



## City of Encinitas City Council's Office

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April 24, 2024

*Tony Kranz*  
Mayor

The Honorable Chris Ward  
Chair, Assembly Committee on Housing and Community Development  
1020 N St, Room 124  
Sacramento, CA 95814

### **RE: AB 1886 (Alvarez) Housing Element Law: Substantial Compliance: Housing Accountability Act - Notice of Opposition**

*Allison Blackwell*  
Deputy Mayor

Dear Chair Ward,

The City of Encinitas must respectfully oppose 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."

*Bruce Ehlers*  
Council Member

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.

*Kellie Shay Hinze*  
Council Member

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.

*Joy Lyndes*  
Council Member

*Pamela Antil*  
City Manager

The City of Encinitas believes that AB 1886 is counterproductive. What is really needed is for HCD to partner with cities to provide meaningful direction that helps them finalize their housing elements and put those plans to work so that much

AB 1886 (Alvarez) Housing Element Law: Substantial Compliance: Housing Accountability Act -  
Notice of Opposition  
April 24, 2024  
Page 2 of 2

needed housing construction can occur. For these reasons, we respectfully oppose AB 1886. If you have any questions, do not hesitate to contact me at (760) 633-2618.

Sincerely,

A handwritten signature in blue ink that reads "A. J. Kranz". The signature is written in a cursive style with a large, looping "K" and a long tail on the "z".

Tony Kranz  
Mayor  
City of Encinitas