

Date of Hearing: May 3, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 352 (Santiago) – As Amended April 6, 2017

SUBJECT: State Housing Law: efficiency units.

SUMMARY: Prohibits a city or county from establishing a higher square footage requirement for efficiency units than what is specified in the International Building Code, and restricts a city or county from placing limitations on efficiency units located in certain areas. Specifically, **this bill:**

- 1) Prohibits a city, county, or city and county (hereafter referred to as “city or county”) from doing any of the following:
 - a) Establishing a higher square footage requirement for an efficiency unit than the one provided in the International Building Code;
 - b) Limiting the number of efficiency units in an area located within one-half mile of public transit or where there is a car share vehicle located within one block of the efficiency unit; and,
 - c) Limiting the number of efficiency units in an area located within one mile of a University of California or California State University campus.

EXISTING LAW:

- 1) Allows a city or county to permit, by ordinance, efficiency units to be occupied by no more than two persons with a minimum floor area of 150 square feet and that may also have a partial kitchen or bathroom facilities.
- 2) Defines "efficiency unit" to have the same meaning as in the International Building Code of the International Code Council.
- 3) Defines, in the International Building Code, an efficiency unit, as follows:
 - a) The unit shall have a living room of not less than 220 square feet of floor area;
 - b) An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two;
 - c) The unit shall be provided with a separate closet; and,
 - d) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
 - e) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** State law allows local governments to adopt ordinances permitting efficiency units that have a minimum floor area of 150 square feet, occupied by no more than two persons, with a kitchen or bathroom facilities. The International Building Code defines an efficiency unit as having a living room that is no less than 220 square feet. California uses the International Building Code, published by the International Code Council, to set the state's building standards.

This bill prohibits: (a) A city or county from establishing a higher square footage requirement for an efficiency unit than the one provided in the International Building Code; (b) A city or county from limiting the number of efficiency units in an area located within one-half mile of public transit or where there is a car share vehicle located within one block of the efficiency unit; and, (c) A city or county from limiting the number of efficiency units in an area located within one mile of a University of California or California State University campus. This bill is sponsored by the California Apartment Association.

- 2) **Author's Statement.** According to the author, "The housing situation in California has reached critical level that demands a statewide response. In many communities vacancy rates on housing have dropped dramatically low to unsustainable levels due to a lack of new construction and sometimes stringent requirements set by local jurisdiction on the type of housing that may be built. This has created an environment that makes it difficult for individuals, students, seniors, and families to find an affordable place to live close to their schools or jobs.

"If in California we want a housing environment that meets the needs of our residents then we need to craft public policy that supports that goal, and efficiency units ought to be a part of the conversation. These types of units are not only an economical choice in terms of space; they are also affordable by virtue of their design. Unlike larger apartment units that accommodate extra space for residents, efficiency units maximize use into a smaller square footage which also [keeps] costs down on the price. Many cities understand the importance of efficiency units; however some cities, faced with community opposition, have enacted road blocks to this type of affordable housing. When local governments make it difficult to build new housing or when our regulations disincentivize certain types of housing that have been proven to work then it's time to revisit the law. AB 352 will address this problem by limiting local government's ability to place these unnecessary restrictions on efficiency units, specifically on the square footage requirements and the limit on the amount of these units that may be built in specific types of areas."

- 3) **Arguments in Support.** Supporters argue that this bill will help alleviate the housing shortage, while capitalizing on limited land resources.
- 4) **Arguments in Opposition.** Opponents are concerned about reducing consideration of fire and life safety issues pertaining to small apartment units.
- 5) **Double-Referral.** This bill was heard in the Housing and Community Development Committee on April 5, 2017, and passed on a 7-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association [SPONSOR]
California Association of Realtors
California State Association of Electrical Workers
California State Pipe Trades Council
Western State Council of Sheet Metal Workers

Opposition

Fire Chiefs Association
Fire Districts Association of California

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