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Single Home Not Subject to the Housing Accountability Act

The court of appeal held that the Housing Accountability Act (HAA) does not apply to a one-unit single-family home project. *Reznitskiy v. County of Marin*, 79 Cal.App.5th 1016 (2022).

Plaintiff applied to the Marin County Planning Commission to build a 4,000-square-foot single-family home on a plot of land in San Anselmo. The Commission denied the application on grounds that the proposed project would adversely affect the existing neighborhood through its relatively large size and environmental effects. Plaintiff sued, arguing that the project was wrongly denied under the HAA.

On review, the court looked to the structure and purpose of the HAA, observing that the phrase "housing development project" has appeared in the HAA since its inception but has never been fully defined. It found that other references in the statute reflected legislative intent that the statute should apply to a project to construct a "housing development," not to any project to "develop housing." Additionally, the stated purpose of the HAA is "to significantly increase the approval and construction of new housing for *all economic segments* of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters." Neither the language of the HAA nor its legislative history supported an interpretation of "housing development project" to include a



