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AB-3012 Development fees: fee schedule template: fee estimate tool. (2023-2024)

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Assembly Bill No. 3012

CHAPTER 752

An act to add Section 65940.2 to the Government Code, and to add Section 50466.6 to the Health and Safety Code, relating to local government.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3012, Grayson. Development fees: fee schedule template: fee estimate tool.

Existing law, the Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. The act requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions.

This bill would require a city or county that has an internet website to make a fee estimate tool that the public can use to calculate an estimate of fees and exactions, as specified, for a proposed housing development project available on its internet website. The bill would authorize the city or county to choose the format of the fee estimate tool. The bill would require a city or county with a population of greater than 500,000 to meet these requirements on or before July 1, 2031. The bill would require a city or county with a population of 500,000 or fewer to meet these requirements on or before July 1, 2032. By requiring a city or county to include a fee estimate tool on its internet website, the bill would impose a state-mandated local program.

Existing law requires the Department of Housing and Community Development to develop specifications for the structure, functions, and organization of a housing and community development information system for this state. Existing law requires the system to include statistical, demographic, and community development data that will be of assistance to local public entities in the planning and implementation of housing and community development programs. Existing law required the department, on or before January 1, 2024, to create an impact fee nexus study template that may be used by local jurisdictions.

This bill would require the department, on or before July 1, 2028, to create a fee schedule template for proposed housing development projects that may be used by cities and counties, as specified, and a list of best practices regarding presenting information for fees and exactions levied by local jurisdictions. The bill would authorize the department to create a fee estimate tool that may be used by cities and counties for the purpose of meeting the above-described requirements. The bill would authorize the department to contract with nonprofit or academic institutions to complete the fee schedule template, list of best practices, and fee estimate tool.

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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 65940.2 is added to the Government Code, to read:

65940.2. (a) A city or county that has an internet website shall make a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development project available on its internet website. A city or county may choose the format of the fee estimate tool.

(1) The fee estimate tool shall calculate an estimate of fees for a proposed housing development project, including, but not limited to, the following:

(A) A fee or charge described in the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), except Section 66013, Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

(B) In-lieu fees for affordability requirements.

(C) A construction excise tax.

(D) In-lieu fees for a requirement that the housing development project provide public art.

(E) In-lieu fees for dedications of parkland imposed pursuant to Section 66477.

(F) A special tax levied on new housing units pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5).

(2) A city or county shall not be responsible for the accuracy of the estimate provided by the fee estimate tool. A city or county may include a disclaimer regarding the accuracy of the estimate calculated on its internet website under this section.

(b) (1) A city or county with a population of greater than 500,000 shall meet the requirements of this section on or before July 1, 2031.

(2) A city or county with a population of 500,000 or fewer shall meet the requirements of this section on or before July 1, 2032.

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

(1) "Affordability requirement" means a requirement imposed as a condition of a development of residential units, that the development include a certain percentage of the units affordable for rent or sale to households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

SEC. 2. Section 50466.6 is added to the Health and Safety Code, to read:

50466.6. (a) On or before July 1, 2028, the department shall create both of the following:

(1) A fee schedule template for proposed housing development projects that may be used by cities and counties.

(A) The template shall, at a minimum, contain the following:

(i) A list of the fees and exactions described in subparagraph (B) with the approximate cost per unit or per square foot.

(ii) The districts or neighborhoods where each fee applies.

(iii) The uses that each fee applies to.

(iv) Who should be contacted in order to calculate total fees.

(B) To the extent practicable, the template shall include, but not be limited to, the following:

(i) A fee or charge described in the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1 of Title 7 of the Government Code).

(ii) In-lieu fees for affordability requirements.

(iii) A construction excise tax.

(iv) In lieu fees for a requirement that the housing development project provide public art.

(v) In-lieu fees for dedications of parkland imposed pursuant to Section 66477 of the Government Code.

(vi) A special tax levied on new housing units pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) A list of best practices regarding presenting information for fees and exactions levied by local jurisdictions.

(b) The department may create a fee estimate tool that may be used by cities and counties for the purpose of meeting the requirements of Section 65940.2 of the Government Code.

(c) The department may contract with nonprofit or academic institutions to complete the fee schedule template, list of best practices, and fee estimate tool.

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

(1) "Affordability requirement" means a requirement imposed as a condition of a development of residential units, that the development include a certain percentage of the units affordable for rent or sale to households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households specified in Sections 50079.5, 50093, 50105, and 50106.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

SEC. 3. The Legislature finds and declares that ensuring impact fee transparency throughout the state is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Section 65940.2 to the Government Code applies to all cities, including charter cities.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.