



Senator Scott Wiener, 11th Senate District

Senate Bill 592 – Housing Accountability Act

SUMMARY

SB 592 clarifies existing law in the Housing Accountability Act to ensure that new housing development is protected against frivolous permit disapprovals from local governments.

BACKGROUND/EXISTING LAW

The Housing Accountability Act was first passed in 1982, and then was meaningfully strengthened in 2017 (SB 167, Skinner). This law has been broadly known as California’s “anti-NIMBY law” and has been used by housing organizations and housing developers to hold local governments accountable to fair and transparent standards with respect to approving new construction.

PROBLEM

California is experiencing a historic housing shortage. One of the causes of this shortage is a difficult, idiosyncratic, risky entitlement process. This leads to expensive and time consuming lawsuits between housing advocacy groups, developers and cities. The act has several ambiguities that have arisen since the 2017 housing package, particularly related to how the Housing Accountability Act interacts with ministerial approval processes, such as the one created in SB 35 (2017, Wiener). This law endeavors to reduce the opportunity for wasteful conflict by clarifying existing law.

SOLUTION

This bill would clarify the definition of “lower density” and that the Housing Accountability Act applies to accessory dwelling units, new bedrooms in an existing home, and single family housing. In addition, it would provide that the HAA applies to any form of land use decision by a local agency, including a ministerial or use by right decision, in addition to a discretionary approval. It will also enhance judicial remedies to ensure compliance with the HAA.

FOR MORE INFORMATION

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