

Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel



**Planning
Department**

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STAFF REPORT

Item # 3J

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: August 2, 2012
Subject: Opposition to the AB 542 due to negative impact on Housing Element

Background:

Every City in the State of California is required to update its Housing Element every 4-5 years and get it certified by the State Housing and Community Development Department. Lemoore's most recent update was just done in May of 2010 as a joint effort with all Kings County jurisdictions which was certified by the State in July 2010. Due to the low cost of land in the valley, Lemoore's apartment density usually does not come close to 20 units per acre and is still able to serve low-income households based on the affordable rents, even for non-subsidized units. The City was able to use this real market information to show that we could provide adequately zoned properties for low-income housing, rather than the State's 20 unit per acre Mullin density.

If AB 542 is adopted by the State legislature, the City would not be able to use real market information, but would be forced to use a complicated analysis that has been outlined by Napa County alone. This County does not share many of the same attributes as Lemoore or other portions of the State and should not be forced to use a convoluted analysis that does not meet the City's specific circumstances,

Budget Impact:

If passed AB 542 would increase the cost of having the City's Housing Element updated, which is on cycle for before 2014, and may cause the Countywide Housing Element update to potentially be un-certifiable by the State.

Recommendation:

That the Lemoore City Council, by motion, should approve the attached draft letter to be signed by the Mayor opposing passage of AB542 in its current form based on the issues identified therein.

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City Council

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August 7, 2012

Assembly Member Allen
State Capitol, Room 5158
Sacramento, CA 95814
Fax: (916) 319-2158

RE: AB 542 (Allen). Land use: housing element: regional housing need.

(as amended June 27, 2012)

NOTICE OF OPPOSITION UNLESS AMENDED

Dear Assembly Member Allen:

The City of Lemoore is opposed AB 542 (Allen), which would prevent communities from using the analysis authorized under current law to demonstrate that sites are zoned at densities that accommodate its share of the regional housing need for lower income households.

Under existing law, a jurisdiction can show that the site inventory in its housing element accommodates its share of the regional housing need for lower income households using one of two methods. The jurisdiction can either use the "Mullin densities" or do an analysis that includes factors such as market demand, financial feasibility, or information based on development project experience in order to demonstrate how the adopted densities accommodate this need which are based on what information is available to us in our small community. We are currently able to show actual market rate units being built and charging rents that can serve low income households without being stuck with the Mullin densities based on the real world conditions not some analysis that is complicated and unrealistic for a small jurisdiction to tabulate.

As you know, changing the housing element law is a very controversial topic for both local governments and the housing advocacy community. In the past, any changes to the housing element have been done with input from those that would be affected such as the affordable housing advocates, local governments and HCD. However, in the case of AB 542, no local jurisdiction (other than the sponsors of the bill), were a party to the negotiations. Before such a change to the housing element requirements occurs, input from all stakeholders should be represented and considered. If Napa County moves forward with AB 542, then every jurisdiction loses the ability to use the alternative analysis that is available under existing law and all jurisdictions would be limited to the option negotiated for the benefit of one county that is not representative of our rural City.

We believe that the requirement under AB 542 to show that the financial feasibility of newly constructing unsubsidized, market-rate housing affordable to low-income and very low income households at the adopted densities will be difficult, if not impossible to prove. We believe the vague language will only lead to further disputes between HCD and local jurisdictions.

For these reasons, the City of Lemoore is opposed unless amended to AB 542 unless existing law can be restored. If you have any questions about our position, you can reach our Planning Director Holly Smyth at 559-924-6740.

Sincerely,

Willard Rodarmel, Mayor

cc: Senator Rubio via fax
Assembly Valadao via fax
Hilary Baird, League of California Cities (Fax: 661-664-8291)
Kirstin Kolpitcke, League of California Cities (Fax: 916/658-8240)
Mark Stivers, Consultant, Senate Transportation and Housing Committee (Fax: 916/445-2209)
Doug Yoakam, Republican Consultant, Senate Transportation and Housing Committee (Fax: 916/445-3105)