



June 18, 2019

The Honorable Steve Glazer  
 California State Senate  
 State Capitol, Room 5108  
 Sacramento, CA 95814

RE: SB 621 (Glazer and Caballero)—California Environmental Quality Act: Expedited Judicial Review: Affordable Housing Projects: Reports—**OPPOSE**

Dear Senator Glazer:

The undersigned organizations write to respectfully oppose SB 621. This bill would severely limit judicial review for affordable housing projects and would result in greater environmental degradation and harms for low-income residents and communities of color that already face disproportionately high pollution and socioeconomic burdens.

The California Environmental Quality Act (CEQA) is California’s quintessential public participation and environmental protection law. Many of our groups rely on CEQA to uphold the rights of environmental justice (EJ) communities to clean air, water, and soil that is free from pollution and toxic contamination. A strong CEQA is important for disadvantaged communities that use this law to have a voice in local planning decisions and to protect the environmental health of their neighborhoods.

As environmental justice and affordable housing advocates, we care deeply about affordable housing. However, CEQA is not the problem to affordable housing production, and the solutions will not come from further weakening this important law. CEQA lawsuits are rare.<sup>1</sup> Many housing projects are already exempt from environmental review all together through the infill exemption<sup>2</sup> as well as tiering from specific or community plans.<sup>3</sup>

There are numerous housing-related CEQA exemptions, including the following:

- Affordable housing projects (Pub. Res. Code § 21159.23; CEQA Guidelines § 15194)
- Urban residential projects (Pub. Res. Code § 21159.24; CEQA Guidelines § 15195)
- Urban infill projects (CEQA Guidelines § 15332)
- Urban residential or mixed use housing projects in unincorporated communities (Pub. Res. Code § 21159.25)
- Agricultural housing projects (Pub. Res. Code § 21159.22; CEQA Guidelines § 15193)
- Residential, employment center, or mixed-use residential project in a transit priority area (Pub. Res. Code § 21155.4)
- Transit priority and residential sustainable communities projects (Pub. Res. Code § 21155.1)

Yet the housing crisis persists due to several factors, including high building costs, non-CEQA related neighborhood opposition, and lack of available sites.<sup>4</sup> Lack of affordable housing financing and loss of redevelopment agencies are also key constraints to affordable housing production.<sup>5</sup>

We appreciate the authors' intent to narrow the scope of the bill to reduce potential environmental impacts by requiring applicable projects to contain 200 residential units or less, be LEED Gold certified, and be located in close proximity to a major transit stop. We also appreciate the amendment to repeal this bill by 2025, and the recent amendment to encourage no-net-loss of affordable housing.

**However, SB 621's flaws are fundamental as the bill would still require a court to resolve an action within 270 days to the extent feasible, despite the preference CEQA lawsuits already receive in court.**

Courts need time to deliberate over complex legal issues surrounding projects that may bring decades of environmental and public health harms. Since litigation is often the only way EJ communities can hope to protect their environmental health, it is essential to preserve—not limit—courts' ability to thoughtfully deliberate on these important cases. Expediting legal

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<sup>1</sup> The Rose Foundation, *CEQA in the 21st Century* (2016), at ii. Available at: <https://rosefdn.org/wp-content/uploads/2016/08/CEQA-in-the-21st-Century.pdf>.

<sup>2</sup> Pub. Resources Code, § 21094.5.

<sup>3</sup> Association of Environmental Professionals, *CEQA and Housing Production: 2018 Survey of California Cities & Counties*, at ii-iii, 10. Available at: [https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa\\_and\\_housing\\_production\\_report.pdf](https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa_and_housing_production_report.pdf).

<sup>4</sup> *Id.* at iv., 18.

<sup>5</sup> *Id.* at 18.

actions and limiting judicial remedies will only hurt environmental justice communities that often rely on the courts to protect their environmental health. Requiring projects to be resolved within 270 days will not only hurt low-income environmental justice communities, it would also give preference to CEQA cases over criminal cases—including violent crimes and other serious crimes.

Finally and importantly, while the bill's proponents claim that faster judicial review would incentivize the development of more affordable housing, the bill contains very low requirements to produce such housing. In fact, SB 621 would apply to residential developments containing up to 70% market-rate units. By encouraging the production of mostly market-rate housing, this bill would potentially contribute further to gentrification, displacement, and urban sprawl.

Instead of weakening CEQA, we urge you to support legislative solutions that can address the primary barriers to housing production, especially those for lower income families and individuals.

*Sincerely,*



*Tiffany Eng, Green Zones Program Manager*  
**California Environmental Justice Alliance (CEJA)**



*Sylvia Chi, Policy Director*  
**Asian Pacific Environmental Network (APEN)**



*Melissa Romero, Legislative Affairs Manager*  
**California League of Conservation Voters (CLCV)**

*Elvira Ramirez*

*Elvira Ramirez, Executive Director*  
**Catholic Charities Diocese of Stockton**



*Brian Nowicki, California Climate Policy Director*  
**Center for Biological Diversity**



*Allen Hernandez, Executive Director*  
**Center for Community Action and Environmental Justice (CCA EJ)**



*Chelsea Tu, Senior Attorney*  
**Center on Race, Poverty and the Environment (CRPE)**



*Kevin Hamilton, Chief Executive Officer*  
**Central Coast Asthma Collaborative (CCAC)**



*Jason Merrick, Board Member*  
**Citizens Advocating for Roblar Rural Quality (CARRQ)**



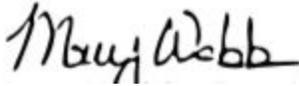
*Dan Sakaguchi, Staff Researcher*  
**Communities for a Better Environment (CBE)**



*Dan Silver, Executive Director*  
**Endangered Habitats League (EHL)**



*Carolina Martinez, Policy Director*  
**Environmental Health Coalition (EHC)**



*Mary Webb, President*  
**Greenspace - The Cambria Land Trust**



*Ashley Werner, Senior Attorney*  
**Leadership Counsel for Justice and Accountability**



*Jazmine Johnson, Land Use and Health Program Associate*  
**Physicians for Social Responsibility—Los Angeles (PSR-LA)**



*Matthew Baker, Policy Director*  
**Planning & Conservation League (PCL)**



*Antonio Diaz, Executive Director*  
**PODER**



*Bruce Coons, Executive Director*  
**Save Our Heritage Organisation (SOHO)**

A handwritten signature in black ink, appearing to read "B. Dawson", with a long horizontal flourish extending to the right.

*Brandon Dawson, Policy Advocate*  
**Sierra Club California**

A handwritten signature in blue ink, appearing to read "Melanie Winter", with a stylized, cursive script.

*Melanie Winter, Director*  
**The River Project**

**CC:**

**Senator Anna Caballero**

**Senator Patricia C. Bates**

**Assemblymember Melissa A. Melendez**

**Assembly Committee on Natural Resources Members and Staff**