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April 17, 2023

The Honorable Scott Wiener
1021 O Street, Suite 8620
Sacramento, CA 95814

Re: Senate Bill 713 (Padilla): Support

Dear Senator Wiener,

On behalf of Circulate San Diego, whose mission is to create excellent mobility choices and vibrant, healthy neighborhoods, I am pleased to offer our strong support of SB 713, which strengthens the State Density Bonus Law (SDBL) by ensuring that housing developments receive the full benefits of the law, even if there is conflict with local ordinances passed by voter initiative.

SB 713 (Padilla) would codify a recent HCD opinion which determined that SDBL supersedes any locally passed regulation, including those passed by voter initiative that would prohibit its usage. HCD's opinion is founded on case law that has repeatedly affirmed that local ordinances are preempted by state law when there is a conflict between both. State case law clearly states that this precedent applies even in cases where the local ordinances were passed by voter local initiatives, such as in *City of Watsonville v. State Department of Health Services* (2005) 133 Cal.App.4th 875, 881, 35 Cal.Rptr.3d 216, 218, where the court invalidated a local initiative prohibiting fluoridation of the water supply because the initiative conflicted with state law.

By merely codifying current case law, affordable housing developers and market rate developers alike will have greater certainty in their housing investments and thousands of housing units will be added to our housing supply.

For these reasons, we are proud to support SB 713 (Padilla), and encourage your "aye" vote when it is heard in your committee.

Best regards,

Jesse O'Sullivan
Policy Counsel
Circulate San Diego