

**SUSTAINABLE TAMALMONTE  
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April 28, 2018

The Honorable Ricardo Lara, Chair  
Senate Appropriations Committee  
State Capitol, Room 5050  
Sacramento, CA 95814

Re: OPPOSE Senate Bill 828

Dear Senator Lara,

We urge you to oppose Senate Bill 828 (Wiener) and remove the bill from consideration. The bill is fundamentally flawed and the amendments are far from adequate to remedy the bill's many problems.

SB-828 makes a number of major changes to how the Regional Housing Needs Allocation (RHNA) is determined in Housing Element law. The bill would dramatically increase the number of housing units that each jurisdiction must plan for, a feat that would be unattainable. The bill's aggressive housing goals and production targets are overly ambitious, won't necessarily result in more construction of housing, and would ultimately be counterproductive.

Over 4000 supporters agree with us and have signed our online petition entitled; "No to SB-827 & SB-828! Stop Top-Down Planning, Unsustainable High-Density Housing, and Unfunded Mandates!" And more are signing every day.

Here is the link to the online petition: <https://tinyurl.com/No-to-SB827-SB828>

Attached are two documents related to the petition:

- A PDF of the signatures of the petition supporters; and
- A PDF of the comments of the petition supporters

Although our organization is located in Marin, we have networked with a number of community groups throughout the Bay Area as well as in Los Angeles County and Orange County. As such, the petition supporters are from various areas in California.

**REASONS TO OPPOSE SENATE BILL 828 ARE:**

- **The amount of potential buildout for housing is not the problem:** SB-828 would increase jurisdictions' potential buildout of housing when this isn't the problem. The vast majority of cities and counties have certified Housing Elements, meaning that they have identified enough sites and zoned for densities at levels necessary to meet their Regional Housing Needs Allocation (RHNA). Instead of increasing allocations, the State should help jurisdictions to carry out the housing plans they already have;

- **SB-828 sets jurisdictions up for failure and won't result in more housing being built:** Requiring a city or county to plan for 125% of their Regional Housing Need Allocation (RHNA) plus additional escalating RHNA numbers based on unmet production of units, sets the jurisdiction up for failure and possibly leaves them open to legal challenge. Localities cannot control many factors related to increasing the housing supply, such as the price of land, legal challenges brought under the California Environmental Quality Act, construction labor shortages, parcel owners' willingness to build, and a lack of government subsidies for affordable housing. Moreover, Assembly Bill-1397 of 2017 imposed stricter requirements on what parcels may be considered reasonable options for housing construction, making it much more difficult to identify sites. This makes it impossible to achieve the ambitious goals of the bill;
- **Housing Elements and Regional Housing Need Allocations should remain planning tools rather than mandates for building housing units:** SB-828 provides that the difference between the previous Housing Element cycle's Regional Housing Need Allocation (RHNA) and the reported housing production shall be added to the current RHNA. The bill adds that this provision shall be considered an unappealable obligation for the local government. Therefore, a jurisdiction is penalized and forced to plan for even more housing if a Regional Housing Need Allocation is not fully built, even though it was planned for. Since local governments do not actually build housing, it is inappropriate to make the housing allocation a mandate of the number of housing units that must be built;
- **SB-828 would encourage sprawl and increase greenhouse gas emissions:** As noted above, Assembly Bill-1397 of 2017 imposed stricter requirements on what parcels may be considered reasonable options for housing construction. SB-828 would end up pushing development out to suburban areas where it is easier to find eligible parcels. It would also force jurisdictions, with little vacant land, to up-zone inappropriate sites (E.g. sites subject to sea level rise) and rezone agricultural or open space area. Building in outer areas could result in increased vehicle miles traveled as more people commute to downtowns, which in turn could hurt greenhouse gas reduction efforts;
- **SB-828 impedes smaller cities' and counties' ability to implement lower density solutions in order to fulfill their housing need:** As noted before, SB-828 would require a jurisdiction to plan for 125% of its Regional Housing Need Allocation (RHNA). The bill would also require at least 100% of the locality's share of regional housing need (which would be raised to 125%) to be available for multifamily housing in developed areas. The 100% multifamily requirement does not allow many RHNA units for lower-, low-, and moderate-income households to be fulfilled with second units, accessory dwelling units, or junior accessory dwelling units. These lower density units are easier to build in smaller towns and counties, with little vacant land, where small-town and semi-rural character is valued and where there is strong opposition to high-density housing. More conversion units and assisted living units should also count toward the RHNA;
- **SB-828 would increase SB-35 streamlining:** SB-828 would increase the potential for developers to take advantage of SB-35 streamlining and avoid CEQA and its required public engagement process on sites that meet SB-35 criteria. Streamlining goes against

the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representatives of their support and/or concerns about potential development and leads to better project outcomes;

- **If excessive housing units were built, then the subsequent housing densification and population growth would increase the risk of adverse impacts:** If excessive housing units were constructed, then the corresponding housing densification and population growth would increase the risk of adverse impacts on the environment, public health and safety, traffic congestion, infrastructure, utilities (water supply), public services (schools, fire dept., police, etc.), neighborhood character, and quality of life;
- **The bill would create unfunded mandates:** The bill would create unfunded mandates. There is no funding for dealing with the above listed impacts and the bill provides an official sidestep of addressing this issue. In addition, there are no subsidies provided for affordable housing programs. Moreover, jurisdictions tend to receive less tax revenue from residential developments than commercial and reserving a larger percentage of land for housing would squeeze local budgets;
- **It would be better to wait to adopt any new housing legislation until jurisdictions have had more time to implement last year's housing package of bills:** Last year's (2017) housing package included bills that made a number of changes to housing element law, which localities are still in the process of understanding and implementing. It would be better to allow more time for implementation of last year's legislation to take place before imposing new requirements on localities.

## CONCLUSION

Just two of 539 cities and counties in California met housing production goals at all four income levels during the last Housing Element eight-year period that ended in 2014, according to a LA Times review of housing department data. Furthermore, more than 98% of local governments are off track in their current housing production goals.

Cities don't build houses, and without a substantial increase in state dollars to help finance low-income housing projects, local governments can't meet production goals in place now, let alone higher ones. SB-828 is too aggressive and, if adopted, would just set jurisdictions up to fail.

Once again, we, and the over 4000 petition supporters, urge you to oppose SB-828 and remove the bill from consideration.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton, Chairperson  
**Sustainable TamAlmonte**

Cc: Senate Appropriations Committee