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AB-3308 School districts: employee housing. (2019-2020)

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Assembly Bill No. 3308

CHAPTER 199

An act to amend Sections 53571, 53572, and 53574 of the Health and Safety Code, relating to housing.

[Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3308, Gabriel. School districts: employee housing.

The Teacher Housing Act of 2016 authorizes a school district to establish and maintain programs, as provided, that address the housing needs of teachers and school district employees who face challenges in securing affordable housing and requires a program established by the act to be restricted to teachers and school district employees. The act creates a state policy supporting housing for teachers and school employees, as provided, and permits school districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to teachers and school district employees on land owned by school districts.

This bill would specify that the state policy created by the act includes permitting school districts to restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, including permitting school districts and developers in receipt of tax credits designated for affordable rental housing to retain the right to prioritize and restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, so long as that housing does not violate any other applicable laws. The bill would specify that a school district may allow local public employees or other members of the public to occupy housing created through the act, and would provide that the school district retains the right to prioritize school district employees over local public employees or other members of the public to occupy housing.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The changes made by this act are necessary in order to provide affordable housing opportunities to teachers and other school district employees in a manner that benefits students and the people of California.

(b) California places a high value on our public education system, and the stability of housing for school employees of school districts and the public education system in California is critical to the overall success and stability of each school in California.

(c) A significant trend driving teacher turnover is the steadily increasing cost of housing in the state. California has 6 of the nation's 15 most expensive large metropolitan rental markets, and since 2015, rents have risen from 36 to 60 percent in those

areas. Rents have also risen in the state's inland and rural communities while home prices continue to escalate statewide. This turnover harms schools, school districts, and our public education system.

(d) Teachers and school employees, especially in coastal and urban areas, are struggling with housing prices and instability. In nearly 40 percent of reporting school districts, first-year teachers cannot afford an average one-bedroom apartment. Many employees are forced to live far from the communities they teach in, and endure grueling supercommutes to their workplace.

(e) Students, school districts, the local community, and the people of the state of California are benefited by teachers living in the community in which they practice their profession. It ensures stability and community involvement, and facilitates stronger ties between teachers, their students, and their families.

(f) By creating affordable housing options for teachers near or on school sites, it also reduces vehicle miles traveled and time away from teachers' homes, thereby reducing or eliminating commute time. This leads to fewer emissions, better air quality, an improved environment, and a higher standard of living in a manner that benefits the people of the state of California.

SEC. 2. Section 53571 of the Health and Safety Code is amended to read:

53571. (a) The purpose of this part is to facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for teachers and school district employees to allow teachers or school district employees to access and maintain housing stability.

(b) A program established under this part shall be restricted to "teacher or school district employees," except that a school district may allow local public employees or other members of the public to occupy housing created through this part, subject to applicable laws and regulations.

(c) A school district shall retain the right to prioritize school district employees over local public employees or other members of the public to occupy housing.

SEC. 3. Section 53572 of the Health and Safety Code is amended to read:

53572. As used in this part:

(a) "Affordable rental housing" means a rental housing development, as defined in subdivision (d) of Section 50675.2, with a majority of its rents restricted to levels that are affordable to persons and families of low or moderate income, as defined in Section 50093, but neither definition is restrictive to only projects with five or more units.

(b) "Local public employees" includes employees of a city, county, city and county, charter city, charter county, charter city and county, special district, or any combination thereof.

(c) "Teacher or school district employee" means any person employed by a unified school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 12, inclusive, an elementary school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 8, inclusive, or a high school district maintaining grades 9 to 12, inclusive, including, but not limited to, certificated and classified staff.

SEC. 4. Section 53574 of the Health and Safety Code is amended to read:

53574. This part specifically creates a state policy supporting housing for teachers and school district employees, as described in Section 42(g)(9) of the Internal Revenue Code, and, further, permits school districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to teachers and school district employees on land owned by school districts, including permitting school districts and developers in receipt of tax credits designated for affordable rental housing to retain the right to prioritize and restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, so long as that housing does not violate any other applicable laws.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.