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9

**Exempt from Filing Fees**  
**Government Code § 6103**

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES  
12  
13  
14

15 **THE PEOPLE OF CALIFORNIA EX REL.**  
**ROB BONTA, AND THE CALIFORNIA**  
16 **DEPARTMENT OF HOUSING AND**  
**COMMUNITY DEVELOPMENT,**

17 Petitioners and Plaintiffs,

18 v.  
19

20 **THE CITY OF ARTESIA, A MUNICIPAL**  
**CORPORATION,**

21 Respondents and Defendants.  
22

Case No.

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

23  
24 **INTRODUCTION**

25 1. Californians continue to suffer under a housing affordability crisis. As the Legislature  
26 has found, “[t]he lack of housing . . . is a critical problem that threatens the economic,  
27 environmental, and social quality of life in California.” (Gov. Code, § 65589.5, subd. (a)(1)(A),  
28 (B).) This crisis is “hurting millions of Californians, robbing future generations of the chance to

1 call California home, stifling economic opportunities for workers and businesses, worsening  
2 poverty and homelessness, and undermining the state’s environmental and climate objectives.”  
3 (*Id.*, subd. (a)(2)(A).)

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

10 3. Petitioners/Plaintiffs the California Department of Housing and Community  
11 Development (HCD) and the People of California ex rel. Rob Bonta (collectively, “Petitioners”)  
12 bring this action against the City of Artesia (the “City”) to remedy this violation. Petitioners  
13 request that the Court issue a writ ordering the City to bring its housing element into compliance  
14 with State law, and issue a declaration that the City has failed to fulfill its planning obligations.

### 15 **PARTIES**

16 4. The Attorney General, as the chief law enforcement officer of the State of California,  
17 brings this action under his independent powers to enforce state law, and on behalf of HCD. (Cal.  
18 Const., Art. V, section 13; Gov. Code, § 65585, subd. (j).)

19 5. HCD is a public agency of the State of California. (Gov. Code, § 12804.) Among  
20 other duties, HCD is responsible for developing housing policy and building codes, for regulating  
21 manufactured homes and mobile home parks, and for enforcing state housing laws in a manner  
22 that meaningfully and positively impacts the provision of housing in all communities across the  
23 State.

24 6. The City of Artesia is a municipal corporation formed and existing under the laws of  
25 the State of California, of which it is a political subdivision.

### 26 **VENUE AND JURISDICTION**

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

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

### 3                                   **BACKGROUND AND FACTUAL ALLEGATIONS**

#### 4                                   **Housing Elements and the Planning Process**

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

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

18          11. The housing element is a roadmap for housing development in a given community.  
19 The housing element must identify and analyze existing and projected housing needs, and must  
20 include “a statement of goals, policies, quantified objectives, financial resources, and scheduled  
21 programs for the preservation, improvement, and development of housing.” (Gov. Code,  
22 § 65583.) The housing element must also “identify adequate sites for housing” and “make  
23 adequate provision for the existing and projected needs of all economic segments of the  
24 community.” (*Ibid.*) Each housing element is also subject to review by HCD, as discussed below.

25          12. A local jurisdiction’s housing element must be frequently updated to ensure  
26 compliance with California’s Housing Element Law. (Gov. Code, § 65588.) Each eight-year  
27 update cycle is known as a “planning period.” (See *id.*, subd. (f)(1).)  
28

1           13. The process of updating a housing element begins with HCD's determination of a  
2     Regional Housing Need Allocation (RHNA) for the region for a given planning period. (Gov.  
3     Code, § 65584, subd. (a)(1).) The RHNA sets goals for housing affordable to various income  
4     levels. To arrive at the RHNA, HCD starts with demographic population information from the  
5     California Department of Finance and uses a formula to calculate a figure for each region's  
6     planning body, known as a "council of governments" (COG). Each COG (in this case, the  
7     Southern California Association of Governments) also uses its own demographic figures to  
8     calculate the regional housing need. Each COG coordinates with HCD to arrive at a final figure,  
9     taking into account factors not captured in the calculations. This final figure is the RHNA. (See  
10    Gov. Code, § 65584.01.)

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

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

25           16. Each local government must submit a draft housing element to HCD before adoption.  
26    (Gov. Code, § 65585, subd. (b)(1).) HCD must review the draft element and issue findings as to  
27    whether the draft substantially complies with Housing Element Law. (*Id.*, subds. (b)(3), (d).)  
28    After adopting the final housing element, the local government must again submit the element to

1 HCD, and HCD must again review and report its findings to the local government. (*Id.*,  
2 subds. (g), (h).)

3 17. Under Chapter 370, Statutes of 2017 (“AB 72”), codified at Government Code  
4 section 65585, subdivisions (i) and (j), HCD has authority to review any action or failure to act by  
5 a local government that it determines is inconsistent with an adopted housing element or  
6 section 65583 of California’s Housing Element Law. This includes failure to implement program  
7 actions included in the housing element. HCD may revoke housing element compliance if the  
8 local government’s actions do not comply with state law.

9 18. AB 72 also authorizes HCD to notify the Office of the Attorney General of California  
10 that the local jurisdiction is in violation of state law for noncompliance with, among other  
11 statutes, California’s Housing Element Law.

12 19. Pursuant to Government Code section 65585, subdivision (i)(1)(A), HCD may take  
13 any of the actions authorized by AB 72 after issuing written findings to the local government “as  
14 to whether the action or failure to act substantially complies with [California’s Housing Element  
15 Law],” and providing a reasonable time, no longer than 30 days, for the local government to  
16 respond. (Gov. Code, § 65585, subd. (i)(1)(A).) Prior to an enforcement action brought by the  
17 Attorney General’s Office, HCD must also offer the City the opportunity for two in-person or  
18 telephone meetings to discuss the violation, and provide the City with written findings regarding  
19 the violation. (Gov. Code, § 65585, subd. (k).) As stated below, HCD has satisfied this  
20 requirement here.

### 21 **The City of Artesia Housing Element**

22 20. The statutory deadline for the City to adopt a sixth cycle housing element was  
23 October 15, 2021.

24 21. To date, the City has not adopted a sixth cycle updated housing element.

25 22. On May 19, 2023, HCD issued a letter to the City to alert it to its noncompliance with  
26 the Housing Element Law.

27 23. On June 9, 2023, the City responded to the letter to propose a formal draft submission  
28 date of October 10, 2023.

24. The City did not meet that deadline. It submitted informal drafts on August 9, 2023, April 16, 2024, and November 21, 2024. HCD found that significant revisions to these informal drafts were still required.

25. On October 9, 2024, HCD issued a Notice of Violation informing the City that it was out of compliance with the Housing Element Law, advised the City of the potential penalties for noncompliance, and stated that HCD would refer the matter to the Office of the Attorney General absent any efforts at compliance.

26. HCD met with City representatives on November 6, 2024 and March 10, 2025 to discuss the City's violation and its progress towards housing element compliance.

**FIRST CAUSE OF ACTION**

## Writ of Mandate (Code Civ. Proc., § 1085)

27. Petitioners incorporate by reference each and every allegation of the preceding paragraphs.

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

29. The City has failed to carry out its duty. Based on the events alleged in paragraphs 20 through 26 above, the City has failed to submit a draft sixth cycle housing element, has not received HCD approval for that housing element, and has not adopted a legally compliant sixth cycle housing element.

30. 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.

31. Accordingly, a writ of mandate should issue ordering the City to come into compliance with California’s Housing Element Law (Gov. Code, § 65580, *et seq.*) and to ensure that the City’s sixth cycle housing element meets the City’s regional housing needs goals, as determined by HCD.

32. Petitioners have a beneficial interest in the issuance of such a writ, given their authority and mandate to enforce substantial compliance with California's Housing Element Law.

33. Petitioners have exhausted all required administrative remedies, or is excused from exhausting its remedies due to the futility of pursuing such remedies, among other things.

34. Petitioners have no plain, speedy, or adequate remedy in the ordinary course of law. The only remedy provided by law for Petitioners 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 Civ. Proc., § 1060)**

35. Petitioners incorporate by reference each and every allegation of the preceding paragraphs.

36. There is an actual, present controversy between Petitioners and the City as to whether the City has complied with California's Housing Element Law (Gov. Code, § 65580, *et seq.*). Based on the events alleged in paragraphs 20 through 26 above, Petitioners contend that the City is noncompliant with the Housing Element Law and is making little progress on becoming compliant. Further, based on information and belief, Petitioners allege that the City either disagrees with Petitioners or, alternatively, is aware that it is not substantially compliant and has failed to take any meaningful action to substantially comply, even though its draft sixth cycle housing element is now almost four years overdue.

37. 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 California's 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.

38. Petitioners therefore request a declaration that the City is not substantially compliant with California's Housing Element Law (Gov. Code, § 65580, *et seq.*).

## PRAYER FOR RELIEF

WHEREFORE, Petitioners pray as follows:

1. For a writ of mandate ordering the City to submit a draft housing element in compliance with California's Housing Element Law (Gov. Code, § 65580, *et seq.*) and to ensure

that the draft housing element meets the City’s regional housing needs goals for the planning period, as determined by HCD.

2. For a declaration that the City has not substantially complied with California's Housing Element Law (Gov. Code, § 65580, *et seq.*).
3. For any other relief the Court may deem appropriate.

Dated: September 9, 2025

Respectfully submitted,

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