



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL: Ken Stripling

DATE: August 22, 2017

SUBJECT: STATE LEGISLATION: SENATE BILL 167

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the Legislative Committee’s recommendation to oppose Senate Bill 167 (Skinner) and transmit position statements to Senator Skinner, Santa Clarita’s state legislative delegation, appropriate legislative committees, Governor Brown, and the League of California Cities.

BACKGROUND

Authored by Senator Nancy Skinner (D-9-Berkeley), Senate Bill 167 imposes a minimum fine of \$10,000 per housing unit in a housing development project if a court finds that a city and/or county violated the Housing Accountability Act when disapproving a residential development project.

The Housing Accountability Act is a California state law that requires cities and counties, under existing planning and zoning law, to prepare and adopt a general plan, including a housing element, to guide the future growth of a community. The housing element consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing.

Additionally, this bill:

1. Clarifies that a change in a zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.
2. Requires a city and/or county to publish an analysis of the requirements of the Housing Accountability Act as part of its review of each application for a housing development

project.

3. Provides that a housing organization shall be entitled to reasonable attorney's fees and costs.

According to the author, "The Housing Accountability Act has been a tool used to ensure local jurisdictions build housing the state desperately needs. Strengthening the Housing Accountability Act will make it more difficult for local governments to disapprove, prolong, or reject proposed housing developments. This bill addresses the severity of California's housing crisis by taking a critical look at cities' approval process for development. State courts are often too deferential to localities in accepting any justification to deny a good housing project that otherwise meets all development requirements. Although there is an evident lack of funding, space, and construction, there are solutions the state can implement to ensure development is taking place in conjunction with a city's local laws."

Furthermore, supporters of this bill argue that, "the current enforcement mechanisms of the Housing Accountability Act are inadequate to achieve compliance from local governments. The housing shortage, while felt regionally and statewide, is often created by the individual decisions of local jurisdictions. It is critical to prevent localities from saying no to housing at the expense of California as a whole."

Opponents cite the following issues with Senate Bill 167:

- The bill requires the court to consider the local agency's process in attaining its target allocation of the regional housing need in determining the amount of fine to impose on a local agency that has violated the Housing Accountability Act. The regional housing need is a planning tool and was not designed to be used as a production goal or target. Fines should only be assessed based on existing requirements in housing element law that local agencies are already required to meet by law;
- Local agencies should have an opportunity to cure a violation of the Housing Accountability Act before fines are imposed; and
- The bill should provide more clarity as to what should be included in the new requirement for a local agency to publish an analysis of the Housing Accountability Act for a housing development project.

The City of Santa Clarita 2017 Legislative Platform (Legislative Platform) includes a component related to local land use and elements proposed in this bill. Specifically, component 15 under the "State" section of the Legislative Platform advises that the City Council, "Oppose legislation that would interfere with, limit or eliminate the decision-making authority of local governments in the area of local land use."

Senate Bill 167 passed the Senate on June 1, 2017, (30-10-0) and passed the Assembly Committee on Local Government (7-1-1) on July 12, 2017. Senator Scott Wilk voted in opposition of the bill and Senator Henry Stern voted in support of the bill. Assembly Member Tom Lackey voted in support of this bill as a committee member on the Assembly Committee on

Local Government. This bill will next be heard by the Assembly Committee on Appropriations.

The City Council Legislative Committee met on July 13, 2017, and recommends that the City Council adopt an “oppose” position for Senate Bill 167.

ALTERNATIVE ACTION

1. Adopt a “neutral” position on Senate Bill 167
2. Adopt a “support” position on Senate Bill 167
3. Take no action on Senate Bill 167
4. Refer Senate Bill 167 back to the Legislative Committee
5. Other action, as determined by the City Council

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted 2017/18 budget.

ATTACHMENTS

SB 167 (Skinner)