



California State Association of Counties
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Urban Counties of California
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May 8, 2019

The Honorable Lorena Gonzalez
Chair, Assembly Appropriations Committee
State Capitol, Room 2214
Sacramento, CA 95814

**RE: AB 1279 (Bloom): Residential development: discrimination
As introduced on February 21, 2019 – CONCERNS
Assembly Appropriations Committee Suspense File**

Dear Assembly Member Gonzalez:

The California State Association of Counties (CSAC) and the Urban Counties of California (UCC) wish to express our concerns with Assembly Bill 1279, which would create a state override of local zoning to allow certain qualifying housing developments “by-right” in designated high-opportunity communities with lower residential densities. Local and regional governments, as well as the state, are beginning to implement several recently-approved planning laws that will require both regional housing needs allocations and the resulting local housing plans to affirmatively further fair housing. AB 1279 would impose additional provisions with similar goals as that recent legislation, thereby creating additional state and local costs.

Our organizations have a general policy concern with the bill’s delegation of legislative prerogative to the executive branch to develop definitions that will dictate where AB 1279 will apply. We strongly prefer to develop a specific definition in statute. Limiting the discretion of the executive branch and instead explicitly identifying the factors and thresholds that will be used to designate high-opportunity communities will also reduce the state’s costs in implementing this provision of AB 1279.

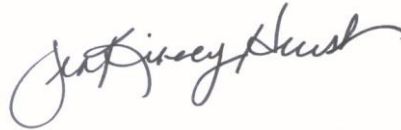
We appreciate the bill’s inclusion of an appeal process that would allow local agencies with substantially similar plans that promote development of housing affordable at all income levels to be exempted from the bill’s requirements, but we are concerned that the requirements for a successful appeal are very prescriptive. Rather than focusing on allowing for housing in “a manner substantially similar” to the bill’s default by-right provisions, it may be more appropriate—and may actually result in more housing production—to require that local plans merely allow for a similar number of units at similar levels of affordability as would be theoretically possible under AB 1279’s by-right provisions.

CSAC and UCC are committed to partnering with the Legislature and Administration to find policy and fiscal solutions that result in the development of housing affordable to Californians at all income levels. At the same time, counties encourage a framework more narrowly-tailored around broad state principles and targets, with local governments retaining flexibility in how plans are adopted to meet these goals. Should you have any questions about our position on this measure, please do not hesitate to contact Christopher Lee (CSAC) at 916-327-7500 or cle@counties.org, or Jean Hurst (UCC) at 916-272-0010 or jkh@hbeadvocacy.com.

Sincerely,



Christopher Lee
Legislative Representative
California State Association of Counties



Jean Hurst
Legislative Advocate
Urban Counties of California

cc: The Honorable Richard Bloom, California State Assembly
Honorable Members, Assembly Appropriations Committee
Jennifer Swenson Principal Consultant, Assembly Appropriations Committee
William Weber, Assembly Republican Caucus