


PUBLIC LAW CENTER
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FOR ORANGE COUNTY'S LOW INCOME RESIDENTS

Via Electronic Submission: <http://www.arb.ca.gov/lispub/comm/bclist.php>

June 17, 2010

Mr. James N. Goldstene, Executive Officer
California Environmental Protection Agency—Air Resources Board
1001 I Street
Sacramento, California 95814

Re: Public Comment Regarding ARB Greenhouse Gas Reduction Target Setting

Dear Mr. Goldstene:

The following comments are submitted by the Public Law Center (PLC) pursuant to the invitation by ARB to submit public comments with regards to target setting efforts under SB 375.

The Regional Targets Advisory Committee (RTAC), in its recommendations to ARB regarding the current efforts to set reduction targets, stressed policies that would pursue the most ambitious reductions achievable. (RTAC, p.1) RTAC identified as a “guiding principle” in achieving this goal the maximization of social equity in land use planning, as follows:

Social equity policies and practices that have the potential to reduce [vehicle miles traveled] (such as provision of appropriately located affordable housing that matches well with local wage levels) must be elevated on the list of Best Management Practices that MPOs consider in developing their [sustainable communities strategy]. (RTAC, p.28)

The implementation of a jobs-housing fit is one such crucial social equity policy stressed by RTAC. RTAC recognized the indispensable role that a well-implemented jobs-housing fit will play in the success of SB 375, and so recommended that ARB develop methods that recognize and quantify the benefits of integrating a jobs-housing fit into Sustainable Community Strategies, and adopt Best Management Practices that reflect the importance of the jobs-housing fit. (RTAC, p.28)

PLC urges that ARB, as it adopts emissions reduction targets in the coming weeks, accurately reflect, in the methodologies and Best Management Practices it adopts, the truly beneficial impacts of social equity principles and, in particular, the beneficial impacts generated from a jobs-housing fit, consistent with RTAC recommendations.

PLC is a not-for-profit organization that provides free civil legal services to lower-income individuals and community-based service organizations in Orange County. PLC clients include lower-income residents who live or work in areas potentially affected by the RTAC

recommendations, as well as organizations which are located in Orange County, or that serve the OC community.

Jobs-Housing Fit

The intent behind SB 375 is to reduce California's reliance on the single-occupant automobile by changing current land use patterns, thereby, reducing vehicle miles traveled (VMT). Crucial to the success of this strategy is creating communities in which jobs and housing are located such that individuals need not drive to work every day—they can walk, bike, or take public transit.

An example of currently unsustainable land use patterns is found in the Newport Beach, a job-rich city in Orange County with high housing costs. According to its August 2008 Draft Housing Element, an average one-bedroom apartment rents for \$1,820, and an average three-bedroom apartment rents for \$2,560. Not surprisingly, the draft Element concluded that for many people who work in Newport Beach, but make less than its median income (which exceeds \$100,000 per year), home ownership in the city is out of the question, and finding adequate and affordable rental housing in the city is extremely difficult. (Newport Beach Draft Housing Element, p.5-31)

As a result, there are many who work in Newport Beach but live elsewhere, such as in the City of Riverside, located about 50 miles to the east of Newport Beach. This is due to the availability of affordable, decent housing in the Riverside area. As many would readily attest, the freeway system connecting the two cities is a virtual parking lot during rush hours, jammed with a great number of commuters, each traveling approximately 100 VMT per day getting from home to work and back, and each producing excessively high greenhouse gas (GHG) emissions.

This is exactly the situation that SB 375 seeks to remedy. As the Newport Beach example demonstrates, a key issue in remedying this problem is ensuring that sufficient affordable housing is available to all economic segments working within a region—or, in the case of Orange County, within a subregion. SB 375 is chiefly about reducing VMT, and its concomitant greenhouse gas (GHG) emissions. Effective implementation of SB 375 thus must include policies that promote the development of affordable housing, as a sustainability policy.

SB 375 lists, as a relevant factor to be considered in sustainable land use planning, a 'jobs-housing balance'—i.e. locating housing and jobs in a region such that people need not drive to get to their jobs. (CA Gov. Code § 65080(b)(2)(A)(i)) As the RTAC report makes clear, essential to a jobs-housing balance is the implementation of a "jobs-housing fit"—i.e. "the extent to which the homes in the community are affordable to the people who currently work there or will fill anticipated jobs." (RTAC, p.28, fn. 2)

Just this month, the Urban Land Institute published a study entitled "SB 375 Impact Analysis Report". The authors of the study emphasized the importance of the jobs-housing fit in implementing SB 375:

Few, if any, state policies explicitly address the balance between the location of jobs and housing, at either the regional or local level. At the local level, achieving a better jobs-to-housing balance through the promotion of housing diversity and mix of uses would reduce the need for long commutes between residential communities and employment centers. At the regional level, connecting housing-rich areas with jobs-rich areas with the appropriate, cost-

effective transportation infrastructure would reduce the need for single-occupancy vehicle commute travel. (ULI, p.6)

Transit Priority Projects

SB 375 also puts in place policies that promote “transit priority projects,” creating an incentive for cities to develop residential and commercial hubs that are served by public transit, rather than by single-occupancy automobiles. Transit priority project policies, as contemplated by SB 375, reflect principles of transit-oriented development.

The Southern California Association of Governments (SCAG) recently produced a report—*“CommunityLink 21, Regional Transportation Plan: Equity and Accessibility Performance Indicators”*—revealing that nearly the entire ridership for bus and urban rail in the SCAG region consists of lower-income populations. Despite the availability of many other modes of transportation, higher-income populations are more likely to chose driving to work. (SCAG, Table, p.4-12).

Consistent with this SCAG finding, a 2009 study at UC Berkeley entitled *“Making It Work: Implementing Senate Bill 375”* pointed out the importance of policies that ensure affordable housing within and near transit oriented development. The study argued that locating lower-income housing near transit centers creates the potential for a more efficient transit system, *“...because lower-income individuals are more likely than others to use transit. Therefore, locating affordable housing near transit boosts ridership and revenues and maximizes transit benefits from [transit oriented development].”* (UC Berkeley, p.41).

Conclusion

It is clear that affordable housing has an important role to play in the implementation of SB 375. While there may be some challenges to the development of affordable housing -- including adequate financial resources, political will, and effective market-based incentives -- the provision of housing affordable to all including the lower-income segments of the community has nevertheless been an enduring state mandate for the preparation of local general plans via the state housing element law. (CA Gov. Code § 65302(c)) Indeed, SB 375 links regional planning efforts for housing and transportation in several important ways including, principally, a requirement that in the future RHNA allocations by the MPOs must conform to their Sustainable Communities Strategy. An integration of affordable housing into local “transit priority projects” would provide direct implementation of this SB 375 mandate.

RTAC has thus recommended that:

- To the extent modeling methodologies exists, social equity factors, such as a jobs-housing fit, should be incorporated into the greenhouse gas reduction target- setting process;
- ARB create a list of Best Management Practices that include the implementation of social equity practices to be promoted at the MPO and local city level; and that
- Adverse social consequences of changing land use patterns -- such as displacement, gentrification and increased housing costs -- should be avoided, wherever possible, and be otherwise mitigated to the greatest extent possible, (RTAC, p.29), a recommendation consistent with federally mandated principles of environmental justice. State policy should avoid or otherwise mitigate any pattern of gentrification in keeping with the

requirements of the United States Fair Housing Act of 1968, as recently interpreted in the federal case of *United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, Case No. 1:06-cv-2860-DLC, 2009 WL 455269 (S.D.N.Y. Feb. 24, 2009), the holding of which is currently under broad federal enforcement.

In order to ensure that affordable housing is included in the implementation of SB 375, it is crucial that the targeting and measuring methodologies that are adopted by ARB, and the Best Management Practices recommended, include an accurate accounting of the benefits of affordable housing. By putting in place mechanisms that recognize and reward the emissions-reducing effect of the jobs-housing fit, environmental and housing policy goals of the state will be closely aligned, and there will be greater incentives for local governments to put SB 375 policies into action.

Without such mechanisms in place, however, the policies of SB 375 will lack crucial tools to be effective, and remain isolated from state housing goals, contrary to an expressed legislative mandate.

Thank you for consideration of these important policy issues.

Respectfully submitted,

PUBLIC LAW CENTER


Ezequiel Gutierrez, Jr.

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