



CITY OF NEWPORT BEACH

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September 9, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Mayor

Will O'Neill

Mayor Pro Tem

Joe Stapleton

Council Members

Brad Avery

Noah Blom

Robyn Grant

Lauren Kleiman

Erik Kenneth Weigand

**RE: AB 1886 (Alvarez): Housing Element Law: Substantial Compliance
City of Newport Beach – Request for Veto**

Dear Governor Newsom,

The City of Newport Beach requests your veto of AB 1886 (Alvarez), which would change existing law that allows cities a pathway to a housing element that is considered “in substantial compliance with housing element law.”

For decades, cities have worked with the Department of Housing and Community Development (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. The City of Newport Beach goes to great lengths to work with HCD so that its housing element substantially complies with the law, even if HCD disagrees. Current law acknowledges this fact by allowing cities to “self-certify” their housing elements or take the issues to court and have a judge make the final determination on substantial compliance.

AB 1886 encourages unfair proliferation of “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 Newport Beach believes that AB 1886 is counterproductive and doesn’t address the real issue of HCD needing to partner with cities to provide meaningful direction that helps them finalize their housing elements.

Sincerely,

Will O'Neill

Mayor

cc: Assemblymember David Alvarez
Newport Beach City Council