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August 30, 2024

The Honorable Buffy Wicks
Member, California State Assembly
State Capitol
Sacramento, CA 95814

RE: AB 1893 (Wicks) Housing Accountability Act: housing disapprovals.
Notice of OPPOSITION

Dear Assembly Member Wicks,

The City of Manhattan Beach regrettably **opposes AB 1893**, which amends the Housing Accountability Act (HAA) to revise the standards a housing development project must meet in order to qualify for the “Builder’s Remedy,” and authorizes projects to bypass local development standards in jurisdictions that fail to adopt a substantially compliant housing element. This bill also expands the scope of actions that constitute disapproval of a housing development project by a local government for the purposes of the HAA.

Presently, the builder's remedy exists only as a negative implication in the Housing Accountability Act (HAA) – i.e., local agencies are allowed to deny certain projects under the HAA based on noncompliance with general plan and zoning requirements only if certain conditions are met, thereby implying that such projects may not be denied on that basis if those conditions are not met. Builder's remedy projects must still comply with objective development standards – but which sets of standards apply, and what those standards may contain is not specified. Further, the interaction with other laws, including the California Environmental Quality Act (CEQA) and the numerous streamlining provisions adopted by the Legislature in recent years is not always clear. These ambiguities disadvantage both housing developers, who are uncertain of their rights, and local agencies, who are uncertain of their obligations.

Any revision to the builder's remedy should improve clarity and administrability – and should not undermine the Legislature's other policy choices in this area. A city or county general plan is the “constitution of land use” for the jurisdiction and is required by state law to address and implement a wide range of important public policies. Overriding this

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"constitution" has the potential to impact not only the affected local agency, but also a wide range of other parties, including environmental and labor stakeholders. This remedy should therefore be deployed carefully to ensure that the right balance is struck between the need for housing and the other important state policies that the general plan is required to serve. Likewise, care must be taken when delineating the development standards that are – or are not – applicable to such projects, to avoid undermining the often equally critical state policies embodied in those standards.

Assembly Bill 1893 in its current form presents numerous limitations on local agencies' processing and approval of such projects, which are both individually unclear and lacking internal consistency. Additionally, the provisions of AB 1893 do not help to resolve the confusion of current law.

For these reasons, the City of Manhattan Beach is opposed to AB 1893.

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
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