

March 18, 2025

The Honorable Mia Bonta
California State Assembly
1020 N Street, Suite 390
Sacramento, CA 95814

RE: AB 1162 (Bonta). Challenges to housing and community-serving projects – SUPPORT

Dear Assemblymember Bonta:

MidPen Housing is pleased to write to you in support of your bill, AB 1162 which will help curtail frivolous California Environmental Quality Act (CEQA) lawsuits against important community serving projects, such as food banks and public libraries.

MidPen Housing is one of the nation's leading nonprofit developers, owners, and managers of high-quality, affordable housing and onsite resident services. Since MidPen was founded in 1970, we have developed 139 communities and over 10,000 homes for low-income families, seniors and those with supportive housing needs throughout Northern California.

Unfortunately, individuals are using CEQA lawsuits to oppose fully vetted and necessary community serving projects, such as food banks, housing shelters and community health centers. The delay associated with a CEQA lawsuit can impact the project's funding and even stop the community serving project altogether. CEQA lawsuits can be brought and prosecuted without an attorney. They are typically brought against public agencies and are costly to defend. A single litigant should not be able to unilaterally tie up important community serving projects which have been carefully vetted through a public process conducted by an elected body.

To discourage such groundless lawsuits, AB 1162 would require a plaintiff to post a bond to compensate for delay damages caused by a CEQA lawsuit against community serving projects sponsored by a non-profit or local agency. A community serving project is narrowly defined in AB 1162 to be "a project that has the primary function of providing public infrastructure, goods, or services related to the basic necessities of life, including housing, shelter, food, healthcare, hygiene, and safety, and which are undertaken by either a nonprofit organization or governmental entity." To obtain a bond, the sponsor of a community serving project must prove to a court that the lawsuit was without merit. This bill retains the plaintiff's ability to decrease the bond amount by showing economic hardship.

AB 1162 simply expands on existing law to curtail frivolous CEQA lawsuits against housing projects, SB 393 (Glazer, 2024) which allows an affordable housing developer to request a bond to protect against cost delays.

Thank you for your consideration and please feel free to contact Nevada V. Merriman, Vice President of Policy & Advocacy, at 650-477-6195 or nmerriman@midpen-housing.org

Best Regards,



Matthew O. Franklin
President and CEO

CC: Nevada V. Merriman, Vice President of Policy & Advocacy, MidPen Housing