



June 13, 2024

The Honorable Nancy Skinner  
Chair, Senate Housing Committee  
1021 O St, Room 3330  
Sacramento, CA 95814

**RE: AB 1886 (Alvarez) Housing Element Law: Substantial Compliance**  
**Notice of Opposition** (As of June 11, 2024)

Dear Chair Skinner,

The League of California Cities (Cal Cities), California State Association of Counties (CSAC), and Rural County Representatives of California (RCRC) regretfully must oppose **AB 1886 (Alvarez)**, because it turns its back to a fundamental provision of housing element law: A city and county may disagree with 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, cities and counties 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 and counties 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 and counties 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 and county's general plan and zoning. AB 1886 facilitates such projects for those cities and counties that have a good faith disagreement based in substantial evidence.

We believe that AB 1886 is counterproductive. What is really needed is for HCD to partner with cities and counties 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. For these reasons, Cal Cities, CSAC, and RCRC respectfully **opposes** AB 1886. If you have any questions, do not hesitate to contact Brady Guertin at [bguertin@calcities.org](mailto:bguertin@calcities.org), Tracy Rhine at [trhine@RCRCnet.org](mailto:trhine@RCRCnet.org), and Mark Neuburger at [mneuburger@counties.org](mailto:mneuburger@counties.org).



Sincerely,

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CC: The Honorable David A. Alvarez  
Members, Senate Housing Committee  
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