

AB 1633

Strengthening the Housing Accountability Act

Assemblymember
Phil Ting
19TH DISTRICT



SUMMARY

The California Environmental Quality Act (CEQA) intends to ensure projects maintain a standard of environmental review for the benefit of the surrounding community. Certain projects, such as infill housing, are eligible for exemptions of environmental review, also referred to as a CEQA clearance. This important tool streamlines the development of housing and key infrastructure. Unfortunately, some jurisdictions use CEQA to delay housing projects indefinitely by requesting further unnecessary environmental review even when a project has had sufficient environmental study.

AB 1633 clarifies that a local agency not exercising its discretion or abusing its discretion under CEQA to delay or deny a housing development is a violation of the HAA.).

BACKGROUND

The HAA, also known as the Anti-NIMBY Act, was first passed by the Legislature in 1982 to limit the ability of local agencies to deny qualifying housing projects. Over the past several years, the Legislature has strengthened the HAA and, in response, some cities resorted to far-fetched arguments to deny valid CEQA clearances to projects the HAA protects.

While the HAA does not exempt projects from CEQA, it also does not authorize cities to use CEQA to indefinitely delay projects or to pressure developers into agreeing to a reduction in density. The

HAA provides remedy for project delays by declaring violations of the Permit Streamlining Act (PSA) to be violations of the HAA. However, the PSA "clock" does not start to run until a city completes its CEQA review. Consequently, the PSA/HAA cannot be enforced and cities may indefinitely delay issuing a valid CEQA clearance to which the project is legally entitled.

In November 2021, the California Department of Housing and Community Development (HCD) sent a letter to the city and county of San Francisco about projects on Stevenson Street and O' Farrell Street arguing that wrongfully denying CEQA clearance is a violation of the HAA. ¹ Both projects included affordable housing and were approved by the Planning Commission. However, despite going through legally sufficient environmental study, the Board of Supervisors required the projects to complete further environmental review based on vague concerns without instructions for actionable remedies. Legal experts argue that this an open question of law that needs to be resolved.

THIS BILL

AB 1633 leverage the power of the HAA to ensure that housing projects in key geographies are not being held captive in redundant environmental review. The bill allows a developer to call to question a local agencies action or inaction to decide on certifying an environmental document. Eligible projects under this bill are projects that:

¹ [Department of Housing and Community Development. Letter of Inquiry to San Francisco.](#)



- are in urbanized zones,
- have a minimum density of 15 units per acre,
- meet the requirements for an exemption OR have gone through legally sufficient environmental review.

AB 1633 does not modify CEQA in any way nor does it alter any existing rights or responsibilities that exist in current law. It solely clarifies that wrongful denial of a CEQA clearance is a violation of the HAA.

SUPPORT

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