Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Juan Carrillo, Chair
AB 1893 (Wicks) – As Amended April 18, 2024

SUBJECT: Housing Accountability Act: housing disapprovals: required local findings

SUMMARY: Revises the "builder's remedy" to reduce the affordability required to qualify, set parameters around the density and objective standards that apply to a housing development project, and make other changes. Specifically, this bill:

1) Defines "housing for lower income households" to mean a housing development project in which 100% of the units, excluding managers' units, are dedicated to lower income households, as defined.

2) Defines "housing for mixed-income households" to mean a housing development project in which at least 10% of the units are dedicated to very low income households, as defined.

3) Prohibits a local agency from not approving a housing development where 100% of the units are for very low-, low-, or moderate-income households, or 10% of the units are for lower income households, as specified, or an emergency shelter, if the local agency fails to adopt a compliant housing element, unless it makes written findings, based upon a preponderance of the evidence in the record, that the housing development fails to meet any of the following objective standards:

    a) The site is designated by the general plan or located in a zone where either of the following occurs:

        i) Housing, retail, office, or parking are permissible uses; or

        ii) The site is designated or zoned for agricultural uses and at least 75% of the perimeter of the site adjoins parcels that are developed with urban uses, as defined in existing law.

    b) The project is not on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use, as defined in existing law.

    c) The project has a density such that the number of units, as calculated before the application of a density bonus, does not exceed the greatest of the following, as applicable:

        i) For sites located within high or highest resource census tracts, as identified by the latest edition of the "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee (TCAC) and the Department of Housing and Community Development (HCD):

            I) Fifty percent greater than the maximum density deemed appropriate to accommodate lower income housing for that jurisdiction as specified in Housing Element Law; or

II) Three times the density allowed by the general plan, zoning ordinance, or state law, whichever is greater. The allowed density shall be the amount allowed prior to the award of any eligible density bonus, pursuant to existing law.

ii) For sites that are not located within high or highest resource census tracts, as identified by the latest edition of the "TCAC/HCD Opportunity Map:"

I) The maximum density deemed appropriate to accommodate lower income housing for jurisdiction, as specified Housing Element Law; or

II) Twice the density allowed by the general plan, zoning ordinance, or state law, whichever is greater. For purposes of this subparagraph, the allowed density shall be the amount allowed prior to the award of any eligible density bonus.

d) For sites located within one-half mile of a major transit stop, an unspecified percentage of additional density more than the amount allowable in the bill, as applicable.

e) Provides that it is the intent of the Legislature to amend the bill to include objective standards for floor area ratio and similar issues that affect development capacity.

4) Provides, for objective development standards not included elsewhere in 3) above, that a local agency may require the housing development project to comply with objective development standards that apply in the closest zone in the local agency that allows multifamily residential use at the residential density allowed. If no zone exists that allows the residential density determined, as specified, the applicable objective standards shall be those for the zone that allows the greatest density within the city, county, or city and county.

5) Provides that, for housing development project applications that are deemed complete on or before April 1, 2024, the provisions of 3) cannot be used to disapprove or conditionally approve the housing development project, even if the housing development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation, as specified in any element of the general plan as it existed on the date the application was deemed complete. A development proponent may choose to be subject to the provisions of 3) that were in place on the date the preliminary application was submitted.

6) Provides that a builder's remedy housing development project applicant is not precluded from seeking a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios.

7) Defines "objective development standards" to mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. Provides that a developer is subject to the obligations imposed under the California Building Code. Provides that, in the event that objective standards are mutually inconsistent, a development shall be deemed consistent with the objective standards if the development is consistent with the standards set forth in the general plan.

8) Provides that, for a local agency that has not adopted a revised housing element that is in substantial compliance with Housing Element Law, the following shall apply with regard to the objective standards for a housing development project:

    a) In no case may a local agency apply any objective development standard to the housing development project that will have the effect of physically precluding the construction of a development at the densities permitted or that will result in an increase in actual costs.

    b) The local agency shall bear the burden of proof that any objective development standard applied to the housing development project will not have the effect of physically precluding the construction of a development at the densities permitted or that will not result in an increase in actual costs.

    c) For a housing development project submitted to the local agency pursuant to AB 2011 (Wicks), Chapter 647, Statutes of 2022, if the housing development project complies with the residential density standards in the bill, it shall be deemed to be in compliance with the residential density standards contained in AB 2011 (Wicks).

    d) For a housing development project submitted to the local agency pursuant to SB 423 (Wiener), Chapter, Statutes of 2023, if the housing development project complies with the residential density standards and the objective development standards specified in this bill, it shall be deemed to comply with the objective zoning standards, objective subdivision standards, and objective design review standards contained in SB 423 (Wiener).

9) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the bill.

EXISTING LAW:

1) Defines "urban uses" to mean any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. [Government Code (GOV) § 65912.101]

2) Defines "dedicated to industrial use" to mean any of the following:

    a) The square footage is currently being used as an industrial use;

    b) The most recently permitted use of the square footage is an industrial use; or

    c) The site was designated for industrial use in the latest version of a local government's general plan adopted before January 1, 2022. (GOV § 65912.101)

3) Under the Housing Accountability Act (HAA), prohibits a local agency from disproving a housing development project, that includes either 20% very low- or low-income housing, 100% moderate-income housing, an emergency shelter, or farmworker housing, or conditioning the approval of the housing development in a manner that renders the housing development infeasible for very low-, low-, or moderate-income households, or an

emergency shelter, including through the use of design review standards, unless it makes written findings, based on a preponderance of the evidence in the record, as to one of the following:

a) The jurisdiction has adopted a housing element that has been revised consistent with existing law, that is in substantial compliance with Housing Element Law, and the jurisdiction has met or exceed its share of the housing needs allocation (RHNA) for the planning period, for the income category proposed for the housing development project, if the disapproval or conditional approval is not based on housing discrimination, as specified in existing law;

b) If the housing development has a mix of income categories and the jurisdiction has not met or exceeded its share of RHNA, then a jurisdiction shall not disapprove or conditionally approve the housing development project;

c) The jurisdiction has met or exceeded the need for emergency shelter as identified in its housing element, as specified;

d) The housing development project or emergency shelter would have a specific, adverse impact on the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. For purposes of this provision, defines a "specific, adverse impact" to mean a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety: inconsistency with the zoning ordinance or general plan land use designation and the eligibility to claim a welfare exemption under existing law;

e) Denial of the housing development project or imposition of conditions is required to comply with specific state or federal law, and there is no feasible method to comply without rending the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible;

f) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project;

g) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as it existed on the date the application was deemed complete and the jurisdiction has timely adopted a revised housing element that is in substantial compliance with Housing Element Law. For purposes of this provision, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

i) Provides that this provision cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low-, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

ii) Provides that if a local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of RHNA for all income levels, then this provision shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of RHNA for the very low-, low-, and moderate-income categories.

iii) Provides that, if a local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, then this provision shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. Provides that in any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of Housing Element Law. (GOV § 65589.5(d))

4) Provides that nothing in the HAA shall be construed to relieve a local agency from complying with the congestion management program required by specified law, the California Coastal Act of 1976, making one or more of the findings required pursuant to Section 21081 of the Public Resources Code, or otherwise complying with the California Environmental Quality Act. (GOV § 65589.5(e))

5) Provides that, except for requirements related to the preliminary application, a local agency is not prohibited from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of RHNA. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development. (GOV § 65589.5)

6) Defines "very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. These

qualifying limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for very low income households for all geographic areas of the state at 50 percent of area median income, adjusted for family size and revised annually. [Health and Safety Code (HSC) § 50105]

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

1) **Bill Summary**. The bill limits the scenarios when a local government can disapprove a project pursuant to the Housing Accountability Act. The bill strikes a provision of existing law within the HAA that allows local governments to deny housing projects when they have a compliant housing element and have met or exceeded their regional housing needs assessment (RHNA) allocation.

   The bill also makes amendments to the Builder's Remedy in the HAA. If a local government does not have a compliant housing elements, the Builder's Remedy allows housing developments of any size, density, or in any zone to move forward without the local governments' approval. This bill sets limitations on the densities locations, and zones where Builder's Remedy projects may exist. This bill is sponsored by the Attorney General.

2) **Author's Statement**. According to the author, "It is going to take all of us to solve our housing crisis, and AB 1893 will require all cities and counties to be a part of the solution. It does so by modernizing the builder's remedy to make it clear, objective, and easily usable. A functional builder's remedy will help local governments to become complaint with housing element law. Where they do not, it will directly facilitate the development of housing at all affordability levels. The message to local jurisdictions is clear — when it comes to housing policy, the days of shirking your responsibility to your neighbors are over."

3) **Local Government Police Power.** The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority. Local governments use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, and lot coverage ratios to increase open space, among others. These ordinances can also include conditions on development to address community impacts or other particular site-specific considerations. Local governments have broad authority to define the specific approval processes needed to satisfy these considerations, including the permits the developer must obtain.

4) **Planning and Zoning Law.** State law provides powers and duties for cities and counties regarding land use. Each city and county must prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. The general plan has seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. General plans must also either include an eighth element on environmental

justice, or incorporate environmental justice concerns throughout the other elements. Cities and counties may adopt optional elements that address issues of their choosing, and once adopted, those elements have the same legal force as the mandatory elements. The general plan must be "internally consistent," which means the various elements cannot have conflicting information or assumptions.

Although state law spells out the plans' minimum contents, it also says local officials can address these topics to the extent to which they exist in their cities and counties, and with a specificity and level of detail reflecting local circumstances. Similarly, state law doesn't require cities and counties to regularly revise their general plans (except for the housing element, which must generally be revised every eight years).

Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Some housing projects can be permitted by city or county planning staff "ministerially" or without further approval from elected officials, but most large housing projects require "discretionary" approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

The Planning and Zoning Law also establishes a planning agency in each city and county, which may be a separate planning commission, administrative body, or the legislative body of the city or county itself. Public notice must be given at least 10 days in advance of hearings where most permitting decisions will be made. The law also allows residents to appeal permitting decisions and other actions to either a board of appeals or the legislative body of the city or county. Cities and counties may adopt ordinances governing the appeals process, which can entail appeals of decisions by planning officials to the planning commission and the city council or county board of supervisors.

Local land use policies and decisions, including zoning, specific plans, development agreements, and subdivision map approvals, of general law cities (and counties) must be consistent with their general plan. However, charter cities are exempt from many provisions in law that apply to local planning and zoning ordinances, except where state law specifically states it applies to charter cities. Charter cities may also adopt an ordinance or charter amendment that requires compliance with state planning and zoning laws, including the requirement for consistency. Approximately one-quarter of charter cities have adopted such a requirement.

City or county zoning ordinances, including charter cities, must be consistent with the general plan. To comply with this requirement, a county or city must adopt a general plan, and ensure the various land uses the ordinance authorizes are compatible with the objectives, policies, general land uses, and programs the plan specifies. Any resident or property owner in the city or county can bring an action in superior court to enforce compliance within 90 days of a new zoning ordinance or amendment's enactment. If a zoning ordinance becomes inconsistent with a general plan due to an amendment to the general plan, or any of its elements, the city or county must amend the zoning ordinance in a reasonable time so it is consistent with the amended general plan.

5) **The Housing Accountability Act and the Builder's Remedy:** In 1982, the Legislature enacted the Housing Accountability Act (HAA). The purpose of the HAA is to help ensure that a city does not reject or make infeasible housing development projects that contribute to meeting the housing need determined pursuant to the Housing Element Law without a thorough analysis of the economic, social, and environmental effects of the action and without complying with the HAA. The HAA restricts a city's ability to disapprove, or require density reductions in, certain types of residential projects. The HAA does not preclude a locality from imposing developer fees necessary to provide public services or requiring a housing development project to comply with objective standards, conditions, and policies appropriate to the locality's share of the RHNA.

   One constraint within the HAA on local governments' authority to disapprove housing, which has gained recent attention, is the "Builder's Remedy." The Builder's Remedy prohibits a local government from denying a housing development that includes 20% lower-income housing or 100% moderate-income housing that does not conform to the local government's underlying zoning, if the local government has not adopted a compliant housing element. A number of developers have attempted to use the Builder's Remedy in the last few years.

   For example, the City of La Cañada Flintridge failed to adopt a compliant housing element. Using the Builder's Remedy, a developer proposed a project for 80 units of affordable housing on church-owned land that was not zoned for housing or for density to accommodate the proposed project. The City denied the project and the developer sued. The City of La Cañada Flintridge argued they were not required to process an application under the HAA to approve a housing development that did not comply with their underlying zoning because they had "self-certified" their housing element by adopting a housing element, even though it was not certified as compliant by HCD. The court ruled that the city was not in compliance despite the fact that they had "self-certified" and found the housing element the city adopted out of compliance with Housing Element Law for various reasons.

   Under existing law, as long as a developer dedicates 20% of the units in a development for lower income households or 100% for moderate income and the local agency does not have a substantially compliant housing element, a development must be approved. The development is not required to meet the underlying zoning, meaning a development can be proposed on a site regardless of the designated use or density.

   This bill proposes to set parameters around the density, underlying zoning, and objective standards that a development must meet in order to qualify for the Builder's Remedy. It would also reduce the amount of affordable housing a development must include to qualify.

6) **Grandfathering Existing Builder's Remedy Projects.** To address those developments that have already submitted a Builder's Remedy application under the existing rules, this bill would allow those developers that have applications deemed complete on our after April 1, 2024, to continue under the existing law unless they choose to use the standards created by this bill.

7) **Affordability.** Under existing law, a development project can use the Builder's Remedy in a jurisdiction with a noncompliant housing element if the project dedicates, at a minimum, 20% of the units for lower income households (less than 80% of the area median income) or

100% for moderate-income households (less than 120% of area median income). This bill proposes to change the Builder's Remedy to require the following affordability levels for projects of different sizes:

a) Developments with less than 10 units would have no affordability requirement.

b) Developments of more than 10 units would be required to dedicate at least 10% of units to be affordable to households of very low income (have income of less than 50% area median income).

8) **Can We Build It? Yes, We Can.** Under the Builder's Remedy, a project does not need to follow local density or zoning ordinances. In the wake of a noncompliant housing element, a developer can build, as densely they want, wherever they want. One example of Builder's Remedy projects occurred in Santa Monica, where developers proposed 16 projects with a total of 4,500 units, including 800 affordable units, during a relatively short window of opportunity. According to *Profile of the City of Santa Monica: Local Profile Report 2019* by the Southern California Association of Governments, these 16 projects would have doubled the total number of multi-family housing units that Santa Monica had approved since 2000. All but one of the 16 projects were ultimately scaled down, but not without giving local governments across the state pause.

In circumventing a local government's land use decision making power, the Builder's Remedy is intended to work as a powerful motivator for jurisdictions to comply with housing element law. This bill intends to put parameters on the Builder's Remedy by:

a) Limiting the sites where these types of projects can exist to either of the following:

i) The project is located on a site where parking, retail, office or housing are a principally permitted use.

ii) The project is not adjoined to a site where more than a third of the square footage is dedicated to industrial use.

b) Establishes a maximum density by site location:

i) Sites in high resource areas, as identified by the California Tax Credit Allocation Committee (CTCAC)/ HCD Opportunity Map, shall have a maximum density of either:

I) 50% greater than the maximum density deemed appropriate by the Mullin Density.

II) Three times the density allowed by the general plan, zoning, or state law.

ii) Sites that are not high resource area, shall have a maximum density of:

I) The maximum density allowed by the Mullin Density.

II) Twice the density allowed in the general plan, zoning ordinance, or state law.

iii) The bill allows additional density if the project complies with density bonus law.

iv) The bill allows additional density if the project is within a half mile of major transit stop, however, how much density is not defined in the bill.

v) The bill seeks to establish an objective standard for floor area ratios.

9) **Catch-22.** The Housing Accountability Act prohibits a local government from disapproving housing development, unless the local government makes written findings under specific scenarios outlined in the HAA. The HAA has accountability measures to ensure that local jurisdictions are approving housing or, in the case that disapproval is necessary, they disapprove a project for a substantive reason. The Builder's Remedy works to motivate jurisdictions that plan for housing in a manner consistent with state law.

While the star of the show are the amendments to the Builder's Remedy, the bill also amends the provisions of the HAA governing when a local government can disapprove housing. Under existing law, provision of the HAA allow local governments to deny a housing project when they have a compliant housing element **and** have met or exceeded their regional housing needs assessment. The bill strikes that provision and removes the ability for local governments to use their land use discretion even when they have complied with existing law.

10) **Policy Considerations.** The Committee may wish to consider the following:

a) **Developments of 10 Units or Less.** AB 1893 expressly allows developments with 10 or less units to not have any affordability. The bill is silent on what type of units these are. They could be multi-million dollar homes, which would not help address the housing crisis. The Committee may wish to consider requiring an affordability requirement on these units or specifying what type of structures they should be.

b) **Transit Oriented Development.** The bill allows additional density if a housing project is within a half mile of a transit stop. How much more is left blank. The Committee may wish to consider if developments close to transit should enjoy more density than the current law allows and, if so, how much.

c) **Floor Area Ratios.** The bill intends to establish an objective standard for floor area ratio. The committee may wish to consider if the Builder's Remedy should include a standard for floor area ratio and, if so, what that should be.

d) **Catch-22.** Although it is not novel that the state is in an affordable housing crisis and one successful RHNA cycle won't solve this crisis, the bill may create a situation where good faith actors are penalized for complying with state law. The bill restricts a local government's land-use authority when it is not compliant with state law and when it is. The Committee may wish to consider reinstating reference in the Housing Accountability Act that would allow a local government to disapprove a housing project when a local government has a compliant housing element and has met or exceeded their regional housing needs assessment.

11) **Committee Amendments.** In order to address the policy considerations above, the committee may wish to amend the bill according to the

    a) **Developments of 10 Units or Less.** The Committee may wish to amend the bill to specify that developments of 10 units or less shall have a density of at minimum 10 units per acre.

    b) **Transit Oriented Development.** The Committee may wish to amend the bill to allow an additional 35 units per acre for transit oriented development.

    c) **Floor Area Ratios.** Strike intent language in clause (iv) subparagraph (A) paragraph (5) of subdivision (d) of Section 65589.5 relating to floor area ratios.

    d) **Catch-22.** The Committee may wish to amend the bill to restore paragraph (1) of subdivision (d) of Section 65589.5. By reinstating this paragraph, jurisdictions will be able to deny a housing development project if the jurisdiction has a compliant housing element and has met or exceeded their RHNA allocation.

12) **Related Legislation**.AB 1886 (Alvarez) clarifies that a housing element is substantially compliant with Housing Element Law, when both a local agency adopts the housing element and HCD or a court finds it in compliance, for purposes of the Builder's Remedy. This bill is pending in this committee. .

    AB 2023 (Quirk-Silva) would create a rebuttable presumption of invalidity in any legal action challenging a local government's action or failure to act if HCD finds that the action or failure to act does not substantially comply with the local government's adopted housing element or housing element obligations. This bill is pending in this Committee.

13) **Arguments in Support**. Attorney General Rob Bonta writes in support, "Under the Housing Accountability Act (HAA), a local government that fails to adopt a timely and compliant housing element is subject to the builder's remedy, which limits local governments' ability to deny a low- or moderate-income housing development project, even if it is inconsistent with zoning or the general plan. At its core, the builder's remedy is an enforcement tool, creating a strong incentive for local governments to plan to meet their fair share of the state's housing needs by adopting a substantially compliant housing element.

    "The builder's remedy had gone largely unused since it was enacted in 1990. But recently, dozens of builder's remedy project applications have been submitted. Unfortunately, the lack of clarity in the existing builder's remedy statute has led to local disputes and litigation. This has delayed housing projects from being built, significantly increased the cost to develop new housing, and likely deterred some builders from submitting applications at all. The builder's remedy needs an update in order to achieve its full potential as a self-executing remedy that builders can utilize to continue housing development even when a local government does not comply with housing element law.

    "AB 1893 would clarify and modernize the builder's remedy by providing clear, objective standards for builder's remedy projects, including density standards and project location requirements. With these updates, the builder's remedy will be a more effective enforcement

tool because local governments will face greater certainty of swift consequences when they do not adopt a timely and substantially compliant housing element. AB 1893 would also align the builder's remedy with laws and policies that have emerged in the more than 30 years since the builder's remedy was enacted, including sustainable communities strategies like promoting development in urban infill and near transit centers, and promoting higher density housing that is more affordable than single-family homes.

"Ultimately, the goal is to build more housing, especially housing that hardworking Californians can actually afford to live in. The best path to that outcome is for every local government to do its part and adopt a strong housing element. For jurisdictions that fail to adopt compliant housing elements, AB 1893 would make it feasible for developers to build more affordable housing for low- and moderate-income families."

14) **Arguments in Opposition**. The League of California Cities, which has an oppose unless amended position, writes, "Cal Cities appreciates your desire to limit the application of builder's remedy projects by restricting where these projects can occur, limiting density, and allowing the use of objective development standards in some circumstances.

"However, we strongly believe less focus should be on what happens if a city does not adopt a housing element that substantially complies with the law, and more time and attention should be focused on how the state can partner with cities and ensure that all jurisdictions come into compliance. Cities have worked diligently with the Department of Housing and Community Development (HCD) to draft housing plans that accommodate their fair share of housing at all income levels. These complex plans can take years to develop and involve extensive feedback from HCD. This feedback often lacks clear direction regarding actions needed for a city to come into compliance.

"It is important to note that AB 1893 would also eliminate the ability of cities to reject certain housing developments when they met or exceeded their state allocated RHNA goals. This essentially moves the housing goalpost, thus requiring a city to approve an unlimited amount of housing, possibly far beyond their mandated fair share."

15) **Double-Referral.** This bill wass double-referred to the Assembly Housing and Community Development Committee, where it passed on a 7-0 vote on April 17, 2024.

REGISTERED SUPPORT / OPPOSITION:

Support
State of California Attorney General
Abundant Housing LA
California Apartment Association
California Housing Consortium
Hopics
Housing Action Coalition
Inner City Law Center
LA Family Housing
Leadingage California
Safe Place for Youth

St. Joseph Center
State of California Attorney General
United Way of Greater L.A.

Support If Amended
Council of Infill Builders

Oppose
New Livable California
Save Lafayette

Oppose Unless Amended
League of California Cities

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