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June 30, 2021

The Honorable Cecilia Aguiar-Curry
California State Assembly, 4th District
State Capitol, Room 5144
Sacramento, CA 95814

RE: SB 477 (Wiener) – OPPOSE

Dear Assemblymember Aguiar-Curry,

On behalf of the City of Cupertino, I write to express our opposition to SB 477 (Wiener), which expands local agency data collection requirements to gauge the effectiveness of state housing laws. Specifically, this bill requires local agencies to include data in their annual progress reports to the Department of Housing and Community Development (HCD) relating to the number of applications submitted for various state housing programs, the location and total number of developments approved, the total number of building permits issued, the total number of units constructed, whether the project received an exemption, and whether the project is seeking any waiver, bonus, or concession, among other things.

By significantly expanding the record keeping and reporting requirements to HCD, this measure imposes an unfunded mandate on cities and increases the burden on local planning and community development departments without providing a tangible benefit. It is important that increasing demands on local planning departments are met with reciprocity from the state to assist us in building more affordable housing projects consistent with community needs.

Local jurisdictions throughout the State have engaged in thoughtful planning and development strategies to balance housing demand, local input, and the needs of the building industry. While we believe that data collection is an important tool for determining the effectiveness of state laws, the information collected should reflect a more holistic view of the various factors that going into housing production, and not just be used as a means to justify further regulation on local government. For example, collecting information on the number of entitlements may be more indicative of a local government's efforts to encourage affordable housing as permitting and construction are dependent on the timing of the developer. By requiring the collection and reporting of a narrow focus of housing data to present in the aggregate, this diminishes the good faith efforts of many localities to comply with state housing laws and community needs.

Instead of focusing on efforts that fail to attempt to understand and address the challenges faced by localities, legislation from the State should be working to bridge the gap between entitlements and completion of projects. Focus instead on finding a way to ensure that existing inclusionary zoning requirements are adhered to by developers. When legislation is proposed that is geared to be punitive and to create convenient scapegoats, then conditions do not improve. Worse still is legislation that purports to help a problem when in fact the legislation worsens the problem. We are ready to work together, but please be mindful that we proceed together in an effective fashion, rather than in a manner that creates more bureaucracy, panders, and sells out our communities only to benefit, at base, monetary interests.

We cannot afford any more to kick the cans of our problems down the road. Pretending to do something while creating scapegoats is the way of an older and abusive “ends justify the means” mentality. It is not the politics of today. If we are to be truly problem solvers, then we must put forward funding for addressing the affordable housing crisis. We cannot cater to lobbyist-driven funding and pretend that we are solving problems when in fact the problems get worse, while at the same time we place blame on jurisdictions making legitimate points and which are in good faith working to be partners. We implore you that the type of mentality and approach represented by this and other proposed legislation must end. Again, we are prepared to be partners. We look forward to less corruption and more solutions.

For these reasons, the City of Cupertino opposes SB 477.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman
Assembly Local Government Committee
Assemblymember Cecilia Aguiar-Curry (Chair)
Assemblymember Tom Lackey (Vice Chair)
Assemblymember Richard Bloom
Assemblymember Tasha Boerner Horvath
Assemblymember James Ramos
Assemblymember Luz Rivas
Assemblymember Robert Rivas
Assemblymember Randy Voepel