



June 15, 2021

The Honorable David Chiu  
Chair, Assembly Housing and Community Development Committee  
State Capitol, Room 4112  
Sacramento, CA 95814

**RE: Senate Bill 9 (Atkins): Housing development: approvals  
As Amended April 27, 2021 – SUPPORT IF AMENDED  
Set for hearing in Assembly Housing and Community Development  
Committee – June 22, 2021**

Dear Assemblymember David Chiu:

On behalf of the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC), and the Urban Counties of California (UCC), we write to offer our “Support if Amended” position for Senate Bill 9, which would require a local government to ministerially approve the development of two residential units in single-family residential zones, as well as the splitting of parcels in those same zones.

Strengthening rates of housing production by reasonably increasing density in existing residential neighborhoods and creating a process that can expand opportunities for home ownership are goals our organizations collectively support. However, we remain concerned about the possible unintended consequences of several provisions in SB 9 that could ultimately undermine the goals we all share.

Our organizations request that the scope of SB 9, as applied to unincorporated areas, be narrowed to include only urbanized areas and expressly exclude parcels located in Very High Fire Hazard Severity Zones. Creating significant density increases in some parts of the state, such as more rural areas, can contradict other state policy goals such as reducing sprawl and greenhouse gas emissions. Additionally, these areas can lack sufficient infrastructure for densification. Likewise, fire prone areas of the state, a majority of those overlapping with rural regions, cannot absorb unplanned increases in housing densities through a by-right process without increasing risks of residents already challenged by the lack of adequate ingress/egress, appropriate water flows and sufficient evacuation routes. Given that bill precludes offsite improvements, it

may be impossible to address issues such as inadequate ingress/egress during the approval process for an individual project.

Our organizations are also concerned that by allowing an urban lot split to proceed in advance of the development of a new home, SB 9 may lead to unscrupulous landowners selling parcels that will not be developed for housing. An unintended consequence, especially in more rural areas where housing prices are lower, could be an increase in empty, blighted and potentially hazardous parcels of land in California communities, without corresponding housing growth. We must ensure that this bill will truly create more homes and not just increase the wealth of existing homeowners. We request that Section 2 of the bill be amended to allow for the urban lot split to be finalized only after a Certificate of Occupancy is issued by the local jurisdiction. This amendment will ensure that these provisions will not just result in paper transfers of land, but the construction of new homes.

Finally, under current law, the Subdivision Map Act requires a subdivision map for the division of land into more than four parcels and requires a parcel map for property subdivided into four or fewer parcels. Allowing lots created by a parcel map to be split circumvents protections that apply to a subdivision of greater than four lots. These laws were enacted to ensure that the needs of larger developments are planned for and probable impacts on the surrounding community mitigated as necessary. Conditions for development include a wide range of considerations, from the appropriate infrastructure needed, including water, sewer, and roads, to large community necessities such as schools, fire stations and traffic management. Serial splitting of parcels under SB 9 could allow a community originally planned for four units to include up to 16, without the improvements that would otherwise be required for a subdivision. This can lead to unintended community-wide consequences stemming from infrastructure insufficient to properly sustain the needs of the development. While we appreciate that SB 9 now precludes a single applicant, or a person working in concert with an applicant, from splitting adjacent lots pursuant to SB 9, the bill does not preclude splitting of lots that were previously created through a parcel map, thereby circumventing requirements for improvements that would otherwise apply to a subdivision of five lots. Accordingly, we request SB 9 be amended to exclude parcels created through the parcel map process to ensure that the underlying infrastructure is sufficient to support a housing development larger than four units.

We appreciate the author's ongoing work with our organizations to address technical issues with the bill; however, the above-mentioned substantive policy concerns must be addressed in order for our organizations to move to a "Support" position on SB 9.

If you should have any questions, please do not hesitate to contact Tracy Rhine of RCRC at [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org), Christopher Lee of CSAC at [clee@counties.org](mailto:clee@counties.org), or Jean Kinney Hurst of UCC at [jkh@hbeadvocacy.com](mailto:jkh@hbeadvocacy.com).

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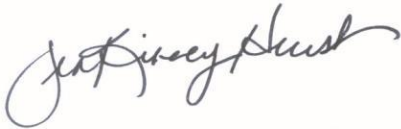
Sincerely,



CHRISTOPHER LEE  
Legislative Representative  
CSAC



TRACY RHINE  
Legislative Advocate  
RCRC



JEAN KINNEY HURST  
Legislative Representative  
UCC

cc: The Honorable Toni Atkins, Senate President pro Tempore  
Honorable Members, Assembly Housing and Community Development  
Committee  
Steve Wertheim, Consultant, Assembly Housing and Community Development  
Committee  
William Weber, Consultant, Assembly Republican Caucus