, which, until January 1, 2036, enables 100% affordable housing to be a use by right on land owned by religious institutions and independent institution of higher education.

AB 2011 (Wicks, Chapter 647, Statutes of 2022) — required specified housing development projects to be a use by right on specified sites zoned for retail, office, or parking, as specified.

SB 35 (Wiener, Chapter 366, Statutes of 2017) — created a ministerial approval process for specified infill, multifamily housing development projects.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 19, 2024.)

SUPPORT:

Los Angeles County Business Federation (BIZ-FED) (Co-Sponsor)
Nonprofit Housing Association of Northern California (Co-Sponsor)
American Jewish Committee - Los Angeles
California Catholic Conference
California Housing Partnership Corporation
Christian Church Homes (CCH)
Circulate San Diego
City of Oakland
CivicWell
Democrats for Israel - CA
Democrats for Israel Los Angeles
East Bay Housing Organizations
Enterprise Community Partners, INC.
Etta
Habitat for Humanity California
Hadassah
Hadassah Southern California
Hias
Holocaust Museum LA
Housing Action Coalition
JCRC Bay Area
Jewish Center for Justice
Jewish Community Federation and Endowment Fund
Jewish Democratic Club of Marin
Jewish Democratic Club of Solano County
Jewish Democratic Coalition of The Bay Area
Jewish Family and Children's Service of Long Beach and Orange County
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and

Sonoma Counties
Jewish Family Service of Los Angeles
Jewish Family Service of San Diego
Jewish Family Services of Silicon Valley
Jewish Federation of The Greater San Gabriel and Pomona Valleys
Jewish Long Beach
Jewish Public Affairs Committee
Jewish Silicon Valley
JVS SoCal
Merritt Community Capital Corporation
MidPen Housing
Monterey Bay Economic Partnership
Move California
Progressive Zionists of California
Resources for Community Development
SPUR
The Kennedy Commission
The San Fernando Valley Young Democrats
YIMBY Action

OPPOSITION:

None received.

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