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NO. H052675

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

California Renters Legal Advocacy & Education Fund, et al.,
Petitioners and Appellants,
v.
County of Santa Clara, et al.,
Defendants and Respondents.

On Appeal from Superior Court of Santa Clara County
Case No. 22CV403175, Honorable Mary E. Arand

APPLICATION OF CALIFORNIANS FOR HOMEOWNERSHIP, YIMBY LAW, AND BUILDING INDUSTRY ASSOCIATION – BAY AREA FOR LEAVE TO FILE A BRIEF, AS *AMICI CURIAE*, IN SUPPORT OF APPELLANTS; PROPOSED BRIEF

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I. INTRODUCTION AND NATURE OF INTEREST

Californians for Homeownership, Yes In My Back Yard (YIMBY Law), and the Building Industry Association – Bay Area (BIABA) respectfully request leave, under Rule 8.200(c) of the California Rules of Court, to file the attached *amicus curiae* brief.

Californians for Homeownership was founded in 2018 in response to the Legislature's call for increased private nonprofit enforcement of California's housing laws. (*See* Gov. Code § 65589.5(k) [formalizing concept of standing for "housing organizations" under the Housing Accountability Act].) It is a 501(c)(3) non-profit charity formed to address California's housing crisis by using legal tools to support the production and availability of housing affordable to families at all income levels. To advance this mission, its primary activity is litigation against local agencies that engage in exclusionary or obstructive zoning and land use practices.

Californians' work gives a voice to those in need of housing—a voice that is systematically ignored in California's system for making land use decisions. Housing needs are a statewide concern, but land use authority in California is distributed among over 500 local jurisdictions. The result is the creation of significant local barriers to new housing construction, even in the face of ever-increasing regional housing needs. Although landowners and developers can play a role in representing the interests of future residents, they are not

particularly well-suited to the task. The primary interest of owners of development property is usually to advance the most economically productive use of their property. As a result, localities can convince developers to alter plans to opt for a smaller number of units at a less-affordable price. It is critical, then, that organizations like Californians fill the gap by representing the public interest in the development of additional housing.

YIMBY Law is a 501(c)(3) charitable non-profit organization dedicated to making housing more accessible and affordable by promoting and enforcing compliance with state housing law in California. The voice of the housing consumer has traditionally been absent and ignored in litigation involving housing and environmental issues, as developers, cities, and neighborhood groups litigate their respective concerns while no one speaks for the consumer. YIMBY Law's role is to provide that voice.

YIMBY Law enforces state laws such as housing element law and the Housing Accountability Act by advising agencies of their obligations under state law, and filing lawsuits against those agencies when they fail to comply. In addition to its litigation work, YIMBY Law organized the Campaign for Fair Housing Elements, a collaborative effort by housing advocates around the state to monitor and ensure cities' compliance with their Regional Housing Needs Assessment obligations.

BIABA is a non-profit association representing developers and others involved in the residential construction industry in the San Francisco Bay Area. BIABA's 400-plus members are home builders, trade contractors, suppliers and residential development industry professionals.

BIABA monitors litigation of concern to the development community and identifies those cases that are of statewide or national significance. BIABA has identified this case as being of such significance. BIABA also contributes to the development state housing laws, including the Housing Accountability Act, and actively participated in the drafting of several recent bills substantially amending the law. BIABA frequently appears before the Courts of Appeal as *amicus curiae* on matters affecting housing development.

We offer this *amicus* brief to provide important context regarding California's housing crisis and the Legislature's efforts to address it, and to highlight the importance of public interest standing in enforcing those legislative efforts.

II. IDENTIFICATION OF AUTHORS AND CONTRIBUTORS

No party or counsel for a party in the pending appeal authored the proposed *amicus* brief in whole or part. No party or counsel for a party in the pending appeal, or any other person, made a monetary contribution intended to fund the preparation or submission of the brief.

III. REQUEST FOR PERMISSION TO FILE BRIEF

For the reasons stated above, we respectfully request that the Court accept the accompanying brief.

Dated: January 26, 2026

CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By /s/ Matthew P. Gelfand
Matthew P. Gelfand

For *Amicus Curiae*, Californians for Homeownership

Dated: January 26, 2026

PATTERSON & O'NEILL, PC

By /s/ Ryan J. Patterson
Ryan J. Patterson

For *Amicus Curiae*, Yes In My Back Yard (YIMBY Law)

Dated: January 26, 2026

Building Industry Association – Bay Area

By /s/ Paul B. Campos
Paul B. Campos

For Amicus Curiae, Building Industry Association – Bay Area

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I. INTRODUCTION

California is in a housing crisis of historic proportions, and the Legislature has been working for years to address this crisis through limits on local land use regulations. Key among these state policies are requirements (1) that all cities and counties, no matter how small, plan to meet their fair share of regional housing needs, at all income levels; and (2) that all urbanized cities and counties (including Santa Clara County) refrain from imposing certain enumerated land use rules that the Legislature has determined may impact housing availability and affordability.

But these laws are not self-executing. For decades, the primary mechanism for enforcement of state housing laws in the courts has been public interest litigation by non-profit organizations. In recent years, as the Legislature has ramped up its efforts to address the crisis, the need for public interest litigation to enforce these laws has only increased. That increased need has been met by the establishment of new housing-focused impact litigation organizations like Appellant CaRLA, *amicus curiae* Californians for Homeownership, and *amicus curiae* Yes In My Back Yard (YIMBY Law). It has also led to additional litigation by established civil rights impact litigation organizations.

This increased litigation has led to positive outcomes across the state, including in small communities whose borders once served as intentional barriers to affordable housing. And the threat of litigation has multiplied the impact of these successes to

other cities and counties across the state. All the while, the right for these organizations to pursue housing law cases has gone largely unchallenged. And for good reason: these cases plainly fall within California's modern doctrine of public interest standing, and local agencies have generally understood that it would be fruitless to argue otherwise.

Until this case. Here, the trial court imposed its own new requirement for public interest standing: a case-specific demonstration of direct public benefit. And it used this test to permanently foreclose any judicial challenge to Santa Clara County's enactment of a type of zoning regulation the Legislature has specifically prohibited.

We urge this Court to reject the trial court's new test and instead analyze Appellants' public interest standing in light of the important state housing policies that underlie the Housing Crisis Act.

II. LEGAL ARGUMENT

A. Public interest standing is a cornerstone of litigation to enforce state law against California public agencies.

Both before and since the California Supreme Court reiterated the broad applicability of the state's public interest standing rule in *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, public interest standing has been a cornerstone of litigation to enforce state and federal law duties against recalcitrant local agencies. As our Supreme Court observed in *Save the Plastic Bag*,

> where the question is one of public right and the object of the mandamus is to procure the enforcement of a

> public duty, the [petitioner] need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced. This public right/public duty exception to the requirement of beneficial interest for a writ of mandate promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of legislation establishing a public right.

(52 Cal.4th at 166 [citations and quotation marks omitted].)

Save the Plastic Bag was brought under the California Environmental Quality Act (CEQA), and CEQA plaintiffs are perhaps the most frequent beneficiaries of public interest standing. But the courts have endorsed its use to enforce a wide variety of obligations under state and federal law. (*People for Ethical Operation of Prosecutors etc. v. Spitzer* (2020) 53 Cal.App.5th 391 [constitutional limits on use of confidential informants]; *National Asian American Coalition v. Newsom* (2019) 33 Cal.App.5th 993 [state law limits on misappropriation of limited-purpose public funds]; *Hector F. v. El Centro Elementary School Dist.* (2014) 227 Cal.App.4th 331 [antidiscrimination and antiharassment statutes governing public schools]; *Urban Habitat Program v. City of Pleasanton* (2008) 164 Cal.App.4th 1561 [various state housing laws]; *Doe v. Saenz* (2006) 140 Cal.App.4th 960 [state laws governing licensing limits for criminal convictions]; *Venice Town Council, Inc. v. City of Los Angeles* (1996) 47 Cal.App.4th 1547 [state law governing preservation of housing in the Coastal Zone]; *California Homeless*

& Housing Coalition v. Anderson (1995) 31 Cal.App.4th 450, 455 [federal public assistance obligations].)

B. State housing law is particularly deserving of public interest enforcement, and public interest standing in housing law cases has been broadly uncontroversial until this case.

1. California is experiencing a housing crisis of historic proportions.

For decades, California has experienced a significant housing access and affordability crisis. (Gov. Code § 65589.5(a)(1) [legislative findings describing crisis as of 1990].) In recent years, this crisis has reached "historic proportions." (Gov. Code § 65589.5(a)(2) [additional legislative findings describing crisis as of 2017].)

As a result of the housing affordability crisis, younger Californians are being denied the opportunities for housing security and homeownership that were afforded to previous generations. Families across economic strata are being forced to rent rather than experience the wealth-building benefits of homeownership.[1] Many middle and lower income families devote more than half of their take-home pay to rent, leaving little money to pay for transportation, food, healthcare and other necessities.[2] Unable to set aside money for savings, these families are also at risk of losing their housing in the event of a

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[1] California Department of Housing and Community Development, *California's Housing Future: Challenges and Opportunities: Final Statewide Housing Assessment 2025* (2018), *available at* http://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf, at pp. 18-19.

[2] *Id.* at p. 27.

medical issue, car trouble, or other personal emergency. Indeed, housing insecurity in California has led to a mounting homelessness crisis.[3] The Legislature recently observed:

> The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.[4]

The housing crisis was only exacerbated by the COVID-19 pandemic. The large-scale economic impacts created financial difficulties for renters and homeowners, leaving many unable to pay their rent or mortgage payments.[5] The prices of homes have increased while the inventory of for-sale homes has decreased.[6] Higher costs have also increased crowding in homes, creating negative health effects.[7]

And this issue constrains economic growth throughout the state. When households pay a disproportionate share of income

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[3] *Id.* at pp. 3, 48-50.

[4] Gov. Code § 65589.5(a)(2)(A).

[5] Paul M. Ong & Chhandara Pech, *The COVID-19 Pandemic Housing Crisis: Identifying Owner-Vulnerable Neighborhoods in California* (2021), *available at* https://knowledge.luskin.ucla.edu/wp-content/uploads/2021/05/UCLA_CNK_OVI_v06.pdf.

[6] Sarah Crump & Jenny Schuetz, *What the Great Recession Can Teach Us About the Post-Pandemic Housing Market*, Brookings, Mar. 29, 2021, *available at* https://www.brookings.edu/research/what-the-great-recession-can-teach-us-about-the-post-pandemic-housing-market/; Emily Badger & Quoctrung Bui, *Where Have All the Houses Gone?*, N.Y. Times, Feb. 26, 2021, *available at* https://www.nytimes.com/2021/02/26/upshot/where-have-all-the-houses-gone.html

[7] *Ibid.*

toward rent or mortgage payments, they have to limit their consumption. It is estimated that the housing shortage causes the state of California to lose $140 billion in annual output which is approximately 6 percent of the state GDP.[8] Beyond the human toll, California's housing crisis harms the environment. (Gov. Code §§ 65589.5(a)(1)(C), (a)(2)(I).)

At the core of California's affordable housing crisis is a failure to build enough housing to meet demand. California ranks 49th out of the 50 states in existing housing units per capita.[9]

2. The need for public interest standing is particularly acute in litigation to enforce state housing laws.

Among the many state mandates governing local agency conduct, public interest standing is particularly critical to enforce state *housing* laws for a variety of reasons:

Zoning ordinances must be challenged within 90 days. State law imposes a strict, short statute of limitations for challenging changes to local land use policy. (Gov. Code

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[8] McKinsey & Co., *Housing Affordability: A Supply-Side Tool Kit For Cities* (2017), *available at* https://www.mckinsey.com/~/media/McKinsey/Business%20Functions/Operations/Our%20Insights/Housing%20affordability%20A%20supply%20side%20tool%20kit%20for%20cities/Housing-Affordability-MGI-Briefing-note-Oct-2017.pdf at document page 1.

[9] McKinsey & Company, *A Tool Kit to Close California's Housing Gap: 3.5 Million Homes By 2025* (2016), *available at* https://www.mckinsey.com/~/media/McKinsey/Industries/Public and Social Sector/Our Insights/Closing Californias housing gap/Closing-Californias-housing-gap-Full-report.pdf at document page 6.

§ 65009(c).) The likelihood that a beneficially interested party (under the trial court's strict definition of beneficial interest) would be present locally and have sufficient notice and resources to pursue litigation during that narrow window is low. Statewide housing impact litigation organizations like Appellant CaRLA have developed processes to monitor local agency conduct throughout the state and to efficiently initiate litigation within the statute of limitations.

City and county residents are likely to favor exclusionary policies, despite regional and statewide effects on affordability. Commentators and the Legislature have recognized that local residents and the officials they elect often disfavor policies that contribute to housing affordability, and favor exclusionary policies that harm affordability. (*See, e.g.,* Christopher S. Elmendorf, *Beyond the Double Veto: Housing Plans As Preemptive Intergovernmental Compacts* (2019) 71 Hastings L.J. 79, 134–135; Gov. Code § 65589.5(a)(1)(D).) Indeed, this is precisely the motivation behind the state's Regional Housing Needs Allocation (RHNA) system, which requires cities and counties to plan to meet regional housing needs. And the beneficiaries of increased housing affordability are often not current residents, but potential residents who would choose to live in a community if it weren't for the lack of affordable housing. Litigation by outside organizations with a regional or statewide focus on the housing crisis is the only likely mechanism for enforcing these state law mandates in most communities.

Most communities lack a local pro-housing group with the financial resources to fund litigation. If statewide organizations were not permitted to use public interest standing to enforce state housing laws against local agencies, enforcement would be focused on the few cities and counties with active, well-funded pro-housing groups that could attempt to meet a restrictive standard for beneficial interest. This would leave smaller cities and counties free to break the law with impunity, despite the Legislature's clear effort to compel them to do their fair share.

The state lacks the resources to monitor compliance and pursue enforcement litigation in California's 540 cities and counties. While the state Department of Housing and Community Development is empowered to enforce certain state housing laws through referrals to the Attorney General, it relies on a small staff to fulfill a wide range of statutory duties, most of which do not relate to enforcement. It lacks the resources to proactively monitor land use policy changes statewide, and is unable to pursue most violations beyond the enforcement letter stage. In fact, while the state has issued over 60 notices of violation to cities and counties from 2021 to today, it has filed only around a dozen original enforcement lawsuits to address these violations.[10]

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[10] In addition to these lawsuits, the state has sometimes participated in settlements of nonprofit public interest lawsuits against local agencies. For example, HCD and the Attorney General intervened in litigation by *amicus curiae* Californians for Homeownership against the City of Fullerton, for the purpose of participating in the settlement of that matter. (*Californians for*

3. For these reasons, nonprofit public interest enforcement of state housing law has been uncontroversial in the courts.

Historically, courts have allowed public interest standing to enforce state housing laws. (*Urban Habitat Program v. City of Pleasanton* (2008) 164 Cal.App.4th 1561, 1581; *Venice Town Council, Inc. v. City of Los Angeles* (1996) 47 Cal.App.4th 1547, 1564.) And in the era following *Save the Plastic Bag*, local agencies have largely stopped challenging public interest standing in housing cases. So the trial court's decision bucks a longstanding understanding by both local agencies and trial courts that nonprofit organizations are entitled to public interest standing in these cases.

To take *amicus curiae* Californians for Homeownership as an example, the organization has relied on public interest standing to file 26 cases against local agencies since 2020, the vast majority of which have resulted in stipulated judgments or merits decisions in the organization's favor.

As an example, in 2022, Californians obtained a stipulated judgment against the City of Bradbury, a city of fewer than 1,000 residents living exclusively in single-family homes with an average lot size over 3 acres. Bradbury was incorporated for the purpose of imposing exclusionary land use standards to "control [its residents'] vision for the future" in light of the developments occurring in nearby Duarte, which "provided modest and affordable living accommodations for returning service men and

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Homeownership v. City of Fullerton, Orange County Sup. Ct. Case No. 30-2022-01281840-CU-WM-CJC.)

their families"—a form of housing the residents of Bradbury apparently disfavored.[11] As a result of the 2022 stipulated judgment, Bradbury adopted a compliant general plan housing element and ultimately initiated the process of finding a developer to build its first affordable housing, on a city-owned site.

Unsurprisingly, there is no organized affordable housing advocacy group in Bradbury, and precisely the same arguments advanced by Santa Clara County as to the Upper San Juan neighborhood could have been advanced by Bradbury. Yet Bradbury made no attempt to challenge Californians' standing and the trial court made no objection to the entry of a stipulated judgment in Californians' favor. The public interest has been well-served by that judgment.

In fact, to date, only one trial court has considered a challenge to Californians' invocation of public interest standing. It rejected that challenge in a single sentence, with a perfunctory citation to *Save the Plastic Bag*.[12]

This is typical. Appellant CaRLA and *amicus curiae* YIMBY Law are similar impact litigation organizations that regularly obtain litigation victories against public agencies to enforce state housing law using public interest standing. Indeed, in one such case, YIMBY Law successfully enforced the same state law provision that is at issue in this case. (*See Yes in My*

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[11] https://www.cityofbradbury.org/about_us/city_history.php

[12] August 23, 2023 Order, *Californians for Homeownership v. City of Novato*, Marin County Sup. Ct. Case No. CV2300180.

Back Yard v. City of Culver City (2023) 96 Cal.App.5th 1103, 1109.)

The trial court's decision below is an outlier, and one that merits correction.

C. The availability of public interest standing depends on the importance of the public duty being enforced, not the scope of the specific violation being challenged.

The trial court's rejection of public interest standing in this case focused on the impact of the specific relief sought in this specific case on the availability of affordable housing in the County. Relying on this framework, the trial court reasoned that public interest standing was unavailable because invalidating the zoning ordinance at issue would not directly lead to the production of more units of affordable housing. (2-AA-506-507.)[13]

The trial court's focus on the impact of this case, in isolation, is misplaced. Neither the County nor the trial court has cited any authority for this approach. Instead, the cases on

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[13] To be clear, the trial court's reasoning is incorrect even adopting its framing of the standard for public interest standing. (*See* ARB 18-20.) Among other things, reductions in the portion of a lot that can be developed decreases the size of developable homes, decreasing the number of family members that can share a housing unit, decreasing opportunities for intergenerational living, and increasing crowding. These reductions can also render development less feasible and reduce opportunities for subdivisions. That is why the Legislature prohibited these sorts of changes to zoning *in addition to* reductions in residential density and direct numerical limits on new housing units. (*See* Gov. Code § 66300(b)(1)(A); *Yes In My Back Yard v. City of Culver City* (2023) 96 Cal.App.5th 1103, 1116 ["Had the Legislature intended for subdivision (b)(1)(A) to apply only to zoning changes that lower density, it could have used the term 'density' alone."].)

public interest standing focus on *the duty being enforced*—in this case, the obligation to comply with the Housing Crisis Act.

The leading cases on public interest standing in housing litigation are instructive. In *Venice Town Council, Inc. v. City of Los Angeles* (1996) 47 Cal.App.4th 1547, 1564, the court based its analysis on the importance of the duty "to preserve affordable housing in the coastal zone" established in the Mello Act, not on the specific contours of the policy being challenged. And in *Urban Habitat Program v. City of Pleasanton* (2008) 164 Cal.App.4th 1561, 1581, the court considered the sharpness of the public duties created by state housing laws and the "weighty" need for housing that led to their enactment. Once again, unlike the trial court in this case, the *Urban Habitat* court did not attempt to prognosticate whether the specific relief requested by the petitioners would specifically lead to the availability of more affordable housing in Pleasanton.

The same is true of cases analyzing public interest standing in other subject areas. (*See, e.g.*, *Hector F. v. El Centro Elementary School Dist.* (2014) 227 Cal.App.4th 331, 341 [public interest in "ensuring public schools are free from discrimination, harassment and bullying" justified public interest standing to enforce antidiscrimination and antiharassment statutes]; *California Homeless & Housing Coalition v. Anderson* (1995) 31 Cal.App.4th 450, 459 [public interest in the state's "duty *to the public* . . . to report the results of its reevaluation" justified standing, without any demonstration about the public benefit in the specific reevaluation at issue]; *Doe v. Saenz* (2006) 140

Cal.App.4th 960, 999 [allowing public interest standing because the "proper implementation of statutes foreclosing employment to rehabilitated ex-offenders is a matter of public right and public importance," without analyzing public interest in removing the specific crimes and correcting the specific notification procedures involved in the lawsuit].)

And the cases cited by the County do not say otherwise. Instead, they reject public interest standing for reasons unrelated to the challenged conduct. In *Cal. Dept. of Consumer Affairs v. Superior Ct.* (2016) 245 Cal.App.4th 256, the court rejected public interest standing not based on the nature of the duty being enforced, but because the Legislature had directed enforcement through a specific administrative process that the plaintiffs had failed to invoke. In *SJJC Aviation Services, LLC v. City of San Jose* (2017) 12 Cal.App.5th 1043, the court rejected public interest standing because the petitioner had failed to identify a legally cognizable duty at all. (12 Cal.App.5th at 1057 ["SJJC identifies no violation of specific statutes that indicate an abandonment of the City's public duty to conduct a fair procurement process. Nor does SJJC reinvigorate its claim that the City violated its own municipal laws and charter, a contention the superior court rejected as based on inapplicable provisions."].) And *Blumhorst v. Jewish Family Services of Los Angeles* (2005) 126 Cal.App.4th 993 has nothing to do with the sort of public interest standing discussed in *Save the Plastic Bag* and being invoked here; it was an ordinary civil action against

private parties, not a writ proceeding against a government agency.

It is not surprising that the trial court's approach lacks legal support. Requiring a public interest plaintiff to demonstrate a case-specific public benefit is inappropriate for several reasons.

First, it positions trial courts to second-guess the policy choices made by the Legislature, in the guise of a dispute over standing. Here, Santa Clara County enacted a policy change specifically prohibited by the Legislature based on the Legislature's determination that such a policy change would further the housing crisis. The trial court nevertheless denied Appellants public interest standing based on a finding that the policy change would not have that effect, inappropriately substituting its judgment for the Legislature's.

In its papers, the County is transparent about the fact that it is asking the Court to endorse the trial court's substitution of its judgment for that of the Legislature. The County concedes that the challenged rezones include "modifications to the front setback requirements and changes to the frontage and maximum lot coverage requirements in the Upper San Juan"—all changes that the Legislature expressly prohibited in the Housing Crisis Act. But the County tries to minimize these changes, describing them as "slight" and arguing that they "make no changes to the maximum allowed eight units per net acre density." (RB 33.) However, the Legislature did not choose to allow "slight" changes, and specifically prohibited these types of changes *in addition to*

changes in allowed density. (Gov. Code § 66300(b)(1)(A); *see Yes in My Back Yard v. City of Culver City* (2023) 96 Cal.App.5th 1103, 1116 ["To interpret subdivision (b)(1)(A) in the manner suggested by the City—so that only a reduction in density constitutes a less intensive use—would require us to effectively write language out of the statute. We would need to conclude that the Act places no restrictions on a city's ability to enact standards that reduce height or FAR, or increase open space and setback requirements, even though it plainly says otherwise."].)

The trial court's refusal to honor the Legislature's policy choices is particularly problematic because the Legislature has consistently made clear its view that the housing crisis is the cumulative result of local policy choices, both large and small. (*See* Gov. Code §§ 65589.5(a)(1)(D), (2)(I)-(L).) For example:

- In the Housing Accountability Act (Gov. Code § 65589.5), citing the housing crisis, the Legislature has increasingly limited local discretion for projects containing as few as two residential units.
- In recent amendments to the Permit Streamlining Act, citing the housing crisis, the Legislature has limited processing delays and surprise requirements for housing development projects, even projects subject to ministerial approval and those that create a single unit of housing. (*See* Gov. Code §§ 65941.1; 65950(a)(2), (3); 65956(b); 65905.5(b)(3); Stats. 2025 ch. 22 [AB 130] § 15.)
- In the state's accessory dwelling unit laws, the Legislature has drastically streamlined the production of individual, small housing units, including those being carved out of existing residential space with no new construction. (*See* Gov. Code § 66310 *et seq*.)
- The RHNA and housing element system requires every city and county in the state, no matter how small, rural, or low-density, to plan for more housing at every affordability

level. (*See* Gov. Code §§ 65584, 65584.01, 65584.04, 65584.05.)

These laws all reflect the Legislature's view, well supported by legislative findings, that even small constraints on housing production and small changes in housing density or intensity matter when it comes to addressing the state's housing crisis.

Second, and relatedly, the trial court's approach collapses the analysis of standing with the analysis of the merits of a claim. It is difficult to see how a local decision could be understood as specifically harming the public interest if the reviewing court determines that the decision was not unlawful. But when courts conduct the public interest standing analysis properly, they regularly grant standing to parties whose cases ultimately fail on the merits. (*See, e.g.*, *Save the Plastic Bag*, 52 Cal.4th at 175.)

Third, the trial court's approach significantly reduces the availability of public interest standing in areas where it has been commonly used, such as CEQA. Under the trial court's approach, a CEQA plaintiff would need to specifically demonstrate the positive environmental impact of requiring the specific additional environmental review being sought by the plaintiff. This would foreclose many process-related CEQA lawsuits that, today, are regularly decided in favor of public interest plaintiffs.

Fourth, in the housing law context, the trial court's limits on public interest standing would allow jurisdictions with exclusionary policies to use their own anti-housing regulations to justify not being held accountable for violating state law. Cities that have successfully excluded affordable housing in the past

would be able to argue, based on historical trends, that the production of affordable housing would be unlikely in the future, and therefore that public interest litigation would be unlikely to bear fruits in the form of additional affordable housing units. This would sharply undermine the Legislature's goal of ensuring that every city and county does its fair share to address the state's housing crisis.

Fifth and finally, the trial court's approach sets a higher causality bar for *public interest standing* than the bar California's courts apply for *beneficial interest standing*—an absurd result. As Appellants have explained in detail (AOB 35-36; ARB 18, 30-31), the Court of Appeal has rejected just the sort of direct-impact analysis the trial court engaged in here, for the purpose of demonstrating injury to a plaintiff claiming beneficial interest standing. (*Stocks v. City of Irvine* (1981) 114 Cal.App.3d 520, 532 ["We hold that standing to challenge exclusionary zoning practices in California does not depend on plaintiffs showing a 'substantial probability' that their injuries would not exist but for those practices."].) It makes no sense to nevertheless apply this rejected causality analysis to public interest standing.

Because there is no support for requiring a case-specific demonstration of public benefit to obtain public interest standing, and because such a requirement would be bad policy, this Court should reject the trial court's analysis and determine that Appellants are entitled to public interest standing.

III. CONCLUSION

For all the reasons specified in this brief and those specified in Appellants' Opening and Reply briefs, we urge this Court to reverse the decision below.

Dated: January 26, 2026 CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By /s/ Matthew P. Gelfand
Matthew P. Gelfand

For *Amicus Curiae*, Californians for Homeownership

Dated: January 26, 2026 PATTERSON & O'NEILL, PC

By /s/ Ryan J. Patterson
Ryan J. Patterson

For *Amicus Curiae*, Yes In My Back Yard (YIMBY Law)

Dated: January 26, 2026 BUILDING INDUSTRY ASSOCIATION – BAY AREA

BY /s/ Paul B. Campos
Paul B. Campos

For *Amicus Curiae*, Building Industry Association – Bay Area

CERTIFICATE OF WORD COUNT

(Cal. Rules of Court Rule 8.204(c)(1))

The text of this brief consists of **4235** words (including footnotes) as counted by the Microsoft Word word-processing program used to generate the brief.

Dated: January 26, 2026 By /s/ Matthew P. Gelfand
Matthew P. Gelfand

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 26, 2026 at Los Angeles.

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STATE OF CALIFORNIA California Court of Appeal, Sixth Appellate District	***PROOF OF SERVICE*** **STATE OF CALIFORNIA** California Court of Appeal, Sixth Appellate District

Case Name: **California Renters Legal Advocacy & Education Fund et al. v. County of Santa Clara et al.**

Case Number: **H052675**

Lower Court Case Number: **22CV403175**

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Date

/s/Matthew Gelfand

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