

## Opinion: Stop scapegoating CEQA for California's affordable housing crisis

### The law allows community members to raise critical issues and demand proper environmental review and mitigation

By JENNIFER GANATA and DOUG CARSTENS

Governor Newsom recently signed a slew of bills eliminating the requirement that government agencies disclose the public health and environmental impacts of most infill housing developments in California. Infill is generally defined as development in urban centers, close to mass transit, jobs and infrastructure.

The sponsors of these bills claim that eliminating environmental review will address the current shortage in affordable housing, but lawmakers' decision to blame environmental regulation for the shortages is misinformed. The California Environmental Quality Act (CEQA), the state's preeminent environmental law, has already been streamlined in multiple ways to spur housing development, yet still not enough affordable housing is being constructed. Our leaders must focus on other, more effective ways to promote affordable housing.

Environmental regulation is not a significant barrier to housing. For example, in San Francisco, there are now over 58,000 entitled housing units that remain unbuilt. These projects completed the environmental review process but were never constructed. Moreover, housing shortages are a national phenomenon; many states without environmental laws like CEQA are experiencing these same types of housing shortages. In addition, studies show that California has as many as 1.2 million housing units sitting vacant; Los Angeles alone has over 93,000 vacant units.

Despite this evidence, the building industry continues to blame CEQA and avoids seeking real solutions to the housing crisis. A land use case in South Richmond illustrates what special interests have done to scapegoat and weaken this law. Developers there proposed constructing 4,000 housing units on a site along the San Francisco Bay shoreline that was used as a chemical manufacturing site for almost 100 years. This manufacturing activity — first by Stauffer Chemical Company, then by Zeneca, Inc., now part of AstraZeneca — left dangerous toxic chemicals buried on the site. Studies showed that sea-level rise, plus the project, would move the buried toxics to the surface, into the bay and onto neighboring properties.

CEQA allowed community members to raise this critical issue and demand proper environmental review and mitigation. When the community was ignored, litigation followed. As recent studies have shown, CEQA is an essential tool for environmental justice communities like South Richmond to protect the public interest.

The legislation just enacted, however, will shield future housing projects from such inquiries into the public health and environmental impacts of new infill development. One new law, AB 1633, will even allow developers to sue cities that seek to conduct rigorous environmental review of housing projects, an unprecedented weakening of California's landmark environmental law.



Della Dixon and her dog Dumpling are photographed at Irby Ranch on Saturday, Oct. 22, 2022, in Pleasanton, Calif. Irby Ranch is a residential community providing affordable, independent housing for people with intellectual and developmental disabilities. (Aric Crabb/Bay Area News Group)

If California wants to address the shortage in affordable housing, our leaders must focus on real solutions. Most importantly, we must increase state financial assistance to build affordable housing, especially for very low- and extremely low-income households. We should consider creative financial remedies such as taxing vacant housing units, changing arcane tax laws that burden affordable housing developers, and allowing local governments to purchase property for development of community-owned affordable housing. And we must adopt a comprehensive approach to land-use planning that protects vulnerable tenants and services while creating climate-resilient housing and infrastructure.

Ignoring these practical approaches, developers focused on increasing profits claim that simply building more market-rate housing will produce the needed affordable housing. Their idea is that people who can afford new market rate housing will move there, leaving their older (and theoretically less expensive) units empty, "filtering down" to the next income level who will occupy those units. But this "supply side" theory does not bear scrutiny. Experts show that the housing stock can take generations to filter to low-income residents. Also, in many California communities, rent for housing units at the bottom end of the market have risen the fastest.

Everyone agrees California needs more affordable housing. As lawmakers move into the next legislative session, they should focus on real solutions rather than weakening our state's environmental protections. Policy leaders can solve the housing crisis, but only if they focus on its true causes.

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