

# CITY of CARPINTERIA, CALIFORNIA



June 24, 2024

The Honorable Senator Monique Limón  
Member, California State Senate  
1021 O St., Ste. 6510  
Sacramento, CA 95814

## Members of the City Council

Al Clark - Mayor

Natalia Alarcon - Vice Mayor

Roy Lee

Mónica Solórzano

Wade T. Nomura

**RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement**  
**Notice of Opposition** (As of April 25, 2024)

Dear Senator Limón,

The City of Carpinteria 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 Carpinteria must **oppose SB 1037**. If you have any questions, do not hesitate to contact me at [alclark@carpinteriaca.gov](mailto:alclark@carpinteriaca.gov) or (805) 684-5405.

Sincerely,

Al Clark, Mayor  
City of Carpinteria

Cc: The Honorable Scott Wiener  
David Mullinax, Channel Counties Public Affairs Manager, [dmullinax@calcities.org](mailto:dmullinax@calcities.org)  
League of California Cities, [cityletters@calcities.org](mailto:cityletters@calcities.org)