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June 21, 2017

The Honorable David Chiu
Chair, Assembly Housing and Community Development Committee
1020 N Street, Room 162
Sacramento, California 95814

**Re: Senate Bill 167 (Skinner) – Housing Accountability Act
As Amended on May 23, 2017 – OPPOSE UNLESS AMENDED
Scheduled for hearing in the Assembly Housing and Community Development
Committee on June 28, 2017**

Dear Assembly Member Chiu:

The California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), are opposed to SB 167 (Skinner), which would make significant changes to the Housing Accountability Act (HAA).

SB 167 would make significant changes to the HAA with new terms and definitions, broaden the ability to sue local governments, and increases fines on local governments. We have been working with the author on this bill and have submitted amendments many of which have been taken. We have the following remaining concerns:

- **Change in Standard of Review.** The bill now requires local agencies decision to be supported sufficient findings, supported by a preponderance of the evidence. Sufficient needs to be deleted since the court should only be considering whether the agency's decision is supported by a preponderance of the evidence, not reaching its own conclusion about whether the findings are sufficient.
- **Court Fines and RHNA.** SB 167 would also require the court to consider a local agency's process in attaining its target allocation of the Regional Housing Needs Assessment (RHNA), in determining the amount of fine to impose on an agency that violates the HAA. The RHNA is a planning tool that is not designed to be used as a production goal or target. The bill should be amended to instead authorize the court to increase fines for requirements in housing element law that cities and counties are actually required to meet by statute.

- Imposition of Fines. Local jurisdiction should have an opportunity to comply with a judge's order or judgement and cure a violation of the HAA before fines are imposed.
- Analysis of HAA. The bill currently requires every city and county to publish an analysis of the HAA as part of its review of every application for a housing development project. This is a new requirement and it is currently undefined. The bill should be amended to more clearly describe what is required.

We sincerely appreciate the author's willingness to address our concerns and if our remaining concerns are addressed we will remove our opposition to the bill.

For the above reasons, CSAC, UCC and RCRC are opposed unless amended to SB 167. If you have any questions, please contact Jolena Voorhis with UCC at (916) 327-7531; DeAnn Baker with CSAC at (916) 327-7500 or Tracy Rhine with RCRC at (916) 447-4806.

Sincerely,



DeAnn Baker
CSAC



Jolena L. Voorhis
UCC



Tracy Rhine
RCRC

cc: Senator Nancy Skinner
Members and Consultant, Assembly Housing and Community Development Committee
Mary Bellamy, Assembly Republican Caucus