

RESOLUTION NO. 21-057

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA
IN OPPOSITION TO ASSEMBLY BILL 215 (CHIU): HOUSING ELEMENT: REGIONAL HOUSING
NEED: RELATIVE PROGRESS DETERMINATION**

WHEREAS, in recent years, the State has enacted many laws that seek to address the affordable housing crisis by placing responsibility for affordable housing development on the shoulders of local governments rather than acknowledging the role of developers, property owners, the State and Federal governments, and economic factors such as land prices and labor and materials costs; and

WHEREAS, Assembly Bill (AB) 215 would create a new mid-cycle regional housing needs progress determination process and mandate cities and counties with “low progress” in meeting those housing targets to consult with the California Department of Housing and Community Development (HCD) and adopt State-mandated “prohousing” policies and if HCD determines that a jurisdiction has not complied with the requirements of the consultation process then HCD must find that their housing element does not substantially comply with housing element law, thus decertifying the city’s housing element and possibly subjecting the jurisdiction to tens of thousands of dollars in fines.

WHEREAS, AB 215 turns what was intended only two-years ago in the 2019 Budget Act to be an incentive program into a mandatory requirement for cities and counties to adopt State supported policies and strategies regardless of whether those policies and strategies would result in increased housing development in a given community, whether those policies and strategies are appropriate for the type of community (e.g. urban, suburban, rural,, high or low fire risk, etc.), and whether those policies and strategies are supported by the community; and

WHEREAS, one of the “prohousing” policies under consideration is a requirement for direct financial support for affordable housing developments, which would require an astronomical investment of City resources that the Saratoga simply does not have given that it has devoted the vast majority of its land to housing and has a very small commercial tax base and lacks tools such as redevelopment, which the State stripped away; and

WHEREAS, instead of creating a new mid-cycle housing element review process, the State should remain focused on using the tools in existing law to promote housing element adoption and implementation and equipping cities and counties with the financial resources they need to promote affordable housing development.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Saratoga does hereby oppose AB 215, authorizes the Mayor to execute a letter reflecting the City Council’s position, and urges the California State Legislature and the Governor of California to reject this bill.

The above and foregoing resolution was passed and adopted at a regular meeting of the Saratoga City Council held on the 7th day of July 2021 by the following vote:

AYES: Mayor Yan Zhao, Vice Mayor Tina Walia, Council Members Mary-Lynne Bernald, Kookie Fitzsimmons, Rishi Kumar

NOES:

ABSENT:

ABSTAIN:



Yan Zhao, Mayor

ATTEST: 

Debbie Bretschneider, CMC, City Clerk

DATE: 7/12/2021