Fire worsens housing issues

Your Turn
Jeff Morrow
Guest columnist

Redding's brand of affordable housing crisis was brought into focus as the Carr fire added strain to an already tight rental market. Soon, workers for Redding's new $400 million downtown will add additional demand. Where is the close-in affordable housing for this new walkable downtown?

The affordable housing crisis is not a market failure, it's a regulatory failure. Regulation is at the heart of the problem, regulation determines the solution. Subsidized housing and rent control are offered as solutions. There's another solution that deserves attention and discussion. That solution is de-regulation of accessory dwelling units.

In reaction to California's housing crisis, our Legislature recently enacted laws aimed at reducing local restrictions on second units, such as in-law units, garage conversions, or pool houses, which were renamed "accessory dwelling units" or ADUs. Specifically, the aim of state legislation is to end years of regulatory prohibition and encourage the market to provide affordable housing in the form of second units, now called ADUs.

The shift from NIMBY (Not In My Back Yard) to YIMBY (Yes In My Back Yard) is being driven by state law. ADUs must now be allowed in every residential district. Local governments may adopt a local ADU ordinance. However, jurisdictions who adopt a more restrictive ADU ordinance will find that local ordinance null and void; instantly replaced by state ADU regulations (GC§65852.2 (a)(4)). State regulations clearly say Accessory Dwelling Units allowed!

The City of Redding has taken encouragement of Accessory Dwelling Units a step further by greatly reducing impact fees for ADUs, a bold and appreciated act of leadership. Alas, there are major problems with Redding's ADU zoning and building regulations. One of many examples is the inability to construct an ADU in adjacent downtown residential districts like the Magnolia Neighborhood, Diestlehorst Addition, or the Garden Tract due to the 60' minimum lot width rule. This restriction is unlawful. Change in Redding's ADU ordinance is mandated. Will the public be invited to participate in mandated change?

Here's the conundrum: This single restrictive clause alone renders Redding's ADU ordinance unlawfully restrictive. The state created permissive ADU regulation for jurisdictions who don't adopt their own ordinance, or like Redding, whose ordinance is not in compliance with state law. Redding's ADU ordinance is clearly out of compliance with state law. In this case, deferring to state regulation, voiding the local illegal ordinance, is the correct solution until such time as the jurisdiction passes a lawful ordinance. Will this option be on the table for discussion?

Temporarily suspending the unlawful, restrictive local ordinance and deferring to state law deserves consideration. This tantalizing solution falls squarely within state and local law. The solution is already written into regulations. The solution meets immediacy requirements, is inexpensive, fast and easy to implement. Best of all, this policy solution just might instantly impact affordable housing supply, without subsidy or control. Deregulation. Will this policy choice be on the table?

What protocol for code violation should Redding follow? When citizens are charged with code violations, timeframes are short and penalties severe. Equity demands a similar approach in this case. Should not the illegal local ordinance first be instantly voided as a matter of good governance?

Contrast deregulation with the 'timid incrementalism' approach to change. Timid incrementalism would attempt to limit the discussion to the 60' lot width prohibition without consideration of the many other local ADU ordinance deficiencies

Jeff Morrow is from Redding.