



June 24, 2021

Assembly Member Cecilia Aguiar-Curry
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, California 95814

RE: SB 8 (Skinner, Caballero) Support if Amended

Dear Chair Aguiar-Curry,

The Planning and Conservation League (PCL) writes to express our concern for the extension of SB 330 (2019) that SB 8 allows.

PCL worked well with author to address our concerns with SB 330, and then in support of the bill. Further, we otherwise support the currently proposed amendments to SB 330 that SB 8 provides.

However, our newfound concern for the extension of SB330 arises from two recent court decisions that have come to our attention. In both *The NRF Project Owner LLC v. City of Oceanside* and *Oak Hill Park Co. v. The City of Antioch*, the court evoked SB 330 to determine that the local voter-approved ordinance in each case was invalid because they would limit housing development.

We find both decisions to be a broad misinterpretation of the law, which if allowed to stand, would have sweeping implications on all types of constructive voter approved land use actions-- including but not limited to urban growth boundaries, inclusionary housing ordinances and rent-control ordinances— seriously undermining the constitutionally defined voter-initiative power of the public, which PCL finds to be a fundamental and necessary tenet of a functioning democracy.

For this reason we ask the author and the committee to consider additional language in SB 8 to clarify the legislative intent of SB 330 regarding voter-approved initiatives. Without such a clarification, we regretfully cannot support an extension of SB 330 at this time.

Sincerely,

Matthew Baker
Policy Director, **Planning and Conservation League**