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June 25, 2024

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, CA 95814

**RE: SB 1037 (Wiener) Housing Element Enforcement – OPPOSE**

Dear Chair Wicks:

On behalf of the City/County Association of Governments of San Mateo County, I write to **OPPOSE** SB 1037 (Wiener), which would authorize the Attorney General to impose civil penalties up to \$50,000 per violation per month against cities that fail to grant ministerial approval for planning or permitting for a housing development project when a local government is acting in a manner that is considered “arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair.”

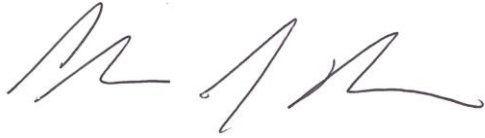
As currently drafted, SB 1037 does not provide an opportunity for cities to cure mistakes or address differences in interpreting the law. San Mateo County’s jurisdictions have made significant progress planning for, and permitting new housing and cities, even acting in good faith, could be subject to significant penalties. The language used to define when penalties apply is also subjective and the lack of clarity could result in frequent legal challenges for our cities, creating the potential for costly legal disputes, diverting resources away from providing essential services to the community and local housing development efforts. The cost and time associated with updating housing elements already places a significant financial burden on (especially small ) cities in San Mateo County.

Instead, C/CAG believes the state is best served by providing the Department of Housing and Community Development the tools it needs to provide cities with clear guidance, technical assistance, and more expedient response to help finalize housing elements, so much-needed housing construction can occur.

For these reasons, C/CAG respectfully asks that you oppose SB 1037 when it is

heard in your committee. Thank you for your consideration and please contact Sean Charpentier, the C/CAG Executive Director at [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Rak', written in a cursive style.

Adam Rak, Chair  
City/County Association of Governments of San Mateo County