



ASSEMBLY BILL 2295 ELIGIBILITY CHECKLIST

On September 28, 2022, Governor Gavin Newsom signed AB 2295 into law, adding Section 65914.7 to the Government Code. This new section considers housing development projects on property owned by a local educational agency (LEA) to be an allowable use of the property, provided certain criteria are met. Notwithstanding any law, a housing development project shall be deemed an allowable use on any real property owned by a local educational agency if the housing development satisfies all of the following:

1. The housing development consists of at least 10 housing units.
2. The housing development shall have a recorded deed restriction that ensures, for a period of at least 55 years, that the majority of the units of the housing development shall be set at an affordable rent to lower income or moderate-income households.
3. However, at least 30 percent of the units shall be affordable to lower income households.
4. One hundred percent of the units of the housing development shall be rented by local educational agency employees, local public employees, and general members of the public pursuant to the following procedures:
 - a. A local educational agency shall first offer the units to the agency's local educational agency employees.
 - b. If the local educational agency receives an insufficient number of local educational agency employees to apply for and occupy the units, the unoccupied units may be offered to employees of directly adjacent local educational agencies.
5. If the local educational agency receives an insufficient number of employees of directly adjacent local educational agencies to apply for and occupy the units, the unoccupied units may be offered to public employees who work for a local agency within the jurisdiction of the local educational agency.
 - a. If the local agency receives an insufficient number of local public employees to apply for and occupy the units, the unoccupied units may be offered to general members of the public.
 - b. When units in the housing development become unoccupied and available for rent, a local educational agency shall first offer the units to the agency's local educational agency employees.
6. The residential density for the housing development, as measured on the development footprint, shall be the greater of the following:
 - a. The residential density allowed on the parcel by the City.
 - b. The applicable density deemed appropriate to accommodate housing for lower income households, as specified in paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.

7. The height limit for the housing development shall be the greater of the following:
 - a. The height limit allowed on the parcel; or
 - b. Thirty-five feet.
8. The property is adjacent to a property that permits residential uses as a principally permitted use.
9. The property is located on an infill site. For purposes of this Section, “infill site” means a site in an urban area, as determined by the 2020 United States Census, that meets either of the following criteria:
 - a. The site has not been previously developed for urban uses and both of the following apply:
 - i. The site is immediately adjacent to parcels that are developed with qualified urban uses, as defined in Section 17.51.020 (Definitions), or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.
 - ii. No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.
10. Objective Zoning Standards:
 - a. The housing development shall satisfy other local objective zoning standards, objective subdivision standards, and objective design review standards that do not preclude the housing development from achieving the residential density permitted.
 - b. If the City has not adopted objective standards as provided in clause paragraph (8)(a)(i) applicable to residential development on the parcel, the housing development shall be subject to local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development on the nearest parcel in a multifamily zone.
11. The property is located entirely within any applicable urban limit line or urban growth boundary as established under this Code.
12. The housing development complies with all infrastructure-related requirements, including impact fees that are existing or pending at the time the application is submitted.