



September 6, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: Assembly Bill 1886 (Alvarez) Housing Element Law: Substantial Compliance Request for VETO**

Dear Governor Newsom,

The League of California Cities (Cal Cities) and California State Association of Counties (CSAC) write to strongly request that you **VETO** AB 1886 (Alvarez) because it turns its back to a fundamental provision of housing element law: A jurisdiction may disagree with the Department of Housing and Community Development (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 accommodating their fair share of housing at all income levels. These extensive and complex plans can take years to develop, including public involvement and engagement and environmental review. Local governments go to great lengths to ensure that their housing element substantially complies with the law, even if HCD disagrees.

Unfortunately, this measure fails to address the key struggles cities and counties deal with when trying to comply with the law, including unclear guidance from HCD, staff turnover, and inconsistent guidance regarding what jurisdictions must do to comply with the law. Current law acknowledges this by allowing local governments to "self-certify" their housing element or take the issue to court and have a judge determine substantial compliance. This measure eliminates the "self-certification" process and gives HCD more power to determine when a city or county is certified without requiring them to provide detailed findings as to how the local jurisdictions can come into compliance. In addition, AB 1886 fails to provide a grace period for local governments acting in good faith but are still unable to meet the statutory deadline for adopting a compliant housing element.

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 in a timely manner and put those plans into action so that much-needed housing construction can occur. For these reasons, we strongly request that you VETO this measure. If you have any questions, please contact Brady Guertin (Cal

Cities) at [bguertin@calcities.org](mailto:bguertin@calcities.org), Mark Neuburger (CSAC) at [mneuburger@counties.org](mailto:mneuburger@counties.org) or Tracy Rhine (RCRC) at [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org).

Sincerely,



Brady Guertin  
Legislative Affairs, Lobbyist



Mark Neuburger  
Legislative Advocate



Tracy Rhine  
Senior Policy Advocate

CC: The Honorable David Alvarez  
Myles White, Deputy Legislative Secretary, Office of Governor Gavin Newsom