



July 17, 2020

The Honorable Scott Wiener  
Chair, Senate Housing Committee  
State Capitol, Room 2209  
Sacramento, CA 95814

**Re: Assembly Bill 1279 (Bloom): Planning: housing development: high-opportunity areas  
As amended on April 24, 2020 – OPPOSE UNLESS AMENDED**

Dear Senator Wiener,

The California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC) have an “oppose unless amended” position on Assembly Bill 1279 by Assemblymember Bloom, 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.

Our organizations have a general policy concern with the bill’s delegation 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. We appreciate that recent amendments, which somewhat limit the discretion of the executive branch by explicitly referencing the California Tax Credit Allocation Committee and California Department of Housing and Community Development’s “Opportunity Area Maps,” but these maps are subject to future revision and classify as “high-resource” many rural census tracts that have demonstrably lower access to services, infrastructure, and other community resources than nearby urban communities within the same county. Unless explicitly excluded, this could result in unintended policy outcomes when implemented locally.

We also 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 allow for a similar number of units at similar levels of affordability as would be theoretically possible in the communities subject to AB 1279’s by-right provisions.

CSAC, UCC, and RCRC 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. We look forward to continuing to work with the author on the amendments proposed above.

Should you have any questions about our position, please do not hesitate to contact Jean Kinney Hurst (UCC) at [jkh@hbeadvocacy.com](mailto:jkh@hbeadvocacy.com), Christopher Lee (CSAC) at [clee@counties.org](mailto:clee@counties.org), or Tracy Rhine (RCRC) at [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org).

Sincerely,



Christopher Lee  
California State Association of Counties



Jean Kinney Hurst  
Urban Counties of California



Tracy Rhine  
Rural County Representatives of California

cc: The Honorable Richard Bloom, California State Assembly  
Honorable Members, Senate Housing Committee  
Erin Riches, Chief Consultant, Senate Housing Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus