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**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** ( *Heading of Title 7 amended by Stats. 1974, Ch. 1536. )*

**DIVISION 1. PLANNING AND ZONING [65000 - 66342]** ( *Heading of Division 1 added by Stats. 1974, Ch. 1536. )*

**CHAPTER 12. Housing Crisis Act of 2019 [66300 - 66300.6]** ( *Chapter 12 added by Stats. 2019, Ch. 654, Sec. 13. )*

**ARTICLE 2. Demolition of Housing Units [66300.5 - 66300.6]** ( *Article 2 added by Stats. 2023, Ch. 754, Sec. 6. )*

**66300.5.** For purposes of this article:

(a) (1) (A) Except as otherwise provided in subparagraph (B), "affected city" means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (d), is in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) Notwithstanding subparagraph (A), "affected city" does not include any city that has a population of 5,000 or less and is not located within an urbanized area, as designated by the United States Census Bureau.

(2) "Affected county" means a census-designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, "affected county" and "affected city" includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(b) "Affordable housing cost" has the same meaning as defined in Section 50052.5 of the Health and Safety Code.

(c) "Affordable rent" has the same meaning as defined in Section 50053 of the Health and Safety Code.

(d) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(e) "Housing development project" has the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5.

(f) "Persons and families of low or moderate income" has the same meaning as defined in Section 50093 of the Health and Safety Code.

(g) "Lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

(h) "Protected units" means any of the following:

(1) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(2) Residential dwelling units that are or were subject to any form of rent or price control through a public entity's valid exercise of its police power within the past five years.

(3) Residential dwelling units that are or were rented by lower or very low income households within the past five years.

(4) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(i) (1) "Replace" shall have the same meaning as provided in subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of Section 65915.

(2) Notwithstanding paragraph (1), for purposes of a development project that consists of a single residential unit on a site with a single protected unit, "replace" shall mean that the protected unit is replaced with a unit of any size at any income level.

(j) "Very low income households" has the same meaning as defined in Section 50105 of the Health and Safety Code.

*(Added by Stats. 2023, Ch. 754, Sec. 6. (AB 1218) Effective January 1, 2024.)*

**66300.6.** (a) Notwithstanding any other law and notwithstanding local density requirements, an affected city or an affected county shall not approve a housing development project that will require the demolition of one or more residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(b) Notwithstanding any other law and notwithstanding local density requirements, an affected city or an affected county shall not approve a development project that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years, unless all of the following requirements are satisfied:

(1) (A) The project will replace all existing protected units and protected units demolished on or after January 1, 2020.

(B) Any protected units replaced pursuant to this paragraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(C) This paragraph shall not apply to a project that meets all of the following conditions:

(i) The project is an industrial use.

(ii) The project site is entirely within a zone that does not allow residential uses.

(iii) The zoning applicable to the project site that does not allow residential uses was adopted prior to January 1, 2022.

(iv) The protected units that are or were on the project site are or were nonconforming uses.

(2) (A) If the project is a housing development project, it will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(B) If the project is not a housing development project, the proponent will ensure that any required replacement housing is developed prior to or concurrently with the development project. The required replacement housing may be located on a site other than the project site but shall be located within the same jurisdiction. The project proponent may contract with another entity to develop the required replacement housing.

(3) (A) Any existing occupants will be allowed to occupy their units until six months before the start of construction activities. The project proponent shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under this section. Notice shall be provided at least six months in advance of the date that existing occupants must vacate.

(B) Any existing occupants that are required to leave their units shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

(4) The developer agrees to provide both of the following to the existing occupants of any protected units that are lower income households:

(A) Relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 and any implementing regulations.

(B) A right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a new development that is not a housing development, affordable to the household at an affordable rent or an affordable housing cost. This subparagraph shall not apply to any of the following:

(i) A development project that consists of a single residential unit located on a site where a single protected unit is being demolished.

(ii) (I) Units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for lower income households.

(II) Notwithstanding subclause (I), this subparagraph shall apply to protected units occupied by an occupant who qualifies for residence in the new development and for whom providing a comparable unit would not be precluded due to unit size limitations or other requirements of one or more funding source of the housing development.

(iii) A project that meets the requirements of subparagraph (C) of paragraph (1).

(C) (i) For purposes of complying with subparagraph (B), if one or more single-family homes that qualify as protected units are being replaced in a development project that consists of two or more units, "comparable unit" means either of the following, as applicable:

(I) A unit containing the same number of bedrooms if the single-family home contains three or fewer bedrooms.

(II) A unit containing three bedrooms if the single-family home contains four or more bedrooms.

(ii) For purposes of this subparagraph, a comparable unit is not required to have the same or similar square footage or the same number of total rooms.

(D) This subparagraph does not apply to an occupant of a short-term rental that is rented for a period of fewer than 30 days.

(5) This subdivision does not confer additional legal protections upon an unlawful occupant of a protected unit.

(c) This section shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(d) This section shall not apply to a housing development project for which an application was submitted after January 1, 2019, but prior to January 1, 2020, in a jurisdiction with a population of under 31,000 as of the 2020 United States Census that has a rent or price control ordinance.

*(Added by Stats. 2023, Ch. 754, Sec. 6. (AB 1218) Effective January 1, 2024.)*