



CITY OF PALM DESERT

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OFFICE OF THE MAYOR AND CITY COUNCIL

May 10, 2024

The Honorable Steve Padilla
Member, California State Senate
1021 O Street, Suite 6640
Sacramento, CA 95814

**RE: SB 1037 (WIENER) PLANNING AND ZONING: HOUSING ELEMENT: ENFORCEMENT -
OPPOSITION**

Dear Member Padilla:

The City of Palm Desert 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 Palm Desert must **oppose SB 1037**. If you have any questions regarding our position, please do not hesitate to contact the City Manager, Todd Hileman, at (760) 346-0611 or email thileman@palmdesert.gov.

Sincerely,

Karina Quintanilla
Mayor, City of Palm Desert

Cc: The Honorable Scott Wiener
Cal Cities Regional Public Affairs Manager, Jesse Ramirez
League of California Cities, cityletters@calcities.org