

April 24, 2025

The Honorable Josh Becker
California State Senate
1021 O Street, Room 6520
Sacramento, CA 95814

SENATE BILL 457 – HOUSING ELEMENT COMPLIANCE: HOUSING ACCOUNTABILITY
ACT: HOUSING DISAPPROVALS—SUPPORT (AS AMENDED MARCH 24, 2025)

Dear Senator Becker:

On behalf of the City of Mountain View, I am writing to express our support for Senate Bill (SB) 457, which advances a more equitable and effective housing planning process by ensuring the Builder's Remedy is implemented in a way that truly serves its intended purpose—encouraging compliance with state housing law, not circumventing local planning.

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

As it stands, developers can file preliminary applications with little effort and no clear intent to seriously pursue an application simply 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 brings much-needed clarity and fairness to the process.

The City of Mountain View has long been a leader in the Bay Area for furthering affordable housing development. The City has received the state's Prohousing designation and remains one of two cities with this designation in Santa Clara County. We have 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.

While the City is a clear leader in housing protection, preservation, and production, and supports robust housing development consistent with its Regional Housing Needs Allocation (RHNA) obligations, the five Builder's Remedy projects submitted in a narrow window of opportunity are resulting in significant incongruities with established development standards in the City and are causing major alarm and distrust for residents surrounding these project sites.

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

For these reasons, we are pleased to support SB 457 and want to thank you for your leadership on this most important issue. Should you have any questions, please contact our legislative advocate Dane Hutchings with California Public Policy Group at 916-974-9270.

Sincerely,

Ellen Kamei
Mayor

EK/CG/1/MGR
001-04-24-25L

cc: Members and Staff of the Senate Housing Committee

The Honorable Diane Papan, Assembly District 21

City Council