Background Information – Motion re Affordable Housing Legislation

Past WRAC positions on housing bills:

In 2018-2019, WRAC opposed SB 827 and SB 50 – controversial bills with housing density mandates – primarily on the grounds that the bills eviscerated principles of democracy and local control of land use and zoning (https://westsidecouncils.com/adopted-positions/). Individual member councils also opposed these and other, more recent housing density bills, such as SB 1120 and SB 902, on the additional grounds that they failed to actually provide for affordable housing and/or to include protection from density mandates that compromise public safety or the environment *(e.g.,* unconditional exemption for the Very High Fire Hazard Severity Zone; retention of applicable CEQA and Coastal Act requirements). Recommended motions to oppose newly-proposed housing density bills (SB 9 and SB 10), based on all of these grounds for opposition, are pending in WRAC at this writing (https://westsidecouncils.com/pending-motions/).

At the same time, the WRAC board and LUPC have discussed the importance of recognizing that ***there is an affordable housing crisis*** and of supporting ***positive legislative measures*** to address the crisis, consistent with the principles noted above. In August 2020, WRAC LUPC recommended a motion along these general lines which the WRAC board then passed for recommendation to member councils (see August 19, 2020 meeting minutes, Item IV, Motion 1; https://westsidecouncils.com/wp-content/uploads/2020/08/WRAC-Aug.-2020-Minutes.pdf; support for former SB 1299; opposition to other bills). The motion is no longer pending.[1]

Meanwhile, at the January 14, 2021 WRAC board meeting, it was suggested that WRAC may wish to renew consideration of possible support for legislation to address the affordable housing crisis. The current proposed motion is a response to this suggestion.

"Positive" affordable housing bills (currently-pending in the CA Senate):

- **SB 15 (Portantino):** http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB15.

This bill is a re-introduction of SB 1299 (also by Sen. Portantino), which passed in the Senate but died in the Assembly last session (reasons unclear).

What would SB 15 do? The bill would provide cities with incentive grants to voluntarily rezone "idle"[2] big-box retail or shopping center sites to allow development of workforce housing; cities would be repaid for lost retail taxes over a period of seven years. For a synopsis of the predecessor bill (SB 1299), see a support letter from the League of CA Cities: http://blob.capitoltrack.com/19blobs/f0713531-b6c6-403f-a17a-02c8385340fb.

Note: SB 1299 was supported not only by the League, but also by Livable California and several business organizations; it was opposed only by trade unions. According to Sen. Portantino, SB 15 is now supported both by labor and business. At this writing, a resolution to support SB 15 hasn't been introduced in City Council.[3]

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[1] Status: Shortly after the WRAC board voted to recommend this motion, the bills that it referenced either failed or passed in the legislature and the motion became moot; meanwhile, it appears that no member councils ever took up the motion; per meeting minutes, no votes in favor were reported at any subsequent WRAC board meetings.

[2] From the bill: "'Idle' means that at least 80 percent of the leased or rentable square footage of the big box retailer or commercial shopping center site is not occupied for at least a 12-month calendar period." (Sec. 50405(d))

[3] CM Ryu had introduced a resolution in 2020 for the City to support SB 1299, but this came late in the legislative session and his resolution, although supported, was never taken up; see supporting CIS by the Empowerment Congress West Area Neighborhood Development Council: "This bill . . . respects the **local control of cities** as it is **not a mandate**, or a **one size fits all** zoning approach"(https://clkrep.lacity.org/onlinedocs/2020/20-0002-S100_CIS_07292020103159_07-29-2020.pdf).

- **SCA 2 (Allen & Wiener):** https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SCA2.

This bill is a re-introduction of SCA 1 (also by Senators Allen and Wiener), which passed in the Senate but died in the Assembly last session (reasons unclear).

What would SCA 2 do? The bill proposes repeal of Article 34 of the California Constitution – an outdated, 1950 amendment to the Constitution, originally sponsored by the California Realtors Association (CRA), that discourages public housing: it prohibits cities and counties from building or buying low-rent/publicly financed affordable housing projects without voter approval. CRA now supports the repeal of this Article.[4]

Note: SCA 1 was supported by a diverse coalition of groups/entities: the City of Los Angeles, CRA and California YIMBY are all listed in the legislative analyses as "co-sources" or "co-sponsors" of SCA 1. Numerous other cities and statewide organizations supported the bill.[5] There was no opposition. At this writing, a resolution to support SCA 2 hasn't been introduced in City Council; presumably, the City's prior support still stands.

In short, previous iterations of SB 15 and SCA 2 received widespread, diverse support, including from the City of Los Angeles (SCA 1). These two successor bills arguably offer *positive solutions* to the affordable housing crisis that comport with goals and principles which WRAC member councils have stressed are paramount (focus on providing truly affordable housing; no density mandates that compromise public safety or the environment; and respect for principles of democracy and local control – *i.e.,* no "one size fits all" zoning mandates, no provisions that override City Charters and/or voter-approved initiatives).

By Chris Spitz, WRAC Vice-Chair & PPCC rep to WRAC
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[4] Although SCA 2 proposes repeal of an Article requiring voter approval of proposed affordable housing projects, the bill itself would not (and *could not,* consistent with the Constitution) remove or override the voter approval requirement. If the bill passes, this measure *would then go on the next ballot for approval;* the Article requiring voter approval of such projects would be repealed *only on a vote by the public.* The bill thus entirely **respects the democratic process.**

Note also: Commentators have explained that Art. 34 was driven by racism, is a "vestige of segregation," has been a roadblock to affordable housing and a "major driver of racial and class segregation," and has "exacerbated". . ."major disadvantages on lower-income communities suffering the most under the state's critical housing shortage." https://www.thebaycitybeacon.com/politics/california-voters-could-repeal-article-34-next-year/article_8a9ba882-8c64-11e9-a71e-03e9d5dc7c73.html. **Sen. Wiener** has described Art. 34 as having been added to the Constitution "during a very, very ugly episode in California history." According to advocates, striking this amendment would "make it easier for cities and counties to provide housing for the poor." https://www.dailybreeze.com/2019/12/23/a-vestige-of-segregation-that-could-go-before-state-voters-next-year. See also: https://www.latimes.com/politics/la-pol-ca-affordable-housing-constitution-20190203-story.html (extensive report on Art. 34's history and impact; prior SCA 1 strongly supported by Mayor Garcetti).

[5] According to its website, Livable California also currently supports SCA 2, as does the California Association of Councils of Governments/CALCOG. See https://calcog.org/repeal-article-34/ (CALCOG explanation of Art. 34 and the organization's support for SCA 1 and SCA 2). The CALCOG article quotes **Sen. Allen**: "Article 34 stands as an additional, anachronistic and expensive Constitutional barrier . . . that subjects local governments to a web of regulations and costly elections that end up driving up the price of building publicly financed affordable housing."