

AMENDED IN SENATE AUGUST 25, 2020

AMENDED IN SENATE JULY 21, 2020

AMENDED IN ASSEMBLY MAY 22, 2020

AMENDED IN ASSEMBLY MAY 11, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3308**

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**Introduced by Assembly Members Gabriel, Mullin, and Quirk-Silva**  
(Principal coauthor: Senator Hertzberg)  
**(Coauthor: Assembly Member Bauer-Kahan)**  
(Coauthor: Senator Rubio)

February 21, 2020

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An act to amend Sections 53571, 53572, and 53574 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3308, as amended, Gabriel. School districts: employee housing. The Teacher Housing Act of 2016 authorizes a school district to establish and maintain programs, as provided, that address the housing needs of teachers and school district employees who face challenges in securing affordable housing and requires a program established by the act to be restricted to teachers and school district employees. The act creates a state policy supporting housing for teachers and school employees, as provided, and permits school districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to teachers and school district employees on land owned by school districts.

This bill would specify that the state policy created by the act includes permitting school districts to restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, including permitting school districts and developers in receipt of tax credits designated for affordable rental housing to retain the right to prioritize and restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, so long as that housing does not violate any other applicable laws, as specified. ~~laws.~~ The bill would specify that a school district may allow local public employees *or other members of the public* to occupy housing created through the act, and would provide that the school district retains the right to prioritize school district employees over local public employees *or other members of the public* to occupy housing.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The changes made by this act are necessary in order to
- 4 provide affordable housing opportunities to teachers and other
- 5 school district employees in a manner that benefits students and
- 6 the people of California.
- 7 (b) California places a high value on our public education
- 8 system, and the stability of housing for school employees of school
- 9 districts and the public education system in California is critical
- 10 to the overall success and stability of each school in California.
- 11 (c) A significant trend driving teacher turnover is the steadily
- 12 increasing cost of housing in the state. California has 6 of the
- 13 nation's 15 most expensive large metropolitan rental markets, and
- 14 since 2015, rents have risen from 36 to 60 percent in those areas.
- 15 Rents have also risen in the state's inland and rural communities
- 16 while home prices continue to escalate statewide. This turnover
- 17 harms schools, school districts, and our public education system.
- 18 (d) Teachers and school employees, especially in coastal and
- 19 urban areas, are struggling with housing prices and instability. In
- 20 nearly 40 percent of reporting school districts, first-year teachers
- 21 cannot afford an average one-bedroom apartment. Many employees

1 are forced to live far from the communities they teach in, and  
2 endure grueling supercommutes to their workplace.

3 (e) Students, school districts, the local community, and the  
4 people of the state of California are benefited by teachers living  
5 in the community in which they practice their profession. It ensures  
6 stability and community involvement, and facilitates stronger ties  
7 between teachers, their students, and their families.

8 (f) By creating affordable housing options for teachers near or  
9 on school sites, it also reduces vehicle miles traveled and time  
10 away from teachers' homes, thereby reducing or eliminating  
11 commute time. This leads to fewer emissions, better air quality,  
12 an improved environment, and a higher standard of living in a  
13 manner that benefits the people of the state of California.

14 SEC. 2. Section 53571 of the Health and Safety Code is  
15 amended to read:

16 53571. (a) The purpose of this part is to facilitate the  
17 acquisition, construction, rehabilitation, and preservation of  
18 affordable rental housing for teachers and school district employees  
19 to allow teachers or school district employees to access and  
20 maintain housing stability.

21 (b) A program established under this part shall be restricted to  
22 "teacher or school district employees," except that a school district  
23 may allow local public employees *or other members of the public*  
24 to occupy housing created through this ~~part~~ *part, subject to*  
25 *applicable laws and regulations.*

26 (c) A school district shall retain the right to prioritize school  
27 district employees over local public employees *or other members*  
28 *of the public* to occupy housing.

29 SEC. 3. Section 53572 of the Health and Safety Code is  
30 amended to read:

31 53572. As used in this part:

32 (a) "Affordable rental housing" means a rental housing  
33 development, as defined in subdivision (d) of Section 50675.2,  
34 with a majority of its rents restricted to levels that are affordable  
35 to persons and families of low or moderate income, as defined in  
36 Section 50093, but neither definition is restrictive to only projects  
37 with five or more units.

38 (b) "Local public employees" includes employees of a city,  
39 county, city and county, charter city, charter county, charter city  
40 and county, special district, or any combination thereof.

1 (c) “Teacher or school district employee” means any person  
 2 employed by a unified school district maintaining prekindergarten,  
 3 transitional kindergarten, and grades 1 to 12, inclusive, an  
 4 elementary school district maintaining prekindergarten, transitional  
 5 kindergarten, and grades 1 to 8, inclusive, or a high school district  
 6 maintaining grades 9 to 12, inclusive, including, but not limited  
 7 to, certificated and classified staff.

8 SEC. 4. Section 53574 of the Health and Safety Code is  
 9 amended to read:

10 53574. This part specifically creates a state policy supporting  
 11 housing for teachers and school district employees, as described  
 12 in Section 42(g)(9) of the Internal Revenue Code, and, further,  
 13 permits school districts and developers in receipt of local or state  
 14 funds or tax credits designated for affordable rental housing to  
 15 restrict occupancy to teachers and school district employees on  
 16 land owned by school districts, including permitting school districts  
 17 and developers in receipt of tax credits designated for affordable  
 18 rental housing to retain the right to prioritize and restrict occupancy  
 19 on land owned by school districts to teachers and school district  
 20 employees of the school district that owns the land, so long as that  
 21 housing does not violate any other applicable laws. ~~The California  
 22 Fair Employment and Housing Act (Part 2.8 (commencing with  
 23 Section 12900) of Division 3 of Title 2 of the Government Code),  
 24 Section 11135 of the Government Code, and the Unruh Civil Rights  
 25 Act (Section 51 of the Civil Code) shall apply to any program  
 26 authorized by this part except to the extent those laws would  
 27 prohibit restricting units to teachers or district employees.~~

28 SEC. 5. The provisions of this act are severable. If any  
 29 provision of this act or its application is held invalid, that invalidity  
 30 shall not affect other provisions or applications that can be given  
 31 effect without the invalid provision or application.