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**AB-1021 Housing: local educational agencies.** (2025-2026)

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**Assembly Bill No. 1021**

**CHAPTER 503**

An act to amend Section 17391 of the Education Code, to amend Section 65914.7 of the Government Code, and to amend Section 21080.40 of the Public Resources Code, relating to housing.

[ Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1021, Wicks. Housing: local educational agencies.

(1) The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law, until January 1, 2033, deems a housing development project an allowable use on any real property owned by a local educational agency if the housing development satisfies specified conditions, including, among others, consisting of at least 10 housing units, 100% of the units being rented by local educational agency employees, local public employees, and general members of the public pursuant to a specified priority, and a majority of the units being deed restricted for lower income or moderate-income households, as specified.

Existing law, the Housing Accountability Act, among other things, prohibits a local agency from disapproving a housing development project for very low, low-, or moderate-income households unless the local agency makes written findings as to one of certain sets of conditions, as specified, and describes various requirements applicable to housing development projects.

This bill would revise and recast the provisions deeming a housing development project an allowable use on any real property owned by a local educational agency. The bill would require the housing development to satisfy specified conditions, and would apply the requirements of the Housing Accountability Act to review of housing development projects subject to these provisions. The bill would provide that a proposed housing development project is eligible for a density bonus, as specified, and would define various terms for these purposes. The bill would extend the operation of these provisions until January 1, 2036.

(2) Existing law, prior to the sale, lease, or rental of any excess real property, requires the governing board of each school district to appoint a school district advisory committee to advise the governing board of the school district in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings that is not needed for school purposes. Notwithstanding that law, existing law authorizes the governing board of a school district to elect not to appoint a school district advisory committee in the sale, lease, or rental of excess real property to be used for teacher or school district employee housing.

This bill would specify that the governing board of a school district is authorized to elect not to appoint a school district advisory committee in the sale, lease, or rental of excess real property to be used for teacher or school district employee housing and that is subject to the provisions governing real property owned by a local educational agency described above.

(3) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Existing law, until January 1, 2033, exempts from CEQA certain actions taken by a public agency related to affordable housing projects, as defined, if certain requirements are met.

This bill would provide that an affordable housing project for purposes of the CEQA exemption includes real property owned by a local educational agency, as described above, and would exempt these projects from certain of the requirements for other affordable housing projects.

(4) 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.

(5) By adding to the duties of local planning officials with respect to approving certain development projects, this bill would impose a state-mandated local program.

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

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

### **SECTION 1.** Section 17391 of the Education Code is amended to read:

**17391.** Notwithstanding Section 17388, the governing board of a school district may elect not to appoint a school district advisory committee pursuant to Section 17388 in any of the following circumstances:

(a) A lease or rental of excess real property to a private educational institution for the purpose of offering summer school in a facility of the school district.

(b) The sale, lease, or rental of excess real property to be used for teacher or school district employee housing, including housing projects that comply with Section 65914.7 of the Government Code.

(c) Until July 1, 2024, the sale or lease of surplus real property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary and secondary instruction, pursuant to paragraph (1) of subdivision (e) of Section 17463.7.

### **SEC. 2.** Section 65914.7 of the Government Code is amended to read:

**65914.7.** (a) Notwithstanding any law, a housing development project shall be deemed an allowable use on any real property owned by a local educational agency if the housing development satisfies all of the following:

(1) The housing development consists of at least 10 housing units.

(2) The housing development shall have a recorded deed restriction that ensures, for a period of at least 55 years, that either of the following occurs:

(A) At least 30 percent of the total units of the housing development shall be set at a rent affordable to lower income households, and at least 20 percent of the housing development shall be set at a rent affordable to moderate-income households.

(B) At least 12 percent of the total units of the housing development shall be set at a rent affordable to very low income households, at least 15 percent of the housing development shall be set at a rent affordable to lower income households, and at least 20 percent of the housing development shall be set at a rent affordable to moderate-income households.

(3) One hundred percent of the units of the housing development shall be rented by local educational agency employees, local public employees, and general members of the public pursuant to the following procedures:

(A) A local educational agency shall first offer the units to the agency's local educational agency employees.

(B) If the local educational agency receives an insufficient number of applications pursuant to subparagraph (A) to occupy the units, the unoccupied units may be offered to employees of other local educational agencies.

(C) If the local educational agency receives an insufficient number of applications pursuant to subparagraphs (A) and (B) to occupy the units, the unoccupied units may be offered to public employees who work for a local agency within the jurisdiction of the local educational agency.

(D) If the local agency receives an insufficient number of applications pursuant to subparagraphs (A), (B), and (C) to occupy the units, the unoccupied units may be offered to general members of the public.

(E) When units in the housing development become unoccupied and available for rent, a local educational agency shall offer the units pursuant to the sequence described in subparagraphs (A) to (D), inclusive.

(4) The allowable residential density for the housing development, as measured on the development footprint, shall be the greater of the following:

(A) The residential density allowed on the parcel by the city or county, as applicable.

(B) Twice the applicable density deemed appropriate to accommodate housing for lower income households in that jurisdiction, as specified in paragraph (3) of subdivision (c) of Section 65583.2.

(5) The height limit for the housing development shall be the following:

(A) For a site that is either surrounded by single-family zoning or is not within one-half mile of a major transit stop, the greater of the following:

(i) The height limit allowed on the parcel by the city or county, as applicable.

(ii) Thirty-five feet.

(B) For a site that is not within a metropolitan jurisdiction, as determined pursuant to subdivisions (d) and (e) of Section 65583.2, is not surrounded by single-family zoning, and is within one-half mile of a major transit stop, the greater of the following:

(i) The height limit allowed on the parcel by the city or county, as applicable.

(ii) Forty-five feet.

(C) For a site that is within a metropolitan jurisdiction, as determined pursuant to subdivisions (d) and (e) of Section 65583.2, is not surrounded by single-family zoning, and is within one-half mile of a major transit stop, the greater of the following:

(i) The height limit allowed on the parcel by the city or county, as applicable.

(ii) Sixty-five feet.

(6) (A) (i) The housing development shall satisfy other local objective zoning standards, objective subdivision standards, and objective design review standards that apply for the zone in the city, county, or city and county closest in proximity to the project that allows multifamily residential use at the residential density proposed by the project.

(ii) If no zone exists that allows the residential density proposed by the project, the applicable objective zoning standards, objective subdivision standards, and objective design review standards shall be those for the zone that allow the greatest density within the city, county, or city and county.

(B) Notwithstanding subparagraph (A), a local agency shall not apply any individual or combination of objective zoning standards, objective subdivision standards, and objective design review standards to the project that preclude the development from being built at the density proposed by the project.

(C) For purposes of this section, the terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by the city or county, as applicable, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(D) Nothing in this paragraph shall be construed as exempting a proposed project that falls under this section from the requirements of paragraph (4).

(7) The property is located entirely within any applicable urban limit line or urban growth boundary established by local ordinance.

(8) The housing development complies with all infrastructure-related requirements, including impact fees that are existing or pending at the time the application is submitted, imposed by a city or county or a special district that provides service to the parcel.

(b) (1) Notwithstanding any local law, a housing development that meets the requirements of this section shall be deemed consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan.

(2) A housing development proposed pursuant to this section shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to Section 65915.

(c) The local educational agency shall maintain ownership of a housing development that meets the requirements of this section for the length of the 55-year affordability requirement described in paragraph (2) of subdivision (a).

(d) Subject to the requirements of Article 8 (commencing with Section 17515) and Article 9 (commencing with Section 17527) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code, any land used for the development of a housing development that meets the requirements of this section may be jointly used or jointly occupied by the local educational agency and any other party.

(e) Any land used for the development of a housing development that meets the requirements of this section shall be exempt from the requirements of all of the following:

(1) Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(2) Article 2 (commencing with Section 17230) of Chapter 1 of Part 10.5 of Division 1 of Title 1 of the Education Code.

(3) Article 4 (commencing with Section 17455) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code.

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

(1) "Affordable rent" means an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

(2) "Development footprint" means the portion of the property that is developed for the housing development, inclusive of parking and roadways developed internal to the site to serve the housing development, and other aboveground improvements developed to serve the housing development.

(3) "Housing development project" has the same meaning as in paragraph (2) of subdivision (h) of Section 65589.5.

(4) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, special district, or any combination thereof.

(5) "Local educational agency" means a school district or county office of education.

(6) "Local educational agency employee" has the same meaning as "teacher or school district employee," as defined in subdivision (c) of Section 53572 of the Health and Safety Code.

(7) "Local public employee" has the same meaning as defined in subdivision (b) of Section 53572 of the Health and Safety Code.

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

(9) "Major transit stop" means the same as the definition in subdivision (b) of Section 21155 of the Public Resources Code.

(10) "Moderate-income households" has the same meaning as in Section 50093 of the Health and Safety Code.

(11) "Real property owned by a local educational agency" means real property owned by a local education agency as of January 1, 2026.

(12) "Total units" has the same meaning as in paragraph (9) of subdivision (o) of Section 65915.

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

(g) The local government's review of a housing development pursuant to this section to determine whether the development complies with objective development standards, including objective design review standards, shall be conducted consistent with

the requirements of Section 65589.5.

(h) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

**SEC. 3.** Section 21080.40 of the Public Resources Code is amended to read:

**21080.40.** (a) For purposes of this section, the following definitions apply:

(1) "Affordable housing project" means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the project designated for residential use, and that satisfies all of the following requirements:

(A) The project meets either of the following:

(i) All of the residential units within the project, excluding managers' units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.

(ii) The project complies with all of the requirements of Section 65914.7 of the Government Code.

(B) (i) The project meets the labor standards set forth in Section 65912.130 of the Government Code.

(ii) In addition to clause (i), for a project with 50 or more residential units, the project meets the labor standards set forth in Section 65912.131 of the Government Code.

(C) The project is located on a legal parcel or parcels in any of the following locations:

(i) In a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(ii) Within one-half mile walking distance to either a high-quality transit corridor or a major transit stop.

(iii) In a very low vehicle travel area.

(iv) Proximal to six or more amenities pursuant to paragraph (3) as of the date of submission of the application for the project.

(D) Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site or at least three sides of a four-sided project site. For purposes of this paragraph, parcels that are only separated by a street or highway shall be considered to be adjoined.

(2) "High-quality transit corridor" has the same meaning as set forth in subdivision (b) of Section 21155.

(3) "Proximal" to an amenity means either of the following:

(A) Within one-half mile of any of the following amenities:

(i) A bus station.

(ii) A ferry terminal.

(B) Within one mile, or for a parcel in a rural area, as defined in Section 50199.21 of the Health and Safety Code, within two miles, of any of the following amenities:

(i) A supermarket or grocery store.

(ii) A public park.

(iii) A community center.

(iv) A pharmacy or drugstore.

(v) A medical clinic or hospital.

(vi) A public library.

(vii) A school that maintains a kindergarten or any of grades 1 to 12, inclusive.

(4) "Vacant site" means a site without any houses, offices, buildings, or other significant improvements on it.

(5) (A) "Very low vehicle travel area" means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita.

(B) For purposes of subparagraph (A), "area" may include a travel analysis zone, hexagon, or grid.

(C) For the purposes of determining "regional vehicle miles traveled per capita" pursuant to subparagraph (A), a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(b) Subject to subdivision (c), this division does not apply to any of the following:

(1) The issuance of an entitlement by a public agency for an affordable housing project.

(2) An action to lease, convey, or encumber land owned by a public agency for an affordable housing project.

(3) An action to facilitate the lease, conveyance, or encumbrance of land owned or to be purchased by a public agency for an affordable housing project.

(4) Rezoning, specific plan amendments, or general plan amendments required specifically and exclusively to allow the construction of an affordable housing project.

(5) An action to provide financial assistance in furtherance of implementing an affordable housing project.

(c) Subdivision (b) applies if the action described in subdivision (b) requires the affordable housing project to meet all of the following requirements:

(1) The affordable housing project will be subject to a recorded California Tax Credit Allocation Committee regulatory agreement. This requirement does not apply to affordable housing projects that comply with all of the requirements of Section 65914.7 of the Government Code.

(2) The affordable housing project site can be adequately served by existing utilities or extensions.

(3) A public agency confirms all of the following:

(A) The project site satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.

(B) For a vacant site, the project site does not contain tribal cultural resources that could be affected by the development that were found pursuant to a consultation described in Section 21080.3.1 and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2.

(C) (i) The development proponent has completed a phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code. If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

(ii) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

(iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

(D) For a project site where multifamily housing is not a permitted use, all of the following are met:

(i) None of the housing is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.

(ii) None of the housing is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

(iii) The project site is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 or as designated pursuant to subdivisions (a) and (b) of Section 51179 of the Government Code.

(d) If a lead agency determines that an activity is not subject to this division pursuant to this section and determines to approve or carry out the activity, the lead agency shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the activity will occur in the manner specified in subdivisions (b) and (c) of Section 21108 or subdivisions (b) and (c) of Section 21152.

(e) This section shall remain in effect only until January 1, 2033, and as of that date is repealed.

**SEC. 4.** The Legislature finds and declares that ensuring residential development on land owned by local educational agencies 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, this act applies to all cities, including charter cities.

**SEC. 5.** 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.