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September 4, 2024

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

RE: SB 1037 (Wiener) Housing Element Enforcement – VETO REQUEST

Dear Governor Gavin Newsom:

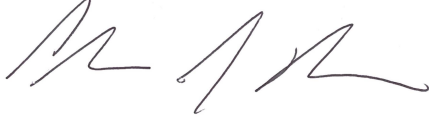
On behalf of the City/County Association of Governments of San Mateo County, I write to **request that you VETO SB 1037 (Wiener)**, which would authorize the Attorney General to impose of civil penalties up to \$50,000 per violation per month against cities that fail to grant ministerial approval for 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 been making significant progress planning for, and permitting new housing and cities 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.

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 and technical assistance to help finalize housing elements so much-needed housing construction can occur. For these reasons, C/CAG respectfully asks that you please **VETO SB 1037 (Wiener)**. Thank you for your

consideration and please contact Sean Charpentier, C/CAG Executive Director at scharpentier@smcgov.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Rak', with a stylized flourish at the end.

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