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of California ex rel. Rob Bonta, and the California
8 *Department of Housing and Community*
Development

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

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BENITO

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14 **PEOPLE OF THE STATE OF**
CALIFORNIA; CALIFORNIA
15 **DEPARTMENT OF HOUSING AND**
COMMUNITY DEVELOPMENT,
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17 Petitioners and Plaintiffs,
18
19 **v.**
20 **CITY OF HOLLISTER,**
Respondent and Defendant.

Case No.
**PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

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1 **INTRODUCTION**

2 1. Californians continue to suffer under a housing affordability crisis. As the Legislature
3 has found, “[t]he lack of housing . . . is a critical problem that threatens the economic,
4 environmental, and social quality of life in California.” (Gov. Code, § 65589.5, subd. (a)(1)(A),
5 (B).)¹ This crisis is “hurting millions of Californians, robbing future generations of the chance to
6 call California home, stifling economic opportunities for workers and businesses, worsening
7 poverty and homelessness, and undermining the state’s environmental and climate objectives.” (*Id.*,
8 subd. (a)(2)(A).)

9 2. A key contributor to this crisis is the failure of local governments to plan for the
10 necessary housing supply. To remedy this, the Legislature requires local governments to include
11 housing elements in their general plans. A housing element must include, among other things, an
12 assessment of housing needs, an inventory of resources and constraints relevant to meeting those
13 needs, and a program to implement the policies, goals, and objectives of the housing element. (§
14 65580 et seq.)

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

23 **PARTIES**

24 4. The Attorney General, as the chief law officer of the State of California, brings this
25 action, on behalf of the People of the State of California, under his broad independent powers to
26 enforce state laws. (Cal. Const., Art. V, section 13; § 65585, subd. (j).)

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

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

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

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

20 14. Once the RHNA is set, the COG is responsible for allocating the housing need among
21 all of the cities and counties within that region. (§ 65584, subd. (b).) Each local government must
22 then prepare a housing element that identifies adequate sites to accommodate that jurisdiction’s fair
23 share of the RHNA at each income level. (§§ 65583, 65583.2.) Sites must be suitable for residential
24 development and must be made available during the planning period. (§ 65583.2, subd. (a).) If a
25 sufficient quantity of adequate sites is not currently available, the housing element must commit to
26 identifying and rezoning additional sites within three years from the date of adoption. (§§ 65583,
27 subd. (c)(1), 65583.2, subd. (h).) The housing element must also accommodate any unmet portion
28 of the RHNA from the prior planning period. (§ 65584.09, subd. (a).)

1 21. The City’s deadline to adopt a compliant Sixth Cycle housing element was December
2 15, 2023. To date, the City has not adopted a compliant housing element nor has it completed any
3 required rezoning actions. Additionally, HCD has not found the City’s housing element in substantial
4 compliance with the Housing Element Law.

5 22. In 2020, the City Council initiated preparation of a comprehensive update to the City’s
6 general plan. Over the next four years, the City engaged in public participation for the preparation of
7 its draft 2040 General Plan, including public workshops, committee/commission meetings, study
8 sessions, and various promotional activities.

9 23. On March 13, 2024, the City submitted an initial draft housing element to HCD for
10 review.

11 24. On June 11, 2024, HCD issued a findings letter to the City noting multiple revisions
12 necessary for the housing element to be substantially compliant with the Housing Element Law.

13 25. On December 3, 2024, the City submitted a subsequent draft to HCD for review. The
14 City also held a City Council meeting in which the City Council adopted Resolution 2024-201,
15 adopting the 2040 General Plan and certifying the Final Environmental Impact Report.

16 26. On January 21, 2025, a referendum petition was filed regarding Resolution 2024-201.

17 27. On January 31, 2025, HCD issued a second findings letter to the City noting further
18 revisions were necessary for the housing element to be compliant with the Housing Element Law.

19 28. On March 3, 2025, the City held a City Council meeting where the Council repealed
20 the adoption of the 2040 General Plan. The effect of that repeal reinstated the City’s 2005 General
21 Plan as the operative general plan. HCD believes the repeal also impacted both private and public
22 development projects which were based upon the 2040 General Plan.

23 29. On September 9, 2025, HCD issued a letter of inquiry to the City requesting a status
24 update on the housing element.² The letter noted the City had not submitted any subsequent drafts
25 since HCD’s second findings letter. Additionally, HCD requested that by October 9, 2025, the City
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27 _____
28 ² Available at: [City of Hollister Failure to Adopt a Compliant 6th Cycle Housing Element – Letter of Inquiry](#).

1 provide a specific timeline for submitting an updated draft housing element and obtaining
2 compliance with the Housing Element Law.

3 30. On October 9, 2025, the City responded to HCD and provided a proposed timeline
4 which would not achieve compliance with the Housing Element Law until late 2026. That same
5 day, HCD responded that the proposed timeline was unacceptable, and demanded that a new
6 timeline must be proposed.

7 31. On October 20, 2025, the City issued a further response to HCD. The City's response
8 failed to address the issue of timing as requested by HCD.

9 32. On November 10, 2025, HCD issued a notice of violation.³

10 33. On December 17, 2025, the City submitted a revised version of its draft housing
11 element to HCD for review.

12 34. On February 13, 2026, HCD determined the revised draft element met the statutory
13 requirements but could not be found in substantial compliance until the City completed and
14 submitted the necessary rezones.

15 **FIRST CAUSE OF ACTION**

16 **Writ of Mandate**

17 **(Code of Civ. Proc. § 1085; Gov. Code §§ 65585, 65588, 65751, 65754)**

18 **[Against All Defendants]**

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

21 36. Under the Housing Element Law, the City must ensure that its general plan contains a
22 legally compliant housing element.

23 37. The City's Sixth Cycle Housing Element was due December 15, 2023. (Gov. Code, §
24 65588, subd. (e).)

25 38. Hollister has failed to carry out its duty. The City has not adopted a legally compliant
26 Sixth Cycle housing element and has not completed any required rezoning actions. Additionally,
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28 ³ Available at : [City of Hollister Failure to Adopt a Compliant 6th Cycle Housing Element – Notice of Violation](#)

1 HCD has not found the City's housing element in substantial compliance with the Housing Element
2 Law.

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

6 40. Accordingly, a writ of mandate should issue ordering the City to adopt a compliant
7 housing element and complete necessary rezoning (compliant with the Housing Element Law)
8 within 120 days and to ensure, *inter alia*, that the City's Sixth Cycle housing element meets the
9 City's RHNA goals, as determined by HCD.

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

12 42. 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 43. 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 **SECOND CAUSE OF ACTION**

18 **Declaratory Relief**

19 **(Code of Civ. Proc. § 1060)**

20 **[Against All Defendants]**

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

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

27 46. It is necessary and appropriate for the Court to render a declaratory judgment that sets
28 forth the parties' legal rights and obligations with respect to whether Hollister is substantially
compliant with the Housing Element Law. Among other things, such a judgment would inform the

1 parties' conduct in connection with future contemplated amendments to the City's housing element,
2 including those that occur routinely at the beginning of each housing cycle.

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

5 **PRAYER FOR RELIEF**

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

8 1. For a writ of mandate ordering the City of Hollister to adopt and submit to HCD a
9 housing element, together with proof that it has completed the required rezoning, which
10 substantially complies with the Housing Element Law, including meeting the City's RHNA
11 obligations for the planning period, within 120 days. (Code of Civ. Proc. § 1085; Gov. Code §§
12 65585, 65751, 65754.)

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

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

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

20 5. For statutory fines, levies and penalties.

21 6. For costs and reasonable attorneys' fees.

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

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1 Dated: March 25, 2026

Respectfully submitted,

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