

FOR IMMEDIATE RELEASE

## **SB9, a State Housing Bill, Ruled Unconstitutional**

*Revealing the Truth: Deregulation Over Affordability*

**San Francisco, CA - April 26, 2024** - California Senate Bill 9, which mandates ministerial approval (***no notice to neighbors, no environmental review, and no public hearing***) and permits the splitting of a single-family lot into 4 and sometimes 6 units, has been ruled unconstitutional in Charter cities.

The [Los Angeles County Superior Court](#) ruled on April 22, that SB 9 is “not reasonably related and sufficiently narrowly tailored to the explicit stated purpose of that legislation, namely, **to ensure access to affordable housing**”.

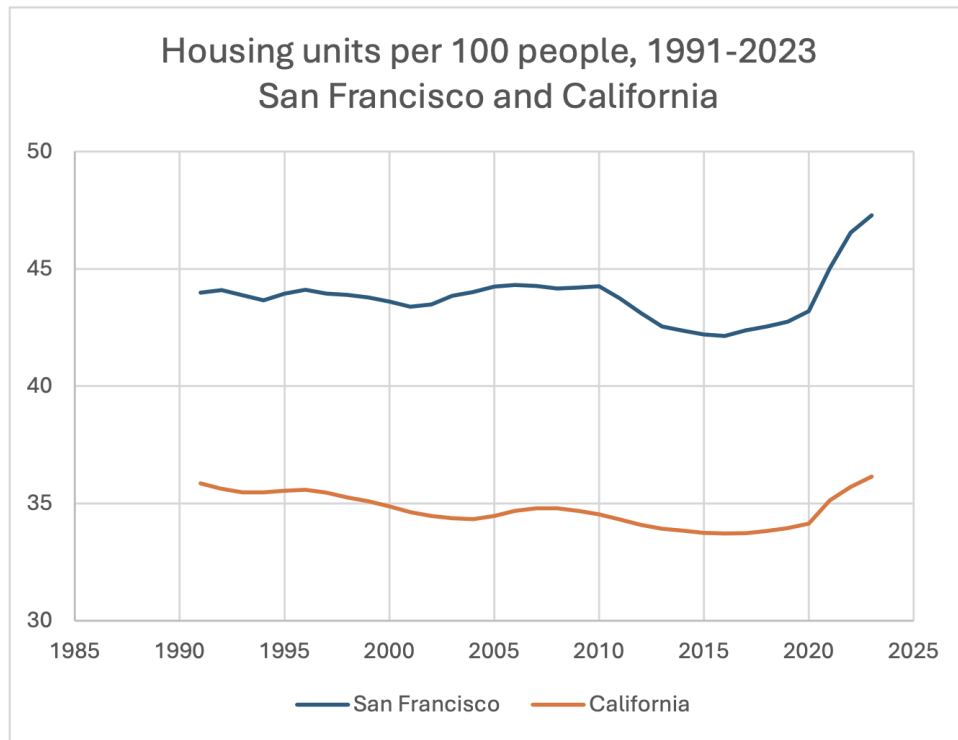
Although the California Legislature adopted SB 9 as a means to facilitate the production of more affordable housing, the Court found that it not only fails to reduce housing prices, but it also overreaches into the municipal affairs that must be left to Charter cities to address. This decision validates concerns voiced by residents, elected officials, and housing experts statewide, affirming that the legislation is the wrong approach and does not actually produce truly affordable housing. Moreover, it underscores broader issues with recent housing legislation in California.

Concerns about effectiveness and constitutionality extend beyond one statewide bill. Hundreds of bills passed in recent years operate under the false premise of a “housing crisis” when the real issue is an “affordable housing shortage.”

For instance, the state plans to address SB9 by removing the term “affordable” and retaining only the “housing crisis” language, presumably to nullify the lawsuit decision. Similar changes have occurred in other bills subsequent to the filing of the SB9 lawsuit. **The omission of the word “affordable” serves as a stark admission that the multitude of housing bills by our state legislators are not aimed at fostering affordable housing but rather at deregulating the housing industry.**

In San Francisco we do not face a market-rate housing crisis. With over 40,000 vacant units ([US Census data in 2022: SF has a 13% rate of vacancy out of 414K total units](#)) and more than 72,000 units permitted for construction, there is significant current and planned housing. In addition, San Francisco has also already rezoned much of the city, creating additional capacity within existing zoning laws. **Cities issue permits; they do not undertake construction projects themselves.** Therefore, cities should not face severe state-mandated penalties when they have fulfilled their duties. Given the current state budget, it seems counter-productive to spend resources on litigation against cities rather than collaborating with them.

The solution is not more statewide bills that strip cities of their growth management authority, but rather to acknowledge the reality that creating significant affordable housing necessitates government subsidies, not dependence on for-profit developers and failed trickle-down economics.



Source: DOF Demographic Unit, [Estimate tables E-5 and E-8](#). Based on household population and occupied housing units.

*"In this May 2023 article, CalMatters reporter Ben Christopher noted, "There are now more homes per person – 3,770 units for every 10,000 Californians – than there have been since at least 1991, for both San Francisco and California (this also true for Los Angeles*

*and San Diego). The real problem is not the amount of housing, but the mismatch between income and rents. We are in an affordability crisis due to growing income and wealth inequality. (Download full report at <https://bit.ly/4aAptZ2>) "*

Neighborhoods United SF remains resolute in advocating for community-led planning and local legislation to safeguard tenants and homeowners, promote affordability, and uphold the distinctive character of San Francisco's neighborhoods. NUSF rejects the flawed economic theory of "trickle-down" as a solution to the city's urgent need for genuinely affordable housing that San Francisco desperately needs.

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### **About Neighborhoods United SF**

Neighborhoods United SF is a coalition of over 60 established neighborhood, business, and civic organizations in San Francisco dedicated to preserving the integrity and diversity of the city's many neighborhoods.

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