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August 15, 2024

The Honorable Sharon Quirk-Silva
California State Capitol
1021 O Street
Sacramento, CA 95814

Re: AB 2023 (Quirk-Silva): Housing element: inventory of land: rebuttable presumptions

Notice of Opposition unless amended

Dear Assembly Member Quirk-Silva:

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.

The CASCC must respectfully **Oppose AB 2023 Unless Amended** as currently drafted. It would make it harder for a city to challenge claims that its housing element is out of compliance. It would also reset the public review period for any new amendments requested by HCD for a draft housing element.

First, we ask that AB 2023 be amended to remove an obstacle to meeting the statutory deadlines for housing element adoption. By adding over 90 days to the adoption process, this measure almost guarantees that housing elements will not be adopted by the statutory deadline. This is contrary to our mutual goal that all California cities adopt a housing element that complies with the statutory requirements in accordance with the statutory deadline.

Rather than requiring more review, California cities need meaningful, clear, and consistent direction from HCD that helps finalize local governments' housing elements and put those plans to work to support much-needed housing construction.

Second, we ask that AB 2023 be amended to be consistent with existing law. Under existing law, if HCD finds that a city's housing element substantially complies with the law, then those findings receive a "presumption of validity" in a court case challenging the city's housing element. Likewise, if HCD finds that a city's housing element does not substantially comply, then those findings should also receive a "presumption of validity" rather than the "presumption of invalidity" given the city's housing element by AB 2023.

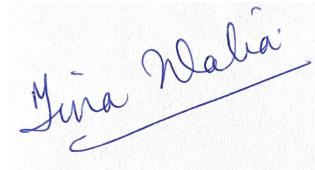
Both AB 1886 (Alvarez) and AB 2023 are counter-productive. This bill turns its back to a fundamental provision of California's housing element law: A city may disagree with the Housing and Community Department (HCD); explain why its housing element is in substantial compliance with the law; and then adopt that housing element which is thereafter considered "in substantial compliance with housing element law." California cities are committed to being part of the solution to the housing shortfall across all income levels and will continue to work collaboratively with you and other stakeholders on legislative proposals that will spur much-needed housing construction. Cal Cities is concerned that the proposed changes in AB 2023 do not achieve these shared goals.

For these reasons, CASCSC respectfully **opposes unless amended AB 2023.**

Sincerely,

A handwritten signature in dark ink, appearing to read "Neysa Fligor".

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

A handwritten signature in blue ink, appearing to read "Tina Walia".

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

Cc:

Asm. Marc Berman
Asm. Alex Lee
Asm. Evan Low
Asm. Ash Kalra
Asm. Gail Pellerin
Asm. Robert Rivas
Sen. Josh Becker
Sen. Dave Cortese
Sen. Aisha Wahab