



CITY OF PALM DESERT

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OFFICE OF THE MAYOR AND CITY COUNCIL

May 10, 2024

The Honorable Greg Wallis
Member, California State Assembly
P.O. Box 942849
Sacramento, CA 94249

**RE: AB 1886 (ALVAREZ) HOUSING ELEMENT LAW: SUBSTANTIAL COMPLIANCE -
OPPOSITION**

Dear Member Wallis:

The City of Palm Desert regrettably must oppose measure 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 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.

The City of Palm Desert 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 needed housing construction can occur. For these reasons, the City of Palm Desert must oppose AB 1886 (Alvarez). If you have any questions regarding our position, please do not hesitate to contact the City Manager, Todd Hileman, at (760) 346-0611 or email thileman@palmdesert.gov.

Sincerely,

Karina Quintanilla
Mayor, City of Palm Desert

Cc: The Honorable David A. Alvarez
Cal Cities Regional Public Affairs Manager, Jesse Ramirez
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