AB 476 (M. González) Analysis and Recommendation

TITLE: Metal theft
AUTHOR: Assemblymember Mark González (D-Los Angeles)
CO-AUTHORS: Assemblymembers Alanis (R-Modesto), Chen (R-Yorba Linda), Davies (R-Laguna Niguel), Flora (R-Ripon), Haney (D-San Francisco), Krell (D-Sacramento), Pacheco (D-Downey), and Schiavo (D-Chatsworth); Senator Archuleta (D-Pico Rivera)
SPONSORS: League of California Cities, City of San Jose, Los Angeles Cleantech Incubator, Electrical Vehicle Charging Association
RECOMMENDATION: Support

BACKGROUND: While thieves have been stealing copper wiring and other copper-containing materials for resale to junk dealers and recyclers for decades, an increase in the value of scrap metals over the last two decades has coincided with an increase in occurrences of metal theft. According to "Protecting the Nation's Critical Communications Infrastructure," a 2025 report published jointly by major national telecommunications and broadband associations, communications infrastructure in the United States alone has experienced more than 5,700 incidents of metal theft and vandalism between June and December 2023. These crimes often lead to a multitude of telecommunication and utility outages, including disruptions to 911 emergency systems, law enforcement operations, public transit operations, streetlights and traffic lights, and healthcare systems.

Current law requires junk dealers and recyclers to keep a written record of purchases that includes the date, description of materials purchased, the name of the person selling the materials, and the name of the person from whom the dealer may have originally obtained the materials being sold. The seller's driver's license or another form of legal identification must be provided for the transfer to be completed and payment made.

Current law also prohibits the buying, selling, or dealing in materials that a recycler should reasonably know are ordinarily used by or belong to a railroad, a telephone company, a gas, water, or electric light company, or a county, city, or other political subdivisions of the state engaged in furnishing public utility services, without the use of due diligence to determine if the person selling such materials to the dealer has a legal right to do so. A dealer who is found guilty of criminally receiving such property can be charged with a misdemeanor punishable by a fine of no more than $1,000, or by imprisonment in a county jail for not more than one year. Additionally, the salvage, recycling, purchase, or sale of scrap metal that was stolen from a public agency, city, county, special district, or private utility can be punishable by a fine of no more than $3,000.

The issue of copper and metal theft has long plagued BART, adversely affecting transit operations and the District's non-revenue vehicle fleet. In 2011, the BART Police Department prepared a report on the impact of metal theft to the District. The report detailed that copper theft incidents had targeted earthquake retrofit sites, capital improvements sites, storage facilities, and track wayside areas. Additionally, the plethora of ways in which thieves were identified to have infiltrated BART property exposed potential weakness that could be targeted by terrorist attacks. In 2012, BART supported efforts to pass Assembly Bill (AB) 1971 (Chapter 82, Statutes of 2012), which increased the fine for criminally receiving materials that a recycler should have reasonably known are used by or belong to a railroad, telephone company or other utility provider, from $250 to $1,000.

PURPOSE: AB 476 seeks to strengthen copper wire theft prevention and enforcement efforts by requiring junk dealers and recyclers to collect and retain a more detailed written record of junk sales including the time and date of the transaction, the amount paid for each purchase, the name of the individual handling the transaction, and the legal name, date of birth, and place of residence of the seller. This would allow law

enforcement to identify and target repeat or organized retail theft offenders. Additionally, the bill seeks to protect local governments and agencies by prohibiting the possession of scrap metal obtained from public infrastructure without legal documentation.

The bill would further expand the list of materials and items frequently subject to metal theft for purposes of prohibiting illegal possession and sale, including conductors, wiring, fiber optic cables, cameras, communications or broadband infrastructure, digital banners and signs, electrical vehicle (EV) chargers, irrigation wiring, LED fixtures, battery packs, and streetlight-related equipment. This bill increases the maximum fine for misdemeanor crimes of this nature from $1,000 to $5,000 and increases the fine from $3,000 to $5,000 for metal theft crimes against a public agency, city, county, special district, or private utility.

Finally, the bill creates the new crime of organized metal theft, which would allow prosecutors to bring enhanced charges for coordinated or repeated metal thefts. This is in line with legislative efforts targeting organized retail theft by creating the crime of organized retail theft, first created by AB 1065 (Chapter 803, Statutes of 2018).

DISTRICT IMPACT: Metal theft is harmful to BART's infrastructure from a financial, operational, and public safety perspective, and the prevalence of such occurrences is increasing. Thieves have cut holes in the fence line along grade-level tracks, cut fiber optic communications cables looking for copper, and broken into storage yards to steal copper from cable spools. Vandalism to BART property has included damage to security fences, substations, and materials for maintenance or upcoming projects. Additionally, since 2020, BART staff reported that thieves have stolen 60 catalytic converters from BART's non-revenue vehicle fleet.

This problem strains BART's financial and human resources. Costs are incurred not only for the replacement of the copper materials but also the labor associated with replacement and the time spent away from accomplishing other important maintenance or improvement projects in the District. Potential service delays and safety hazards could be caused by power and communication errors stemming from missing criminal activity related to copper theft.

The financial impact of each incident depends on the type and extent of vandalism. For example, the cost to replace cut cables on a spool can range from $200,000 to $500,000 per spool, depending on the amount of damage done to the spool. Vandalism to a transformer at a substation could cost $2 to $5 million per incident, including materials and staffing costs. Staffing costs can also range from $40,000 to $700,000 for each incident that causes a service delay and may involve BART employees and/or contracted vendors performing repairs during regular service and non-revenue hours. Depending on the scope of repairs needed, BART service could be affected for several hours or longer, potentially setting back BART's farebox revenue by up to $1 million per incident.

In reviewing the bill, BART PD noted that the bill does not include a provision that they have identified as potentially helpful in efforts to solve metal theft cases, which is the ability to access junk dealer and recycler records without a warrant.

KNOWN SUPPORT/OPPOSITION:
SUPPORT: League of California Cities (Co-Sponsor), City of San Jose (Co-Sponsor), Los Angeles Cleantech Incubator (LACI) (Co-Sponsor), Electric Vehicle Charging Association (EVCA) (Co-Sponsor)

In addition to the bill's sponsors, 74 public agencies, local governments, associations and organizations, including: California Transit Association, Peninsula Corridor Joint Powers Board (Caltrain), San Mateo County Transit District (SamTrans), San Mateo County Transportation Authority (SMCTA), City of Alameda, California Association of School Police Chiefs, California Coalition of School Safety Professionals, California Narcotic Officers' Association, California Reserve Peace Officers Association,

California Contract Cities Association, California Municipal Utilities Association (CMUA), CalBroadband, CalCom Association, California Legislative Conference of the Plumbing, Heating and Piping Industry (CLC), Independent Energy Producers Association, Large-Scale Solar Association, National Electrical Contractors Association (NECA), Solid Waste Association of North America, Wall and Ceiling Alliance (WACA), Western Painting and Coating Contractors Association (WPCCA), Western Line Constructors (WLC), US Telecom

OPPOSE: ACLU California Action, California Public Defenders Association, Californians United for a Responsible Budget, LA Defensa

STATUS: Referred to the Senate Committee on Appropriations; hearing set for August 18.

AMENDED IN SENATE JULY 16, 2025

AMENDED IN SENATE JUNE 19, 2025

AMENDED IN ASSEMBLY MAY 1, 2025

AMENDED IN ASSEMBLY APRIL 23, 2025

AMENDED IN ASSEMBLY MARCH 27, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL No. 476

Introduced by Assembly Member Mark González
(Coauthors: Assembly Members Alanis, Chen, Davies, Flora, Haney, Krell, ~~and Pacheco~~ *Pacheco, and Schiavo*)
(Coauthor: Senator Archuleta)

February 10, 2025

An act to amend Sections 21606 and 21609.1 of the Business and Professions Code, and to amend Sections 496a and 496e of, and to add Section 496f to, the Penal Code, relating to metal theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as amended, Mark González. Metal theft.

Existing law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as "junk." Existing law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the place and date of each sale or purchase of junk and a description of the item or items, as specified. Existing law requires the written record to include a statement indicating either that the seller of the junk is the owner of it, or the name

of the person they obtained the junk from, as shown on a signed transfer document. Existing law prohibits a junk dealer or recycler from providing payment for nonferrous materials until the junk dealer or recycler obtains a copy of a valid driver's license of the seller or other specified identification. Existing law requires a junk dealer or recycler to preserve the written record for at least 2 years. Existing law makes a violation of the recordkeeping requirements a misdemeanor.

This bill would require junk dealers and recyclers to include additional information in the written record, including the time and amount paid for each sale or purchase of junk made, and the name of the employee handling the transaction. The bill would revise the type of information required to be included in the description of the item or items of junk purchased or sold, as specified. The bill would require the statement referenced above indicating ownership or the name of the person from whom the seller obtained the junk from to be signed and would require the statement to include specified information, including the legal name, date of birth, and place of residence of the seller.

Existing law prohibits a junk dealer or recycler from possessing certain materials, including a fire hydrant or manhole cover or lid, without written certification from the agency owning or previously owning the material specifying that the agency has either sold the material or is offering the material for sale, salvage, or recycling and that the person is authorized to negotiate the sale of the material. Existing law makes it a crime for any person who is engaged in the salvage, recycling, purchase, or sale of scrap metal to possess specified items, including a fire hydrant or a manhole cover or lid, that were owned or previously owned by specified public entities and that have been stolen or obtained in a manner constituting theft or extortion, knowing the property to be stolen or obtained in that manner, or to fail to report possession of those items, as specified. A person who violates those provisions is subject to a criminal fine of not more than $3,000.

This bill would expand the list of materials and items subject to those provisions to include, among other things, items reasonably recognizable as street lights and related equipment, and would increase the maximum amount of the criminal fine to $5,000.

Existing law makes a person who is a dealer in or collector of junk, metals, or secondhand materials, or their agent, employee, or representative, who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass that the person knows or reasonably should know is used by or belongs to specified entities, including a

railroad, certain utility companies, or a public entity engaged in furnishing public utility service, without using due diligence to ascertain that the person selling or delivering that material has a legal right to do so, guilty of criminally receiving that property and, in addition to imprisonment, makes that act punishable by a fine of not more than $1,000.

This bill would ~~additionally~~ *instead* make the act punishable by a fine of not more than ~~$10,000.~~ *$5,000*.

This bill would also prohibit organized metal theft, described as acting in concert with one or more persons to steal metal materials from one or more of specified materials and items with the intent to sell, exchange, or dismantle for value, acting in concert with 2 or more persons to receive, purchase, or possess those metal materials knowing or believing it to have been stolen, acting as an agent of another to steal those metal materials as part of an organized plan to commit theft, or recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake acts of theft of metal. The bill would make a violation of organized metal theft punishable as either a misdemeanor or a felony.

By creating new crimes and expanding the scope of existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 21606 of the Business and Professions Code is amended to read:

21606. (a) Every junk dealer and every recycler shall set out in the written record required by this article all of the following:

(1) The place, date, time, and amount paid of each sale or purchase of junk made in the conduct of their business as a junk dealer or recycler and the name of the employee handling the transaction.

(2) One of the following methods of identification:

(A) The name, valid driver's license number, and state of issue or California- or United States-issued identification card number.

(B) The name, identification number, and country of issue from a passport used for identification and the address from an additional item of identification that also bears the seller's name.

(C) The name and identification number from a Matricula Consular used for identification and the address from an additional item of identification that also bears the seller's name.

(3) The vehicle license number, including the state of issue, of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.

(4) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.

(5) A description of the item or items of junk purchased or sold, including the item type, number of units, weight, identifying marks engraved or etched on the metal, if any, and serial numbers, if any.

(6) A signed statement indicating either that the seller of the junk is the owner of it, or the name of the person the seller obtained the junk from, as shown on a signed transfer document. The signed statement shall include the legal name, date of birth, and place of residence, including street number, street name, city, state, and ZIP Code, of the seller.

(b) Any person who makes, or causes to be made, any false or fictitious statement regarding any information required by this section, is guilty of a misdemeanor.

(c) Every junk dealer and every recycler shall report the information required in subdivision (a) to the chief of police or to the sheriff in the same manner as described in Section 21628.

SEC. 2. Section 21609.1 of the Business and Professions Code is amended to read:

21609.1. (a) A junk dealer or recycler shall not possess any of the following material that was owned or previously owned by an agency, in the absence of a written certification on the letterhead of the agency owning or previously owning the material described in the certification that the agency has either sold the material described or is offering the material for sale, salvage, or recycling, and that the person possessing the certification and identified in the certification is authorized to negotiate the sale of that material:

(1) A fire hydrant or any reasonably recognizable part of a fire hydrant.

(2) A fire department connection, including, but not limited to, reasonably recognizable bronze or brass fittings and parts.

(3) A maintenance hole cover or lid or reasonably recognizable part of a maintenance hole cover or lid.

(4) Backflow devices and connections to that device, or any part of that device.

(5) Reasonably recognizable street lights, traffic signals, and their reasonably recognizable related equipment, including, but not limited to, all of the following:

(A) Controller devices.

(B) Light-emitting diode (LED) fixtures.

(C) Ornamental or historical, modern, or pedestrian poles made of concrete, steel, brass, cast iron, or aluminum.

(D) Solar street lighting components, such as solar panels, steel poles, and battery packs.

(E) Colocation equipment.

(F) Conductors, wiring, and cabling, including fiber optic cables.

(G) Cameras.

(H) Air quality sensors.

(I) Digital banners and signs.

(J) Pedestrian and cycling counters.

(6) Active grade crossing signals.

(7) Sewer flow monitoring station equipment.

(8) Sewer pump station instrumentation and controls.

(9) Stormwater auto sampling equipment and instrumentation.

(10) Stormwater pump station instrumentation and controls.

(11) Irrigation wiring.

(12) Plaques.

(13) Communications or broadband infrastructure or equipment.

(14) Electric vehicle chargers.

(15) Water meters and water meter components.

(b) A junk dealer or recycler who unknowingly takes possession of one or more of the items listed in subdivision (a) as part of a load of otherwise nonprohibited materials without a written certification has a duty to notify the appropriate law enforcement agency by the end of the next business day upon discovery of the prohibited material. Written certification shall relieve the junk dealer or recycler from any civil or criminal penalty for possession

of the prohibited material. The prohibited material shall be set aside and not sold pending a determination made by a law enforcement agency pursuant to Section 21609.

(c) For purposes of this section, the following definitions apply:

(1) "Agency" means a public agency, city, county, city and county, special district, or private utility regulated by the Public Utilities Commission.

(2) "Appropriate law enforcement agency" means either of the following:

(A) The police chief of the city, or their designee, if the item or items listed in subdivision (a) are located within the territorial limits of an incorporated city.

(B) The sheriff of the county or their designee if the item or items listed are located within the county but outside the territorial limits of an incorporated city.

(3) "Written certification" means a certification in written form by the junk dealer or recycler to a law enforcement agency, including electronic mail, facsimile, or a letter delivered in person or by certified mail.

SEC. 3. Section 496a of the Penal Code is amended to read:

496a. (a) Every person who is a dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of such dealer or collector, and who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which they know or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company, or a county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service, without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than ~~ten thousand dollars ($10,000),~~ *five thousand dollars ($5,000),* or by both that fine and imprisonment.

(b) Any person who buys or receives material pursuant to subdivision (a) shall obtain evidence of their identity from the seller, including, but not limited to, that person's full name,

signature, address, driver's license number, and vehicle license number, and the license number of the vehicle delivering the material.

(c) The record of the transaction shall include an appropriate description of the material purchased and the record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

SEC. 4. Section 496e of the Penal Code is amended to read:

496e. (a) Any person who is engaged in the salvage, recycling, purchase, or sale of scrap metal and who possesses any of the following items that were owned or previously owned by any public agency, city, county, city and county, special district, or private utility that have been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or fails to report possession of the items pursuant to Section 21609.1 of the Business and Professions Code, is guilty of a crime:

(1) A fire hydrant or any reasonably recognizable part of that hydrant.

(2) Any fire department connection, including, but not limited to, reasonably recognizable bronze or brass fittings and parts.

(3) Maintenance hole covers or lids, or any reasonably recognizable part of those maintenance hole covers and lids.

(4) Backflow devices and connections to that device, or any part of that device.

(5) Reasonably recognizable street lights, traffic signals, and their reasonably recognizable related equipment, including, but not limited to, all of the following:

(A) Controller devices.

(B) Light-emitting diode (LED) fixtures.

(C) Ornamental or historical, modern, or pedestrian poles made of concrete, steel, brass, cast iron, or aluminum.

(D) Solar street lighting components, such as solar panels, steel poles, and battery packs.

(E) Colocation equipment.

(F) Conductors, wiring, and cabling, including fiber optic cables.

(G) Cameras.

(H) Air quality sensors.

(I) Digital banners and signs.

(J) Pedestrian and cycling counters.

(6) Active grade crossing signals.
(7) Sewer flow monitoring station equipment.
(8) Sewer pump station instrumentation and controls.
(9) Stormwater auto sampling equipment and instrumentation.
(10) Stormwater pump station instrumentation and controls.
(11) Irrigation wiring.
(12) Plaques.
(13) Communications or broadband infrastructure or equipment.
(14) Electric vehicle chargers.
(15) Water meters and water meter components.

(b) A person who violates subdivision (a) shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than five thousand dollars ($5,000).

SEC. 5. Section 496f is added to the Penal Code, to read:

496f. (a) A person who commits any of the following acts is guilty of organized metal theft and shall be punished pursuant to subdivision (b):

(1) Acts in concert with one or more persons to steal metal materials from one or more of the items described in subdivision (a) of Section 496a or subdivision (a) of Section 496e with the intent to sell, exchange, or dismantle for value.

(2) Acts in concert with two or more persons to receive, purchase, or possess metal materials described in subdivision (a) of Section 496a or subdivision (a) of Section 496e knowing or believing it to have been stolen.

(3) Acts as an agent of another individual or group of individuals to steal metal materials described in subdivision (a) of Section 496a or subdivision (a) of Section 496e as part of an organized plan to commit metal theft.

(4) Recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake any of the acts described in paragraph (1) or (2) or any other statute defining theft of metal.

(b) Organized metal theft is punishable as follows:

(1) If violations of paragraph (1), (2), or (3) of subdivision (a) are committed on two or more separate occasions within a 12-month period, and if the aggregated value of the metal stolen, received, purchased, or possessed within that 12-month period exceeds nine hundred fifty dollars ($950), the offense is punishable by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170.

(2) Any other violation of paragraph (1), (2), or (3) of subdivision (a) that is not described in paragraph (1) of this subdivision is punishable by imprisonment in a county jail not exceeding one year.

(3) A violation of paragraph (4) of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170.

(c) For the purpose of determining whether the defendant acted in concert with another person or persons in any proceeding, the trier of fact may consider any competent evidence, including, but not limited to, all of the following:

(1) The defendant has previously acted in concert with another person or persons in committing acts constituting theft, or any related offense, including any conduct that occurred in counties other than the county of the current offense, if relevant to demonstrate a fact other than the defendant's disposition to commit the act.

(2) That the defendant used or possessed an artifice, instrument, container, device, or other article capable of facilitating the removal of metal from materials described in subdivision (a) of Section 496a or subdivision (a) of Section 496e without permission or authorization and use of the artifice, instrument, container, or device or other article is part of an organized plan to commit metal theft.

(3) The property involved in the offense is of a type or quantity that would not normally be collected or purchased for personal use, and the property is intended for resale.

(d) In a prosecution under this section, the prosecutor shall not be required to charge any other coparticipant of the organized metal theft.

(e) This section does not preclude or prohibit prosecution pursuant to Section 594 or charging an enhancement pursuant to Sections 12022.6 or 12022.65.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

the meaning of Section 6 of Article XIII B of the California Constitution.

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SB 79 (Wiener) Analysis

TITLE: Housing development: transit-oriented development.
AUTHOR: Senator Wiener (D-San Francisco)
PRINCIPAL CO-AUTHOR: Assemblymember Wicks (D-Oakland)
CO-AUTHORS: Assemblymembers Haney (D-San Francisco) and Lee (D-Milpitas)
SPONSORS: California YIMBY, San Francisco Bay Area Planning and Urban Research Association (SPUR), Streets for All, Bay Area Council, Greenbelt Alliance, Inner City Law Center

BACKGROUND: California faces an ever-worsening housing and housing affordability crisis. According to "A Home for Every Californian," a statewide housing plan issued in March 2022 by the California Department of Housing and Community Development (HCD), the state must build 2.5 million homes by 2030, with at least 1 million of them affordable for lower-income families, in order to ease this crisis.

BART aims to do its part to alleviate this crisis by partnering with developers to develop station parking lots into transit-oriented developments (TOD) that include at least 20% of units designated as affordable per site, with a portfolio-wide goal of 35% affordable. BART has an ambitious goal to deliver 20,000 housing units, 7,000 of them affordable, through TOD projects on BART-owned land by 2040.

Assembly Bill (AB) 2923 (Chapter 1000, Statutes of 2018) is the current law governing zoning requirements on BART-owned property located within a half mile of our stations in Alameda, Contra Costa, and San Francisco Counties. The bill called for BART or local jurisdictions to rezone subject properties to conform with AB 2923 Baseline Zoning Standards, which are in effect through January 1, 2029, when the bill sunsets. AB 2923 also established a streamlined approval process for certain projects built on BART property.

Additionally, Senate Bill (SB) 423 (Chapter 778, Statutes of 2023), which this Board supported in 2023, established a streamlined, ministerial process for approving housing projects that meet objective state and local planning standards. This, along with two other bills that this Board supported in 2022, AB 2097 (Chapter 459, Statutes of 2022) and AB 2011 (Chapter 647, Statutes of 2022), allows for greater housing density near transit. Earlier this year, budget trailer bills AB 130 (Chapter 22, Statutes of 2025) and SB 131 (Chapter 24, Statutes of 2025) further streamlined housing production by exempting urban infill housing projects as well as the rezoning needed to implement an approved housing element, respectively, from the California Environmental Quality Act (CEQA). SB 131 also established a process to review housing development projects that meet all but one of the eligibility criteria for specified CEQA exemptions.

However, even with this recent progress, many areas within a half mile of high-frequency transit are not zoned to allow the mix of uses, heights, and densities that support transit. At many BART stations, potential ridership is dampened by low-density zoning of nearby parcels not owned by BART. Additionally, the benefits of AB 2923 do not apply to BART-owned land at stations in San Mateo County. While BART has, until 2029, the ability to advance transit-oriented development (TOD) on eligible land it owns through AB 2923 streamlining, other transit agencies in the state do not. Instead, they face whatever zoning and processes are in place locally when they consider pursuing TOD projects on land they own at their stations.

PURPOSE: SB 79 establishes state standards for housing development projects on any site zoned for residential, mixed use, or commercial development that is within a half mile (the "transit-oriented development zone" or "TOD zone") of qualifying transit stations and stops (a "transit-oriented development stop" or "TOD stop"), allowing for multifamily residential use up to specified height, density, and floor area ratios determined by the distance from a transit stop as well as the frequency and mode of transit serving those stops. The bill establishes three tiers of TOD stops: Tier 1 stops are served by grade-separated rail transit and high-frequency commuter rail, Tier 2 stops are served by light rail, high-frequency commuter

rail, or bus rapid transit (BRT), and Tier 3 stops are served by moderate frequency commuter rail service, ferry service, or are a TOD stop not within an urban transit county, defined as a county with more than 15 passenger rail stations, or any major transit stop designated by the local government. As of amendments dated July 17, SB 79 would not apply to non-BRT bus-only transit stops. The metropolitan planning organization for a region would be required to create a map of transit-oriented development stops and zones for use by project applicants and local governments.

Additionally, as of the July 17 amendments, SB 79 authorizes a transit agency's board of directors to adopt TOD development zoning standards on property they own within a half mile of a TOD stop. Such standards must allow for at least as much development capacity as provided for by SB 79 and may not exceed 200% of the development capacity allowed for by SB 79. Adoption of such standards would require following a specified process including CEQA analysis. If the local jurisdiction's zoning is inconsistent with the TOD development zoning standards adopted by a transit agency's board, the local jurisdiction would be required to adopt an ordinance that conforms with the transit agency's standards within two years after adoption of those standards. If, two years after adoption of transit agency standards, the transit agency finds that the local jurisdiction's zoning does not comply with adopted zoning standards, the transit agency's adopted zoning standards would become the local zoning for that transit agency's land within the TOD zone in the relevant jurisdiction.

The bill would also, per recent amendments, allow a local government to adopt a local TOD alternative plan that would be required to maintain the same total increase in zoned capacity, in terms of both number of units and density across all the TOD zones within the jurisdiction as provided for under this bill. Adoption of a compliant TOD alternative plan would have several consequences. First, jurisdictions would be permitted to use the TOD alternative plan to reduce the minimum height and density requirements for individual sites within TOD zones by as much as 50%, and to increase the height and density requirements for individual sites by as much as 200%, as long as the total developable capacity across the TOD zones remains the same. A local TOD alternative plan, including analysis demonstrating feasibility, would be subject to HCD review for compliance with SB 79. Second, until the seventh housing element (end of 2031 in the Bay Area), transit agency boards of directors could not adopt TOD zoning standards for their property within TOD zones within jurisdictions that have adopted a local TOD alternative plan.

In addition, these recent amendments would also provide that, until 2032, the zoning capacity requirements of SB 79 would not apply to any site identified by a local jurisdiction that permits at least 50% of the density that would otherwise be required by SB 79, or a site in a TOD zone that has been upzoned in a local transit-oriented development program adopted by ordinance or through a housing element amendment, even if that jurisdiction had not adopted a TOD alternative plan.

SB 79's zoning standards would be delayed until July 1, 2026, unless a local jurisdiction adopts an ordinance or other TOD alternative plan deemed compliant by HCD before that date. The bill also provides for heightened penalties under the Housing Accountability Act, effective January 1, 2027, for a local jurisdiction's disapproval of a housing project in a high resource area.

Finally, a local government could designate areas within a half mile of a TOD as exempt from the bill if substantiated findings show that there are no existing walking paths of 1 mile or less between the identified location and the TOD stop.

DISTRICT IMPACT: BART has an ambitious goal to deliver 20,000 housing units, 7,000 of them affordable, through TOD projects on BART-owned land by 2040. SB 79 would reinforce and expand the zoning certainty needed to make this goal achievable. This bill would create longer-term certainty about allowable densities and heights on BART land and would ensure that land surrounding BART stations is zoned to support transit-oriented densities. Increasing transit-oriented uses at and around BART stations is a key strategy to grow BART ridership.

While AB 2923 focused only on BART-owned land, and unless a jurisdiction adopts a TOD alternative plan, SB 79 would establish minimum zoning standards for transit properties as well as areas surrounding transit stops and stations, allowing for greater density to be developed beyond BART property. People who live in proximity to high quality transit make more of their trips on transit. The transit-oriented development that SB 79 aims to facilitate would benefit BART over time through growth in ridership. SB 79 does not have a sunset date, unlike AB 2923, and thus offers longer-term support for development as a ridership growth strategy.

All BART stations would be considered Tier 1 TOD stops within the SB 79 framework. Tier 1 stops would have minimum allowable heights of 9 stories adjacent to the stop, 7 stories within ¼ mile, and 6 stories between ¼ and ½ mile of the stop. The floor area ratio (FAR) would be 4.5 adjacent to the stop, 3.5 within ¼ mile, and at least 3 between ¼ and ½ mile of the stop. Finally, the allowable density would be 160 dwelling units (DU) per acre adjacent to the station, 120 DU/acre within ¼ mile, and 100 DU/acre within ¼ to ½ mile of the stop. If a jurisdiction adopted a compliant TOD alternative plan, the height and density could be reduced by as much as 50 percent.

Under AB 2923, instead of station or stop tiers, BART station areas are zoned based on TOD place type, with allowable heights and FAR based on the three place types (neighborhood town center, urban neighborhood/city center, or regional center). Five stories or more with a FAR of 3.0 or greater are allowed in neighborhood town centers, 7 stories or more with a FAR of 4.2 in urban neighborhood/city centers, and 12 or more stories with a FAR of 7.2 in regional centers. Density is the same across all place types, at 75 DU/acre.

Compared to this existing framework, and except as may be impacted by adoption of a TOD alternative plan, SB 79 would allow for more density across all place types and higher allowable heights and minimum FAR in neighborhood town centers but lower heights and lower FAR in the more urban place types. However, many of these urban areas may have higher height allowances in place through preexisting local zoning standards. If a local jurisdiction chooses to adopt a TOD alternative plan, BART would need to engage in that locality's planning process in order to support District interests, including maintaining a minimally acceptable development capacity on or near BART-owned land.

AB 2923 has already shifted community discussions concerning allowable heights and densities near transit. For example, before AB 2923, the zoning constraints that were in place would not have allowed for development at our North Berkeley station. Now, we are advancing over 700 new homes, with approximately half designated as affordable. Similarly, at Ashby station, AB 2923 allows for hundreds of additional homes that would not have been possible before the bill's passage.

KNOWN SUPPORT/OPPOSITION:
SUPPORT: California YIMBY (Co-Sponsor), San Francisco Bay Area Planning and Urban Research Association (SPUR) (Co-Sponsor), Streets For All (Co-Sponsor), Bay Area Council (Co-Sponsor), Greenbelt Alliance (Co-Sponsor), Inner City Law Center (Co-Sponsor)

In addition to the bill sponsors, 118 local governments, public agencies, organizations, and elected officials, including: AARP, Abundance Network, Alameda-Contra Costa Transit District (AC Transit), Bike East Bay, City of Berkeley Councilmember Rashi Kesarwani, City of Emeryville, East Bay for Everyone, East Bay YIMBY, End Poverty in California, Fremont for Everyone, Grow the Richmond, Housing Action Coalition, Housing Leadership Council of San Mateo County, Housing Trust Silicon Valley, Inclusive Lafayette, Concord Vice Mayor Laura Nakamura, Emeryville Councilmember Matthew Solomon, Nonprofit Housing Association of Northern California (NPH), Northern Neighbors, Peninsula for Everyone, El Cerrito Councilmember Rebecca Saltzman, San Francisco YIMBY, South Bay YIMBY, South San Francisco Councilmember James Coleman, Streets for All, Walk San Francisco, YIMBY Action

OPPOSE: 274 local governments, public agencies, organizations, and elected officials, including: Albany Neighbors United, California Association of Councils of Governments, California Cities for Local Control, City of Orinda, City of Pleasanton, Cow Hollow Association, Housing California, League of California Cities, Livable Mountain View, Mission Street Neighbors, Neighbors United SF, San Francisco Tenants Union, Small Business Forward, Save Lafayette

OPPOSE UNLESS AMENDED: 42 local governments, public agencies, and organizations, including: Communities for a Better Environment, Council of Community Housing Organizations San Francisco, Disability Rights California, East Bay Housing Organizations, Elder Law and Disability Rights Center, Homey, Housing Now!, Public Interest Law Project, Race & Equity in All Planning Coalition (REP-SF), Sacred Heart Community Services (San Jose), San Francisco Anti-Displacement Coalition, South Bay Community Land Trust, Southeast Asian Community Alliance, Urban Habitat, Young Community Developers

STATUS: Referred to the Assembly Appropriations Committee; hearing date not set.

AMENDED IN ASSEMBLY JULY 17, 2025

AMENDED IN ASSEMBLY JULY 8, 2025

AMENDED IN ASSEMBLY JULY 7, 2025

AMENDED IN ASSEMBLY JUNE 23, 2025

AMENDED IN ASSEMBLY JUNE 16, 2025

AMENDED IN SENATE MAY 29, 2025

AMENDED IN SENATE MAY 28, 2025

AMENDED IN SENATE MAY 13, 2025

AMENDED IN SENATE APRIL 23, 2025

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE MARCH 5, 2025

SENATE BILL No. 79

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Wicks)
(Coauthors: Assembly Members Haney and Lee)

January 15, 2025

An act to add Chapter 4.1.5 (commencing with Section 65912.155) to Division 1 of Title 7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as amended, Wiener. Housing development: transit-oriented development.

(1) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that contains certain mandatory elements, including a ~~land use element and a~~ housing element. ~~Existing law requires that the land use element designate the proposed general distribution and general location and extent of the uses of the land, as specified.~~ Existing law requires that the housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing, as specified. Existing law requires that the housing element include, among other things, an assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs, including an inventory of land suitable for residential development, as provided. Existing law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified, and requires the appropriate council of local governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. Existing law requires each local government to revise its housing element in accordance with a specified schedule.

Existing law, the Housing Accountability Act, among other things, requires a local agency that proposes to disapprove a housing development project, as defined, or to impose a condition that the project be developed at a lower density to base its decision on written findings supported by a preponderance of the evidence that specified conditions exist if that project complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time that the application was deemed complete. The act authorizes the applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization to bring an action to enforce the act's provisions, as provided, and provides for penalties if the court finds that the local agency is in violation of specified provisions of the act.

This bill would require that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD)

stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified. Among these requirements, the bill would establish requirements concerning height limits, density, and floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided. The bill would provide that, for the purposes of the Housing Accountability Act, a proposed development consistent with the applicable standards of these provisions shall be deemed consistent, compliant, and in conformity with prescribed requirements, as specified. The bill would provide that a local government that denies a project meeting the requirements of these provisions located in a high-resource area, as defined, would be presumed in violation of the Housing Accountability Act, as specified, and immediately liable for penalties, *beginning on January 1, 2027,* as provided. *These provisions would not apply to a local agency until July 1, 2026, except as specified.* The bill would specify that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval pursuant to specified law, except that the bill would exempt a project under these provisions from specified requirements, and would specify that the project is required to comply with certain affordability requirements, under that law.

This bill would require a proposed development to comply with specified demolition and antidisplacement standards; to not be located on sites where the development would require demolition of housing, or that was previously used for housing, that is subject to rent or price controls; and to include housing for lower income households, as specified. The bill would also authorize a transit ~~agency to adopt objective standards, as specified, for both residential and commercial development proposed pursuant to these provisions if the development would be constructed on land owned by the transit agency or on which the transit agency has a permanent operating easement and would only apply these standards for land that is either (A) within ½ mile of a TOD stop, if the land was owned by the transit agency on or before January 1, 2026, or (B) adjacent to a TOD stop.~~ *agency's board of directors to adopt transit-oriented development zoning standards for district-owned real property located in a transit-oriented development zone, which establish minimum zoning requirements for an agency TOD project, as specified.*

~~Prior to the seventh revision of the housing element, this bill would not apply to any specified sites exempted by local ordinance, including a site that is covered by a local TOD alternative plan adopted by a local government pursuant to an ordinance. The bill would require the plan to maintain at least the same total increase in feasible zoned capacity, in terms of both total units and residential floor area, as provided by these provisions across all TOD zones, as provided. The bill would require a local government, except as provided, to submit the plan to the department and authorize the department to review the plan for compliance, as specified. If the department finds the plan is out of compliance, and the local government does not take specified steps to address compliance, the bill would require the department to notify the local government and authorize the department to notify the Attorney General, as provided. For the seventh and subsequent revisions of the housing element, the bill would authorize a local government to enact the plan as an amendment to the housing element and land use element and would exempt a local government that has enacted the plan from the above-specified provisions. The bill would require a local government, except as provided, to submit the draft plan to the department and would require the department to assess the plan and recommend changes to remove unnecessary constraints on housing.~~

Prior to the 7th revision of the housing element, this bill would not apply to specified sites, including a site that is covered by a local TOD alternative plan, as defined, adopted by a local government. For the 7th and subsequent revisions of the housing element, the bill would authorize a local government to include a local TOD alternative plan its housing element or adopt an alternative plan by ordinance, as specified. The bill would exempt a jurisdiction that has adopted a compliant local TOD alternative plan from the above provisions, as specified.

This bill would require the Department of Housing and Community Development to oversee compliance with the bill's ~~provisions, including, but not limited to, promulgating specified~~ *provisions and require the department to promulgate* standards ~~relating to the~~ *on how to account for capacity pursuant to these provisions in the* inventory of land included within a county's or city's housing ~~element.~~ *element, as specified.* The bill would authorize the ~~regional council of governments or~~ metropolitan planning organization to create a map of designated TOD stops and ~~zones,~~ *zones in accordance with these standards,* which would have a rebuttable presumption of validity. The bill would

authorize a local government to enact an ordinance to make its zoning code consistent with these provisions, as provided. The bill would require the local government to submit a copy of this ordinance to the department within 60 days of enactment and would require the department to review the ordinance for compliance, as specified. If the department finds an ordinance is out of compliance, and the local government does not take specified steps to address compliance, the bill would require the department to notify the local government in writing and authorize the department to notify the Attorney General, as provided.

This bill would define various terms for its purposes and make related findings and declarations.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) This bill would provide that the provisions of this bill are severable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.1.5 (commencing with Section 65912.155) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT

65912.155. The Legislature finds and declares all of the following:

(a) California faces a housing shortage both acute and chronic, particularly in areas with access to robust public transit infrastructure.

(b) Building more homes near transit access reduces housing and transportation costs for California families, and promotes environmental sustainability, economic growth, and reduced traffic congestion.

(c) Public transit systems require sustainable funding to provide reliable service, especially in areas experiencing increased density and ridership. The state does not invest in public transit service to the same degree as it does in roads, and the state funds a smaller proportion of the state's major transit agencies' operations costs than other states with comparable systems. Transit systems in other countries derive significant revenue from transit-oriented development at and near their stations.

65912.156. For purposes of this chapter, the following definitions apply:

(a) "Adjacent" means sharing a property line with a transit stop, including any parcels that serve a parking or circulation purpose related to the stop.

(b) "Commuter rail" means a rail transit service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service.

(c) "Department" means the Department of Housing and Community Development.

(d) "Frequent commuter rail" means a commuter rail service with a total of at least 24 daily trains per weekday across both directions and not meeting the standard for very high or high-frequency commuter rail at any point in the past three years.

(e) "Heavy rail transit" means an electric railway with the capacity for a heavy volume of traffic using high-speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other vehicular and foot traffic are excluded, and high platform loading.

(f) "High-frequency commuter rail" means a commuter rail service operating a total of at least 48 trains per day across both directions at any point in the past three years.

(g) "High-resource area" means a highest resource or high-resource neighborhood opportunity area, as used in the opportunity area maps published annually by the California Tax Credit Allocation Committee and the department.

(h) "Housing development project" has the same meaning as defined in Section 65589.5.

(i) "Light rail transit" includes streetcar, trolley, and tramway service.

(j) "Net habitable square footage" means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

(k) "Rail transit" has the same meaning as defined in Section 99602 of the Public Utilities Code.

(*l*) "Residential floor area ratio" means the ratio of net habitable square footage dedicated to residential use to the area of the lot.

(m) "Transit-oriented development zone" means the area within a one-half mile of a transit oriented development stop.

~~(m)~~

(n) "Tier 1 transit-oriented development stop" means a transit-oriented development stop within an urban transit county served by heavy rail transit or very high frequency commuter rail.

~~(n)~~

(o) "Tier 2 transit-oriented development stop" means a transit-oriented development stop within an urban transit county, excluding a Tier 1 transit-oriented development stop, served by light rail transit, by high-frequency commuter rail, or by bus service meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

~~(o)~~

(p) "Tier 3 transit-oriented development stop" means a transit-oriented development stop within an urban transit county, excluding a Tier 1 or Tier 2 transit-oriented development stop, served by frequent commuter rail service or by ferry service; or any transit-oriented development stop not within an urban transit ~~county;~~ *county, except a transit-oriented development stop served solely by bus transit;* or any major transit stop otherwise so designated by the ~~applicable authority.~~ *local government.*

~~(p)~~

(q) "Transit-oriented development stop" means a major transit stop, as defined by Section 21155 of the Public Resources Code, served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, bus service meeting

the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code, frequent commuter rail service, or ferry service, or otherwise so designated by the ~~applicable authority.~~ *local government.*

~~(q)~~

(r) "Urban transit county" means a county with more than 15 *passenger* rail stations.

~~(r)~~

(s) "Very high frequency commuter rail" means a commuter rail service with a total of at least 72 trains per day across both directions at any point in the past three years.

65912.157. (a) A housing development project shall be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development within one-half or one-quarter mile of a transit-oriented development stop, if the development complies with the applicable of all of the following requirements:

(1) A transit-oriented housing development project allowed under this chapter shall comply with the greatest of the following:

(A) Includes at least five dwelling units.

(B) A minimum density standard of at least 30 dwelling units per acre.

(C) The minimum density allowed under local zoning, if applicable.

(2) The average total area of floor space for the proposed units in the transit-oriented housing development project shall not exceed 1,750 net habitable square feet.

(3) For a transit-oriented housing development project within one-quarter mile of a Tier 1 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 75 feet.

(B) A local government shall not impose any maximum density of less than 120 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 3.5.

(D) A development that achieves a minimum density of 90 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to,

affordability requirements, shall be eligible for three additional concessions pursuant to Section 65915.

(4) For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 1 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 65 feet.

(B) A local government shall not impose any maximum density standard of less than 100 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 3.

(D) A development that achieves a minimum density of 75 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for two additional concessions pursuant to Section 65915.

(5) For a transit-oriented housing development project within one-quarter mile of a Tier 2 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 65 feet.

(B) A local government shall not impose any maximum density standard of less than 100 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 3.

(D) A development that achieves a minimum density of 75 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for two additional concessions pursuant to Section 65915.

(6) For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 2 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 55 feet.

(B) A local government shall not impose any maximum density standard of less than 80 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 2.5.

(D) A development that achieves a minimum density of 60 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for one additional concession pursuant to Section 65915.

(7) For a transit-oriented housing development project within one-quarter mile of a Tier 3 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 55 feet.

(B) A local government shall not impose any maximum density standard of less than 80 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 2.5.

(D) A development that achieves a minimum density of 60 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for one additional concession pursuant to Section 65915.

(8) For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 3 transit-oriented development stop, all of the following apply:

(A) Within an urban transit county, a local government shall not impose any height limit less than 45 feet. Outside of an urban transit county, a local government may apply the local height limit.

(B) A local government shall not impose any maximum density standard of less than 60 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 2.

(b) For purposes of this chapter, the distance of a transit-oriented housing development project from a transit-oriented development stop shall be measured in a straight line from the nearest edge of the parcel containing the proposed project to any point on the parcel or parcels that make up the property upon which a transit-oriented development stop is located.

(c) A local government may still enact and enforce standards, including an inclusionary zoning requirement that applies generally within the jurisdiction, that do not, alone or in concert, prevent achieving the applicable development standards of subdivision (a).

(d) A transit-oriented housing development project under this section shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to Section 65915 or a local density bonus program, using the density allowed under this section as the base density. If a development proposes a height under this section in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified in this section, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.

(e) Notwithstanding any other law, a transit-oriented housing development project that meets any of the eligibility criteria under subdivision (a) and is immediately adjacent to a Tier 1, Tier 2, or Tier 3 transit-oriented development stop shall be eligible for an adjacency intensifier to increase the height limit by an additional 20 feet, the maximum density standard by an additional 40 dwelling units per acre, and the residential floor area ratio by 1.

(f) A development proposed pursuant to this section shall comply with Section 66300.6, including any local requirements or processes implementing the provisions of Section 66300.6. This subdivision shall apply to any city or county.

(g) A development proposed pursuant to this section shall comply with any applicable local demolition and antidisplacement standards established through a local ordinance.

(h) A development proposed pursuant to this section shall not be located on either of the following:

(1) A site containing more than two units where the development would require the demolition of housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power that has been occupied by tenants within the past five years.

(2) A site that was previously used for more than two units of housing that were demolished within five years before the development proponent submits an application under this section

and any of the units were subject to any form of rent or price control through a public entity's valid exercise of its police power.

(i) A development proposed pursuant to this section shall include housing for lower income households by complying with one of the following requirements:

(1) (A) Any of the following:

(i) At least 7 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to extremely low income households, as defined in Section 50106 of the Health and Safety Code.

(ii) At least 10 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to very low income households, as defined in Section 50105 of the Health and Safety Code.

(iii) At least 13 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) This paragraph shall not apply to any development of 10 units or less.

(2) If a local inclusionary housing requirement mandates a higher percentage of affordable units or a deeper level of affordability than that described in paragraph (1), then the local inclusionary housing requirement mandate shall apply in place of the requirements in paragraph (1).

(j) For purposes of subdivision (j) of Section 65589.5, a proposed housing development project that is consistent with the applicable standards from this chapter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. This subdivision shall not require a ministerial approval process or modify the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) ~~A~~ *Beginning on January 1, 2027, a* local government that denies a housing development project meeting the requirements of this section that is located in a high-resource area shall be presumed to be in violation of the Housing Accountability Act (Section 65589.5) and immediately liable for penalties pursuant to subparagraph (B) of paragraph (1) of subdivision (k) of Section 65589.5, unless the local government demonstrates, pursuant to

the standards in subdivisions (j) and (o) of Section 65589.5, that it has a health, life, or safety reason for denying the project.

(l) This section shall not apply to a local agency until July 1, 2026, unless the local agency adopts an ordinance or local transit-oriented development alternative plan deemed compliant by the department before July 1, 2026.

~~65912.158. (a) Notwithstanding any other provision of this chapter, a transit agency may adopt objective standards for both residential and commercial developments proposed to be constructed on land owned by the transit agency or on which the transit agency has a permanent operating easement. These standards shall only apply for land that is either:~~

~~(1) Within one-half mile of a transit-oriented development stop, if the land was owned by the transit agency on or before January 1, 2026.~~

~~(2) Adjacent to a transit-oriented development stop, as defined in this chapter.~~

~~(b) A local government shall not be required to approve any height limit under this section greater than the height limit specified in this chapter for development adjacent to the relevant tier of a transit-oriented development stop. A transit agency shall not set a maximum height, density, or floor area ratio below that which would be allowed for the site under this chapter.~~

~~(c) The board of a transit agency may vote to designate a major transit stop served by the agency as a Tier 3 transit-oriented development stop for the purposes of this section.~~

65912.158. (a) For the purposes of this section, "agency transit-oriented development project" means a housing development project or mixed use residential project that meets all of the following requirements:

(1) A minimum of 50 percent of the total square footage of the project is dedicated to residential purposes.

(2) A minimum of 20 percent of the total number of units shall be restricted for the affordable lower income households and shall be subject to a recorded affordability restriction for at least 55 years in the case of rental units in the case of owner occupied units, unless a local ordinance or the terms of federal, state, or local tax credit, or other project financing requires a longer period of affordability.

(3) The average total floor area of floor space for the proposed units in the housing development project shall not exceed 1,750 net habitable square feet.

(4) The parcel or parcels on which the project is located is an infill site, as define in Section 21061.3 of the Public Resources Code.

(5) The transit-oriented development parcels on which the transit-oriented development project would be located was not acquired through eminent domain on or after July 1, 2025.

(6) The parcels on which the transit-oriented development project would be located are owned by the agency and either:

(A) The parcels are adjacent to a transit-oriented development stop for which the agency operates service, or form a contiguous area adjacent to such a transit-oriented development stop.

(B) At least 75 percent of the project area is located within one-half mile of a transit-oriented development stop for which the agency operates service or plans to provide service and was owned by the agency on or before January 1, 2026.

(b) (1) A transit agency's board of directors may adopt by resolution transit-oriented development zoning standards for district-owned real property located in a transit oriented development zone. These standards shall establish minimum local zoning requirements for height, density, floor area ratio, and allowed uses, that shall apply to an agency transit-oriented development project, that shall be consistent with Section 65912.157.

(2) Adopted transit-oriented development zoning standards shall establish, for each transit station, the lowest permissible limit for height, density, and floor area ratio, and a list of approved residential, retail, and commercial uses.

(3) The transit-oriented development zoning standards adopted by the board of directors shall not assign a lowest permissible density or floor area ratio below the level permitted under Section 65912.157, and shall not prohibit residential use.

(4) The transit-oriented development zoning standards shall not establish density standards that exceed 200 percent of the maximum density established in Section 65912.157.

(c) The adoption of, and amendments to, the transit-oriented development zoning standards shall comply with all of the following:

(1) The transit agency shall hold a public hearing to receive public comment on the proposed transit-oriented development zoning standards or proposed changes to the transit-oriented development zoning standards. The transit agency shall conduct direct outreach to relevant local governments and to communities of concern around each station. Before or during the scoping meeting, the transit agency shall meet with each local government in which the station is located, as well as any relevant infrastructure agencies. The consultation required pursuant to this section shall include all of the following:

(A) A review of the housing needs of the jurisdiction.

(B) A review of the transit-oriented development approved and built in the past year in the jurisdiction.

(C) A review of any transit-oriented development projects proposed by the transit agency in the jurisdiction for the past year.

(D) A discussion of any obstacles to development of any project proposed by the transit agency.

(2) Not less than 30 days before a public hearing of the board to consider the transit-oriented development zoning standards, the transit agency shall provide public notice and make the draft standards available to the public.

(3) The board shall adopt or reject any proposed transit-oriented development zoning standards at a publicly noticed meeting of the board not less than 30 days following the original public hearing.

(d) Where local zoning is inconsistent with the transit-oriented development zoning standards for a station, the local jurisdiction shall adopt a local zoning ordinance that conforms to the transit-oriented development zoning standards and is operative within two years of the date that the transit-oriented development zoning standards are adopted by the board for a station.

(e) (1) A local government shall not be required to approve any height limit in excess of the standard for development adjacent to the transit oriented development stop under Section 65912.157.

(2) The transit agency shall make a finding as to whether the local zoning ordinance conforms to the transit-oriented development zoning standards. Local zoning shall remain in place unless the transit agency determines that it does not conform to the transit-oriented development zoning standards. If, according to the transit agency's finding, the local zoning ordinance does not conform to the transit-oriented development zoning standards

after two years of the date that the transit-oriented development zoning standards are adopted by the board for that station, the transit-oriented development zoning standards shall become the local zoning for any district-owned parcels that are eligible under this section, except for any height limit in excess of the standard for development adjacent to the transit-oriented development stop under Section 65912.157. For each station, a local jurisdiction may update zoning for transit agency-owned land to comply with transit-oriented development zoning standards until the time that the transit agency enters into an exclusive negotiating agreement with a developer for an agency transit-oriented development project.

(f) (1) The transit agency's approval of transit-oriented development zoning standards shall be subject to review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). The district shall serve as the lead agency for California Environmental Quality Act review for transit-oriented development zoning standards.

(2) Any subsequent California Environmental Quality Act review of rezoning to conform with transit-oriented development zoning standards, and of eligible transit-oriented development projects proposed and on district-owned land, shall incorporate the environmental review document certified for the transit-oriented development zoning standards consistent with Section 21094 of the Public Resources Code. A transit agency shall not prepare an environmental impact report or mitigated negative declaration for rezoning pursuant to paragraph (2) of subdivision (e) to implement transit-oriented development zoning standards or for a transit-oriented development project subsequent to the transit agency's certification of an environmental review document for approval of transit-oriented development zoning standards unless the public agency finds, based on substantial evidence, that the rezoning or transit-oriented development project creates a significant effect on the environment that was not analyzed in the prior environmental review document, and mitigated or avoided.

(g) In the event that the transit-oriented development zoning standards, objective planning standards, general plan, or design review standards are mutually inconsistent, the transit-oriented development zoning standards shall be the controlling standards.

To the extent that the zoning standards do not resolve inconsistencies, the general plan shall be the controlling standard.

(h) Zoning in effect as a result of this section shall be considered the same as locally approved zoning for all purposes, including the Density Bonus Law and the Housing Accountability Act.

(i) Any agency transit-oriented development project shall comply with the antidisplacement requirements of Section 66300.6.

(j) A local government shall not be required to approve any height limit under this section greater than the height limit specified in this chapter for development adjacent to the relevant tier of a transit-oriented development stop. A transit agency shall not set a maximum height, density, or floor area ratio below that which would be allowed for the site under this chapter.

(k) If nonresidential development is included in an agency transit-oriented development project, at least 25 percent of the total planned units affordable to lower income households shall be made available for lease or sale and permitted for use and occupancy before or at the same time with every 25 percent of nonresidential development made available for lease or sale and permitted for use and occupancy.

65912.159. (a) A housing development project proposed pursuant to Section 65912.157 shall be eligible for streamlined ministerial approval pursuant to Section 65913.4 in accordance with all of the following:

(1) The proposed project shall be exempt from subparagraph (A) of paragraph (4) of, and paragraph (5) of, subdivision (a) of Section 65913.4.

(2) The proposed project shall comply with the affordability requirements in subclauses (I) to (III), inclusive, of clause (i) of subparagraph (B) of paragraph (4) of subdivision (a) of Section 65913.4.

(3) The proposed project shall comply with all other requirements of Section 65913.4, including, but not limited to, the prohibition against a site that is within a very high fire hazard severity zone, pursuant to subparagraph (D) of paragraph (6) of subdivision (a) of Section 65913.4.

(b) Any housing development proposed pursuant to Section 65912.157 not seeking streamlined approval under Section 65913.4 shall be reviewed according to the jurisdiction’s development review process and Section 65589.5, except that any local zoning

standard conflicting with the requirements of this chapter shall not apply.

65912.160. (a) The department shall oversee compliance with this ~~chapter, including, but not limited to, promulgating standards on how to account for capacity pursuant to this chapter in a city or county's inventory of land suitable for residential development, pursuant to Section 65583.2.~~ *chapter.*

~~(b) The regional council of governments or metropolitan planning organization may create a map of transit-oriented development stops and zones designated under this chapter. This map shall have a rebuttable presumption of validity for use by project applicants and local governments.~~

(b) The department shall promulgate standards on how to account for capacity pursuant to this chapter in a city or county's inventory of land suitable for residential development pursuant to Section 65583.2, no later than July 1, 2026.

(c) (1) A local government may enact an ordinance to make its zoning code consistent with the provisions of this chapter, subject to review by the department pursuant to ~~paragraph (3). The ordinance may designate areas within one-half mile of a transit-oriented development stop as exempt from the provisions of this chapter if the local government makes findings supported by substantial evidence that there exists no walking path of less than one mile from that location to the transit-oriented development stop.~~ *subdivision (d).*

(2) The ordinance described in paragraph (1) shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) If a local government adopts an ordinance to come into compliance with this section, the following provisions shall apply:

~~(3) (A)~~

(1) A local government shall submit a copy of any ordinance enacted pursuant to this section to the department within 60 days of enactment.

~~(B) Upon receipt of an ordinance pursuant to this paragraph, the department shall review that ordinance and determine whether it complies with this section.~~

(2) The department shall, within 60 days, review the enacted ordinance, make a finding as to whether the enacted ordinance is in substantial compliance with this section, and report that finding

to the local government. If the department does not provide written findings to the local government within 60 days the ordinance shall be deemed compliant with this section.

(3) If the department determines that the ordinance does not comply with this section, the department shall notify the local government in ~~writing and~~ *writing. The department shall* provide the local government a reasonable time, not to exceed 30 days, to respond before taking further action as authorized by this section.

~~(C)~~

(4) The local government shall consider any findings made by the department pursuant to ~~subparagraph (B)~~ *paragraph (3)* and shall do one of the following:

~~(i)~~

(A) Amend the ordinance to comply with this section.

~~(ii)~~

(B) Enact the ordinance without changes. The local government shall include findings in its resolution adopting the ordinance that explain the reasons the local government believes that the ordinance complies with this section despite the findings of the department.

~~(D)~~

(5) If the local government does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local government and may notify the Attorney General that the local government is in violation of this section.

(e) The ordinance may designate areas within one-half mile of a transit-oriented development stop as exempt from the provisions of this chapter if the local government makes findings supported by substantial evidence that there exists no walking path of less than one mile from that location to the transit-oriented development stop.

(f) The metropolitan planning organization shall create a map of transit oriented development stops and zones designated under this chapter, in accordance with the department's guidance pursuant to subdivision (b). This map shall have rebuttable presumption of validity for use by project applicants and local governments.

~~65912.161. (a) Prior to the seventh revision of the housing element, this chapter shall not apply to any site for which a local government has adopted an ordinance exempting any of the following:~~

~~(1) A site that has been identified by the local jurisdiction in the housing element rezoning program and for which the permitted density is no less than 50 percent of the density specified under subdivision (a) of Section 65912.157.~~

~~(2) (A) A site in a transit-oriented development zone identified to be upzoned in a local transit-oriented development program that has been adopted either through an ordinance or through a housing element amendment.~~

~~(B) This paragraph shall only apply to a transit-oriented development zone in which at least 33 percent of sites in the relevant transit-oriented development zone have been rezoned for densities that cumulatively allow for at least 75 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Section 65912.157.~~

~~(3) A site that is covered by a local transit-oriented development alternative plan adopted by a local government pursuant to an ordinance.~~

~~(A) A local transit-oriented development alternative plan shall maintain at least the same total increase in feasible zoned capacity, in terms of both total units and residential floor area, as provided for in this chapter, across all transit-oriented development zones within the jurisdiction.~~

~~(i) The plan shall not reduce the capacity in any transit-oriented development zone in total units or residential floor area by more than 50 percent.~~

~~(ii) The plan shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50 percent below that permitted under this chapter.~~

~~(iii) A site's maximum feasible capacity counted toward the plan shall be not more than 200 percent of the maximum density established under this chapter.~~

~~(B) A local transit-oriented development alternative plan may designate any other major transit stop or stop along a high-quality transit corridor that is not already identified as a transit-oriented development stop as a Tier 3 transit-oriented development stop. A local transit-oriented development plan consisting solely of~~

~~adding additional major transit stops as transit-oriented development stops shall be exempt from the requirements of subparagraph (D).~~

~~(C) A local transit-oriented development alternative plan may consist of an existing local transit-oriented zoning ordinance, overlay zone, specific plan, or zoning incentive ordinance, provided that it applies to all residential properties within the transit-oriented development zone and provides at least the same total feasible capacity for units and floor area as Section 65912.157.~~

~~(D) A local government shall submit a copy of any ordinance passed pursuant to this paragraph and associated written findings adopted pursuant to this paragraph to the department within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local government as to whether the ordinance complies with this paragraph. The local government shall submit a copy of any existing ordinance adopted pursuant to this paragraph to the department within 60 days of the date this section becomes effective.~~

~~(i) The department may review the ordinance and associated written findings and if the department finds that the local government's ordinance does not comply with this paragraph, the department shall notify the local government and shall provide the local government with a reasonable time, not to exceed 30 days, to respond to the findings before taking any other action authorized by this paragraph.~~

~~(ii) The local government shall consider any findings made by the department pursuant to clause (i) and shall do one of the following:~~

~~(I) Amend the ordinance to comply with this paragraph.~~

~~(II) Adopt the ordinance without changes. The local government shall include findings in its resolution adopting the ordinance that explain the reasons the local government believes that the ordinance complies with this paragraph despite the findings of the department.~~

~~(iii) If the local government does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this paragraph and addressing the department's findings, the department shall notify the local government and may notify the~~

~~Attorney General that the local government is in violation of state law.~~

~~(b) For the seventh and subsequent revisions of the housing element, a local government may enact a local transit-oriented development alternative plan as an amendment to the housing element and land use element of its general plan, subject to review by the department.~~

~~(1) A local transit-oriented development alternative plan shall maintain at least the same total increase in feasible zoned capacity, in terms of both total units and residential floor area, as provided for in this chapter across all transit-oriented development zones within the jurisdiction.~~

~~(A) The plan shall not reduce the capacity in any transit-oriented development zone in total units or residential floor area by more than 50 percent.~~

~~(B) The plan shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50 percent below that permitted under this chapter.~~

~~(C) A site's maximum feasible capacity counted toward the plan shall be not more than 200 percent of the maximum density established under this chapter.~~

~~(2) A local transit-oriented development alternative plan may designate any other major transit stop or stop along a high-quality transit corridor that is not already identified as a transit-oriented development stop as a Tier 3 transit-oriented development stop. A local transit-oriented development plan consisting solely of adding additional major transit stops as transit-oriented development stops shall be exempt from the requirements of paragraph (4).~~

~~(3) A local transit-oriented development alternative plan may consist of an existing local transit-oriented zoning ordinance, overlay zone, specific plan, or zoning incentive ordinance, provided that it applies to all residential properties within the transit-oriented development zone and provides at least the same total feasible capacity for units and floor area as Section 65912.157.~~

~~(4) Prior to enacting a local transit-oriented development alternative plan, the local government shall submit the draft plan to the department for review. The submission shall include any amendments to the local zoning ordinances, any applicable objective design standards that would apply to transit-oriented~~

~~developments, and assessments of the plan's impact on development feasibility and fair housing. The department shall assess whether the plan maintains at least an equal feasible developable housing capacity as the baseline established under this subdivision as well as the plan's effects on fair housing relative to the baseline established under this subdivision, and shall recommend changes to remove unnecessary constraints on housing from the plan.~~

~~(5) Section 65912.157 shall not apply within a jurisdiction that has a local transit-oriented alternative plan that has been approved by the department as satisfying the requirements of this subdivision in effect. The department's approval pursuant to this subdivision shall be valid through the jurisdiction's next amendment to the housing element of its general plan.~~

~~(c) For the purposes of this section, the following definitions apply:~~

~~(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.~~

~~(2) "Transit-oriented development zone" means the eligible area around a qualifying transit-oriented development stop within a one-half mile radius of a transit oriented development stop.~~

65912.161. (a) For purposes of this section, "transit-oriented development alternative plan" shall mean a plan adopted by the local agency via the adoption of or amendment to the housing element or a program to implement the housing element such as the adoption of a specific plan, adoption of a zoning overlay, or enactment of an ordinance; that brings the local agency into compliance with this chapter and that incorporates all of the following:

(1) A local transit-oriented development alternative plan shall maintain at least the same total zoned capacity, in terms of both total units and residential floor area, as provided for in this chapter across all transit-oriented development zones within the jurisdiction.

(2) The plan shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50 percent below that permitted under this chapter.

(3) The plan shall not reduce the capacity in any transit-oriented development zone in total units or residential floor area by more than 50 percent.

(4) A site's maximum capacity counted toward the plan shall not exceed 200 percent of the maximum density established under this chapter.

(5) A local transit-oriented development alternative plan may consist of an existing local transit-oriented zoning ordinance, overlay zone, specific plan, or zoning incentive ordinance, provided that it applies to all residential properties within the transit-oriented development zone and provides at least the same total feasible capacity for units and floor area as Section 65912.157.

(b) Prior to the seventh revision of the housing element, this chapter shall not apply to any of the following:

(1) A site that has been identified by the local jurisdiction which permits density at no less than 50 percent of the density specified under subdivision (a) of Section 65912.157.

(2) (A) A site in a transit-oriented development zone identified to be upzoned in a local transit-oriented development program that has been adopted either through an ordinance or through a housing element amendment.

(B) This paragraph shall only apply to a transit-oriented development zone in which at least 33 percent of sites in the relevant transit-oriented development zone have permitted density no less than 50 percent of the density specified under subdivision (a) of Section 65912.157 and which includes sites with densities that cumulatively allow for at least 75 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Section 65912.157.

(3) A site that is covered by a local transit-oriented development alternative plan adopted by a local government.

(c) (1) For the seventh and subsequent revisions of the housing element, a local government may include a local transit-oriented development alternative plan in any of the following ways:

(A) (i) Include a local transit-oriented alternative plan in its housing element. When a local government includes a transit oriented development alternative plan in its housing element the plan shall include an analysis of how the plan maintains at least

an equal feasible developable housing capacity as the baseline established by this chapter.

(ii) If a local government adopts a housing element that the department has determined to be compliant with this section, then any action to enforce or implement a compliant housing element shall be subject to applicable provisions of housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(B) If a local government does not include the local transit-oriented alternative plan in its housing element, the local government may adopt an alternative plan that has been deemed compliant by the department pursuant to Section 65912.160.

(d) Section 65912.157 shall not apply within a jurisdiction that has a local transit-oriented alternative plan that has been approved by the department as satisfying the requirements of this section in effect. The department's approval pursuant to section shall be valid through the jurisdiction's next amendment to the housing element of its general plan.

(e) A local transit-oriented development alternative plan may designate any other major transit stop or stop along a high-quality transit corridor that is not already identified as a transit-oriented development stop as a Tier 3 transit-oriented development stop. A local transit-oriented development plan consisting solely of adding additional major transit stops as transit-oriented development stops shall be exempt from the requirements of Section 65912.160.

(f) A local transit-oriented development alternative plan may consist of an existing local transit-oriented zoning ordinance, overlay zone, specific plan, zoning incentive ordinance or existing program, provided that it applies to all residential properties within the transit-oriented development zone and provides at least the same total feasible capacity for units and floor area as Section 65912.157.

65912.162. The Legislature finds and declares that the state faces a housing crisis of availability and affordability, in large part due to a severe shortage of housing, and solving the housing crisis therefore requires a multifaceted, statewide approach, including, but not limited to, encouraging an increase in the overall supply of housing, encouraging the development of housing that is affordable to households at all income levels, removing barriers to housing production, expanding homeownership opportunities,

and expanding the availability of rental housing, and is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local government or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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