June 10, 2024

**RE: AB-1886: Housing Element Law (Alverez): OPPOSE**

**Housing Element Law: substantial compliance: Housing Accountability Act**

Dear Senate Housing Committee:

**What is the context of AB 1886?** Three factors contribute to our recommendation to OPPOSE AB-1886: recent housing legislation, RHNA, and HCD.

1. Since 2017, legislators have passed over 150 housing bills aimed at addressing the housing crisis, but the impact on affordability is negligible. Why is that? The bills fail to adequately assess the economic causes of the housing problem. Failing to look at economic causes, the bills have failed to give a sound framework for policy solutions. In addition, the state has failed to identify sources of funds to subsidize low-income housing.
2. RHNA is broken. It is untethered to economic reality and market conditions. In attempts to meet the heavy-handed, top-down RHNA mandates, jurisdictions are required to forfeit safety, environmental protection, parking, cherished views and vistas, quality of life, and the basics of democracy entrusted to the hands of locally-elected officials.
3. HCD is overstaffed with under qualified personnel. Its reputation is tarnished. First it was the turmoil of the 6th cycle RHNA with quotas most everyone agrees are unrealistic and unattainable. The state audit of the RHNA methodology in 2022 found HCD’s work was unreliable. Recently a Joint Legislative Audit Committee authorized another audit. This time about the subject of this bill: the Housing Element.

What you have in AB 1886 is a micro-managing quagmire that increases HCD’s power by reducing local authority over planning and zoning, while placing more economic demands on local staff. Some would say it’s ripe for legal challenge. League of CA Cities writes, “The bill would create a rebuttable presumption of validity for the department’s (HCD’s) findings as to whether the adopted element or amendment substantially complies with the Housing Element Law.” Because local agencies are required to provide HCD with the data, this is an unfunded state mandated program. There is precious little evidence it will contribute to more housing that is affordable.

Passing AB 1886 (like passing AB 1893) puts the cart before the horse. Said another way, It’s a dangerous strategy of “fire, ready, aim.” Put this bill aside until you get the Housing Element Audit Report. You’ve got several years before the next RHNA cycle of Housing Elements are required. Rely on data from the audit to know where to aim your efforts to improve Housing Element Law. We urge a NO vote on this bill.

Sincerely,

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Susan Kirsch, Director

Catalysts for Local Control