

Date of Hearing: April 13, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1732 (Alvarez) – As Introduced February 5, 2026 *As proposed to be amended*

SUBJECT: California Environmental Quality Act: exemption: housing development project: public higher education land use plan

SUMMARY: Adds public university and college housing projects (for students, faculty, and staff) to an existing California Environmental Quality Act (CEQA) exemption for affordable housing projects, while revising tribal consultation requirements and extending the sunset until 2037.

EXISTING LAW, CEQA:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Exempts an affordable housing project that satisfies several requirements, including:
 - a) The project meets specified labor standards, including that all construction workers are paid the prevailing wage, and the labor standards can be enforced by the Labor Commissioner, an underpaid worker, or a joint labor-management committee;
 - b) The project is located on parcels that meet any of the following:
 - i) In a city where the city boundaries include some portion of either an urbanized area or urban cluster;
 - ii) In an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster;
 - iii) Within one-half mile walking distance to either a high-quality transit corridor or a major transit stop;
 - iv) In a very low vehicle travel area, as defined; or
 - v) Within two miles for rural areas, and one mile for all other areas, of six or more specified amenities.
- 3) Requires the affordable housing project to meet all of the following requirements:
 - a) The affordable housing project is subject to a recorded California Tax Credit Allocation Committee (TCAC) regulatory agreement for at least 55 years upon completion of construction;

- b) The affordable housing project site can be adequately served by existing utilities or extensions; and
- c) A public agency confirms all of the following:
 - i) The project is not built on environmentally sensitive or hazardous land, as specified;
 - ii) For a vacant site, the project site does not contain tribal cultural resources that could be affected by the development which cannot be mitigated, as specified;
 - iii) The site has tested for hazardous substances, and any hazardous substances must be remediated, as specified; and
 - iv) For a project site where multifamily housing is not a permitted use, all of the following are met:
 - (1) None of the housing is located within 500 feet of a freeway;
 - (2) None of the housing is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas; and
 - (3) The project site is not within a very high fire hazard severity zone.
- 4) Requires the lead agency to file a notice of exemption with the Office of Planning and Research and the relevant county clerk.
- 5) Sunsets January 1, 2033
(PRC 21080.40)

THIS BILL:

- 1) Adds public university and college housing projects to the exemption above, with revisions including not requiring the TCAC deed restriction for these projects and updating tribal consultation requirements to apply to all development sites, requiring appropriate notice to affected tribes to facilitate consultation, and clarifying that the lead agency may impose conditions to avoid or mitigate impacts to tribal cultural resources.
- 2) Defines “public university or public college housing project” as one or more housing facilities to be occupied by students, faculty, or staff of one or more campuses of the University of California, California State University, or California Community Colleges, including dining, academic, student support service spaces, and other necessary and usual attendant and related facilities and equipment.
- 3) Extends sunset from 2033 to 2037.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** Since 1978, CEQA has included statutory exemptions for housing projects. There are now at least 15 distinct CEQA exemptions for housing projects. Three are specific to projects with an affordable housing fraction, the rest are available to affordable and market-rate projects alike. Each exemption includes a range of conditions, including requirements for prior planning-level review, as well as limitations on the location and characteristics of the site. These conditions are intended to guard against the approval of projects with significant environmental impacts that go undisclosed and unmitigated – endangering workers, residents and the greater environment. The majority of residential projects are approved via exemption or negative declaration under CEQA, or through ministerial permits where CEQA does not apply.

The CEQA Guidelines have included categorical exemptions for housing projects for decades, allowing projects with no significant environmental impacts to proceed to approval without environmental review. These exemptions are well-known and widely used for small housing projects of one to six units, as well larger housing projects in incorporated areas, on infill sites up to five acres, with no limit on the number of units.

These existing exemptions can include university-sponsored projects, as well as private projects to house university students, faculty and staff. Public universities also periodically adopt planning-level EIRs, which can serve as the basis for streamlined review of subsequent housing projects.

- 2) **Author's statement:**

California's public colleges and universities are among the finest higher education institutions in the world. They are also at the frontlines of the student housing crisis, yet they are uniquely disadvantaged by a legal technicality that prevents them from accessing the same CEQA streamlining available to private higher education institutions and other housing developers.

AB 1732 closes this gap. By extending the infill exemption framework to housing projects consistent with public higher education land use plans, we can accelerate the construction of the affordable student housing that our students urgently need, without sacrificing environmental protections or labor standards.

UC, CSU and CCC Campus housing projects are some of the most environmentally friendly buildings and located in already dense areas, often around transit options. In fact, several public higher education land use plans explicitly reference campus housing as a Vehicle Miles Traveled-reduction strategy.

At a time when housing insecurity affects students and employees across California's public higher education system, it is difficult to justify maintaining procedural barriers that private developers and private colleges are not required to overcome.

- 3) **How are impacts on tribal cultural resources identified, mitigated or avoided in an exemption?** Existing CEQA requirements to consider tribal cultural resources are predicated not only on conducting consultation with tribes that are traditionally and culturally affiliated with a project site, but also having a CEQA review process and environmental document

(e.g., mitigated negative declaration or EIR) that can consider and adopt measures to avoid or mitigate impacts identified via the consultation.

These mechanisms don't exist with an exemption. The exemption process doesn't provide the time or process that would accommodate legitimate tribal consultation, or any means to adopt and enforce avoidance or mitigation measures if impacts on tribal cultural resources are identified. With an exemption, the affected tribe(s) may not find out about the project until a notice of exemption is filed, at which point, it's too late.

To the extent tribal cultural resources are intended to be considered in an exemption, it calls for a different approach. One approach, added to the SB 35 process by AB 168 (Aguiar-Curry), Chapter 166, Statutes of 2020, is a detailed custom consultation process. Another approach used in several prior exemption bills, is requiring the lead agency to find there are no significant impacts on tribal cultural resources, based on the principle that if there are impacts, the project shouldn't be exempt.

This bill revises tribal consultation requirements for its exemption to incorporate the established CEQA procedures, require notification of the affected tribe(s), and clearly authorize the lead agency to require measures to mitigate or avoid impacts to tribal cultural resources.

- 4) **Double referral.** This bill has been double-referred to the Housing and Community Development Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Student Homes Coalition (co-sponsor)
 University of California Student Association (co-sponsor)
 21st Century Alliance
 Abundant Housing LA
 ASUCD Housing and Transportation Advocacy Committee
 California College Democrats
 California School Employees Association
 California YIMBY
 Chris Ricci - Modesto City Councilmember
 City of Gilroy Council Member Zach Hilton
 City of Monterey Park
 College Democrats at UC Irvine
 Davis College Democrats
 GenerationUp
 Santa Monica Community College District
 Student Homes At SJSU
 Student Homes At UCLA
 Student Homes At UCSB
 Student Homes At UCSD
 UCLA Undergraduate Student Association Council
 University of California Office of the President

Urban Studies Student Association
Youthbridge Housing

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /