



City Council

Cameron Burks, Mayor
Mike Anderson, Vice Mayor
Steven Bliss, Council Member
Susan Candell, Council Member
Teresa Gerringer, Council Member

The Honorable Scott Weiner
California State Senate
State Capitol, Room 5100
Sacramento, CA 95814

July 2, 2019

RE: Oppose Senate Bill 592 (Weiner) – Housing Accountability Act

Dear Senator Weiner:

On behalf of the City of Lafayette, I am writing to express our strong opposition to your bill, Senate Bill 592, which would make significant changes to the Housing Accountability Act (HAA). We agree with the League of California Cities' assessment of this bill.

As drafted, SB 592 greatly expands the existing, already-severe remedies in the Housing Accountability Act (HAA) and extends the HAA's application to all residential development. Specifically, SB 592 would expand the definition of housing to include new single-family homes, ADUs, and room additions; expand the HAA to apply to all ministerial, by-right, or discretionary approvals; and limit cities' ability to add conditions of approval or deny a project based on discretionary standards that are not objective. In other words, it would wrest land use authority away from local governments in a manner that is unprecedented.

Additionally, SB 592 would authorize the project applicant to seek compensatory damages for a violation of the HAA. Without further clarification into what compensatory damages cover in these circumstances, these costs could be significant and have the potential to bankrupt local governments. We strongly oppose this bill provision.

SB 592 would also limit the City's ability to review housing developments to ensure that local requirements are met. It would place a significant burden on smaller cities with limited resources and budgets by making all discretionary and ministerial permits subject to the Permit Streamlining Act. Ultimately, this measure will hinder the City's ability to work with project developers to determine the appropriate location, scale, and character of residential development that will work best in communities.

For these reasons, the City of Lafayette must oppose SB 592.

The City believes that the current version of the HAA is sufficient to ensure that developments comply with local standards and not impact public health or safety. The Legislature has made numerous modifications to the HAA, including significant changes that went into effect in 2018. These new provisions of the HAA have been in effect for only 18 months, hardly enough time to determine that the provisions are not working and need to be expanded. We request that the HAA remain unaltered and its effectiveness assessed in the coming years.

Finally, cities are being burdened each year by new unfunded mandates and laws impacting local regulations that are passed in Sacramento. This ever-changing legislative landscape makes it difficult for resource-strapped cities to keep up with the new rules, let alone implement them to get the much-needed housing built. Going forward, Sacramento must partner with local governments to address the housing shortage and not place the blame on cities' shoulders alone. If this status quo continues, cities like Lafayette will seek to build coalitions to legally protect and defend local land use control.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Anderson", with a long horizontal flourish extending to the right.

Mike Anderson
Mayor, City of Lafayette

cc: Assembly Housing and Community Development Committee Members
Assembly Local Government Committee Members
Senator Steve Glazer
Assembly Member Bauer Kahan
Lafayette City Council