
Huntington Beach: No Middle-Class Please

After patiently requesting, begging, insisting, pleading, and incentivizing local governments to plan for more affordable housing, the California Department of Housing and Community Development, armed with new powers from the state legislature, has had enough. It is cracking down on local governments that simply refuse to do their fair share in alleviating the state's housing crisis.

One of the worst is Huntington Beach in (of course) Orange County, which not only has refused to abide by HCD's legal mandate, but now threatens to sue it. It won't win, but I couldn't help noticing this from the report of the city's press conference on the issue:

> "Let the free market dictate what the demand is per city," [Councilmember Casey] McKeon said. "Why is the government forcing housing down our throats? … We're just fighting for our local control, as a charter city, especially. We're going to fight for our residents and our constituents that elected us."

Let the free market dictate? Has McKeon ever read a zoning code? Zoning code are the most anti-free market mechanisms out there. If you want the free market to decide, you would lift all land use controls, and if there are spillover effects just use nuisance actions (as indeed Robert Ellickson suggested nearly a half-century ago).


Lionel Trilling: Irritable Mental Gestures

This shows the collapse of right-wing NIMBY thinking (left-wing NIMBY thinking is flourishing based on a strange concoction of market hatred with precious few facts to back it up, but that's another story). As Timothy Noah wrote in an excellent TNR piece out today, the Republican Party is basically out of ideas: at this point, it is simply, as Lionel Trilling famously remarked, a collection of "irritable mental gestures" – like appealing to the "free market" without realizing that that would get rid of zoning altogether.

I often tell my conservative students that if they *really* want to get rid of over-regulation, they shouldn't attack EPA (which if anything is too timid): they should go after their local zoning board. But this is a kind of regulation that helps wealthier, paler people.

There is virtually no chance that Huntington Beach will win a lawsuit on this. It will argue that as a "charter city," it has reserved home rule authority under the state constitution, and the state cannot pre-empt it. That would fly in the face of decades of precedent, and since this is a state issue, they can't count on Sam Alito and Clarence Thomas to bail them out. There are genuine issues with states pre-empting local governments who pursuing innovative policy solutions, particularly in (of course) Texas and Florida, but this is a garden-variety effort of a city trying to block legislative action on a matter of statewide concern.


Tony Strickland: Sort Of A Maoist

I couldn't help noticing that Huntington Beach's mayor, who strongly backs Massive Resistance to affordable housing, is one Tony Strickland. Where have I heard that name before? Ah yes – he is a former right-wing state legislator from another part of the state, who when he lost his Congressional race, moved to Orange County to begin a new political career. Strickland left college, worked as a legislative staffer, then ran for office himself, won in a right-wing district, and when he wasn't in office, run a political consulting firm. He's basically never held a real job in the private sector that he extols so much. As Doonesbury's Uncle Duke said of Chinese Communist leaders: "Marxists love the working class. That's how they avoid belonging to it." And current right-wing "thought" has about as much intellectual vibrancy as Maoism.