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## CITY COUNCIL

**Joe Franklin**  
Mayor

**Amy Howorth**  
Mayor Pro Tem

**David Lesser**  
Councilmember

**Steve Napolitano**  
Councilmember

**Richard Montgomery**  
Councilmember

June 13, 2024

The Honorable Scott Wiener  
Member, California State Senate  
1021 O St., Ste. 8620  
Sacramento, CA 95814

**RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement**  
**Notice of OPPOSITION**

Dear Senator Wiener,

The City of Manhattan Beach regrettably opposes 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.

The City of Manhattan Beach opposes AB 1886 as it would interfere with or limit the authority of municipalities in the area of local land use; and infringes upon the authority of local governments to effectively administer and consider unique local circumstances when processing permits and enforcing city building and safety standards.

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.

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### MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

[www.manhattanbeach.gov](http://www.manhattanbeach.gov) · (310) 802-5000

The Honorable State Senator Scott Wiener

June 13, 2024

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For these reasons, the City of Manhattan Beach **opposes SB 1037.**

Sincerely,

A handwritten signature in black ink that reads "Joe Franklin". The signature is stylized with a large, sweeping initial "J" and "F".

Joe Franklin

Mayor

City of Manhattan Beach

Cc: City of Manhattan Beach City Council  
The Honorable State Assemblymember Al Muratsuchi  
The Honorable State Senator Ben Allen  
South Bay Cities Council of Governments  
Jeff Kiernan, League of California Cities Public Affairs Manager  
League of California Cities, [cityletters@calcities.org](mailto:cityletters@calcities.org)  
California Contract Cities Association