



SB 828 (Wiener)

Land Use: Housing Element

SB 828 makes a number of changes to the criteria to be considered in the regional housing needs allocation (RHNA) process. RHNA for each city and county is a projection of additional housing units needed to accommodate existing households and projected household growth at all income levels by the end of the planning period. The California Department of Housing and Community Development (HCD) projects new RHNA numbers every eight years, or in some rural areas every five years. HCD makes regional projections that must be informed by data from and consultation with the council of governments (COG) for each region. Then the COGs determine the actual distribution of that housing need within the region to individual cities and counties. Brisbane's COG is the Association of Bay Area Governments (ABAG), which includes local governments across nine different counties and represents more than 7 million people.

Housing Element law requires local governments to adequately plan to meet their existing and projected housing needs including their share of RHNA. RHNA for each city and county may impact a local government's need to zone for additional housing. However, because SB 828 will have a broader regional impact on how RHNA numbers are calculated and distributed, it is unclear the direct impact the bill might have on any individual city, including Brisbane. The provisions of SB 828 become effective on January 1, 2019.

Specifically, this bill...

Requires the COG to provide the following information to HCD in determining the region's housing need:

- The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market;
- Defines the vacancy rate for a healthy housing market as no less than 5 percent (existing law requires the COG to provide vacancy rates for the existing housing stock in the region and for a healthy housing market);
- The percentage of households that are cost-burdened and the rate of housing cost burden for a healthy housing market.

The bill also authorizes HCD to make adjustments based on the region's total projected households, which includes existing and future need.

SB 828 also prohibits COGs from using the following as a justification for a determination or reduction in a jurisdiction's share of regional housing:

- Any ordinance, policy, or voter-approved measure directly or indirectly limiting the number of residential building permits.
- Prior underproduction of housing from the previous RHNA cycle.



- Stable population numbers in a city or county from the previous regional housing needs cycle.

The factors in SB 828 are not the only criteria taken into account in the RHNA process. Existing law also requires a number of other criteria to be considered, for example:

- Anticipated household growth in the region associated with projected population increases.
- Household size data and trends in household size.
- The relationship between jobs and housing in the region.
- The opportunities and constraints to development of additional housing including, the availability of land suitable for urban development and lands preserved or protected from development.