Metropolitan Transportation Commission and Association of Bay Area Governments

Joint MTC ABAG Legislation Committee

April 10, 2026 **Agenda Item 3b**

Senate Bill 979 (Strickland): Regional Housing Needs Allocation

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Subject:

Provides that a final regional housing needs allocation determination by a council of governments or a delegate subregion is subject to judicial review.

Background:

State housing law requires each city and county to adopt a general plan that includes a housing element to plan for housing needs across all income levels. As part of this framework, the California Department of Housing and Community Development (HCD), in consultation with regional councils of governments, determines the total regional housing need. ABAG and other councils of government (COGs) are responsible for allocating this need to individual jurisdictions through the Regional Housing Needs Allocation (RHNA) process. Local governments must then update their housing elements to demonstrate how they will accommodate their assigned share of housing.

State law also establishes a RHNA appeals process. Local jurisdictions or HCD may appeal a COG's draft RHNA allocations. The COG is required to issue a final determination on these appeals, which is not subject to judicial review, as affirmed in *City of Irvine v. Southern California Association of Governments* (2009) and *City of Coronado v. SANDAG* (2022).

SB 979 would modify this framework by subjecting final RHNA determinations to judicial review, in addition to the existing administrative appeals process.

Recommendation:

Oppose / ABAG Executive Board

Discussion:

During the Bay Area's 6th Cycle RHNA process, a total of 28 jurisdictions filed appeals to ABAG challenging their draft housing allocations under the existing administrative appeals framework. One was partially granted.

By subjecting RHNA determinations to judicial review, Senate Bill (SB) 979 would introduce a new layer of legal exposure, increasing litigation risk and associated legal costs for ABAG. Moreover, if one or more jurisdictions pursue legal challenges, the resulting litigation could delay the finalization of RHNA allocations across all 101 cities and nine counties in the Bay Area. Prolonged uncertainty in RHNA allocations could hinder timely housing element adoption, potentially affecting compliance with state law and slowing housing production across the region.

SB 979 is set to be heard in the Senate Housing Committee on April 7th. The deadline to submit position letters was April 1, 2026.

Given that timing and the risks the bill presents, ABAG President Ramos and Joint MTC ABAG Legislation Committee Chair Carlson directed staff to exercise ABAG's urgency procedure to communicate opposition to SB 979 to the Senate Housing Committee in advance of the formal action by the Joint MTC ABAG Legislation Committee and the ABAG Executive Board; this item recommends approval of that position.

Known Positions:

Support: City of Huntington Beach (Sponsor), Equitable Land Use Alliance. Families and Homes San Jose

Oppose: Abundant Housing Los Angeles, Association of Bay Area Governments, CALCOG, California Rural Legal Assistance Foundation, California Building Industry Association, Circulate Planning and Policy, Housing Action Coalition, San Diego Housing Federation, SPUR

Attachments:

- None

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