



AB 2502 (Mullin and Chiu)

Restoring Local Discretion in Designing Local Inclusionary Housing Programs

- AB 2502 simply restores the long-standing authority of local governments to choose to require the inclusion of affordable rental units as one component of their local inclusionary housing policies, if they choose to adopt such policies.
- AB 2502 does not authorize inclusionary housing. There is no need for the Legislature to provide authorization because adopting inclusionary housing policies is and always has been a constitutional exercise of the local police power. This was unanimously affirmed by the California Supreme Court in 2015 in *CBIA vs. City of San Jose*.
- AB 2502 does not mandate anything. Local governments already may choose to adopt inclusionary policies, as nearly 170 cities and counties in California have done over the last four decades. Under, AB 2502 it will continue to be a local choice.
- AB 2502 does not give local governments any new authority that they did not have prior to the court's erroneous ruling in *Palmer*, nor does not constrain or dictate in any way what local inclusionary policies should look like. Under AB 2502, it remains up to locals to determine what mix of policies, if any, make sense for their community. In fact, the bill even says as much:

"The Legislature declares its intent in adding subdivision (g) to Section 65850 of the Government Code, pursuant to Section 1 of this act, to supersede any holding or dicta in Palmer/Sixth Street Properties, L.P. v. City of Los Angeles (2009) 175 Cal.App.4th 1396, to the extent that the opinion in that case conflicts with that subdivision. This act shall not otherwise be construed to enlarge or diminish the authority of a jurisdiction beyond those powers that existed as of July 21, 2009."

- Fact: Local governments already have the authority to adopt local inclusionary policies.
- Fact: Local governments already have the authority to require developers to provide affordable for-sale housing through their local inclusionary policies.
- Fact: Local governments already have the authority to determine what their local inclusionary policies look like.
- Fact: Local governments already must provide developers with various concessions and incentives if their inclusionary policies require developers to provide affordable units.
- Fact: AB 2502 is narrowly focused on allowing local inclusionary polices to require the provision of affordable rental housing if so desired locally, something that was authorized for over 30 years prior to the decision in *Palmer*.

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SUPPORT

- Western Center on Law & Poverty (co-sponsor)
- California Rural Legal Assistance Foundation (co-sponsor)
- Non-Profit Housing Association of Northern California (co-sponsor)
- Alliance for Community Transit – Los Angeles (ACT-LA)
- American Planning Association, California Chapter
- Asian Pacific Environmental Network
- Bay Area Regional Health Inequities Initiative
- Burbank Housing Development Corporation
- California Coalition for Rural Housing
- California Housing Consortium
- California Pan-Ethnic Health Network
- California State Association of Counties
- Century Housing
- Chinatown Community Development Center
- Cities Association of Santa Clara County
- Cities of Belmont, Brisbane, Fremont, Los Angeles, Napa, Pacifica, Pasadena, San Jose, San Leandro, Sunnyvale, Walnut Creek, West Hollywood
- City and County of San Francisco
- California Housing Partnership Corporation
- Counties of Alameda, Contra Costa, Los Angeles, Marin, Santa Clara, Sonoma, and Yolo
- Community Housing Opportunities Corporation
- Community Housing Partnership
- Community Legal Services in East Palo Alto
- EAH Housing
- East Bay Developmental Disabilities Legal Coalition
- East Bay Housing Organizations
- East LA Community Corporation
- Eden Housing
- Every One Home
- Faith in Action
- Greenbelt Alliance
- Greenlining Institute
- Grounded Solutions Network
- HIP Housing
- Housing California
- Inner City Law Center
- Koreatown Immigrant Workers Alliance (KIWA)
- Law Foundation of Silicon Valley
- League of California Cities
- League of Women Voters of California
- Little Tokyo Service Center
- MidPen Housing Corporation
- Multicultural Communities for Mobility
- National Association of Social Workers, California Chapter
- Northern California Community Loan Fund
- Peoples' Self-Help Housing
- Physicians for Social Responsibility L.A.
- Planning and Conservation League
- Public Advocates
- Public Counsel
- Public Interest Law Project
- Strategic Actions for a Just Economy (SAJE)
- San Diego Housing Federation
- San Francisco Council of Community Housing Organizations
- Silicon Valley Leadership Group
- Southeast Asian Community Alliance
- St. Mary's Center
- Tenants Together
- Thai Community Development Center
- T.R.U.S.T. South L.A.