



City of Whittier

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Joe Vinatieri
Mayor

Cathy Warner
Mayor Pro Tem

Octavio Martinez
Council Member

Fernando Dutra
Council Member

Mary Ann Pacheco
Council Member

Brian Saeki
City Manager

September 12, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement. Request for VETO

Dear Governor Newsom:

The City of Whittier regretfully requests a **veto** on 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.

The City of Whittier has been proactive in updating its housing element and streamlining housing approvals. Our efforts include providing pre-approved construction ADU plans free of charge to our residents and actively working toward reaching our Regional Housing Needs Allocation (RHNA) numbers in the sixth cycle. To illustrate, through its adoption of the General Plan and Housing Element, the City zoned for 5,365 units, well above our RNHA allocation of 3,439 new units, in the next cycle. A more supportive and less adversarial approach from the state would facilitate these local efforts, helping to achieve our mutual goals more effectively and sustainably.

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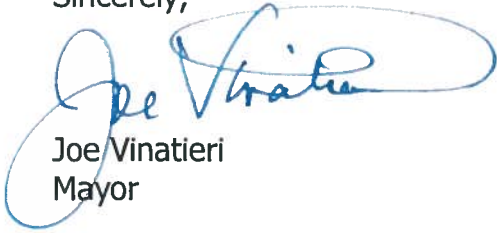
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The City of Whittier believes that instead of creating new fines and penalties, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance to help them finalize their housing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

For these reasons, the City of Whittier requests your **veto** on **SB 1037**. If you have any questions, do not hesitate to contact me at jvcc@bewleylaw.com or at (562) 567-9309.

Sincerely,



Joe Vinatieri
Mayor

cc: The Honorable Senator Scott Wiener (via email: senator.wiener@senate.ca.gov)
The Honorable Senator Bob Archuleta
The Honorable Assembly Member Lisa Calderon
Whittier City Council
Kristine Guerrero, League of California Cities (via email)
League of California Cities, cityletters@calcities.org