



June 25, 2024

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

**Re: Oppose – SB 1037: Planning and Zoning - enforcement (As Amended June 13, 2024)**

Dear Senator Wiener:

On behalf of the City of Santa Rosa, I am writing to express our opposition to your bill, SB 1037, which would allow the Attorney General to take legal action against a city and seek fines up to \$50,000 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.

NATALIE ROGERS  
Mayor

MARK STAPP  
Vice Mayor

EDDIE ALVAREZ

VICTORIA FLEMING

DIANNA MACDONALD

JEFF OKREPKIE

CHRIS ROGERS

Santa Rosa is committed to building more housing and providing opportunities for families and individuals to live and work here. Last year, we were designated as a pro-housing city with one of the highest scores across all jurisdictions in the state. Further, we would ask that you exempt any locality that has been deemed a “pro-housing” city from this onerous legislation.

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.

In addition, the language used to define when penalties apply is vague, particularly the use of the following terms "The penalties set forth in this section shall only apply when local land use decisions or actions are contrary to established public policy, unlawful, or procedurally unfair." These subjective standards can be interpreted in numerous ways, leading to inconsistent enforcement and unpredictable legal outcomes. This lack of clarity could result in frequent legal challenges as cities attempt to navigate the uncertain parameters set forth by the measure. Consequently, local governments may find



themselves entangled in costly legal disputes, diverting resources away from providing essential services to the community and local housing development efforts.

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 the above reasons, the City of Santa Rosa opposes SB 1037. If you, or members of your staff, have any questions please feel free to contact our legislative advocate Alyssa Silhi with the Renne Public Policy Group, at (916) 849-5536.

Sincerely,

NATALIE ROGERS  
Mayor

MARK STAPP  
Vice Mayor

Natalie Rogers  
Mayor

EDDIE ALVAREZ  
VICTORIA FLEMING  
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