ARTICLE: MORE OF SOMETHING: THE CALIFORNIA LEGISLATURE'S EFFORT TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING

By Karl E. Geier[*]

In January 2017, the Department of Housing and Community Development published statistics indicating that there is a need, on average, for approximately 180,000 housing units to be developed each year in California, while only 80,000 housing units are currently being constructed—a shortfall of at least 100,000 units per year that has been accumulating for several years and is anticipated to continue each year for the foreseeable future.[1] In response to this report, as well as almost daily anecdotal reports of skyrocketing rents, neighborhood gentrification, homelessness in the midst of affluence, and rapidly escalating costs of purchasing a home in several metropolitan counties, the state legislature in 2017 enacted a "comprehensive housing package" of legislation intended to encourage the development of more housing, or to be specific, more "affordable" housing.

Some of the 2017 bills amended laws enacted in 2016 were discussed in last year's article on legislative developments to address the housing shortage.[2] Others covered new ground and established additional programs, standards, and processes intended to encourage local governments to allow certain types of housing development, to increase state-level monitoring and enforcement of local agencies' compliance with regional fair share housing requirements, to streamline the application process for certain types of housing developments (generally meeting certain affordability standards or certain pre-determined "sustainable housing" criteria), and to allow greater owner flexibility to convert accessory buildings to additional dwelling units on their properties. These laws, which are briefly summarized in the following article, include several components that may seem counterproductive to the overall aim of encouraging the development of affordable housing. Some of the bills condition "streamlined approvals" or density bonuses of one sort or another on the use of "prevailing wage" work forces to construct the projects, which the building industry believes contributes to increased cost of housing rather than production of greater numbers of units. Other bills force developers of market-rate housing to provide

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[*]Karl E. Geier is a shareholder with the firm of Miller Starr Regalia and Editor-in-Chief of the firm's 12-volume treatise, Miller & Starr, California Real Estate 4th, published by Thomson Reuters.

additional "affordable" housing in communities that elect to impose such requirements, which the building industry contends will actually discourage the development of market-rate housing and further exacerbate the affordable housing problem.

While some of the bills have multiple topics and appear more than once in the following discussion, the legislation can conveniently be broken into six categories:

(1) provisions to increase state monitoring and enforcement of local government's responsibility for their reasonable fair share of housing, particularly low and moderate income housing;

(2) provisions to streamline or enhance concessions available to developers of "affordable" housing products through changes in the local planning and zoning process;

(3) changes in the existing law limiting local agencies' authority to deny or condition approval of certain affordable housing projects that comply with current zoning and planning;

(4) changes allowing local agencies to force developers of market-rate rental housing to also include "affordable" rental housing in their projects;

(5) changes in specific standards for particular housing types, notably the conversion of accessory buildings and existing single family residences to include an additional dwelling unit, and

(6) changes limiting the potential for assisted or rent-restricted housing developments to become market-rate projects through sale or expiration of use restrictions.

Additional laws designed to enhance public funding of affordable housing developments also were enacted, including a provision for an "affordable housing authority" and a new fee on real estate recordings to generate a state-administered fund to subsidize development of affordable housing and a bill providing for a voter-enacted bond issue to provide additional public subsidies for housing development and finance.

These topics are briefly discussed in the following sections of this article.

A. Primary Affordable Housing Legislation

1. Increased monitoring and enforcement of compliance with regional fair share and related obligations to allow construction of housing.

Several bills provide additional state-administered tools and monitoring procedures to evaluate, and in some cases enforce, local governmental compliance with the obligation to allow for the construction of their regional fair share of housing of various affordability levels. These bills are intended to assure that local governments administer their zoning and development permitting processes in order to actually allow development of both market-rate and affordable housing at the planned densities and locations identified in their state-approved housing element, something that some 97 percent of all local jurisdictions in California currently fail to do, according to statistics released by the Department Housing and Community Development in February 2018.[3]

Under AB 1086 (Ch. 206), the procedure and standards for determining the local regional fair share of housing were modified to more explicitly take into account shortages of housing in proximity to job sites, based on a legislative finding that inefficient commuting patterns resulting from insufficient housing and "job centers" hinder the achievement of the state's climate goals by increasing greenhouse gases and other pollutants.[4] The law requires the next round of revisions of local housing elements to take into account the percentages of renters' households that are overcrowded (i.e., more than one resident per home)[5], and requires a closer relationship than previously was required between population figures used by the Department of Housing and Community Development and those used by the Department of Finance.[6] The law also adds a requirement that any request for a revised share of regional housing submitted by a local government must take into account an "applicable sustainable communities strategy," developed and consistent with Government Code, § 65080.[7]

AB 879 (Ch. 374) and AB 1397 (Ch. 375), added further housing element administration and reporting requirements. AB 879 revises Government Code, § 65400 to now require each local agency on an annual basis to report on the number of housing development applications received, the number of units included in these applications, and the number of units approved and disapproved in the prior year, as well as inventorying sites to accommodate reasonable fair share housing and development at each income level. This includes a report on the number of net new units of housing, including rental and for sale

housing that have been issued permits or have completed entitlement processes for each of the various categories, and additional data to enable the Department of Housing and Community Development to determine whether the state, county, or city and county is actually developing housing to implement its regional fair share under the general plan and/or housing element.[8] AB 1397 adds detail required to be included in a local agency's inventory of potential sites for development of additional housing, now requiring not only the suitability of land but also the availability of the land for residential development, including date or availability of utilities, as well as the number and types of housing units that can be accommodated.[9] These two bills are coordinated with additional legislation that directly restricts the ability of local governments to downzone sites or approve housing only at densities lower than authorized and contemplated in an approved housing element that accommodated the local government's regional fair share of housing as submitted to the department.[10]

SB 166 (Ch. 367) additionally requires local agencies statewide to make specific findings with respect to the zoning densities of available sites to accommodate the appropriate income levels and development, and to provide evidence that additional sites have been designated for housing development if an existing site already designated for development in a housing element has been approved at a lower density than contemplated.[11] Two identical bills, SB 167 (Ch. 368) and AB 1515 (Ch. 378), require specific findings when a local agency denies approval or excessively conditions approval of projects that include certain affordable housing types and emergency shelters and are compliant with applicable objective general plan and zoning standards and criteria. These bills require the local agency to support these findings with a *preponderance* of evidence rather than merely substantial evidence.[12]

AB 72 (Ch. 370) amends Government Code, § 65585 to now require the Department of Housing and Community Development to review actions by local agencies that it determines are inconsistent with an adopted housing element or with the provisions of Government Code, § 65863, which is the substantive provision of state law compelling the development of housing elements that accommodate population trends and assessments and the need for housing at designated income levels, as well as certain other related provisions of the Planning and Zoning Law.[13] Under new Government Code, § 65585(i) the department has a duty to issue written findings to the local agency as to whether its action or failure to act substantially complies with requirements of

state law, including requirements that an amendment to the housing element comply with state law requirements. It includes provisions that the Department can consult with other local agencies as well as other persons and accept written comments from any person concerning the actions or failures to act of the local agency, and duties to notify both the local agency and the Office of the Attorney General in cases of violations of the law.[14]

2. Provisions for streamlining or expediting approval of certain types of housing.

The 2017 legislation includes three significant provisions intended to allow for expedited approvals or reduced environmental review of individual projects in connection with development of certain types of housing.

One of these, SB 35 (Ch. 366) is intended to allow infill development to occur on a streamlined and expedited basis in local jurisdictions that have failed to meet their fair share of regional housing supply. In addition to some data collection and reporting requirements that are duplicated by AB 879 and AB 1397,[15] SB 35 adds a new Government Code, § 65913.4, providing for a development proponent to submit an application under the streamlined, ministerial approval process that it establishes, without requirement for a conditional use permit. In order to qualify, the project must be a multifamily development that contains two or more residential units and is located within certain infill commercial and industrial sites, as defined, that have been zoned for residential or mixed use residential development. The project also must include a certain percentage of affordable housing depending on the nature of the local jurisdiction's shortfall in providing its regional fair share of housing at different income levels.[16] As a condition of qualifying for such treatment, the developer also already must have satisfied any restrictions or requirements applicable to subsidized housing, and must agree that the workforce employed on the housing project will be paid prevailing wages.[17] The prevailing wage requirement is subject to certain record keeping and recording requirements on the part of the contractors and subcontractors, but the project may be exempt from these reporting requirements if the development is subject to a "project labor agreement" as defined in section 2500, subd. (b)(1) of the Public Contracts Code.[18] A project that qualifies under the extensive list of criteria set forth in the statute (only partially summarized here) must be handled under a design review and permitting process that is strictly focused on objective design standards and code requirements, and must be conducted within a limited time frame (90 days after

submittal if the development contains 150 or fewer housing units, and 180 days if the development contains more than 150 housing units).[19] Among other things, if the project meets the criteria for special handling prescribed by the statute, the local agency must make a determination of consistency with identifiable objective standards within 60 or 90 days after submission (depending on the number of units in the project), or the project will be "deemed to satisfy the objective planning standards" as a matter of state law.[20] The Department of Housing and Community Development is also given authority to prescribe uniform standards and criteria to "clarify" the application of this complex and extensive statute.[21]

A separate bill, AB 73 (Ch. 371) provides for the adoption of "housing sustainability ordinances" by local agencies with similar provisions to streamline and expedite processing and limit approval conditions for projects located on "housing sustainability districts" that meet certain criteria in exchange for the developer agreeing to a "prevailing wage" provision. A "housing sustainability district" generally is required to be an existing urban site near public transportation. Once the district is established, the law allows for approval of specific projects within the district on the basis of a ministerial permit with expedited environmental review. An environmental impact report is required in connection with the initial designation of the district,[22] but thereafter individual project approvals require neither an environmental impact report nor a negative declaration.[23] As noted, the tradeoff for this expedited treatment is that the project must include an agreement to pay prevailing wages.[24] In order to establish a housing sustainability district, the local jurisdiction must first receive a preliminary approval from the California Department of Housing and Community Development, and the area must be designated to include prescribed amounts of low and moderate income housing.[25] The law includes provisions for appeal of decisions denying approval of the ministerial permits, once the housing sustainability district ordinance has been adopted, and provides a judicial remedy for noncompliance with these requirements.[26] It also includes state-funded "zoning incentive payments" to defray the cost of implementing the special provisions for housing developments under this legislation.[27]

Another similar provision (SB 540, Ch. 369), allows for the designation of "work force housing opportunity zones," also subject to expedited approval processes for certain types of qualifying affordable housing projects, so long as the developer also agrees to pay prevailing wages to the project workforce.[28] SB

540 enacts a new article of the Government Code allowing a local government, a city, or county, to establish a workforce housing opportunity zone by preparing an EIR and adopting a specific plan including text and a diagram with particular information, which must provide for a minimum of 100 units and a maximum of 1500 dwelling units, appropriate development standards, and the like. This plan is subject to environmental review under CEQA and may include a requirement for specific plan fees to be imposed on any subsequent governmental approvals obtained within the zone to defray the cost of adopting and administering the plan.[29] Once adopted, for a period of five years thereafter, the local government must apply an expedited ministerial approval process to qualify projects within the district.[30] The law requires discrete projects that comply with all of the detailed requirements of the statute to be approved unless the local agency finds, based upon substantial evidence in the record, that specific physical conditions on the site not known at the time the specific plan was prepared could have a significant specific adverse effect on public health or safety.[31] Otherwise, the local agency cannot require a further environmental impact report or negative declaration for a qualifying project.[32] Projects must meet certain affordability and density standards as well as numerous and detailed other criteria, and must include, as noted, requirements for payment of prevailing wages in order to qualify for such treatment.[33] The law also requires periodic reporting to the Department of Housing and Community Development on the adoption and implementation of the workforce housing opportunity zone, including an annual report linked to the housing element monitoring requirements of Government Code, § 65400.[34]

3. Changes to the Housing Accountability Act.

The Housing Accountability Act (Government Code, § 65589.5) limits the ability of cities and counties to deny approvals for housing projects that are in compliance with zoning or to condition approvals of such projects in a manner that renders them financially infeasible for development of affordable housing or emergency shelters for homeless people through use of design standards, except where certain specified findings can be made.[35] The statute is intended to prevent application of design standards and other requirements by local governments that inhibit the construction of affordable housing, and requires the local agency to make written findings, based on substantial evidence in the record, in order to justify either the imposition of standards that may render the project infeasible or result in disapproval of the project.[36]

Three separate bills made overlapping amendments to the Housing Account-

ability Act in an effort to enhance its effectiveness. The first two bills, AB 678 (Ch. 373) and SB 167 (Ch. 368), which are identical, changed the former standard for review of local agencies' decisions, which required "written findings based upon substantial evidence" to allow the local agency to disapprove or conditionally approve a project. The new test requires "a preponderance of the evidence in the record," meaning the evidence supporting the restrictive local decision now must outweigh the evidence to the contrary.[37] The burden of proof is on the local legislative body to demonstrate that its findings are supported by a preponderance of evidence in the record.[38]

A third bill, AB 1515 (Ch. 378), also altered the standard by which a development project would be deemed consistent, compliant, and in conformity with an applicable plan, program, standard, ordinance, or other requirement, to now allow a finding of consistency, compliance, and conformity based only on "substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant or in conformity."[39] It requires a local agency that denies a housing project approval on grounds that it is not in conformity with applicable general plan and zoning standards to provide written documentation specifying how it is not in compliance.[40] It also includes enhanced provisions for a court order to compel compliance with the statute and to require the court to issue an order or judgment compelling compliance within 60 days, including an order that the local agency take action on the development project and awarding attorney's fees and costs, as well as authorizing fines, additional fines, and specified minimum amounts per housing unit for particular violations.[41] The law also limits the time to obtain appellate review of a trial court order under the statute by requiring a petition for review to be filed within 20 days after notice of entry of the order.

The cumulative amendments to Government Code, § 65589.5 resulting from these three bills also require that the local agency must provide the project applicant with written documentation identifying reasons why the development is not consistent with the applicable plans, policies, or requirements within specific time periods; otherwise, the project will be deemed consistent with applicable standards and policies within 30 days after the application is deemed to be complete if the project is of fewer than 150 units, and within 60 days if the project contains more than 150 units.[42]

4. Conditioning market-rate housing on provision of affordable rental housing.

AB 1505 (Ch. 376), amends Government Code, § 65850 and 65850.01 to now specifically authorize cities and counties to adopt inclusionary zoning ordinances that require a developer of *rental housing* to make as much as 20 percent of the units in the project rent-restricted affordable housing limited to moderate, low, very low, or extremely low income housing. The Supreme Court in *California Building Industry Association v. City of San Jose*,[43] held that an inclusionary housing ordinance allowing several alternative means of compliance is not a "exaction" and therefore a municipality can require developers of market-rate *for sale* housing to make available a certain number of units for purchase at below market-rates in the exercise of the municipality's "police power." An earlier decision in *Palmer/Sixth Street Properties L.P. v. City of Los* Angeles,[44] however, held that the Costa-Hawkins Rental Housing Act prohibits a city from requiring the inclusion of rent-restricted units in an otherwise market-rate new construction rental housing project, due to the restriction of that Act on rent control for new development constructed after 1996.[45] The new statute creates an exception to the Costa-Hawkins Act, allowing a municipality to force a market-rate developer to construct rent-controlled units as part of its market-rate, uncontrolled rental housing development project. This may be viewed as the first "camel's nose under the tent" towards a complete repeal of Costa-Hawkins, as has been urged by some urban legislators. The new law requires that the developer also be given an alternative means of compliance with the mandate to provide affordable housing, including provisions for in lieu fees, land dedications, offsite construction, or acquisition and rehabilitation of existing units.[46]

The statute also includes a mechanism for review and approval by the Department of Housing and Community Development of an ordinance that is adopted to condition the development of residential rental units and in relation to the requirements of the regional fair share of housing of various income levels required by the planning and zoning law.[47] Among other things, the Department may request, and the city or county is required to provide, evidence that the ordinance does not unduly constrain the production of housing, and pending the results of this economic study and review, the local agency cannot require more than 15 percent of the total number of units to meet affordability requirements, as specified.[48]

5. Changes in the laws governing accessory units.

As discussed in last year's article,[49] in 2016 the legislature significantly strengthened the state mandate that local jurisdictions allow for the creation of "in-law units" (more appropriately called "second units" or "accessory units") in single family districts, both as additional detached structures and also as additional living units within existing residential structures. The 2017 enactments have adjusted these provisions in minor ways. Chapter 602 (AB 494) amends Government Code, § 65852.2 to provide that the accessory dwelling unit may be rented separately from the primary residence, to alter and reduce set back requirements for existing garages converted to all or a portion of an accessory dwelling unit, to change and limit parking requirements for accessory units (not to exceed one parking space per unit or per bedroom, *whichever is less*, and to allow tandem parking in some circumstances). It also provides that an accessory structure can include a studio, pool house, or other similar structure, and allows a city to require owner occupancy for *either* the primary or the accessory unit, apparently allowing for rental of the primary residence by an owner who continues to reside in the accessory dwelling unit.[50] SB 229 (Ch. 594) also amends Government Code, § 65852.2 and provides for Department of Housing and Community Development review of any accessory unit ordinance submitted to the Department as required by the existing statute, limits the ability of special districts and water corporations to require the applicant to install new or separate utility connections or to impose related connection fees and capacity charges (whereas previously the law only limited the right of the city to do so), and also allows for restrictions on the sale of the accessory unit separate from the primary residence (while allowing for the rental of either the primary residence or the accessory dwelling unit, as noted above).[51]

6. Preservation of affordability restrictions in subsidized projects.

In recognition that a number of other existing rental housing developments have affordability restrictions resulting from various state and federal financing programs, AB 1521 (Ch. 377) requires the owners of such development projects that are within three years of a scheduled expiration of rental restrictions to provide notice of the scheduled expiration to any prospective tenant as well as to existing tenants.[52] Injunctive relief may be imposed to require compliance, including the re-imposition of prior restrictions until the required notices have been provided and the required periods of notice have elapsed, and requiring restitution of any rent increases that were collected without compliance with

the notification requirements.[53] Another provision essentially prohibits the owner of a rent-restricted project that was an assisted housing development from terminating the contract or mortgage that imposes affordability restrictions unless the owner first offers an opportunity to purchase the project to specified public agencies and nonprofit organizations who, presumably, would maintain the affordability character and not seek to benefit from the lifting of the affordability restrictions when they expire.[54] In general, this provision is intended to enhance the ability of the local jurisdiction as well as the Department of Housing and Community Development to keep rent-restricted housing in the affordable housing stock rather than to enable these restrictions to be lifted by mortgage prepayment or sale and thereby allow the project to be converted to market-rate housing.

B. Related Legislation

1. The "Building Homes and Jobs Acts" and "Veterans and Affordable Housing Bond Act."

Under SB 2 (Ch. 364), the legislature imposed a new recording fee in the amount of $75 per document ($225 per transaction) on all deeds, instruments, papers, notices, and other documents that are recorded in California recorder's offices that pertain to real property, with limited exceptions.[55] This law includes a procedure for the local recorder's office to remit the funds collected from this new fee to the state controller, and a related section of the Government Code provides that these funds will be allocated to local governments periodically, to be used for affordable housing projects and programs, with a separate percentage used by the state to fund multifamily housing and other affordable housing programs as well as certain farm worker housing projects.[56] Another bill, SB3 (Ch. 365) places a bond act on the November 2018 statewide ballot, earmarking proceeds for certain multifamily housing and Cal-Vet loan programs as well as existing affordable housing subsidy programs.[57]

2. Provisions for an "affordable housing authority"

With the elimination of redevelopment agencies and the associated tax increment revenue supporting the development of housing under the redevelopment law, the legislature has been creating other types of districts that may, through public subsidy, assist in the development of affordable housing. AB 1598 (Ch. 764) authorizes local agencies to create an "affordable housing authority" with the power to provide low and moderate income housing and affordable workforce housing, as defined, funded through a low and moderate income

housing fund. The law allows the local jurisdiction to adopt a resolution to provide property tax increment revenues to the authority, as well as other tax revenues, and allow for the issuance of bonds supported by these revenues to finance the construction of affordable housing within the jurisdiction.[58]

Conclusion

As reflected in the preambles to some of these laws and in commentary by some members of the press and legal writers, the large number of bills aimed at increasing the housing stock, particularly of low and moderate income or affordable housing, all have the potential to increase the development of subsidized or rent-restricted housing and possibly to encourage development of more affordable housing generally. That being said, the criteria for qualification for some of the more helpful parts of the legislation (e.g., streamlined approval processes with mandatory limits on governmental ability to disapprove or condition these projects) may or may not actually induce provision of more housing by the private market. Economists might argue that the limited nature of these laws, which are conditioned on mandatory affordability restrictions coupled with prevailing wage requirements and other standards that may increase rather than reduce the cost of construction, might even discourage, rather than encourage development of additional units, market-rate or otherwise.

Also, in the effort to expedite housing development approvals while also steering development into perceived areas of "infill" development near jobs and public transit, and to encourage particularly the development of affordable housing, the legislature has created a large number of procedural hurdles and labyrinthian substantive criteria for projects to qualify for expedited review or streamlined processing, thus narrowing the effectiveness of the very provisions intended to streamline and expedite project approvals. Given the magnitude of the annual shortfall of housing unit production in California per year (100,000 or more units *per year*) and the decades-long backlog that has constricted the housing supply to date, one would not expect very substantial improvement of housing affordability as a result of this legislation, although some individual localities and tenants may benefit from any limited number of projects that are actually constructed under these programs.

In the meantime, the legislature has certainly added a new layer of prolix and detailed legislation for developers, municipalities, and state-level regulatory authorities to consider. Whether it has added anything more remains to be seen.

ENDNOTES:

[1]California Depart. of Housing & Com. Devel., *California's Housing Future: Challenges and Opportunities*, at pages 4 to 5 (Jan. 2017).

[2]See, Geier, *Going for the Capillaries: Legislative Tinkering with California Planning and Zoning Laws to Address the Housing Shortage* (*Miller & Starr Real Estate Newsalert*, Vol. 27, No. 4, at Page 320 et seq., March 2017) (hereinafter cited as "*Going for the Capillaries*").

[3]California Dept. of Housing & Com. Devel., *SB 35 Statewide Determination Summary*, at pages 1 to 7 (Jan. 2018).

[4]Gov. Code, § 65584, subd. (a)(3)

[5]Gov. Code, § 65584.01, subd. (b)(1).

[6]Gov. Code, § 65584.01, subd. (a).

[7]Gov. Code, § 65584.05, subd. (b).

[8]See Gov. Code, § 65400, as amended.

[9]Gov. Code, § 65583, subd. (a)(3)

[10]AB 1397 (Ch. 375), amending Gov. Code, §§ 65580, 65583, and 65583.2; AB 72 (Ch. 370) amending Gov. Code, § 65585.

[11]Gov. Code, § 65863, as amended by 2017 Stats., Ch. 367 (SB 166).

[12]See Gov. Code, § 65859.5, as amended by 2017 Stats., Ch. 368 (SB 167), Ch. 378 (AB 1515).

[13]2017 Stats., Ch. 370 (A.B. 72), amending § 65585 of the Government Code, relating to housing.

[14]Gov. Code, § 65585, subd. (j), referencing Gov. Code, §§ 65008, 65589.5, 65863, and 65915, et seq.

[15]Gov. Code, § 65400, as amended by 2017 Stats. Ch. 374 (AB 879), and Ch. 375 (AB 1397)

[16]Gov. Code, § 65913.4, subd. (a).

[17]Gov. Code, § 65913.4, subd. (a).

[18]Gov. Code, § 65913.4, subd. (a).

[19]Gov. Code, § 65913.4, subd. (c).

[20]Gov. Code, § 65913.4, subd. (b).

[21]Gov. Code, § 65913.4, subd. (i).

[22]Pub. Resources Code, § 21155.10.

[23]Pub. Resources Code, § 21155.11.

[24]Gov. Code, § 66201.

[25]Gov. Code, §§ 66201, 66202.

[26]Gov. Code, § 66206.

[27]Gov. Code, § 66204.

[28]Gov. Code, § 66523, subd. (a).

[29]Gov. Code, § 65621.

[30]Gov. Code, § 65523, subds. (a)(l).

[31]Gov. Code, § 65523, subds. (a)(2), (b)

[32]Gov. Code, § 65523, subd. (c)

[33]Gov. Code, § 66523.

[34]Gov. Code, § 66525.

[35]Gov. Code, § 65589.5.

[36]See *Going for the Capillaries*, supra note 1, at pages 328 to 330.

[37]Gov. Code, § 65589.5, subds. (j), (l).

[38]Gov. Code, § 65589.5, subds. (d), (i).

[39]Gov. Code, § 65589.5, subd. (f).

[40]Gov. Code, § 65589.5, subd. (j).

[41]Gov. Code, § 65589.5, subd. (k).

[42]Gov. Code, § 65589.5, subd. (j).

[43]*California Bldg. Industry Assn. v. City of San Jose*, 61 Cal. 4th 435, 189 Cal. Rptr. 3d 475, 351 P.3d 974 (2015).

[44]*Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, 175 Cal. App. 4th 1396, 96 Cal. Rptr. 3d 875 (2d Dist. 2009).

[45]Civil Code, §§ 1954.51, 1954.52. See *10 Miller & Starr, California Real Estate 4th*, Ch. 34, Landlord and Tenant, § 34:245.

[46]Gov. Code, § 65850, subd. (g).

[47]Gov. Code, § 65850.01.

[48]Gov. Code, § 65850.01, subds. (c)(d).

[49]*Going for the Capillaries*, supra note 1, at pages 331 to 336.

[50]Gov. Code, § 65852.2, as amended by Ch. 602, 2017 Stats. (AB 494).

[51]Gov. Code, § 65852.2, as amended by 2017 States Ch. 594 (SB 229).

[52]Gov. Code, § 65863.10, subd. (e), (g).

[53]Gov. Code, § 65863.10, subd. (j).

[54]Gov. Code, § 65863.11.

[55]Gov. Code, § 27388.1.

[56]Health & Saf. Code, §§ 50470 et. seq.

[57]2017 Stats. Ch. 365 (SB 3), initiative proposal to add Health & Safety Code, §§ 54000, and Mil. & Vet. Code, §§ 998.600 et. seq.

[58]See generally Gov. Code, §§ 62250 to 62262, enacted by 2017 Stats. Ch.

764 (AB 1598).

