MILLER STARR REGALIA



Kenneth Stahl

Of Counsel

Newport Beach, CA
949.688.2980

ken.stahl@msrlegal.com

Ken specializes in land use, zoning, and local government law, including the California Environmental Quality Act, the Housing Accountability Act, the state density bonus law, accessory dwelling units, and many other areas.

Kenneth Stahl is Of Counsel in Miller Starr Regalia's Newport Beach office. He specializes in land use, zoning, and state housing law, including the California Environmental Quality Act, the Housing Accountability Act, the state density bonus law, accessory dwelling units, and many other areas. His practice is focused on ensuring that cities comply with state law when making land use decisions.

Ken has successfully assisted numerous developers in obtaining needed entitlement permits for housing and other projects, relying extensively on state laws such as the "Builder's Remedy" of the Housing Accountability Act and other state laws. In many of these situations, Ken has succeeded in obtaining entitlements despite significant neighborhood opposition to the project. He also has substantial experience successfully litigating on behalf of developers and housing organizations to ensure that projects are approved.

Representative matters include:

- Assisted with entitlement of 120-unit apartment building in Brea
- Successfully litigated under Housing Accountability Act to overturn disapproval of 48-unit condo project in Huntington Beach
- Assisted in entitlement of 37-unit townhome project in North Tustin and successfully litigated to defend project approval
- Successfully litigated interpretation of Housing Accountability Act in Los Gatos regarding i175-unit and 120-unit Builder's Remedy projects

In addition to his practice, Ken is a Professor of Law and Director of the Environmental, Land Use and Real Estate Law program at Chapman University Fowler School of Law. Prior to joining the faculty at Chapman, Ken was an Assistant United States Attorney in the Eastern District of New York, where he litigated cases involving the federal Superfund statute and other federal laws. Ken also worked for the United States Department of Justice in Washington, D.C., and for the law firm of Arnold & Porter.

Ken is a graduate of the University of Michigan and Yale Law School. He has published many articles on the subjects of land use and local government law in journals including The University of Pennsylvania Law Review, George Washington Law Review, Harvard Civil Rights-Civil Liberties Law Review, and others. His recent book Local Citizenship in a Global Age (Cambridge University Press 2020) chronicles how globalization has caused cities and nation-states to clash over the meaning of citizenship.

Practice Areas

- Land Use & CEQA
- Land Use - Entitlement
- Land Use - Litigation
- Land Use - Transactional
- Appellate Advocacy

Education

J.D., Yale Law School (2000)

B.A., University of Michigan (1997)

Publications

Our Housing Crisis of Indecision, Fordham Law Review (forthcoming 2027)

The Power of Local Governments to Invalidate Private Deed Restrictions, 111 Iowa Law Review 2007 (2026)

The Trouble With Traffic Studies: Why Bad Traffic Predictions are Making Our Cities Worse and What Courts Should Do About It, 59 ABA Real Property, Trust & Estate Law Journal 325 (2024) (with Kristina Currans)

Planning Viewpoint: Are Traffic Studies “Junk Science” That Don’t Belong in Court?, 90 Journal of the American Planning Association 77 (2023) (with Kristina Currans)

Home Rule Immunity from State Preemption of Local Land Use Regulation, 46 Zoning & Planning Law Report 1 (2023)

Reparations for Gentrification? A Response to John Infranca’s Differentiating Exclusionary Tendencies, 72 Florida Law Review Forum 190 (2023)

The Power of State Legislatures to Invalidate Private Deed Restrictions: Is it an Unconstitutional Taking? 50 Pepperdine Law Review 579 (2022) (invited symposium contribution)

Incorporating Transportation Topics into the Land Use Curriculum, 106 Iowa Law Review 2451 (2021) (invited symposium contribution),

Equality and Closure: The Paradox of Local Citizenship, 8 Texas A&M University Journal of Property Law 29 (2021) (invited symposium contribution),

Home Rule and State Preemption of Local Land Use Control, The Urban Lawyer (2020)

Local Citizenship in a Global Age, (Cambridge University Press 2020)

"Contagion and Partisan Federalism," Duke Center for Firearms Law (May 8, 2020)

"Citizenship Federalism and the Ambiguous Promise of Local Citizenship," Global Governance Programme, Symposium on "Cities v. States: Should Citizenship be Emancipated from Nationality?"

The Trespass/Nuisance Divide and the Law of Easements, 86 THE GEORGE WASHINGTON LAW REVIEW 101 (2018)

"Yes in My Backyard:" Can a New Pro-Housing Movement Overcome the Power of NIMBYs? 41 ZONING & PLANNING LAW REPORT 3 (March 2018)

The Challenge of Inclusion, 89 TEMPLE LAW REVIEW 487 (2017)

Preemption, Home Rule and Local Democracy, 44 FORDHAM URBAN LAW JOURNAL 133 (2017)

Local Home Rule in the Time of Globalization, 2016 BYU LAW REVIEW 177

Local Government, One Person/One Vote, and the Jewish Question, 49 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 1 (2014). Selected for presentation at 2012 Harvard/Yale/Stanford Junior Faculty Forum.

Mobility and Community in Urban Policy, 46 THE URBAN LAWYER 625 (2014)

Reliance in Land Use Law, 2013 BYU LAW REVIEW 949

Neighborhood Empowerment and the Future of the City, 161 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 939 (2013)

The Suburb as a Legal Concept: The Problem of Organization and the Fate of Municipalities in American Law, 29 CARDOZO L. REV. 1193-1272 (2008).

The Artifice of Local Growth Politics: At-Large Elections, Ballot-Box Zoning, and Judicial Review, 94 MARQUETTE LAW REVIEW 1- 75 (2010)

Speeches & Presentations

“UPDATE on Builder’s Remedy in OC!”, PEOPLE FOR HOUSING - OC YIMBY, Virtual, April 13, 2023

“Applying the Builders Remedy,” Abundant Housing LA, January 18, 2023

“Applying the Builder's Remedy in Orange County,” PEOPLE FOR HOUSING - OC YIMBY, Virtual, December 6, 2022

Bar Admissions

California

Massachusetts (inactive)

New York

Washington, D.C.

Court Admissions

United States District Court for the District of Columbia

Second Circuit Court of Appeals

© 2026 Miller Starr Regalia. All Rights Reserved. Attorney Advertising.