



Short Summary – HAA

Prepared March 6, 2018

Recent court cases and laws have changed how cities implement the Housing Accountability Act (HAA). Like SB 35, this law makes it difficult for cities to deny development that meets all objective standards. Unlike SB 35, the HAA is applicable to all residential development projects. Another important difference is that cities may be able to put conditions on the approval, provided that the conditions do not reduce the project's density or amount to a denial of the project. *This is a very general summary. Please see the law and other documents for more detailed summaries as well as consulting legal counsel. This summary was written for San Mateo County. Rules may apply differently in other places. Thanks to Goldfarb and Lipman, LLC for their comments.*

When it applies:

- All residential developments, including transitional/supportive housing; arguably does not apply to a single family home without an ADU¹
- Applies in all jurisdictions²

What rules apply:

- Cities cannot deny or reduce the density of projects that meet all objective standards, except under limited circumstances. Cities may attach conditions to approval provided that the conditions do not reduce project density.
- Less deference is given to the jurisdiction's judgement when denying an application. If the developer provides a reasonable argument supported by substantial evidence that their project is consistent with objective standards, a court may side with them, even if the city makes contrary findings.

Timing:

Cities have 30 days after an application has been deemed complete to provide a list of all inconsistencies with 'objective' zoning and design review standards in effect. (60 days for projects over 150 units)

What happens if a city does not comply

- They may have to pay attorney fees and a fine
- The judge may issue the building permit

¹ Mixed use developments must be at least 2/3 residential.

² The requirements of a Local Coastal Plan may take precedence over the HAA in the Coastal Zone.