



Community, Equity, Action

2940 16th Street, Suite 200-1

San Francisco, CA 94103

www.LivableCalifornia.org

415-870-1511

August 6, 2019

Subject: **Reject SB 330**

Dear Members of the CA Assembly Appropriations Committee,

When the Assembly Appropriations Committee meets after returning from recess on August 14, 2019, Livable California respectfully requests that its members join us in opposing and rejecting SB 330 (Skinner) as amended by the author in mid-July, 2019.

As a member of the Board of Directors of Livable California, and as a professional planner and urban designer who has worked with public agencies throughout the state of California over a 40-year career, I deeply understand California's land-use regulations and laws as they have evolved since the 1970s. SB 330 is a bill that will profoundly and negatively affect the ability of local governments to plan their own destinies while posing huge unknown future costs to the state, its cities, and its counties. That should be of great concern to the members of the Assembly Appropriations Committee.

This confusing 26-page bill reminds me of Clint Eastwood's spaghetti Western "*The Good, the Bad, and the Ugly*" as outlined below. Unfortunately, it appears nobody is looking at the synergistic impacts of all of these fragmented housing bills together. Whether it is SB 330, SB 50, SB 592, AB 1487, or AB 68, this patchwork of bills is individually and collectively pregnant with unintended consequences. Who is checking on how these bills would interact with each other and their real effects on state and local government?

"The Good..."

- ***SB 330 contained some good amendments to the July 1, 2019 version.*** Deleting those sections that would have allowed for the elimination of parking requirements in housing projects, that would have blocked voters from exercising their constitutional rights to use the initiative and referendum process in their local communities, and provisions that would've shielded landlords from building code violations for 7 years were major improvements. But this fatally flawed legislation still contains too many provisions that argue against its passage.

"The Bad..."

- ***SB 330 is incomprehensible.*** Reading this bill with its sections, subsections, and its mind-numbing cross-referencing is an exhausting exercise. It severely lacks clarity and only adds confusion and complexity to existing and pending laws governing planning and housing.
- ***SB 330 continues to use the misplaced "blame the cities" narrative to justify its provisions.*** The "Housing Crisis Act of 2019" embraces a fundamental misunderstanding of the nature of the so-called crisis. Local governments should be partners in helping to solve the problem in a positive

way rather than becoming slaves to a set of visionless, heavy-handed, top-down, one-size-fits-all state mandates imposed upon them.

- ***SB 330 is trying to solve the wrong problem.*** We don't have a housing-at-any-cost crisis, we have a housing affordability crisis. Bills like SB 330, SB 50, and SB 592 will be used by developers to overdevelop our communities while maximizing the production of upper market rate housing but very little housing that is truly affordable.
- ***SB 330 fails to understand the constraints facing local government in providing more housing.*** SB 330, "The Housing Crisis Act of 2019", does nothing to address the challenges that face local governments across the state. Instead, it will lead to overdevelopment without good planning, adequate resources, and the infrastructure needed to support it.
- ***SB 330 will blunt public input on the growth and development of our communities.*** Its limitations on holding no more than five (5) public hearings on development projects, combined with the severe time constraints it imposes on cities for processing applications, will stifle public involvement while inevitably silencing the most vulnerable and diverse communities. Its processing time limits measured from the dates of "certification of EIRs" are likely to result in the preparation of even more expensive and time-consuming EIRs to gauge a project's impacts on traffic, infrastructure, etc. while buying local governments time to avoid violations and fines associated with the SB 330's application processing time limits.
- ***SB 330 would nullify land-use plans adopted by local governments after January 1, 2018.*** By the time SB 330 would become state law, such local plans prepared consistent with state law over the two-year period since then would be undone by this legislation. Isn't this an "ex post facto" law that is expressly forbidden by the U.S. Constitution?
- ***SB 330 talks about "affordable housing" but it does nothing to create it.*** Not one single affordable housing unit would be created by this legislation. If providing affordable housing is one of the main goals of this bill, it fails that goal miserably.
- ***SB 330 should be evaluated in the context of all pending and recent housing bills.*** An attempt should be made to analyze the impacts of SB 330 in light of its potential effects on other pending and recent housing legislation like SB 50, SB 592, and AB 1487 as well as the impacts of those bills on SB 330.

"And the Ugly..."

- ***SB 330 provides no funding for water, other necessary resources, and infrastructure needed to accommodate more housing in our local communities.*** Instead, the bill places the entire financial burden of providing such resources and infrastructure on already cash-strapped local governments.
- ***SB 330 threatens the solvency of local governments.*** Forcing more housing into local communities and fining them for their inability to do it due to resource and infrastructure constraints will wreak havoc in our local communities. Add to that the Governor's recent budget provisions to fine local governments \$600,000 per month for failure to comply with the state's mandates, and you have a recipe for a train wreck.
- ***SB 330 will invite legal challenges against both local and state government.*** The bill encourages local developers to file legal challenges against cities and counties that may be unable to comply with the strict processing requirements of SB 330 and collect a minimum fine of \$10,000 per housing unit and five (5) times that or a minimum of \$50,000 per housing unit if

local governments fail to or can't comply with the act (see the subsection at the bottom of page 7 and the top of page 8 of the bill as amended). Not only will this bill create greater burdens on local governments without compensation, it also threatens to clog our state court system, creating potentially large and unknowable state and local costs, a concern best faced by the Assembly Appropriations Committee.

- ***SB 330 fails to address State actions and inactions that are exacerbating the housing crisis in our local communities.*** For example, in many California communities that contain State Universities such as Berkeley, San Diego, Santa Cruz, San Luis Obispo, etc., the state is advocating major student enrollment increases without providing the housing needed to support them. This is only throwing gasoline on the fire of the affordable housing crisis by driving rents up in university communities.
- ***SB 330 would allow nonresidential uses in single-family neighborhoods.*** SB 330 defines a "housing development project" as allowing up to 1/3 of a housing project to house nonresidential uses such as commercial uses. Should such bills as SB 50 be approved to ban single family residential zoning, such provisions would give rise to spot zoning in long-established single-family neighborhoods and family rich apartment communities, thereby diminishing the quality of life of those neighborhoods.
- ***SB 330 offers no provisions to address the real problem behind the housing crisis: the jobs/housing imbalance.*** We need to have a real discussion about how to get job creating companies to invest in locating their operations in communities with ample housing supplies i.e. the Central Valley, and converting employment-based land uses in job-rich communities into multifamily housing.


In Conclusion...

SB 330 will compound the problem of housing affordability by making promises that cannot be fulfilled. It is just a bad bill that will cost the state and its communities dearly with its pricey unintended consequences that can become clear only through a deep analysis. SB 330, just like its relatives SB 50 and SB 592 that call for amending the Housing Accountability Act, has been amended over and over again in order to move the bill to its next step in the process without due consideration of a comprehensive solution in which each of its parts can work together.

The Assembly Appropriations Committee has the opportunity to send SB 330 and all of its related and fragmented housing bills back with a message to develop a single comprehensive piece of housing legislation that could then be thoroughly vetted and analyzed as to its costs, benefits, and consequences.

Rather than ignoring and punishing local governments, the state should engage and collaborate with experts in the planning profession and local governments in crafting workable and achievable solutions to address the housing affordability crisis in a far more meaningful way. Please take the time to do this right.

Sincerely,


T. Keith Gurnee
Member of the Board of Directors
Livable California