



COUNCIL REPORT

DATE: April 22, 2025

CATEGORY: Consent

DEPT.: City Manager’s Office, Community Development

TITLE: **Approve a Support Position for Senate Bill 457 (Becker)—Housing Element Compliance: Housing Accountability Act**

RECOMMENDATION

Approve a Support position for Senate Bill 457 (Becker)—Housing Element Compliance: Housing Accountability Act.

BACKGROUND

During the April 8, 2025 City Council meeting, several Councilmembers highlighted Senate Bill (SB) 457 and its potential for impacting the way Builder’s Remedy projects are implemented. This was raised in the context of Council’s approval of a Builder’s Remedy project. Authored by State Senator Josh Becker, the intent of SB 457 is to prevent the misuse of the Builder’s Remedy while continuing to provide strong incentives for cities to develop and adopt compliant Housing Elements on a timely basis. Several Councilmembers expressed support for the bill. Since Council’s position on SB 457 was not an agendized item, and not all Councilmembers commented on the bill, staff recommends that Council approve a position of Support for SB 457.

A position of Support for SB 457 is consistent with the City’s 2025 Regional and State Legislative Platform adopted by the City Council on February 25, 2025 (Attachment 1 to this Council report). The following platform statement would apply to this bill:

C. 31—Support legislation dedicated to improving the builder’s remedy process that allows for more flexibility for local governments that show good-faith commitments to advancing housing solutions.

A fact sheet for SB 457 and a draft letter of support are included as Attachments 2 and 3 to this Council report.

ANALYSIS

Authored by State Senator Josh Becker, SB 457 would advance a more equitable and effective housing planning process by ensuring the Builder’s Remedy is implemented in a way that serves its intended purpose—encouraging compliance with state housing law, not circumventing local planning.

SB 457 addresses two flaws in the current application of the Builder’s Remedy. First, it protects local jurisdictions that have adopted a compliant Housing Element from being penalized due to delays in the California Department of Housing and Community Development’s (HCD) review process. Second, it prevents bad-faith actors from taking advantage of the Builder’s Remedy by requiring a complete application to be submitted before an agency adopts a compliant Housing Element.

Currently, developers can file preliminary applications with little effort and without clear intent to seriously pursue an application in order to reserve rights under the Builder’s Remedy even after a jurisdiction has adopted a Housing Element that meets state requirements. This loophole undermines local planning efforts and allows projects to proceed without regard to thoughtful zoning, community input, or housing equity goals. SB 457 would bring much-needed clarity and fairness to the process.

Mountain View supports robust housing development consistent with its Regional Housing Needs Allocation (RHNA) obligations. The City has long been a leader in the Bay Area for furthering affordable housing development through housing protection, preservation, and production. The City was the first jurisdiction in Santa Clara County to receive the state’s Prohousing designation and remains one of two cities with this designation in the County. The City has a robust affordable housing pipeline of nine projects with over 1,300 units.

The City’s Housing Element was approved by the California Department of Housing and Community Development in May 2023. In less than four months of Housing Element noncompliance, the City received five Builder’s Remedy applications proposing more than 2,700 total housing units. These five projects submitted in a narrow window of opportunity have resulted in significant incongruities with established development standards in the City. This has caused resident concern and distrust.

By encouraging genuine compliance from both local governments and developers, SB 457 would strengthen the integrity of California’s housing laws and ensure that the Builder’s Remedy remains a powerful and appropriately targeted tool for increasing affordable housing.

The Santa Clara County Cities Association has taken a position of support for SB 457. Cal Cities’ position on the bill is pending.

FISCAL IMPACT

There is no fiscal impact associated with the Recommendation of this report.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

EXEMPT FROM THE LEVINE ACT

General policy and legislative actions

ALTERNATIVES

1. Do not approve a Support position.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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- Attachments:
1. Adopted 2025 Regional and State Legislative Platform
 2. SB 457 Fact Sheet
 3. Draft Letter of Support for Senate Bill 457