

July 14, 2020

Hon. David Chiu  
Chair, Assembly Housing and Community Development Committee  
State Capitol  
1020 N Street, Room 156  
Sacramento, California 95814

**RE: SB 1138 (WIENER D) HOUSING ELEMENT: EMERGENCY SHELTERS: REZONING OF SITES- OPPOSE**

Dear Chair Chiu,

On behalf of the City of Thousand Oaks, I respectfully oppose SB 1138. This bill would make changes to two provisions of Housing Element law by (1) requiring cities to identify residential and mixed-use zones where emergency shelters would be permitted without a conditional use or other discretionary permit, and (2) would shorten the time to finalize Housing Elements and impose penalties on cities who fail to meet this shortened timeframe. The City opposes both proposed changes.

### **Emergency Shelters**

Under current law, emergency shelters can be designated in commercial or residential zones. This bill eliminates this flexibility and requires cities to identify residential and mixed-use zones where emergency shelters would be permitted without a conditional use or discretionary permit. An emergency shelter is allowed in non-residential zones only if a city's residential zone is not feasible for an emergency shelter and the city demonstrates that the proposed zone is connected to amenities and services that serve the homeless population.

While the City recognizes that the state is experiencing a homeless crisis, this bill is a one-size-fits-all approach and makes presumptions that the type of land use provisions prescribed by the author exists in all cities. Moreover, by requiring that emergency shelters be located in residential zones, it assumes that amenities and services are located in or near these zones. That is not true for many cities. For many cities, including Thousand Oaks, amenities and services are located in commercial or light industrial zones.

In addition, the bill imposes one-size-fits-all standards that cities can impose when considering an emergency shelter, such as maximum number of beds, length of stay, security only during operating hours, and limits on distance between other emergency shelters. These limited standards apply regardless of the actual location of the shelter and regardless of impacts created.

The City of Thousand Oaks is in a quandary. With all the provisions and limitations under SB 1138, the City is left with virtually no area suitable for an emergency shelter. The City is interested in being compliant, however, this bill needs to provide greater flexibility, so cities can determine the most suitable sites based on available land and location of amenities and services.

## Housing Element Deadlines

The City also objects to modifications being proposed to the Housing Element timeline and the penalties being proposed for failure to meet these modified timelines. Currently, cities are mandated to update their Housing Element every eight years. The purpose of a city's Housing Element is to identify potential sites in the city that can accommodate current and future housing needs set forth by specific housing production targets through the Regional Housing Needs Assessment (RHNA) process. The Housing Element requires cities to create an inventory of available land for residential development. Under current law, cities must adopt a Housing Element within 120 days of the statutory deadline, and failure to do so results in the city having to update its Housing Element every four years for three consecutive cycles rather than every eight years. In addition, under current law, once a city's Housing Element is adopted, the city has up to three years to rezone sites necessary to meet its RHNA obligations. The bill, however, imposes penalties on cities who fail to adopt certified Housing Elements within 120 days of the statutory deadline. Rather than having three years to rezone necessary sites, cities will be required to rezone those properties within one year of the statutory deadline. This means that if a city submits a Housing Element and it is not certified by the State within 120 days of the statutory deadline, that city will have less than nine months to process all rezoning of land identified in its Housing Element, including complying with the California Environmental Quality Act (CEQA).

The process to prepare a Housing Element is time consuming and requires a great deal of staff time and public outreach. It involves a number of components and tasks including: updating data and demographics, examining current municipal code, analyzing funding resources, analyzing housing constraints, integrating new housing laws, identifying potential sites for housing, developing maps, noticing and conducting community workshops, conducting CEQA analysis, and anticipating any additional changes by the Legislature. It is a long process under normal circumstances, but these are not normal circumstances, COVID19 has significantly impacted every city in numerous ways. Cities are laying off employees and trying to find budget money to provide basic services to its residents. Other than social media and virtual meetings, cities' ability to communicate with their residents is severely limited. There are no opportunities to have workshops or in-person meetings with constituents to get feedback on Housing Element proposals. While the City recognizes the significant importance of encouraging the production of housing during this housing crisis, for many cities, their focus is on trying to balance their budget. Given these unprecedented circumstances, the Legislature should be providing **additional** time for cities to adopt their Housing Elements – not shortening that time and then imposing penalties for failure to meet this shortened deadline.

For these reasons, I oppose SB 1138.

Sincerely,



Al Adam  
Mayor

CC: Senator Scott Weiner  
Assemblymember Jacqui Irwin  
Senator Henry Stern  
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