

****FLOOR ALERT – JOB KILLER****



NO to Expanding Broken CEQA, NO on AB 1001 (Garcia)

The California Chamber of Commerce, California Building Industry Association and the organizations listed unfortunately must urge a **NO** vote on AB 1001 (Garcia), as amended, which CalChamber has labeled a **Job Killer** and CBIA has marked a **Housing Killer**.

EXPANDING CEQA is the WRONG policy and will discourage housing production in California at the very time we need it most. The state has a backlog of 3.5 million needed housing units, median home prices now exceeding \$800,000 and rents across the state are at all-time highs. AB 1001 threatens California's recovery and ability to construct badly needed housing by expanding the most NIMBY tool used to delay and block housing: The California Environmental Quality Act (CEQA). The last thing California needs is further litigation that will slow housing construction and increase the time and costs to develop. This bill will impede local governments' ability to approve new housing projects, depress jobs directly in and associated with the construction industry and further exacerbate California's cost-of-living crisis already driving families, businesses, and jobs out of the state.

AB 1001 brings new, highly subjective, non-quantifiable and litigation-bait standards into CEQA. Local governments already spend significant time and resources complying with CEQA, and then substantially more time and resources having to defend their decisions against NIMBY lawsuits. AB 1001 overlays over CEQA's existing and quantifiable environmental standards *new subjective standards*, such as whether the agency's findings were "fair" or "meaningfully involving" all races, cultures, incomes and national origins. CEQA already is the most robust public disclosure, public participation and environmental protection law in the country, if not the world – and it is enforced entirely by citizen lawsuits where the identity of the plaintiff can be legally obscured. Until major CEQA reform is passed that addresses NIMBY abuses of the statute, it is paramount that the Legislature avoid creating new avenues of litigation under CEQA.

This Legislature just passed [SB 1000 \(Leyva, 2016\)](#) to advance Environmental Justice (EJ) in California planning and zoning law by requiring every city and county to adopt a new EJ land use element in their comprehensive, long-term General Plans. The Governor's Office of Planning & Research just recently released [2020 EJ Guidance](#) to cities and counties for implementation of SB 1000. The Legislature should allow local governments time to implement these substantial changes to all General Plans in California before greatly expanding CEQA by forcing new and difficult new standards onto local governments to defend.

AB 1001 removes local government discretion regarding how to analyze and mitigate proposed project impacts in their community by imposing a state-wide, one-size fits all land use policy onto every single local government. CEQA already requires a direct nexus between the mitigation for a project's impacts and the affected community (CEQA Guidelines, § 15041). Importantly, CEQA also recognizes that a local government must have discretion about how and where to require the mitigation to reduce a project's impacts to less than significant in their own community.

Inviting more litigation by making CEQA even harder for local governments is bad policy at the worst of times. AB 1001 will have the unfortunate outcome of making it significantly harder to build housing in a state already struggling every day to build enough to keep up with demand, let alone address the backlog of millions of missing units. The importance of righting historical land use injustices that have transpired in California's past should continue to be remedied in more suitable areas of California law – but expanding CEQA is not one of those areas.