



### AFFORDABLE HOUSING ON FAITH AND HIGHER EDUCATION LANDS ACT OF 2023 SENATE BILL (SB 4) QUICK FACTS

Senate Bill (SB) 4 requires ministerial approval (approval without discretionary permits or review under the California Environmental Quality Act) of certain development applications for 100 percent affordable housing on land owned by an independent institution of higher education or a religious institution. In effect, SB 4 streamlines the building process for faith-based institutions and certain colleges by providing a process that allows them to build qualifying housing projects regardless of zoning restrictions if certain requirements are satisfied.

#### Developer Requirements

Although the land must be owned by a religious institution or independent institution of higher education, the applicant must be a “qualified developer,” which includes:

- Local public agencies such as cities, counties, housing authorities, and other public entities authorized to develop or operate affordable housing;
- A nonprofit corporation, a limited partnership in which a managing general partner is a nonprofit corporation, or a limited liability company in which a managing member is a nonprofit corporation which, at the time the application is submitted, owns or manages property that has a welfare exemption under the state tax code;
- A developer that contracts with a nonprofit corporation that has received a welfare exemption under the state tax code for properties intended to be sold to low-income families with a zero-interest rate loan; or
- A developer that the religious institution or independent institution of education has contracted with before to construct housing or other improvements to real property.

#### Project Criteria

In addition to being developed by a qualified developer, the project must meet the following criteria:

- 100 percent of the units, exclusive of the manager unit, must be affordable to lower-income households, except that up to 20 percent of the units can be affordable to moderate-income households and 5 percent of units can be for staff of the institution owning the land;
- If the project is in a zone that allows residential uses, including in single-family residential zones, the allowed density is the density appropriate to accommodate housing for lower income households under Housing Element Law and the height limit is one story above the maximum height otherwise applicable to the parcel;
- The project must provide off-street parking of up to one space per unit (unless applicable state law provides for a lower standard), except if the project site is within one-half mile or certain other criteria;
- The site must be owned by the institution on or before January 1, 2024; and
- SB4 requires prevailing wages for projects over 10 units and requires additional labor standards on projects over 50 units.

#### Additional SB 4 Resources & Information

State of California Legislative Information:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB4](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB4)

Additional Information:

<https://sd11.senate.ca.gov/news/20231011-governor-signs-senator-wiener%E2%80%99s-landmark-housing-bills%C2%A0>