

1. SB 330 (2019) + SB 8 (2021) — Housing Crisis Act. GROWTH CAPS PREEMPTED. Bans numeric growth caps, population ceilings and downzoning, limits a city to five hearings on a housing project, and freezes the standards and fees in effect when a preliminary application is filed, sets a timeline where a decision must be made. This is the law that suspended Morgan Hill's voter-approved Measure S growth control system, the 215-unit annual limit and 58,200 population ceiling are unenforceable through January 1, 2030.

2. SB 35 (2017) → SB 423 (2023) — Ministerial streamlining. NO HEARING, NO CEQA. Requires ministerial, CEQA-exempt approval of qualifying multifamily projects in cities that miss their housing production targets or lack a compliant housing element. SB 423 made the program permanent and expanded it, so eligible projects move forward with no design hearing, no planning commission review and no council vote. Based on housing projection, Morgan Hill is currently exempt from this law.

3. AB 1893 + AB 1886 (2024) — Builder's Remedy. ZONING SET ASIDE. AB 1886 confirms a housing element is compliant only when HCD says so, and AB 1893 bars cities from denying qualifying builder's remedy projects, limiting review to objective standards already on the books. A short lapse in housing element compliance now exposes a city to applications that ignore its zoning entirely.

4. SB 79 (2025) — Transit-Oriented Development. STATE-SET HEIGHT AND DENSITY. Makes qualifying transit-oriented housing an allowed use near specified transit stops in urban transit counties, including Santa Clara County, at state-mandated density and height floors. It takes effect July 1, 2026, and HCD reviews each local implementing ordinance or alternative plan for substantial compliance. Morgan Hill is exempt from this law based on our existing transit service levels.

5. AB 130 + SB 131 (2025) — CEQA overhaul and code freeze. LOCAL CODES FROZEN TO 2031. Signed as budget trailer bills on June 30, 2025, they create a statutory CEQA exemption for infill housing on sites up to 20 acres and exempt housing element rezoning actions. They also freeze new state and local residential building standards from October 2025 through June 2031, taking local reach codes and green building amendments off the table. This law also includes an aggressive timeline and automatic approvals if required timeline is not met.

6. AB 2011 (2022) + AB 2243 (2024) — High Road Jobs Act. COMMERCIAL LAND REZONED. Allows by-right, CEQA-exempt housing on commercial and office-zoned corridor sites at state-set density and height in exchange for affordability and prevailing wage. AB 2243 widened the eligible sites, effectively rezoning a city's retail corridors with no general plan amendment and no economic development analysis.

7. SB 9 (2021) + SB 450 (2024) — Duplexes and lot splits. FOUR UNITS ON AN R-1 LOT. Requires ministerial approval of duplexes and urban lot splits in single-family zones, allowing up to four units where one home stood. SB 450 removed several local safeguards and added a 60-day decision clock, so staff are required to process these with no discretion, no hearing and no neighbor notice.

8. ADU laws, 2019–2024 (AB 68/881/587, SB 897, AB 1033, AB 1332, AB 2533). EVERY LOT UPZONED. Successive bills eliminated lot-size minimums, owner-occupancy rules, most setbacks and parking; raised height limits; allowed ADUs to be sold as condominiums; required pre-approved plan programs; and forced amnesty for unpermitted units. Homeowner’s Associations are not allowed to deny an ADU. Together they have rewritten every residential zone in the municipal code, and the Legislature revisits them nearly every year.

9. SB 1211 (2024) — ADUs on multifamily lots. UP TO EIGHT PER LOT. Raises the ministerial allowance from two to as many as eight detached ADUs on a lot with an existing multifamily building, capped at the number of existing units, with setbacks of no more than four feet. Replacement parking cannot be required, so an existing fourplex can double or quadruple with no hearing and no parking.

10. SB 1037 (2024) — Attorney General penalties. $10K–$50K PER MONTH. Effective January 1, 2025, courts must impose civil penalties of $10,000 to $50,000 per month per violation against cities, including charter cities, in suits brought by the Attorney General or HCD over housing element compliance or failure to approve ministerially. Penalties are mandatory rather than discretionary and accrue from the first violation.

11. AB 2234 (2022) — Post-entitlement shot clocks. 60-DAY DEADLINES. Sets hard deadlines for building and post-entitlement permits — 30 days for completeness, 60 days for projects under 25 units — plus online submittal requirements. For a department with a handful of plan checkers, a missed deadline creates legal exposure regardless of workload.

12. Housing element rigor, 2017–2022 (AB 1397, AB 686, AB 1398, SB 197) — Compliance or penalty. COMPLIANCE OR PENALTY. AB 686 imposed an affirmatively furthering fair housing duty across all local land use actions; AB 1397 tightened site inventory realism; AB 1398 and SB 197 require rezoning within one year and impose streamlining as an automatic penalty for lateness. The housing element is no longer a plan, it is an enforceable compliance instrument.

13. AB 2097 (2022) — Parking minimums. NO PARKING REQUIRED. Prohibits cities from imposing minimum parking requirements on most development within a half mile of major transit, including commercial and industrial uses as well as residential. This generates more resident complaints than any other bill on the list, because spillover parking is immediate and visible and staff no longer have authority to mitigate it.

14. SB 684 (2023) + SB 1123 (2024) — Starter Home Revitalization Act. MAPS OVER THE COUNTER. Requires ministerial, no-hearing, no-CEQA approval of subdivisions up to 10 parcels and 10 units, with a 60-day deemed-approved clock; SB 1123 extended it to vacant single-family lots effective July 1, 2025. Tentative maps, historically the core discretionary act of a planning commission, are now processed over the counter.

15. SB 6 (2022) — Middle Class Housing Act. OFFICE AND RETAIL SITES. Makes residential use allowable on parcels zoned for office, retail or parking at the housing element default density, subject to prevailing wage and skilled workforce standards. It means a small city's entire commercial land inventory is effectively dual-zoned for housing whether the general plan says so or not.

16. SB 4 (2023) — Yes In God's Backyard. FAITH-OWNED LAND. Allows by-right, 100 percent affordable housing on land owned by religious institutions and nonprofit colleges regardless of the underlying zoning, at state-set densities. In a city like Morgan Hill this quietly makes a scattered set of church-owned parcels developable at urban densities.

17. AB 1287, AB 2334, AB 1218 (2022–23) — Density bonus escalation. STANDARDS WAIVED. For projects that qualify under this law, AB 1287 permits a second stacked density bonus for additional moderate-income units, pushing total bonuses well past 100 percent; AB 2334 removed density caps in high-opportunity areas; AB 1218 tightened replacement-unit and anti-demolition rules. **Concessions and waivers now routinely override the height, setback and open space standards that survived every other law here.**

18. SB 937 (2024) + SB 499 (2025) — Impact fee deferral. FEES COLLECTED LAST. Bars collection of most development impact fees until final inspection or certificate of occupancy, locks the fee amount to an earlier date, and extended qualifying entitlements by 24 months. Cities now build infrastructure years before the fee revenue arrives and carry the collection risk if a project stalls.

19. SB 478 (2021) — HOME Act, floor area ratio. BULK LIMITS VOIDED. Prohibits floor area ratio limits below 1.0 on lots zoned for three to seven units and 1.25 on lots zoned for eight to ten, and bars lot coverage or minimum lot size rules that would preclude those densities. It is the quiet one that undoes the massing standards cities used to make small multifamily fit an existing neighborhood.

20. AB 101 (2019) + AB 2339 (2022) — Shelters and navigation centers. BY-RIGHT SITING. AB 101 made low-barrier navigation centers a by-right use in mixed-use and nonresidential zones with a 30-day approval clock, and AB 2339 requires housing elements to identify shelter sites in zones with real capacity. Siting decisions once among the most deliberative a council could make are now ministerial or pre-committed.



Q: Why didn't the city hold a hearing on this project?
A: Under SB 35/SB 423, SB 9, SB 684/SB 1123 and AB 2011, qualifying projects are approved ministerially. A ministerial permit is a checklist, if the application meets the objective standards, staff must issue it. There is no hearing, no vote and no appeal to hold. Many other projects are able to be approved administratively, meaning a hearing is only held if necessary.

Q: What happened to Measure S?
A: Seventy-seven percent of Morgan Hill voters approved it in 2016. SB 330 preempted the growth cap and population ceiling beginning January 1, 2020, and SB 8 extended that preemption to January 1, 2030. The ordinance remains in the municipal code but cannot be enforced.

Q: Can't the council just say no?
A: Rarely, and at rising cost. The Housing Accountability Act limits denial to findings of a specific, objective health-and-safety impact, and if denied without these findings, **penalties of either $10,000 or $50,000 per unit can and will be assessed**. **SB 1037 now requires courts to impose penalties of $10,000 to $50,000 per month per violation in state enforcement actions.**

Q: So what is still local?
A: Objective design and development standards, (though most can be waived under Density Bonus Law), infrastructure and capital planning, impact fee programs built on a defensible nexus, inclusionary requirements, and the housing element itself. The work has shifted from whether to build to how well it is built.

Where local authority still lives

Objective design and development standards; infrastructure and capital planning; impact fee programs built on a defensible nexus; inclusionary housing requirements; the housing element and its sites inventory; annexation and sphere-of-influence decisions; and the quality of what actually gets built. Cities that write strong, clear, objective standards keep real influence. Cities that rely on discretion no longer have it.

Free to reproduce, forward, print and post.

Sources

1. City of Morgan Hill, Residential Development Control System — https://www.morganhill.ca.gov/100/What-Happened-to-the-Citys-RDCS-Program
2. Burke, Williams & Sorensen on AB 1893 — https://www.bwslaw.com/insights/public-law-update-updates-to-the-housing-accountability-act-and-builders-remedy-ab-1893-2024/
3. California HCD, SB 79 Transit-Oriented Development — https://www.hcd.ca.gov/planning-and-research/sb79-tod
4. Office of Governor Gavin Newsom on AB 130 and SB 131 — https://www.gov.ca.gov/2025/06/30/governor-newsom-signs-into-law-groundbreaking-reforms-to-build-more-housing-affordability/
5. California Legislative Information, SB 1211 bill text — https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1211
6. California Attorney General, Legal Alert OAG 2025-002 on SB 1037 — https://oag.ca.gov/system/files/media/legal-alert-oag-2025-02.pdf
7. Allen Matkins on SB 684 and SB 1123 — https://www.allenmatkins.com/real-ideas/recent-amendments-to-the-starter-home-revitalization-act.html
8. Burke, Williams & Sorensen on SB 937 fee timing — https://www.bwslaw.com/news/public-law-update-new-law-prohibits-local-agencies-from-charging-certain-development-related-fees-and-charges-until-after-a-certificate-of-occupancy-is-issued/

Informational summary only; not legal advice. Current through August 2026.