



City of Whittier

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Joe Vinatieri
Mayor

Cathy Warner
Mayor Pro Tem

Octavio Martinez
Council Member

Fernando Dutra
Council Member

Mary Ann Pacheco
Council Member

Brian Saeki
City Manager

May 21, 2024

The Honorable Buffy Wicks
Chair, Committee on Appropriations
1021 O Street, Suite 8220
Sacramento, CA 95814

**RE: AB 1886 (ALVAREZ) Housing Element Law: Substantial Compliance
Notice of Opposition (As Revised on May 8, 2024)**

Dear Assembly Member Wicks:

As Mayor of the City of Whittier, I am writing to express opposition to **AB 1886 (Alvarez)**, because it turns its back to a fundamental provision of housing element law: A city 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 have worked with HCD to draft housing plans that accommodate their fair share of housing at all income levels. These extensive and complex plans take years to develop and include significant public involvement and engagement, as well as 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 of 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 on substantial evidence.

The bill creates a rebuttable presumption that the HCD's findings regarding a housing element's compliance are valid. This undermines local expertise and insight into the unique challenges and circumstances faced by individual cities, including Whittier. This provision could hinder our city's ability to implement housing elements that are tailored to the real needs of our residents. AB 1886 also increases the administrative burden on local governments by requiring submittal of detailed findings and justifications for housing elements, leading to prolonged bureaucratic processes and delays in the implementation of housing projects. This is particularly concerning for a city like Whittier, which already waited nearly a year after submission for the housing element to be approved.

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Ultimately, AB 1886 is counterproductive. What is really needed is for HCD to partner with cities to provide meaningful direction that helps finalize housing elements and puts plans to work to facilitate housing construction. For these reasons, the City of Whittier must oppose AB 1886.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Vinatieri". The signature is fluid and cursive, with a large loop at the end.

Joe Vinatieri
Mayor

c: Senator Bob Archuleta
Assembly Member David Alvarez
Assembly Member Lisa Calderon
Whittier City Council
Kristine Guerrero, Cal Cities
League of California Cities