



April 21, 2021

The Honorable Jesse Gabriel  
Assembly Member, California State Assembly  
State Capitol, Room 4117  
Sacramento, CA 95814

RE: Assembly Bill 989 (Gabriel) Appeals. Housing Accountability Committee.  
**Notice of Opposition (As Amended 03/25/2021)**

Dear Assembly Member Gabriel:

On behalf of the League of California Cities (Cal Cities), the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we must strongly oppose your Assembly Bill 989 (Gabriel), which would create a new state appeals committee within the California Department of Housing and Community Development (HCD), comprised of five members, all appointed by the Governor.

Housing affordability and homelessness are among the most critical issues facing California cities and counties. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities and counties lay the groundwork for housing production by planning and zoning in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry. Importantly, local jurisdictions must also approve housing projects that are consistent with local zoning and design standards.

The Housing Accountability Act (HAA) allows a city or county – after proper notice and public hearings within strict time limits - to impose conditions to mitigate the environmental impact of the project under CEQA (Section 65589.5(o)(2)(E); and to require compliance with “objective, quantifiable, written development standards, conditions and policies” in effect when the preliminary application was submitted (Section 65589.5(f)). AB 989 allows a single hearing officer to overturn either of these actions if a developer argues they make the project “infeasible” following procedures that are not subject to public review and comment.

The HAA allows a city or county – after proper notice and public hearings within strict time limits - to deny a project because it would have a specific, adverse impact upon the public health or safety (Section 65589.5(j)). As with the provision noted above, AB 989 allows a single hearing officer to substitute their judgment about the public health or safety of a community and overturn the denial following procedures that are not subject to public review and comment.

By so doing, AB 989 overrides these specific provisions of the HAA.

We are cognizant of the time it takes to resolve a dispute through the courts. The HAA addresses this issue in Section 65589.5(m) and (n). Adding a hearing by the Executive Branch of the State Government to the process of resolving the dispute will not get housing built faster. In fact, doing so will only slow development, increasing conflict and add time to the process. AB 989 will do nothing to bridge the gap between the time a city or county approves a housing project and when a developer actually begins construction.



For these reasons, Cal Cities, CSAC, UCC, and RCRC, strongly opposes AB 989. If you have any questions, please contact me at (916) 658-8264.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Rhine".

Jason Rhine  
League of California Cities

A handwritten signature in black ink, appearing to read "Chris Lee".

Christopher Lee  
California State Association of Counties

A handwritten signature in black ink, appearing to read "Jean Kinney Hurst".

Jean Kinney Hurst  
Urban Counties of California

A handwritten signature in blue ink, appearing to read "Tracy Rhine".

Tracy Rhine  
Rural County Representatives of California

cc: The Honorable Cecelia Aguiar-Curry, Chair, Assembly Local Government Committee  
Members, Assembly Local Government Committee  
Consultant, Assembly Local Government Committee  
Consultant, Assembly Republican Caucus