

Senate Bill 330: Housing Crisis Act

Frequently Asked Questions

What is California State Senate Bill 330?

Senate Bill (SB) 330 (“Housing Crisis Act of 2019) went into effect on January 1, 2020. The bill establishes regulations that sunset on January 1, 2025 as a means to address the current housing conditions (“crisis”) in the State.

During the “housing crisis,” cities and counties in urban areas, such as Corte Madera, are prohibited from rezoning or imposing new development standards that would reduce capacity for housing or adopting new design standards that are not objective. The demolition of existing housing units is only permitted if replacement units are provided.

Is Corte Madera subject to SB 330?

Yes, SB 330 defines an “affected city” as any city that is located in an urbanized area or urban cluster, as designated by the United States Census Bureau. Any city with a population less than 5,000 and not located within an urbanized area is exempt. SB 330 requires the Department of Housing and Community Development (HCD) to develop a list of list (“affected cities”) and census designated places within the unincorporated county (“affected counties”). Based on HCD’s determination, 445 of the 482 cities in the state are identified as affected by the provisions of SB 330.

What is a preliminary application and what is its purpose?

The Housing Crisis Act allows for an applicant to submit a preliminary application for any housing development project (two or more units and that is at least two-thirds residential by floor area). Submittal of a pre-application allows a developer to provide a specific subset of information on the proposed housing development ahead of providing all of the information required by the jurisdiction for a housing development application. Upon submittal of an application and a payment of the permit processing fee, a housing developer is allowed to “freeze” the applicable fees and development standards that apply to the project while they assemble the rest of the materials necessary for a full application submittal.

Can Design Standards be used to evaluate projects?

The Town cannot apply new design standards to housing development projects that were adopted on or after January 1, 2020 unless the design standards meet the state law definition of “objective standards.”

Is the review process different for SB 330 eligible projects?

Yes, under SB 330, housing development projects that comply with applicable zoning standards and that are not seeking any exceptions, rezonings, or other legislative actions, can be subject to a maximum of five public hearings to consider project approval by the Town. These include informational hearings and appeal hearings.

SB 35 does not supersede the requirements in the California Environmental Quality Act (CEQA).

What is the Housing Accountability Act, and how does SB 330 strengthen it?

The Housing Accountability Act was passed in 1982. It prohibits an agency from disapproving a housing project if it complies with an agency's applicable, objective general plan, zoning, and subdivision standards and criteria, unless it finds that the project would have a "specific, adverse impact upon the public health and safety" that cannot be mitigated.

SB 330 strengthens the Housing Accountability Act by prohibiting an agency from disapproving a housing project or approving the project at a lower density if it complies with the applicable objective standards in place when a project submits a complete preliminary application. In addition, SB 330 includes provisions designed to eliminate delays in the production of housing, such as prohibiting a jurisdiction from holding more than five hearings.

What are objective standards?

"Objective zoning standards" and "objective design review standards" involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.