
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair
2025 - 2026 Regular

Bill No: AB 457
Author: Soria
Version: 2/6/25

Hearing Date: 7/16/25
Fiscal: Yes
Consultant: Peterson

FARMWORKER HOUSING: STREAMLINED, MINISTERIAL APPROVAL: COUNTIES OF FRESNO, MADERA, AND MERCED

Expands the streamlined, ministerial approval process for farmworker housing outside of agricultural lands to the Counties of Fresno, Madera, and Merced.

Background

The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Zoning and approval processes. Local governments use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, lot coverage ratios to increase open space, and others. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Some housing projects can be permitted by city or county planning staff “ministerially” or without further approval from elected officials, but most large housing projects require “discretionary” approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

Farm Worker Housing Act of 2019. To address a shortage of housing for farmworkers, the Legislature enacted the Farm Worker Housing Act of 2019 (AB 1783, R. Rivas, 2019). The Farm Worker Housing Act establishes a streamlined, ministerial process for approval of qualifying agricultural employee housing projects. To qualify, projects must be on land designated for agricultural uses in the applicable city or county general plan and cannot be located in certain environmentally unsafe or sensitive areas. The agricultural employee housing cannot be dormitory style housing, and must be maintained and operated by a qualified affordable housing organization certified by the Department of Housing and Community Development. Such organizations include non-profits and public agencies with prior experience and current capacity to capably maintain and operate the housing. The housing must be affordable to lower-income households and restricted to agricultural employees for at least 55 years. The projects cannot be used to meet an employer’s obligation to provide housing to

temporary agricultural workers under Section 218 of the Immigration and Nationality Act (H-2A workers).

Cities and counties can impose the following additional requirements that the project site is either within one-half mile of specified roads and that the development:

- Has adequate water and wastewater facilities and dry utilities to serve the project, including that if the project contains 10 or more units, the development connect to an existing municipal sewer system that has adequate capacity to serve the project;
- Includes off-street parking based upon demonstrated need, provided the standards do not require more parking for eligible agricultural employee housing developments than for other residential uses of similar size within the jurisdiction;
- Complies with health, safety, and welfare standards for agricultural employee housing, including, but not limited to, density, minimum living space per occupant, minimum sanitation facilities, minimum sanitation requirements, and similar standards; and
- Complies with standards requiring that 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 state and federal requirements.

Cities and counties must determine whether requirements are met within a specified time, depending on the size of the project, and if so, the project is approved ministerially, within the specified time of submission, depending on the project's size.

AB 1783 only applies to developments of 36 units or fewer. AB 1783 also requires that developers use state funding in conjunction with the streamlining, ministerial approval process allowed under the bill.

Use of the Farm Worker Housing Act has been limited. One reason is state funding programs, like the Joe Serna Farmworker Housing Program, tend to fund larger projects, with more units than the maximum allowed under the Farm Worker Housing Act. Additionally, the Farm Worker Housing Act requires adequate utilities, including municipal water in some cases, which can be difficult to find on agriculturally zoned parcels. As a result, it has been challenging for developers to utilize the benefits of this bill with that funding program.

To address these issues, AB 3035 (Pellerin, 2024) expanded eligibility for AB 1783's process for approving agricultural housing developments in the Counties of Santa Clara and Santa Cruz in two ways. It allowed AB 1783 to be used on all parcels within 15 miles of farmland or land for grazing that is not adjoined to a site where more than 1/3 of the square footage is for industrial use. It also increased the maximum size of developments in those counties to 150 units (from 36).

To further expand housing opportunities for farmworkers, the author wants to expand those provisions to the Counties of Fresno, Madera, and Merced.

Proposed Law

Assembly Bill 457 expands eligibility for AB 1783's process for approving agricultural housing developments up to 150 units on all parcels within 15 miles of farmland or land for grazing that

is not adjoined to a size where more than 1/3 of the square footage is for industrial use to the Counties of Fresno, Madera, and Merced.

Comments

1. Purpose of the bill. According to the author, “While California’s housing crisis is often thought of as a problem for dense urban cities, the effects on more rural areas have been equally devastating and present unique challenges. Farmworkers in particular bear the brunt of this crisis, with farmworkers disproportionately living in overcrowded households, often in aging, substandard housing with significant habitability issues. An important step to address this issue was AB 1783 (Rivas 2019), the Farm Worker Housing Act of 2019, which created a streamlined, ministerial approval process for up to 36 units of affordable farmworker housing in agricultural zones, which was significantly expanded in Santa Cruz and Santa Clara Counties by AB 3035 (Pellerin 2024). AB 457 builds on the work of AB 3035 to allow the streamlined approval of up to 150 units of affordable farmworker housing within 15 miles of farm or grazing land in the Counties of Fresno, Madera, and Merced. Providing more flexibility in locating these developments allows easier connections to necessary infrastructure and easy access to important amenities, while streamlining larger developments helps to meet the urgent need for farmworker housing. AB 457 is a targeted solution to provide the dignified, affordable housing that farmworkers need in the Central Valley’s agricultural heartland.”

2. Where are we headed? AB 457 expands AB 3035’s provisions to additional counties less than a year after that measure’s enactment. It is unclear whether Santa Clara and Santa Cruz have had enough time to assess whether AB 3035’s provisions adequately address the needs for farmworker housing in their communities. Should the Legislature expand these existing provisions to additional counties before assessing how well they are working?

3. Incoming! The Senate Rules Committee has ordered a double referral of AB 457: first to the Committee on Housing, which approved AB 457 at its June 17th hearing on a vote of 9-0, and second to the Committee on Local Government.

Assembly Actions

Assembly Housing and Community Development Committee:	12-0
Assembly Appropriations Committee:	15-0
Assembly Floor:	76-0

Support and Opposition (7/11/25)

Support: CA Assn of Winegrape Growers
 California Primary Care Association
 Cdp Rural Caucus
 City of Firebaugh
 City of Kerman
 City of Madera
 City of Mendota
 City of Merced
 Habitat for Humanity California
 Habitat for Humanity Greater Fresno Area
 Housing Action Coalition

Opposition: None Submitted

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