



April 8, 2024

The Honorable Buffy Wicks  
California State Assembly  
1021 O St, Ste. 4240  
Sacramento, CA 95814

Re: Support If Amended for AB 1893 (Wicks)

Dear Assemblymember Wicks:

On behalf of the Council of Infill Builders, a statewide organization of real estate professionals committed to improving California through infill development, I am writing to support AB 1893 only if amended, as described below.

AB 1893 seeks to provide definition and legal certainty to the Builder's Remedy under the Housing Accountability Act. As such, it establishes default development standards for cities that do not have a compliant housing element. For sites in high resource areas, the current amendments to the bill would make the density maximums 3X the baseline zoning or Mullin Densities plus 50%, whichever is higher. For sites not in high resource areas, it would make the density maximums 2X baseline zoning or Mullin Densities, whichever is higher.

We recommend two important amendments to the bill.

First, we are not convinced that AB 1893's density maximums are sufficient to support viable infill projects in many parts of the state, or act as deterrents for bad actors. As a result, we urge you to support an economic analysis of how these density maximums will affect real-world projects in key markets throughout the state. The results of this analysis should inform any maximum densities applied to the Builders Remedy. We would be eager to contribute our ample network's on-the-ground know-how to such a study. We otherwise request that the bill be amended to remove these density limits, in order to ensure more sustainable infill projects can "pencil" throughout the state.

Secondly, the bill, as drafted does not protect Moderate Income projects from duplicative locally-imposed affordable housing impact or "linkage" fees. Moderate Income projects cannot withstand additional economic burdens beyond those inherent to MI housing. As a result, we strongly urge you to amend AB 1893 specifically to exempt them from additional affordable housing fees.

The Council of Infill Builders thanks you for your attention to this concern and support for infill housing more generally.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mott Smith', with a long horizontal flourish extending to the right.

Mott Smith, Chair, Board of Directors  
Council of infill Builders