



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL: Ken Stripling

DATE: April 27, 2021

SUBJECT: STATE LEGISLATION: ASSEMBLY BILL 989

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to oppose Assembly Bill 989 (Gabriel) and transmit position statements to Assembly Member Gabriel, Santa Clarita’s state legislative delegation, appropriate legislative committees, Governor Newsom, League of California Cities, and other stakeholder organizations.

BACKGROUND

Authored by Assembly Member Jesse Gabriel (D-45-Woodland Hills), Assembly Bill 989 establishes the Housing Accountability Committee (Committee) within the Department of Housing and Community Development to review appeals from developers regarding multi-family housing developments that local governments have denied or subjected to conditions that potentially make the project financially infeasible.

Assembly Bill 989 would require the Committee to vacate a local decision if it finds that the local agency disapproved the housing development in violation of existing state law. The Committee would direct the local government to issue any approval or permit for the development, as well as any approval or permit to modify or remove any condition to make the development no longer infeasible.

Existing law requires that when a proposed development complies with objective general plan and zoning standards, including design review standards, a local agency that intends to disapprove the project, or approve it on the condition that it be developed at a lower density, must make written findings based on a preponderance of the evidence that the project would have a specific, adverse, impact on the public health or safety and that there are no feasible methods to mitigate or avoid those impacts other than disapproval or conditions to the project.

This bill applies to housing developments that meet or exceed the following affordability

requirements: (1) ten percent of the units are available at an affordable housing cost to extremely low income households; (2) twenty percent of the units are available at an affordable housing cost to very low and low-income households; or (3) one hundred percent of the total housing units of the development are available at an affordable housing cost to moderate-income households.

As prescribed in this bill, a local government must carry out the Committee order within 30 days. If the local government fails to do so, the bill authorizes the party that submitted the appeal to enforce the orders in court. This bill would entitle the applicant of the proposed project to attorney fees and associated costs if the Committee order is upheld in court and would authorize the court to impose additional fines on the local government that is a party to the filing.

The recommendation to oppose Assembly Bill 989 is consistent with the City of Santa Clarita 2021 Executive and Legislative Platform. Specifically, Component 27 under the “State” section advises that the City Council, “Oppose legislation that would interfere with, limit, or eliminate the decision-making authority of municipalities in the area of local land use.”

Assembly Bill 989 passed the Assembly Committee on Housing and Community Development (6-0-2) on April 14, 2021, and was referred to the Assembly Committee on Local Government.

Notable supporters include the California Apartment Association (Co-Sponsor), California Housing Partnership Corporation (Co-Sponsor), California Association of Realtors, and California Building Industry Association.

Livable California was the only registered opposition at the time this report was developed.

The City Council Legislative Committee met on April 8, 2021, and recommends that the City Council adopt an “oppose” position on Assembly Bill 989.

ALTERNATIVE ACTION

1. Adopt a “support” position on Assembly Bill 989
2. Adopt a “neutral” position on Assembly Bill 989
3. Take no action on Assembly Bill 989
4. Refer Assembly Bill 989 back to the Legislative Committee
5. Other direction, as provided by the City Council

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2020-21 budget.

ATTACHMENTS

Assembly Bill 989 - Bill Text