

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: September 6, 2017

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 17-0002-S74
Assignment No: 17-05-0524

SUBJECT: Resolution (Bonin – Harris-Dawson) to SUPPORT AB 663 (Bloom).

CLA RECOMMENDATION: Adopt Resolution (Bonin – Harris-Dawson) to include in the City's 2017-2018 State Legislative Program SUPPORT for AB 663 (Bloom), which would restore the California Coastal Commission's authority to protect and provide affordable housing in the coastal zone and allow requirements on Local Coastal Programs to include housing policies and programs.

SUMMARY

Resolution (Bonin – Harris-Dawson), introduced on May 5, 2017, describes that the Coastal Act of 1976 established the California Coastal Commission and required the protection and provision of affordable housing in the coastal zone. The Resolution adds that the 1982 Mello Act repealed the Coastal Commission's authority to protect and provide affordable housing in the coastal zone. AB 663 (Bloom) would restore the Coastal Commission's authority to protect, encourage, and provide affordable housing in the coastal zone for low and moderate income households. As the City is in dire need of additional affordable housing units, particularly in the coastal zone, the Resolution calls on the City to support AB 663.

BACKGROUND

The California Coastal Commission was established by voter initiative in 1972 and made permanent by the Legislature through adoption of the Coastal Act in 1976. The Commission plans and regulates the use of land and water in the coastal zone. The Coastal Act provides that "housing opportunities for persons of low- and moderate-income shall be protected, encouraged, and, where feasible, provided." The Mello Act of 1982 set new standards for preserving housing for persons and families with low- and moderate-incomes in the coastal zone. The Mello Act repealed the Commission's authority to protect and provide affordable housing in the coastal zone, and provided that local coastal programs (LCPs) cannot be required to include housing policies and programs.

AB 663 would counteract the changes made in the Mello Act and grant authority to the Coastal Commission to protect, encourage, and, where feasible, provide housing opportunities for persons of low- and moderate- income. It would additionally remove the prohibition on requiring LCPs to include housing policies and programs. The provisions of AB 663 would sunset on January 1, 2023. AB 663 would promote affordable housing in the coastal zone. While the City does not currently have a LCP, the Department of Planning intends to bring one before the Coastal Commission for their approval within the next several years. Our office recommends that

Council support the bill. We note that the League of Cities opposes this bill because it creates additional confusion and regulatory burdens for coastal cities complying with California housing laws.

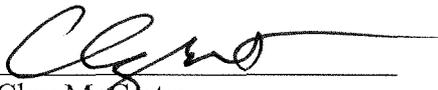
This bill was voted down in the Assembly and is currently inactive. It is now a two-year bill and may be heard at a later date.

DEPARTMENTS NOTIFIED

Housing and Community Investment Department
Planning Department

BILL STATUS

06/01/17	Ordered to inactive file at the request of Assembly Member Bloom.
06/01/17	Refused passage.
05/30/17	Amended.
05/26/17	From committee: Amend, and do pass as amended.
05/17/17	In committee: Set, first hearing. Referred to APPR. suspense file.
05/02/17	Re-referred to Com. on APPR.
04/27/17	From H. & C.D. committee: Amend, and do pass as amended and re-refer to Com. on APPR.
04/20/17	Re-referred to Com. on H. & C.D.
04/18/17	From NAT. RES. committee: Amend, do pass as amended and re-refer to Com. on H. & C.D.
03/02/17	Referred to Coms. on NAT. RES. and H. & C.D.


Clay McCarter
Analyst

Attachment: Resolution (Bonin – Harris-Dawson)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Coastal Act of 1976 (Act) established the California Coastal Commission and required the protection and provision of affordable housing in the coastal zone; and

WHEREAS, pursuant to the Act, a coastal development permit (CDP) from the Coastal Commission or local government enforcing a Local Coastal Program (LCP) is required for development activity that changes the intensity of use of land in the coastal zone or public access to coastal waters; and

WHEREAS, the Coastal Commission adopted three sets of interpretive guidelines between 1977-1981 to implement the Act, thereby establishing a prohibition on demolition of low and moderate income housing for reasons other than health and safety; allowing density bonuses and reduced parking requirements for affordable housing developments; requiring in-lieu fees, land dedication, and housing credits in certain circumstances; and establishing specified percentages of proposed housing units to be set aside for low and moderate income households; and

WHEREAS, the 1982 Mello Act repealed the Coastal Commission's authority to protect and provide affordable housing in the coastal zone, provided that LCPs cannot be required to include housing policies and programs, and authorized the conversion or demolition of affordable units in coastal zones, so long as replacement units were constructed within the same city or county and, if not feasible, located within three miles of the coastal zone; and

WHEREAS, currently pending before the State Assembly is a bill, AB 663 (Bloom), which would restore the Coastal Commission's authority to protect, encourage, and provide affordable housing in the coastal zone for low and moderate income households, until the sunset date of January 1, 2023; and

WHEREAS, the City is in dire need of additional affordable housing units, particularly in its coastal zone;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program SUPPORT for AB 663 (Bloom), which would restore the California Coastal Commission's authority to protect and provide affordable housing in the coastal zone and allow requirements on Local Coastal Programs to include housing policies and programs.

PRESENTED BY: 
MIKE BONIN
Councilmember, 11th District

SECONDED BY: 


dc MAY 05 2017

ORIGINAL