June 8, 2021
The Honorable Mike McGuire, Chair
Senate Governance and Finance Committee
State Capitol, Room 408
Sacramento, CA 95814

RE: AB 1322 (Rivas) OPPOSE

Dear Chair McGuire and Committee Members,

We respectfully urge you to vote NO on AB 1322 (Rivas), which would set a dangerous precedent by undermining California’s long tradition of direct democracy. AB 1322 would allow city councils and boards of supervisors—by a bare majority—to override the will of local voters.

The original version of AB 1322, as introduced by then-Assemblyman Bonta, promoted affordable housing, while still safeguarding the initiative process. As currently written, however, AB 1322 threatens California voters’ constitutional initiative power with the potential to undo decades of protection for farmland and open space.

AB 1322 authorizes city councils and county boards of supervisors to unilaterally decline to enforce an adopted ballot initiative if they believe it “conflicts with state law pertaining to housing.” This provision would undercut a fundamental tenet of our democracy: the right of voters to directly enact measures through ballot initiatives that cannot be overridden by their elected representatives.

Ballot initiatives currently protect open space and farmland all over the state, helping to discourage sprawl and focus development on infill and urbanized areas. AB 1322 would allow local elected officials to wipe these measures off the books, increasing sprawl and undercutting California’s climate, planning, and housing goals.

California must do better. We agree that the lack of affordable housing in California is a real and pressing crisis. This bill does not provide funding for or otherwise promote affordable housing, and it does not require cities or counties to approve any housing.
We would strongly support a bill that actually promotes affordable housing, while still safeguarding the initiative process. We believe it is possible to achieve both goals simultaneously. Unfortunately, the current version of the bill undercuts the democratic process without providing any funds or clear incentives to actually build more housing, affordable or otherwise.

The sponsors of the bill claim it would “honor local control” and “prevent needless litigation.” In reality it would do just the opposite. It would eviscerate the single most important form of local control—the constitutional initiative power, which allows the voters to directly enact local laws when they believe their local officials have failed to act wisely or responsibly.

The bill also guarantees more litigation, not less. In fact, one of the two main things the bill does is to authorize local officials to initiate new litigation at any time—even years or decades after the voters adopted a measure—creating new uncertainty about long-established land use policies and potentially costing cities and counties hundreds of thousands of dollars. Moreover, the courts already have the power to remedy any situation where an adopted initiative prevents a city or county from complying with state laws—including state housing laws.

We, the undersigned, urge you to vote “NO” on AB 1322, which is rife with unintended consequences and short on specifics for how it will make a meaningful difference in our state’s affordable housing crisis.

Sincerely,

Kara Heckert  
California Regional Director  
American Farmland Trust  

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California Cultural Resource Preservation Alliance, Inc.  

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