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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

SONJA TRAUSS; SAN FRANCISCO BAY
AREA RENTERS FEDERATION,

Petitioners,

vs.

CITY OF LAFAYETTE, and DOES 1-25

Respondents.

O'BRIEN LAND COMPANY, LLC; ANNA
MARIA DETTMER, AS TRUSTEE OF THE
AMD FAMILY TRUST,

Real Parties in Interest.

Case No.: MSN15-2077

**BRIEF OF AMICUS CURIAE CAROL J.
GALANTE IN SUPPORT OF PETITION
FOR WRIT OF ADMINISTRATIVE
MANDAMUS**

Date: January 25, 2017

Time: 9:00 a.m.

Dept: 9

Judge: Hon. Judith Craddick

I write to support the Petition for Writ of Administrative Mandamus in Trauss, et al. vs. City of Lafayette. I am the Faculty Director of the Turner Center for Housing Innovation at UC Berkeley. I also served for more than five years at the U.S. Department of Housing and Urban Development in the Obama Administration as the Deputy Assistant Secretary for Multifamily Housing Programs and the Assistant Secretary for Housing/Federal Housing Commissioner. Prior to that time, I was CEO of BRIDGE Housing Corporation, the largest developer of affordable and mixed income housing in California.

In each of these roles, I have participated in the development, financing, and policy considerations of addressing the urgent needs for housing that is affordable to a broad spectrum of incomes, and in particular meeting state and federal goals that communities serve "all

1 economic segments of the community” (Housing Element Law, Cal. Govt. Code § 65583) and
2 affirmatively further fair housing (Fair Employment and Housing Act, Cal. Govt. Code §
3 12900 *et seq.*; Fair Housing Act, 42 U.S.C. § 3601 *et seq.*).

4 In my current role, I have also done extensive research on regulatory schemes that can
5 both enable and mandate that communities provide for an adequate supply of housing.
6 California’s Housing Accountability Act is a key component of California law, providing, as it
7 states, accountability. It is essential that the Housing Accountability Act be enforced. Part of
8 that enforcement logically entails enabling third parties to bring legal action.

9 I can attest to the challenge in bringing such an action as the developer of a project.
10 While at BRIDGE, it was only a result of threatening such a suit that we overcame City
11 Council opposition to an affordable development in the City of Irvine. This was a very
12 difficult position to be in, and led to a long period (during a particular city council reign) where
13 we were not welcome to do business in the community. We made the threat, because as a
14 nonprofit with a mission, we had no alternative plans for the site that would be acceptable to
15 the city and meet our mission. The project plans met every zoning requirement and the
16 opposition was based solely on the income levels of families who would occupy the
17 apartments. It is understandable that private developers are reluctant to threaten and or sue
18 localities for fear of the consequences to their business. Not only in the particular community,
19 but it is easy to see how communities could “blackball” such an actor. This challenge is well-
20 documented in the non-partisan Legislative Analyst Report of May 2016 entitled, “Considering
21 Changes to Streamline Local Housing Approvals.”¹


22 That is why it is critical, that individuals and organizations with the most to lose from
23 the lack of housing supply, be able to demand that localities are held accountable for the plans
24 they put in place, and why they must be able to bring actions to enforce the law. Without such
25 an ability, the law itself is effectively rendered meaningless.

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28 ¹ Uhler, Brian, “Considering Changes to Streamline Local Housing Approvals,” *Legislative Analyst’s Office*, May
18, 2016, <http://www.lao.ca.gov/reports/2016/3470/Streamline-Local-Housing-Approvals.pdf>
Brief of Amicus Curiae Carol J. Galante In Support of Petition
Trauss, et al v. City of Lafayette, et al.; Case No.: MSN15-2077

1 I urge this Court to enable the effective enforcement of the Housing Accountability Act
2 so that Californians who need quality affordable homes in the very locations communities have
3 planned, can see these homes built and made available to alleviate their challenges. Those not
4 adequately housed and housing organizations must have a voice in holding communities
5 accountable.

6 Respectfully submitted,
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8 November 30, 2016
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Carol J. Galante

13 Faculty Director, Turner Center For Housing Innovation, UC Berkeley

14 I. Donald Turner Distinguished Professor of Affordable Housing and Urban Policy
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