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SB 35 Streamlining Upheld Against “Home Rule” Challenge

Senate Bill 35 (Government Code section 65913.4) was enacted in 2017 as part of an effort by the State Legislature to increase housing production. The law compels local agencies, including charter cities, to issue streamlined approvals for qualifying multifamily residential projects, even, at times, where a project conflicts with a local ordinance. In [Ruegg & Ellsworth v. City of Berkeley](#), the court rejected Berkeley's claim that SB 35 impermissibly interfered with the constitutional "home rule" authority over historic preservation granted to charter cities. No. A159218 (1st Dist. Apr. 20, 2021). The decision represents the first published opinion to uphold SB 35 against challenge.

[Click here to read the full article on *Northern News*, APA California – Northern.](#)

Authors