



April 23, 2024

The Honorable Scott Wiener
Member, California State Senate
1021 O St, Room 8620
Sacramento, CA 95814

RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement Notice of OPPOSE

Dear Senator Wiener,

The City of San Marcos regrettably must oppose 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.

Instead of creating new fines and penalties, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance to help them finalize their housing elements and put those plans to work so much-needed housing construction can occur. For these reasons, The City of San Marcos respectfully opposes SB 1037.

Sincerely,

Rebecca D. Jones
Mayor

CC: The Honorable Scott Wiener Members, California State Senate Housing Committee
Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities