



Legislation Details (With Text)

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Title: CONSIDER TAKING A POSITION OF OPPOSITION AND SENDING A CORRESPONDING LETTER REGARDING ASSEMBLY BILL 1886, WHICH WOULD ALLOW THE BUILDER'S REMEDY TO BEGIN AS SOON AS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OR A COURT DETERMINES A JURISDICTION'S HOUSING ELEMENT IS OUT OF COMPLIANCE (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Proposed Letter of Opposition for Senate Bill 1494 (2024), 2. Bill Analysis

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, July 02, 2024

Consent

SUBJECT:

CONSIDER TAKING A POSITION OF OPPOSITION AND SENDING A CORRESPONDING LETTER REGARDING ASSEMBLY BILL 1886, WHICH WOULD ALLOW THE BUILDER'S REMEDY TO BEGIN AS SOON AS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OR A COURT DETERMINES A JURISDICTION'S HOUSING ELEMENT IS OUT OF COMPLIANCE (CITY COUNCIL)

I. SUMMARY

This item transmits a request for City Council to consider taking a position of opposition and sending a corresponding letter regarding Assembly Bill 1886 (Alvarez). The proposed letter is included as Exhibit 1 and the Bill Analysis is included as Exhibit 2.

As noted in the proposed Letter of Opposition:

“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.”

Other California cities opposing this Bill include Beverly Hills, Carlsbad, Cloverdale, Corona, Elk Grove, Fairfield, Fullerton, Grass Valley, Huntington Beach, Lakeport, Manhattan Beach, Norwalk, Oakdale, Palm Desert, Rancho Cucamonga, Rancho Palos Verdes, Rancho Santa Margarita, San Luis Obispo, Santa Clarita, Santa Paula, and Yorba Linda.

II. RECOMMENDATION

TAKE a position of OPPOSITION for Assembly Bill 1886 and DIRECT staff to transmit a corresponding letter (Exhibit 1).

III. ALTERNATIVES

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

IV. BACKGROUND

See the above Summary and the attached Bill Analysis as Exhibit 2 for further information.

V. FISCAL IMPACT

This item implies no fiscal impact to the City of Carson and seeks approval of the letter only.

VI. EXHIBITS

1. Proposed Letter of Support for Assembly Bill 1886 (pg. 3)
2. Bill Analysis (pgs. 4 - 14)

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