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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CALIFORNIANS FOR HOMEOWNERSHIP, INC., a California nonprofit public benefit corporation, and YES IN MY BACK YARD, a California nonprofit public benefit corporation, Petitioners, v. CITY OF LOS ANGELES, Respondent.	Case No. 25STCP00546 **VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE** Petition filed February 13, 2025

INTRODUCTION

1. California is in the midst of a "housing supply and affordability crisis of historic proportions." Gov. Code 65589.5(a)(2). As part of the effort to address this crisis, cities must plan for housing development in their housing elements and must rezone parcels to accommodate the housing anticipated in those plans.

2. Under state housing element law, the City of Los Angeles was required to rezone sites to accommodate 255,432 additional units of housing by February 12, 2025. Gov. Code 65583.4. It failed to do so.

3. Under state housing element law, the City is required to complete the program actions it committed to in its housing element. Gov. Code 65583(h). It has failed to do so.

4. On behalf of the public interest in housing development, Petitioners seek a writ of mandate compelling the City to complete the rezoning and programs contemplated in its housing element.

PARTIES

5. Petitioner Californians for Homeownership, Inc. ("Californians") is a California nonprofit public benefit corporation and I.R.C. § 501(c)(3) organization. Its mission is to address California's housing crisis through litigation in support of the production of housing affordable to families at all income levels.

6. Petitioner Yes In My Back Yard ("YIMBY") is a California nonprofit public benefit corporation and I.R.C. § 501(c)(3) organization. YIMBY is the litigation affiliate of YIMBY Action, an I.R.C. § 501(c)(4) organization whose membership cuts across socioeconomic lines, including members with very low, low, moderate, middle, and higher incomes. YIMBY litigates on behalf the public interest in ending the housing shortage in accordance with California law, including the adoption of housing elements in compliance with state law, and files this proceeding on its own behalf as well as that of its members and the public who will be affected by the City's policies.

7. Respondent City of Los Angeles is a local agency in the County of Los Angeles.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the state law claims asserted in this action

pursuant to the Government Code sections 65583, 65587, and 65751 and Code of Civil Procedure section 1085.

9. This Court has personal jurisdiction over Respondent City of Los Angeles pursuant to Code of Civil Procedure section 410.10.

10. Venue properly lies with this Court pursuant to the Code of Civil Procedure section 394.

FACTUAL ALLEGATIONS

A. Legislative Background

11. In recent years, the California Legislature has sought to address what it has described as a "housing supply and affordability crisis of historic proportions." Gov. Code 65589.5(a)(2). "The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives. While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor." *Id.* (subdivision numbers omitted).

12. As a result of the housing crisis, younger Californians are being denied the opportunities for housing security and homeownership that were afforded to previous generations. Families across economic strata are being forced to rent rather than experience the wealth-building benefits of homeownership.[1] Many middle and lower income families devote more than half of their take-home pay to rent, leaving little money to pay for transportation, food, healthcare and other necessities.[2] Unable to set aside money for savings, these families are also at risk of losing their housing in the event of a personal financial setback. Indeed, housing insecurity in California has led to a mounting homelessness

[1] California Department of Housing and Community Development, California's Housing Future: Challenges and Opportunities: Final Statewide Housing Assessment 2025 (2018), available at http://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf, at 18-19.

[2] *Id*. at 27.

crisis.[3]

13. Beyond the human toll, California's housing crisis harms the environment. "[W]hen Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals." Gov. Code § 65584.

14. At the core of California's affordable housing crisis is a failure to build enough housing to meet demand. California's Legislative Analyst's Office estimates that the state should have been building approximately 210,000 units a year in major metropolitan areas from 1980 to 2010 to meet housing demand. Instead, it built approximately 120,000 units per year.[4]

15. California's housing crisis has been building for decades. The Legislature has recognized that the crisis is driven, in part, "by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing." Gov. Code § 65589.5(a)(1)(B).

16. Over the last five decades, the Legislature has increasingly sought to address the power imbalance at play in local housing policy. The most important state policy addressing the housing crisis is the Regional Housing Needs Allocation ("RHNA") and housing element system.

17. The RHNA system is a process for assessing and allocating housing targets on a periodic basis, generally every eight years. Gov. Code § 65588. It starts with an assessment of statewide housing needs by the California Department of Housing and Community Development ("HCD"). The Department allocates the state's anticipated housing needs on a region-by-region basis, at different levels of affordability, based on established criteria. Gov. Code §§ 65584.01, 65588. This need is then usually meted out to individual localities by a regional council of governments. Gov. Code § 65584.05.

18. Once the allocations are final, each locality is tasked with developing an action plan (the housing element) to enact land use policies that will produce enough housing to meet its RHNA goals. Gov. Code §§ 65583, 65583.2. The housing element must provide an inventory of sites available for

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[3] *Id*. at 3, 48-50.

[4] Legislative Analyst's Office, California's High Housing Costs: Causes and Consequences (2015), available at https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf, at 21.

residential development and assess constraints and market realities that affect the likely development activity at those sites, including local land use regulations. Localities must make changes to their land use rules, including by rezoning land, if needed to enable housing sufficient to meet their RHNA goals. Gov. Code § 65583(c), 65583.2(h). State law requires local governments to take affirmative steps to promote fair housing goals.

19. A city may meet its RHNA allocation by planning for housing on vacant or nonvacant sites. Gov. Code § 65583.2(a). The housing element must contain a parcel specific inventory of sites where additional housing could be developed, including existing residential sites that could be redeveloped with more residential capacity (e.g., though rezoning and/or redevelopment), and non-residential sites that could be redeveloped as housing through rezoning. Gov. Code § 65583.2(a).

20. When a city relies on rezoning to satisfy its RHNA allocation, it must commit to a rezoning program subject to a range of specific requirements under state law, including requirements to allow certain types of development by-right. Gov. Code §§ 65583(c)(1)(A); 65583.2(h)(1). In addition to rezoning programs, cities can (and always do) make other program commitments intended to facilitate development and improve the suitability of their inventory sites for development.

21. Each city submits a draft of its housing element to HCD for review and receives written findings. Gov. Code § 65585(b)(3). In its written findings, HCD makes a determination whether the draft housing element "substantially complies" with the requirements of state law. Gov. Code § 65585(d). Prior to adoption of a housing element, a city must consider HCD's findings and either amend its housing element accordingly or provide findings of its own as to why it believes the housing element is compliant despite HCD's determination. Gov. Code §§ 65585(e), (f). The housing element process also provides extended opportunities for public comment, and cities are required to consider these public comments prior to adopting their housing elements. Gov. Code § 65585(b).

22. In assessing whether a city's housing element satisfies the goals and requirements of state law, HCD and public commenters consider a variety of factors, including whether the rezoning and other program commitments in the housing element are sufficient to meet the city's RHNA obligations.

23. California is currently in the midst of the sixth statewide housing element update cycle. For cities in the Southern California region, including the City, the sixth cycle covers an eight-year

planning period starting October 15, 2021, and these cities were required to update their housing elements by that date. Gov. Code § 65588(e)(3).

24. If a city or county fails to timely adopt a compliant housing element, it is penalized by reducing its time to complete the rezoning process from over three years to only one year. Gov. Code § 65588(e)(4)(C)(i).

25. However, in 2022 the legislature passed SB 197, which exempted any SCAG jurisdiction from this rezoning penalty if HCD certified its housing element by October 15, 2022 (one year after the original deadline), providing an alternative rezoning deadline for these jurisdictions. Gov. Code § 65583.4.

26. An interested party may bring an action under Code of Civil Procedure section 1085 to compel compliance with the housing element rezoning requirement and deadline, and the respondent local agency bears the burden of proof in such an action. Gov. Code § 65587(d)(2).

27. An interested party may bring an action under Code of Civil Procedure section 1085 to enforce the program actions of a housing element. Gov. Code § 65583(h).

B. Facts

28. The City of Los Angeles adopted its operative general plan housing element on June 14, 2022.

29. On June 29, 2022, HCD certified the City's housing element as compliant with housing element law.

30. Therefore, under Government Code Section 65583.4, the statutory deadline for the City to rezone was February 12, 2025.

31. The City's rezoning program is contained in Program 121 of its housing element, which commits the City to rezone parcels to accommodate an identified shortfall of 255,432 units, including 130,553 units of housing for lower income households.

32. Program 121 anticipates that this rezoning will take the form of nineteen specific actions: sixteen community plan updates, the adoption of two specific plans, and the establishment of a new citywide affordable housing incentive program.

33. At most, as of the date of this Amended Petition, the City has completed six of the

nineteen actions anticipated in Program 121.

34. No information or analysis has been published by the City demonstrating that it has rezoned in a manner that will accommodate its identified shortfall of 255,432 units relative to the zoning policies in place on June 14, 2022.

35. Additionally, in Program 65 of the City's housing element, the City committed to implement community plan and neighborhood plan updates, with adoption processes starting between 2021 and 2023.

36. To date, the City has not even begun the adoption process for most of the community plan updates required by Program 65.

37. Program 3 of the City's housing element commits the City to recommend and adopt policy changes to facilitate subdivisions by 2023. The City has not done so.

38. Programs 4 and 16 of the City's housing element commit the City to study the feasibility of certain housing policies. The City has not done so.

39. Program 8 of the City's housing element commits the City to "[e]stablish public counters for assistance in applying for affordable and accessible housing by 2024." The City has not done so.

40. Program 11 of the City's housing element commits the City to "[c]reate new incentives for senior and other special needs housing through the update to the Density Bonus Ordinance by 2024." The City has not done so.

41. Program 12 of the City's housing element commits the City to hold an "International Building Exhibition" in the form of a "cross sectoral dialogue and visioning process for Los Angeles housing leaders with their counterparts in other cities in 2022." The City has not done so.

42. Program 15 of the City's housing element commits the City to "[i]dentify publicly owned housing opportunity sites and issue RFPs to develop the sites by 2023." The City has not done so.

43. Program 49 of the City's housing element commits the City to "[c]reate a Citywide Housing Needs Allocation" that "allocates the citywide RHNA to community plan areas" by 2024. The City has not done so.

44. Program 54 of the City's housing element commits the City to reduce post-entitlement permit processing times for affordable housing projects. The City has not taken any steps to do so.

45. Program 59 of the City's housing element commits the City to "[c]reate a White Paper with at least five potential high value recommendations regarding low-rise infill housing alongside new findings on the underlying economics and market potential of such housing for potential use in rezoning efforts and policy development by 2022." The City has not done so.

46. Program 63 of the City's housing element commits the City to adopt amendments to the City's zoning code to alleviate challenges to ADU production by 2024. The City has not done so.

47. Program 115 of the City's housing element commits the City to "[a]dopt [an] amendment to [the] zoning code to facilitate by-right siting of shelter and transitional housing facilities by 2025." The City has not done so.

48. Additionally, the City's rezoning to date does not comply with the requirements for the establishment of a by-right development process under Government Code section 65583.2(h)(1) because it limits its application to a subset of the lower income sites identified for rezoning in the City's housing element and subjects the list of those sites to modification by the City Council.

49. Petitioners are non-profit organizations that aim to address California's housing crisis, generally through impact litigation to support the development of and access to housing for families at all income levels.

50. Petitioners are currently engaged in a statewide effort to enforce both the substantive requirements and the deadlines in state housing element law, for the sixth housing element update cycle. As part of this effort, Petitioners have filed dozens of lawsuits to enforce housing element law. Among other successes, these lawsuits have resulted in orders providing the same relief requested in this Petition.

51. On February 5, 2025, Petitioners sent the City's City Council a letter, attached hereto as Exhibit A, indicating their intent to initiate this litigation against the City. The February 5 letter followed prior letters sent by Petitioners, identifying the City's failure to complete its rezoning process.

FIRST CAUSE OF ACTION

Writ of Mandate to Compel Rezoning (Gov. Code §§ 65587; C.C.P. § 1085)

52. Petitioners incorporate and reallege all of the foregoing paragraphs.

53. Under Government Code section 65587(d), any interested party may bring an action under

Code of Civil Procedure section 1085 to compel compliance with the rezoning requirements and deadlines in Government Code section 65583(c), and the other provisions of state law referred to therein.

54. The respondent local agency bears the burden of proof in such an action.

55. Petitioners are interested parties for the purposes of this statute.

56. The City has not complied with the rezoning requirements and deadlines in state law.

57. Petitioners have no available administrative remedies.

58. Petitioners have no plain, speedy, or adequate remedy at law.

59. Accordingly, Petitioners are entitled to a writ of mandate.

SECOND CAUSE OF ACTION

Writ of Mandate to Compel Compliance with Housing Element Programs (Gov. Code §§ 65583; C.C.P. § 1085)

60. Petitioners incorporate and reallege all of the foregoing paragraphs.

61. Under Government Code section 65583(h), any interested party may bring an action under Code of Civil Procedure section 1085 to enforce the program actions of a housing element.

62. Petitioners are interested parties for the purposes of this statute.

63. The City has not completed the actions required by the programs of its housing element.

64. Petitioners have no available administrative remedies.

65. Petitioners have no plain, speedy, or adequate remedy at law.

66. Accordingly, Petitioners are entitled to a writ of mandate.

PRAYER

WHEREFORE, Petitioners pray for relief as follows:

67. A writ of mandate pursuant to Government Code Section 65587(d)(1) compelling the City to complete the required rezoning within 60 days.

68. A writ of mandate pursuant to Government Code Section 65583(h) compelling the City to complete the program actions described in its housing element.

69. For costs of suit as allowed by law, including attorney's fees pursuant to Code Civ. Proc. § 1021.5.

70. For such other and further relief as may be just and proper.

Dated: March 31, 2025

CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By: _____
MATTHEW P. GELFAND

Attorneys for Petitioner
CALIFORNIANS FOR HOMEOWNERSHIP, INC.

Dated: March 31, 2025

MILLER STARR REGALIA

By: _____
KENNETH A. STAHL

Attorneys for Petitioner
YES IN MY BACK YARD

VERIFICATION

I, Matthew P. Gelfand, declare:

1. I am employed by and hold the position of Counsel at Petitioner Californians for Homeownership, Inc., and am familiar with the matters discussed in the foregoing Petition.

2. I have read the Petition and know the contents thereof. The statements of fact therein are true and correct of my own knowledge, except those statements made on information and belief, and as to those statements, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2025 at Los Angeles, California.



Matthew P. Gelfand

VERIFICATION

I, Sonja Trauss, declare:

3. I am the founder and director of Petitioner Yes In My Back Yard, and am familiar with the matters discussed in the foregoing Petition.

4. I have read the Petition and know the contents thereof. The statements of fact therein are true and correct of my own knowledge, except those statements made on information and belief, and as to those statements, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2025 at Philadelphia, PA.

Sonja Trauss

PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to this action. My business address is 525 S. Virgil Ave., Los Angeles, California 90020.

On April 1, 2025, I served the documents described as VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE on the interested parties in this action as follows:

☒ electronically through One Legal from the account associated with my email address, matt@caforhomes.org.

Oscar Medellin
oscar.medellin@lacity.org
Kathryn Phelan
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Donna Wong
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Office of the City Attorney
City of Los Angeles
200 N. Main St.
Los Angeles, CA 90012

For Respondent City of Los Angeles

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 1, 2025.



Matthew P. Gelfand