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***Filing Fee exempt per Govt. Code § 6103***

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

**PEOPLE OF THE STATE OF  
CALIFORNIA; CALIFORNIA  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT,**  
  
Petitioners and Plaintiffs,  
  
v.  
  
**CITY OF NORWALK; CITY COUNCIL  
OF THE CITY OF NORWALK; JESUS M.  
GOMEZ,**  
  
Respondents and Defendants,

Case No.  
  
**PETITION FOR WRIT OF MANDATE  
AND COMPLAINT FOR  
DECLARATORY/INJUNCTIVE RELIEF**  
  
**(1) Urgency Ordinance Statute;  
(2) Housing Crisis Act;  
(3) Housing Element Law;  
(4) Anti-Discrimination Land Use Law;  
(5) Affirmatively Furthering Fair Housing;  
(6) By-Right Housing Laws; and,  
(7) Declaratory and Injunctive Relief;**

**INTRODUCTION**

1  
2           1. The City Council of the City of Norwalk believes that developing emergency shelters,  
3 supportive housing, single-room occupancy housing, and transitional housing (collectively,  
4 “Shelter and Supportive Housing”) to house some of our State’s most vulnerable population poses  
5 a threat to the public health, safety, and welfare of the City. The City lumps in this perceived  
6 “threat” of Shelter and Supportive Housing with other land uses it deems deleterious and harmful,  
7 including liquor stores and payday lenders.<sup>1</sup>

8           2. Without any deliberation, the City Council unanimously passed an urgency ordinance,  
9 which declared the threat of Shelter and Supportive Housing so “deleterious” and “immediate” that  
10 it enacted a moratorium prohibiting the development of any Shelter and Supportive Housing in  
11 violation of numerous state laws.

12           3. The City Council imposed the moratorium despite having no factual or evidentiary  
13 support for its “findings” that the presence of Shelter and Supportive Housing poses an immediate  
14 harm. In so doing, the City Council determined that leaving hundreds of Californians unhoused,  
15 living on its streets and in its public places, was less a threat to the public health, safety, and welfare  
16 than permitting the development of Shelter and Supportive Housing.

17           4. The City Council’s actions, and deliberate silence in adopting the urgency ordinance,  
18 is in stark contrast to the deafening roar of the housing affordability and homelessness crisis, which  
19 continues to plague millions of Californians, and the plight of more than 185,000 Californians who  
20 experience homelessness on any given night. The City Council cannot escape its obligations as set  
21 forth in its own housing element to do its part to address that crisis within its own city limits. The  
22 City’s housing element was certified by the Department of Housing and Community Development,  
23 and necessarily included the development of Shelter and Supportive Housing. Promoting and  
24 developing Shelter and Supportive Housing, therefore, is not just a commitment from local  
25 governments, it is mandatory under the law.

26  
27  
28 <sup>1</sup> Other banned new land use permits include laundromats, discount stores, and car washes.



1 fictitiously-named Doe Respondent is responsible or liable in some manner for the events and  
2 happenings referred to herein, and the State will seek leave to amend this Petition and Complaint  
3 to allege their true names and capacities after the same have been ascertained.

#### 4 VENUE AND JURISDICTION

5 13. This Court has jurisdiction over this action pursuant to Code of Civil Procedure sections  
6 187, 1060, and 1085.

7 14. Venue is proper in this Court because the City is located in Los Angeles County and  
8 the violations of law alleged herein occurred in Los Angeles County.

9 15. This action is brought pursuant to Government Code section 65751 and is therefore  
10 entitled to preference over all other civil actions before this court pursuant to Government Code  
11 section 65752.

#### 12 FACTUAL BACKGROUND

##### 13 **Norwalk's 6<sup>th</sup> Cycle Housing Element**

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

19 17. To meet this requirement, every city and county must adopt and periodically update a  
20 housing element as part of its general plan. (See Gov. Code, §§ 65302, subd. (c), 65580, et seq.)  
21 The law mandating this adoption and periodic update is known as the “Housing Element Law.”  
22 (*Id.*, § 65580, et seq.) California’s Housing Element Law requires local governments to adopt plans  
23 and regulatory systems that provide opportunities for, and do not unduly constrain, housing  
24 development, especially for a locality’s lower-income households and workforce. As a result,  
25 housing policy in California rests largely on the effective implementation of the housing elements  
26 contained in local jurisdictions’ general plans.

27 18. The housing element is a roadmap for housing development in a given community.  
28 The housing element must identify and analyze existing and projected housing needs, and must

1 include “a statement of goals, policies, quantified objectives, financial resources, and scheduled  
2 programs for the preservation, improvement, and development of housing.” (Gov. Code, § 65583.)  
3 The housing element must also “identify adequate sites for housing” and “make adequate provision  
4 for the existing and projected needs of all economic segments of the community.” (*Ibid.*) Each  
5 housing element is also subject to review by HCD.

6 19. Norwalk is a General Law City located in Los Angeles County.

7 20. Approximately 3,925 households in Norwalk qualify as “extremely low-income,”  
8 (“ELI”) meaning their income falls at or below 30% of the area median income. And 81% of ELI  
9 renter households and 72% of ELI owner households are cost burdened, which means they pay  
10 more than 30% of their income towards housing costs.

11 21. The 2020 Greater Los Angeles Homeless County report found homelessness in  
12 Norwalk decreased from 262 to 168 persons, between 2018 and 2020. As of 2020, the homelessness  
13 population consists of 89% individuals and 11% families.

14 22. On November 23, 2023, HCD certified Norwalk’s 6<sup>th</sup> Cycle (2021-2029) Housing  
15 Element. Norwalk’s Regional Housing Needs Allocation (“RHNA”) share in the current 6<sup>th</sup> Cycle  
16 is 5,034 units, meaning the City needs to permit over 5,000 units of housing by 2029 to do its part  
17 to address statewide housing needs.

18 23. The City has only issued development permits for a mere fraction of its RHNA  
19 allocation. As of January 1, 2024, the City had issued permits only for 175 housing units since the  
20 start of the Sixth Cycle in January 2021 meeting only 3.5% of its RHNA allocation.

21 24. The City’s housing element focuses on combatting homelessness through the  
22 development of affordable units and supportive housing, affirmatively furthering fair housing, and  
23 removing governmental constraints on the development of housing.

24 25. According to its housing element, affordable housing is a “high priority that the City  
25 needs to address” by “supporting a land use plan that locates affordable housing opportunities near  
26 services” and “supporting collaborations to build transitional and supportive housing.”

27 ///

28 ///

1           **The City Council Enacts the Moratorium on Shelter and Supportive Housing**

2           26. At its August 6, 2024 council meeting, the City Council unanimously, and without any  
3 deliberation, adopted Urgency Ordinance 24-1752U<sup>2</sup> (“Enacting Urgency Ordinance”) which  
4 imposed a moratorium on the approval of Shelter and Supportive Housing, as well as car washes,  
5 laundromats, payday lenders, and liquor stores (the “Moratorium”).

6           27. The City’s explanation for the Moratorium stated that the identified uses, which include  
7 Shelter and Supportive Housing, “by virtue of [its] operational characteristics[,] may have a  
8 negative impact on the community,” and that the Moratorium allows staff the time to study the uses  
9 to research “reasonable standards” that can “better manage the uses” consistent with the City’s  
10 strategic plan.

11           28. The Enacting Urgency Ordinance found “there is an unprecedented demand for the  
12 establishment and operation of [supportive housing] for persons experiencing homelessness due to  
13 the housing crisis and shortage throughout the state,” and that Shelter and Supportive Housing has  
14 “a detrimental impact upon the City, which [is] not being addressed by the City’s current ordinances  
15 and zoning regulations.” It found that the City requires “a reasonable period of time to study  
16 existing [land uses prohibited by the urgency ordinance] and development standards to determine  
17 the potential adverse impacts on the environment, traffic, aesthetics, and visual quality of properties  
18 within the city.” It further found that Shelter and Supportive Housing poses an immediate threat to  
19 public health, safety, and welfare and that the ordinance “is necessary as an urgency measure to  
20 address said threats to public health, safety, and welfare.”

21           29. No facts or evidence supported the City’s conclusion that the existence of Shelter and  
22 Supportive Housing poses an immediate threat to public health, safety, and welfare.

23                                   **HCD Issues Norwalk a Notice of Violation**

24           30. On September 16, 2024, HCD issued a Notice of Violation to the City, which identified  
25 various legal violations, including violations of the City’s own housing element.<sup>3</sup>

26 \_\_\_\_\_  
27 <sup>2</sup> Available as an attachment to Item 16 on the Aug. 6, 2024 Regular Council Meeting agenda at  
the following address: <https://norwalk.primegov.com/Portal/Meeting?meetingTemplateId=4076>

28 <sup>3</sup> Available at the following address: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/norwalk-hau-1252-nov-cal-091624.pdf>

1                   **The City Council Extends the Moratorium on Shelter and Supportive Housing**

2                   31. On September 17, 2024, at a regularly scheduled City Council meeting, the Council  
3 considered extending the Moratorium through adopting Urgency Ordinance No. 24-1753U<sup>4</sup>  
4 (“Extending Urgency Ordinance”). The staff presentation reiterated that the Council determined  
5 that Shelter and Supportive Housing falls into “a certain class of uses in the city that, by their nature,  
6 have the ability to impact the community significantly as it relates to life, safety and public health.”

7                   32. Staff represented that they had engaged in “studies” which involved reviewing: City  
8 business license records to quantify the number of each type of identified use operating within the  
9 City, surrounding cities’ land use tables for the prohibited uses, surrounding cities’ development  
10 and operational standards for the prohibited uses, various publications and articles on the prohibited  
11 uses, and public safety calls for service and maintenance of properties involving the prohibited  
12 uses.

13                   33. At the September 17, 2024 meeting, staff presented no facts or evidence to support the  
14 conclusion that the existence of Shelter and Supportive Housing poses an immediate threat to public  
15 health, safety, and welfare. Yet, without deliberation, the City Council adopted the Extending  
16 Urgency Ordinance unanimously, extending the Moratorium for 10 months and 15 days. The  
17 Extending Urgency Ordinance made no material changes to the findings or effects from the  
18 Enacting Urgency Ordinance.

19   **The City Council Refuses to Repeal the Moratorium**

20                   34. On October 1, 2024, the City Council considered repealing the Moratorium on Shelter  
21 and Supportive Housing in a closed session.

22                   35. The City Attorney orally reported that the City Council would not repeal the  
23 Moratorium, but would instead seek to engage with HCD and county officials, and would  
24 temporarily stay its enforcement until such time it could meet with HCD in an attempt to reach a  
25 resolution.<sup>5</sup> The City Attorney made clear that the City Council’s “first priority” was to “to protect

26 \_\_\_\_\_  
27 <sup>4</sup> Available as an attachment to Item 15 on the Sept. 17, 2024 Regular Council Meeting agenda at  
the following address: <https://norwalk.primegov.com/Portal/Meeting?meetingTemplateId=4349>

28 <sup>5</sup> The video of the oral report, which begins around the 7:53 mark, is available at the following  
address: <https://norwalkca.new.swagit.com/videos/316759>

1 and preserve” the safety of the City’s residents and neighborhoods and to also “take action that  
2 attempts to preserve local control of issues relating to land use in the City.” Again, no facts or  
3 evidence were cited to support the City’s conclusion that the existence of Shelter and Supportive  
4 Housing poses an immediate threat to public health, safety, and welfare.

5 **HCD Revokes Certification of Norwalk’s Housing Element**

6 36. Because the Council did not repeal the Moratorium, nor did it direct staff to prepare an  
7 ordinance repealing the Moratorium, and after reviewing the closed session report, HCD sent a  
8 letter to the City formally revoking its finding of housing element compliance on October 2, 2024.<sup>6</sup>

9 37. After sending the decertification letter, HCD offered and met with City representatives  
10 on several occasions to discuss the violations and the possibility of litigation. Norwalk has remained  
11 steadfast in its opposition to the State’s demands to repeal the Moratorium.

12 38. To date, Norwalk has not repealed the Moratorium.

13 **FIRST CAUSE OF ACTION**

14 **Writ of Mandate – Violation of Urgency Ordinance Statute**  
**(Code Civ. Proc., § 1085; Code Civ. Proc., § 1094.5; Gov. Code § 65858)**  
15 **[Against All Defendants]**

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

18 40. Under Government Code section 65858, subd. (c), the legislative body of a city shall  
19 not adopt or extend an interim ordinance, unless the ordinance contains legislative findings that  
20 there is a current and immediate threat to the public health, safety, or welfare, and that the approval  
21 of additional subdivisions, use permits, variances, building permits, or any other applicable  
22 entitlement for use which is required in order to comply with a zoning ordinance would result in  
23 that threat to public health, safety, or welfare.

24 41. Both the Enacting Urgency Ordinance and the Extending Urgency Ordinance fail to  
25 meet the requirements of urgency ordinances. The “findings” simply conclude that there is a threat  
26 to public health, safety, or welfare, and assert that this conclusion is supported by substantial  
27 evidence. The urgency ordinances make no specific factual findings, nor do they provide any

28 <sup>6</sup> Available at the following address: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/norwalk-revocation-he-compliance-100224.pdf>



1 evidence to show how the existence of Shelter and Supportive Housing poses an immediate health  
2 and safety threat to the public.

3 42. Additionally, the urgency ordinances “find” that Shelter and Supportive Housing has a  
4 detrimental impact upon the City, and conclude that this is not being addressed by the City’s current  
5 zoning code; hence the justification for the Moratorium. However, the Council made no findings  
6 documenting the immediacy of any threat by Shelter and Supportive Housing, nor was there any  
7 evidence presented to show that the City was inundated with Shelter and Supportive Housing permit  
8 applications. The City provides no facts or evidence that support the necessity to study these uses.  
9 Further, the City has not set forth what they are explicitly “studying” or how their current municipal  
10 code is insufficient to account for these uses.

11 43. The State requests that the Court set aside and find invalid the Council’s adoption of  
12 the Extending Urgency Ordinance and the Moratorium. The Council’s adoption of the Extending  
13 Urgency Ordinance and Moratorium is arbitrary, capricious, entirely lacking in evidentiary support,  
14 contrary to established public policy, unlawful, procedurally unfair, an abuse of discretion, and a  
15 failure to act as required by law.

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

18 45. The State has no plain, speedy, or adequate remedy in the ordinary course of law. The  
19 only remedy provided by law for the State to obtain relief is this Petition for Writ of Mandate  
20 pursuant to Code of Civil Procedure sections 1085 and, alternatively, 1094.5.

21 **SECOND CAUSE OF ACTION**

22 **Writ of Mandate – Violation of Housing Crisis Act**  
23 **(Code Civ. Proc., § 1085; Gov. Code §§ 65751, 65585, 66300)**  
24 **[Against All Defendants]**

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

27 47. It is unlawful for a city to enact a “development policy, standard, or condition” that  
28 imposes a “moratorium or similar restriction or limitation” on housing development other than to  
“specifically protect against an imminent threat to the health and safety or persons residing in, or

1 within the immediate vicinity of, the area subject to the moratorium or for projects specifically  
2 identified as existing restricted affordable housing.” (Gov. Code, § 66300, subd. (b)(1)(B)(i).)

3 48. If a city does impose a moratorium or other similar restriction on or limitation of  
4 housing development, it must submit and receive approval from HCD. If HCD, denies approval of  
5 such ordinance, the ordinance is deemed void. (Gov. Code, § 66300, subd. (b)(1)(B)(ii).)

6 49. The Moratorium qualifies as a “moratorium or similar restriction or limitation” on  
7 housing development. No facts or evidence exist in the City’s record to support the conclusion that  
8 the Moratorium is permissible because it is to “specifically protect against an imminent threat to  
9 the health and safety or persons residing in, or within the immediate vicinity of, the area subject to  
10 the moratorium or for projects specifically identified as existing restricted affordable housing.”

11 50. Additionally, the City never submitted the Moratorium for HCD review, making it  
12 procedurally defective and void.

13 51. The State requests that the Court set aside and find invalid the Council’s adoption of  
14 the Extending Urgency Ordinance and Moratorium. The Council’s adoption of the Extending  
15 Urgency Ordinance and Moratorium is arbitrary, capricious, entirely lacking in evidentiary support,  
16 contrary to established public policy, unlawful, procedurally unfair, an abuse of discretion, and a  
17 failure to act as required by law.

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

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

23 **THIRD CAUSE OF ACTION**

24 **Writ of Mandate – Violation of Housing Element Law**  
25 **(Code Civ. Proc., § 1085; Gov. Code §§ 65751, 65583, 65585)**  
26 **[Against All Defendants]**

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

1           55. California law requires that all local governments adequately plan to meet the housing  
2 needs of everyone in the community, at all economic levels. To meet this requirement, every city  
3 and county must adopt and periodically update a housing element as part of its general plan. (See  
4 Gov. Code, §§ 65302, subd. (c), 65580, et seq.) The law mandating this adoption and periodic  
5 update is known as the “Housing Element Law.” (Gov. Code, § 65580, et seq.) California’s Housing  
6 Element Law requires local governments to adopt plans and regulatory systems that provide  
7 opportunities for, and do not unduly constrain, housing development, especially for a locality’s  
8 lower-income households and workforce. As a result, housing policy in California rests largely on  
9 every city (including Norwalk) and county’s faithful and effective implementation of the housing  
10 elements contained in their local general plans.

11           56. The housing element is a roadmap for housing development in a given community.  
12 The housing element must identify and analyze existing and projected housing needs, and must  
13 include “a statement of goals, policies, quantified objectives, financial resources, and scheduled  
14 programs for the preservation, improvement, and development of housing.” (Gov. Code, § 65583.)  
15 The housing element must also “identify adequate sites for housing” and “make adequate provision  
16 for the existing and projected needs of all economic segments of the community.” (*Ibid.*) Each  
17 housing element is also subject to review by HCD.

18           57. HCD’s review includes an analysis of potential and actual government constraints upon  
19 the maintenance, improvement, or development of housing for all income levels and the local  
20 government’s efforts to remove governmental barriers that hinder its ability to meet its RHNA. (*Id.*,  
21 § 65583, subd. (a)(5).)

22           58. By enacting the Moratorium, the City has violated numerous provisions and programs  
23 of its own housing element. These goals, policies, and programs generally involve encouraging all  
24 types of housing, including the development of housing for low income and special need  
25 households (which includes housing for families and individuals experiencing or at risk of  
26 homelessness), and focus on combatting homelessness through the development of affordable units  
27 and creating supportive housing, promoting affirmative fair housing, and removing governmental  
28 constraints on the development of housing. The violations include but are not limited to Goal 1

1 (encourage variety of housing), Policy 1.4 (encourage development of housing for special needs  
2 groups), Goal 2 (assist development and provide resources for development of special needs  
3 housing), Policy 2.3 (provide incentives to produce housing for special needs groups), Program 2.1  
4 (give priority to projects that involve special needs groups), Program 2.5 (implement the City's  
5 Plan to Prevent and Combat Homelessness), Goal 3 (remove governmental restraints on  
6 development of housing), Policy 3.5 (eliminate regulatory barriers for housing facilities for special  
7 needs groups), Program 3.5 (amend zoning code to comply with housing laws), and Program 3.7  
8 (remove development standards that constrain development of special needs housing).<sup>7</sup>

9         59. Additionally, because the City's housing element was decertified on October 2, 2024,  
10 the City no longer has a compliant housing element within the statutory deadline and is subject to  
11 legal challenge pursuant to Article 14 of the Housing Element Law. (Gov. Code. § 65750 et seq.)  
12 Article 14 authorizes a court to issue various remedies, including ordering a local government to  
13 adopt a compliant housing element within 120 days, ordering the suspension of a local  
14 government's permitting authority until it adopts a compliant housing element, and even ordering  
15 a *temporary* suspension of a local government's permitting authority until a housing element  
16 challenge is concluded. (Gov. Code, §§ 65754, 65755, 65757.) In addition, localities that do not  
17 have compliant housing elements are automatically subject to the Builder's Remedy under the  
18 Housing Accountability Act. (Gov. Code, § 65589.5.)

19         60. The State requests that the Court set aside and find invalid the Council's adoption of  
20 the Extending Urgency Ordinance and Moratorium. The Council's adoption of the Extending  
21 Urgency Ordinance and Moratorium is arbitrary, capricious, entirely lacking in evidentiary support,  
22 contrary to established public policy, unlawful, procedurally unfair, an abuse of discretion, and a  
23 failure to act as required by law. A writ of mandate should be issued ordering the City to come into  
24 compliance with California's Housing Element Law (Gov. Code, § 65580, et seq.).

25         61. In addition to these remedies, because the City does not have a certified housing  
26 element, the State is immediately entitled to, and requests, temporary relief under Government  
27 Code sections 65755 and 65757, including but not limited to the suspension of the City's authority

28 <sup>7</sup> See Footnote 3 above, which provides a link to the Notice of Violation.

1 to issue non-residential building permits, until the City has substantially complied with the Housing  
2 Element Law by obtaining a certified housing element.

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

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

8 **FOURTH CAUSE OF ACTION**  
9 **Writ of Mandate – Violation of Anti-Discrimination Land Use Law**  
10 **(Code Civ. Proc., § 1085; Gov. Code § 65008)**  
11 **[Against All Defendants]**

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

14 65. The Anti-Discrimination in Land Use Law deems any action taken by a local  
15 governmental agency pursuant to Title 7 of the Government Code (including Section 65858, the  
16 urgency ordinance law), to be null and void if such action denies to an individual or group of  
17 individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state  
18 due to discrimination against a protected class. (Gov. Code, § 65008, subd. (a).)

19 66. In addition, the law prohibits a local governmental agency from enacting or  
20 administering “ordinances pursuant to any law [that] prohibit or discriminate against any residential  
21 development or emergency shelter” because of the method of financing, the protected  
22 characteristics of the intended occupants, or the intended occupancy by persons of very low, low,  
23 moderate, or middle income. (Gov. Code, § 65008, subd. (b)(1).)

24 67. The Moratorium unlawfully discriminates against individuals based upon source of  
25 income and low income status, and discriminates against development (explicitly emergency  
26 shelters) based upon method of financing. For example, the Moratorium does not prohibit all  
27 residential uses, only those uses that are targeted towards benefitting individuals who are low-  
28 income, recipients of governmental housing vouchers, served by Medicaid, and/or at risk of, or  
experiencing, homelessness. The Moratorium also only prohibits developments that are generally

1 fully or partially funded through government funding, such as grants, housing trust funds, and tax  
2 credits. Additionally, the City is imposing different requirements on government assisted  
3 residential or emergency shelter projects. Shelter and Supportive Housing in Norwalk requires  
4 government or charitable subsidies, and therefore, because the City is specifically targeting  
5 residential uses and emergency shelters that are generally assisted through government funding, the  
6 City is discriminating against housing that includes such funding.

7 68. The State requests that the Court set aside and find invalid the Council’s adoption of  
8 the Extending Urgency Ordinance and Moratorium and find that the City violated the Anti-  
9 Discrimination Land Use Law. The Council’s adoption of the Extending Urgency Ordinance and  
10 Moratorium is arbitrary, capricious, entirely lacking in evidentiary support, contrary to established  
11 public policy, unlawful, procedurally unfair, an abuse of discretion, and a failure to act as required  
12 by law.

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

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

18 **FIFTH CAUSE OF ACTION**

19 **Writ of Mandate – Violation of Affirmatively Furthering Fair Housing Law**  
20 **(Code Civ. Proc., § 1085; Gov. Code § 8899.50)**  
21 **[Against All Defendants]**

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

24 72. All public agencies must affirmatively further fair housing (“AFFH”) through their  
25 housing and community development programs. “Affirmatively furthering fair housing” means  
26 “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of  
27 segregation and foster inclusive communities free from barriers that restrict access to opportunity  
28 based on protected characteristics.” (Gov. Code, § 8899.50, subd. (a)(1).)

1           73. Specifically, the law considers affirmatively furthering fair housing by taking  
2 meaningful actions that, taken together, address the following: Significant disparities in housing  
3 needs and in access to opportunity; Replacing segregated living patterns with truly integrated and  
4 balanced living patterns; Transforming racially and ethnically concentrated areas of poverty into  
5 areas of opportunity; and, Fostering and maintaining compliance with civil rights and fair housing  
6 laws. (Gov. Code, § 8899.50, subd. (a)(1).) The law makes compliance with this obligation a  
7 mandatory duty. (Gov. Code, § 8899.50, subd. (b)(2).)

8           74. The duty to AFFH extends to all of a public agency's activities and programs relating  
9 to housing and community development. Public agencies are required to take meaningful actions  
10 to AFFH and take no action that is materially inconsistent with their obligation to AFFH. (Gov.  
11 Code, § 8899.50, subd. (b).)

12           75. In addition, all housing elements must include a program that promotes and  
13 affirmatively furthers fair housing opportunities throughout the community for all persons. The  
14 program must describe actions that the local government will take during the planning period that  
15 affirmatively further fair housing, including an assessment of fair housing in the local government's  
16 jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).

17           76. The City has a ministerial obligation to comply with its duty to AFFH. By prohibiting  
18 supporting housing altogether, the Moratorium completely contravenes the AFFH mandates to: (1)  
19 combat discrimination, (2) overcome patterns of segregation, and (3) foster inclusive communities  
20 free from barriers that restrict access to opportunity based on protected characteristic.

21           77. The State requests that the Court set aside and find invalid the City's adoption of the  
22 Extending Urgency Ordinance and Moratorium and find that the City violated the AFFH Law. The  
23 Council's adoption of the Extending Urgency Ordinance and Moratorium is arbitrary, capricious,  
24 entirely lacking in evidentiary support, contrary to established public policy, unlawful, procedurally  
25 unfair, an abuse of discretion, and a failure to act as required by law.

26           78. The State has exhausted all required administrative remedies or is excused from  
27 exhausting its remedies due to the futility of pursuing such remedies, among other things.  
28

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

4 **SIXTH CAUSE OF ACTION**

5 **Writ of Mandate – Violation of By-Right Housing Laws**  
6 **(Code Civ. Proc., § 1085; Gov. Code § 8899.50)**  
7 **[Against All Defendants]**

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

10 81. The Legislature found that adequate supportive housing is necessary to alleviate the  
11 severe shortage of housing opportunities for people experiencing homelessness and provide  
12 necessary supportive services to these homeless populations. These include, but are not limited to,  
13 a combination of subsidized, permanent housing, intensive case management, medical and mental  
14 health care, substance abuse treatment, employment services, and benefits advocacy. (Gov. Code,  
15 § 65582, subd. (h).)

16 82. The Legislature determined that to ensure development of permanent supportive  
17 housing, zoning barriers that would otherwise inhibit development must be removed. (Gov. Code,  
18 § 65656.) Accordingly, supportive housing is a by-right use (meaning a local agency cannot require  
19 a conditional use or other discretionary permit) in zones where multifamily and mixed-use zones  
20 are permitted, including nonresidential zones permitting multifamily uses, so long as the  
21 development satisfies certain criteria. (Gov. Code, § 65651, subd. (a).) So long as a development  
22 satisfies the enumerated requirements, a local government must approve the supportive housing  
23 development. (Gov. Code, § 65653.)

24 83. Likewise, every local agency must also identify zones where emergency shelters are  
25 allowed as a by-right permitted use. (Gov. Code, § 65583, subd. (a)(4).) The law specifically  
26 provides that emergency shelters may only be subject to certain enumerated written, objective  
27 standards. (Gov. Code, § 65583, subd. (a)(4).)

28 84. Contrary to the Council’s finding that it needs to “study” its permitting of supportive  
housing and emergency shelters, the Legislature has already determined that these projects must



1 permitted by right. So, it is irrelevant whether the City’s municipal code needs modernization or  
2 cannot adequately address the demands of Shelter and Supportive Housing. The City cannot deny  
3 a supportive housing or emergency shelter project so long as it meets the required criteria, and the  
4 City cannot prohibit such housing in zones already determined by the Legislature to be by-right.  
5 Therefore, the Moratorium is pre-empted and prohibited by State law.

6 85. The State requests that the Court set aside and find invalid the Council’s adoption of  
7 the Extending Urgency Ordinance and Moratorium and find that the City violated the by-right  
8 housing laws relating to supportive housing and emergency shelters. The Council’s adoption of the  
9 Extending Urgency Ordinance and Moratorium is arbitrary, capricious, entirely lacking in  
10 evidentiary support, contrary to established public policy, unlawful, procedurally unfair, an abuse  
11 of discretion, and a failure to act as required by law.

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

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

17 **SEVENTH CAUSE OF ACTION**

18 **Declaratory and Injunctive Relief**

19 **(Code Civ. Proc., § 1060)**

20 **[Against All Defendants]**

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

23 89. There is an actual, present controversy between the State and the City as to whether the  
24 City has complied with (1) the urgency ordinance statute (Gov. Code, § 65858); (2) the Housing  
25 Crisis Act (Gov. Code, § 66300); (3) the Housing Element Law (Gov. Code, § 65580, et seq.); (4)  
26 the Anti-Discrimination Land Use Law (Gov. Code, § 65008); (5) the AFFH Law (Gov. Code, §  
27 889.50); and (6) the by-right laws for supportive housing and emergency shelters (Gov. Code, §§  
28 65651, 65583). Based on the factual and legal allegation in the Paragraphs above, the State contends  
that the City violated each of these laws when the Council adopted the Extending Urgency

1 Ordinance and Moratorium. The City has refused to repeal the Extending Urgency Ordinance and  
2 Moratorium.

3 90. It is necessary and appropriate for the Court to render a declaratory judgment that sets  
4 forth the parties' legal rights and obligations with respect to whether the City is in compliance with  
5 the above laws. Among other things, such a judgment would inform the parties' conduct in  
6 connection with future contemplated urgency ordinances relating to Shelter and Supportive  
7 Housing.

8 91. The State therefore requests a declaration that the City is in violation of the above laws  
9 and that the Council's adoption of the Extending Urgency Ordinance and Moratorium is set aside  
10 and void.

11 92. A stay, temporary restraining order, preliminary injunction, and permanent injunction  
12 is also necessary to prohibit the City from implementing or enforcing the Moratorium and/or similar  
13 local directives causing irreparable harm to proposed Shelter and Supportive Housing projects and  
14 the residents it endeavors to house and serve.

15 **PRAYER FOR RELIEF**

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

18 1. For a writ of mandate ordering the City of Norwalk to set aside and find invalid the  
19 Council's adoption of the Extending Urgency Ordinance and Moratorium. (Code Civ. Proc., §§  
20 1085, 1094.5; Gov. Code §§ 65008, 65583, 65583, 65585, 65651, 65653, 65751, 65858, 66300,  
21 8899.50.)

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

25 3. For a declaration that the City is in violation of the following laws:

- 26 a. Urgency Ordinance Statute (Gov. Code § 65858.)
- 27 b. The Housing Crisis Act of 2019 (Gov. Code § 66300.)
- 28 c. The Housing Element Law (Gov. Code §§ 65751, 65583, 65585.)

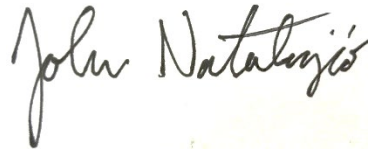
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- d. The Anti-Discrimination Land Use Law (Gov. Code § 65008.)
  - e. The AFFH Law (Gov. Code § 8899.50.)
  - f. The By-Right Laws for Supportive Housing and Emergency Centers (Gov. Code. §§ 65651, 65653, 65583.)
- 4. For injunctive relief.
  - 5. For statutory fines, levies, and penalties.
  - 6. For costs and attorneys' fees.
  - 7. For any other relief the Court may deem appropriate, including but not limited to appointment of a receiver or other third party judicial assistant pursuant to Gov. Code § 65756.

Dated: November 4, 2024

Respectfully submitted,

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