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April 17, 2024

The Honorable Alvarez
California State Capitol
1021 O Street
Sacramento, CA 95814

**Re: AB 1886 (Alvarez) Housing Element Law: substantial compliance: Housing Accountability Act
Notice of Oppose**

Dear Assembly Member Alvarez:

We write today on behalf of the Cities Association of Santa Clara County (CASCC), a Joint Powers Authority, an association of fourteen cities of the county and the elected representatives of more than 1.8 million Bay-Area residents. Since 1990, the city representatives have been gathering to discuss and find consensus and solutions for regional issues. The cities of our association are diverse and include cities of a few thousand people and a city of a million people.

On Thursday, April 11, the CASCC Board of Directors, at the recommendation of the Legislative Action Committee (LAC), voted to respectfully Oppose Assembly Bill 1886.

AB 1886 turns its back to a fundamental provision of California's housing element law: A city may disagree with the Housing and Community Department (HCD), explain why its housing element is in substantial compliance with the law, and then adopt that housing element which is thereafter considered "in substantial compliance with housing element law."

For decades, our cities have worked with HCD to draft housing plans that accommodate their fair share of housing at all income levels. These extensive and complex plans can take years to develop, include public involvement and engagement, and environmental review. Cities go to great lengths to ensure that their housing element substantially complies with the law, even if HCD disagrees. Current law acknowledges this fact by allowing cities to "self-certify" their housing element or take the issue to court and have a judge make the final determination of substantial compliance.

AB 1886 encourages "builder's remedy" projects by eliminating self-certification for the purpose of what it means to have a housing element "in substantial compliance with the law." The "builder's remedy" allows a developer to choose any site other than a site that is identified for very low-, low-, or moderate-income housing, and construct a project that is inconsistent with both the city's general plan and zoning. AB 1886 facilitates such projects for those cities that have a good faith disagreement based in substantial evidence.

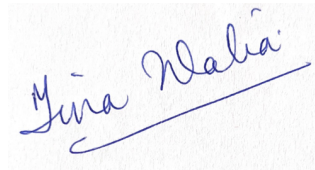
CASCC believes that AB 1886 is counterproductive. What is really needed is for HCD to partner with cities to provide meaningful direction that helps them finalize their housing elements and put those plans to work so that much needed housing construction can occur. We call upon the legislature to place restrictions on HCD so it certifies cities' housing elements in a timely manner.

For these reasons, CASCC respectfully **opposes** AB 1886.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Neysa Fligor', with a large, sweeping loop at the end.

Neysa Fligor
President, Cities Association of Santa Clara
Councilmember, City of Los Altos

A handwritten signature in blue ink, clearly legible as 'Tina Walia', with a horizontal line underneath.

Tina Walia
Chair, CASCC Legislative Action Committee
Councilmember, City of Saratoga