

# NEW CA LAW VOIDS CC&RS RESTRICTING CERTAIN FLOOR AREA RATIOS AND REGULATES LOCAL AGENCY ADOPTION

**Governor Newsom signed Senate Bill 478 (Wiener) making void and unenforceable certain CC&Rs** and prohibiting a local agency from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

**The new law also prohibits a local agency from imposing a lot coverage requirement** that would physically preclude a housing development project from achieving the floor area ratios described above.

This act prohibits a local agency from denying a housing development project located on an existing legal parcel solely on the basis that the lot area of the proposed lot does not meet the local agency's requirements for minimum lot size. SB 478 applies to housing development projects that meet specified requirements, including, among other things, that the project be in a multifamily residential zone or a mixed-use zone.

**Senate Bill 478 also makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument** affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a housing development project from using the floor area ratio standards authorized under the above provisions.

This act provides that it does not apply to provisions that impose reasonable restrictions, that do not make the implementation of a project subject to the above-described provisions infeasible.