

California Sues Huntington Beach for Violating State Housing Laws

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The lawsuit filed yesterday challenges Huntington Beach's illegal ban on applications for SB 9 and ADU projects

State is also filing motion to block enforcement of Huntington Beach's illegal policies restricting SB 9 and ADU applications while litigation is ongoing

SACRAMENTO — Governor Gavin Newsom, Attorney General Rob Bonta, and the California Department of Housing and Community Development (HCD) today announced the filing of a lawsuit and a motion for preliminary injunction against the City of Huntington Beach for violating state housing laws. Today's lawsuit comes after the Newsom Administration and Attorney General Bonta issued multiple official warnings over the past month under their separate enforcement authorities, urging the Huntington Beach City Council to reject these unlawful and willful attempts to flout state housing law. Huntington Beach's actions directly threaten statewide efforts to increase the availability of low- to middle-income housing opportunities in the midst of a statewide housing crisis.

Huntington Beach is required to plan for 13,368 new housing units over the next eight years. They are also required to follow state housing law, just like every other place in California. They are refusing to do both of these things.

"Huntington Beach elected officials are the poster child for NIMBY-ism, and my Administration will take every measure necessary to hold communities accountable for their failure to build their fair share of housing," said Governor Newsom. "The housing crisis facing families across the state demands that all cities and counties do their part, and those that flagrantly violate state housing laws will be held to account."

On Tuesday evening, the Huntington Beach City Council declined to reverse its February 21 action banning the processing of applications for Senate Bill 9 (SB 9) projects and accessory dwelling units (ADUs) projects, in violation of multiple state housing laws. The City also introduced, but has not yet adopted, an ordinance purporting to exempt the City from the Builder's Remedy provision of the state's Housing Accountability Act (HAA), which streamlines approval of affordable housing projects in cities that do not have a compliant Housing Element.

"As our state faces an existential housing crisis, we won't stand idly by as local governments knowingly flout state law meant to protect our communities and bring much needed affordable housing to the people of California," said Attorney General Bonta. "Huntington Beach's latest moves fly in the face of the law, stifle affordable housing projects, and infringe on the rights of private property owners in their own community. Today's lawsuit seeks to hold Huntington Beach accountable for their knowing disregard for state housing law, and put a stop to their unlawful attempt to obstruct crucial projects that bring much needed additional housing to our communities. I've said it before and I'll say it again: When it comes to building affordable housing, we all have a part to play, and Huntington Beach is no exception."

In the complaint, the state argues that the City's ban on approval of certain affordable housing projects is illegal under the HAA, SB 9, the ADU law, and the Housing Crisis Act, and must be struck down. In banning these projects, the City chose to ignore laws passed by the California State Legislature specifically to address California's housing affordability crisis and stripped private property owners of their right to build additional units on their own property.

In today's filings, the Attorney General and the Newsom Administration further ask the court to block enforcement of the ban while litigation is ongoing, arguing that in addition to exacerbating the state's housing crisis, the policy harms homeowners who lawfully seek to build in-law units, or other additional units on their properties.

At Tuesday's City Council Meeting, Huntington Beach also introduced a proposed ordinance that, if adopted, would illegally exempt the city from the so-called Builder's Remedy of the HAA. Attorney General Bonta and HCD have both separately [sent letters](#) warning the city that the proposed ordinance violates the HAA and would harm the public by illegally blocking affordable housing projects for low- and middle-income residents. Attorney General Bonta and the Newsom Administration continue to closely monitor the progress of the proposed ordinance, and stand ready to take legal action should it be adopted.

"California's housing and homelessness crisis can only be resolved by communities proactively working to achieve housing security for residents of all income levels," said HCD Director Gustavo Velasquez. "The Department of Housing and Community Development will exercise its full enforcement authority against those who would violate their sworn oath by working to circumvent state housing laws – up to and including legal remedies through our partners in the Office of the Attorney General."

State leaders stand united in their commitment to defending and increasing access to affordable housing in California. In 2021, Governor Newsom launched a [Housing Accountability Unit](#) increasing stringent enforcement and oversight at the local level to create more housing, faster across California. Attorney General Bonta also in 2021 announced the [creation of a Housing Strike Force](#) within the California Department of Justice aimed at advancing housing access across the state, Members of the public are encouraged to visit the California Department of Justice's [Housing Portal](#) and [HCD's website](#) for more resources and information aimed at supporting access to housing.

A copy of the complaint is available [here](#). A copy of the motion for preliminary injunction will become available here when the filing process is complete.

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