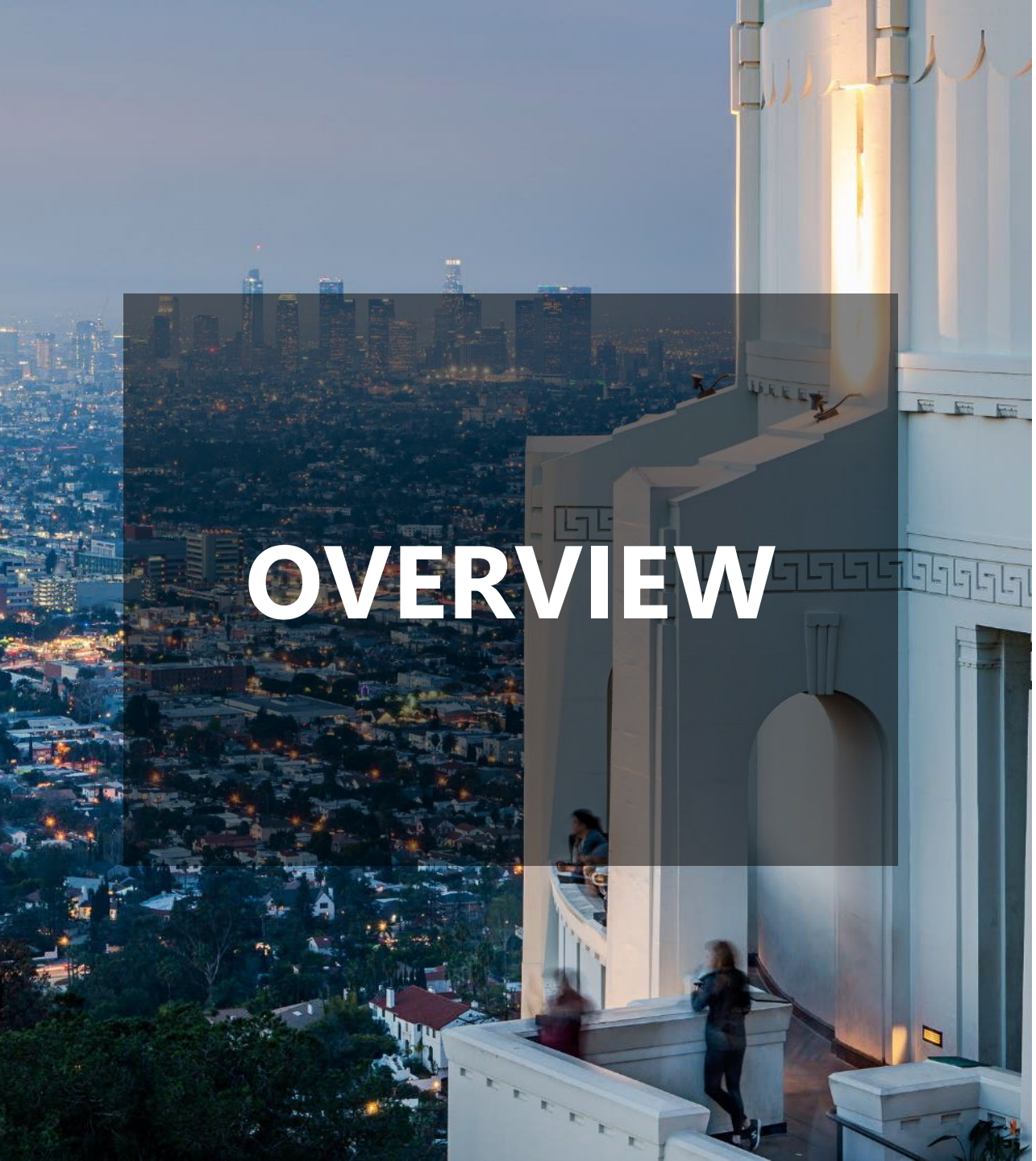
LEAGUE OF CAL CITIES: LA Countywide City Managers Meeting

SB 9 LEGAL CHALLENGE

Aleshire & Wynder
Pam Lee



OVERVIEW

- SB 9 – applicable law
- Overall statutory theme
- Two Lawsuits: General Law and Charter Law Cities
- How to/Why Get Involved

SB 9 – APPLICABLE LAW

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- Ministerial approval of lot splits and/or up to two housing units in a single-family zone or where single-family residences are the primary use
- Only objective development standards may be applied
- Unit of at least 800 sq. ft. must be allowed; lot splits must be at least 1,200 sq. ft.
- Very few exceptions apply

OVERALL STATUTORY THEME

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HOUSING ISSUES

- Rapidly growing homelessness
- Increasing lack of affordability in urban areas/job centers
- Increasing costs of land, labor, and supplies
- Investor-driven markets
- Inflation

STATE'S VIEWS ON HINDRANCES TO HOUSING

- NIMBYism
- Over-regulation by local governments
- Lack of incentives for builders

OVERALL STATUTORY THEME

ATTEMPTS TO ADDRESS HOUSING ISSUES

- Limitations on local control over land use authority
- SB 9 strips cities of their local land use authority
- In essence eliminates single-family residential zones
- In line with SB 330, SB 8, SB 10, SB 35

RESULT OF SB 9

- Threatens public safety and security of families
- Erodes public health and environment of the community
- Promotes gentrification and sides with investors and developers
- Fails to address affordable housing
- Lacks due process and equal protection

TWO LAWSUITS: GENERAL LAW AND CHARTER CITIES

TWO LAWSUITS

General Law vs. Charter Law Cities

- General Law cities
  - Bound by the State's general laws, even with respect to municipal affairs (e.g., policing, elections, employees, land use)
  - State laws will pre-empt city laws/rules based on a Statewide interest or concern
- Charter Law Cities
  - Bound by a city's charter and has supreme authority over municipal affairs ("home rule")
  - Charter only needs to state the city intends to exercise its full power under the CA Constitution over all municipal affairs
  - Exception: where the state has stated an issue is of Statewide concern and State intends to occupy the field of regulation

TWO LAWSUITS

Charter City Lawsuit

- ***Not reasonably related*** to Statewide concern
- ***Not narrowly tailored*** to avoid unnecessary interference into local governance
  - SB 9 does not allow a city to address public health or safety concerns
  - SB 9 disrupts a city's housing element and State housing laws
  - SB 9 excludes certain areas unevenly and unfairly
  - SB 9 removes public engagement and lacks due process

TWO LAWSUITS

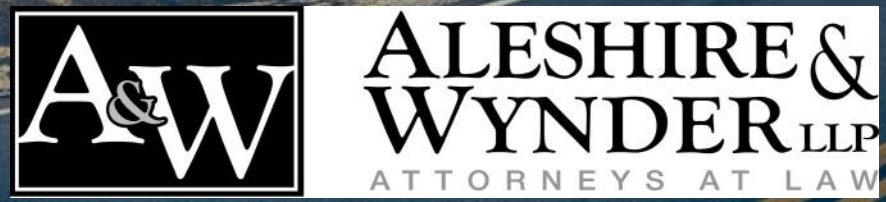
General Law City Lawsuit

- ***Not reasonably related*** to Statewide concern
- SB 9 does not allow a city to address public health or safety concerns
- SB 9 disrupts a city's housing element and State housing laws
- SB 9 excludes certain areas unevenly and unfairly
- SB 9 removes public engagement and lacks due process

HOW TO/WHY GET INVOLVED?

- State will continue to erode local control, not only with land use but other areas of municipal affairs
- Consider becoming a Charter City
- Support Local Governments retaining local control and power on behalf of the community

THANK YOU

Pam Lee - plee@awattorneys.com

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