
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 2097 (Friedman) - Residential, commercial, or other development types: parking requirements

Version: June 23, 2022

Policy Vote: GOV. & F. 5 - 0, HOUSING 6
- 1

Urgency: No

Mandate: Yes

Hearing Date: August 11, 2022

Consultant: Mark McKenzie

Bill Summary: AB 2097 would prohibit state and local public agencies from imposing or enforcing a minimum automobile parking requirement on residential, commercial, or other developments located within ½ mile of public transit, as specified.

******* ANALYSIS ADDENDUM – SUSPENSE FILE *******

**The following information is revised to reflect amendments
adopted by the committee on August 11, 2022**

Fiscal Impact:

- The Department of Housing and Community Development (HCD) estimates cost of approximately \$178,000 annually for 1.0 PY of staff to coordinate with local governments, provide guidance and technical assistance, investigate complaints, conduct enforcement actions, and make referrals to the Attorney General. (General Fund)
- Unknown, likely minor costs for the Attorney General (AG) to take enforcement actions against non-compliant cities and counties that fail to take corrective actions, to the extent HCD refers violations to the AG. (General Fund)
- Unknown local mandated costs. While the bill could impose new costs on local agencies to revise planning requirements for certain developments, these costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates. (local funds)

Committee Amendments:

- Strike out geographic limitations that exempt smaller jurisdictions from the bill's requirements.
- Strike out the bill's parameters on the number of units and affordability requirements to qualify for the exemption from parking requirements, and instead prohibit the imposition of minimum parking requirements on a housing development project located within ½ mile of public transit that satisfies any of the following:
 - The development dedicates at least 20% of the total units to very low-, low-, or moderate-income households, students the elderly, or persons with disabilities.
 - The development contains fewer than 20 housing units.
 - The development is not subject to parking requirements based on the provisions of any other state law.

- Except as specified, authorize a city or county to impose or enforce a minimum parking requirement if the public agency makes written findings, within 30 days of receiving a completed application, that not imposing or enforcing minimum parking requirements would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:
 - The city's or county's ability to meet its share of the regional housing need for low- and very low-income households.
 - The city's or county's ability to meet any special housing needs for the elderly or persons with disabilities, as specified.
 - Existing residential or commercial parking within ½ mile of the housing development project.
- Specify that a project is not subject to the bill if any portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion is designated for use as a residential hotel, as specified.
- Provide for enforcement of the bill's requirements by requiring HCD to notify a jurisdiction, and authorize HCD to notify the Attorney General, when a local jurisdiction violates the provisions of the bill.
- Add co-authors.

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