



April 11, 2017

Assembly Member Laura Friedman  
Room 2137  
State Capitol  
Sacramento, California 95814

SUBJECT: **OPPOSE – AB 1350 (FRIEDMAN)**  
**PENALTIES FOR “NONCOMPLIANCE” WITH THE**  
**REGIONAL HOUSING NEED –** IN ASSEMBLY LOCAL  
GOVERNMENT COMMITTEE – WEDNESDAY, APRIL  
19TH

Dear Assembly Member Friedman:

The American Planning Association, California Chapter (APA California) must respectfully oppose AB 1350 as currently drafted. This bill would designate a city or county as a “noncompliant” city or county if that local agency has not “met” at least 1/3 of its share of the regional housing need (RHNA) for low-income and very-low income housing during its current housing element planning period on or before January 1, 2021. A “noncompliant” city or county would be required to pay a substantial penalty. The bill would additionally prohibit a noncompliant city or county from collecting established fees, or imposing new fees, as a condition of approval of a development project, and from requiring the payment of building permit fees.

The apparent intention of this bill is to ensure that all local governments are **building** their fair share of affordable housing. The main problem with this idea is that cities and counties do not build housing. And, the RHNA is not a production number but a requirement to plan for/zone adequate sites to accommodate the affordable housing portion of the RHNA.

The other problem is that there are a number of reasons that affordable housing is not built that has nothing to do with planning or good intentions. Certainly, there are examples of local agencies that do not welcome affordable housing. However, there are many more examples of affordable housing not being built because of the lack of subsidies to meet that need. There simply aren't enough sources of federal or state monies to build all of the affordable housing units in the RHNA, and federal subsidies have recently been cut back even more under the new administration, drying up funding for projects even for those already begun. There are also many cities and counties that have done

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everything right from a zoning and incentives perspective but are still struggling to attract development – this bill would penalize those jurisdictions when instead they could really use the help. Add in market fluctuations and great disparities in housing being built and the price of land by region, and it appears AB 1350 would allow those communities who do not want growth of any kind to simply stop growth and be happy to pay fines. Those who are trying and cannot meet the new 1/3 mandate for any number of reasons beyond their control, particularly with no funding available, will be penalized.

Finally, prohibiting all cities and counties in the state -- who for various reasons did not have enough units built in their area to “meet” 1/3 of their RHNA for affordable housing -- from collecting any fees, including building permit fees, is unreasonable and punitive.

Although APA would like to see housing production increased in this state, and would be happy to discuss options with you, the concept in AB 1350 is actually counterproductive.

If you have any questions, please contact APA California’s lobbyists, Sande George or Lauren De Valencia with Stefan/George Associates, 916-443-5301 or [sgeorge@stefangeorge.com](mailto:sgeorge@stefangeorge.com) and [lauren@stefangeorge.com](mailto:lauren@stefangeorge.com).

Sincerely,

*John Terell*

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cc: Assembly Local Government Committee and Consultant  
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