

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: May 23, 2024

PREPARED BY: Anthony J. Mejia, City Clerk

REQUEST: RATIFY LETTERS OF OPPOSITION TO SENTATE BILL 1037 (WIENER),
PLANNING AND ZONING: HOUSING ELEMENT: ENFORCEMENT; AND
ASSEMBLY BILL 1886 (ALVAREZ), HOUSING ELEMENT LAW:
SUBSTANTIAL COMPLIANCE: HOUSING ACCOUNTABILITY ACT

RECOMMENDATION:

1. Ratify a letter of opposition to Senate Bill 1037 (Wiener), Planning and Zoning: Housing Element: Enforcement.
2. Ratify a letter of opposition to Assembly Bill 1886 (Alvarez), Housing Element Law: Substantial Compliance: Housing Accountability Act.

BACKGROUND/ANALYSIS:

On May 9, 2024, the League of California Cities issued an Action Alert requesting cities oppose SB 1037 and AB 1886. After review, the City Council Ad Hoc Committee on Legislative Affairs authorized the immediate issuance of letters of opposition.

SB 1037 (Wiener) Planning and Zoning: Housing Element: Enforcement, allows the Attorney General to take legal action against a city and seek fines up to \$50,000 a month for violating unspecified housing laws that require ministerial approval of certain housing projects or for failing to adopt a housing element that substantially complies with the law, even if the jurisdiction is acting in good faith.

AB 1886 (Alvarez) Housing Element Law: Substantial Compliance: Housing Accountability Act, subjects cities to builder's remedy projects unless the California Department of Housing and Community Development or a court determines that the local agency's housing element substantially complies with law. The builder's remedy allows a developer to construct a project that is inconsistent with both the city's general plan and zoning standards, except for sites that are identified for very low-, low-, or moderate-income housing.

Legal Review:

This report has been reviewed by the City Attorney's office.

FINANCIAL IMPACT:

There is no fiscal impact associated with this action.

ATTACHMENTS:

1. Letter of Opposition – SB 1037
2. Letter of Opposition – AB 1886
3. [Bill Text: SB 1037, Planning and Zoning: Housing Element: Enforcement](#) (Hyperlink Only)
4. [Bill Text: AB 1886, Housing Element Law: Substantial Compliance: Housing Accountability Act](#) (Hyperlink Only)