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May 30, 2017

The Honorable Even Low  
California State Assembly  
Capitol, Room 4126  
Sacramento, CA 94249-0028

**RE: AB 1397 (Low) Local planning: housing element: inventory of land for residential development. – OPPOSE**

Dear Assemblyman Low,

The Association of California Cities – Orange County (ACC-OC) would like to express its opposition to the proposed legislation Assembly Bill 1397 (Low). This bill makes several changes to housing element law by revising what may be included in a locality's inventory of land suitable for residential development. The creation of these new, unfunded housing element mandates, can create a number of very serious problems for California's local governments.

Currently, every city and county must prepare and adopt a general plan containing seven mandatory elements, including a housing element. The housing element must identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development. This requires a locality's inventory of land suitable for residential development to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the locality's share of the regional housing need for all income levels in the following areas:

- Vacant sites zoned for residential use
- Vacant sites zoned for nonresidential use that allows residential development.
- Residentially zoned sites that are capable of being developed at a higher density, including airspace sites owned or leased by a locality.
- Sites zoned for nonresidential use that can be redeveloped for, and as necessary, rezoned for residential use, including above sites owned or leased by a locality.

AB 1397 This bill would also require the inventory to specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower-income housing, moderate-income housing, or above moderate-income housing. Additionally, the bill would require parcels in the inventory to have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan. This bill could expose public agencies to significant litigation risk by subjecting all their actions to



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claims within their housing elements. AB 1397 would place restrictions on the ability of localities to designate non-vacant sites as suitable for housing development and includes a list of new mandates without any funding to accomplish these detailed changes.

The well-being of California's cities is of paramount importance to the ACC-OC. Finding a balance between achieving housing goals and maintaining local discretion is important when addressing our housing shortfall, unfortunately this bill misses that mark. For this and the reasons described above, the Association of California Cities – Orange County opposes AB1397. Should you have any questions about our position or about the ACC-OC, please contact Diana Coronado, ACC-OC's Legislative Affairs Director, at (714) 953-1300 or at [dcoronado@accoc.org](mailto:dcoronado@accoc.org).

Sincerely,

Heather Stratman  
Chief Executive Officer  
Association of California Cities – Orange County

CC:

ACC-OC Board of Directors  
Orange County State Legislative Delegation