



21 Elements

Housing Accountability Act & Streamlining Provisions

February 19, 2026



Agenda

Time	Agenda Item
1:00 pm	I. Welcome and Context-Setting
1:05 pm	II. Housing Accountability Act & Streamlining Provisions
1:25 pm	III. Breakout Rooms
1:45 pm	IV. Q&A in Large Group
2:00 pm	<i>Meeting Close</i>



Does Staff Make All the Decisions on Housing Projects?

Barbara E. Kautz

February 19, 2026

Goldfarb & Lipman LLP

Community Planning Collaborative
Presentation

Key Statutory Provisions

Housing Accountability Act Determination of Consistency (65589.5(j)(2))

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

- (i) **Within 30 days of the date that the application for the housing development project is determined to be complete**, if the housing development project contains 150 or fewer housing units.
- (ii) **Within 60 days of the date that the application for the housing development project is determined to be complete**, if the housing development project contains more than 150 units.
- **(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent,** compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

Ministerial Approvals with Similar Provisions

Examples:

- SB 35: 65913.4(c)(1): If the ... planning director ... determines that a development...is consistent with the objective planning standards, **the local government shall approve the development.** (c)(2): If the ...planning director fails to provide the required documentation ..., **the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).**
- SB 4: 65913.16(l)(2): If the local government fails to provide the required documentation ..., **the development shall be deemed to satisfy the required objective planning standards.**

And What If PC or CC Disagree with Staff?

Typical provision (65589.5(f)(4):

[A] housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision **if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.**

CaRLA v. City of San Mateo

Consequences

Consequences

- **If staff misses the deadline or misses a problem, the project is “deemed consistent.”**
 - If project is “consistent,” must find “specific adverse health & safety impacts” to deny.
 - Is there any way to correct this?
 - Could a condition of approval be attached?
 - What if staff simply refuses to do their job?
 - Courts have reviewed claims of inconsistency despite “deemed consistent” provision
- Usually applicant can just apply for a waiver anyway.

Consequences

- If PC or CC disagrees with staff, must find that no substantial evidence that would allow staff to conclude that project complies. And then faced with the project being “deemed consistent” anyway.
- So Planning Commissioners and Councilmembers wonder why they are reviewing projects.
 - If EIR or MND or coastal development permit, there’s a bigger role.
 - Often PCs still play bigger role and make suggestions despite limitations.
- Recently: more litigation by neighbors



Thank You.

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Breakout Rooms

Breakout rooms divided by County

Questions for Breakout Rooms

- Have you run into issues regarding HAA & Streamlining Provisions?
- Do you believe you need to change your processes in some way?
- How does this potentially change the role of the Planning Commission?
- Are there TA products that could help you navigate these issues?



Q & A