



American Planning Association  
**California Chapter**

*Making Great Communities Happen*

MEMO TO: MEMBERS OF THE ASSEMBLY LOCAL GOVERNMENT COMMITTEE

FROM: THE AMERICAN PLANING ASSOCIATION, CALIFORNIA CHAPTER

DATE: APRIL 15, 2019

SUBJECT: **AB 1485 (Wicks) – Support if Amended  
Housing Development: Streamlining  
In Senate Housing Committee Wednesday, April 24th**

The American Planning Association, California Chapter has taken a support if amended position on AB 1485 as recently amended. AB 1485 would allow moderate- and middle- income housing projects to qualify for SB 35 streamlining.

Although APA supports the concept of allowing moderate- and middle-income housing to qualify for SB 35, APA requests that two of the bill's provisions be amended as follows:

1. Clarify how the interplay with local ordinances would work. For example, if City A has a 15% inclusionary requirement for lower income households, the bill should make clear that a developer would still be required to provide units at lower income levels to qualify for streamlining. For example, in this hypothetical, APA California suggests that the developer provides 15% at lower income and 5% at moderate income to qualify for streamlining while still being consistent with the local ordinance's objective affordability requirements. This phrase: *"However, if the locality has adopted a local ordinance that requires that greater than 20 percent of the units be dedicated to housing affordable to households making below 120 percent of the area median income, that local ordinance applies..."* can be read as consistent with this interpretation. But APA is aware of recent instances where developers have argued that as long as they meet or exceed the percentage of affordable units in a local ordinance, they can use the affordability requirements in GC S. 65913.4, even if the requirements result in fewer units for very low-income households. To avoid that interpretation, APA suggests the following edit: *However, if the locality has adopted a local ordinance that requires that greater than 20 percent of the units be dedicated to housing affordable to households making below 120 percent of the area median income **or that requires deeper affordability for all or some of the proposed units**, that local ordinance applies."*
2. Use an existing definition of affordable rent. The Health and Safety Code already defines affordable rent for moderate income households earning up to 120% of

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AMI – see HSC S. 50053(b)(4). APA suggests that the bill be amended to use the existing state law definition rather than creating a new one.

The goal of these amendments is to clarify that local inclusionary ordinances that require affordable housing for low and very-low income households would not be bypassed entirely for moderate income households while still creating an incentive to increase housing production for moderate income households.

If you have any questions, please contact our lobbyist, Sande George, with Stefan/George Associates, [sgeorge@stefangeorge.com](mailto:sgeorge@stefangeorge.com), 916-443-5301.

Sincerely,



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cc: Republican Caucus  
Governor's Office  
OPR