

Anti-Housing CEQA Lawsuits Filed in 2020 Challenge Nearly 50% of California's Annual Housing Production

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Anti-Housing CEQA Lawsuits Filed in 2020 Challenge Nearly 50% of California's 100,000 Annual Housing Production

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Although the Legislature has enacted over 80 laws over the past seven years to solve the state's acute housing crisis, actual housing production to address what Governor Newsom described as a 3.5 million housing shortfall has remained flat. As shown in the Figure below, California has built an average of 110,784 homes per year for the past six years, only about one-third of the Governor's housing production target. Production is expected to fall in 2023 due to inflation and interest rate hikes.

CEQA lawsuits targeting new housing production, in contrast, continue to expand - with 47,999 housing units targeted in the CEQA lawsuits filed just in 2020. Thousands more housing units were challenged in CEQA lawsuits targeting upzoning of existing neighborhoods, especially near transit. The California Air Resources Board's Draft 2022 Scoping Plan (May 2022) acknowledges that two-thirds of CEQA lawsuits allege violations of climate impacts: greenhouse gas emissions ("GHG") and vehicle miles travelled ("VMT") by cars and pickup trucks (including electric vehicles). The Scoping Plan misleadingly asserts that CEQA litigation is rare based on an older study that counted all types of projects including those subject to no public review process. The 2020 statewide Petition survey proves the contrary, with lawsuits challenging nearly half (47,999 units) of the state's annual housing production. Although 2020 was a pandemic year, residential construction workers were classified as essential workers and stayed on the job - and both housing demand and housing prices spiked. The bottom line: anti-housing CEQA lawsuits target more than half of California's annual housing production.

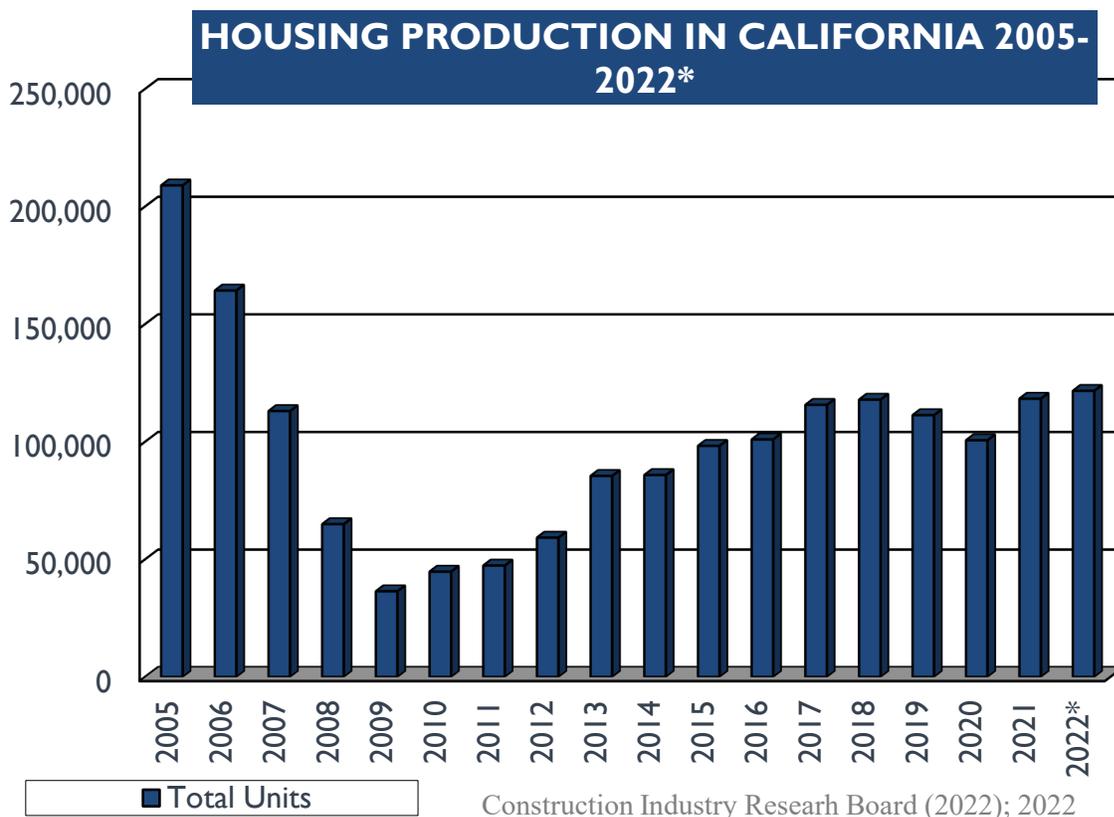
Soaring housing costs fed by these supply limits make living in this state unaffordable for a growing share of our population, shutting off prospects for economic mobility as aspirations are replaced with fears about being able to pay the core monthly bills. The Center for Jobs and the Economy Affordability Index tracks 5 core elements in the cost of living (food, healthcare, housing, taxes and fees, and transportation) compared to households' ability to pay. In the latest data for homeowners, 23 senate districts and 59 assembly districts are cost burdened, while 17 senate and 29 assembly are severely cost burdened. For renters, the numbers are worse: 6 senate and 15 assembly are cost burdened, while 34 senate and 61 assembly are severely cost burdened.

Yet, this type of CEQA litigation has been allowed to continue even though the available studies—including some by the Air Board itself—show that the VMT and land use based GHG measures such as those promoted in

¹ CEQA requires that all CEQA lawsuits be served on the California Attorney General ("AG"), and the AG provides copies of all these lawsuits to Holland & Knight pursuant to a Public Records Act Request. This lawsuit data is then compiled by a team of Holland & Knight attorneys and clerks. Contributors to the 2020 CEQA Petition data summaries include Nicholas Quinlivan, Nathan Bernstein, Emily Warfield, Deborah Brundy, Melanie Chaewsky, and Emily Lieben. This article was prepared independently by the author, and does not constitute legal advice or create any attorney-client relationship with Holland & Knight.

the state's regulations have been a failure, adding substantial costs to new housing while producing few if any emission benefits and failing the basic requirements under CEQA that mitigation measures be verifiable and enforceable. As detailed in the Center's report on Telecommuting (<https://centerforjobs.org/ca/special-reports/california-workers-modernized-telecommuting-policies-to-build-equity-and-reduce-costs>), there are cost effective alternatives available, measures that produce real emission reductions while in fact producing savings rather than costs for households. The current Scoping Plan process currently being conducted by the Air Board instead places even greater reliance on the failed land use and VMT policies from the past, rather than embracing policies that have shown they can work.

California's Ongoing Housing and Housing-Induced Poverty Crisis. The housing crisis, and housing and homeownership opportunities for working families (the majority of whom are now members of communities of color), has continued to worsen over Governor Newsom's term in office. The median price of homes in California has escalated to \$800,000, median household income stands at just under \$80,000, and the number of Californians who could afford to buy a home decreased from 28% to 26%. California's homeless population also increased, even as state and local agencies invested billions in new housing construction, temporary housing in hotels and motels, supportive housing, and shelters. California's housing-cost adjusted poverty rate, as reported by the US Census, remains the highest in the nation.



The failure of California's housing policies has made the nation's largest, most densely populated urban area, and wealthiest state the poorest (by far) in the nation. Although often unreported, and notwithstanding the state's deep blue politics, its communities of color, as well as children, are far more likely to be poor than other population segments

<https://www.unitedwaysca.org/realcost>) - and UC Berkeley scholars have confirmed that residential racial segregation in the progressive Bay Area bastion is worse than it was when Dr. King was assassinated in 1968. <https://www.sfchronicle.com/local/article/Bay-Area-segregation-is-worsening-UC-Berkeley-16266636.php>

CEQA and Housing.

The role that CEQA lawsuits play in the ongoing housing crisis has continued to be a politically fraught debate, even as one of the Legislature's pro-housing leaders, attorney and Senator Scott Weiner, has called CEQA the "law that swallowed California."

<https://www.youtube.com/watch?v=luZFhpwFtS8>

Our Holland & Knight team has produced two major research papers reporting on what kinds of projects are targeted by CEQA lawsuits, based on a review of all CEQA lawsuits filed statewide which we obtain from the Attorney General's office using the Public Records Act. Our 2015 study, *In the Name of the Environment* (<https://www.hklaw.com/en/insights/publications/2015/08/in-the-name-of-the-environment-litigation-abuse-un>), reviewed all CEQA petitions filed statewide between (2010 and 2012), and found that housing was by far the most frequent private sector target of CEQA lawsuits. Notwithstanding CEQA's status quo defense that CEQA is critical to protecting the environment, we also discovered only 13% of such lawsuits were filed by environmental organizations that existed prior to filing their CEQA lawsuit. NIMBYs, bounty hunters (lawyers seeking quick cash settlements), economic competitors, and labor unions dominated the ranks of those filing CEQA lawsuits

In a subsequent study published in 2018 by the Hastings Law School Environmental Law Journal, *CEQA and the California Housing Crisis* (https://repository.uchastings.edu/hastings_environmental_law_journal/vol24/iss1/3/), we reported that during the subsequent three year study period (2013 to 2015), anti-housing CEQA lawsuits had grown to an even larger share of total CEQA lawsuits filed, and that the most frequently targeted housing projects were higher density housing (e.g., apartments) on infill locations in wealthier communities.

We have completed the first year (2020) of our next three year study (2019-2021) of CEQA lawsuits, and have elected to publish this interim report to alert our elected and civil rights leaders, stakeholders, and members of the public in need of housing, to the explosion of anti-housing CEQA lawsuits that allege failures to properly analyze and/or mitigate two climate-related impacts added to CEQA: greenhouse gas emissions ("GHG") from project activities (construction, along with the future building occupancy and resident/guest/vendor vehicular fuel use attributed to a housing project), and Vehicle Miles Travelled ("VMT") from passenger vehicles regardless of fuel type, including electric vehicles). Apart from the continued onslaught of anti-housing CEQA lawsuits, the volume of CEQA lawsuits challenging renewable energy and infrastructure resiliency exploded in 2020: solar, wind, hydropower, water (including management of existing water facilities), flood, and wildfire management projects were all targeted by litigants seeking to preserve the status quo, or leverage CEQA lawsuits for other purposes.

CEQA and California's Climate Change Policies: Green Jim Crow

In 2021, the non-profit eco-modernist Breakthrough Institute published *Green Jim Crow*, which described how California's climate change policies - including those applied to housing and transportation through CEQA - created a racially exclusionary and disparate burden on California's communities of color. <https://thebreakthrough.org/journal/no-14-summer-2021/green-jim-crow>

Green Jim Crow described how the SB 375 Sustainable Communities Strategies had been weaponized into a recipe for gentrification, unaffordable housing, and displacement of communities of color. Judge Carter, presiding over the homeless crisis in Los Angeles' skid row, reached a similar conclusion about new housing production in the downtown LA transit hub. <https://www.courthousenews.com/wp-content/uploads/2021/04/LAHomeless-ORDER.pdf>

Green Jim Crow also described the racially discriminatory and disparate burdens climate policymakers were creating to impair vehicle use and mobility of essential workers, who need a car and had largely abandoned public transit even before the COVID pandemic as documented by transportation scholars from UCLA. <https://www.lewis.ucla.edu/research/falling-transit-ridership-california-and-southern-california/> The necessity of legal auto ownership and use had been soundly affirmed by the Legislature and Governor Brown with the 2013 enactment of AB 60, authorizing the issuance of drivers' licenses to undocumented immigrants. Limiting access to affordable, reliable used cars has also been repeatedly brought to the attention of the Legislature, CARB and the Governor as a poverty-inducing catastrophe for most of California.

Finally, *Green Jim Crow* described how California's rapidly escalating prices for electricity and energy also cause major hardships for California's working families, increasing both energy poverty and reducing access to value-added, higher-wage and often union jobs held by workers without college or other advanced degrees.

Notwithstanding these and many other studies, California's climate advocates and policymakers continue to insist that their increasingly infeasible housing and transportation mandates are necessary responses to climate change. As CARB has itself discovered, CEQA lawsuits have weaponized GHG and VMT to block the housing needed by Californians, and the state's energy and infrastructure transition and resiliency projects. Congress didn't pass Build Back Better, but if past experience is a prologue to the climate infrastructure projects eligible for federal funding under the Inflation Reduction Act, it will dissolve into "Bicker Back Better" CEQA lawsuits - just as President Obama's infrastructure funding surge yielded a bumper crop of CEQA lawsuits in our earlier study periods.

In its Draft 2022 Scoping Plan, released in May of 2022, the California Air Resources Board concluded that two-thirds of CEQA lawsuits allege deficient analysis or mitigation of GHG or VMT. Although California's per capita GHG emissions are the lowest in the nation, and any family or job that moves to a more affordable state actually causes in an increase in global GHG, ***neither CARB nor the Office of Planning & Research ("OPR") have created clear, feasible, or lawful standards for how new housing or infrastructure is supposed to mitigate GHG and VMT impacts under CEQA. For our 3.5 million housing deficit, neither CARB nor OPR have reconciled how CEQA's VMT and GHG mandates apply to the housing production required under the Regional Housing Needs Assessment, Housing Accountability Act, and***

other housing laws - or how CEQA is reconciled with the anti-segregation mandates of the state's newest civil rights law, Affirmatively Furthering Fair Housing.

Housing and Greenhouse Gas Emissions

In the second of the California Supreme Court's inconclusive decisions on GHG and CEQA, the majority rejected the legal adequacy of the GHG analytical methodology chosen by the lead agency in that case, which was the California Department of Fish and Game, advised by then-Attorney General Jerry Brown and future OPR Director Ken Alex. Justice Chin wrote a prescient dissent:

For projects, like the present residential and commercial development, which are designed to accommodate long-term growth in California's population and economic activity, this fact gives rise to an argument that *a certain amount of greenhouse gas emissions is as inevitable as population growth. . . CEQA is not intended as a population control measure.* (Center for Biological Diversity v. Dept. of Fish and Wildlife, (2015) 62 Cal.4th 204, *emphasis added*.)

With even Jerry Brown and Ken Alex unable to lawyer GHG correctly under CEQA for a housing and commercial project, it is no surprise that hundreds of cities and nearly 60 counties have not been able to do so either - at least not to the satisfaction of CEQA's legion of anti-housing litigants.

CARB's proposed solution to housing aligned to state climate goals is that the Legislature should give CARB authority over land use decisions (<https://ww2.arb.ca.gov/resources/documents/tracking-progress>), effectively creating a Coastal Commission-like land use overlay on the whole of the state. CARB has never regulated local land use decisions, however, and CARB's 2022 Draft Scoping Plan housing provisions demonstrate its profound unfamiliarity with housing.

For example, the Draft 2022 Scoping Plan identifies three housing typologies that have a "less than significant" GHG impact; by implication and omission, it invites more CEQA litigation against any housing that falls outside of this typology:

(1) Deed-restricted (to low income residents) 100% affordable housing projects. Even at the height of redevelopment funding availability, deed-restricted affordable housing comprised less than 5% of the state housing supply. As every expert agency has concluded, including for example the non-partisan Legislative Analyst Office, public funding cannot solve the housing crisis <https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx> With per unit housing production costs topping \$800,000 and even \$1,000,000, <https://www.latimes.com/homeless-housing/story/2022-06-20/california-affordable-housing-cost-1-million-apartment#:~:text=Affordable%20housing%20in%20California%20now,Great%20Highway%20in%20San%20Francisco> the infeasibility of using taxpayer funding to pay for millions of new homes is absurd.

(2) Mixed-income housing projects of 20 units per acre with 20% restricted to low-income affordable units, located within 1/2 mile of an existing commuter train or ferry station, or high frequency bus stop. The bus stop frequency standard requires buses to arrive every 15 minutes for each weekday morning and afternoon commute hour, with supplemental prescribed weekday,

evening, and weekend service intervals - a transit stop service frequency that generally requires ten shifts of employees and a fleet of 8 buses. As the Legislature and again every expert agency has concluded, even a 15% inclusionary affordable housing requirement can be infeasible in all but the most expensive markets (AB 1505 (2017); (<https://turnercenter.berkeley.edu/research-and-policy/making-it-pencil/>) California's costliest urban housing market, in San Francisco, has had to rethink its affordable unit requirements based on high housing costs and low housing production. (<https://sfist.com/2022/08/09/in-fighting-over-affordable-housing-at-city-hall-escalates-with-new-lawsuit-meanwhile-newsoms-office-launches-unprecedented-review-of-sf-policy/>)

(3) **Projects that have agreed to be “net zero GHG.”** Only two projects have signed onto this approach, which requires a calculation of GHG for project construction, as well as 30 years of GHG emissions attributable to future building occupancy and vehicular use by residents, employees, vendors and guests. Both are large master planned community projects, which achieve onsite GHG reductions at scale but still need to fund GHG reductions in other parts of the city, county, state or world to achieve “net zero GHG.”

Even for these three typologies, which ignore dozens of Legislative housing production priorities, such as accessory dwelling units, streamlined approvals for housing that complies with General Plan Housing Elements and Sustainable Communities Strategies, and down payment assistance for first time homebuyers, CARB's "Natural and Working Land," Scoping Plan chapter calls for the immediate cessation of new housing and other development on lands not previously-developed (not even the buildout of existing cities and projects). CARB asserts this radical housing prohibition on land already planned for housing in local Housing Elements and CARB-approved Sustainable Communities Strategies is necessary to achieving climate neutrality, and that undeveloped lands must be managed for carbon sequestration, renewable energy, and other climate-sanctioned purposes. CARB expressly declined to comply with a Legislative mandate (AB 197, Garcia) that CARB analyze the equity, cost and effectiveness of each Scoping Plan Measure.

CARB's 2022 Draft Scoping Plan also reports that only 6% of California has been developed for both people and infrastructure, and opines that conversion of more land would equate to anti-climate “sprawl.” The US Census Bureau counts "urbanized" acres as including megaregions, cities and towns - including small towns like Ione in the Sierra foothills. California is the nation's most populous state, has - by far - the highest urban population density in the nation. California also has the lowest percentage of “urbanized” acres (a US Census term which combines megaregions, cities, and small towns such as Ione in the Sierra foothills) of any other high population state except Texas (which is not lauded for its anti-sprawl policies). For example, California has a substantially lower percentage of urbanized land than Georgia, New York and North Carolina (8.3 to 9.5 percent urbanized), Pennsylvania, Ohio, Florida, Maryland, Delaware (10.5 to 20.9 percent urbanized), and Connecticut, Massachusetts, Rhode Island and New Jersey (37.7 percent to 39.7 percent urbanized).

Importantly for housing, each city and county in California is required to develop a plan to accommodate its fair share of housing as part of the Regional Housing Needs Assessment (“RHNA”) and General Plan Housing Element update process. Dozens of important housing production laws like the Housing Accountability Act and SB 375's Sustainable Communities Strategy, include streamlined approvals for housing built in compliance with RHNA, the HAA, and Sustainable Communities Strategy. The Draft 2022 Scoping Plan throws these and other pro-

housing production laws, as well as locally-approved General Plans and housing projects, under the bus in the name of climate change.

Housing and Vehicle Miles Travelled

Speaking of the bus, California's families work hard: 97% of households struggling below the poverty line have at least one adult working full-time. <https://www.unitedwaysca.org/realcost> According to CARB in its 2022 Draft Progress Report on SB 375, only 5% of Californians use transit and 4% of Californians walk or bike to work. https://ww2.arb.ca.gov/sites/default/files/2022-07/2022_SB_150_Appendix_A_Draft_ADA.pdf

Although housing and civil rights advocates concur that housing equity demands allowing for new housing for all income levels to be developed in high opportunity neighborhoods, and all cities and counties share an obligation to allow more housing in compliance with RHNA and Affirmatively Furthering Fair Housing Act laws, civil rights advocates have also long recognized the necessity of car ownership - as acknowledged by the Legislature itself when it authorized undocumented immigrants to obtain Drivers' Licenses.

Some housing advocates, especially younger, more affluent college-educated professionals (often without children) who can afford higher rents and are more likely to have the option of working remotely as part of the keyboard economy, support transit, biking and walking transportation modes. These advocates readily trade away a private parking space for lower housing costs, which makes perfect sense - for them.

Respectful of pro-housing allies, from a civil rights perspective most Californians do not fit this profile. In fact, as the years-long policy debates about expanding Drivers' Licenses to undocumented immigrants made clear, the vast majority of California's workforce and households need a reliable, affordable car - to transport kids/tools/supplies, to manage tight deadlines and budgets for daycare pickups and medical appointments, to reliably get to required destinations outside peak transit hours and peak transit destinations (if high frequency transit is available at all), and to manage the overlapping time demands of households with multiple drivers and multiple jobs and families. As a recent summary of the correlation between car ownership and poverty again confirms:

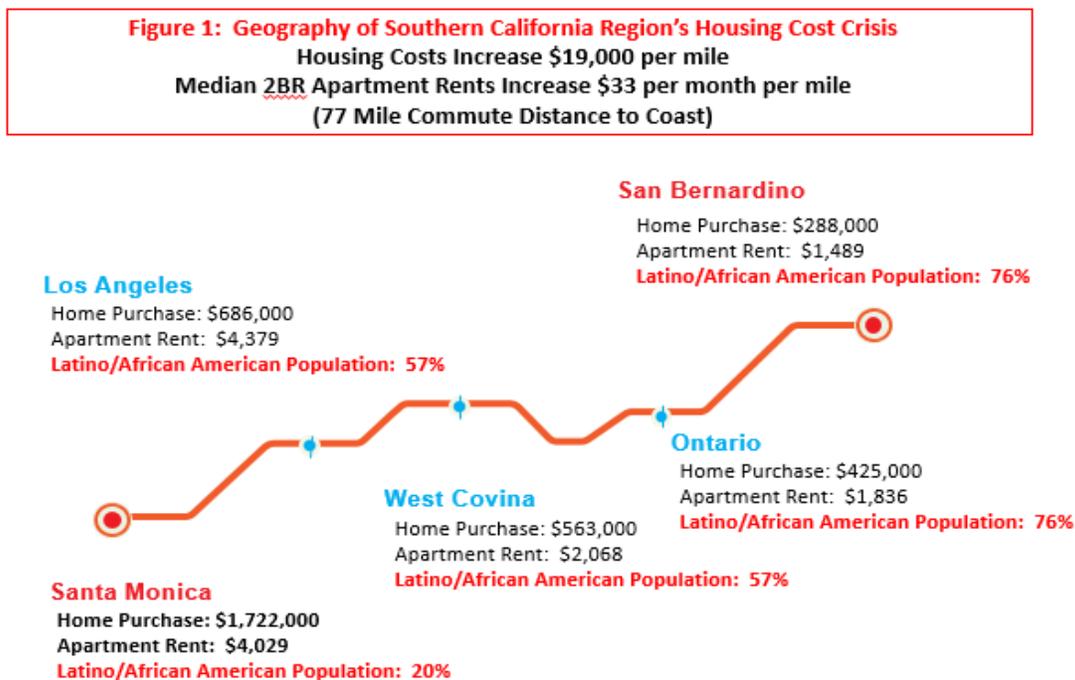
Researchers have consistently found that having a car is associated with improved economic outcomes. When poor households have or gain a car, household members are more likely to be or become employed, keep their jobs, increase their earnings, work more hours, and leave welfare programs ([Baum 2009](#); [Blumenberg and Pierce 2017b](#); [Cervero, Sandoval, and Landis 2002](#); [Gurley and Bruce 2005](#); [Ong 2002](#); [Raphael and Rice 2002](#); [Smart and Klein 2020](#)). *Journal of Planning Education Research* (2020) available at: <https://journals.sagepub.com/doi/full/10.1177/0739456X20950428>

Transportation doesn't just need to be reliable and affordable, it also needs to be efficient: no one wants to spend more time than needed on a commute, and Marchetti's Constant confirms our millennial-long preference for spending no more than 30 minutes (each way) on our daily

commute.² <https://www.coadvantage.com/marchetti-constant-why-reducing-commutes-increases-productivity/> CARB reports that, consistent with Marchetti's Constant, the average commute time by car is under 30 minutes; however, the average commute time by transit is nearly an hour. In contrast, workers who commute by public transit spend twice as long, on average, as car commuters. <https://ww2.arb.ca.gov/resources/documents/tracking-progress> California's transit commuters spend 20 hours more commuting each month than drivers - hours that could be spent with their families or on other activities.

Neither CARB nor OPR recognize, and in some ways actively oppose, proven and cost-effective methods of reducing traffic congestion at peak hours as well as VMT. For example, broadband technology enables more telecommuting, telelearning, telebanking, and telemedicine - all of which were favored even by low wage and rural workers as confirmed by a recent SCAG/CETF study in Southern California available here: https://scag.ca.gov/sites/main/files/file-attachments/transportation_broadband_strategies_to_reduce_vmt_and_ghg_final.pdf?1649987917. Similarly, micro-transit options like point-to-point van rides (<https://transweb.sjsu.edu/press/Microtransit-Options-Post-Pandemic-Transit-Access>) instead of fixed route scheduled bus service has proven to be both more cost effective and result in shorter and more reliable transit in many communities.

Finally, housing is more affordable - without waiting to win a lottery reserved for low income households - farther away from the Coast and Bay. That means non-affluent workers - especially essential workers who are required to be on time on the jobsite - are driving to tony coastal enclaves that neither they nor their kids have any expectation of ever being able to afford under longstanding state housing policies. As shown in Figure 1, below, even in pre-pandemic 2017:



² California's commute durations are much longer in the Bay Area and SoCal megaregions, and other factors - such as safety and sanitary conditions especially during off-peak hours - also influence transportation mode choices.

California climate advocates remain laser-focused, however, on the necessity of reducing passenger car and pickup truck VMT - even for electric vehicles. Their favored solution: high density housing (which costs 3-7 times more to build than starter homes and duplexes), near a high frequency fixed route public transit stop. As the CARB Board's own nationally-renowned transportation scholar, Dr. Sperling of UC Davis, reported during the Board's July 24, 2022 meeting to consider the draft Scoping Plan: "So I appreciate all of the enthusiasm for reducing VMT. Ain't going to happen. It's failed and it's going to continue to fail."

UCLA's transportation scholars report the same conclusion in much more detail:

Transit patronage plunged staggeringly, from 50% to as much as 94%, during the first half of 2020 amidst the worst global pandemic in a century. But transit's troubles in California date much earlier. From 2014 to 2018, California lost more than 165 million annual boardings, a drop of over 11%.

<https://www.ucits.org/research-project/2018-04/>

UCLA's studies also debunks several transit theories: transit ridership decreased the most for low income workers who switched to cars, and neither changes in fuel costs, increased transit services, stable transit fares, and the emergence of car share services like Uber and Lyft have a significant influence on transit ridership. <https://caltransit.org/news-publications/publications/transit-california/transit-california-archives/2019-editions/may/ridership-study-revisited/>

Requiring employers to restrict employee vehicular use has been prohibited by the Legislature, but this and all other specific laws have been sideswiped by CEQA's VMT impact regime in CEQA lawsuits. As Senator Weiner explained during 2022 testimony on a 2020 lawsuit to reduce enrollment at UC Berkeley, CEQA is "the law that swallowed all other laws" in California - including this one.

The VMT CEQA burden on housing is no less challenging. Requiring new housing projects that are unable to meet even one-half (15%) of CARB's latest (22% of total VMT, consisting of 30% of passenger vehicle VMT) VMT reduction mandate has made housing economically infeasible. Under OPR's "guidance" the "mitigation" for VMT "impacts" has meant adding public transit system fees to new housing production costs that effectively require residents of new housing with the obligation to subsidize public transit for someone else, somewhere else - a speculative (at best) outcome in an era of declining transit ridership. Legally, CEQA mitigation measures also need to be verifiable and enforceable - but nobody has figured out how to tie a \$100,000 VMT CEQA mitigation fee for each condo built on a former golf course more than 1/2 mile from high frequency fixed route public transit in San Diego County to a verified reduction of VMT somewhere by someone for each of the next 30 years.

For example, OPR's VMT CEQA "guidance" - which anti-housing litigants in San Diego successfully demanded in a 2020 anti-housing lawsuit must be enforced as a CEQA mandate not simply a "guidance"- imposed fees of hundreds of thousands of dollars for each housing unit, even for a higher density housing project that had been lauded as a sustainable project; under OPR's "guidance," VMT fees grew to over a million dollars in fees per home for other pending projects. These homes were of course never built. San Diego County built just 27.9% of its Fifth Cycle

RHNA median income homes (affordable to households earning about \$80,000), and 40.8% of the homes needed for households making above \$80,000. <https://www.hcd.ca.gov/apr-data-dashboard-and-downloads>. San Diego county also produced deed-restricted, and income-restricted, low income homes - but chronic failure to produce enough new housing constrains homeownership and move-up housing opportunities, and increases housing costs.

As CARB itself acknowledges, CEQA lawsuits now routinely allege VMT violations, as well as GHG violations - and as our one-year snapshot of 2020 CEQA lawsuits shows, almost 50,000 housing units were challenged with anti-housing CEQA lawsuits - and thousands more were blocked in CEQA lawsuits challenging upzoning in existing communities to allow more housing, including near transit.

As the Second Appellate District concluded in rejecting a more recent CEQA lawsuit to block 34 homes on an infill parcel next to Tiburon (Marin County), after reciting a staggering multi-decade history of CEQA-inspired obstructionism, delays and litigation abuse, “something is very wrong with this picture.” <https://www.hklaw.com/en/insights/publications/2022/05/california-court-decries-ceqa-abuse>. The outcome of this CEQA-inspired decadal torture fest was not, as is often the case, any new housing. Rich donors just met the landowners’ purchase price, and will slap on a conservation easement to block the 34 new homes in perpetuity, adding to Marin County’s roster of 90+% land on which it is illegal to build housing.

Conclusion. In 2015, Justice Chin confidently said that CEQA was not intended as a population control statute. However, using CEQA lawsuits to block housing, coupled with OPR/CARB's inchoate and infeasible GHG and VMT CEQA prescriptions to be applied to each housing unit, continue to making housing too scarce - and too expensive. The result: CEQA has indeed become a population control (aka reduction) statute. California is losing people, and the people being expelled are our families, our kids and grandkids, our favorite young teacher, our most compassionate nurse, our lifeline electricians and carpenters, our first responders, and our future caregivers (unless, like the Japanese, we try to rely on robots to care for the aging Boomer CEQA protectorate <https://www.latimes.com/world-nation/story/2019-07-25/desperate-for-workers-aging-japan-turns-to-robots-for-healthcare>).

Our team will complete the remaining two years of our 2019-2021 CEQA lawsuit data, but we have no expectation that the pattern of anti-housing CEQA lawsuits - or CEQA lawsuits challenging new infrastructure and resiliency projects - will change. CEQA favors legacy residents and special interests with wealth, power, or both. California's hard-working families continue to fall victim to CEQA lawsuits filed "in the name of the environment."