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New Laws Part II: 2018 Ushers in Changes to Land-Use, Development Laws

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As we noted in Part I of this two-part series, lawmakers passed a wave of new laws in 2017.

Today we look at the bold moves California legislators made to address the State's affordable housing crisis, while passing a number of smaller measures concerning land use, public works and public property that will impact local government agencies.

Here is a recap of these laws that, unless otherwise noted, went into effect Jan. 1.

State's Health, Labor, Vehicle Codes Get Updated

From pedestrian signals to taxis, parking meters and baby changing stations, state lawmakers updated numerous health and safety, labor and vehicle codes that impact ticketing, traffic and transportation.

- **Diaper Changing Stations:** Mothers and fathers will have more equal access to diapering stations under [Assembly Bill 1127](#). The law requires that newly constructed or renovated bathrooms in state- and locally owned buildings must include one diaper-changing station accessible to women and men. Movie theatres, sports arenas and libraries are also included.
- **Pedestrian Countdown Crossings:** Pedestrians can now legally enter a crosswalk when a countdown signal is flashing so long as they make it to the other side of the street before it ends. [Assembly Bill 390](#) doesn't apply to older crossings without a countdown. It is still illegal for pedestrians to cross the street once the raised hand turns red where a countdown is absent.
- **Wireless Communication Devices:** With the passage of [Assembly Bill 1222](#), public works and utilities personnel may be able to use certain communication devices while driving. The law now excludes specialized mobile radio devices and two-way messaging devices from the wireless

People



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communications device definition.

- **Inoperable Parking Meters:** Local authorities cannot ticket cars parked at broken meters. In addition to this prohibition, [Assembly Bill 1625](#) allows local authorities to impose a four-hour time limit at metered spaces even when a meter is broken if specific signage is posted.
- **Traffic-actuated Signals:** Local governments are required to provide traffic signals that detect motorcycles and bicycles when new or modified traffic-actuated signals are being installed. This requirement was set to expire on Jan. 1 but was extended indefinitely by [Senate Bill 672](#).
- **Taxi Transportation Services:** California taxi drivers will be subject to fewer local regulations under [Assembly Bill 1069](#). To level competition for traditional taxi and rideshare companies like Uber and Lyft, the law shifts taxi regulations to a regional, instead of city, enforcement model.

Affordable Housing, Land Use Laws Shift Local Landscape

Fifteen new housing bills with broad impacts on California cities are now in play.

Part of a larger [legislative package aimed to address the State's housing supply and affordability issues](#), these bills replace local land-use discretion with more state authority. Three new laws create opportunities to fast-track approvals for developments that include affordable housing.

- [Senate Bill 35](#) moved to streamline the approval process for multi-family housing projects in cities failing to meet their Regional Housing Need Allocation goal. Ministerial review, which means a possible exemption from environmental review, will be provided to housing projects meeting certain criteria, including a requirement that 10 to 50 percent of units be dedicated to households making 80 percent of the area's median income.
- [Senate Bill 540](#) allows cities to create Workforce Housing Opportunity Zones to identify priority housing areas near jobs and public transit. The creation of "zones" would frontload the planning, environmental review and public input for potential housing developments to meet affordable housing needs. The up-front environmental review will be good for up to five years.
- [Assembly Bill 73](#) created an option for cities to create special Housing Sustainability Districts that would allow for eligible developments to be more easily approved. As with the zones permissible under SB 540, the planning, public input and environmental review would occur first, with up-front environmental review being valid for 10 years. Such districts must be approved by the Department of Housing and Community Development. Cities with approved districts will be entitled to receive yet-to-specified amount as an incentive payment from the State.

One qualification for the above three paths to streamlined review: each path requires the developers for larger projects to pay prevailing wages and meet other labor standards. Other laws ratchet up the State's oversight and enforcement of local housing development.

- [Senate Bill 167](#), [Assembly Bill 678](#) and [Assembly Bill 1515](#) bolster the Housing Accountability Act by heightening the standards of review required for a city to deny a housing project. They also allow courts to impose

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substantial monetary sanctions for cities that violate the HAA.

- **Assembly Bill 72** grants the Department of Housing and Community Development the authority to investigate a city's "action or failure to act" that is inconsistent with a city's general plan housing element. With AB 72, HCD will not only review and certify these elements, it is now also empowered to revoke a city's housing element certification until compliance is reached.

Other changes to California land use laws that will impact municipalities include

- **Streamlining Energy-Storage Project Permits:** **Assembly Bill 546** requires that local agencies provide online permit resources for energy storage projects and electronically accept permit applications for such projects. Cities and counties with more than 200,000 residents must comply by Sept. 30, while those with less than 200,000 residents must comply by Jan. 31, 2019.
- **Long-term Protection of Agricultural Lands:** **Senate Bill 732** lays out guidelines for agricultural land preservation. When preparing a General Plan's agricultural land component, cities and counties must identify and map agricultural lands within the jurisdiction, establish a broad set of goals to conserve agricultural land and designate priority lands for conservation.

This is a snapshot of the many laws state legislators passed last year that will impact public agencies. To read part one of this series focusing on campaign, election and records laws, [click here](#).

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