

Report on ABAG to MCCMC¹

September 2019

ABAG HOUSING METHODOLOGY COMMITTEE:

On September 19, 2019, I was appointed by the ABAG Executive Board to serve on the ABAG Housing Methodology Committee. Marin County gets two representatives – an elected official and a planner. The Marin County Planning Directors selected Elise Simonian, Planning Director from the Town of San Anselmo. I plan on working very closely with Elise and the Marin County planners.

This Committee will advise staff on the formation of the methodology for allocating the housing units among the local jurisdictions as part of the Regional Housing Need Allocation (RHNA). The RHNA is a state-mandated process to identify the number of housing units (by affordability level) that each jurisdiction must accommodate in the Housing Element of the General Plan. The CA Department of Housing and Community Development (HCD) is responsible for identifying the total level of housing need for ABAG to distribute to each local government within the SFBA.

The Committee is composed of 10 elected officials, 17 local jurisdiction staff and 15 regional stakeholders (e.g. EAH Housing, Joint Venture Silicon Valley, Greenbelt Alliance, SF County Transportation Authority, Bay Area Council, Building Industry Association, etc...). The Committee will meet once a month to develop the methodology which will be adopted by ABAG.

REGIONAL GROWTH FORECAST METHODOLOGY:

On September 19, 2019, ABAG conducted a public hearing and adopted (19 to 3) the Regional Growth Forecast Methodology that determines the Regional Control Total (RCT) for Plan Bay Area 2050. The RCT will determine the population and employment forecasts for the different Plan Bay Area 2050 scenarios. The assumption includes the increase of in-commute from Plan Bay Area 2040 adopted in 2017. Unfortunately, this methodology was not brought to ABAG's Regional Planning Committee nor was planners in cities and counties included in the outreach. Two MTC committees – MTC Policy Advisory Council and the Regional Advisory Working Group – provided input. I, along with some other city representatives, did not support the methodology since cities and counties were not engaged.

LEGISLATION:

The ABAG Legislative Committee and Executive Board spent a lot of time on legislation in June, July, August and September. As you know, most of that legislation dealt with the proposed legislation that was recommended in the CASA – The Committee to House the Bay Area.

AB 5 by Assemblymember Gonzalez was signed by Governor Newsom on September 18, 2019. This bill creates the Affordable Housing and Community Development Investment Program that authorizes a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria. The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program.

Bills awaiting Governor Newsom's signature are:

AB 1482 by creates a statewide limit on rent increases of 5% plus inflation, and requires that landlords provide a "just cause" when evicting tenants who have been renting for a year. The measure exempts units under 15 years old and will sunset after 10 years.

¹ Marin County Council of Mayors and Councilmembers (MCCMC)

AB 1487 by Assemblymember Chiu establishes the Bay Area Housing Finance Authority that can place a ballot measure in the SFBA and allocate new revenue (head tax, etc...), incur and issue bonds and other indebtedness, and allocate funds for affordable housing. The bill would also authorize the executive board of the Association of Bay Area Governments to impose a commercial linkage fee, as defined, in an amount not to exceed the equivalent of \$10, and require a city or county in the San Francisco Bay area that has jurisdiction over the approval of a commercial development project, as defined, to collect that fee as a condition of that approval and remit the amount of fee to the authority. The executive board of the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) would decide what form a potential revenue-raising measure would take.

SB 330 by Senator Skinner prohibits (until January 1, 2025) local governments from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings. It also requires that a housing development project be subject to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted and prohibits a city or county from conducting more than 5 hearings.

AB 1483 by Assemblymember Grayson requires cities and counties to maintain a current schedule of fees, exactions and affordability requirements for proposed housing development projects on its website. It also requires cities and counties to make all zoning ordinances and development standards available on their website.

AB 1485 by Assemblymember Wicks requires a development to dedicate 20% of the total number of units to housing affordable to households making below 120% of the area median income with the average income of the units at or below 100% of the area median income

AB 1486 by Assemblymember Ting expands the definition of local agency to include all districts within the state to adhere to specific requirements for the disposal of surplus lands.

SB 5 by Senator Beall establishes the Affordable Housing and Community Development Investment Program. It would authorize local governments an opportunity to apply to the Investment Committee for projects meeting specific criteria; and, to establish an affordable housing and community development investment agency and apply for funding.

SB 6 by Senator Beall requires the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development and for the CA Department of General Services to create a database of local and state lands determined or declared excess and available for residential developments.

SB 13 by Senator Wieckowski authorizes the creation of ADU in areas zoned for single-family or multi-family dwelling residential use.

SB 330 by Senator Skinner requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete.

Two year bills:

AB 11 by Assemblymember Chiu creates the Community Redevelopment Law of 2019.

AB 1481 by Assemblymember Grayson which prohibits a lessor of residential property from terminating the lease without just cause.

ACA 1 by Assemblymember Agular-Curry creates an additional exception to the 1% limit that would authorize local government to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation or replacement of public infrastructure, affordable housing, etc, if the proposition proposing that tax is approved by 55% of the voters.

UPCOMING MEETINGS²

- **September 26, 2019 -- MTC Commission, 9:30 am
Joint ABAG/MTC Governance Committee, 11:00 am**
- **October 2, 2019 -- ABAG Regional Planning Committee, 1:00 pm**
- **October 11, 2019 -- Joint ABAG Administrative and MTC Planning Committees, 9:00 am
Joint ABAG and MTC Legislation Committees, 9:15 am**
- **October 18, 2019 -- ABAG Housing Methodology Committee, 10:00 am**
- **October 23, 2019 -- MTC Commission, 9:30 am
Joint ABAG/MTC Governance Committee, 11:00 am**

If you have questions, contact Pat Eklund, Council Member, City of Novato at 415-883-9116 and/or pateklund@comcast.net).

² All meetings are held at 375 Beale Street in San Francisco, unless noted otherwise.