

The Housing Accountability Act Does Not Apply to an Application for a Single-Family Home

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ATTORNEYS

California's Housing Accountability Act (HAA) applies to a "housing development project," which does not include a project to build an individual single-family home. The HAA (Gov. Code § 65589.5) seeks to increase the approval and construction of new housing by curbing the ability of local governments to deny or reduce the density of "housing development projects."

In *Reznitskiy v. County of Marin*, the County denied plaintiffs' application to build a 3,872 square foot single-family home in San Anselmo, finding that the home was outsized compared to the neighborhood and that the project was inconsistent with the applicable countywide plan and residential design guidelines. Plaintiffs challenged the denial, claiming in part that their project qualified as a "housing development project" under the HAA and that "the County improperly rejected it based on subjective criteria," thereby violating the HAA.

The Court of Appeal disagreed with plaintiff's argument and upheld the County's denial of the project, holding that the project did not qualify as a "housing development project" under the HAA. Noting that other parts of the HAA use "development" as a noun, the Court determined that the definition must mean "a project to construct a housing development, not a project to develop housing." The Court noted that the term "housing development" refers "to a group of housing units." According to the Court, the legislative history suggests that the HAA's purpose was to encourage more housing by limiting the local agency's ability to approve *lower-density* projects, "a scenario that would never apply to a single-unit project." While this case confirms that the HAA does not apply to an application for a single-family home, the Court expressly declined to resolve whether "housing development project" would cover an application for an individual single-family home *with* an accessory dwelling unit. The court "express[ed] no opinion whether that term contemplates a minimum number of units that is greater than two."

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If you have any questions about the HAA, please contact **Maricela Marroquín** or **Diana Varat**.