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AB 2097 - No More Minimum Parking Requirements Near Major Transit

In a landmark move to address housing costs and greenhouse gas emissions, Governor Newsom has signed AB 2097 prohibiting a public agency from imposing or enforcing minimum parking requirements on development projects located within a 1/2 mile of a major transit stop. The bill, which goes into effect January 1, 2023 marks the latest in a long line of state laws intended to remove barriers to housing development and strengthen environmental protections.

AB 2097 defines “major transit stops” to include existing rapid transit stations, ferry terminals served by bus or rail, the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during peak commute periods, and transit stops that are included in any applicable regional transportation plan. Given this broad definition, most urbanized areas will likely be affected, although EV parking and accessible parking requirements would remain.

Exceptions to AB 2097’s prohibition on parking requirements are narrow. For housing development projects, a public agency would need to make written findings that not imposing minimum parking would have a substantially negative impact, supported by a preponderance of the evidence in the record, on the agency’s ability to meet its share of specified housing needs or on existing residential or commercial parking within a 1/2 mile of the project. However, this exception would not apply to: 1) housing projects that have a minimum 20% very low, low-, or moderate-income households, students, the elderly, or persons with disabilities; 2) housing projects with fewer than 20 housing units; or 3) housing projects already subject to parking reductions based on any other applicable law.

One additional exception can apply to publicly-accessible commercial parking, but only if the parking reduction were to conflict with an existing public agency contract that was executed before January 1, 2023.