



June 10, 2024

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

RE: Senate Bill 1037 – Planning and zoning: housing element: enforcement – Notice of Opposition (As Amended April 25, 2024)

Dear Senator Wiener:

On behalf of the City of Carlsbad, I am writing to respectfully oppose Senate Bill (SB) 1037, 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.

The City of Carlsbad supports legislation to strengthen the legal and fiscal capability of local agencies to prepare, adopt and implement plans for orderly growth and development of local planning areas, including regulatory authority over zoning. 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, we must respectfully oppose your measure. Should you have any questions, please contact our legislative advocate Sharon Gonsalves with Renne Public Policy Group at 916-974-9270.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Blackburn'.

Keith Blackburn, Mayor

City of Carlsbad City Council

City Hall 1200 Carlsbad Village Drive | Carlsbad, CA 92008 | 442-339-2820 t

CC: The Honorable Tasha Boerner, Assembly District 77
Brady Borcharding, Deputy Legislative Secretary, Governor Gavin Newsom's Office of Legislative Affairs