

Chapter 7: Housing Element Law

7. Housing Element Law

I. What is Housing Element Law?

Recognizing that “the availability of housing is of vital statewide importance and that decent housing and a suitable living environment is a priority of the highest order,” the state legislature adopted the Housing Element law to ensure that local governments recognize their responsibilities in attaining these housing goals.¹ The legislature placed responsibility on state and local governments to facilitate the improvement and development of housing for all economic segments of the community.² Each local government is required to work cooperatively with other local governments and the state in addressing regional housing needs.³ The Housing Element law allows a local government to maintain its flexibility in adopting planning and zoning policies and ordinances.⁴ However those policies and ordinances must be compatible with state housing goals and regional housing needs.

Communities must plan for the existing and projected housing needs of all economic segments of the population.

Housing Element law has become the main vehicle through which the State affects local housing and land use policies. The law does not require local governments to actually build the housing (though Housing Element litigation may result in housing being built), but the adopted Housing Element must provide the following:

- an assessment of the community’s housing needs and an inventory of resources and constraints to meet the identified needs of the entire community as calculated by the state Department of Housing and Community Development (HCD);
- a statement of the community’s goals, quantified objectives and policies necessary to meet those needs;

¹ Cal. Gov’t Code §65580 *et seq.* All statutory references are to the Government Code unless otherwise specified. See *Committee for Responsible Planning v. City of Indian Wells*, 209 Cal.App.3d 1005, 1013 (1989).

Western Center thanks Craig Castellonet of Public Interest Law Project for assistance in drafting this Chapter. For a detailed review of the requirements of Housing Element Law, see the current edition of Public Interest Law Project’s California Housing Element Manual, available at: <http://www.pilpca.org/publications-trainings/>.

² §65581(b).

³ §65581(d).

⁴ §65581(c).

- a program of actions to implement the policies and achieve the goals and objectives of the program;
- to the extent adequate sites are not identified, a plan to rezone sites adequate to meet the need either within three years of the adoption of the Housing Element or such other period as may be specified under certain circumstances.⁵

Each jurisdiction's Housing Element must be updated on a regular schedule, ranging from 4 to 8 years, and must be reviewed by HCD before it is adopted. The revision process must include community input. The public participation process and HCD review both provide opportunities for advocates to influence the Housing Element.

II. Housing Element Law is Useful for Advocates

Advocates can use Housing Element law to help build affordable housing. Local governments are required to account for low-income, farmworker and other types of housing in their Housing Element. Unless a community plans for production and preservation of affordable housing, new affordable housing will not be built, and we risk losing what we have worked hard to produce. Adequate zoning, removal of regulatory barriers, protection of existing stock and targeting of resources are essential predicates to obtaining a sufficient permanent supply of housing affordable to all segments of the community.

Some essential features of Housing Element law make it particularly useful to advocates:

- **Community participation** is required in the preparation of the Housing Element. This provides an opportunity for affordable housing advocates to urge the inclusion of policies and programs that promote deeply affordable housing and to forge partnerships with other groups in the community.
- **Specific sites must be identified** that are appropriate for affordable housing development. And if the community failed to zone enough sites to meet its affordable housing needs from the last Housing Element period, the Housing Element must also include a program to rezone enough sites to meet those needs within one year of the due date for the new element.
- **People experiencing homelessness** must also be accounted for in the Housing Element. The locality must make provisions in its zoning ordinance to permit the development of transitional housing and homeless shelters.
- **Legal leverage** is available if the locality fails to adopt a Housing Element or adopts one that is inadequate. A court can order the local government to halt all development until an

⁵ §65583.

adequate element is adopted or make other orders including an order to approve a specific affordable housing development.⁶ This is a critical legal tool because often the local government is allowing market rate housing and commercial development while failing to produce affordable housing. If the locality is prohibited from proceeding with other development, it gives the local government a strong incentive to bring its Housing Element into compliance. If the local government fails to implement a program by the date specified in the element, a court can order the jurisdiction to carry out the program.

III. The Housing Element is a Mandatory Element of the General Plan

The Housing Element is one element of a community's general plan. All municipalities⁷ in California must have a general plan. The general plan must provide a long-range plan for the future physical development of the community.⁸ It must include seven mandatory elements: land use, circulation, housing, conservation, open space, noise and safety (which includes seismic and fire).⁹ Following standard planning methodology, each element normally will consist of three parts: 1) an analysis of needs, resources, and constraints; 2) a declaration of goals and quantified objectives; and 3) programs addressing the needs and constraints and devised to achieve the goals and objectives. Housing Elements must also evaluate the appropriateness, effectiveness and progress in implementation of the previous Housing Element.

But the general plan is more than a vision of possibilities. The courts have found that the general plan is the "*constitution*" for future development in the community. It is the preeminent planning document, sitting atop the hierarchy of local land use measures. Once adopted, it has binding effect on the locality. Most other planning actions such as adoption of a specific plan or zoning ordinance, approval of a subdivision map, etc. must be *consistent* with the general plan. Known as the "consistency doctrine," it gives the general plan the controlling force of law.

⁶ §65754-68755.

⁷ Charter cities are also required to comply with Housing Element law. *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998.

⁸ §65000 *et seq.*

⁹ §65302.

General Plan Consistency

The Housing Element is one part of a community's general plan and developments cannot legally be approved unless they are consistent with the plan. If a Housing Element is not updated or not compliant with the law, the entire general plan is therefore inadequate and so are any proposed developments during this time. An inadequate Housing Element can be challenged legally and the court must require the adoption of an adequate element. Until that time, all development is restricted. This allows residents the legal influence to threaten development until an adequate element is adopted for the community.¹⁰

IV. The Housing Element Revision Process

HCD starts the Housing Element revision process by determining how many additional units of housing each region in the state will need over the next revision period. HCD considers the projected population increase to determine the anticipated household growth rate, household sizes, household formation, vacancy rates and jobs-housing balance to determine an allocation of housing need for the region.¹¹ Each region of the state is allocated a specific number of housing units to meet the housing needs of people in four income categories, very low, low, moderate, and above moderate. (Income categories are measured based on Area Median Income, discussed below.) This allocation is termed the Regional Housing Needs Allocation or "RHNA" and pronounced "*reena*."

After determining the need for additional housing in each region, HCD allocates that need to the regional Council of Governments (COG). For example, there is a COG covering the Bay Area—the Association of Bay Area Governments (ABAG), and another one covering the greater Los Angeles area—the Southern California Association of Governments (SCAG). After HCD determines how many units of affordable housing will be necessary to meet the needs of the population in a given region over the

In addition to the housing needs determined by the COGs, the local jurisdiction must determine what portion of the very low-income RHNA should be allocated for extremely low-income households.¹²

¹⁰ *Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 571 ("the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.")

¹¹ §65584.01(c).

¹² §65583(a)(1).

projection period, it allocates that number to COG. Check HCD's website¹³ to determine what COG governs your city or county.

Next, the COGs assign each jurisdiction within the region with its "fair share" of the RHNA for the Housing Element planning period. The assigned need is broken down by the same income categories: very low, low, moderate, and above moderate. The COG's final distribution of the entire region's total housing needs numbers must remain consistent with the RHNA.¹⁴ Therefore, if the COG reduces the regional housing need number for one community, it must distribute the adjustments to other local governments. Once the COGs determine the final distribution, it must be reviewed by HCD. In addition, if the local government does not accept the COG's regional housing needs determination, the local government can appeal the draft allocation by a writ of administrative mandamus pursuant to Code of Civil Procedure section 1094.5.

The RHNA is critically important because communities make plans in their Housing Element based on their housing needs. For example, if the RHNA does not account for all people experiencing homelessness in the jurisdiction, it will be harder for advocates to ensure that the jurisdiction plans for adequate housing to meet the shelter and permanent housing needs of that population.¹⁵

State Income Limits

Each county has a separate area median income (AMI), so the dollar figures vary around the state.

- **Above Moderate (AM)** = above 120% of the area median income
- **Moderate (Mod)** = 80%–120% of the area median income
- **Low (LI)** = 50%–80% of the area median income
- **Very low (VLI)** = below 50% of the area median income
- **Extremely Low Income (ELI)** = below 30% of area median income

Every year HCD posts a list of the income limits on its web site at

<http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/reports/state/incnote.html>.

¹³ The list of COGs is available at: <http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/plan/he/>.

¹⁴ §65584.05(g).

¹⁵ For more about advocacy strategies, please see Part IV of the PILP California Housing Element Manual.

A. Deadlines to Revise the Housing Element

The deadline to revise the Housing Element is different for each COG throughout the state. To follow the current time lines, check HCD's web site. The most recent information about Housing Element deadlines can be found at: <http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/plan/he/>. Detailed information about Housing Element revision schedules is also available in Part II of Public Interest Law Project's California Housing Element Manual.¹⁶

B. Contents of the Housing Element

Below is a brief summary of the main parts of the Housing Element to assist advocates in analyzing the document. Look for your jurisdiction's Housing Element on the City or County's website. If you are considering Housing Element litigation, you will need to make an official request for documents related to the planning process. (See Chapter 6 for more on public records act requests.)

1. **An Analysis of Existing and Projected Housing Needs.** The analysis must begin with the needs identified in the RHNA allocated to the jurisdiction. It must also analyze the special housing needs of seniors, persons with disabilities, large families, farmworkers, families with female heads of households, persons in need of emergency shelter, and other specified groups.¹⁷

Advocacy Tip:

To ensure that local governments accurately reflect community needs, advocates should also refer to the jurisdiction's Consolidated Plan, if it is required to prepare such a plan to receive federal funds from HUD.¹⁸ As discussed in Chapter 11, this document typically reflects a reasonably accurate appraisal of the community's housing needs because more need will entitle the jurisdiction to more money. Advocates can use the Consolidated Plan as a cross reference to ensure that an adequate assessment is made in the Housing Element.

2. **A Site-Specific Land Inventory.** The inventory identifies vacant sites and sites with redevelopment potential suitable for housing.¹⁹ It must also include an analysis of the

¹⁶ See footnote 1.

¹⁷ §65583(a)(1) & (a)(7).

¹⁸ The federal government requires the state and city and counties of certain sizes to prepare a Consolidated Plan to receive several different sources of federal funds. The Consolidated Plan is the planning document for how the federal funds will be spent. See Chapter 11 of this manual for more information.

zoning and public facilities available at these sites and demonstrate that the jurisdiction has a zone where emergency shelters are permitted without other discretionary permits (i.e., “by right”). There are specific statutory requirements to facilitate the development of emergency shelters pursuant to 2007 legislation commonly referred to as “SB 2” and codified at Government Code sections 65582, 65583 and 65589.5.

“**By right**” development refers to a project that is permitted under zoning rules and is approved administratively without discretionary local government review, such as a conditional use permit (CUP).²⁰ Zones where housing and shelters can be built “by right” is important because it avoids NIMBY (Not In My Back Yard) problems that arise when development of affordable housing is subject to a public approval process.

The inventory of sites is critical and advocates should carefully examine whether identified sites are realistically available and appropriate for housing. For example, extremely large sites may be too expensive for a non-profit developer to purchase. Sites in industrial areas may not have access to public transportation and services, and may be subject to environmental hazards and development restrictions. Other sites might have topographical or other characteristics that will impede the type of high density development necessary to build affordable housing. Visiting the site with a nonprofit developer can help identify constraints to development. In addition, it is important to examine public transportation accessibility and neighborhood amenities to assess the appropriateness of the site.

The inventory of sites is critical to the Housing Element because it is directly tied to the RHNA figures that form a mandatory duty to provide sites sufficient “for the jurisdiction’s share of the regional housing needs for all income levels.”²¹ To examine the adequacy of sites, seek the assistance of experienced advocates or affordable housing developers.

3. An analysis of governmental constraints to residential development for all incomes. The analysis must consider constraints to development of all types of

¹⁹ §65583(a)(3) & (a)(4); §65583.2(a) & (b).

²⁰ §65583.2(i).

²¹ §65583.2(a).

housing, including housing for persons with disabilities such as group homes and supportive housing.²²

- 4. A program to identify adequate sites.** This program identifies sites that will be made available during the planning period. The sites must have appropriate zoning densities and infrastructure to meet the community's need for housing (including its need for housing for extremely low, low, and very low income households, mobilehomes, farmworker housing and emergency shelters).²³

Where the site inventory demonstrates that the jurisdiction lacks sufficient sites to accommodate its need for low and very low income housing, the element must contain a program that will make sufficient sites available for development at multifamily densities without discretionary approval, or "by right."

- 5. A program to make sites available for lower income housing "by right."**
Where the site inventory demonstrates that the jurisdiction lacks sufficient sites to accommodate its need for low and very low income housing, the element must contain a program that will make sufficient sites available for development at multifamily densities without discretionary approval, or "by right."²⁴
- 6. A program to zone sites to accommodate any lower income RHNA not accounted for in the prior planning period.** If a jurisdiction failed to rezone sufficient sites to accommodate its RHNA for the previous planning period, its Housing Element must include a program demonstrating that the rezoning will be accomplished within the first year of the planning period for the new Housing Element.²⁵ Note that the jurisdiction must rezone sufficient sites to accommodate this need regardless of whether the Housing Element includes such a program; the jurisdiction cannot avoid this requirement by failing to acknowledge it.²⁶
- 7. A Program to "address, and where appropriate and legally possible, remove government constraints" to affordable housing.** The obligation to remove governmental constraints compels local governments to deal with exclusionary zoning practices, policies restricting affordable housing and shelter development

²² §65583(a)(5).

²³ §65583(c)(1) & §65583.2.

²⁴ §65583(c)(1); §65583.2(h) & (i).

²⁵ §65584.09; §65583(c)(1).

²⁶ §65584.09(b).

(such as unreasonable processing requirements, prohibitive development fees and standards), and NIMBY opposition.²⁷

Advocacy Tip:

Advocates should question any Housing Element that claims that the community does not have a homeless population or otherwise documents a suspiciously low homeless rate. The jurisdiction may be transporting homeless individuals, or providing bus or train tickets to shelters and other homeless service providers outside of the immediate community. Homeless assistance providers in the surrounding area should be contacted to obtain accurate information about the homeless population in the community.

Advocates should also contact local food banks, welfare departments and churches to determine the adequacy of the homelessness analysis in the Housing Element.

If applicable, advocates should also refer to the Public Housing Authority (PHA) Plan, the Consolidated Plan, the Continuum of Care and the Ten Year Plan to End Chronic Homelessness to cross reference the needs of the homeless in the community. For more information on these federal plans, see Part IV of this manual.

- 8. Programs to conserve and preserve existing private market and subsidized affordable housing.** In addition to facilitating the development of new housing, localities must also have plans to preserve and improve the conditions of existing housing.²⁸

²⁷ §65583(c)(3).

²⁸ §65583(c)(4) & (c)(6).

There are a number of programs that local jurisdictions can adopt to promote affordable housing. Among others, jurisdictions should consider:

- To Create New Housing Opportunities:
 - Density Bonus Programs
 - Inclusionary zoning programs
 - Mixed-Use Development (commercial/residential)
 - Live-Work Opportunities
 - Land donation by local government & for-profit developers
 - Relaxation of development standards for affordable housing
 - Adoption of permit streamlining and other development incentive programs
 - Adoption of first time homebuyer programs
- To Bring in More Money:
 - Commercial Linkage Fees
 - Housing Trust Funds
 - Community benefits agreements with businesses
 - Application for federal, state and local funds
 - Supporting non-profit application of federal, state and local funds
 - Providing tax credits for Employer-Assisted Housing for Certain Employees
 - Utilizing the Mobilehome Park Resident Ownership Program
 - Seeking foundational, local business and church support
- To Preserve Existing Affordable Housing:
 - Non-profit support to purchase expiring projects
 - Rehabilitation loans for lower income households
 - Code Enforcement for slumlords
 - Relocation programs
 - Fair Housing counseling
 - Adoption of a Section 8 Anti-Discrimination Ordinance
 - Revision of Building Rehabilitation Codes
 - Revision of Historic Building Codes

C. HCD Review and Advocacy

Prior to adoption of the Housing Element or any amendments,²⁹ the local government must submit a draft to HCD.³⁰ HCD is the state agency charged with reviewing draft and adopted Housing Elements to determine whether the element substantially complies with the statutory requirements. HCD has published multiple documents to guide local governments through the Housing Element process, all of which are available on its website.³¹

A local government must submit a draft of its revised Housing Element to HCD at least 90 days prior to adoption.³² (See the box below for the Housing Element timeline.) A draft amended Housing Element must be submitted at least 60 days prior to adoption.³³ HCD then reviews the draft Housing Element or draft amendment and provides written findings determining whether the draft substantially complies with the Housing Element law. HCD must provide written findings to the local government within 90 days of the receipt of the draft Housing Element or 60 days of receipt of a draft amendment.

²⁹ Local governments amend their Housing Elements to either eliminate inconsistencies, clarify existing policies or programs, add policies or programs, or modify policies or programs to address recent changes to comply with new Housing Element statutory changes (e.g., Gov't Code §65583 was amended to require local governments to address at-risk affordable housing inventory by 1992).

³⁰ §65585.

³¹ Housing Element Guidance available at: <http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/plan/he/#guide>.

³² §65585(b).

³³ *Id.*

Housing Element Timeline:

- Local government creates draft Housing Element with public participation;
- Local process occurs: workshops, planning commission hearings, city council or board or supervisor hearings;
- Local government submits draft Housing Element to HCD;
- Public submits comments to HCD within 90 days;
- HCD reviews and sends out comment letter within 90 days (60 days for a draft amendment). HCD required to consider written comments from the public;
- Local government either adopts Housing Element or modifies Housing Element in response to HCD comment;
- Where local government modifies, local government resubmits draft Housing Element to HCD 90 days before adoption.
 - If the local government adopts its draft despite HCD's finding that the draft does not comply with the law, the local government must explain why it believes its draft element is substantially in compliance.
- Local government adopts Housing Element;
- HCD conducts final review of adopted Housing Element.

In addition to participating in the drafting of the Housing Element and making comments at the public hearings adopting the element, advocates can also submit written comments during the HCD review process. Note that HCD must receive public comments soon after it receives the revised Housing Element, typically no later than 30 days after receipt. However, some elements are subject to streamlined review, which will require immediate comment to HCD.³⁴

If HCD finds that the draft does not comply with the Housing Element statute, the local government has two options. It can either (1) modify the draft to conform to HCD's recommendations or (2) adopt the draft without changes. If the local government adopts the draft without changes, it must make findings explaining its conclusion that the draft substantially complies with the law.³⁵ If the local government modifies the draft Housing Element, it must resubmit the draft to HCD. Once the local government adopts a Housing Element, the local

³⁴ See footnote 1; Public Interest Law Project's manual contains a more detailed discussion of streamlined review.

³⁵ §65585.

government must once again submit a copy to HCD. HCD issues a written finding whether the adopted Housing Element substantially complies with the law within 90 days of receipt.³⁶

Advocacy Tip:

The current status of HCD's review for any local government is posted on the HCD website.³⁷ HCD also provides on-line copies of all review letters sent to the local governments.³⁸ These tools allow an advocate to quickly focus efforts on communities that have not met the requirements of state law according to HCD records. If advocacy or litigation is contemplated, contact HCD to confirm that the web information is complete.

D. Annual Reporting

Each year, localities must report to HCD on the progress made by the community in implementing the programs of the element.³⁹ These reports are critical to monitoring compliance with Housing Element program commitments during the longer eight year Housing Element revision periods. Obtain these plan reports from HCD's website to determine whether your community is complying with its obligations over the term of the planning period.⁴⁰ Alternatively, the reports can be obtained with a public records act requests. (See Chapter 6 of this Manual).

V. Enforcement

Housing Element law is a powerful tool for advocates to achieve real change in the community and facilitate the development of housing for the most vulnerable members of the population. In order to advocate effectively, keep track of your jurisdiction's Housing Element timeline so that your organization can participate in the public process.

As part of the Housing Element public participation process, the local government must hold hearings before the planning commission and city council/board of supervisors. To preserve the right to litigate any deficiencies, someone—but not necessarily the advocate or client to bring

³⁶ §65585(g)–(h). The Housing Element and any amendments must be delivered to retail water and sewer providers. *Id.* §65589.7. The purpose is to ensure that the service providers provide a priority to proposed housing development projects for lower income households in their resource or service allocations. Beginning, July 1, 2006, the service providers must adopt policies and procedures to ensure the priority. However, the utility services do not have an affirmative duty to provide service when there is a supply shortage. *Bldg. Indus. Ass'n. v. Marin Mun. Water Dist.*, 235 Cal.App.3d 1641, 1650 (1991).

³⁷ <http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/plan/he/>.

³⁸ *Id.*

³⁹ §65400.

⁴⁰ <http://www.hcd.ca.gov/regulations/>.

litigation—must provide either oral or written comments raising the deficiencies at the public hearing.⁴¹ This prohibition does not apply where the issue could not have been raised by exercising due diligence or the public body prevented the issue from being raised. Even if the written comments have been submitted previously, submit them again for the public hearing.

The threat of litigation is serious. If a court finds that the Housing Element is not in compliance with state law, it must issue an order compelling the locality to bring its Housing Element into compliance within 120 days.⁴² The court must also suspend the jurisdiction's authority to move forward with development, including approval of certain development permits, until it complies with the court order.⁴³ Since the development of affordable housing is usually consistent with the Housing Element, such development is not subject to the court's order suspending development authority.⁴⁴

VI. Related Legal Tools

In addition to Housing Element law, there are multiple other tools that advocates can use to promote the development of housing affordable to our clients. This section briefly addresses a few of these tools.

- Density Bonus⁴⁵

Widely employed by developers, the Density Bonus law requires that local governments allow additional density when affordable housing is provided. For example, where zoning would generally restrict a development to two stories, a developer could be allowed to build housing three stories tall if the development includes a specific percentage of affordable housing units. This creates an incentive for private developers to incorporate affordable units into new housing. The density bonus range extends to 35% based on the percentage of affordable homes in a development. Local governments are required to offer multiple “incentives,” including limits on parking requirements that can be imposed when affordable housing is included. For example, if zoning would normally require two parking spaces for each unit of housing built, the developer could be allowed to include only 1 parking space per unit if affordable housing is incorporated into the development.

⁴¹ §65009(b).

⁴² §65754(a).

⁴³ §65755(b).

⁴⁴ *Id.*

⁴⁵ §65915.

- Inclusionary Zoning

Many local governments have sought to increase the supply of affordable housing by requiring the inclusion of affordable housing units in new developments. A 2009 Court of Appeal decision, *Palmer/6th Street Properties L.P. v. City of Los Angeles* (175 Cal.App.4th 1396), held that Los Angeles' inclusionary zoning ordinance requiring the inclusion of affordable rental units as a condition of development violated the Costa-Hawkins Rental Housing Act. Legislative efforts to overturn the decision are ongoing. However the California Supreme Court has upheld the constitutionality of local ordinances requiring developers to sell a portion of units in a new development for an affordable price.⁴⁶

- Fair Housing Laws

Government Code section 65008 prohibits discrimination against affordable housing by local governments, in the form of laws, actions or policies towards affordable housing, residents of affordable housing and the developers of affordable housing. The law explicitly protects against discrimination based on race, sex, color, religion, ethnicity, national origin, ancestry, occupation, age, family, method of financing, and income level of occupants. The federal Fair Housing Act (42 U.S.C. §3601 *et seq.*) and the California Fair Employment and Housing Act (Govt. Code §12900 *et seq.*) may also apply. See Chapter 15 of this manual for more on Fair Housing.

Advocacy Tip:

Fair housing disparate impact applies in the planning context. Just as with the other state and federal fair housing laws (see discussion of Fair Housing laws in Chapter 15) Government Code section 65008 applies even when discrimination is not intentional. It applies to any local agency action, law, or policy that has a disproportionate impact on those protected by the statute: assisted developments, including emergency shelters and transitional housing, developers of assisted housing, or the potential occupants who are members of protected classes.

- Anti-Nimby Statute

California law requires local government to approve certain affordable housing developments, including shelters, unless certain rigorous findings are made under the Housing Accountability

⁴⁶ *California Bldg. Indus. Assn. v. City of San Jose*, 61 Cal. 4th 435 (2015) *cert. denied sub nom. California Bldg. Indus. Ass'n v. City of San Jose, Calif.*, 136 S. Ct. 928 (2016).

Act.⁴⁷ It also forbids local agencies from imposing unreasonable conditions on these developments so as to render development infeasible.⁴⁸

Disclaimer: Although Western Center on Law and Poverty strives to ensure that the information contained in this chapter is accurate and up-to-date, we make no warranties in that regard. Frequent changes in this area of the law can render some sections out of date. This Guide is not intended to be a substitute for independent legal research. (Updated 2016).

⁴⁷ §65589.5.

⁴⁸ §65589.5(d).