



CITY OF MURRIETA

August 24, 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**

Dear Assembly Member Gabriel,

On behalf of City of Murrieta, we strongly oppose your Assembly Bill 989, 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. 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 State appointed housing appeal panel 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 for a State appointed housing appeals panel whom may be potentially unfamiliar to localized baseline conditions 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.



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For these reasons, the City of Murrieta opposes AB 989. If you have any questions, or need more information about the City's position, please contact Louie Lacasella, City Manager's Office at (951) 461-6008 or llacasella@MurrietaCA.Gov.

Sincerely,

A handwritten signature in black ink that reads "Scott R. Vinton". The signature is fluid and cursive, with the first name being the most prominent.

Scott Vinton
Mayor

Cc: Murrieta City Council
Senator Melissa Melendez
Assembly Member Kelly Seyarto
Erin Sasse, League of California Cities