



LEAGUE OF
CALIFORNIA
CITIES



American Planning Association
California Chapter

Creating Great Communities



June 19, 2025

The Honorable Aisha Wahab
Chair, Senate Housing Committee
1021 O Street, Room 3330
Sacramento, CA 95814

RE: AB 610 (Alvarez) Housing element: governmental constraints: disclosure statement.
OPPOSE UNLESS AMENDED (*As of 4/10/25*)

Dear Chair Wahab,

The League of California Cities (Cal Cities), the Rural County Representatives of California (RCRC), the Urban Counties of California (UCC) and the American Planning Association California Chapter (APA CA) **regrettably must take a position of oppose unless amended** on measure **AB 610**, which would impose unworkable analytical requirements on local governments' housing elements, with unclear benefits to housing planning and production.

Specifically, AB 610 would require local governments to speculate about future actions during the 8-year housing element planning period by requiring a detailed analysis of any *future potential* governmental constraints. It is unclear why this requirement is needed. Existing housing element law already requires local agencies to identify and, where appropriate and legally possible, to remove governmental constraints. Existing law also provides an avenue for the Department of Housing and Community Development (HCD) to decertify a local government's housing element if it takes an action that is inconsistent with its housing element.

Cities and counties work diligently with HCD to draft housing plans accommodating their fair share of housing at all income levels. These extensive and complex plans can take years to develop, including public engagement and environmental review. Local governments go to great lengths to ensure that their housing elements substantially comply with the ever-evolving housing element law. This measure would increase the complexity of the housing element review process by requiring local agencies to consider any potential

new regulations for the next eight years. It almost guarantees that housing elements will not be adopted by the statutory deadline.

Local governments must respond to community needs, events, and experiences. AB 610 would create a rigid and unworkable framework that attempts to bind the actions of future councils or boards of supervisors. The bill is also based on an inaccurate premise that the housing element requires removal of *all* potential governmental constraints on housing. This is not the case. In fact, many policies that help to achieve housing element goals can also potentially constrain housing production. Examples include inclusionary zoning or in-lieu fees to support affordable housing, tenant protection ordinances, accessibility requirements to ensure that residents with disabilities can find adequate housing, impact fee programs to provide necessary infrastructure and meet ever-evolving state mandates. Local governments must have flexibility to meet changing conditions that affect the availability and affordability of safe and decent housing at all income levels.

AB 610 also fails to account for the constantly changing suite of statewide planning mandates approved by the Legislature. These mandates, including those in AB 610, are nearly always unfunded, as local governments are presumed to be able to recoup their costs by passing them on as development fees. AB 610's definition of a "covered governmental constraint," would include any fee, exaction, or affordability requirement as defined in Government Code Section 65940.1 and would generally preclude any changes during the 8-year planning period. This includes parkland dedication for new development, park fees, Mello-Roos special taxes (which already must be approved by landowners), inclusionary housing requirements, and all development impact fees. This measure would prohibit local governments from responding to their community to current events in housing policy by making null and void any proposed regulations that were not disclosed in the housing element.

For these reasons, Cal Cities, RCC, UCC and APA CA **regretfully must take a position of oppose unless amended** on AB 610. We appreciate the author's willingness to work with stakeholders to address these concerns and have proposed amendments that would remove our opposition. If you have any questions, please Brady Guertin (Cal Cities) at bguertin@calcities.org, Tracy Rhine (RCRC) at trhine@rcrcnet.org, Chris Lee (UCC) at clee@politicogroup.com, or Lauren De Valencia at lauren@stefangeorge.com.

Sincerely,



Brady Guertin
Legislative Affairs, Lobbyist
Cal Cities



Reuben Duarte
Vice President Policy and Legislation
APA California



Tracy Rhine
Senior Policy Advocate, RCRC



Christopher Lee
Legislative Advocate, UCC



Mark Neuburger
Legislative Advocate, CSAC

Cc: The Honorable David Alvarez
Members, Senate Housing Committee
Alison Hughes, Chief Consultant, Senate Housing Committee
Kerry Yoshida, Consultant, Senate Republican Caucus