



**Community, Equity, Action**

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April 7, 2021

Hon. David Chiu, Chair  
Assembly Housing and Community Development Committee  
State Capitol  
Sacramento, CA 95814

**Subject: OPPOSE AB 989 (Gabriel) as amended 4/5/21**

Dear Chairman Chiu,

Livable California is a 501(c)(4) non-profit organization that represents over 10,000 Californians committed to critical aspects of state housing policies. We support truly affordable, sustainable housing legislation and land use and development decisions made at the local level of government.

We oppose AB 989 on the grounds that it is yet another example of state overreach. In fact this bill is a perfect example of legislation that will do nothing to address our state's ongoing housing affordability crisis, nothing to help lower income and poor Californians, and nothing to advance the cause of housing equity and sustainability. It will, however, further enrich developers of market rate housing - of which California already has a well-documented superabundance.

Under this bill, a developer of a proposed project that is 100% moderate income - defined as affordable to people making no more than 120% of area median income - could appeal to the state Department of Housing and Community Development to overturn a city's denial. These extralegal second bites at the apple would be breathtakingly undemocratic: They would be heard by a committee of five unelected, unaccountable bureaucrats who serve exclusively at the governor's pleasure. The committee would operate according to its own rules and schedule, and at its own pace. Its decisions would be appealable - to itself.

The bill is also arbitrary. One provision would require local governments, upon the filing of a developer's appeal to the committee, to "certify in writing, under penalty of perjury, that their decision was not made for any unlawful or improper purpose." You could drive a developer's cement truck through loopholes like this, with which the bill is replete.

AB 989 is yet another giveaway to developers and speculators who have no interest in California's housing crisis, much less in the quality of life of 40 million people. It will

exacerbate our lack of affordable housing and further depress our state's economic outlook by continuing to warp the housing market in favor of higher-income housing.

As always, we stand ready and willing to work with you and the legislature on real solutions.

Sincerely,

The Board of Directors of Livable California

A handwritten signature in black ink, appearing to read "Rick Hall", written over a horizontal line.

Rick Hall, President

T Keith Gurnee, Member

Carey White, Member

Isaiah Madison, Member