

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 712 (Wicks)
Version: July 3, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
ID

SUBJECT

Housing reform laws: enforcement actions: fines and penalties

DIGEST

This bill requires a court, in an action where an applicant for a housing development sues a public agency to enforce its compliance with a housing reform law, and the applicant is the prevailing party, to impose fines upon the agency, as specified, and entitles the prevailing applicant to reasonable attorney's fees and costs.

EXECUTIVE SUMMARY

California is currently experiencing a significant housing crisis, in part because of a substantial shortage in new housing. Consequently, the Legislature has passed numerous bills in the last few years aimed at streamlining the approval and construction of new housing. These laws include laws around the housing element of cities and counties' general plans, laws meant to streamline the permitting process, laws prohibiting a local government from denying, reducing the density of, or making infeasible a housing development project, emergency shelter project, or farmworker housing development that is otherwise consistent with objective local development standards, and many other laws. While some of these laws have robust enforcement mechanisms, the author asserts that their enforcement mechanisms are not sufficient to deter local agencies from not following the laws.

AB 712 proposes a broad enforcement mechanism for when a public agency fails to comply with any housing reform law, by requiring a court in any action in which the applicant for a housing development sues the agency for noncompliance with a housing reform law, when the applicant is the prevailing party, to award the applicant reasonable attorney's fees and costs, and impose specified fines. For these fines, AB 712 requires the Attorney General or the Department of Housing and Community Development to first notify the agency that its action is not in compliance with a

relevant housing law, and also requires that the applicant then provide the agency 60 days' notice before bringing a civil action.

AB 712 is sponsored by the California Building Industries Association, and is supported by the California Chamber of Commerce and a number of business associations and pro-housing organizations. It is opposed by the California Special District Association, New Livable California, and a number of cities. It previously passed out of the Senate Housing Committee by a vote of 10 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires, as a part of the General Plan Law, local agencies to develop a housing element within their general plan that consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing, including identifying sites for adequate housing. (Gov. Code § 65583.)
- 2) Prohibits, in accordance with the Housing Accountability Act (HAA), local agencies from disapproving a housing development project for very low-, low-, or moderate-income households, or an emergency shelter, or conditioning approval in a manner that renders the project or shelter infeasible, unless the local agency makes written findings based upon a preponderance of the evidence in the record as to one of several specified justifications for the denial. (Gov. Code § 65589.5(d).)
- 3) Authorizes a project applicant, a person eligible to live in a housing development or emergency shelter, or a housing organization to bring an action to enforce the HAA. Specifies that, if the court finds that an agency took an action that violated the HAA, the court must issue an order or judgment compelling compliance within a time period not to exceed 60 days, including by requiring the agency to approve the development, as specified. (Gov. Code § 65589.5(k).)
- 4) Requires a court to grant a prevailing plaintiff in an action brought pursuant to 3) reasonable attorney's costs and fees, as specified. (Gov. Code § 65589.5(k)(1)(A)(ii).)
- 5) Requires a court, upon a determination that a local agency failed to comply with an order or judgment of the court mandating compliance with the HAA, to impose fines on the local agency and requires the local agency to deposit any fine levied into a local housing trust fund or the Building Homes and Jobs Trust Fund. Requires the fine to be in a minimum amount of \$10,000 per housing unit in the housing development project on the date the application was deemed complete, as specified. (Gov. Code § 65589.5(k)(1)(B).)

- 6) Specifies that, if a court finds that the local agency acted in bad faith when it violated the HAA and failed to carry out the court's order or judgment within the 60-day time period, the court must multiply the fine by a factor of five, and that, if the court finds that the agency violated the HAA within the same planning period, the court must multiply the fines by an additional factor for each previous violation. (Gov. Code § 65589.5(l).)
- 7) Requires the Department of Housing and Community Development (HCD) to notify the local agency, and authorizes the Department to notify the Attorney General, if the Department finds any of the following:
 - a) A local agency's housing element does not substantially comply with state law; or
 - b) A local agency takes an action in violation of specified housing laws. (Gov. Code § 65585(j).)
- 8) Provides the HCD and the Attorney General the unconditional right to intervene in any suit brought to enforce specified housing laws, and grants the Attorney General this unconditional right whether intervening in an independent capacity or pursuant to a notice or referral from the Department. (Gov. Code § 65585.01.)
- 9) Authorizes, in any action brought by the HCD or the Attorney General seeking to enforce the revision of a housing element or various discretionary review statutes, the following remedies:
 - a) A civil penalty of, at minimum, \$10,000 per month, and not exceeding \$50,000 per month, for each violation, accrued from the date of the violation until the violation is cured;
 - b) All costs of investigating and prosecuting the action, including expert fees, reasonable attorney's fees, and costs, whenever the Department or Attorney General prevails in a civil action to enforce any state laws under this provision; and
 - c) Any other relief the court deems appropriate. (Gov. Code § 65009.1.)

This bill:

- 1) States that it is the intent of the Legislature, in enacting this bill, to:
 - a) establish minimum uniform, transparent, fair, and effective remedies against public agencies that are found by a court of law to have violated housing reform laws; and
 - b) prevent public agencies from undermining these minimum uniform, transparent, fair, and effective remedies through the imposition of reimbursement and indemnification agreements on applicants for housing development approvals with respect to legal challenges involving the agency's own alleged violation of housing reform laws.

- 2) Specifies that, notwithstanding any other law, and in addition to any other available remedies, in any action brought by the applicant for a housing development project against a public agency to enforce the public agency's compliance with a housing reform law as applied to the applicant's housing development project, and the applicant is the prevailing party, the applicant is entitled to reasonable attorney's fees and costs.
- 3) Specifies that, where an applicant is the prevailing party in such a suit, and the action is against a local agency, if the local agency was advised in writing by the Attorney General or HCD prior to the commencement of the action that the agency's decision, action, or inaction would represent a violation of a specific housing reform law in substantially the same manner as alleged by the applicant, the court must impose a fine of not less than specified fines that equal \$10,000 per housing unit, unless the housing development consists of four or fewer units, in which case the court shall impose a fine of not less than \$50,000 per violation.
- 4) Specifies that the court may not impose the above-described fines unless the applicant provides the local agency written notice of its intent to commence an action, after the Attorney General or HCD sent the agency its written communication. Requires that the applicant's written notice identify the factual elements of the dispute and the legal theory forming the basis of the allegation that the agency violated a housing reform law, and requires that this notice be provided at least 60 days prior to the commencement of the action.
- 5) Specifies that, for any action commenced or intended to be commenced under the bill, any statute of limitations shall be extended for a period of 60 days from when the applicant provides the agency written notice of its intent to sue.
- 6) Specifies that, if a court has previously found that the local agency violated the same housing reform law on which an applicant prevailed in its lawsuit, within the same planning period, the court must impose a fine in an amount not less than the above-described fines multiplied by a factor of five. Specifies that a violation is considered to have occurred during the same planning period if the agency does not have a housing element considered to be in substantial compliance.
- 7) Notwithstanding specified provisions, specifies that an applicant shall not be required to present a claim to seek the fine described above.
- 8) Specifies that nothing in these provisions limits the availability of attorney's fees to a successful party under specified provisions of law.
- 9) Prohibits a public agency from requiring an applicant for a housing development project to indemnify, defend, or hold harmless the public agency in any manner with respect to an action brought by the applicant, or any other person, alleging that

the public agency violated the applicant's rights or deprived the applicant of the benefits or protections provided by a housing reform law.

- 10) Specifies that any requirement, condition, or approval in violation of (9) is against public policy and unenforceable.
- 11) Specifies that the provisions of (9) and (10) may not be construed to derogate any claim that a requirement described in (9) is or was unlawful under previously existing law.
- 12) For the purposes of these provisions, defines the following:
 - a) "housing development project" to have the same meaning as is provided in Government Code section 65905.5(b);
 - b) "housing reform law" to mean any law or regulation, or provision of any law or regulation, that establishes or facilitates rights, safeguards, streamlining benefits, time limitations, or other protections for the benefits of applicants for housing development projects, or restricts, proscribes, prohibits, or otherwise imposes any procedural or substantive limitation on a public agency for the benefit of a housing development project;
 - c) "local agency" to mean the same as is provided in Government Code section 65930;
 - d) "planning period" to mean the time period between the due date for one housing element and the due date for the next housing element for each revision according to the applicable schedule described in specified housing element law;
 - e) "public agency" to mean the same as is provided in Government code section 65932.

COMMENTS

1. Author's statement

According to the author:

The Legislature has successfully passed a variety of housing laws to make it easier to build in California. However, these laws need to be enforceable, and have real consequences when they are broken. Some of our housing laws (notably the Housing Accountability Act) have strong enforcement provisions, but others do not. AB 712 would apply levels of enforcement that are similar to the provisions of the Housing Accountability Act to other state laws, thereby encouraging local agencies to act in compliance with existing state housing laws. Additionally, AB 712 would end the practice of public agencies asking housing development applicants to indemnify the local government against lawsuits when the local government violates the applicant's rights. This will result in more certainty for all parties, and more housing in California.

2. California's housing crisis

California is experiencing a serious affordable housing crisis. California homes are about twice as expensive as an average home across the country, and the monthly cost of home ownership of a mid-tier home in California has increased 81% since 2020.¹ Rents also have increased dramatically in the past decade. In 2022, the median gross rent in the state was \$1,870, which represented about an eight percent increase per year from the median gross rent in 2019.² As a result of these high rents, significant numbers of California renters pay a disproportionate amount of their income toward rent and struggle to make ends meet. In 2019, 51.8 percent of California renters were cost-burdened, in which their rent costs exceeded 30 percent of their household income, and 27.3 percent were severely cost-burdened, in which their rent costs exceeded 50 percent of their household income.³ Moreover, 78 percent of extremely low-income households are severely cost burdened, meaning that they spend more than half of their income on housing costs, and 52 percent of low-income households are severely cost burdened.⁴ Data and multiple studies also have demonstrated a strong link between homelessness and the cost of housing, suggesting that California's increases in residential rental rates contributes directly to the state's growing population of individuals experiencing homelessness.⁵ The state's high rents significantly affect people of color, who disproportionately account for the state's renters.⁶

A significant contributor to these high home prices and rents is the state's lack of affordable housing, as the state is experiencing a record shortfall of available housing. It is estimated that the state is experiencing a shortfall of 1,283,734 affordable homes.⁷ At the same time, the state is currently losing affordable housing every year. Between 1997 and 2022, California lost 22,078 affordable homes due to expiring regulatory restrictions on government-assisted multifamily developments.⁸ It is estimated that 31,309 affordable homes are at risk of losing their affordability restrictions in the next 10

¹ Alex Bentz, "California Housing Affordability Tracker (1st Quarter 2025)," Legislative Analyst's Office (Apr. 21, 2025) <https://lao.ca.gov/LAOEconTax/Article/Detail/793>.

² U.S. Census Bureau, Table: Median Gross Rent by Bedroom, American Community Survey (multiple years) (accessed May 29, 2024), available at <https://data.census.gov/>.

³ Davalos *supra* note 1, p. 3.

⁴ California Housing Partnership, "Housing Needs Dashboard," Mar. 2024, available at <https://chpc.net/housingneeds/>.

⁵ Margot Kushel et al, "California Statewide Study of People Experiencing Homelessness, UCSF Benioff Homelessness and Housing Initiative (Jun. 2023), available at <https://homelessness.ucsf.edu/our-impact/studies/california-statewide-study-people-experiencing-homelessness>; Alex Horowitz et al, "How housing costs drive levels of homelessness: data from metro areas highlights strong connection," The APew Charitable Trusts (ug. 22, 2023), available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/08/22/how-housing-costs-drive-levels-of-homelessness>.

⁶ Davalos *supra* note 1, p. 6.

⁷ California Housing Partnership, "Housing Needs Dashboard," Mar. 2024, available at <https://chpc.net/housingneeds/>.

⁸ Danielle Mazzella et al, *Report 2023: Affordable Homes At Risk*, California Housing Partnership (Apr. 2023), available at <https://chpc.net/resources/2023-subsidized-affordable-housing-at-risk-report/>.

years.⁹ Although the state built more homes in the last few years than it has in many years, production is still below what the state estimates is needed to be produced every year in order to meet the state's needs.¹⁰ Given these numbers, the Legislature has passed a variety of laws in recent years aimed at increasing and facilitating the production of housing.

3. Cities' housing elements

State law requires each city and county to develop and adopt a comprehensive, long-term general plan for the physical development of the county or city and any lands outside that bear relation to the city or county's planning. (Gov. Code § 65300.) This plan must include a statement of development policies and a description of the objectives, principles, standards, and plan proposals. (Gov. Code § 65302.) It must also include certain elements, including transportation, housing, conservation, open-space, noise, safety, environmental justice, and land use elements. The planning agency can include additional elements to the plan, and the general plan may address each element to the extent to which that element exists in the planning area. How a city can adopt or amend a city or county's general plan is likewise described by statute. The statute requires that the planning body drafting the general plan share it with numerous stakeholders and consult a variety of groups and related planning documents (like a groundwater sustainability plan). (Gov. Code § 65350.5.)

The housing element is an essential part of tackling housing affordability. The law specifies a variety of components that must be included in the housing element, such as a statement of the community's goals, objectives, and policies for furthering fair housing and the maintenance, preservation, improvement, and development of housing. (Gov. Code § 65583.) The housing element must also include an assessment of the housing needs and inventory and resources of the city or county, a projection of the locality's existing and projected housing needs, and an inventory of land suitable and available for residential development. (Gov. Code §§ 65583(a)-(c).) Housing elements must also include a schedule of actions and timelines for implementation. Housing elements must be revised on a staggered schedule, in which localities within a federally-designated metropolitan planning organization (MPO) classified as non-attainment for specified air pollutants under the federal Clean Air Act must revise their housing elements every eight years, while localities within MPO's classified as attainment must revise their housing elements every five years.

HCD plays an essential role in cities and counties' creation of their housing elements and the creation of affordable housing. HCD must review and approve every city and county's housing element as in compliance with the law, and a specific schedule with

⁹ *Id.*

¹⁰ Ben Christopher, "California is losing population and building new houses. When will home prices come down?" CalMatters (May 16, 2023), <https://calmatters.org/housing/2023/05/california-exodus-housing-cost/>.

specified penalties is set for this process and cities and counties' compliance with it. If HCD finds that a city or county's draft housing element does not substantially comply, the city or county must either change the draft element to substantially comply, or adopt the draft element with written findings explaining why it believes the draft element does substantially comply despite HCD's findings. (Gov. Code § 65585(f).) Additionally, if HCD determines that the city or county's housing element or an action of the city or county is in violation of the housing element law, it may notify the Attorney General, and the Attorney General may bring an enforcement action against the non-compliant city or county. (Gov. Code § 65585(j).)

4. California has enacted many laws in recent years aimed at increasing the production of housing across the state

In addition to the housing elements laws, various other laws limit how a city or local agency may delay or deny housing developments. The Permit Streamlining Act, enacted in 1977, requires public agencies to act within certain, prompt timelines for reviewing development proposals for discretionary permits. (Gov. Code § 65920.) If the local agency fails to make a decision within the specified timeframes, the permits are deemed approved and the development can automatically move forward. (Gov. Code § 655956.) AB 2234 (Rivas, Ch. 651, Stats. 2022) replicated the Permit Streamlining Act timelines and automatic approval provisions to the approval of post-entitlement permits, which generally refer to building permits and other non-discretionary permits required to begin the construction of a development project that has already been approved. (Gov. Code § 65913.3.)

Another law meant to promote the production of housing is the Housing Accountability Act (HAA). The HAA prohibits a local government from denying, reducing the density of, or making infeasible a housing development project, emergency shelter project, or farmworker housing development that is otherwise consistent with objective local development standards. (Gov. Code § 65589.5.) Before a local government may do any of those things with regard to a housing development, farmworker housing, or an emergency shelter, it must make specified written findings based upon a preponderance of the evidence that there would be specific adverse health or safety impacts of the development. The HAA also provides for what is called "the builder's remedy," in which, if a city's housing element is not "substantially compliant" with the statutory requirements, the city cannot disapprove a housing project that meets certain affordability requirements based on the city's zoning or general plan standards. (Gov. Code § 65589.5(h)(11).)

The HAA includes a private right of action under which the developer, a person who would be able to live in the development, or a specified housing organization may challenge the local government's denial or severely burdensome conditions for the approval of the development project. If a court finds that the local government violated the HAA, it can compel the government to comply with the act within 60 days. If the

local government fails to do so, the HAA requires the court to impose fines of a minimum of \$10,000 per housing unit in the housing development project. (Gov. Code § 65589.5(k)(B).) If the court finds that the local government acted in bad faith, the court is required to multiply these fines by a factor of five. (Gov. Code § 65589.5(l).) In addition, the HAA provides a prevailing plaintiff the ability to recover reasonable attorney's fees and costs.

5. AB 712 would impose penalties on cities and local agencies for failing to comply with "housing reform laws"

AB 712 attempts to model the enforcement mechanism in the HAA for any noncompliance by a local government with a variety of housing laws. It would impose a fine of \$10,000 per housing unit for a violation of a housing reform law when the local government has been advised in writing by HCD or the Attorney General that the local agency's decision, action, or inaction would be a violation of a specific housing reform law. If the housing development consists of four or fewer units, the fine must be for an amount not less than \$50,000 per violation. With recent amendments in the Senate Housing Committee, these fines also would not be able to be imposed unless, after the written notice from HCD or the Attorney General, the applicant for the housing development provides a written notice to the local agency of its intent to commence an action that identifies the elements of the dispute and the legal theory of the allegation that the local agency violated the housing reform law. The applicant would be required to provide this notice at least 60 days before the commencement of the action, though the notice would extend any applicable statute of limitations for at least 60 days.

In addition, AB 712 would impose a fine of five times those fine amounts when a court has previously found that the local agency violated the same housing reform law on which an applicant prevailed within the same housing element planning period. AB 712 also would entitle an applicant of a housing development that prevails in a suit brought against a public agency to enforce the agency's compliance with a housing reform law for that particular development project to reasonable attorney's fees and costs.

Opposition expresses concern with the breadth of this bill and its definition of a housing reform law. Indeed, the bill's definition is quite broad: it includes any law or regulation "that establishes or facilitates rights, safeguards, streamlining benefits, time limitations, or other protections for the benefit of applicants for housing development projects, or [that] restricts, proscribes, prohibits, or otherwise imposes any procedural or substantive limitation on a public agency for the benefit of a housing development project." Thus, any law that creates some requirement on a local government meant to benefit or promote housing can be enforced with this bill's fines. Because this is so broad and does not specify the exact laws it encompasses, this likely will be rife for litigation. Nonetheless, the severity of the fines proposed may well make any local agency wary of any litigation, and could operate to force any local agency to comply with any request by a developer to change or adjust the agency's action or decision.

With the threat of serious, mandatory penalties, a local agency likely would feel obligated to act in any way regarding a housing development that the developer requests. Otherwise, it would expose the local agency to significant liability and costs. Whether the Legislature wishes to give that much power to a housing developer over local determinations is an important question for the Legislature to consider.

6. Arguments in support

According to the California Building Industries Association, which is the sponsor of this bill:

AB 712 appropriately enhances the rights of housing applicants by guaranteeing the recovery of reasonable attorney's fees and costs when prevailing in actions against local agencies that fail to uphold housing reform laws. By also imposing financial penalties on non-compliant agencies, this bill creates a meaningful deterrent against unlawful delays and denials that have long hindered the construction of much-needed housing.

Furthermore, AB 712's prohibition on indemnification clauses is a necessary step in preventing local governments from shifting legal liabilities onto developers. This protection ensures that developers can pursue lawful claims without fear of financial retaliation, fostering a fairer and more transparent housing approval process.

By holding local governments accountable for non-compliance, the bill will ensure housing reform laws are respected and applied fairly. AB 712 is a responsible and necessary reform that will foster a more equitable and efficient housing development process. For these reasons, we write in support of AB 712 (Wicks). Thank you for your time and consideration.

7. Arguments in opposition

According to the California Special Districts Association, which is opposed to AB 712:

AB 712 would create a right to attorneys' fees and costs for an applicant in any action brought by the applicant for a housing development project against a public agency, including a special district, to enforce a housing reform law, where the applicant is the prevailing party. This one-sided right, for which indemnification is prohibited by the bill, would place local agencies legitimately defending their decisions in court at a disadvantage, with the burden shifted to taxpayers and ratepayers.

AB 712's provisions for fines, which may be sought without regard to requirements of the Government Claims Act, based on an applicant prevailing on

claims substantially the same as prior written advisements by the Attorney General (AG) or the Department of Housing and Community Development (HCD) similarly exposes well intentioned local agencies, taxpayers and ratepayers, to significant financial risk while placing local agencies legitimately defending their decisions at a disadvantage. A development project is a dynamic and ongoing process. A local agency may receive adverse correspondence from the AG or HCD at the same time an applicant is advancing their project, and while the local agency is engaging in dialogue with all stakeholders in good faith. A local agency with a legitimate reason for working with the AG or HCD to resolve or challenge the adverse correspondence will be forced into an untenable situation vis-à-vis the applicant for a housing development project if the risk of delay shall result in fines, notably, without discretion by a court.

This bill's provisions for fines when the court has previously found that the local agency "violated the same statute on which the applicant prevailed in its lawsuit, within the same planning period" is similarly troubling. This leaves open the possibility that a local agency could be exposed to significant fines for violating a statute even based on completely different facts, circumstances and reasoning. Given the unclear applicability of AB 712, discussed below, local agencies may not have a clear understanding of their exposure. Moreover, the bill's reference to "within the same planning period" is unworkable for special districts. Because special districts are not land use planning authorities and do not have planning periods, it is not clear how this provision would or could be applied to them. This will undoubtedly lead to disputes and litigation.

Taken together, AB 712's attorneys' fees, costs, and fines provisions result in private enforcement of "housing reform laws" without regard to whether private enforcement is provided for in those carefully crafted measures.

Most concerning for special districts, AB 712 defines "Housing reform law" as "any law or regulation, or provision of any law or regulation, that establishes or facilitates rights, safeguards, streamlining benefits, time limitations, or other protections for the benefit of applicants for housing development projects, or restricts, proscribe, prohibits, or otherwise imposes any procedural or substantive limitation on a public agency for the benefit of a housing development project. This vague definition, coupled with the bill's severe penalties, places an undue burden on local agencies, exposing them to litigation and expense concerning whether a specific law that an applicant claims to be covered by the bill's provisions is indeed a "housing reform law." This is especially untenable for special districts, which are not land use authorities.

Although special districts do not have land-use authority and therefore the specified applicability of the provisions of this measure remain unclear, special districts remain an essential provider of the infrastructure and critical services

needed to build thriving communities. They are a vital part of the housing ecosystem and part of the affordability solution. This measure will divert precious resources away from this mission.

SUPPORT

California Building Industry Association
Abundant Housing LA
Boma California
Calchamber
California Apartment Association
California Association of Realtors
California Business Properties Association
California Chamber of Commerce
California Housing Consortium
California Housing Partnership
California YIMBY
Circulate San Diego
Commercial Real Estate Development Association, NAIOP of California
Construction Employers' Association
Fieldstead and Company, Inc.
Housing Action Coalition
Housing California
Inner City Law Center
NAIOP California
South Pasadena Residents for Responsible Growth
Southern California Leadership Council
SPUR
The Two Hundred for Homeownership

OPPOSITION

California Special Districts Association
City of Murrieta
City of Yorba Linda
New Livable California DbA Livable California

RELATED LEGISLATION

Pending Legislation:

SB 838 (Durazo, 2025) revises the definition of a “housing development project” to require that no portion of the project be designated for use as a hotel, motel, or similar lodging; in the case of a mixed-use development, at least two-thirds of the new or

converted square footage must be designated for residential use. SB 838 is currently pending before the Assembly Housing and Community Development Committee.

SB 457 (Becker, 2025) revises Housing Element Law to specify that a local agency's housing element is in compliance the date it is adopted if the element is subsequently certified by the Department of Housing and Community Development (HCD) or a court of competent jurisdiction, and changes the vesting period for builder's remedy projects. SB 457 is currently pending before the Senate Housing Committee.

AB 660 (Wilson, 2025) prohibits a local agency from requiring or requesting more than two plan check and specification reviews in connection with an application for a building permit, revises timelines for receiving a determination from the local agency of an appeal on a permit request, and authorizes an applicant to seek a writ of mandate to compel approval of the application if the applicant's appeal is denied. AB 660 is currently pending before the Senate Housing Committee.

Prior Legislation:

SB 1037 (Wiener, Ch. 293, Stats. 2024) created new legal remedies that can be used by the AG to enforce the adoption of housing element revisions or to enforce any state law that requires a local government to ministerially approve any decision or application for a housing development project.

AB 1893 (Wicks, Ch. 268, Stats. 2024) revised the builder's remedy in the HAA to provide objective standards for builder's remedy projects, including regarding density standards and project location requirements.

AB 1886 (Alvarez, Ch. 267, Stats. 2024) clarified that a housing element is substantially compliant with Housing Element Law, when both a local agency adopts the housing element and HCD or a court finds it in compliance.

AB 1633 (Ting, Ch. 768, Stats. 2023) expanded the definition of a "disapproval" under the HAA, and applied its provisions until 2031.

AB 215 (Chiu, Ch. 342, Stats. 2021) provided HCD with additional enforcement authority over local agency violations of specified housing laws.

SB 167 (Skinner, Ch. 368, Stats. 2017) made several changes to the HAA to require a court, upon a determination that a locality failed to comply with a court order within 60 days, to impose a minimum fine of \$10,000 per housing unit, and authorized a local agency to deposit the fine in a specified state fund, to be used or returned to the state's general fund, as specified.

AB 72 (Santiago, Ch. 370, Stats. 2017) provided HCD the authority to find a local government's housing element out of substantial compliance if it determines that the local government acts or fails to act in compliance with its housing element, and allows HCD to refer violations of law to the AG.

PRIOR VOTES:

Senate Housing Committee (Ayes 10, Noes 1)

Assembly Floor (Ayes 64, Noes 2)

Assembly Appropriations Committee (Ayes 12, Noes 0)

Assembly Judiciary Committee (Ayes 9, Noes 0)

Assembly Housing and Community Development Committee (Ayes 11, Noes 0)
