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May 15, 2024

The Honorable Wiener
California State Capitol
1021 O Street
Sacramento, CA 95814

**Re: SB 1037 (Wiener) Planning and zoning: housing element: enforcement.
Notice of Opposition**

Dear Senator Wiener:

We write today on behalf of the Cities Association of Santa Clara County (CASCC), a Joint Powers Authority, an association of fourteen cities of the county and the elected representatives of more than 1.8 million Bay Area residents. Since 1990, the city representatives have been gathering to discuss and find consensus and solutions for regional issues. The cities of our association are diverse and include cities of a few thousand people and a city of a million people.

The CASCC regrettably must **oppose** your measure **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.

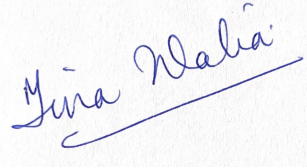
Instead of creating new fines and penalties, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance to help them finalize their housing elements and put those plans to work so much-needed housing construction can occur.

For these reasons, the CASCC opposes SB 1037.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neysa Fligor', with a stylized, flowing script.

Neysa Fligor
President, Cities Association of Santa Clara Co.
Councilmember, City of Los Altos

A handwritten signature in blue ink, appearing to read 'Tina Walia', with a stylized, flowing script.

Tina Walia
Chair, CASC Legislative Action Committee
Councilmember, City of Saratoga