



Housing Crisis Act of 2019

SB 330 Removes Local Barriers to New Housing Development

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On October 9, 2019, Governor Gavin Newsom signed Senate Bill 330 (“SB 330”) enacting the Housing Crisis Act of 2019 (the “Act”). The Act purports to remove local barriers to new housing production by placing restrictions on local governments, amending the Housing Accountability Act, and revising the development application approval process and timelines. It will go into effect on January 1, 2020 and will be effective until January 1, 2025. This alert provides a brief summary of the Act’s salient provisions. The following provisions affect “housing development projects,” which are defined to include projects that consist entirely of residential units, mixed use projects with at least two-thirds of the square footage designated for residential use, or transitional/supportive housing.

Amendments to the Housing Accountability Act

- Project applications are to be deemed complete once a “preliminary application” containing all information specified in the statute has been submitted.
- Local agencies are prohibited from applying ordinances, policies, and standards, including fees, to a project that were not adopted and in effect when a project application was deemed complete, except for the enumerated circumstances.

Changes to the Project Approval Process and Permit Streamlining Act

- Local agencies are prohibited from holding more than five public hearings in connection with the approval of a project provided the proposed project complies with the objective general plan and zoning standards in effect at the time the application is deemed complete.
- Local agencies are required to compile a checklist or form detailing all information required for an application to be deemed complete.
- A project proponent must submit a full application within 180 days of the submittal of a preliminary application, or resubmit within 90 days of receiving a written notice of incompleteness, or else the preliminary application expires.
- Local agencies have 30 calendar days from submittal to determine in writing whether an application is complete. If a local agency deems an application to be incomplete, it must provide the applicant with a list of items that are incomplete based on the approved checklist. Future reviews of the application must be limited to the information required by the initial incompleteness determination.¹

¹ These process changes are intended to apply to all projects, not just housing development projects.



- If a project is revised to change the square footage or units by 20% or more, a project proponent will no longer be deemed to have submitted a preliminary application.
- Local agencies are required to approve or disprove a project within 90 days (as opposed to 120 days) from the date of certification of an EIR for housing development projects and within 60 days (as opposed to 90 days) from the date of certification of an EIR for certain affordable projects.

Other Restrictions on Local Governments

- An “affected city or county,” as defined by the Act, is prohibited from enacting a development policy, standard, or condition, except for in certain circumstances, that would have any of the following effects on land when housing is an allowed use:
 - Changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018;
 - “Less intensive use” is defined to include, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.
 - Imposing or enforcing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided;
 - Imposing or enforcing new design standards established on or after January 1, 2020, that are not objective design standards, as defined; or
 - Establishing or implementing certain limits on the number of permits issued by, or the population of, the county or city, unless the limit was approved prior to January 1, 2005, in a predominantly agricultural county, as defined.

Should you have any questions, please contact [Jeffrey L. Farano, Jr.](#)

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