

---

**SENATE COMMITTEE ON HOUSING**  
**Senator Jesse Arreguín, Chair**  
**2025 - 2026 Regular**

---

**Bill No:** SB 979 **Hearing Date:** 4/7/2026  
**Author:** Strickland  
**Version:** 2/4/2026 Introduced  
**Urgency:** No **Fiscal:** No  
**Consultant:** Hank Brady

**SUBJECT:** Planning and zoning: housing element: regional housing needs allocation: judicial review.

**DIGEST:** This bill makes the final regional housing needs allocation (RHNA) plan prepared by a Council of Government (COG) or a delegate subregion, subject to judicial review.

**ANALYSIS:**

*Existing law:*

- 1) Provides that each community's fair share of housing be determined and allocated through the Regional Housing Needs Determination (RHND) and the subsequent RHNA plan for the region. Establishes the RHND/RHNA process as follows: (a) Department of Finance (DOF) and Department of Housing and Community Development (HCD) develop regional housing needs estimates; (b) COGs allocate housing within each region based on these determinations, and where a COG does not exist, HCD conducts the allocations; and (c) cities and counties incorporate these allocations into their housing elements.

*Regional Housing Needs Determination*

- 2) Requires HCD to meet and consult with COGs regarding the assumptions and methodology to be used by HCD to develop the RHND. Requires the COG to provide data assumptions from their projections, as specified. HCD is required to meet with COGs 26-38 months prior to the housing element adoption deadline for 7<sup>th</sup> cycle, depending on the region, and 38 months prior to the deadline in the 8<sup>th</sup> and subsequent cycles for each region.
- 3) Requires HCD, after consultation with the COG, to make a determination of the region's existing and projected housing need based upon the assumptions and methodology. Requires the RHND to reflect the achievement of a feasible

balance between jobs and housing within the region using the regional employment projections in the applicable Regional Transportation Plan (RTP).

- 4) Requires, from 2027-28, the RHND to be determined between two to three years prior to the housing element adoption deadline for the region depending on when a region's housing element cycle begins. Requires all subsequent RHND to be determined at least three years prior to the housing element adoption deadline for each region.

#### *Draft RHNA Plans*

- 5) Requires each COG or delegate subregion, at least two years before a scheduled revision of the housing element, to develop, in consultation with HCD, a proposed methodology for distributing the RHNA to local governments within the region or subregion.
- 6) Requires each COG or delegate subregion, at least one and one-half years before a scheduled revision of the housing element, to distribute a draft RHNA plan to each city or county in the region or subregion, based on the RHNA methodology prepared by the COG or subregion, and publish the draft allocation on its website. The draft RHNA plan shall distribute to local governments within the region the entire regional housing need for the region or subregion.

#### *Appeals of Draft RHNA Plans*

- 7) Provides that local governments or HCD may appeal a draft RHNA plan to the COG, or the delegate subregion, within 30 days of receipt of the draft RHNA plan.
  - a) Provides that appeals of the draft RHNA must comply with all of the following:
    - i. Appeals shall be based upon comparable data available for all affected local governments.
    - ii. Appeals shall use accepted planning methodology.
    - iii. Appeals shall be supported by adequate documentation.
    - iv. Appeals shall include a statement asserting why the revision is necessary to further specified goals of Housing Element Law that are required of a RHNA plan.

- b) Requires any appeal to be consistent with the development pattern in the applicable sustainable communities strategy for the region.
- c) Limits appeals to the following circumstances:
  - i. The COG, or delegate subregion, failed to adequately consider specified categories of data relative to the preparation of the RHNA plan submitted by local governments within the region or subregion before the preparation of the RHNA plan.
  - ii. The COG, or delegate subregion, failed to determine the share of regional housing need in accordance with the methodology established in statute in a manner that furthers specified goals of Housing Element Law that are required of a RHNA plan.
  - iii. A significant change in circumstances occurs in a jurisdiction that merits a revision of the data.
- 8) Requires COGs or delegate subregions to notify HCD and all local governments within the region or subregion of all appeals.
- 9) Provides that if no appeals are filed then the draft RHNA plan may be adopted, as specified.
- 10) Provides local governments and HCD 45 days to comment on appeals.
- 11) Requires COGs and delegate subregions to conduct one public hearing to consider all filed appeals. COGs and delegate subregions must provide local governments 10 days notice prior to conducting the hearing, and the hearing must be conducted no later than 30 days after the close of the comment period on appeals.
- 12) Requires COGs and delegate subregions to do all of the following within 45 days of conducting the public hearing on appeals:
  - a) Make a final written determination that either accepts, rejects, or modifies each appeal.
  - b) Issue a proposed final RHNA plan.
  - c) Submit the proposed final RHNA plan to HCD
  - d) Set a date for a public hearing to adopt a final RHNA plan.
- 13) Requires COGs and delegate subregions to adjust the final RHNA plan based upon the results of the appeals process, as specified.

*Final RHNA Plan*

- 14) COGs and delegate subregions are required to adopt the final RHNA plan at a public hearing within 45 days of issuing a proposed final RHNA plan.
- 15) Requires COGs to submit the final RHNA plan to HCD within three days of adoption.
- 16) Requires HCD to determine if the final RHNA plan is consistent with Housing Element Law and the projected housing need for the region or subregion withing 15 days of receipt.
- 17) Provides that HCD may revise a RHNA plan if necessary to obtain consistency with Housing Element Law and the projected housing need for the region.
- 18) Provides COGs and delegate subregions with the authority to reduce any of the time periods relative to appeals of the draft RHNA plan or adoption of the final RHNA plan by 10 days to facilitate timely adoption of the final RHNA plan.
- 19) Provides COGs and delegate subregions with the authority to extend time periods relative to the comment periods and the public hearing on an appeal of the draft RHNA plan by up to 30 days.
- 20) Establishes that the authority of the COG to review and revise a city or county's share of the regional housing need does not constitute authority for the COG to approve or disapprove the manner in which the jurisdiction implements its housing element to meet its regional housing need.

*Local Housing Element Adoption*

- 21) Requires each city and county to adopt a housing element, which must contain specified information, programs, and objectives including:
  - a) A program that sets forth a schedule of actions during the planning period, and timelines for implementation, that the local government is undertaking to implement the policies and achieve the goals and objectives of the housing element, including actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the local government's share of the regional housing need, as determined pursuant to the RHNA plan for the region or subregion, for each income level that could not be accommodated on sites identified in the sites inventory without rezoning, among other requirements.

- b) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs, including a quantification of the locality's existing and projected housing needs for all income levels; an inventory of land suitable and available for residential development; an analysis of potential and actual governmental and nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels; and a demonstration of local efforts to remove constraints that hinder the locality from meeting its share of the regional housing need, among other requirements.
  - c) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing, among other requirements.
- 22) Requires a local government to submit a draft housing element revision or amendment to HCD at least 90 days prior to adoption of a revision of its housing element, as specified, or at least 60 days prior to the adoption of a subsequent amendment to the housing element.
- 23) Requires HCD to review the draft and report its written findings to the planning agency within 90 days of its receipt of the first draft submittal for each housing element revision or within 60 days of its receipt of a subsequent draft. Prohibits HCD from reviewing the first draft submitted for each housing element revision until the local government has made the draft available for public comment for at least 30 days and taken at least 10 business days to consider and incorporate public comments, as provided.
- 24) Requires the legislative body of a local government to consider the findings made by HCD prior to the adoption of its draft element or amendment. Allows the legislative body to act without the findings if HCD's findings are not available within specified time limits.
- 25) Requires the legislative body of a local government, if HCD finds the draft element or amendment does not substantially comply with housing element law, to take one of the following actions:
- a) Change the draft element or amendment to substantially comply with housing element law, as provided; or,
  - b) Adopt the draft element or amendment without changes, and include written findings in its adoption resolution that explain the reasons the legislative body believes the draft element or amendment substantially complies with housing element law despite the findings of HCD.

- 26) Requires HCD to review adopted housing elements within 60 days and make a finding as to whether the adopted element or amendment is in substantial compliance with housing element law and report its findings to the local government.

**This bill** provides that the final RHNA plan adopted by a COG is subject to judicial review.

## Background

*The Housing Element Process.* Every city and county in California are required to develop a general plan that outlines the community's vision of future development through a series of policy statements and goals. A community's general plan lays the foundation for all future land use decisions, as these decisions must be consistent with the plan. General plans are comprised of several elements that address various land use topics. State law mandates seven elements: land use, circulation, housing, conservation, open-space, noise, and safety.

Each community's general plan must include a housing element, which outlines a long-term plan for meeting the community's existing and projected housing needs. The housing element demonstrates how the community plans to accommodate its "fair share" of its region's housing needs. A local housing element must identify and analyze existing and projected housing needs and identify adequate sites with appropriate zoning to meet its share of housing need, as determined by the RHNA plan applicable to the local government.

Regional housing needs are updated cyclically through the *housing element cycle*. The housing element cycle determines housing needs for each region of the state; the cycle involves three key steps:

- 1) *RHND*: The state-led process to *determine* the housing need for each region, this is known as the RHND. The determination is prepared by HCD in coordination with DOF and may also be informed by COG projections.
- 2) *RHNA Plan*. The regionally led process to *allocate* the determined housing need to local governments located within the region or subregion, this is known as the RHNA plan. In regions that lack a COG, the allocation for the region's housing need is developed by the state.
- 3) *Housing Element Implementation*. A locally led process where each local government adopts and *implements* a housing element designed to make

sufficient land available to accommodate the local government’s portion of the RHND allocated to it pursuant to the RHNA plan.

While RHNA plans and housing elements are developed at the regional and local level respectively, the adopted plans and elements require approval from HCD. The date by which a local housing element must be updated is prescribed in statute. The statutory scheme uses the housing element adoption date for each region to back out milestones and dates for adoption of the state led RHND and the subsequent adoption of regionally developed RHNA plans in advance of the due date for updated local housing elements. A simplified version of this process can be seen in Figure 1 below.

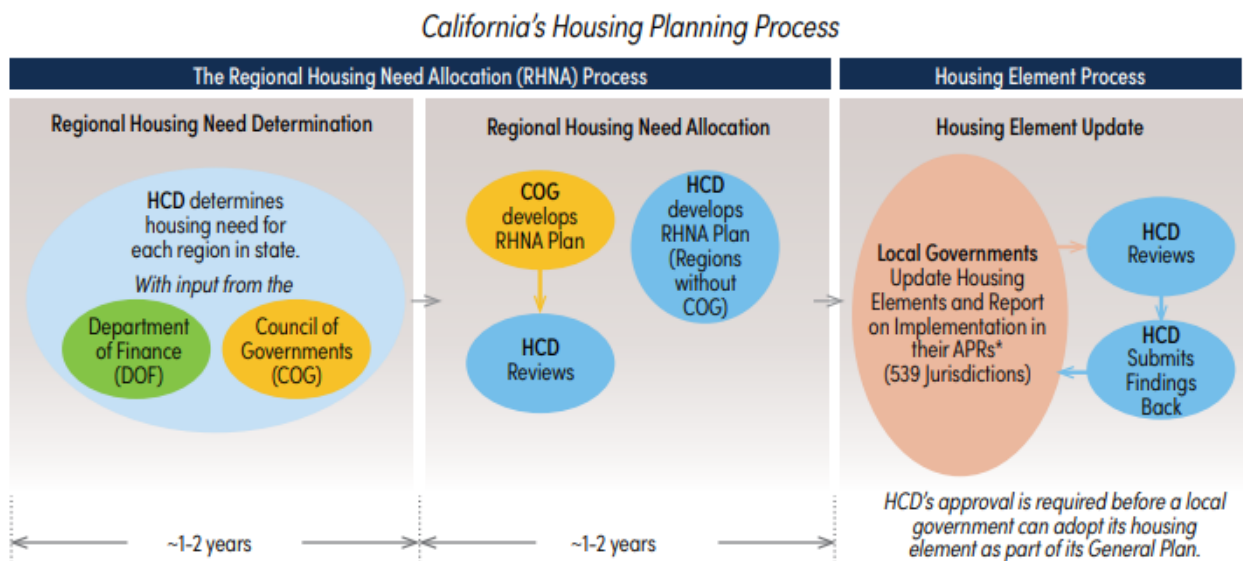


Figure 1.<sup>1</sup>

**Comments**

- 1) *Author’s statement.* “SB 979 brings fairness and accountability to California’s housing planning process. In recent years, numerous cities across the state have raised concerns that they have been assigned unrealistic housing quotas that are arbitrary, inequitable, or inconsistent with state law. Yet cities are unable to appeal those housing quotas to an unbiased, objective party. Instead, the existing process requires cities to appeal to the very bodies that set their allocation—leaving the process vulnerable to local political pressures and conflicts of interest. The result can be an unfair, uneven distribution of planned

<sup>1</sup> California Department of Housing and Community Development, *California's Housing Future 2040: The Next Regional Housing Needs Allocation (RHNA)* (Sacramento: California Department of Housing and Community Development, April 2024), 9, <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/rhna/cahf-2040-rhna-report-2024.pdf>

housing that doesn't provide meaningful benefits and doesn't align with the data. My bill provides another option by allowing local governments to appeal to the courts for an independent review of the housing targets assigned to a city. This ensures that housing quotas are distributed in a way that is data-driven, evidence-based, and consistently applied. California can meet its housing goals while respecting the voices of local communities and following a fair, neutral framework. SB 979 removes politics from the RHNA process.”

- 2) *Avoiding Housing Element Gridlock.* As noted above, the Housing Element Cycle involves three primary and interrelated steps: 1) State level determination of need for each region (the RHND); 2) Regionally led development of an allocation plan to distribute the units identified in the RHND across the COG and subregions (the RHNA plan); and, 3) Local government adoption of a Housing Element that incorporates the local government's allocation of units stemming from the RHNA plan. Each step in the process cannot be completed until the prior step is complete and fully adjudicated.

The statutory scheme requires COGs to circulate a draft RHNA plan 18 months before local governments in the COG are required to adopt their housing element. The statute provides an intentionally short opportunity for local governments and HCD to appeal the methodology in the RHNA plan before final adoption. The planning obligation that local governments must zone for in their housing element must be known before local governments can prepare and finalize their housing element. Housing Elements are adopted on a cycle (typically eight, but sometimes five years). The *Final RHNA plan for the Association of Bay Area Governments* (ABAG) provides an example of the intricate details and steps a COG engages in when it drafts, circulates, entertains appeals, and finally adopts a the RHNA plan for the region.

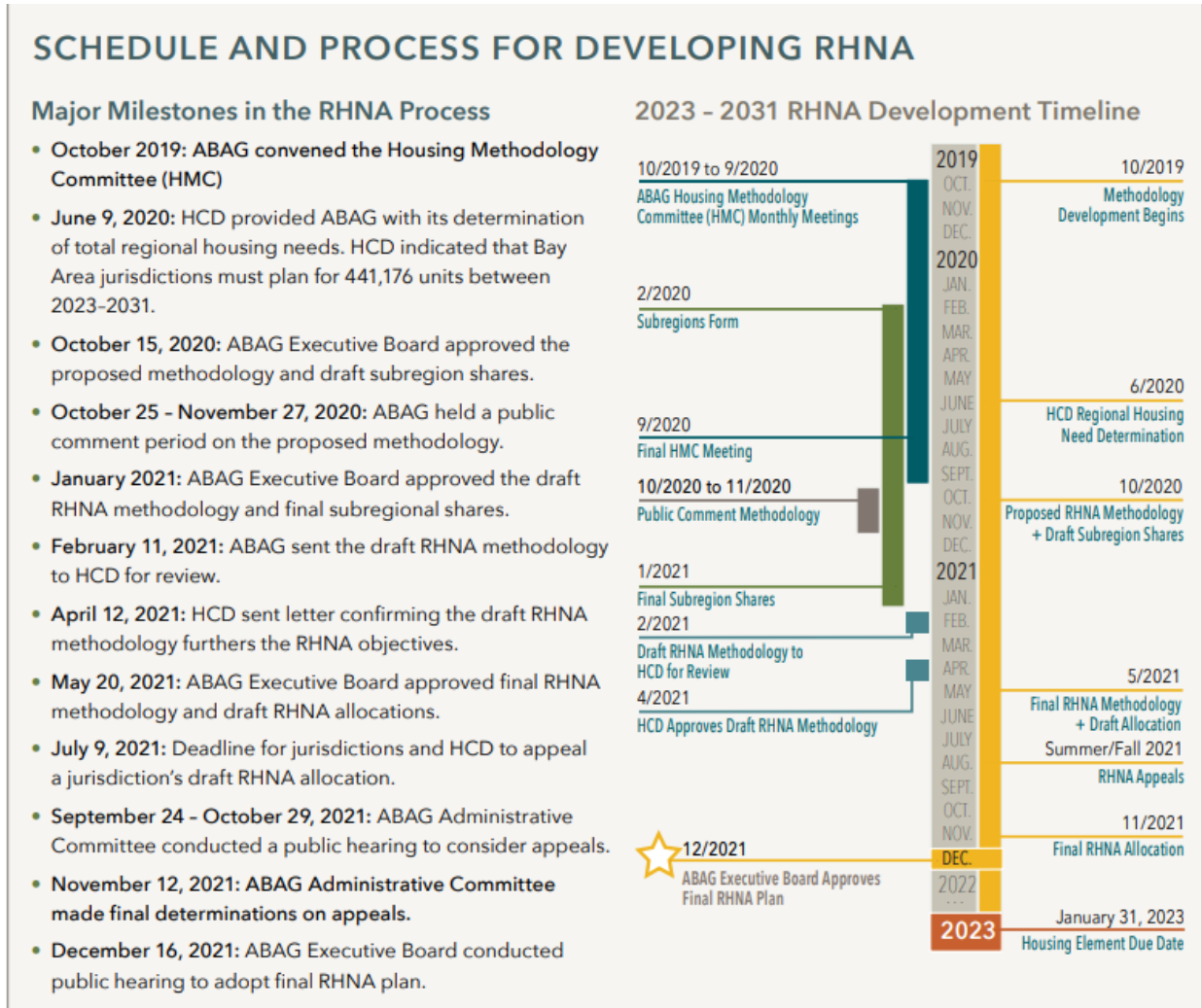


Figure 1<sup>2</sup>

This bill seeks to insert judicial review into step 2 of the housing element process, the COG’s development and adoption of the RHNA plan. This change will fundamentally alter the dynamics of the housing element cycle. Under this bill, a single jurisdiction, unsatisfied with its planning obligation, that challenges the RHNA plan in court will be able deny every other jurisdiction in the region the ability to adopt a timely and compliant housing element.

- 3) *Limits on Judicial Review of RHNA Methodology.* As noted previously, a region’s RHND is distributed to all local governments through the RHNA plan. The RHNA plan is developed at the regional or subregional level with HCD review. The statutory scheme creates a process for COGs and delegate subregions to circulate draft RHNA plans and for local governments, as well as HCD, to file appeals of the RHNA plan. The timely adoption of RHNA plans is essential to ensuring that local agencies can adopt timely and compliant housing

<sup>2</sup> Association of Bay Area Governments. *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031*. Adopted December 2021; updated June 2025, 7.

elements. In recognition of the importance of timely adoption of RHNA plans, legislative amendments to Housing Element Law in 2004 removed statutory provisions that subjected RHNA plans to judicial review.<sup>3</sup>

The statutory change that limited judicial review of RHNA methodology was challenged in court. In 2007, the City of Irvine appealed the RHNA methodology adopted by SCAG for that housing element cycle. Following SCAG's denial of those appeals, the City of Irvine filed a petition in California Superior Court seeking to vacate the RHNA plan. SCAG argued that the court lacked jurisdiction because of the statutory changes noted above, and that invalidating the RHNA plan as it relates to one city, would result in judicial consequences that adversely impact all other jurisdictions within the COG. The trial court agreed that it lacked jurisdiction to hear the challenge based on SCAG's claims. The City of Irvine appealed the trial court's decision regarding the validity of the statutory limitation on judicial review of RHNA plans. On appeal the California Court of Appeals found:

*The issue presented is whether the administrative procedure established under [RHNA Statutes] to calculate a local government's allocation of the [RHNA] is intended to be the exclusive remedy for the municipality to challenge that determination and thereby preclude judicial review of the decision. We conclude the answer to this question is yes and affirm the judgment...*

*Given the RHNA statutes' nature, their allowance for public input, and their lengthy and extensive administrative procedure, it is clear the Legislature intended to eliminate resort to traditional judicial remedies to challenge a local government's regional housing needs allocation so as to avoid the disruption of local planning that would result from interference through the litigation process. Thus, contrary to plaintiff's argument, the statutes governing the RHNA allocation procedure do reflect a clear intent to preclude judicial intervention in the process and the trial court properly found it lacked jurisdiction to review the propriety of plaintiff's RHNA allocation ...<sup>4</sup>*

More recently, the Cities of Coranado, Imperial Beach, Lemon Grove and Solana Beach sought judicial relief from their allocations under the San Diego Association of Government's (SANDAG's) RHNA plan. The case, though not identical to *City of Irvine v. Southern California Ass'n of Governments*, was decided on largely the same grounds. Notably, as it relates to the Legislature's

---

<sup>3</sup> *City of Irvine v. Southern California Ass'n of Governments*, 175 Cal App 4th 506, 514 (2009).

<sup>4</sup> *Ibid.* 506, and 514.

removal of judicial review of RHNA, a decision issued by the California Court of Appeals in 2022 found the following.

*The Cities also argue that the Legislature’s 2004 deletion of the prior provision authorizing judicial review of an RHNA allocation is “not determinative” (boldface & capitalization omitted) as to the court’s jurisdiction to entertain the Cities’ challenge to the fairness of the RHNA process in this case.*

*We are not persuaded by any of the Cities’ attempts to distinguish City of Irvine... [W]e hold that City of Irvine is controlling and bars the Cities’ action...<sup>5</sup>*

More recent state and federal cases involving the City of Huntington Beach challenged the constitutionality of Housing Element Law and Huntington Beach cited the limits on judicial review in its arguments.

- 4) *Don’t Tread on Me*. The 6<sup>th</sup> housing element cycle required local governments in SCAG to submit a compliant housing element in October of 2021. The California Department of Justice filed suit against the City of Huntington Beach for failing to adopt a compliant housing element in March of 2023. Lower courts found in favor of the state, and, following several appeals, the California Supreme Court denied a petition for review by Huntington Beach, resulting in an order for Huntington Beach to adopt a compliant housing element. In response to the state’s lawsuit, Huntington Beach filed a federal lawsuit challenging Housing Element Law. Huntington Beach’s federal lawsuit was dismissed at the district court level. The US District Court’s decision was subsequently affirmed by the 9<sup>th</sup> U.S. Court of Appeals and Huntington Beach’s request for U.S. Supreme Court review was denied in February of 2026.<sup>6</sup> The U.S. District Court, in granting the state’s motion to dismiss, summarized the city’s arguments as follows:

*Plaintiffs allege the RHNA Laws impede the City of Huntington Beach’s independent legislative authority, do not allow for judicial review, are vague and ambiguous, and rely on a flawed process. (Id. ¶¶ 21, 22.) Plaintiffs allege building 13,368 units of new housing during the current planning cycle would double the size of the City of Huntington Beach, making it impossible for the City of Huntington Beach to provide municipal services. (Id. ¶ 28.) Plaintiffs further allege Defendants will punish the City of Huntington Beach if it does*

<sup>5</sup> *City of Coronado v. San Diego Ass’n of Governments*, 80 Cal. App. 5th 21, 29 (2022).

<sup>6</sup> *City of Huntington Beach, California, et al v. Gavin Newsom, Governor of California, et al.*, No 25-337 (U. S. Feb. 23, 2026), *cert denied*.

*not zone for 13,368 new units of housing. (Id. ¶ 29.) Finally, Plaintiffs allege Defendants will compel the City Council to make statements that it does not approve of, such as that “the benefits of the proposed high-density housing outweigh the negative impacts on the City’s environment.”<sup>7</sup> [Emphasis added]*

While it is true that judicial review of RHNA methodology is limited, two separate California Courts of Appeal have found no issue with this specific instance of preemption of judicial review and noted that this standard is intentional and intended to “avoid the disruption of local planning that would result from interference through the litigation process.”<sup>8</sup> Now that both the state and federal courts have refused to invalidate this standard, Huntington Beach is seeking to change the standard.

- 5) *Tread on Them.* Huntington Beach was required to adopt a compliant housing element in 2021, and today it remains one of the few jurisdictions that continues to lack a compliant housing element for the 6<sup>th</sup> cycle. While compliance eludes Huntington Beach, 188 of the other 196 local governments in SCAG managed to adopt a compliant housing element.<sup>9</sup> Failing to secure a favorable ruling at any level, Huntington Beach now seeks to resurrect a judicial remedy that will adversely impact every other jurisdiction in the region. In denying the City of Irvine’s challenge to SCAG’s RHNA plan, the California Court of Appeals noted the jeopardy associated with judicial review of such challenges:

*[A]llowing this judicial action to proceed would require the joining of all affected local jurisdictions in the lawsuit, thereby precluding each affected municipality’s completion of its housing element revision. As the trial court noted, “allowing judicial review would... delay the allocation for an entire region” and “essentially bottleneck the process and create gridlock while a particular city’s case winds through the courts.”*

Huntington Beach’s current lack of compliance with Housing Element Law has little effect on the other 196 jurisdiction in SCAG. This bill will enable one city to halt the implementation of an entire region’s RHNA plan through litigation; effectively allowing any jurisdiction in California to deny every other jurisdiction located within its region the ability to adopt a compliant housing element. Huntington Beach is one of the only jurisdictions in SCAG to start the fifth year of an eight-year housing element cycle without a compliant housing

<sup>7</sup> *City of Huntington Beach et al. v. Gavin Newsom et al.*, No.8:23-cv-00421-FWS-ADS (C.D. Cal. Nov. 13, 2023).

<sup>8</sup> *City of Irvine v. Southern California Ass'n of Governments*, 175 Cal. App. 4th 506, 514 (2009).

<sup>9</sup> California Department of Housing and Community Development. "Housing Element Review and Compliance Report." Accessed March 19, 2026. <https://www.hcd.ca.gov/housing-open-data-tools/housing-element-review-compliance-report>.

element. Huntington Beach now seeks to create an additional judicial remedy that will allow it to further avoid its housing element obligation, at the expense of other jurisdictions in the region, by tying up their region’s RHNA plan in court. **The Committee may wish to consider whether Housing Element Law should be amended to allow one city's desire to litigate its way to a lower housing obligation to prevent every other city in the region from meeting its own housing planning requirements.**

- 6) *Support.* The City of Huntington Beach is sponsoring this bill and argues that SB 979 “ensures that allocation decisions are made in accordance with established law, sound methodology, and objective data. For cities like Huntington Beach, this added layer of oversight is critical to maintaining confidence in a process that has significant implications for land use, infrastructure, and community planning.”
- 7) *Opponents.* The California Association of Councils of Governments (CALCOG), representing the COGs that prepare RHNA plans, and a coalition of home building advocates oppose this bill. Opponents argue that SB 979 opens the door to delays and gridlocks the approval of housing elements. They state that SB 979 upends existing Legislative reforms that have sought to ensure compliance and accountability from jurisdictions in meeting their regional housing needs.
- 8) *Double referral.* This bill was also referred to the Judiciary Committee

### **Related/Prior Legislation**

**SB 233 (Seyarto, Chapter 577, Statutes of 2025)** – requires HCD, beginning in the seventh housing element cycle, to meet and consult with COGs regarding the RHND for that COG 38 months rather than 26 months prior to the due date for housing element revisions.

**AB 1275 (Elhawary, Chapter 593, Statutes of 2025)** – extends timelines for determining the Regional Housing Needs (RHNA) and Regional Housing Needs Determination (RHND) for each region and requires each region to incorporate elements of its sustainable communities strategy (SCS) into its RHNA methodology and allocation plan, as specified

**FISCAL EFFECT:** Appropriation: No    Fiscal Com. : No    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, April 1<sup>st</sup>, 2026. )

**SUPPORT:**

City of Huntington Beach (Sponsor)  
Equitable Land Use Alliance (ELUA)  
Families and Homes San Jose

**OPPOSITION:**

Abundant Housing Los Angeles  
Association of Bay Area Governments (ABAG)  
CALCOG  
California Rural Legal Assistance Foundation, INC.  
California Building Industry Association  
Circulate Planning & Policy  
Housing Action Coalition  
San Diego Housing Federation  
SPUR

**-- END --**