



**Mayor**

Brad Avery

**Mayor Pro Tem**

Kevin Muldoon

**Council Members**

Noah Blom

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Will O'Neill

August 19, 2021

The Honorable Anthony Portantino  
Chair, Senate Appropriations Committee  
California State Senate, 25<sup>th</sup> 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 judgement 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 expediate 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,

A handwritten signature in black ink, appearing to read 'Kevin Muldoon', with a long horizontal flourish extending to the right.

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](mailto:cityletters@cacities.org))