

Date of Hearing: April 17, 2013

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Norma Torres, Chair

AB 873 (Torres) – As Amended: March 21, 2013

SUBJECT: Land use: general plan: housing element.

SUMMARY: Clarifies the definition of "supportive housing" for purposes of Housing Element Law. Specifically, this bill:

- 1) Removes the cross-reference in Housing Element Law to the definition of supportive housing in the statutes governing the Multifamily Housing Program (MHP) and instead defines supportive housing for purposes of Housing Element Law as housing with no limit on length of stay that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
- 2) Replaces the cross-reference in Housing Element Law to the definition of transitional housing in the statutes governing MHP with the actual definition.

EXISTING LAW

- 1) Requires every city and county to prepare a housing element as part of its general plan and requires the element to identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development (Government Code Section 65580, et seq.).
- 2) Pursuant to Housing Element Law, requires that cities and counties treat transitional and supportive housing as a residential use of property subject to only those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583).
- 3) Establishes the Multifamily Housing Program (MHP) to assist with the new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower income households (Health and Safety Code Section 50675).
- 4) Establishes criteria for projects funded through the supportive housing component of MHP (MHP-SH) (Health and Safety Code Section 50675.14).
- 5) Defines “supportive housing” for the purposes of MHP-SH to mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (Health and Safety Code Section 50675.14).

- 6) Defines “target population” for purposes of MHP-SH as persons, including persons with disabilities, and families who are homeless or who are homeless youth (Health and Safety Code Section 50675.14).
- 7) Defines “transitional housing” for purposes of the MHP program to mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (Health and Safety Code Section 50675.2)

FISCAL EFFECT: None

COMMENTS:

SB 2 (Cedillo, Chapter 633, Statutes of 2007) required, among other things, that cities and counties consider supportive and transitional housing to be a residential use of property for zoning purposes, subject to only those restrictions that apply to other residential dwellings of the same type in the same zone. The goal was to ensure that local governments were considering the use of a building in the zoning process rather than the specific user group, a practice that can lead to discrimination claims.

In defining the terms "supportive housing" and "transitional housing," SB 2 cross-referenced existing definitions in law that applied for purposes of the Multifamily Housing Program (MHP), a funding program administered by the Department of Housing and Community Development. The cross-referenced code section for the purposes of defining "supportive housing" included both a general definition of the term and a reference to the target population for the funding available under the supportive housing component of MHP (MHP-SH).

In 2011, AB 483 (Torres, Chapter 275) made changes to the target population for MHP-SH funding. The goal of the bill was to more narrowly focus the very limited funds available under MHP-SH and ensure that awards went to projects that would be serving the neediest populations. The change to the target population was not intended to mean that supportive housing projects serving populations that had previously been eligible for MHP-SH funding were no longer considered to be supportive housing. Unfortunately, because of the cross-reference in Housing Element Law, that could be an unintended interpretation.

AB 873 takes the general definition of supportive housing from the MHP statutes and places it directly into Housing Element Law without reference to the target population for funding under MHP-SH. This change will ensure that all supportive housing is treated as a residential land use for zoning purposes, not just supportive housing that is eligible for funding under MHP-SH.

AB 873 additionally removes the cross-reference to the MHP definition for transitional housing and instead puts the definition directly into Housing Element Law. The definition remains the same as it has been since the passage of SB 2.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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