



MAYOR STEVEN SCHARF
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June 25, 2019

The Honorable Scott Weiner
California State Senate
State Capitol, Room 5100
Sacramento, CA 95814

RE: Oppose Senate Bill 592 (Weiner) – Housing Accountability Act

Dear Senator Weiner:

On behalf of the City of Cupertino, I am writing to express our opposition for your bill, Senate Bill 592, which would make changes to the Housing Accountability Act (HAA).

Specifically, SB 592 would expand the definition of housing to add new single-family homes, ADUs, and room additions; expand the HAA to apply to all ministerial, by-right, or discretionary approvals; limits cities' ability to add conditions of approval or deny a project based on discretionary standards that are not clearly objective; and authorizes a plaintiff who is the project applicant to seek compensatory damages for a violation of the Act.

The City believes that the current version of the HAA is sufficient to ensure that developments comply with local standards and would not impact public health or safety. The Legislature has made numerous modifications to the HAA, including significant changes that went into effect in 2018. These new provisions of the HAA have been in effect for only 18 months, hardly enough time to determine that the provisions are not working and need to be expanded.

SB 592 would limit the City's ability to review housing developments to ensure that local requirements are met. The bill would limit the ability of the City to add conditions of approval based on established standards that have been put into place by the City and its residents. Ultimately, this measure limits the City's ability to work with project developers to determine the appropriate location, scale, and character of residential development that will work best in communities. Also, the definition of "economic

viability" and the intent behind the bill language could lead to unintended consequences and potential lawsuits. Additionally, the bill allows for developers to revise plans submitted to municipalities in response to comments, but does not require any revisions to include documentation stating what revisions were made and/or why. For the purposes of responding to revisions in a timely manner, additional documentation should be required upon making revisions. For these reasons, we would like to seek further clarity in the bill.

For these reasons, the City of Cupertino must oppose SB 592.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Scharf', with a long horizontal flourish extending to the right.

Steven Scharf
Mayor, City of Cupertino

cc: Assembly Housing and Community Development Committee members