



City Council

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Claudia Bill-de la Peña
Mayor

May 20, 2021

The Honorable David Chiu
Chair, Assembly Housing Committee
State Capitol Building, Room
Sacramento, CA 95814

RE: AB 215 (CHIU) PROHOUSING DESIGNATIONS- NOTICE OF OPPOSITION

Dear Chair Chiu:

The City of Thousand Oaks must respectfully oppose AB 215. This bill would require cities to have a mid-cycle housing element consultation with the Department of Housing and Community Development (HCD) if housing production is below the regional average; require cities to amend their laws so as to attain HCD's "pro-housing designation" if housing production is substantially below the regional average; and allow the Attorney General to enforce violations of the Housing Crisis Act of 2019.

Cities must provide an annual housing report to HCD by law which provides a comprehensive report as to where the developers are at each stage of their application process, e.g. entitlement, permits and occupancy, etc.

Cities across California, including the City of Thousand Oaks, are in the process of amending their General Plan and updating their Housing Element which will open greater opportunities for housing based on regional need. Unfortunately, cities do not build housing, they only zone for them. Housing production is primarily a private enterprise. Housing policies and programs within the Housing Element are already subject to HCD's approval.

Cities at one time had the opportunity to produce affordable housing under the auspices of redevelopment associations (RDA) until then Governor Jerry Brown eliminated them in 2011. Absent a comprehensive funding mechanism by the State, cities lack the financial leverage to work with developers in building housing.

A decade since the demise of RDA, the State Legislature has imposed more pro-housing laws. Cities have abided by the multitude of new housing laws that have changed methods for zoning and approving permits.

Many such permits are now streamlined, environmental review has often been eliminated, projects can have greater density or decreased parking, and most have a reduction in application fees--- all to reduce production barriers and to spur greater construction.

AB 215 now creates culpability by punishing cities for the lack of housing production. HCD would be given the police power to monitor cities progress during their Regional Housing

Needs Assessment (RHNA) cycle. If by the mid-cycle a city has not achieved their regional average, they will be subject to:

- (1) Implementation of “pro-housing” actions as developed by HCD.
- (2) Penalties of up to \$100,000 per month for failure to achieve a regional average
- (3) Involvement by the State Attorney General

HCD has yet to develop the list of actionable “pro-housing” items. In fact, the list of items will not be made available months after the Housing Element is certified.

Furthermore, using a “regional average” is impractical. The City of Thousand Oaks is part of the Southern California Association Government (SCAG) metropolitan planning organization. The SCAG region is vast, and its membership differs in geography, size, economy, density, transit capacity, not to mention cost of land/real estate. By aggregating averages of larger urbanized cities such as Los Angeles and sprawling communities, such as Yucca Valley, against built-out communities such as Thousand Oaks, is an unfair and flawed methodology.

Although AB 215 is intended to create more accountability by adding some “teeth” to RHNA, cities are not developers, nor can they force private property owners to build housing units. Without any dedicated funding to help cities build housing themselves to meet their RHNA allocation, the State is setting them up for both unfair penalties and failure.

For these reasons, the City of Thousand Oaks opposes AB 215.

Sincerely,



Claudia Bill-de la Peña
Mayor

cc: Assemblymember Jacqui Irwin
Senator Henry Stern
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