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**AB-812 Housing development approvals: reserving affordable units in or near a cultural district for artists.** (2023-2024)

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**Assembly Bill No. 812**

**CHAPTER 747**

An act to add Section 65914.8 to the Government Code, relating to housing.

[ Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 812, Boerner. Housing development approvals: reserving affordable units in or near a cultural district for artists.

Existing law requires the Arts Council to establish criteria and guidelines for certification of state-designated cultural districts and collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts. The Planning and Zoning Law imposes various requirements on cities and counties with regard to their review and approval of certain housing developments.

This bill would authorize a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, except as provided, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

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

**SECTION 1.** Section 65914.8 is added to the Government Code, immediately following Section 65914.7, to read:

**65914.8.** (a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:

- (1) The units reserved are located within or within one-half mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or within any similar locally designated cultural district.
- (2) The local agency adopts an ordinance for this purpose that does all of the following:

(A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).

(B) It prohibits an existing tenant from being evicted in favor of an artist.

(C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.

(b) If an insufficient number of artists apply for and occupy the units, the unoccupied units may be offered to general members of the public.

(c) For purposes of this section, the following definitions apply:

(1) "Affordable housing" means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

(2) "Artist" means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

(3) "Local agency" means a city, county, or city and county.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act adding Section 65914.8 to the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.