



October 15, 2018

The Honorable Herb J. Wesson, Jr.  
President, Los Angeles City Council  
Councilmember, 10<sup>th</sup> District  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012

Re: Council File No. 18-0955: Proposition HHH Permanent Supportive Loan Program / Affordable Housing Managed Pipeline Program / Letter of Acknowledgement / Rescind

Dear Council President Wesson:

We represent the Alliance of Californians for Community Empowerment in the action *ACCE Action v. City of Los Angeles, et al.* (File No. 1547-01). We write in relation to the Motion to rescind the Letter of Acknowledgment / Support requirement for affordable housing projects (Council File No. 18-0955) (the "Motion").

While the Motion to rescind the Letter of Acknowledgment and Letter of Support requirements in the Proposition HHH and Affordable Housing Managed Pipeline regulations is a necessary first step, it does not assure against the imposition of all mechanisms, policies, or practices that unlawfully impede the development of affordable and supportive housing or create pocket vetoes. We write to remind you that any action that the City Council takes must comply not only with AB 829, but also with other state laws that protect affordable and supportive housing, including Section 65008 of the California Government Code, the California Fair Employment and Housing Act, the California Housing Element Law and the City's Housing Element implementing the same, and the Equal Protection Guarantee of the California Constitution, as described in our lawsuit.

In addition, we oppose the inclusion of the last paragraph of the Motion, which directs the Los Angeles Housing + Community Investment Department ("HCIDLA") "to report with recommendations on ways that a Council office and neighborhood council of the area can provide meaningful input on proposed City financing of a housing development in the Council district, in a manner consistent with the new state law." This is highly concerning. To the extent that the City Council is contemplating enacting a substitute mechanism that will impede development and/or act as a pocket veto over affordable and supportive housing projects, we believe such a policy is illegal, violates existing state law, and violates the spirit and letter of AB 829. Further, any process that permits discriminatory motives to inform decision-making violates existing law.

We hope that you will take our concerns into account as you proceed with this Motion.

Sincerely,

A handwritten signature in black ink that reads "Faizah Malik". The signature is written in a cursive, flowing style.

Faizah Malik  
Staff Attorney  
Public Counsel