Electronically FILED by
Superior Court of California,
County of Los Angeles
2/13/2025 12:31 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Ruiz, Deputy Clerk

CALIFORNIANS FOR HOMEOWNERSHIP, INC.
Matthew P. Gelfand (SBN 297910) | matt@caforhomes.org
Allyson Richman, Esq. (SBN 339822) | allyson@caforhomes.org
525 S. Virgil Ave.
Los Angeles, California 90020
Telephone: (213) 739-8206
Facsimile: (213) 480-7724

Attorneys for Petitioner,
CALIFORNIANS FOR HOMEOWNERSHIP, INC.

MILLER STARR REGALIA, APC
Kenneth A. Stahl (SBN 326495) | ken.stahl@msrlegal.com
1331 N. California Blvd., Fifth Floor
Walnut Creek, California 94596
Telephone: (925) 935-9400
Facsimile: (925) 933-4126

Attorneys for Petitioner,
YES IN MY BACK YARD

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 PETITION FOR WRIT OF MANDATE

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. On behalf of the public interest in housing development, Californians seeks a writ of mandate compelling the City to complete the rezoning contemplated in its housing element.

PARTIES

4. 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.

5. 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.

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

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over the state law claims asserted in this action pursuant to the Government Code sections 65587 and 65751 and Code of Civil Procedure section 1085.

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

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

FACTUAL ALLEGATIONS

A. Legislative Background

10. 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).

11. 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 crisis.[3]

12. 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

---

[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.

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

state's climate goals." Gov. Code § 65584.

13. 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]

14. 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).

15. 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.

16. 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.

17. 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 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.

[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.

18. 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).

19. 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).

20. 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).

21. 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).

22. 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.

23. 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).

B. Facts

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

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

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

27. 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.

28. 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.

29. At most, as of the date of this Petition, the City has completed five of the nineteen actions anticipated in Program 121.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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)

35. Californians incorporates and realleges all of the foregoing paragraphs.

36. 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.

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

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

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

40. Californians has no available administrative remedies.

41. Californians has no plain, speedy, or adequate remedy at law.

42. Accordingly, Californians is entitled to a writ of mandate.

PRAYER

WHEREFORE, Petitioner prays for relief as follows:

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

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

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

Dated: February 13, 2025

CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By: _____
MATTHEW P. GELFAND

Attorneys for Petitioner
CALIFORNIANS FOR HOMEOWNERSHIP, INC.

Dated: February 13, 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 February 13, 2025 at Los Angeles, California.



Matthew P. Gelfand

VERIFICATION

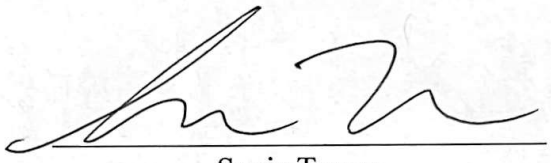
I, Sonja Trauss, declare:

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 February 13, 2025 at Los Angeles, California.



Sonja Trauss

EXHIBIT A

CALIFORNIANS FOR HOMEOWNERSHIP

MATTHEW GELFAND, COUNSEL
MATT@CAFORHOMES.ORG
TEL: (213) 739-8206

February 5, 2025

VIA EMAIL

City Council
City of Los Angeles
200 N Spring St.
Los Angeles, CA 90012
Email: councilmember.hernandez@lacity.org; councilmember.nazarian@lacity.org; councilmember.blumenfield@lacity.org; contactcd4@lacity.org; councilmember.yaroslavsky@lacity.org; councilmember.padilla@lacity.org; councilmember.rodriguez@lacity.org; councilmember.harris-dawson@lacity.org; councilmember.price@lacity.org; councilmember.price@lacity.org; cd10@lacity.org; councilmember.park@lacity.org; councilmember.lee@lacity.org; councilmember.soto-martinez@lacity.org; councilmember.jurado@lacity.org; councilmember.mcosker@lacity.org

RE: Failure to rezone consistent with the requirements of state housing element law.

To the City Council:

Californians for Homeownership and YIMBY Law are 501(c)(3) organizations devoted to using impact litigation to address California's housing crisis. We are writing because we have determined that the City will not complete the rezoning process anticipated in its adopted sixth cycle housing element by the statutory deadline of February 12, 2025, as provided in Government Code Section 65583.4. If the City fails to meet this deadline, we intend to initiate litigation against the City on February 13, 2025. In litigation over the failure to rezone, the City will bear the burden of proving that it has timely completed its rezoning program. We intend to seek an order requiring the City to rezone within 60 days, as Californians for Homeownership has obtained in litigation against other cities in Los Angeles County over the last two years. (*See* Gov. Code § 65587(d).)

The City's housing element rezoning commitments are contained in Program 121 of its adopted housing element, which anticipates that the City will undertake **nineteen rezoning actions**: sixteen community plan updates, the adoption of two specific plans, and the establishment of a new citywide affordable housing incentive program. **At best, by the deadline, the City will have completed five out of these nineteen actions**.

We are aware that City staff have asserted that "[t]he CHIP, RP, and HESMD Ordinances implement the obligations and vision outlined in Program 121" of the City's adopted housing

525 S. Virgil Avenue
Los Angeles, CA 90020

element. This is false. None of these three ordinances constitutes a "rezoning" of the City's housing element sites, for the purposes of state housing element law:

- The Citywide Housing Incentive Program (CHIP) is merely a local implementation of the State Density Bonus Law (SDBL). As the City knows, SDBL bonuses are ignored for purposes of calculating housing element site capacity. And even if they weren't, the City cannot explain how the incentives in the CHIP program will motivate the creation of hundreds of thousands new units *relative to the City's existing SDBL implementation*, which is the metric that matters for determining the *additional capacity* created through something the City is characterizing as a rezoning.

- The Resident Protections (RP) ordinance governs existing units and has nothing to do with zoning or zoned capacity.

- The Housing Element Sites and Minimum Density (HESMD) ordinance implements state law requirements around the procedures for certain projects on housing element sites, as well as state law minimum density rules for housing element sites. This ordinance does not change the zoned capacity on any site and does not constitute a rezoning of those sites to increase capacity.

As best we can tell, the City's factual support for its decision to jettison most of its rezoning plans is articulated in a document entitled "Appendix 5: Rezoning Model Assumptions," and it appears to involve adjusting the realistic capacity model used in the City's housing element to force the model to produce new, more optimistic realistic capacity numbers. If the City has come to disagree with the model used as the backbone factual support for its housing element, the solution is to amend the housing element to replace the model, not to attempt to shoehorn these modifications into materials presented to the City Council during its consideration of various non-rezoning ordinances. As part of that housing element amendment process, the City would need to explain how its revised assumptions are supported by the City's base zoning, without accounting for its SDBL implementation—because, again, the City cannot use SDBL bonuses to justify its housing element site capacities.

The City has also pointed to the Downtown and Hollywood community plan updates as constituting part of its rezoning efforts. But in the absence of other rezoning ordinances, those updates fall short of providing the extensive rezoning required under the City's adopted housing element.

Additionally, it appears that the City does not intend to meet the by-right rezoning requirement in Government Code Section 65583.2(h)(1). While the HESMD ordinance does provide for by-right approval for some lower income housing element sites, its operation is limited to a vaguely-defined subset of those sites subject to post-hoc establishment and modification by the City. The applicability of Section 65583.2(h)(1) is based on the City's housing element sites inventory, not an external document established by the City outside of the robust public review process applicable to housing elements. If the City desires to limit the application of Section 65583.2(h)(1), it must amend its housing element.

We are aware that the City has had some *ex parte* discussions with the state Department of Housing and Community Development (HCD) regarding these issues. We are also aware that, as part of those *ex parte* discussions, HCD has opined on the City's plans in a manner that has led the City to believe that HCD has endorsed its approach. These *ex parte* discussions were held without the benefit of comment from interested parties, and we believe that HCD has not had an opportunity to consider all of the relevant facts. In any event, HCD does not have the authority to determine whether the City has met the rezoning obligations described in this letter, nor does it have the authority to waive these obligations.

We are also aware that HCD has indicated its intent to delay enforcement of the February 12 rezoning deadline in light of the recent wildfires. However, the City's purported rezoning process has been complete since December 2024, the City's rezoning process (such as it is) has not been impacted by any delays, and HCD does not have the authority to modify the statutory rezoning deadline or to limit actions by private enforcement organizations like ours. Nevertheless, if we misunderstood the City's plans and it did intend to undertake additional rezonings prior to the February 12 deadline, and if those additional rezonings have been delayed due to recent events, please let us know immediately so that we can give the issue appropriate consideration prior to initiating litigation.

* * *

We intend to file suit against the City to compel its compliance with state housing element law on February 13. If the City would like us to consider any additional information prior to initiating litigation, please let us know by February 10.

Sincerely,

Matthew Gelfand
Californians for Homeownership

Sonja Trauss
YIMBY Law