



CITY COUNCIL

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June 4, 2024

The Honorable David Alvarez
Assemblymember, District 80
1021 O Street, Suite 5320
Sacramento, CA 94249

**RE: AB 1886 (Alvarez) Housing Element Law: Substantial Compliance
Notice of Opposition (*As of April 1, 2024*)**

The City of Manhattan Beach regrettably opposes measure **AB 1886 (Alvarez)**, because it removes a fundamental provision of housing element law that allows a city to disagree with State Department of Housing and Community Development (HCD); by explaining 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 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.

The City of Manhattan Beach opposes AB 1886 as it would interfere with or limit the authority of municipalities in the area of local land use; and infringes upon the authority of local governments to effectively administer and consider unique local circumstances when processing permits and enforcing city building and safety standards.

MANHATTAN BEACH CITY HALL

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June 4, 2024

Page 2

On Thursday, July 27, 2023, the State Department of Housing and Community Development (HCD) notified the City that the Housing Element, as submitted to HCD on May 31, 2023, was found to be in substantial compliance with the State Housing Element Law. However, this effort began in July 2021, lasting two years after extensive research, coordination, and review of existing regulations and sites,

The City of Manhattan Beach believes that AB 1886 is counterproductive. The City of Manhattan Beach would appreciate legislation that requires HCD to partner with cities to provide meaningful direction that helps them finalize their housing element.

For these reasons, the City of Manhattan Beach **opposes AB 1886 (Alvarez)**.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Franklin". The signature is stylized with a large, sweeping initial "J" and "F".

Joe Franklin

Mayor

City of Manhattan Beach

Cc: City of Manhattan Beach City Council
The Honorable State Assemblymember Al Muratsuchi
The Honorable State Senator Ben Allen
South Bay Cities Council of Governments
Jeff Kiernan, League of California Cities Public Affairs Manager
League of California Cities, cityletters@calcities.org
California Contract Cities Association