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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 4.1. Affordable Housing and High Road Jobs Act of 2022 [65912.100 - 65912.140] (Chapter 4.1 added by Stats. 2022, Ch. 647, Sec. 3.)

ARTICLE 1. General Provisions [65912.100 - 65912.106] (Article 1 added by Stats. 2022, Ch. 647, Sec. 3.)

65912.100. This chapter shall be known and cited as the Affordable Housing and High Road Jobs Act of 2022.

(Added by Stats. 2022, Ch. 647, Sec. 3. (AB 2011) Effective January 1, 2023. Operative July 1, 2023, pursuant to Sec. 7 of Stats. 2022, Ch. 647. Repealed as of January 1, 2033, pursuant to Sec. 65912.105.)

65912.101. For purposes of this chapter:

- (a) "Base units" has the same meaning as "total units" as defined in subparagraph (A) of paragraph (8) of subdivision (o) of Section 65915.
- (b) "Commercial corridor" means a street that is not a freeway and that has a right-of-way of at least 70 and not greater than 150 feet.
- (c) "Development proponent" means a developer who submits a housing development project application to a local government under the streamlined, ministerial review process pursuant to this chapter.
- (d) "Extremely low income households" has the same meaning as defined in Section 50106 of the Health and Safety Code.
- (e) "Freeway" has the same meaning as defined in Section 332 of the Vehicle Code, except it does not include the portion of a freeway that is an on ramp or off ramp that serves as a connector between the freeway and other roadways that are not freeways.
- (f) "Health care expenditures" include contributions under Sections 501(c) or (d) or 401(a) of the Internal Revenue Code and payments toward "medical care" as defined under Section 213(d)(1) of the Internal Revenue Code.
- (g) "Housing development project" has the same meaning as defined in Section 65589.5.
- (h) "Industrial use" means utilities, manufacturing, transportation storage and maintenance facilities, warehousing uses, and any other use that is a source that is subject to permitting by a district, as defined in Section 39025 of the Health and Safety Code, pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.). "Industrial use" does not include any of the following:
 - (1) Power substations or utility conveyances such as power lines, broadband wires, and pipes.
 - (2) A use where the only source permitted by a district is an emergency backup generator.
 - (3) Self-storage for the residents of a building.
- (i) "Local affordable housing requirement" means either of the following:
 - (1) A local government requirement, as a condition of development of residential units, that a housing development project include a certain percentage of units affordable to, and occupied by, extremely low, very low, lower, or moderate-income households as a condition of development of residential units.
 - (2) A local government requirement allowing a housing development project to be a use by right if the project includes a certain percentage of units affordable to, and occupied by, extremely low, very low, lower, or moderate-income households as a condition of development of residential units.

(j) "Local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

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

(l) "Major transit stop" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(m) "Minimum efficiency reporting value" or "MERV" means the measurement scale developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers used to report the effectiveness of air filters.

(n) "Moderate-income households" means households of persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

(o) "Multifamily" means a property with five or more housing units for sale or for rent.

(p) "Neighborhood plan" means a specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3, an area plan, precise plan, community plan, urban village plan, or master plan. To qualify as a neighborhood plan, the plan must have been adopted by a local government before January 1, 2024, and within 25 years of the date that a development proponent submits an application pursuant to this chapter. A neighborhood plan does not include a community plan or plans where the cumulative area covered by the community plans in the jurisdiction is more than one-half of the area of the jurisdiction.

(q) "Principally permitted use" means a use that, as of January 1, 2023, or thereafter, may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit, except that parking uses are considered principally permitted whether or not they require a conditional use permit.

(r) "Regional mall" means a site that meets all of the following criteria on the date that a development proponent submits an application pursuant to this chapter:

(1) The permitted uses on the site include at least 250,000 square feet of retail use.

(2) At least two-thirds of the permitted uses on the site are retail uses.

(3) At least two of the permitted retail uses on the site are at least 10,000 square feet.

(s) "Street" has the same meaning as defined in Section 590 of the Vehicle Code, and includes sidewalks, as defined in Section 555 of the Vehicle Code.

(t) "Urban uses" means any current or former residential, commercial, public institutional, public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.

(u) "Use by right" means a development project for which both of the following are true:

(1) The development project is not subject to a conditional use permit, planned unit development permit, or any other discretionary local government approval, permit, or review process.

(2) No aspect of the development project, including any permits required for the development project, is a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

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

(w) "Very low vehicle travel area" has the same meaning as defined in subdivision (h) of Section 65589.5.

(Amended by Stats. 2024, Ch. 272, Sec. 2. (AB 2243) Effective January 1, 2025. Repealed as of January 1, 2033, pursuant to Sec. 65912.105.)

65912.102. The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this chapter. Any guidelines or terms adopted pursuant to this section are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 2022, Ch. 647, Sec. 3. (AB 2011) Effective January 1, 2023. Operative July 1, 2023, pursuant to Sec. 7 of Stats. 2022, Ch. 647. Repealed as of January 1, 2033, pursuant to Sec. 65912.105.)

65912.103. For purposes of establishing the total number of units in a development under this chapter, a development project includes both of the following:

(a) All projects developed on a site, regardless of when those developments occur.

(b) All projects developed on sites adjacent to a site developed pursuant to this chapter if, after January 1, 2022, the adjacent site had been subdivided from the site developed pursuant to this chapter.

(Added by Stats. 2022, Ch. 647, Sec. 3. (AB 2011) Effective January 1, 2023. Operative July 1, 2023, pursuant to Sec. 7 of Stats. 2022, Ch. 647. Repealed as of January 1, 2033, pursuant to Sec. 65912.105.)

65912.104. (a) The department shall undertake at least two studies of the outcomes of this chapter. One study shall be completed on or before January 1, 2027, and one shall be completed on or before January 1, 2031.

(b) The studies required by subdivision (a) shall include, but not be limited to, the number of projects built, the number of units built, the jurisdictional and regional location of the housing, the relative wealth and access to resources of the communities in which they are built, the level of affordability, the effect on greenhouse gas emissions, and the creation of construction jobs that pay the prevailing wage.

(c) The department shall publish a report of the findings of a study required by subdivision (a), post the report on its internet website, and submit the report to the Legislature pursuant to Section 9795.

(Added by Stats. 2022, Ch. 647, Sec. 3. (AB 2011) Effective January 1, 2023. Operative July 1, 2023, pursuant to Sec. 7 of Stats. 2022, Ch. 647. Repealed as of January 1, 2033, pursuant to Sec. 65912.105.)

65912.105. This chapter shall remain in effect only until January 1, 2033, and as of that date is repealed.

(Added by Stats. 2022, Ch. 647, Sec. 3. (AB 2011) Effective January 1, 2023. Operative July 1, 2023, pursuant to Sec. 7 of Stats. 2022, Ch. 647. Repealed as of January 1, 2033, by its own provisions. Note: Repeal affects Ch. 4.1, comprising sections 65912.100 to 65912.140.)

65912.106. If a housing development project application is submitted on or before December 31, 2024, the provisions of this article as applicable on December 31, 2024, shall apply unless the development proponent chooses to be subject to any of the provisions of this article as applicable on January 1, 2025.

(Added by Stats. 2024, Ch. 272, Sec. 3. (AB 2243) Effective January 1, 2025.)