



MEMO TO: SENATE TRANSPORTATION AND HOUSING COMMITTEE

FROM: APA CALIFORNIA

DATE: JULY 3, 2017

SUBJECT: **SUPPORT IF AMENDED - AB 72 (SANTIAGO AND CHIU) – HOUSING LAW ENFORCEMENT** – In Senate Transportation and Housing Committee – Tuesday, June 11th

The American Planning Association, California Chapter (APA California) has taken a support if amended position on AB 72.

APA appreciates recent amendments in the bill that requires HCD to notify cities and counties of its concerns/potential violations before taking action to determine whether a housing element remains in substantial compliance. This new provision however gives cities and counties only 30 days to respond to any findings of non-compliance before compliance can be revoked. This is an extremely short amount of time for a city or county to respond, particularly if the non-compliance involves a number of actions or programs. APA believes that 90 to 180 days, depending on the actions or programs at issue, is a more reasonable response period.

APA also supports the latest amendments that target the authority for HCD to find a housing element out of compliance to violations of the Housing Accountability Act, the no-net loss requirements, discrimination in housing laws, and Density Bonus law. APA agrees that focusing enforcement on specific housing requirements is important, and the laws listed above are clearly defined provisions of housing element law.

APA suggests that the same notification and ability to respond required for HCD be included with regard to statutes that the AG has the authority to review and enforce, which may have no relationship to any findings of housing element non-compliance. The statutes to be enforced by the AG should also be limited to housing element law and promised zoning actions, the Housing Accountability Act, the no net loss provisions, fair housing provisions and laws that prohibit discrimination against affordable housing. Given limited resources, starting enforcement related to these laws is already a major undertaking. All of these are violations of clearly defined provisions of law.

APA does support enforcement of housing laws, and would like to continue to work with the sponsors on the above remaining issues. 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 and lauren@stefangeorge.com.

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