

ATTACH 5: SUMMARY OF PENDING (2023-2024) LEGISLATION

Bills Related to Density Bonus Law Introduced in the 2023 – 2024 Legislative Session

AB 440 (passed Assembly May 25) would amend provisions related to the calculation of maximum allowable residential density under the State Density Bonus Law.

AB 1287 (passed Assembly May 31) proposes to require jurisdictions to grant an additional density bonus calculated as specified by the bill, additional concessions for projects that meet the bill's requirements, and amend the Density Bonus Law to supersede the California Coastal Act

SB 713 (passed Senate May 22) would affirm that the Density Bonus Law supersedes an ordinance, regulation or other local law enacted by a voter initiative that conflicts with the Density Bonus Law.

AB 1287 (passed Assembly May 31) would allow stackable moderate-income density bonus. Projects can receive an additional 50% bonus by adding 15% moderate-income units after maxing out the regular density bonus.

AB 1630 (introduced February 17) would classify student, faculty, and staff housing as a permitted use on all real property within 1,000 feet of a university campus, where at least 20% of the units be rented to students, staff, or faculty and at least 20% of the units must be affordable to lower-income households. For ministerial projects, the bill does not allow for jurisdiction to impose parking, floor area ratio, or density requirements.

AB 637 (introduced February 9) would allow jurisdictions to deny the granting of a concession, incentive, or waiver of development standard required by the Density Bonus Law with a written finding based upon substantial evidence that the concession, incentive, or waiver of development standard would alter the requirements of a local inclusionary housing program, policy, or ordinance.

AB 323 (passed Assembly May 31) requires that affordable ownership inclusionary units in a Density Bonus project are first offered to future low-income homeowners, only if there are no takers can a nonprofit buy it to operate as a rental unit for a low-income renter.