



Piasky Solutions

Real Estate and Development

Real Estate Bullets #2:

Legislative Alert: SB423

SB423, which would amend SB35, is shaping up to be among the most **controversial** land use bills this year. It is legislation regarding streamlined housing approvals for multifamily housing developments.

SB 423 (Wiener) Amendments to SB 35:

LAND USE; STREAMLINED HOUSING APPROVALS; MULTIFAMILY HOUSING DEVELOPMENTS

Existing law, under SB 35 (Wiener, 2017):

- Mandates streamlined, ministerial approval for qualifying projects
- Project must be in a municipality that has failed to issue sufficient housing permits by income category to meet their regional housing needs
- Requires developments to have a **minimum percentage of below market rate housing**
- Requires compliance with zoning and design standards, excluding concessions and incentives
- Prohibits development in environmentally sensitive sites
- Requires certification of public work or prevailing wages for construction workers
- Provides local government review and oversight within specified timeframes
- Includes a sunset provision of **January 1, 2026**

This bill:

- Extends the SB 35 streamlining provisions until **January 1, 2036**
- Eliminates the “skilled and trained workforce” requirement for projects that are 85 feet in height or less
- Applies SB 35 to the coastal zone
- Subjects local governments to SB 35 streamlining if they fail to adopt a compliant housing element
- Requires units restricted to higher incomes than SB 35 requirement to count as compliance with affordable housing requirements
- **Authorizes development on wetlands or protected habitats with proper permits**
- Requires local government planning directors to determine compliance with objective planning standards
- Limits consultant studies required by local governments
- Exempts projects with **100% subsidized affordable housing** from labor provisions

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