

WHY THIS PRO-DEVELOPMENT BILL FAILED TO PASS THE SENATE

SB 827, A SENATE BILL THAT WOULD HAVE HELPED TO INCREASE DENSITY, FAILED QUICKLY IN THE STATE SENATE LAST MONTH.

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Not all of the legislation focused on solving the housing crisis is aiming to stop development. Last month, State Senator **Scott Wiener** presented SB 827, the California housing-transit bill, for a vote in the California State Senate. The bill would have allowed development near transit to increase density and provide more housing throughout the State of California. The bill was the first pro-development solution that we have seen to solve the housing shortage in the state. The bill was considered extreme, and did not pass through the senate, just as extreme anti-development solutions, like Measure S, have failed at the ballot box. **Julia Stein**, senior counsel at **Cox, Castle & Nicholson LLP**, sat down with us for an exclusive interview to talk about the

bill, why it failed and about future pro-development movements to solve housing and affordability problems in California.

GlobeSt.com: SB 827 died in the Senate last week. Why didn't it get more government support?

Julia Stein: It was considered an affront to local planning and land use controls. SB 827 was widely criticized for the breadth of its scope and over concerns that it would promote more and denser luxury housing while contributing to gentrification and leaving low-income households behind. A number of groups, including environmental justice advocates, neighborhood groups, and anti-poverty organizations, took stances in opposition to the bill, concerned that the proposed law would limit options to oppose unwanted development and would negatively impact neighborhood character, both in socioeconomically disadvantaged communities and elsewhere.

GlobeSt.com: Which groups spoke out in opposition to SB 827?

Stein: Many local governments, including in Los Angeles, where the City Council voted unanimously to oppose the bill, were unsupportive of what they saw as a power grab by the State to wrest development control from the hands of local land use authorities. Ultimately, with such significant opposition, the bill failed in the first legislative session. In the aftermath, Senator Wiener, the bill's sponsor, acknowledged he needed to do more to work with advocates for low-income Californians; he has committed to attempting to bring similar legislation back in 2019.

GlobeSt.com: Do you think that SB 827 would have done more to alleviate the affordability crisis?

Stein: Possibly but by no means a certainty. SB 827, in the form proposed, would have removed much local control from the project approval process in transit-rich areas, and was designed to allow for the construction of significantly more dense, and taller, buildings in those areas. While SB 827 could have lead to the construction of more housing units, it's unclear what the overall affect on affordability would have been; the bill was criticized for not doing enough to prevent gentrification and for its potential to impair neighborhood character.

GlobeSt.com: Have there been any other efforts to create more pro-development legislation to solve the housing crisis?

Stein: Although SB 827 was ultimately unsuccessful, Senator Wiener has continued to express his belief that some State control over project approval processes is necessary to promote housing development. Given that 95% of California's jurisdictions are falling short of their Regional Housing Needs Assessment goals, intervention from the State level could be a powerful tool to force local jurisdictions to approve more, and denser, housing. Unless and until cities remove barriers to develop more housing, we are likely to continue to see more legislative proposals from Sacramento seeking to wrest control from local jurisdictions to create more "by-right" housing opportunities for developers of market rate and affordable housing.



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