



February 8, 2021

Re: Sites Inventory for the 2021-29 Housing Element

Dear Los Angeles Department of City Planning and Housing and Community Investment Department:

To follow up on our letter submitted to you on October 20, 2020 regarding the Program and Policy Recommendations portion of the Housing Element¹, the Alliance for Community Transit - Los Angeles (ACT-LA) offers these recommendations for the “sites inventory” section of the Housing Element.

As mentioned previously, ACT-LA is a city-wide coalition of 40 organizations working at the forefront of racial, environmental, and economic justice. Our coalition members include tenants’ rights organizations, affordable housing developers, workers’ centers, public interest law firms, and public health advocates, among others. Our mission is to uplift communities—through affordable housing opportunities, good jobs and access to high quality public transit—as the Southland transforms into a more sustainable region. Given our commitment to equity, we believe that low-income communities and communities of color must be centered in decisions that seek to transform our neighborhoods.

It is worth mentioning that since our last letter, the impact of COVID-19 on Angelenos has only worsened. The long-term impact on low-income communities and communities of color that have been hardest hit by both the virus and the related economic fallout cannot be overstated. Our city’s existing affordable housing and homelessness crises, particularly in low-income communities of color, will only be worsened by this public health pandemic.

Developing the Housing Element in the midst of this disaster demands that we take bold action to meet our region’s Regional Housing Needs Assessment (RHNA) numbers in a manner that addresses the lasting impacts of redlining, segregation, and gentrification. **The obligation to affirmatively further fair housing should be a core aim of the sites inventory - not an afterthought.** Site allocation should “serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns.” The housing element land inventory and identification of sites must be consistent with a jurisdiction’s duty to affirmatively further fair housing - which means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”

¹<http://allianceforcommunitytransit.org/las-housing-element-update-could-be-transformative-were-calling-on-the-city-to-take-bold-action-to-improve-housing-affordability/>

The Los Angeles Department of City Planning (DCP) has a stated goal of furthering our fair housing obligations through the Housing Element update. However, the draft methodology discussed in the January site selection task force meeting suggests that the current approach to producing the site inventory will focus on existing capacity, and that only after all existing sites are identified will the result be considered from a perspective of affirmatively furthering fair housing. We believe this approach is backwards.

There are many things the city can do to more meaningfully address its obligation to affirmatively further fair housing through the housing element. The city should ensure that the housing element site inventory does not catalyze displacement of tenants, and that the inventory facilitates prioritization of public land for affordable housing. The city should also adopt complementary policies to ensure that adopting an appropriate site inventory does not have unintended consequences. These policies include a universal replacement requirement and a commitment to implementing any program to rezone in an equitable manner. All of this is necessary if the city's housing element is to truly create better access to housing opportunities and avoid contributing to displacement pressure in historically disinvested communities.

a. Adopt a universal replacement requirement to protect rent-stabilized housing and housing occupied by, or affordable to, lower-income households.

As a prerequisite to adopting the site inventory, the city should adopt a universal replacement requirement for all new projects that destroy existing rent stabilized housing or housing occupied by, or affordable to, lower-income households. The city currently has a patchwork of replacement requirements with significant gaps. A universal requirement will clarify the applicability of replacement obligations and remove incentives for developers to avoid value-capture programs where replacement requirements already exist. This policy is a necessary prerequisite to the sites inventory because, without it, the city will face a dilemma: on the one hand, by listing existing tenant-occupied housing on the inventory, it will protect those units by applying the replacement requirement in housing element law to these sites; on the other hand, listing these sites on the inventory could make them a target for redevelopment - creating a risk of displacement for the tenants and a loss of affordable housing for the city. Ultimately rent-stabilized buildings and affordable housing must not be destroyed during this push for increased housing capacity. As discussed below, a universal replacement requirement will allow the city to develop an inventory of sites that are truly appropriate for development - which should not include sites currently occupied by tenants.

b. Ensure that the Housing Element Site Inventory does not catalyze displacement.

The purpose of the site inventory is to identify sites that are suitable for development. Adding a site to the inventory triggers provisions under that Housing Accountability Act and other state laws that limit the city's ability to deny development projects on the site. It follows that the site inventory should only include sites that the city truly wants developed or redeveloped. The inventory should not include sites currently occupied by tenants, where redevelopment would mean displacement. Including these sites on the inventory puts a target on the backs of tenants and housing that is in dire short supply: naturally

occurring affordable housing. This cannot be the path we choose to meet our RHNA goals, especially during such a precarious time for LA's renters. The city should categorically exclude all sites currently occupied by tenants from the site inventory.

c. Prioritize public land for affordable housing to help achieve RHNA targets.

The sites inventory should acknowledge the importance of publicly-owned sites to achieving affordable housing targets. Given RHNA gaps have historically been most significant for affordable housing, the sites inventory should analyze and highlight the capacity for affordable housing on public land. Local and state policy encourages public land to be used first for affordable housing, so identifying development capacity on land owned by the city or other public entities can support the city's long-term planning and compliance with these policies.

d. Commit to principles of equity that will guide any program to rezone.

If the city's site inventory does not include adequate sites to meet the 6th cycle RHNA allocation, the city will be required to adopt a program to rezone to create adequate capacity. Any program to rezone should be guided by principles of equity. It should carefully avoid catalyzing displacement and focus on affirmatively furthering fair housing. From the outset, the city should commit to conducting any program to rezone in a manner that addresses exclusionary zoning, prioritizes production of affordable housing, and does not exacerbate displacement pressures in lower-income communities.

The Los Angeles Department of City Planning (DCP) has a stated goal of furthering our fair housing obligations through the Housing Element update. The site inventory process is a key manner in which to address exclusionary zoning that has long plagued LA, leading to segregation and racial inequities. If the site inventory reveals inadequate capacity to meet LA's RHNA obligation, any program to rezone should include value-capture mechanisms, anti-displacement protections, and focus on high resource, low density census tracts and avoid rezoning in census tracts that are vulnerable to displacement or sites currently occupied by tenants. Anything less will fail to address historic exclusionary zoning and risk displacing low-income communities.

At its core, the State Housing Element Law should be understood as a tool to dismantle racial segregation and further fair housing. For the city's inventory of sites to effectively advance this goal, the methodology behind creating the inventory must reflect these goals from the outset - not as an afterthought. To do this the sites inventory, and any subsequent program to rezone, should be crafted to steer the bulk of new housing production towards high-income, low-density, historically exclusionary neighborhoods while preventing displacement in communities facing gentrification and avoiding redevelopment of sites occupied by tenants.

Thank you for the opportunity to weigh in on the site inventory. We look forward to reviewing a draft inventory of sites and expect to provide further comments at that time.

Sincerely,

ACT-LA