

CITY-COUNTY HOUSING ELEMENT LITIGATION RESULTS¹

COUNTIES

COUNTY OF HUMBOLDT

SUED BY HUMBOLDT SUNSHINE, INC., A COALITION OF DEVELOPERS, BECAUSE THE HOUSING ELEMENT WAS OUT OF COMPLIANCE. HOUSING ADVOCACY GROUP HOUSING FOR ALL INTERVENED.

THE COUNTY SETTLED WITH HOUSING FOR ALL IN 2011. THE SETTLEMENT PROVIDED A TIMELINE FOR COMPLETION OF THE MULTIFAMILY REZONING EFFORT IN ORDER TO AVOID A COURT-IMPOSED BUILDING MORATORIUM. THE COUNTY DID NOT OBTAIN ITS RECERTIFICATION FOR ITS HOUSING ELEMENT BY AUG. 15, 2011, SO THE HUMBOLDT COUNTY SUPERIOR COURT IMPOSED A BUILDING MORATORIUM THAT TOOK EFFECT IN OCTOBER 2011.

COUNTY OF MADERA

LAWSUIT BROUGHT BY CALIFORNIA RURAL LEGAL ASSISTANCE OVER 20 YEARS AGO FOR FAILING TO ADOPT AN UPDATED HOUSING ELEMENT WITHIN THE APPLICABLE TIME PERIOD.

COURT ORDERED COUNTY TO PAY \$150,000 IN ATTORNEYS' FEES.

COUNTY OF MENDOCINO

LAWSUIT BROUGHT BY LEGAL SERVICES AND CALIFORNIA AFFORDABLE HOUSING LAW PROJECT.

STATE HCD REQUIRED COUNTY TO REZONE 40 ACRES FOR AFFORDABLE HOUSING. COUNTY SITES WERE NOT PHYSICALLY OR REALISTICALLY CAPABLE OF ACCOMMODATING AFFORDABLE HOUSING.

SETTLEMENT IMPLEMENTED A DEVELOPMENT MORATORIUM IF HCD DID NOT CERTIFY THE COUNTY'S HOUSING ELEMENT.

ATTORNEYS' FEES AWARDED FOR PRE-LITIGATION WORK BASED ON PUBLIC BENEFIT THEORY.

HCD HAS CONDITIONALLY CERTIFIED THE COUNTY'S CURRENT HOUSING ELEMENT, BUT THE COURT MONITORS ONGOING COUNTY COMPLIANCE.

¹ BASED ON LIST ORIGINALLY PREPARED BY SANTA BARBARA COUNTY IN 2007 AND UPDATED BY GOLDFARB & LIPMAN LLP BASED ON AVAILABLE INFORMATION; NOT ALL OUTCOMES ARE KNOWN, AND NOT ALL CASES ARE INCLUDED. ITEMS MODIFIED BY GOLDFARB & LIPMAN ARE HIGHLIGHTED.

COUNTY OF NAPA

LAWSUIT BROUGHT IN 2004 BY CALIFORNIA RURAL LEGAL ASSISTANCE AND PUBLIC ADVOCATES, INC.

STIPULATED JUDGMENT: THE COUNTY AGREED TO (1) MAKE ADEQUATE PROVISION FOR LOW INCOME AND FARMWORKER HOUSING IN ITS GENERAL PLAN, (2) IDENTIFY AND REZONE SITES TO ACCOMMODATE AFFORDABLE HOUSING, AND (3) ALLOCATE FUNDS FROM ITS TRUST FUND FOR AFFORDABLE HOUSING.

COURT ORDERED MORATORIA ON DEVELOPMENT. THE COUNTY WAS ORDERED TO PAY ATTORNEYS' FEES.

A SECOND LAWSUIT WAS FILED BY LATINOS UNIDOS DEL VALLE DE NAPA Y SOLANO (REPRESENTED BY DAVID GRABILL, CRLA, PUBLIC INTEREST LAW PROJECT, AND A WASHINGTON D.C. LAW FIRM) IN SEPTEMBER 2009 AFTER COUNTY ADOPTED NEW HOUSING ELEMENT IN JUNE 2009 . SUPERIOR COURT FOUND 2009 HOUSING ELEMENT CONSISTENT WITH STATE LAW; PLAINTIFFS HAVE FILED NOTICE OF APPEAL, AND BRIEFING IS IN PROGRESS.

COUNTY OF SACRAMENTO

LAWSUIT BROUGHT BY LEGAL SERVICES BECAUSE THE COUNTY FAILED TO IMPLEMENT ITS HOUSING ELEMENT.

IN 1996, THE COURT RULED AGAINST THE COUNTY, RESULTING IN A STIPULATED JUDGMENT TO IMPLEMENT THE HOUSING ELEMENT. SUBSTANTIAL ATTORNEYS' FEES AWARDED.

THE COURT ORDERED THE COUNTY TO ADOPT UPGRADED DEVELOPMENT STANDARDS FOR MULTIFAMILY PROJECTS AND ENACT AMENDMENTS TO THE ZONING CODE TO ENSURE THAT MULTIFAMILY PROJECTS AND EMERGENCY SHELTERS ARE REVIEWED THROUGH A SIMPLIFIED PROCESS. (AFFORDABLE HOUSING LAW PROJECT STATES 430 ACRES REZONED TO ACCOMMODATE 7,000 UNITS.)

THE COUNTY SELF-IMPOSED BUILDING MORATORIA IN THE VACANT LAND INVENTORY, EXCEPT MULTIFAMILY RESIDENCES ON LANDS ZONED LIMITED COMMERCIAL OR SHOPPING CENTER.

LATER, THE COUNTY VOLUNTARILY ADOPTED AN INCLUSIONARY ZONING ORDINANCE.

THE COUNTY ADOPTED A NEW HOUSING ELEMENT IN 2008, WHICH RENDERED THE SETTLEMENT MOOT.

COUNTY OF SANTA CRUZ

RAMIREZ-MENDOZA V. COUNTY OF SANTA CRUZ (SUPER. CT. SANTA CRUZ COUNTY, 1994, NO. 129871).

LAWSUIT BROUGHT BY CALIFORNIA RURAL LEGAL ASSISTANCE AND CALIFORNIA AFFORDABLE HOUSING LAW PROJECT IN 1994. THE COUNTY CLAIMED IT COULD MEET ALL OF ITS LOW-INCOME HOUSING NEEDS THROUGH SECONDARY UNITS. THE SUIT WAS DISMISSED.

SECOND LAWSUIT BROUGHT BY CALIFORNIA RURAL LEGAL ASSISTANCE AND CALIFORNIA AFFORDABLE HOUSING LAW PROJECT IN 2004. THE SUPERIOR COURT FOUND THAT THE COUNTY HAD NOT COMPLIED WITH STATE LAW IN TERMS OF FULFILLING THE REQUIREMENTS THAT DEVELOPMENT BY-RIGHT BE ALLOWED ON SITES DESIGNATED TO MEET THE RHNA.

COUNTY ORDERED TO ADOPT A VALID HOUSING ELEMENT WITHIN 120 DAYS. THE COUNTY REZONED MORE THAN 30 ACRES OF LAND AT 20 UNITS/ACRE SUITABLE FOR BUILDING AFFORDABLE HOUSING, ALLOCATED \$15 MILLION TOWARDS THOSE AFFORDABLE HOUSING PROJECTS, AND INCLUDED APPROPRIATE LANGUAGE REGARDING THE BY-RIGHT REQUIREMENT.

COUNTY OF SONOMA

SUED BY SONOMA COUNTY HOUSING ADVOCACY GROUP IN 1998.

COURT ORDERED MORATORIA ON ALL DEVELOPMENT UNTIL THE COUNTY ATTAINED A STATE CERTIFIED HOUSING ELEMENT. SUBSEQUENT STIPULATION ALLOWED APPROVAL OF PENDING SUBDIVISIONS AND ZONE CHANGES.

IN RESPONSE TO THE LEGAL ACTION, THE COUNTY REVISED ITS PLAN BY IDENTIFYING SITES THAT WERE PREVIOUSLY ZONED FOR COMMERCIAL OR INDUSTRIAL USES. THE COUNTY'S HOUSING ELEMENT WAS APPROVED BY HCD.

THE COUNTY WAS ORDERED TO PAY OVER \$300,000 IN ATTORNEYS' FEES.

COUNTY OF SUTTER

LAWSUIT BROUGHT BY CALIFORNIA RURAL LEGAL ASSISTANCE.

COURT ORDERED CONSENT DECREE REQUIRING THE COUNTY IDENTIFY ADEQUATE SITES TO ACCOMMODATE AFFORDABLE HOUSING.

COUNTY OF YUBA

IVORY V. COUNTY OF YUBA (SUPER. CT. YUBA COUNTY, 1995, No. 054694).

LAWSUIT BROUGHT BY CALIFORNIA RURAL LEGAL ASSISTANCE IN 1993 CLAIMING THE HOUSING ELEMENT WAS OUT OF COMPLIANCE WITH THE STATE'S HOUSING ELEMENT LAW.

THE COURT ORDERED DEFENDANT TO AMEND THE GENERAL PLAN'S HOUSING ELEMENT WITHIN 120 DAYS TO INCLUDE ANALYSIS OF "AT-RISK" ASSISTED HOUSING UNITS, ANALYSIS OF CONSTRAINTS TO THE DEVELOPMENT OF AFFORDABLE HOUSING, AND A PLAN TO MITIGATE THOSE CONSTRAINTS, INCLUDING INFRASTRUCTURE CAPACITY LIMITATIONS. IN ADDITION, THE COURT ORDERED DEFENDANT TO REPEAL A COUNTY ORDINANCE SPECIFYING MOBILE HOME SIDING AND ROOFING REQUIREMENTS. FINALLY, THE COURT ENJOINED DEFENDANT FROM IMPLEMENTING THE PLUMAS LAKE SPECIFIC PLAN UNTIL AMENDED TO BE CONSISTENT WITH THE AMENDED HOUSING ELEMENT.

COUNTY WAS ORDERED TO PAY OVER \$77,000 IN ATTORNEYS' FEES.

CITIES

CITY OF ALAMEDA

COLLINS V. CITY OF ALAMEDA.

SUED IN FEBRUARY 2007. PLAINTIFF OWNED 9 ACRES ALONG THE WATER AND WISHED TO DEVELOP HIGH DENSITY RESIDENTIAL UNITS ON A PORTION ZONED INDUSTRIAL AND DESIGNATED AS POTENTIAL PUBLIC PARK SPACE.

THE ALLEGED INADEQUACY OF THE HOUSING ELEMENT WAS ONE PART OF THE LAWSUIT. PLAINTIFF ARGUED THAT THE CITY'S ZONING WAS INCONSISTENT WITH HOUSING ELEMENT LAW BECAUSE THE ZONING ORDINANCE PROHIBITED PLAINTIFF FROM DEVELOPING HIGH DENSITY RESIDENCES, WHICH WERE NEEDED TO SATISFY HOUSING ELEMENT REQUIREMENTS.

THE CASE WAS SETTLED IN 2010. THE CITY APPROVED A LESS DENSE PROJECT FOR 182 UNITS.

IN 2012 THE CITY ADOPTED A HOUSING ELEMENT THAT WAS APPROVED BY HCD. THE CITY HAS NOW BEEN SUED BY THE EAST BAY REGIONAL PARK DISTRICT REGARDING THE REZONING OF A SITE FOR 'BY RIGHT' HOUSING ADJACENT TO DISTRICT PROPERTY.

CITY OF BENICIA

LAWSUIT BROUGHT BY CALIFORNIA AFFORDABLE HOUSING LAW PROJECT.

STATE HCD CERTIFIED THE CITY'S HOUSING ELEMENT "BASED ON PAPER." CAHLP TOOK PICTURES OF SITES THE CITY IDENTIFIED. SOME WERE UNDER WATER; OTHER WERE ALREADY DEVELOPED. HCD RESCINDED THEIR CERTIFICATION.

CITY SETTLED AFTER 6 MONTHS OF LITIGATION. THE CITY WAS ORDERED TO PAY \$90,000 IN ATTORNEYS' FEES.

A NEW CITY COUNCIL REFUSED TO APPROVE THE AGREEMENT, APPEALED THE COURT'S JUDGMENT THREE TIMES, AND LOST ON EVERY APPEAL. THE CITY EXPENDED \$500,000 IN ATTORNEYS' FEES.

SETTLEMENT EXCEEDED THE REQUIREMENTS OF STATE LAW.

CITY OF BUELLTON

LAWSUIT BROUGHT BY CALIFORNIA RURAL LEGAL ASSISTANCE ON BEHALF OF LOW-INCOME LATINO RESIDENTS OF AFFORDABLE HOUSING.

SETTLED THE CASE FOR \$360,000 IN ATTORNEYS FEES. THE SETTLEMENT ALSO REQUIRED THE CITY TO AMEND ITS GENERAL PLAN AND ZONING ORDINANCE TO ENSURE ADEQUATE SITES TO

ACCOMMODATE REGIONAL HOUSING NEEDS FOR LOW- AND VERY LOW-INCOME HOUSEHOLDS; AMEND THE ZONING ORDINANCE TO PERMIT HOUSING FOR SPECIAL-NEEDS POPULATIONS INCLUDING MIGRANT FARMWORKERS; REQUIRE AT LEAST 15 PERCENT OF ALL NEW RESIDENTIAL UNITS TO BE AFFORDABLE HOUSING AND AT LEAST 40 PERCENT OF THESE UNITS TO BE VERY LOW-INCOME UNITS; INCREASE THE REDEVELOPMENT HOUSING SET ASIDE TO 25 PERCENT OF ANNUAL TAX INCREMENT; AND AMEND ITS REDEVELOPMENT PLAN TO COMPLY WITH RELOCATION AND REPLACEMENT HOUSING REQUIREMENTS.

CITY OF CALEXICO

SUED IN 2009 AND 2010 BY A PRIVATE DEVELOPER WHO ARGUED RECENTLY ADOPTED HOUSING ELEMENT WAS INADEQUATE. BOTH LAWSUITS WERE EITHER DISMISSED OR SETTLED PRIOR TO GOING TO TRIAL.

CITY OF CARLSBAD

FRIENDS OF AVIARA V. CITY OF CARLSBAD (2012) 210 CAL. APP. 4TH 1103.

RESIDENTS SUED THE CITY ALLEGING THAT THE REZONING PROGRAM IN THE HOUSING ELEMENT WAS INCONSISTENT WITH THE CITY'S GENERAL PLAN. THE COURT HELD THAT THE HOUSING ELEMENT STATUTE ANTICIPATED THAT THERE COULD BE INCONSISTENCIES BETWEEN THE HOUSING ELEMENT AND GENERAL PLAN, SO LONG AS THE HOUSING ELEMENT CONTAINED A TIMELINE FOR RESOLVING THE INCONSISTENCIES.

TOWN OF CORTE MADERA

LAWSUIT BROUGHT BY LEGAL AID AND PUBLIC ADVOCATES, INC. FOR NOT HAVING A CERTIFIED HOUSING ELEMENT.

THE TOWN SETTLED THE LAWSUIT ON THE CONDITION THAT THE TOWN ADOPT A STATE CERTIFIED HOUSING ELEMENT AND IMPOSE A FEE ON COMMERCIAL DEVELOPMENT TO FUND AFFORDABLE HOUSING. IT ALSO CREATED THREE NEW ZONING DISTRICTS THAT EITHER REQUIRED AFFORDABLE HOUSING OR OFFERED INCENTIVES FOR AFFORDABLE UNITS. THE TOWN ALSO AGREED TO SIMPLIFY PROCEDURES AND WAIVE MANY FEES FOR AFFORDABLE HOUSING DEVELOPERS.

COURT ISSUED INJUNCTION PROHIBITING THE TOWN FROM APPROVING ANYTHING BUT AFFORDABLE HOUSING DEVELOPMENT ON 10 KEY SITES UNTIL IT ATTAINED CERTIFICATION.

THE HOUSING ELEMENT WAS UPDATED AND CERTIFIED BY HCD IN 2011.

THE TOWN WAS ORDERED TO PAY \$100,000 IN ATTORNEYS' FEES.

CITY OF ENCINITAS

HERNANDEZ V. CITY OF ENCINITAS (1994) 28 CAL. APP. 4TH 1048.

THE CITY OF ENCINITAS WAS SUED BY SIX LOW-INCOME CITY RESIDENTS ALLEGING THAT ITS HOUSING ELEMENT FAILED TO CONFORM WITH STATE LAW. THE COURT FOUND THAT THE HOUSING ELEMENT SUBSTANTIALLY CONFORMED WITH STATE LAW, INCLUDING DESIGNATING ADEQUATE SITES AND ADEQUATELY ANALYZING FARMWORKER AND HOMELESS NEEDS.

CITY OF FOLSOM

LAWSUIT BROUGHT BY LEGAL SERVICES ALLEGING THAT CITY DID NOT HAVE A VALID HOUSING ELEMENT.

A STIPULATED JUDGMENT REQUIRED THE CITY TO REZONE 128 ACRES FOR AFFORDABLE HOUSING, TO CREATE INCENTIVES FOR DEVELOPERS, AND TO CREATE AN AFFORDABLE HOUSING TRUST FUND. CITY INCREASED RDA PERCENTAGE FOR HOUSING TO 25%. EMERGENCY SHELTERS WERE ALLOWED BY-RIGHT.

CITY WAS AGAIN SUED IN 2011 WHEN IT REPEALED ITS MANDATORY INCLUSIONARY ORDINANCE. PETITIONER'S CONTENTION WAS THAT THE CITY WAS REQUIRED TO AMEND ITS HOUSING ELEMENT WHEN IT REPEALED THE ORDINANCE AS IT HAD LISTED IN ITS QUANTIFIED OBJECTIVES SECTION UNITS ARISING FROM THE IHO.

THE COURT HELD THAT THE REPEAL OF THE INCLUSIONARY ORDINANCE WAS INVALID AS INCONSISTENT WITH ITS ADOPTED HOUSING ELEMENT. A NOTICE OF APPEAL HAS BEEN FILED; THE CASE HAS BEEN ORDERED TO MEDIATION.

CITY OF FREMONT

LAWSUIT BROUGHT BY CALIFORNIA AFFORDABLE HOUSING LAW PROJECT AND LAW CENTER FOR FAMILIES IN 2002.

SETTLEMENT COMMITTED THE CITY TO (1) REZONE 286 ACRES FOR MULTI-FAMILY HOUSING AND PLANNED DEVELOPMENT TO MEET AFFORDABLE HOUSING NEEDS, (2) IDENTIFY SITES FOR BUILDING HOUSING THAT IS AFFORDABLE TO LOW AND VERY LOW INCOME HOUSEHOLDS, AND (3) SIGNIFICANTLY MODIFY ITS HOUSING ELEMENT TO REMOVE BARRIERS AND BETTER PLAN FOR AFFORDABLE HOUSING.

ATTORNEYS FEES APPROXIMATELY \$160,000.

CITY OF GILROY

FONSECA V. CITY OF GILROY (2007) 148 CAL. APP. 4TH 1174.

LAWSUIT BROUGHT BY CALIFORNIA AFFORDABLE HOUSING LAW PROJECT, CALIFORNIA RURAL LEGAL ASSISTANCE, AND PUBLIC ADVOCATES, INC.

COURT RULED THAT GILROY'S GENERAL PLAN SUBSTANTIALLY COMPLIED WITH **FORMER** HOUSING ELEMENT LAW – THE LAW THAT WAS IN EFFECT WHEN GILROY ADOPTED ITS HOUSING ELEMENT. (PRIOR TO 2004, THE LAW DID NOT REQUIRE SITE SPECIFICITY.)

CITY OF HEALDSBURG

LAWSUIT BROUGHT BY SONOMA COUNTY HOUSING ADVOCACY GROUP AND CALIFORNIA RURAL LEGAL ASSISTANCE IN 1993.

SETTLEMENT AGREEMENT REQUIRED THE CITY TO REZONE PARCELS, ANNEX OTHERS, AND ENACT ZONING ORDINANCES TO ENCOURAGE AFFORDABLE HOUSING.

THE CITY WAS ORDERED TO PAY ATTORNEYS' FEES OF \$75,000.

CITY OF LINCOLN

LAWSUIT BROUGHT BY LEGAL SERVICES.

COURT ORDERED **MORATORIA** ON ALL DEVELOPMENT UNTIL THE CITY ATTAINED A STATE CERTIFIED HOUSING ELEMENT.

NO CURRENTLY PENDING HOUSING LITIGATION OR COURT ORDER AGAINST THE CITY.

CITY OF MENLO PARK

LAWSUIT BROUGHT IN 2012 BY PUBLIC ADVOCATES, INC. AND THE PUBLIC INTEREST LAW PROJECT REPRESENTING PENINSULA INTERFAITH ACTION, UNITED HABITAT PROGRAM, AND YOUTH UNITED FOR COMMUNITY ACTION FOR NOT ADOPTING HOUSING ELEMENT SINCE 1992.

THE CITY AGREED TO A SETTLEMENT IN MAY 2012, INCLUDING ADOPTION OF A VALID HOUSING ELEMENT BY MARCH 2013, IMPLEMENTING ANY REQUIRED REZONING, AND GIVING PRIORITY TO NON-PROFIT HOUSING DEVELOPERS IN ALLOCATING LOCAL FUNDS.

CITY OF MISSION VIEJO

MEJIA V. CITY OF MISSION VIEJO

LAWSUIT BROUGHT IN 2006 BY PUBLIC LAW CENTER, CALIFORNIA AFFORDABLE HOUSING LAW PROJECT OF THE PUBLIC INTEREST LAW PROJECT, AND LEGAL AID SOCIETY OF ORANGE COUNTY ALLEGING THE CITY'S HOUSING ELEMENT FAILED TO SUBSTANTIALLY COMPLY WITH STATE LAW AND THE CITY HAD FAILED TO IMPLEMENT OR AMEND ITS HOUSING ELEMENT, AFTER HCD DE-CERTIFIED THE CITY'S HOUSING ELEMENT BECAUSE THE CITY DID NOT REZONE SITES TO ACCOMMODATE 94 LOWER INCOME UNITS, AND THE CITY REJECTED AN AFFORDABLE RENTAL HOUSING PROPOSAL FOR ONE OF THOSE SITES IN 2004 WHICH WOULD HAVE MET THE CITY'S OUTSTANDING RHNA FOR LOWER INCOME UNITS.

COURT ISSUED A WRIT OF MANDATE ORDERING THE CITY TO AMEND ITS HOUSING ELEMENT WITHIN 120 DAYS TO IDENTIFY ADEQUATE SITES TO ACCOMMODATE THE IMMEDIATE DEVELOPMENT OF 75 VERY LOW- AND 19 LOW-INCOME HOUSING UNITS TO MEET THE CITY'S OUTSTANDING REGIONAL HOUSING NEED OF 94 UNITS AND BRING THE HOUSING ELEMENT INTO SUBSTANTIAL COMPLIANCE WITH STATE LAW. THE COURT ALSO ORDERED **MORATORIA** ON THE 3 SITES THE CITY HAD IDENTIFIED BUT NOT REZONED FOR AFFORDABLE HOUSING.

THE CITY AMENDED ITS HOUSING ELEMENT AND THE COURT APPROVED IT AS IN COMPLIANCE WITH STATE LAW.

THE CITY PAID OVER \$80,000 IN ATTORNEYS' FEES.

CITY OF MONTE SERENO

CITY SUED IN 2012 BY DEVELOPER ALLEGING THAT HIS PROPERTY WAS REQUIRED TO BE REZONED PURSUANT TO A POLICY IN THE CITY'S HOUSING ELEMENT. CASE IS PENDING IN SANTA CLARA SUPERIOR COURT.

CITY OF MURRIETA

DEVELOPER FILED PETITION FOR WRIT OF MANDATE IN 2008 TO ORDER CITY TO PREPARE OVERDUE HOUSING ELEMENT. CITY ADOPTED ITS HOUSING ELEMENT IN JUNE 2011 AND PREVAILED ON THE WRIT OF MANDATE ACTION IN SUPERIOR COURT.

CITY OF OXNARD

GUTIERREZ V. CITY OF OXNARD

THE CITY ADOPTED A PLAN FOR A GOLF COURSE AND A RELATED PREZONING ORDINANCE, WHICH PERMITTED A GOLF COURSE, A SCHOOL, 2 CHURCHES, AND 426 RESIDENTIAL UNITS. LAWSUIT BROUGHT BY CHANNEL COUNTIES LEGAL SERVICES ASSOCIATION AND CALIFORNIA AFFORDABLE

HOUSING LAW PROJECT IN 1999. PLAINTIFFS WERE VERY LOW-INCOME RESIDENTS OF THE CITY WHO CLAIMED THEY COULD NOT FIND DECENT HOUSING IN THE CITY.

PARTIES AGREED TO A SETTLEMENT AGREEMENT WHICH REQUIRED THE CITY TO BUILD AT LEAST 54 RESIDENTIAL UNITS FOR LOW- AND VERY LOW-INCOME RESIDENTS, WITH A PREFERENCE FOR FARMWORKER FAMILIES.

CITY OF PASADENA

LAWSUIT BROUGHT BY CALIFORNIA AFFORDABLE HOUSING LAW PROJECT AND LEGAL SERVICES.

COURT ORDERED **MORATORIA** ON ALL DEVELOPMENT UNTIL THE CITY ATTAINED A STATE CERTIFIED HOUSING ELEMENT.

CITY OF PITTSBURG

LAWSUIT BROUGHT BY CALIFORNIA AFFORDABLE HOUSING LAW PROJECT AND PUBLIC ADVOCATES, INC. IN 2002.

LAWSUIT PRIMARILY INVOLVED REDEVELOPMENT AGENCY AFFORDABLE HOUSING PRODUCTION REQUIREMENTS. SETTLEMENT COMMITTED THE CITY TO PRODUCE 990 UNITS OF AFFORDABLE HOUSING OVER 9 YEARS. 396 OF THESE UNITS MUST BE AFFORDABLE TO VERY LOW INCOME RESIDENTS. 200 OF THESE MUST BE BUILT WITHIN 4 YEARS.

CITY ALSO AGREED TO PROVIDE INCENTIVES FOR CONSTRUCTION OF LARGER UNITS, AND UNITS AFFORDABLE TO EXTREMELY LOW INCOME RESIDENTS, AND TO PROVIDE A PREFERENCE THAT ENSURES PEOPLE WHO LIVE OR WORK IN THE CITY WILL BENEFIT FROM NEW UNITS.

PLAINTIFFS NOT SUCCESSFUL IN THE HOUSING ELEMENT PORTION OF THE LITIGATION. \$325,000 IN ATTORNEYS FEES FOR THE REDEVELOPMENT CLAIMS.

CITY OF PLEASANTON

URBAN HABITAT PROGRAM V. CITY OF PLEASANTON (2008) 164 CAL. APP. 4TH 1561.

LAWSUIT BROUGHT BY PUBLIC ADVOCATES, INC.

COURT OF APPEALS DISMISSED THE HOUSING ELEMENT CHALLENGE AS UNTIMELY. HOWEVER, CLAIMS WERE ALLOWED TO PROCEED ALLEGING THAT, AFTER ADOPTION OF THE HOUSING ELEMENT, THE CITY'S GROWTH MANAGEMENT LAWS PREVENTED COMPLIANCE WITH HOUSING ELEMENT LAW.

CALIFORNIA ATTORNEY GENERAL WAS ALLOWED TO INTERVENE. SUPERIOR COURT FOUND IN MARCH 2010 THAT THE GROWTH CONTROL MEASURES WERE INCONSISTENT WITH HOUSING ELEMENT LAW. IN A SETTLEMENT, THE CITY AGREED TO: 1) ELIMINATE GROWTH CAP; 2) PREPARE AN ADEQUATE HOUSING ELEMENT; 3) ADOPT A CLIMATE ACTION PLAN; 4) ADOPT A NON-DISCRIMINATION RESOLUTION; AND 5) APPROVE RESIDENTIAL DEVELOPMENT OF AT LEAST 30 UNITS/ACRE AT THE HACIENDA BUSINESS PARK, INCLUDING 15% OR MINIMUM 130 UNITS OF VERY LOW INCOME FAMILY HOUSING.

\$1.9 MILLION IN ATTORNEYS FEES, PLUS \$600,000 IN DEFENSE COSTS.

CITY OF ROHNERT PARK

LAWSUIT BROUGHT BY SONOMA COUNTY HOUSING ADVOCACY GROUP IN 2001.

COURT ORDERED ROHNERT PARK TO REVISE ITS HOUSING ELEMENT FOR IMMEDIATE SUBMISSION TO HCD. ENTERED INTO SETTLEMENT; CITY AGREED TO DESIGNATE AREAS IN FUTURE ANNEXATIONS FOR AFFORDABLE HOUSING.

THE CITY WAS ORDERED TO PAY \$23,000 ATTORNEYS' FEES.

CITY OF SAN DIEGO

HOFFMASTER V. CITY OF SAN DIEGO (1997) 55 CAL. APP. 4TH 1098.

THE CITY WAS SUED IN 1994 ALLEGING THAT ITS HOUSING ELEMENT FAILED TO DESIGNATE ADEQUATE SITES FOR EMERGENCY SHELTERS. THE COURT OF APPEAL AGREED THAT VARIOUS ZONING ORDINANCE PROVISIONS MADE LOCATING EMERGENCY SHELTERS VERY DIFFICULT, AND THE CITY WAS ORDERED TO AMEND ITS ZONING ORDINANCE TO PROVIDE ADEQUATE SITES FOR EMERGENCY SHELTERS.

ANOTHER LAWSUIT WAS FILED IN 2008 ALLEGING THAT THE CITY'S HOUSING ELEMENT WAS INADEQUATE. HOUSING ELEMENT UPHELD BY TRIAL COURT; NOT APPEALED. CITY SPENT OVER \$250,000 DEFENDING LAWSUIT.

CITY OF SAN RAFAEL

ST. VINCENT'S SCHOOL FOR BOYS V. CITY OF SAN RAFAEL (2008) 161 CAL. APP. 4TH 989.

SUED BY A DEVELOPER WHO WANTED HIS PROPERTY ANNEXED TO THE CITY AND ARGUED THAT THE CITY DID NOT HAVE ADEQUATE HOUSING SITES UNLESS HIS PROPERTY WAS ANNEXED.

COURT RULED THAT SAN RAFAEL'S HOUSING ELEMENT SUBSTANTIALLY COMPLIED WITH HOUSING ELEMENT LAW THAT WAS IN EFFECT WHEN SAN RAFAEL ADOPTED ITS HOUSING ELEMENT.

CITY WAS AWARDED COSTS OF \$26,362.50 FOR EXCESSIVE PUBLIC RECORDS ACT REQUEST BY PLAINTIFFS. COSTS OF DEFENSE WERE SEVERAL HUNDRED THOUSAND DOLLARS (INCLUDED CEQA AND OTHER CLAIMS).

CITY OF SANTA ROSA

LAWSUIT BROUGHT BY CAHLP AND SONOMA COUNTY HOUSING ADVOCACY GROUP IN 2002.

MOST OF THE HOUSING BUILT PRIOR TO LITIGATION WAS FOR UPPER INCOME HOUSEHOLDS. LOW AND MODERATE INCOME FAMILIES (70% OF THE POPULATION) SAW ONLY 7% OF THE HOUSING BUILT.

COURT ORDERED SANTA ROSA TO REVISE ITS HOUSING ELEMENT FOR IMMEDIATE SUBMISSION TO HCD.

UNDER THE TERMS OF THEIR SETTLEMENT, SANTA ROSA COMMITTED TO SIMPLIFYING THE APPROVAL PROCESS, TO SPECIFYING A SITE FOR A 40 + BED HOMELESS SHELTER AND ASSISTING WITH ITS ACQUISITION, TO ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND, ALLOWING SROs, TO COMPLETE REZONING OF LOWER INCOME SITES, AND TO IMPOSING A FEE ON NEW COMMERCIAL AND INDUSTRIAL DEVELOPMENT TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING FOR THE FACILITIES' WORKERS.

CITY ORDERED TO PAY \$28,000 IN ATTORNEYS' FEES.

CITY OF SOLANA BEACH

HARO v. CITY OF SOLANA BEACH (2011) 195 CAL. APP. 4TH 542.

LAWSUIT BROUGHT BY AFFORDABLE HOUSING ADVOCATES IN 2008 ON BEHALF OF AN INDIVIDUAL FOR FAILURE TO IMPLEMENT HOUSING ELEMENT. COURT OF APPEAL FOUND CASE TO HAVE BEEN UNTIMELY FILED.

CITY OF WINTERS

LAWSUIT BROUGHT BY LEGAL SERVICES FOR NOT SETTING ASIDE A SUFFICIENT PERCENTAGE OF UNITS IN NEW DEVELOPMENTS FOR AFFORDABLE HOUSING. PARTIES SETTLED PURSUANT TO A STIPULATED JUDGMENT. THE CITY MUST REPORT TO PLAINTIFF EACH YEAR, AND PLAINTIFF MAY APPROVE OR DISAPPROVE THE CITY'S HOUSING ELEMENT.