

AB 641 (Mayes) Fact Sheet

CEQA Legal Review Limitation for Housing Projects

SUMMARY

Assembly Bill 641 would require CEQA litigation brought against a housing project to be resolved within 270 days, and would prohibit a court from staying or enjoining those housing projects, except in certain situations. AB 641 change would increase the state's housing stock and lower prices for consumers, ensuring that Californians of all income levels have a decent, safe, and sanitary place to live.

BACKGROUND

The California Environmental Quality Act requires public agencies to carefully consider how a proposed project will impact the environment and to require any significant, adverse impacts on the environment to be mitigated.

PROBLEM

While CEQA's goals are good, CEQA litigation is often used as a tactic by businesses to prevent competition, by unions to coerce the developer to utilize a project labor agreement, and by community groups to prevent projects that they believe will impact their land values, community composition, views, etc.

CEQA held up work on a San Francisco housing project for homeless teens for two years, a Berkeley infill housing project for very low income senior citizens for two years, and University of Southern California student housing for four years.

SOLUTION

AB 641 requires CEQA litigation brought against a housing project to be resolved within 270 days of certification of the record of proceedings, to the extent feasible. This period includes appeals.

AB 641 does not modify CEQA's environmental standards, but rather merely limits the length of litigation. It seeks to expedite the legal process for housing developments, so that urgently needed housing stock can be added to the market as quickly as possible.

The bill would prevent a court from staying or enjoining housing developments, except:

- In cases involving an imminent threat to public health and safety
- In cases of unforeseen important Native American artifacts, or important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by continued construction of the development.

A previous bill, SB 743 (2013, Steinberg), provided the same benefits for the new Sacramento Kings arena. If such an exemption is appropriate for a sports arena, it is appropriate for new housing developments.

FOR MORE INFORMATION

Joshua White
(916) 319-2042
(916) 319-2142 [fax]
joshua.white@asm.ca.gov