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Department of Housing and Community Development*

**EXEMPT FROM FILING FEES
PER GOV. CODE § 6103**

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN MATEO

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12 **PEOPLE OF THE STATE OF
CALIFORNIA, EX REL. ROB BONTA;
13 CALIFORNIA DEPARTMENT OF
HOUSING AND COMMUNITY
14 DEVELOPMENT,**

15 Petitioners and Plaintiffs,

16 v.

17 **CITY OF HALF MOON BAY,**

18 Respondent and Defendant.
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Case No.

**PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(Code of Civ. Proc., §§ 1085, 1060; Gov.
Code § 65589.5)

INTRODUCTION

1. Californians continue to suffer under a housing affordability crisis. As the Legislature has found, “[t]he lack of housing . . . is a critical problem that threatens the economic, environmental, and social quality of life in California.” (Gov. Code, § 65589.5, subd. (a)(1)(A).)¹ This crisis is “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.” (*Id.* subd. (a)(2)(A).)

2. A key contributor to this crisis is the failure of local governments to plan for the necessary housing supply. To remedy this, the Legislature requires local governments to include housing elements in their general plans. A housing element must include, among other things, an assessment of housing needs, an inventory of resources and constraints relevant to meeting those needs, and a program to implement the policies, goals, and objectives of the housing element. (§§ 65580-65589.11.)

3. Petitioners and Plaintiffs, PEOPLE OF THE STATE OF CALIFORNIA, acting by and through ROB BONTA, Attorney General of the State of California, and the CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (collectively, the “State”) bring this action against and Respondent and Defendant CITY OF HALF MOON BAY (“City” or “Half Moon Bay”) to remedy the City’s violation of state law. The State requests that this Court issue a writ ordering the City to bring its housing element into compliance with state law, issue a declaration that the City has failed to fulfill its planning obligations, and impose all fines, penalties, and other relief required by law and that the Court may deem appropriate.

PARTIES

4. The Attorney General, as the chief law officer of the State of California, brings this action, on behalf of the People of the State of California, under his broad independent power to enforce state housing law. (Cal. Const., art. V, § 13; § 65585, subd. (j).)

¹ Unless specified otherwise, all further statutory references are to the Government Code.

5. The California Department of Housing and Community Development (“HCD”) is a public agency of the State of California. (§ 12804, subd. (b).) Among other duties, HCD is responsible for developing housing policy and building codes, for regulating manufactured homes and mobile home parks, and for enforcing state housing laws, including the Housing Element Law (§§ 65580-65589.11.). The People of the State of California and HCD are collectively referred to as the “State.”

6. Half Moon Bay is a political subdivision of the State of California. The City is a local governmental agency charged with regulating and controlling land use and development within the City's boundaries, including but not limited to complying with all applicable provisions of state law, such as the Housing Element Law.

VENUE AND JURISDICTION

7. Venue is proper in this Court because the City is located in San Mateo County and the violations of law alleged herein occurred in San Mateo County. (See Code Civ. Proc., § 394.)

8. This Court has jurisdiction over this action pursuant to Code of Civil Procedure sections 187, 1060, and 1085.

LEGAL BACKGROUND

9. The Legislature has declared that “[t]he availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian . . . is a priority of the highest order.” (§ 65580, subd. (a).) California law requires that all local governments adequately plan to meet the housing needs of everyone in the community, at all economic levels. (*Id.* subd. (b).)

10. To meet this requirement, every city and county must adopt and periodically update a housing element as part of its general plan. (See §§ 65302, subd. (c); §§ 65580-65589.11.) The law mandating this adoption and periodic update is known as the “Housing Element Law.” (§§ 65580-65589.11.) The Housing Element Law requires local governments to adopt plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development, especially for a locality’s lower-income households and workforce. As a result,

1 housing policy in California rests largely on the effective implementation of the housing element
2 contained in the local general plan.

3 11. The housing element is a roadmap for housing development in a given community.
4 The housing element must identify and analyze existing and projected housing needs, and must
5 include “a statement of goals, policies, quantified objectives, financial resources, and scheduled
6 programs for the preservation, improvement, and development of housing.” (§ 65583.) The
7 housing element must also “identify adequate sites for housing” and “make adequate provision
8 for the existing and projected needs of all economic segments of the community.” (*Ibid.*) Each
9 housing element is also subject to review by HCD, as discussed below.

10 12. A local jurisdiction’s housing element must be frequently updated to ensure
11 compliance with the Housing Element Law. (§ 65588, subds. (b), (e).) Each eight-year update
12 cycle is known as a “planning period.” (*Id.*, subd. (f)(1).)

13 13. The process of updating a housing element begins with HCD’s determination of a
14 Regional Housing Need Allocation (“RHNA”) for the region for a given planning period. (See §
15 65584, subd. (a)(1).) The RHNA sets goals for housing affordable to various income levels. To
16 arrive at the RHNA, HCD starts with demographic population information from the California
17 Department of Finance and uses a formula to calculate a figure for each region’s planning body,
18 known as a “council of governments” (“COG”). Each COG (in this case, the Association of Bay
19 Area Governments) also uses its own demographic figures to calculate the regional housing need.
20 Each COG coordinates with HCD to arrive at a final figure, taking into account factors not
21 captured in the calculations. This final figure is the RHNA. (See § 65584.01.)

22 14. Once the RHNA is set, the COG is responsible for allocating the housing need among
23 all of the cities and counties within that region. (§ 65584, subd. (b).) Each local government must
24 then prepare a housing element that identifies adequate sites to accommodate that jurisdiction’s
25 fair share of the RHNA at each income level. (§§ 65583, 65583.2.) Sites must be suitable for
26 residential development and must be made available during the planning period. (§ 65583.2, subd.
27 (a).) If a sufficient quantity of adequate sites is not currently available, the housing element must
28 commit to identifying and rezoning additional sites within three years from the date of adoption.

1 (§§ 65583, subd. (c)(1), 65583.2, subd. (h).) The housing element must also accommodate any
2 unmet portion of the RHNA from the prior planning period. (§ 65584.09, subd. (a).)

3 15. Each housing element must also evaluate governmental constraints on the
4 development of housing for all income levels, and must show local efforts to remove
5 governmental constraints that impede the local government's ability to meet its share of the
6 RHNA. (§ 65583, subd. (a)(5).)

7 16. Each local government must submit a draft housing element to HCD before adoption.
8 (§ 65585, subd. (b)(1).) HCD must review the draft element and issue findings as to whether the
9 draft substantially complies with the Housing Element Law. (*Id.*, subds. (b)(1)(C), (d).) After
10 adopting the final housing element, the local government must again submit the element to HCD,
11 and HCD must again review and report its findings to the local government. (*Id.*, subds. (g), (h).)

12 17. Under Statutes of 2017, Chapter 370 ("AB 72"), codified at Government Code
13 section 65585, subdivisions (i) and (j), HCD has authority to review any action or failure to act by
14 a local government that it determines is inconsistent with an adopted housing element or Section
15 65583 of the Housing Element Law. This includes failure to implement program actions included
16 in the housing element. HCD may revoke housing element compliance if the local government's
17 actions do not comply with state law. (§ 65585, subd. (i)(1)(C).)

18 18. AB 72 also authorizes HCD to notify the Office of the Attorney General of California
19 that the local jurisdiction is in violation of state law for noncompliance with, among other
20 statutes, the Housing Element Law. (§ 65585, subd. (j).)

21 19. Pursuant to section 65585, subdivision (i)(1)(A), HCD may take any of the actions
22 authorized by AB 72 after issuing written findings to the local government "as to whether the
23 action or failure to act substantially complies with [Housing Element Law]," and providing a
24 reasonable time, no longer than 30 days, for the local government to respond. (§ 65585, subd.
25 (i)(1)(A).) Prior to an enforcement action brought by the Attorney General's Office, HCD must
26 also offer the local government the opportunity for two in-person or telephone meetings to
27 discuss the violation, and provide the City with written findings regarding the violation. (§ 65585,
28 subd. (k).)

1 **FACTUAL ALLEGATIONS**

2 20. The City is currently in the middle of 2023-2031 Planning Period (also known as the
3 Sixth Cycle).

4 21. The City's deadline to adopt a compliant Sixth Cycle housing element was January
5 31, 2023. The City failed to adopt a compliant housing element by its Sixth Cycle housing
6 element due date.

7 22. The City did not submit a first draft of its housing element to HCD until May 30,
8 2023, several months after the City's deadline to adopt a housing element in substantial
9 compliance with the Housing Element Law.

10 23. On August 30, 2023, HCD issued a findings letter to the City noting multiple
11 revisions necessary for the housing element to be compliant with the Housing Element Law.

12 24. Then, on March 1, 2024, HCD issued a letter of inquiry to the City requesting the
13 City provide a specific timeline for submitting an updated draft housing element and obtaining
14 compliance with the Housing Element Law. HCD provided the City a deadline of April 1, 2024.

15 25. After responding to HCD, the City ultimately submitted a subsequent draft housing
16 element to HCD for review on September 5, 2024.

17 26. On November 5, 2024, HCD issued a second findings letter to the City noting
18 multiple revisions were still necessary for the housing element to be compliant with the Housing
19 Element Law.

20 27. On March 21, 2025, the City submitted a subsequent draft housing element to HCD
21 for review.

22 28. On May 20, 2025, HCD issued a third findings letter to the City noting multiple
23 revisions were still necessary for the housing element to be compliant with the Housing Element
24 Law.

25 29. HCD and the City corresponded regarding the updated timeline for submission of a
26 subsequent draft of the housing element. Ultimately, on December 8, 2025, the City submitted a
27 housing element adopted on November 4, 2025 for HCD to review.
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30. On February 2, 2026, HCD issued a fourth findings letter to the City noting the housing element met the statutory requirements described in HCD’s review, but that the housing element could not be found in substantial compliance until the City completed its required rezones, and both the housing element and rezones were adopted, submitted to, and approved by HCD.

31. HCD and the City corresponded regarding the rezoning timeline. On March 9, 2026, a consultant for the City stated that the rezoning and a local coastal plan amendment will be completed by October 2026.

32. Prior to bringing this action, HCD issued a notice of violation on March 24, 2026, and offered the opportunity for two meetings to discuss the violations that are the subject of this action, pursuant to section 65585, subdivision (k).² After issuing the NOV, HCD met with the City to discuss the City's housing element on April 7 and 10, May 19, and June 10, 2026.

FIRST CAUSE OF ACTION
Writ of Mandate
(Code of Civ. Proc. §§ 1085, 65585, 65588, 65751, 65754)
[Against All Defendants]

33. The State incorporates by reference each and every allegation of the preceding paragraphs as though fully set forth herein.

34. Under California's Housing Element Law, the City must ensure that its general plan contains a legally compliant housing element.

35. The City's Sixth Cycle Housing Element was due January 31, 2023. (See Gov. Code, § 65588, subd. (e).)

36. The City has failed to carry out its duty. The City has not completed the required rezoning actions. Additionally, HCD has not found the City's housing element in substantial compliance with the Housing Element Law.

² The notice of violation can be found at: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/half-moon-bay-he-noncompliant-nov-032426.pdf>. This notice of violation is incorporated herein by reference.

37. The City's failure to act is arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, procedurally unfair, an abuse of discretion, and a failure to act as required by law.

38. Accordingly, a writ of mandate should be issued ordering the City to complete necessary rezoning within 120 days and to ensure, *inter alia*, that the City's Sixth Cycle housing element meets the City's RHNA goals, as determined by HCD.

39. The State has a beneficial interest in the issuance of such a writ, given their authority and mandate to enforce substantial compliance with Housing Element Law.

40. The State has exhausted all required administrative remedies or is excused from exhausting its remedies due to the futility of pursuing such remedies, among other things.

41. The State has no plain, speedy, or adequate remedy in the ordinary course of law. The only remedy provided by law for the State to obtain relief is this Petition for Writ of Mandate pursuant to Code of Civil Procedure section 1085.

SECOND CAUSE OF ACTION
Declaratory Relief
(Code of Civ. Proc. § 1060)
[Against All Defendants]

42. The State incorporates by reference each and every allegation of the preceding paragraphs as though fully set forth herein.

43. There is an actual, present controversy between the State and the City as to whether the City has complied with the Housing Element Law. The City is aware that it is not substantially compliant with the Housing Element Law, even though its Sixth Cycle housing element is now years overdue.

44. It is necessary and appropriate for the Court to render a declaratory judgment that sets forth the parties' legal rights and obligations with respect to whether the City is substantially compliant with the Housing Element Law. Among other things, such a judgment would inform the parties' conduct in connection with future contemplated amendments to the City's housing element, including those that occur routinely at the beginning of each housing cycle.

45. The State therefore requests a declaration that the City is not substantially compliant with the Housing Element Law.

PRAYER FOR RELIEF

WHEREFORE, the State requests the Court enter judgment in favor of the State and against the City and prays as follows:

1. For a writ of mandate ordering the City to adopt and submit to HCD a housing element, which substantially complies with the Housing Element Law, including meeting the City's RHNA obligations for the planning period, together with proof that it has completed the required rezoning, within 120 days. (Code of Civ. Proc. § 1085; Gov. Code §§ 65585, 65751, 65754.)

2. For a declaration that the City has not substantially complied with the Housing Element Law. (Code of Civ. Proc. § 1060.)

3. For penalties, costs of investigating and prosecuting this action, and all other relief the Court deems appropriate pursuant to Government Code section 65009.1.

4. For temporary relief, including but not limited to the suspension of the City's nonresidential permitting authority, and mandating the approval of certain residential developments. (Gov. Code §§ 65755, 65757.)

5. For statutory fines, levies and penalties.

6. For costs and reasonable attorneys' fees.

7. For any other relief the Court may deem appropriate.

1 Dated: July 16, 2026

Respectfully submitted,

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11 *and the California Department of Housing*
12 *and Community Development*