

CITY OF PALOS VERDES ESTATES



May 14, 2024

The Honorable Ben Allen
Member, California State Senate
1021 O St., Ste. 6610
Sacramento, CA 95814

RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement
Notice of Opposition *(As of April 25, 2024)*

Dear Senator Allen,

The City of Palos Verdes Estates, with a **unanimous vote** of its City Council on May 14, 2024 strongly opposes measure SB 1037 (Wiener), which would allow the Attorney General to take legal action against a city and seek fines up to \$50K a month for failure to adopt a compliant housing element or if the city does not follow state laws that require ministerial approval of certain housing projects.

Under existing law cities can be subject to significant fines and penalties for violating certain housing laws. However, before fines are imposed, a city has the ability to correct the action. Additionally, enhanced fines are not imposed unless the city fails to follow a court's order or acts in bad faith.

Unfortunately, as currently drafted, SB 1037 does not provide an opportunity for cities to correct an honest mistake or address a genuine difference in interpreting the law. Even those jurisdictions acting in good faith could be subject to significant fines and be required to pay the Attorney General for all costs investigating and prosecuting the action, including expert witness fees and attorney's fees.

With good intent, the City of Palos Verdes Estates has worked with multiple consultants and planning staff to finalize its housing element. Rather than penalizing cities with further fines and/or unfunded mandates, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance. The destruction of local control over planning and zoning has reached the point of no return.

For these reasons, the City of Palos Verdes Estates **strongly opposes SB 1037**. If you have any questions, do not hesitate to contact me at dmurdock@pvestates.org.

Sincerely,

Dawn Murdock
Mayor

Cc: The Honorable Scott Wiener
League of California Cities, cityletters@calcities.org