August 19, 2021

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
California State Senate, 25th District
State Capitol, Room 5050
Sacramento, CA 94249

RE: OPPOSE AB 989 (GABRIEL) — HOUSING ACCOUNTABILITY ACT: APPEALS: OFFICE OF HOUSING APPEALS

Dear Senator Portantino,

The City of Newport Beach strongly opposes Assembly Bill 989 (Gabriel). This bill would create an Appeals Board within the California State Department of Housing and Community Development (HCD) that would allow developers whose projects were denied by any local jurisdiction to appeal that decision at the state level. The Housing Accountability Act allows local jurisdictions, after proper notice and public hearings within strict time limits, to deny a project because it would have a specific, adverse impact on public health and safety. AB 989 would allow the Appeals Board 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. Not only would this bill undermine the importance of local discretion, but it would also create a ministerial, procedural branch of HCD that would not be subject to public oversight. What may be good for the State may not be good for local agencies. That is why local agencies have a Planning Commission and City
Council to review project applications and to ensure projects meet both local laws and state laws.

This bill is yet another example of state overreach. In fact, this bill adds a hearing process to housing development that will not expedite housing construction. Rather, AB 989 will slow down and complicate the housing development process in California by increasing conflict and adding more time with the appeals hearing and subsequent superior court review.

Most experts agree that the housing crisis has several factors and has been brewing for generations. Local governments are not the problem when it comes to housing affordability. Local governments face complex CEQA regulations and housing affordability is subject to the ever changing market conditions. The role of local government is to serve and support its constituents which includes creating healthy and sustainable communities.

Thank you for your consideration on this important matter, and please do not hesitate to contact me should you have any questions.

Sincerely,

Kevin Muldoon
Mayor Pro Tem
Newport Beach

CC: Mayor Brad Avery
    Newport Beach, City Council
    Grace Leung, City Manager
    Seimone Jurjis, Community Development Department
    League of California Cities (Via email: cityletters@cacities.org)