

1 KEITH M. FROMM (SBN 73529)  
keithfromm@aol.com  
2 **LAW OFFICES OF KEITH M. FROMM**  
907 Westwood Blvd., Suite 442  
3 Los Angeles, CA 90024  
Telephone: (310) 500-9960

4 JEFFREY LEE COSTELL (SBN 93688)  
jlcostell@costell-law.com  
5 LEWIS B. ADELSON (SBN 185075)  
ladelson@costell-law.com  
6 **COSTELL & ADELSON LAW CORPORATION**  
7 100 Wilshire Blvd., Suite 700  
Santa Monica, CA 90401  
8 Telephone: (310) 458-5959

9 Attorneys for Plaintiffs and Petitioners Newcastle  
10 Courtyards, LLC, and Jonathan Benabou, as Trustee  
on behalf of The Mani Benabou Family Trust

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES**

13 HOWARD JARVIS TAXPAYERS  
14 ASSOCIATION and APARTMENT  
ASSOCIATION OF GREATER LOS  
15 ANGELES,

16 Plaintiffs,

17 v.

18 CITY OF LOS ANGELES, and ALL  
19 PERSONS INTERESTED IN THE  
MATTER OF MEASURE ULA of the  
20 November 8, 2022 ballot, a real property  
transfer tax,

21 Defendants.

22  
23 NEWCASTLE COURTYARDS, LLC, a  
California limited liability company;  
24 JONATHAN BENABOU, as Trustee on  
behalf of THE MANI BENABOU FAMILY  
25 TRUST; and ROES 1 through 500,

26 Plaintiffs and Petitioners,

27 v.

28 CITY OF LOS ANGELES; COUNTY OF  
LOS ANGELES; COUNTY OF LOS  
ANGELES RECORDER'S OFFICE; ROES

Case No. 22STCV39662  
(Consolidated with No. 23STCV00352)

*[Assigned for all purposes to Hon. Joseph Lipner',  
Dept. 72]*

**AMENDED JOINDER OF PLAINTIFFS AND  
PETITIONERS NEWCASTLE COURTYARDS,  
LLC AND JONATHAN BENABOU TO MOTION  
FOR JUDGMENT ON THE PLEADINGS BY  
PLAINTIFF HOWARD JARVIS TAXPAYERS'  
ASSOCIATION**

Date: September 26, 2023

Time: 8:30 a.m.

Dept: 72

Complaint Filed: Dec. 21, 2022/Jan. 6, 2023

Trial Date: Not Set

1 1 through 500, and ALL PERSONS  
2 INTERESTED IN THE MATTER of the  
3 ULA and all proceedings related thereto,

4 Defendants and Respondents.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TABLE OF CONTENTS**

I. PLAINTIFFS AGREE WITH HOWARD JARVIS TAXPAYER’S ASSOCIATION’S MOTION FOR JUDGMENT ON THE PLEADINGS ..... 1

II. THE ULA IS INVALID BECAUSE THE REDUCTION OF HOMELESSNESS, THE COLLECTION OF COUNTY PROPERTY TAXES AND THE COLLECTION OF TRANSFER TAXES BY THE COUNTY RECORDERS’ OFFICE ARE ALL MATTERS OF STATEWIDE CONCERN WHICH ARE PRE-EMPTED BY STATE STATUTES. ADDITIONALLY, AND ALTERNATIVELY, THE ULA CONFLICTS WITH STATE STATUTES THAT ADDRESS SUCH MATTERS OF STATEWIDE CONCERN. AS SUCH THE CITY’S HOME RULE POWERS MUST CEDE TO THE STATE STATUTES WHICH PRE-EMPT THEM AND/OR WITH WHICH THEY CONFLICT ..... 1

    A. THE ULA IS PRE-EMPTED AND TRUMPED BY STATEWIDE LEGISLATION BECAUSE HOMELESSNESS AND ITS REDUCTION IS A MATTER OF STATEWIDE CONCERN WHICH HAS BEEN COMPREHENSIVELY AND COHESIVELY LEGISLATED BY THE STATE..... 1

    B. WHETHER A SUBJECT IS OF STATEWIDE CONCERN IS AN AD HOC INQUIRY THAT POSES A QUESTION OF FACT FOR TRIAL AND CANNOT BE DETERMINED ON A MOTION FOR JUDGMENT ON THE PLEADINGS. .... 11

    C. HOMELESSNESS IS A MATTER OF STATEWIDE CONCERN – THE STATUTES SAY SO, THE CASES SAY SO, THE POLITICIANS SAY SO, PROPOSED STATUTES SAY SO, THE VERIFIED COMPLAINT WHICH IS DEEMED FOR THIS MOTION TO BE TRUE, SAYS SO, AND THE CITY’S OWN ANSWER SAYS SO..... 13

    D. NUMEROUS STATUTES EXPRESSLY STATE THAT THE MATTER OF HOMELESSNESS IS OF STATEWIDE CONCERN AND NOT A MUNICIPAL AFFAIR ..... 16

    E. NUMEROUS PUBLISHED CASES BINDING BY STARE DECISIS ON THIS COURT ALSO HAVE HELD THAT HOMELESSNESS IS A MATTER OF STATEWIDE CONCERN ..... 18

    F. THE ULA ALSO CONFLICTS WITH STATE STATUTES ON MATTERS OF STATEWIDE CONCERN AND IS FOR THAT ADDITIONAL REASON, INVALIDATED..... 19

1 (1) Measure ULA Conflicts with the Documentary Transfer Tax Act. The City Illegally  
2 Delegated to the County the Obligation to Collect and Remit the ULA Funds to the City and the  
3 County Has Been Illegally Remitting Such Funds to the City ..... 20  
4 (2) The ULA Conflicts with the Operation of the California Revenue and Taxation Code in  
5 Respect to Collection by the County of Los Angeles of Real Property Taxes. The ULA is Wreaking  
6 Havoc Upon the County’s Ability to Raise and Rely Upon Income Streams from County Property  
7 Taxes Because the ULA Has Essentially Stopped Dead the Sale in the City of Los Angeles of High  
8 Value Properties and Reassessing them Upon Sale at Higher Values..... 24  
9 (3) Measure ULA Conflicts with Health and Safety Code § 50000 et seq. .... 25  
10 III. PLAINTIFFS WILL AMEND THEIR COMPLAINTS IF THE COURT DECIDES IT IS  
11 NECESSARY AND HEREBY SEEK SUCH LEAVE..... 28  
12 IV. CONCLUSION..... 28  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **TABLE OF AUTHORITIES**

2 **CASES**

3

4 *Abbott v. City of Los Angeles* (1960) 53 Cal.2d 674..... 8

5 *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239 ..... 1, 6, 7, 8, 14

6 *Anderson v. City of San Jose* (2019) 42 Cal.App.5th 683 ..... 11,17

7 *Bach v. McNelis* (1989) 207 Cal.App.3d 852 ..... 12

8 *Baggett v. Gates* (1982) 32 Cal.3d 128..... 1, 10

9 *Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139..... 18

10 *Bishop v. City of San Jose*, (1969) 1 Cal.3d 56..... 1, 10, 13, 16

11 *Bruce v. City of Alameda* (1985) 166 Cal.App.3d 18 ..... 13, 17

12 *Buena Vista Gardens Apartments Assn. v. City of San Diego*

13 (1985) 175 Cal.App.3d 289 ..... 5, 8, 13 14, 18

14 *California Fed. Savings & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 16 ..... 10, 11

15 *Chavez v. Sargent* (1959) 52 Cal.2d 162 ..... 7, 14

16 *City of Huntington Beach v. Becerra* (2020) 44 Cal.App.5th 243..... 1

17 *Coalition Advocating Legal Housing Options v. City of Santa Monica*

18 (2001) 88 Cal.App.4th 451 ..... 13, 17

19 *Committee for Responsible Planning v. City of Indian Wells* (1989) 209 Cal.App.3d 1005..... 5

20 *Great Western Shows, Inc. v. County of Los Angeles* (2002) 27 Cal.4th 853..... 23

21 *Green v. Superior Court* (1974) 10 Cal.3d 616 ..... 17

22 *In re Hubbard* (1964) 62 Cal.2d 119 ..... 10

23 *In re Lane* (1962) 58 Cal.2d 99..... 7, 14

24 *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725..... 18

25 *Pac. Tel. Tel. Co. v. City and County of S.F.* (1959) 51 Cal.2d 766 ..... 10

26 *People ex rel. Harris v. PAC Anchor Transportation, Inc.* (2014) 59 Cal.4th 772 ..... 12

27 *Petri Cleaners, Inc. v. Automotive Employees, etc., Local No. 88* (1960) 53 Cal.2d 455 ..... 7, 14

28 *Pipoly v. Benson* (1942) 20 Cal.2d 366 ..... 8

1	<i>Professional Fire Fighters, Inc. v. City of Los Angeles</i> (1963) 60 Cal.2d 276 .....	10
2	<i>Ruegg &amp; Ellsworth v. City of Berkeley</i> (2021) 63 Cal.App.5th 277 .....	13, 17
3	<i>Schabarum v. California Legislature</i> (1998) 60 Cal.App.4th 1205 .....	12
4	<i>State Bldg. and Const. Trades Council of California, Afl-Cio v. City of Vista</i>	
5	(2009) 173 Cal.App.4th 567 .....	11
6	<i>Tolman v. Underhill</i> (1952) 39 Cal.2d 708.....	1, 7
7	<i>Wilson v. Beville</i> (1957) 47 Cal.2d 852 .....	7, 14
8		
9	<b>STATUTES AND REGULATIONS</b>	
10	<i>Cal. Code Regs. tit. 21, § 2653</i> .....	5
11	<i>Cal. Gov. Code § 37364</i> .....	5
12	<i>Cal. Gov. Code § 53725</i> .....	1
13	<i>Cal. Gov. Code, § 54220</i> .....	14, 17
14	<i>Cal. Gov. Code § 54220(a)</i> .....	5
15	<i>Cal. Gov. Code § 65008(3)(h)</i> .....	5
16	<i>Cal. Gov. Code § 65580</i> .....	<i>passim</i>
17	<i>Cal. Gov. Code § 65589.4</i> .....	14, 17
18	<i>Cal. Gov. Code § 65656</i> .....	6, 16
19	<i>Cal. Gov. Code § 65666</i> .....	7, 16
20	<i>Cal. Gov. Code § 65913(a)</i> .....	7
21	<i>Cal. Gov. Code § 8698.2</i> .....	7
22	<i>Cal. Health &amp; Safety Code § 17922.9</i> .....	7
23	<i>Cal. Health and Safety Code §35801</i> .....	14
24	<i>Cal. Health &amp; Safety Code § 35801(a)</i> .....	5
25	<i>Cal. Health &amp; Safety Code § 50000 et seq.</i> .....	<i>passim</i>
26	<i>Cal. Health &amp; Safety Code § 50001</i> .....	5, 14, 17
27	<i>Cal. Health &amp; Safety Code § 50003</i> .....	3, 26
28	<i>Cal. Health &amp; Safety Code § 50005</i> .....	3, 10, 26

1 *Cal. Health & Safety Code § 50006*.....4, 26, 28  
2 *Cal. Health & Safety Code § 50010*.....27  
3 *Cal. Health and Safety Code §50010(b)(4)* .....3  
4 *Cal. Health & Safety Code § 52000*.....5  
5 *Cal. Rev. & Tax Code §11933* .....21, 22, 23  
6 *Cal. Rev. and Tax Code § 11911* .....20  
7 *Cal. Welf. & Inst. Code §17000*.....7  
8 *Cal. Welf. and Inst. Code § 8257* .....4, 5

9 **CONSTITUTIONAL PROVISIONS**

10  
11 *Cal. Const., Article XI, Section 5* .....*passim*  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Plaintiffs and Petitioners Newcastle Courtyards, LLC, and Jonathan Benabou, as Trustee on  
2 behalf of the Mani Benabou Family Trust (collectively, “Plaintiffs”), hereby submit their Joinder to the  
3 Motion for Judgment on the Pleadings filed by Howard Jarvis Taxpayers’ Association (“HJTA”) as  
4 follows:

5  
6 **I. PLAINTIFFS AGREE WITH HOWARD JARVIS TAXPAYER’S  
7 ASSOCIATION’S MOTION FOR JUDGMENT ON THE PLEADINGS**

8 Plaintiffs, Newcastle Courtyards, LLC and Jonathan Benabou, As Trustee on behalf of The Mani  
9 Benabou Family Trust and Roes 1 through 500 (“The Newcastle Plaintiffs” or “Newcastle” herein) agree  
10 with the contents of the motion of Plaintiff, Howard Jarvis Taxpayers’ Association (“HJTA”) for  
11 judgment on the pleadings (“MJOP”). Newcastle wishes, in support of such MJOP, to advert the Court  
12 to the following additional matters that are relevant to the Court’s evaluation of HJTA’s MJOP and to  
13 the Defendants’ attempts to defeat it

14 **II. THE ULA IS INVALID BECAUSE THE REDUCTION OF HOMELESSNESS, THE  
15 COLLECTION OF COUNTY PROPERTY TAXES AND THE COLLECTION OF  
16 TRANSFER TAXES BY THE COUNTY RECORDERS’ OFFICE ARE ALL  
17 MATTERS OF STATEWIDE CONCERN WHICH ARE PRE-EMPTED BY STATE  
18 STATUTES. ADDITIONALLY, AND ALTERNATIVELY, THE ULA CONFLICTS  
19 WITH STATE STATUTES THAT ADDRESS SUCH MATTERS OF STATEWIDE  
20 CONCERN. AS SUCH THE CITY’S HOME RULE POWERS MUST CEDE TO  
21 THE STATE STATUTES WHICH PRE-EMPT THEM AND/OR WITH WHICH  
22 THEY CONFLICT**

23 **A. The ULA is Pre-Empted and Trumped by Statewide Legislation because  
24 Homelessness and Its Reduction is a Matter of Statewide Concern Which Has Been  
25 Comprehensively and Cohesively Legislated by the State**

26 In its MJOP, HJTA argues that, by the City’s Charter, the City of Los Angeles (“City”) cannot do  
27 by voters’ initiative that which it could not do by action of its own City Council, and because the City  
28 Council could not contravene Prop. 13 (and Gov. Code §53725) and impose a special transfer tax, neither  
could the electorate (e.g. HJTA MJOP, p.12:21-17:5). Newcastle agrees with this argument.

City and Interested Parties in support of City argue in their respective MJOPs that City’s Initiative  
and Home Rule powers are not limited even by City’s Charter and, that, therefore, the electorate could  
impose the ULA even though City itself would be prohibited by Prop. 13 (and/or Gov. Code §53725)



1 from doing so (e.g. City’s MJOP, p.22:9-23:15; Interested Parties’ MJOP, p.7:3-10:17). Newcastle  
2 disagrees with this argument and presents yet further reasons why Defendants are wrong on this matter.

3 A chartered City’s ordinance, in this case, the ULA, however, is void, notwithstanding (a) the  
4 City’s powers of Home Rule, (b) the provisions of its charter, and (c) whether such ordinance was passed  
5 by action of the City Council or by local voters’ initiative, where, as here, the local ordinance (in this  
6 case, the ULA) concerns a matter of statewide concern (such as homelessness, the collection of property  
7 taxes by counties, and/or the collection of documentary transfer taxes by county recorders’ offices) and,  
8 as here, either (a) is pre-empted by and/or (b) conflicts with one or more state statutes concerning such  
9 matter or matters of statewide concern:

10 **"As to matters which are of statewide concern, however, home rule charter cities remain**  
11 **subject to and controlled by applicable general state laws regardless of the provisions of their**  
12 **charters. . . ."** (*Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 61)

13 *Baggett v. Gates* (1982) 32 Cal.3d 128, 136 [emph. added]

14 **It has been held that a ‘general law prevails over local enactments of a chartered city, even**  
15 **in regard to matters which would otherwise be deemed to be strictly municipal affairs, where**  
16 **the subject matter of the general law is of statewide concern.’** [Citation.]

17 *City of Huntington Beach v. Becerra* (2020) 44 Cal.App.5th 243, 261 [emph. added]

18 **The ULA, and its purported purposes, are not strictly “municipal affairs”** to which Home  
19 Rule applies which can, in some circumstances, contravene state law, but rather the ULA seeks to address  
20 a matter of **statewide concern**, i.e. the reduction of homelessness (see e.g. Newcastle Plaintiffs’ Verified  
21 Complaint (“VC”) VC ¶¶ 26-36; 42; 111, 112, 115, 118, 127) as well as the collection, allocation and  
22 enforcement of documentary transfer taxes, also a matter of statewide concern, already legislated by the  
23 state in the Documentary Transfer Tax Act, on a statewide basis, and with which the ULA directly and  
24 irreconcilably conflicts, as described below.

25 A city’s ordinance, such as the ULA, is invalid and pre-empted where, as here, it attempts to  
26 impose additional requirements in a field which is fully occupied by statute (*Tolman v.*  
27 *Underhill* (1952) 39 Cal.2d 708, 712; *American Financial Services Assn. v. City of Oakland* (2005) 34  
28 Cal.4th 1239, 1252). As demonstrated below, the field of the reduction of homelessness is both (a) a  
matter of statewide concern and (b) a field which is both expressly and impliedly fully occupied by state

1 statutes. So is the allocation and enforcement of documentary transfer taxes.

2 Newcastle’s VC cites twenty one (21) state statutes and bills which govern homelessness. This  
3 barely scratches the surface. Indeed, a search of the California Legislature’s official website  
4 (leginfo.legislature.ca.gov) as of August 9, 2023, lists two hundred three (203) state bills and statutes  
5 that contain the word “homeless.” The state has legislated and/or proposed state statutes for essentially  
6 every conceivable aspect of homelessness and has even passed legislature such as Health and Safety Code  
7 §§50000 et seq. which expressly state that such statute is a comprehensive approach to reduce  
8 homelessness, e.g. Health & Safety Code § 50003:

9 (d) In order to remedy such shortages, it is the intent of the Legislature in enacting this division to  
10 provide a comprehensive and balanced approach to the solution of housing problems of the people  
11 of this state.

12 *Health & Safety Code § 50003.*

13 Such state statute, on such a matter of statewide concern, seeks to do exactly what the ULA  
14 purports to do, but rather on, on a statewide, comprehensive and coordinated basis with other cities and  
15 counties rather than “rogue” as the City of Los Angeles purports to do:

16 Health and Safety Code §50010(b)(4):

17 (4) There is a critical need to provide financial assistance to (A) purchase, construct, and rehabilitate  
18 emergency shelters and transitional housing for homeless families and individuals, (B) construct  
19 rental housing for families and individuals, including the special housing needs of the elderly,  
20 disabled, and farmworkers, (C) preserve and rehabilitate homes and rental housing, and (D) provide  
21 home purchase assistance for first-time homebuyers.

22 These are the same areas and populations which Measure ULA says it addresses. *Health & Safety*  
23 *Code § 50005* states:

24 The Legislature finds and declares that full cooperation and coordination with the cities and  
25 counties of the state in meeting the housing needs of the state on a level of government which  
26 is as close as possible to the people it serves is essential if workable housing programs are to be  
27 developed and implemented.

28 The provision to local governments of financial resources, statistical data, and technical  
assistance is necessary to implementation of public programs to meet housing needs with  
adequate consideration of the relationship between housing and the community in which the housing  
is located.

1 Then, *Health & Safety Code* § 50006 goes on to state:

2 **§ 50006. Failure of federal programs; comprehensive state program**

3 The Legislature finds and declares that a number of federal housing programs have failed to reach  
4 the fundamental goals and purposes for which they were established, especially in urban areas. In  
5 California, this failure has often been related to inadequate consideration of the relationship between  
housing and the community in which the housing is located.

6 **It is the intent of the Legislature in enacting this division to seek to avoid such failures by**  
7 **providing a comprehensive and balanced approach to the solution of housing problems of very**  
8 **low income households and persons and families of low or moderate income in the state.**

9 It is further the intent of the Legislature to provide a program which gives consideration, not only to  
10 the production and financing of housing, but also to the social and aesthetic impact of such housing.  
**A California housing program must consider the distribution throughout the state of such**  
**housing...**

11 Another example is Cal. Welf. and Inst. Code § 8257 by which the Governor is tasked with  
12 creating a comprehensive Interagency Council on Homelessness that oversees and imposes  
13 accountability for all resources, benefits and services that can be accessed to prevent and end  
14 homelessness in California and to create partnerships among state agencies, **local government agencies**  
15 and federal agencies so that the State may coordinate, oversee and impose accountability for all such  
16 efforts.

17 (a) The Governor shall create an Interagency Council on Homelessness.(b) The council shall have  
18 all of the following goals:(1) To **oversee implementation** of this chapter.(2) **To identify**  
19 **mainstream resources, benefits, and services that can be accessed to prevent and end**  
20 **homelessness in California.**(3) **To create partnerships among state agencies and departments,**  
21 **local government agencies,** participants in the United States Department of Housing and Urban  
22 Development's Continuum of Care Program, federal agencies, the United States Interagency Council  
23 on Homelessness, nonprofit entities working to end homelessness, homeless services providers, and  
24 the private sector, for the purpose of arriving at specific strategies to end homelessness.(4) To  
25 promote systems integration to increase efficiency and effectiveness while focusing on designing  
26 systems to address the needs of people experiencing homelessness, including unaccompanied youth  
27 under 25 years of age.(5) To coordinate existing funding and applications for competitive funding.  
28 Any action taken pursuant to this paragraph shall not restructure or change any existing allocations  
or allocation formulas.(6) To make policy and procedural recommendations to legislators and other  
governmental entities.(7) To identify and seek funding opportunities for state entities that have  
programs to end homelessness, including, but not limited to, federal and philanthropic funding  
opportunities, and to facilitate and coordinate those state entities' efforts to obtain that funding.(8) To  
broker agreements between state agencies and departments and between state agencies and  
departments and local jurisdictions to align and coordinate resources, reduce administrative burdens  
of accessing existing resources, and foster common applications for services, operating, and capital  
funding.(9) To serve as a statewide facilitator, coordinator, and policy development resource on

1 ending homelessness in California.**(10)** To report to the Governor, federal Cabinet members, and the  
2 Legislature on homelessness and work to reduce homelessness.**(11)** To ensure accountability and  
3 results in meeting the strategies and goals of the council.**(12)** To identify and implement strategies  
4 to fight homelessness in small communities and rural areas.**(13)** To create a statewide data system  
5 or warehouse, which shall be known as the Homeless Data Integration System, that collects local  
6 data through Homeless Management Information Systems, with the ultimate goal of matching data  
7 on homelessness to programs impacting homeless recipients of state programs, such as the Medi-Cal  
8 program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9) and CalWORKs  
9 (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9). Upon creation of the  
10 Homeless Data Integration System, all continuums of care, as defined in Section 578.3 of Title 24  
11 of the Code of Federal Regulations, that are operating in California shall provide collected data  
12 elements, including, but not limited to, health information, in a manner consistent with federal law,  
13 to the Homeless Data Integration System.**(A)** Council staff shall specify the form and substance of  
14 the required data elements.**(B)** Council staff may, as required by operational necessity, and in  
15 accordance with paragraph (8) of subdivision (d) of Section 8256, amend or modify data elements,  
16 disclosure formats, or disclosure frequency.**(C)** To further the efforts to improve the public health,  
17 safety, and welfare of people experiencing homelessness in the state, council staff may collect data  
18 from the continuums of care as provided in this paragraph.**(D)** Any health information or personal  
19 identifying information provided to, or maintained within, the Homeless Data Integration System  
20 shall not be subject to public inspection or disclosure under the California Public Records Act  
21 (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government  
22 Code).**(E)** For purposes of this paragraph, "health information" includes "protected health  
23 information," as defined in Part 160.103 of Title 45 of the Code of Federal Regulations, and "medical  
24 information," as defined in subdivision (j) of Section 56.05 of the Civil Code.**(14)** To set goals to  
25 prevent and end homelessness among California's youth.**(15)** To improve the safety, health, and  
26 welfare of young people experiencing homelessness in the state.**(16)** To increase system integration  
27 and coordinating efforts to prevent homelessness among youth who are currently or formerly  
28 involved in the child welfare system or the juvenile justice system.**(17)** To lead efforts to coordinate  
a spectrum of funding, policy, and practice efforts related to young people experiencing  
homelessness.**(18)** To identify best practices to ensure homeless minors who may have experienced  
maltreatment, as described in Section 300, are appropriately referred to, or have the ability to self-  
refer to, the child welfare system.**(19)** To collect, compile, and make available to the public financial  
data provided to the council from all state-funded homelessness programs.

Cal. Welf. and Inst. Code § 8257

The Legislature has consistently declared that the availability of housing is of vital statewide importance (e.g. Housing Element Law, *Cal. Gov. Code* § 65580(a); *Cal. Health & Safety Code* § 50001; *Cal. Health & Safety Code* § 35801(a); The Surplus Land Act, *Cal. Gov. Code* § 54220(a); *Cal. Gov. Code* § 37364; *Cal. Gov. Code* § 65008(3)(h); *Cal. Health & Safety Code* § 52000; *Cal. Code Regs.* tit. 21, § 2653).

Such statements and the expansive breadth of such legislation, among many others, demonstrate

1 the state’s intention to fully occupy the field of “homelessness” solutions and to co-ordinate, oversee and  
2 hold accountable all of the counties and municipalities in a comprehensive and unitary program to do so.

3 The Legislature has stepped into and occupied the field in a comprehensive way designed to  
4 coordinate, oversee and hold accountable, among others, municipalities for the alleviation of  
5 homelessness in California, and, has explicitly stated that not only is finding adequate solutions for  
6 supportive housing for all California residents to help alleviate homelessness a matter of statewide  
7 concern, but it is expressly **NOT a municipal affair as used in Section 5 of Article XI of the California**  
8 **Constitution and, therefore, it applies to all cities, including charter cities:**

9  
10 **The Legislature further finds and declares that the provision of adequate supportive housing**  
11 **to help alleviate the severe shortage of housing opportunities for people experiencing**  
12 **homelessness in this state** and of necessary services to the target population described in Section  
13 50675.14 of the Health and Safety Code, and that ensuring the development of permanent supportive  
14 housing in accordance with programs such as the No Place Like Home Program (Part 3.9  
15 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code) by removing  
16 zoning barriers that would otherwise inhibit that development, **are matters of statewide concern**  
17 **and are not municipal affairs as that term is used in Section 5 of Article XI of the California**  
18 **Constitution. Therefore, this article applies to all cities, including charter cities.**

16 Cal. Gov. Code § 65656

17 The Legislature has clearly stated that it has a “state housing goal” and oversees and holds the  
18 cities accountable to contribute to attaining such state housing goal:

19 ““The Legislature stated in its intent in enacting Article 10.6 [of the Government Code] was inter  
20 alia, ‘**to assure...cities recognize their responsibilities in contributing to the attainment of the state**  
21 **housing goal**’ (§ 65581, subd. (a)) and “will prepare and implement housing elements which, along with  
22 federal and state programs, will move toward attainment of the state housing goal.’ (§ 65581, subd.  
23 (b).) (*Buena Vista Gardens Apartments Assn. v. City of San Diego* (1985) 175 Cal.App.3d 289,  
24 295.)” *Committee for Responsible Planning v. City of Indian Wells*, 209 Cal.App.3d 1005, 1013.

25 The Legislature has also declared that inadequate housing supplies are a matter of statewide  
26 concern:

27 “The Legislature further finds and declares that inadequate housing supplies have a negative  
28 impact on regional development and are, therefore, **a matter of statewide concern.**” (*Cal. Health &*

1 *Safety Code* § 17922.9). *Cal. Gov. Code* § 65666 (finding that Low Barrier Navigation Center  
2 developments are essential tools in alleviating the homelessness crisis in California); *Cal. Welf. & Inst.*  
3 *Code* §§17000, et seq.

4 The State has declared its comprehensive occupancy of the field of homelessness and primacy  
5 over every county and every city explicitly:

6 **“Every county and every city and county shall relieve and support all incompetent, poor,**  
7 **indigent persons,** and those incapacitated by age, disease, or accident, lawfully resident therein, when  
8 such persons are not supported and relieved by their relatives or friends, by their own means, or by state  
9 hospitals or other state or private institutions.”); *Cal. Gov. Code* § 65913(a)

10 The State Legislature has recognized the statewide shortage of affordable housing and, by full  
11 occupancy of the field, asserted its dominance and control over local governments to solve it:

12 (“[T]here exists a severe shortage of affordable housing, especially for persons and families of low  
13 and moderate income, and that there is an immediate need to encourage the development of new housing,  
14 not only through the provision of financial assistance, but also through changes in law designed to do all  
15 of the following: (1) Expedite the local and state residential development process. (2) Assure that local  
16 governments zone sufficient land at densities high enough for production of affordable housing.  
17 (3) Assure that local governments make a diligent effort through the administration of land use and  
18 development controls and the provision of regulatory concessions and incentives to significantly reduce  
19 housing development costs and thereby facilitate the development of affordable housing, including  
20 housing for elderly persons and families, as defined by Section 50067 of the Health and Safety  
21 Code.”); *Cal. Gov. Code* § 8698.2 (allowing a governing body to declare a shelter crisis and take  
22 necessary actions to carry out the provisions of § 8698 et seq. upon a finding that by that governing body  
23 that a significant number of persons within the jurisdiction are without the ability to obtain shelter).

24 The California Supreme Court in *American Financial Services Assn. v. City of Oakland*, (2005)  
25 34 Cal.4th 1239 stated that, in addition to an *express manifestation* by the Legislature of its intent to  
26 “fully occupy” an area, there are three (3) alternative criteria by which the state Legislature can be said  
27 to have *impliedly manifested its intent* to fully occupy, in this case, the area of homelessness reduction,  
28 any one of which mandates a finding that the ULA is pre-empted by state law. As demonstrated herein  
as well as pleaded in the VC itself, all of such criteria are present herein, which means the ULA is invalid  
on the ground, among many others, that it is pre-empted by state law.

1 "[I]t is well settled that local regulation is invalid if it attempts to impose additional requirements in  
2 a field which is fully occupied by statute." ( *Tolman v. Underhill* (1952) 39 Cal.2d 708, 712 [ 249  
3 P.2d 280] ( *Tolman*).) "[L]ocal legislation enters an area that is 'fully occupied' by general law when  
4 the Legislature has expressly manifested its intent to 'fully occupy' the area [citation], or when it has  
5 impliedly done so in light of one of the following indicia of intent: '(1) **the subject matter has been**  
6 **so fully and completely covered by general law as to clearly indicate that it has become**  
7 **exclusively a matter of state concern;** (2) the subject matter has been partially covered by general  
8 law couched in such terms as to indicate clearly that a paramount state concern will not tolerate  
9 further or additional local action; or (3) **the subject matter has been partially covered by general**  
10 **law, and the subject is of such a nature that the adverse effect of a local ordinance on the**  
11 **transient citizens of the state outweighs the possible benefit to the' locality [citations]."**  
12 **( *Sherwin-Williams, supra*, 4 Cal.4th at p. 898).**

13 *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1252 [emph. added]

14 As demonstrated herein, and, in particular, by the more than two hundred and three (203) state  
15 statutes and bills found on the Legislature's website (and the twenty one (21) described in the VC): (1)  
16 the subject of "homelessness" has been so fully and completely covered by general state law as to clearly  
17 indicate that it has become exclusively a matter of state concern; (2) alternatively, homelessness has been  
18 partially covered by general state law "as to indicate clearly that a paramount state concern will not  
19 tolerate further or additional legal action", and, additionally and/or alternatively (3) the subject of  
20 homelessness has been partially covered by general state law and the subject is of such a nature that the  
21 adverse effect of the ULA on the transient citizens of the state outweighs the possible benefit to the  
22 locality, i.e. the City of Los Angeles (see, for example, the section of this memorandum which describes  
23 how the ULA has decimated county property tax re-assessments used to finance county services). All of  
24 such criteria visibly apply to the ULA and all point to the ULA being pre-empted by state law.

25 **"Where the Legislature has adopted statutes governing a particular subject matter, its intent**  
26 **with regard to occupying the field to the exclusion of all local regulation is not to be measured**  
27 **alone by the language used but by the whole purpose and scope of the legislative scheme."**  
28 ( *Tolman, supra*, 39 Cal.2d at p. 712; *Wilson v. Beville* (1957) 47 Cal.2d 852, 859 [ 306 P.2d 789]  
( *Wilson*) [same]; see *In re Lane* (1962) 58 Cal.2d 99, 102-103 [ 22 Cal.Rptr. 857, 372 P.2d 897]  
( *Lane*).) **"State regulation of a subject may be so complete and detailed as to indicate an intent**  
**to preclude local regulation. [Citations.] In this connection it may be significant that the subject**  
**is one which . . . requires uniform treatment throughout the state."** ( *Chavez v.*  
*Sargent* (1959) 52 Cal.2d 162, 177 [ 339 P.2d 801] ( *Chavez*), disapproved on other grounds in *Petri*  
*Cleaners, Inc. v. Automotive Employees, etc., Local No. 88* (1960) 53 Cal.2d 455, 474-475 [ 2  
Cal.Rptr. 470, 349 P.2d 76].)

1 (8) "The denial of power to a local body when the state has preempted the field is not based solely  
2 upon the superior authority of the state. **It is a rule of necessity, based upon the need to prevent**  
3 **dual regulations that could result in uncertainty and confusion. Thus, the term 'conflict' as**  
4 **used in section 11 of article XI has been held not to be limited to a mere conflict in language,**  
5 **but applies equally to a conflict of jurisdiction."** (*Abbott v. City of Los Angeles* (1960) 53 Cal.2d  
6 674, 682 [ 3 Cal.Rptr. 158, 349 P.2d 974].) "**Whenever the Legislature has seen fit to adopt a**  
7 **general scheme for the regulation of a particular subject, the entire control over whatever**  
8 **phases of the subject are covered by state legislation ceases as far as local legislation is**  
9 **concerned."** (*Lane, supra*, 58 Cal.2d at p. 102; *id.* at p. 105 ["where the state has fully occupied  
10 the field, there is no room for additional requirements by local legislation"]; *Wilson, supra*, 47  
11 Cal.2d at p. 859 ["general rule that charter provisions cannot control in matters of statewide  
12 concern where the state has occupied the field"].) "Where a statute and an ordinance are  
13 identical it is obvious that the field sought to be covered by the ordinance has already been  
14 occupied by state legislation." (*Pipoly v. Benson* (1942) 20 Cal.2d 366, 371 [ 125 P.2d 482].

15 *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1252-53.

16 That so many of the state statutes have confirmed and referred to the existence of a unified general  
17 state scheme for the regulation of the reduction of homelessness there can be no doubt that "*the entire*  
18 *control over whatever phases of the subject are covered by state legislation ceases as far as local*  
19 *legislation is concerned"* (including the ULA). *American Financial Services Assn.*, *supra*, at 1252-53.

20 Indeed, the demonstrated sheer volume and breadth of such state statutes and bills establishes that  
21 it is the manifest intent of the state legislature to fully occupy the field of homelessness reduction in the  
22 state of California.

23 Moreover, as set forth hereinbelow, the Courts have even held in individual published cases that  
24 the state has a comprehensive and cohesive statewide legislative scheme for such homelessness reduction  
25 that requires co-operation, under the direction of the state, between the state and all of the counties and  
26 municipalities (*e.g. Buena Vista Gardens v. City of San Diego Planning Dept.* (1985) 175 Cal.App.3d  
27 289, 295)<sup>1</sup>.

28  

---

<sup>1</sup> To attain the state housing goal, the Legislature found, requires "cooperative participation" between  
government and the private sector (§ 65580, subd. (b)), cooperation among all levels of government (§  
65580, subd. (c)), and use of state and local governmental power "to facilitate the improvement and  
development of housing" for "all economic segments of the community" (§ 65580, subd. (d)). The  
Legislature recognized each local government in adopting a housing element must also consider  
economic, environmental and fiscal factors as well as community goals set forth in the general plan. (§  
65580, subd. (e).)  
*Buena Vista Gardens, supra* at 295.



1 State statutes have also said so, and have emphasized that such cooperation between cities,  
2 counties and the state, including the provision by the state to local governments of financial resources,  
3 statistical data and technical assistance is necessary to implementation of public programs to meet  
4 housing needs. e.g. *Health & Safety Code* § 50005 states:

5 The Legislature finds and declares *that full cooperation and coordination with the cities and counties*  
6 *of the state in meeting the housing needs of the state on a level of government which is as close as*  
7 *possible to the people it serves is essential* if workable housing programs are to be developed and  
8 implemented.

9 The provision to local governments of financial resources, statistical data, and technical assistance  
10 is necessary to implementation of public programs to meet housing needs with adequate  
11 consideration of the relationship between housing and the community in which the housing is  
12 located.

13 In this case, every conceivable phase of homelessness is covered by state legislation, which means  
14 that City's local legislation, including the ULA, ceases as to all of such phases controlled by the State,  
15 which includes, essentially, all phases having, in any way, to do with funding for homelessness reduction  
16 which the ULA purports to accomplish.

17 The ULA directly undermines such a statewide mission by allowing the City to "go rogue" and  
18 deploy its own ULA money without state coordination, oversight or being accountable to the state. It  
19 also siphons potential state and county tax monies to do so. For example, as set forth below, the ULA has  
20 had the effect of essentially stopping dead \$5,000,000+ sales in the City of Los Angeles, sales of  
21 properties, such as large shopping centers or office buildings that would likely have been sold at higher  
22 prices than their current tax assessed values and reassessed at their sales prices as per Prop. 13. Thus,  
23 the ULA, by retarding the turnover of real properties at higher prices and higher reassessments, is directly  
24 depriving the *County* of Los Angeles of an increased and reliable stream of income from such newly  
25 reassessed properties in the form of ad valorem property taxes.

26 This direct deprivation of increased property tax income wreaks havoc with the County's  
27 projected income available for the debt service on its bonded indebtedness and to fund such County  
28 functions as Local Government Operations (such as this Court system), local schools, community  
colleges and educational programs, Health and Human Services, Public Infrastructure and even  
homelessness programs. This is a very "real world" reason why the State has undertaken to fully occupy

1 and oversee the field so that the rogue actions of one municipality, here the City of Los Angeles, will not  
2 sabotage the other citizens and taxpayers of the County and the State.

3 The ULA's attempt to "go rogue" and to duplicate homelessness reduction efforts that are already  
4 in place under the auspices of state statutes, duplicates and undermines, and, thereby conflicts with the  
5 state's intended "coordinated" and "cohesive" efforts and, therefore, are void because they have been  
6 pre-empted by the state's claim and control over such subject matter of statewide concern.

7 Whether or not this Court is prepared to rule, at this early juncture, that, as a matter of law, the  
8 ULA is pre-empted by state law, this Court certainly cannot rule that the ULA is not so pre-empted, in  
9 light of the pervasive "carpet bombing" by the State of California of legislation covering every  
10 conceivable aspect of homelessness and funding for its reduction, in furtherance of the state's  
11 comprehensive statewide scheme.

12  
13 **B. Whether A Subject is Of Statewide Concern is An Ad Hoc Inquiry That Poses a**  
14 **Question of Fact for Trial and Cannot be Determined on a Motion for Judgment on**  
15 **the Pleadings.**

16 Whether an activity is a municipal affair or one of statewide concern is an "ad hoc inquiry" that  
17 poses a question of fact for trial, i.e. "a question which must be answered in light of the facts and  
18 circumstances surrounding each case", and, therefore, cannot be ruled out on a motion for judgment  
19 on the pleadings.

20 Because the various sections of article XI fail to define municipal affairs, it becomes necessary for  
21 the courts to decide, under the facts of each case, whether the subject matter under discussion is of  
22 municipal or statewide concern." ( *Bishop v. City of San Jose, supra*, 1 Cal.3d at p. 62, quoting  
23 from *Professional Fire Fighters, Inc. v. City of Los Angeles* (1963) 60 Cal.2d 276, 294.

24 *Baggett v. Gates*, (1982) 32 Cal.3d 128, 136 n.10 [emph. added]

25 We have said that the task of determining whether a given activity is a "municipal affair" or one  
26 of statewide concern is an ad hoc inquiry; that "the constitutional concept of municipal affairs is not  
27 a fixed or static quantity" ( *Pac. Tel. Tel. Co. v. City and County of S.F.* (1959) 51 Cal.2d 766,  
28 771 [ 336 P.2d 514]); and that the question "must be answered in light of  
the facts and circumstances surrounding each case" ( *In re Hubbard* (1964) 62 Cal.2d 119,  
128 [ 41 Cal.Rptr. 393, 396 P.2d 809]).

*California Fed. Savings & Loan Assn. v. City of Los Angeles*, (1991) 54 Cal.3d 1, 16.

1 Newcastle’s VC at ¶119 recites the law correctly:

2 “119. The Court of Appeal has stated that:

3 The determination of whether an activity is a municipal affair or one of statewide concern “is an  
4 ad hoc inquiry; ... ‘the constitutional concept of municipal affairs is not a fixed or static  
5 quantity.’” Rather, **it poses a question which “must be answered in light of the facts and  
6 circumstances surrounding each case.”** (California Fed. Savings & Loan Assn. v. City of Los  
7 Angeles, supra, 54 Cal.3d at p. 16, 283 Cal.Rptr. 569, 812 P.2d 916.) Initially, “a court asked to  
8 resolve a putative conflict between a state statute and a charter city measure ... must satisfy itself  
9 that the case presents an actual conflict between the two.” (Ibid.) That element is present here; there  
10 is a clear, unmistakable conflict between subdivision (a) of Government Code section 53725 and  
11 ordinance No. 166976. Hence, “... the question of statewide concern is [a] bedrock inquiry through  
12 which the conflict between state and local interests is adjusted.” (54 Cal.3d at p. 17, 283 Cal.Rptr.  
13 569, 812 P.2d 916). If the subject is not one of statewide concern, the charter city measure lies  
14 “beyond the reach of legislative enactment.” (*Fielder, supra*, 14 Cal.App.4th at 143.) [emph.  
15 added].”

16 The landmark case on this issue *California Fed. Savings & Loan Assn. v. City of Los Angeles*,  
17 supra, was decided **after a full trial comprising several days of testimony by experts** in the fields of  
18 economics and banking regulation as well as congressional reports and studies. The Court considered a  
19 “large volume of evidence in the record” before deciding whether the challenged legislation involved a  
20 matter of statewide concern:

21 Second, the court noted that the trial court had considered several days of testimony by experts in  
22 the fields of economics and banking regulation as well as a considerable number of congressional  
23 reports and studies which set forth the then evolving economic and regulatory environment affecting  
24 the savings and loan industry. (*California Federal, supra*, 54 Cal.3d at pp. 20-22.) The court found  
25 that the large volume of evidence in the record fully supported the Legislature's conclusion that the  
26 well-being of the state's savings and loan industry depended upon a uniform system of taxation.  
27 (*Ibid.*)

28 *State Bldg. and Const. Trades Council of California, Afl-Cio v. City of Vista* (2009) 173 Cal.App.4th  
567, 581

In this ad hoc inquiry, the “courts accord great weight to the **factual record**” “compiled by the  
Legislature or **established in trial court proceedings**”. (*Anderson v. City of San Jose*, (2019) 42  
Cal.App.5th 683, 702).

Clearly such material **factual issues** concerning the “**facts and circumstances**” of this particular  
case that require evidentiary resolution is also entitled to an “ad hoc” determination at trial and cannot be  
decided on a motion for judgment on the pleadings. A “**judgment on the pleadings must be denied  
where there are material factual issues that require evidentiary resolution.**”

1 Bach v. McNelis (1989) 207 Cal.App.3d 852, 865-866; *Schabarum v. California Legislature* (1998) 60  
2 Cal.App.4th 1205, 1216 [emph. added].

3 Therefore, if this Court does not find in favor of HJTA in its MJOP on the pleadings, which,  
4 respectfully, it should, **this Court certainly cannot find in favor of the City or its supporters against**  
5 **HJTA or the Newcastle Plaintiffs, in a motion for judgment on the pleadings**, that the ULA is not a  
6 matter of statewide concern and that it is not pre-empted by controlling and/or conflicting state  
7 legislation.

8 **C. Homelessness is a Matter of Statewide Concern – The Statutes Say So, The Cases**  
9 **Say So, The Politicians Say So, Proposed Statutes Say So, the Verified Complaint**  
10 **which is deemed for this Motion to be true, says so, and the City’s Own Answer**  
11 **Says So.**

12 Because whether or not homelessness is a matter of statewide concern is a question of fact,  
13 properly pleaded statements of fact in a complaint, for the purposes of a motion for judgment on the  
14 pleadings are deemed to be true (*People ex rel. Harris v. PAC Anchor Transportation, Inc.* (2014) 59  
15 Cal.4th 772, 777)<sup>2</sup> and Newcastle’s VC pleads that homelessness is a matter of statewide concern (e.g.  
16 VC¶¶26, 33, 42, 111, 112, 115, 118, 127) that should be the end of the inquiry for purposes of the City’s  
17 and its supporters’ MJOPs on the issue of whether Prop. 13 invalidates the ULA as contended by HJTA  
18 in its MJOP and the Newcastle Plaintiffs in its VC. That is, either HJTA’s MJOP should be granted as a  
19 matter of law, or the MJOPs of the City and its supporters should be denied on the Prop. 13, statewide  
20 concern and pre-emption issues, because they involve questions of fact that cannot be determined on a  
21 MJOP.

22 Among the many ways Courts have determined, in their “ad hoc” inquiries, at trial, whether a subject  
23 is a matter of statewide concern are the following:

24 <sup>2</sup> “A judgment on the pleadings in favor of the defendant is appropriate when the complaint fails to allege  
25 facts sufficient to state a cause of action. (Code Civ. Proc., § 438, subd. (c)(3)(B)(ii).) A motion for  
26 judgment on the pleadings is equivalent to a demurrer and is governed by the same de novo standard of  
27 review.” (*Kapsimallis v. Allstate Ins. Co.* (2002) 104 Cal.App.4th 667, 672, 128 Cal.Rptr.2d 358.) **All**  
28 **properly pleaded, material facts are deemed true**, but not contentions, deductions, or conclusions of  
fact or law....” (*Ibid.* ) Courts may consider judicially noticeable matters in the motion as well. (*Ibid.* )

*People ex rel. Harris v. PAC Anchor Transportation, Inc.*, (2014) 59 Cal.4th 772, 777

1 (a) pronouncements in state statutes themselves that such subject is a matter of statewide concern (e.g.  
2 Gov. Code §65589.4; Health and Safety Code §50001: “The Legislature finds and declares that ***the***  
3 ***subject of housing is of vital statewide importance to the health, safety, and welfare of the residents***  
4 ***of this state...***”; The Surplus Land Act (the Act) ( Gov. Code, §§ 54220 - 54233 ) states: "**that**  
5 **housing is of vital statewide importance to the health, safety, and welfare of the residents of this**  
6 **state** and that provision of a decent home and a suitable living environment for every Californian is  
7 a priority of the highest order." ( § 54220, subd. (a).); Government Code section 65580; Health and  
8 Safety Code §35801)) are accorded “great weight” by the courts (e.g. *Bishop v. City of San Jose*,  
9 (1969) 1 Cal.3d 56, 62-63)<sup>3</sup>;

10 (b) holdings in published cases that state that the matter is of statewide concern are *stare decisis* on this  
11 Superior Court (e.g. the following cases, among others, have all said that housing and/or  
12 homelessness is a matter of statewide concern: *Ruegg & Ellsworth v. City of Berkeley*, (2021) 63  
13 Cal.App.5th 277, 312-13; *Coalition Advocating Legal Housing Options v. City of Santa*  
14 *Monica* (2001) 88 Cal.App.4th 451, 458 [noting **the Legislature and courts have declared housing**  
15 **to be a matter of statewide concern**.]"); *Bruce v. City of Alameda* (1985) 166 Cal.App.3d 18,  
16 22 [‘locally unrestricted development of low cost housing is a matter of vital state concern’]; *Buena*  
17 *Vista Gardens v. City of San Diego* (1985) 175 Cal.App.3d 289, 295<sup>4</sup>;

---

18  
19 <sup>3</sup> In exercising the judicial function of deciding whether a matter is a municipal affair or of statewide  
20 concern, the courts will of course give great weight to the purpose of the Legislature in enacting general  
21 laws which disclose an intent to preempt the field to the exclusion of local regulation (see *Ex parte*  
22 *Daniels* (1920) 183 Cal. 636, 639-640 [ 192 P. 442, 21 A.L.R. 1172]), and it may well occur that in some  
cases the factors which influenced the Legislature to adopt the general laws may likewise lead the courts  
to the conclusion that the matter is of statewide rather than merely local concern.

*Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 62-63

23 <sup>4</sup> In enacting Government Code, article 10.6 (§§ 65580-65589.8), detailing requirements for the  
24 mandatory housing element, **the Legislature declared the availability of housing is a matter of “vital**  
25 **statewide importance**” and “the early attainment of decent housing and a suitable living environment  
26 for every California family is a priority of the highest order.” (§ 65580, subd. (a).) To attain the  
27 state housing goal, the Legislature found, requires **“cooperative participation” between government**  
28 **and the private sector (§ 65580, subd. (b)), cooperation among all levels of government (§ 65580,**  
**subd. (c)), and use of state and local governmental power “to facilitate the improvement and**  
**development of housing” for “all economic segments of the community”** (§ 65580, subd. (d)). The  
Legislature recognized each local government in adopting a housing element must also consider

- 1 (c) public statements by the Governor, legislators, public officials and other relevant politicians (see  
2 references to RJN),
- 3 (d) numerous proposed statutes and the sheer volume and breadth of state statutes that cover the subject  
4 matter evincing a legislative intent by the state to pre-empt the entire subject matter, (*American*  
5 *Financial Services Assn. v. City of Oakland*, (2005) 34 Cal.4th 1239, 1252-53; see the Footnote herein  
6 which cites over 60 such statutes and bills and the VC and its Exhibit “A” which cites 26); <sup>5</sup>
- 7 (e) judicial admissions, discovery responses and witness testimony by relevant government officials  
8 (RJN),
- 9 (f) expert testimony at trial (*Cal Fed, supra*) and
- 10 (g) government reports and studies (*Cal Fed, supra*).

11 By every applicable criterion, as well as alleged and deemed true in the Verified Complaint  
12 (“VC”) of the Newcastle Plaintiffs (e.g. VC ¶¶ 26, 33, 42, 111, 112, 115, 118, 127), homelessness and  
13 the reduction of homelessness are matters of statewide concern and are not simply a matter of strictly  
14 municipal concern for the City of Los Angeles. In any event, it is a question of fact to be determined at  
15 trial and cannot be ruled out in a MJOP.

16  
17  
18  
19 economic, environmental and fiscal factors as well as community goals set forth in the general plan. (§  
65580, subd. (e).)

20 *Buena Vista Gardens, supra*, 175 Cal.App.3d 289, 295

21  
22 <sup>5</sup> **“Where the Legislature has adopted statutes governing a particular subject matter, its intent with**  
23 **regard to occupying the field to the exclusion of all local regulation is not to be measured alone by**  
24 **the language used but by the whole purpose and scope of the legislative scheme.”** (*Tolman, supra*, 39  
25 Cal.2d at p. 712; *Wilson v. Beville* (1957) 47 Cal.2d 852, 859 [ 306 P.2d 789] ( *Wilson*) [same]; see *In re*  
26 *Lane* (1962) 58 Cal.2d 99, 102-103 [ 22 Cal.Rptr. 857, 372 P.2d 897] ( *Lane*).) **“State regulation of a**  
27 **subject may be so complete and detailed as to indicate an intent to preclude local regulation.**  
28 **[Citations.] In this connection it may be significant that the subject is one which . . . requires**  
**uniform treatment throughout the state.”** (*Chavez v. Sargent* (1959) 52 Cal.2d 162, 177 [ 339 P.2d  
801] ( *Chavez*), disapproved on other grounds in *Petri Cleaners, Inc. v. Automotive Employees, etc.,*  
*Local No. 88* (1960) 53 Cal.2d 455, 474-475 [ 2 Cal.Rptr. 470, 349 P.2d 76].)  
*American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1252-53

1 **D. Numerous Statutes Expressly State that the Matter of Homelessness is Of Statewide**  
2 **Concern and Not a Municipal Affair**

3 Numerous statutes expressly state that the matter of homelessness is of statewide concern and is  
4 not a municipal affair. For example, Gov. Code § 65656 expressly finds and declares that: “alleviating  
5 the homelessness crisis in this state..are a matter of statewide concern and not a municipal affair as  
6 that term is used in Section 5 of Article XI of the California Constitution. Therefore, this article shall  
7 apply to all cities, including charter cities.”<sup>6</sup>

8  
9 <sup>6</sup> The following statutes, among others, expressly state that homelessness is a matter of statewide concern:

10 Gov. Code § 65656 declares that homelessness is a matter of statewide concern and is not a municipal  
11 affair:

12 “The Legislature finds and declares that, by adoption of Proposition 2 at the November 6, 2018, statewide  
13 general election, the voters expressly approved of the development of permanent supportive housing  
14 pursuant to the No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5  
15 of the Welfare and Institutions Code). **The Legislature further finds and declares that the provision**  
16 **of adequate supportive housing to help alleviate the severe shortage of housing opportunities for**  
17 **people experiencing homelessness in this state** and of necessary services to the target population  
18 described in Section 50675.14 of the Health and Safety Code, and that ensuring the development of  
19 permanent supportive housing in accordance with programs such as the No Place Like Home Program  
20 (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code) by  
21 removing zoning barriers that would otherwise inhibit that development, are matters of statewide  
22 concern and are not municipal affairs as that term is used in Section 5 of Article XI of the California  
23 Constitution. Therefore, this article applies to all cities, including charter cities. Ca. Gov. Code §  
24 65656 Amended by Stats 2019 ch 346 (SB 744),s 4, eff. 1/1/2020. Added by Stats 2018 ch 753 (AB  
25 2162),s 3, eff. 1/1/2019.”

26 “The Legislature finds and declares that Low Barrier Navigation Center developments are essential tools  
27 for alleviating the homelessness crisis in this state and are a matter of statewide concern and not a  
28 municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore,  
this article shall apply to all cities, including charter cities. Ca. Gov. Code § 65666 Added by Stats 2019  
ch 159 (AB 101),s 7, eff. 7/31/2019.”

29 This section is applicable to all cities and counties, including charter cities, because the Legislature  
30 finds that the lack of affordable housing is of vital statewide importance, and thus a matter of  
31 statewide concern. Cal. Gov. Code § 65666 [emph. added]

32 Gov. Code Section 65589.4 explicitly states:

33 “Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a  
34 matter of statewide concern.” [emph. added]

1 Likewise, Gov. Code § 65589.4 expressly finds that the lack of affordable housing is of vital  
2 statewide importance, and thus a matter of statewide concern.

3 Health and Safety Code §50001 states: “The Legislature finds and declares that the subject of  
4 housing is of vital statewide importance to the health, safety, and welfare of the residents of this  
5 state...”

6 The Surplus Land Act (the Act) ( Gov. Code, §§ 54220 - 54233 ) as amended in 2014 declares:  
7 "that housing is of vital statewide importance to the health, safety, and welfare of the residents  
8 of this state and that provision of a decent home and a suitable living environment for every Californian  
is a priority of the highest order." ( § 54220, subd. (a).)

9 Government Code section 65580, enacted in 1980, declares:

10 The Legislature finds and declares as follows:

11 (a) The availability of housing is of vital statewide importance, and the early attainment of  
12 decent housing and a suitable living environment for every Californian, including  
farmworkers, is a priority of the highest order. [emph. added]

13 Health and Section Code §35801: Legislative findings and declarations, Cal. Health & Saf. Code  
14 § 35801:

15 The Legislature finds and declares: (a) The subject of housing is of vital statewide importance  
16 to the health, safety, and welfare of the residents of the state. [emph. added]

17 It is beyond any reasonable dispute that, from the standpoint of the California legislature, which is to be  
18 given great weight by this Court (*Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 62-63)<sup>7</sup>, “homelessness”  
19 and its alleviation is a matter of statewide concern and not a municipal affair.

20  
21  
22  
23  
24 <sup>7</sup> In exercising the judicial function of deciding whether a matter is a municipal affair or of statewide  
25 concern, the courts will of course give great weight to the purpose of the Legislature in enacting general  
26 laws which disclose an intent to preempt the field to the exclusion of local regulation (see *Ex parte*  
27 *Daniels* (1920) 183 Cal. 636, 639-640 [ 192 P. 442, 21 A.L.R. 1172]), and it may well occur that in some  
cases the factors which influenced the Legislature to adopt the general laws may likewise lead the courts  
to the conclusion that the matter is of statewide rather than merely local concern.

28 *Bishop v. City of San Jose*, (1969) 1 Cal.3d 56, 62-63



1 **E. Numerous Published Cases Binding by Stare Decisis on this Court Also Have Held**  
2 **that Homelessness is a Matter of Statewide Concern**

3 The cases have also reiterated that the “need to provide adequate housing” is a matter of statewide  
4 concern. For example, in *Ruegg & Ellsworth v. City of Berkeley*, (2021) 63 Cal.App.5th 277 the Court  
5 cited the conclusion of numerous concordant cases, which have also expressly stated that housing is a  
6 matter of statewide concern, and the manner in which the Legislature has attempted to address it in  
7 coming to such conclusion:

8 As observed by the court in *Anderson v. City of San Jose* (2019) 42 Cal.App.5th 683, 709–710, 255  
9 Cal.Rptr.3d 654, judicial decisions have long "recognized the statewide dimension of the affordable  
10 housing shortage in relation to various impositions by the state into the realm of local affairs.  
11 (See *Green v. Superior Court* (1974) 10 Cal.3d 616, 625 [111 Cal.Rptr. 704, 517 P.2d 1168], [citing  
12 ‘enormous transformation in the contemporary housing market, creating a scarcity of adequate low  
13 cost housing in virtually every urban setting’]; *Buena Vista* [(1985)] 175 Cal.App.3d [289,] 306 ,  
14 [finding **‘need to provide adequate housing’ is a statewide concern and rejecting home rule**  
15 **challenge to state provision that mandated charter city to include certain actionable**  
16 **components in its ‘housing element’**]; *Bruce v. City of Alameda* (1985) 166 Cal.App.3d 18,  
17 22 [‘locally unrestricted development of low cost housing is a matter of vital state  
18 concern’]; *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88  
19 Cal.App.4th 451, 458 ( *City of Santa Monica* ) [noting **the Legislature and courts have declared**  
20 **housing to be a matter of statewide concern**].)"

21 **The statewide nature of the issue is reflected in the manner by which the Legislature has**  
22 **attempted to address it.** Under the Housing Element Law, the state's existing and projected housing  
23 need is determined by the California Department of Housing and Community Development on a  
24 regional basis (§ 65584.01); regional councils of governments allocate the need to individual  
25 localities (§ 65584.05); and each locality must develop a plan of action (the housing element) for  
26 meeting its share of the regional housing need, including rezoning if necessary. (§§ 65583, subd. (c),  
27 65583.2, 65584.05, 65588.) Section 65913.4 applies only if a city fails to meet its RHNA goals. ( §  
28 65913.4, subd. (a)(4).)

21 **Section 65913.4 addresses the crisis level statewide lack of affordable housing** by eliminating  
22 local discretion to deny approval where specified objective planning criteria are met, consistent with  
23 the legislative statement of intent, in the contemporaneous amendments to the HAA, to "significantly  
24 increase the approval and construction of new housing for all economic segments of California's  
25 communities by meaningfully and effectively curbing the capability of local governments to deny,  
26 reduce the density for, or render infeasible housing development projects and emergency shelters,"  
27 which intent had "not been fulfilled" despite prior versions of the HAA. ( § 65589.5, subd. (a)(2)(K).)  
28 It is difficult to think of any way the subject and purpose of this statute could be seen as anything  
other than a matter of statewide concern.

27 *Ruegg & Ellsworth v. City of Berkeley*, (2021) 63 Cal.App.5th 277, 312-13 [emph. added]

1 In enacting Government Code, article 10.6 (§§ 65580-65589.8), detailing requirements for the  
2 mandatory housing element, the Legislature declared the availability of housing is a matter of  
3 "vital statewide importance" and "the early attainment of decent housing and a suitable living  
4 environment for every California family is a priority of the highest order." (§ 65580, subd. (a)).  
5 To attain the state housing goal, the Legislature found, requires "cooperative participation"  
6 between government and the private sector (§ 65580, subd. (b)), cooperation among all levels  
7 of government (§ 65580, subd. (c)), and use of state and local governmental power "to facilitate  
8 the improvement and development of housing" for "all economic segments of the community"  
9 (§ 65580, subd. (d)).

10 *Buena Vista Gardens v. City Of San Diego* (1985) 175 Cal.App.3d 289, 295 [emph. added].

11 *Buena Vista*, in particular, not only declares that the availability of housing (and, therefore, the  
12 elimination of homelessness) is a matter of “vital statewide importance”, but that the state has a “state  
13 housing goal” and that “cooperation among all levels of government” is necessary to attain it.

14 As set forth the ULA duplicates such statutes, and, therefore, conflicts with such state statutes  
15 and undermines the state’s comprehensive and unitary “state housing goal” because the City, in “going  
16 rogue” and raising its own money through the ULA, seeks to free itself from the requirement of  
17 "cooperative participation” among all levels of government and to “go it alone”. In doing so, the coherent  
18 “state housing goal” and plan, in respect to the City of Los Angeles, is pulled out from the oversight and  
19 control of the State and redirected into the hands of the local city bureaucracy created by the ULA, which  
20 is unaccountable to the State. This, in itself, is an impermissible conflict with state statutes of statewide  
21 concern, which, thereby, for this additional reason, invalidates the ULA.

22 “Local legislation in conflict with general law is void. Conflicts exist if the ordinance duplicates  
23 [citations], contradicts [citation], or enters an area fully occupied by general law, either expressly or  
24 by legislative implication [citations].” (*Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725,  
25 747, 29 Cal.Rptr.2d 804, 872 P.2d 143.)

26 *Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1150

27 Thus, under the case law as well, “homelessness” and its alleviation are matters of statewide  
28 concern which is the subject of dozens of state statutes with which the ULA conflicts, which is yet another  
reason why the ULA is invalid.

**F. The ULA Also Conflicts with State Statutes on Matters of Statewide Concern and is  
for that Additional Reason, Invalidated.**

The ULA conflicts with numerous state statutes concerning matters of statewide concern. As  
stated, the VC lists twenty-one (21) and the Legislature’s website lists two hundred three (203) statutes

1 and bills that, in some fashion, deal with the “homeless. Space herein does not permit an exhaustive  
2 exposition of all of the ways that the ULA conflicts with state statutes, but a representative few are  
3 presented herein. Any one of such conflicts is fatal to the ULA, independently of the fact that the state  
4 pre-emption has already killed it.

5 **(1) Measure ULA Conflicts with the Documentary Transfer Tax Act. The City Illegally**  
6 **Delegated to the County the Obligation to Collect and Remit the ULA Funds to the**  
7 **City and the County Has Been Illegally Remitting Such Funds to the City**

8 The ULA illegally purports to delegate authority to the County of Los Angeles to collect and  
9 remit the ULA assessments to the City. But nothing in the governing statute, the state Documentary  
10 Transfer Tax Act, provides such authority to the City to delegate to the County and nothing in such state  
11 statute authorizes the County to accept and act upon such delegation by the City. The City certainly has  
12 no authority (under Home Rule, local initiative, or any other source) to order the County to take directions  
13 from it and remit the ULA funds to the City.

14 The collection of documentary transfer taxes is governed by the Documentary Transfer Tax Act,  
15 a state statute dealing with a matter of undoubted statewide concern the collection by all the counties in  
16 the state of California of documentary transfer taxes.

17 CA Rev. and Tax Code § 11911 provides for the collection by the County of the pre-existing  
18 Documentary Transfer Tax and provides for an allocation of one-half to such city and one-half to the  
19 county.

20 In respect, however, to amounts that do not conform to the limitations of the pre-existing  
21 documentary transfer tax, such as the enormous “taxes” demanded under the ULA which are about ten  
22 (10) times what the pre-existing transfer tax is, under §11911 “(3) All money which relates to transfers  
23 of real property located in a city which imposes a tax on transfers of real property not in conformity with  
24 this part shall not be credited against the county tax and the entire amount collected by the county shall  
25 be allocated to the county”.

26 In other words, under the statute, **when the County collects the ULA tax, because it does not**  
27 **conform to the limitations of the pre-existing transfer tax, all of that money, by state law, is**  
28 **allocated to the County and none of it is allocable to the City and the City is not entitled to any of**  
**it.** (This is in direct conflict with the provisions of the ULA which say that the City gets it all.)

1 The City has no authority under the state statute, under Home Rule, under the Constitution, under  
2 local initiative, or under any other law or authority, to order the County to collect that ULA money and  
3 then remit it to the City.

4 The County, on the other hand, by collecting such non-conforming monies and remitting them to  
5 the City, is illegally converting monies which, by statute, essentially belong to County taxpayers and,  
6 without any legal authority whatsoever, giving such “stolen” monies to the City. The County is,  
7 therefore, liable to its own taxpayers (including Plaintiffs herein) for all of the ULA monies that it has  
8 remitted to the City and will continue to be so liable until it stops doing so and recovers from the City all  
9 such monies to the County.

10 The ULA’s refund procedure also directly conflicts with Cal. Rev. & Tax Code §11933 over the  
11 same monies as well as § 11935 concerning the administrative appeal process concerning the same  
12 monies.

13 Thus, the ULA directly conflicts with state law in matters of statewide concern on the collection,  
14 remission, refund and administrative appeals concerning the ULA “taxes” and, therefore, the ULA must  
15 cede to the state law, because, both homelessness for which the ULA monies are supposedly collected  
16 and the collection, remission, refunding and administrative appeals of documentary transfer taxes  
17 collected by the counties throughout California are clearly matters of statewide concern that both pre-  
18 empt and directly conflict with the ULA.

19 The ULA is not in conformity with state law because of the discrepancy between the tax rates.  
20 According to §11911 and §11931 of the California Revenue and Tax Code, a city may impose a  
21 documentary transfer tax at a rate equal to one-half the amount specified by the County. However, the  
22 City of Los Angeles is attempting to impose a tax at a rate of at least 4% of the gross sales price and, in  
23 the case of sales of \$10,000,000 or more, 5.5%. This is approximately 2000% or more of the one-half  
24 the amount specified by the county. As per §11931(3), when the City imposed a tax on transfers of real  
25 property not in conformity with this part, the tax is not to be credited against the county tax and the entire  
26 amount collected is required by the statute to be allocated entirely to the county. Thus, based on this non-  
27 conformity with the state law, not only is the County not required to collect or remit the ULA 4% to 5.5%  
28 of the gross proceeds to the City, but, by statute, that money belongs to the County and the County is

1 essentially “stealing” it from its own taxpayers by remitting it to the City. The County’s taxpayers,  
2 including Plaintiffs herein, have a right to demand and do demand that such funds be retrieved from the  
3 City and returned to the County.

4 There is an additional illegal delegation and, in fact, conflict between the ULA with state law.  
5 The City, by its unlawful delegation to the County of collection of the ULA and remission to the City of  
6 such funds, in violation of the Documentary Transfer Tax Act, also illegally delegates to and imposes an  
7 obligation on the County to comply with differing regulations, i.e. when the City imposes a tax that is  
8 significantly higher than the one-half rate prescribed by the state, it has created a scenario where the  
9 County, at its own cost to its own county taxpayers, needs to enforce two different tax rates- one for  
10 properties within the city, and another for properties outside the city. This dual system imposes an  
11 unauthorized obligation, financial burden and legal liability upon the County which will not only cause  
12 confusion, errors and inconsistencies in implementation, but will also subject the County to millions (or  
13 perhaps billions) of dollars of liability for remitting the “County’s” monies to the City, without any legal  
14 authority to do so, and, in fact, in express violation of the Documentary Transfer Tax Act.

15 Further, the County is only obligated and, indeed, only authorized to collect and remit monies to  
16 the City which the state statute expressly confers upon the County. The City has no power to confer any  
17 such authority upon the County to pay the ULA monies to the City, particularly since, such remission is  
18 in direct violation of the provisions of the state statute, the Documentary Transfer Tax Act.

19 There is the further issue of enforcement. The state statute provides no legal authority upon the  
20 County to collect the City’s ULA monies and the City has no legal authority to confer any such authority  
21 upon the County to do so either. Therefore, the County has no legal authority to enforce the payment of  
22 the ULA taxes but it is obligated to enforce the normal documentary transfer tax. §11932 and §11933  
23 provide that the county recorder should not record any deed or instrument unless the documentary transfer  
24 tax has been paid and claims for refunds shall be governed by Chapter 5 (commencing with Section 5096)  
25 of Part 9 of Division 1. The ULA seeks to impose upon the County the same obligation to withhold  
26 recordation of the deed unless the City’s ULA assessment has also been paid, even though nothing in the  
27 Documentary Transfer Tax Act authorizes the County to do so. The City’s imposition of the ULA tax at  
28 a rate that does not conform with state law, creates enforcement issues for the county recorder and

1 complicates the process of claiming refunds. Therefore, there is a direct conflict between the ULA and  
2 state law and the County is unlawfully delegated by the City to be dragged into such conflict, to violate  
3 state law and to assume liability, potentially in the billions of dollars, for such violations.

4 There are yet further conflicts.

5  
6 **(1) Challenges in Documentation:** §11931 and §11932 of the California Revenue and Tax Code  
7 stipulate that the tax due must be shown on the face of the document being recorded, and the  
8 recorder may only record the document if the tax has been paid. Because the City's tax does  
not conform to state law, it is unclear how to document the tax on deeds or other instruments,  
causing procedural difficulties for the County recorder's office.

9  
10 **(2) Collection and Remittance Issues:** Because the City of Los Angeles imposes a tax rate that  
11 does not conform to state law, then according to §11931(3), the tax should not be credited  
12 against the county tax and the entire amount collected by the county should be allocated  
13 entirely to the County. However, if, as it has been doing, the County collects the City's non-  
conforming tax, the County now has to navigate the process of separating and remitting the  
correct amounts, and only the correct amounts, to the City, further complicating the collection  
and allocation process.

14  
15 **(3) Refund Claims:** As per §11933, claims for refunds of taxes imposed should be governed by  
16 the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the  
17 code. The ULA, however, has its own refund procedure in ULA 21.18.12. There is a direct  
18 conflict between state law and the ULA between how monies collected by the County, both  
19 legally and illegally, should be refunded. This will inevitably lead to both duplicative and  
20 conflicting claims over the same money to be refunded, one claim through the state law  
process and the other through the ULA process, and, in turn, conflicting appeals procedures  
when either the City or the County denies such claims. Further, disputes about the taxes paid  
to the County due to the non-conformity with state law, will lead to more refund claims and  
litigation which will be time-consuming, expensive and administratively burdensome to  
process for the County.

21  
22 **(4) Potential for Litigation:** If the County is forced to collect a non-conforming tax on behalf of  
23 the City, it will be exposed, as here, to legal action from taxpayers, including Plaintiffs herein,  
24 who dispute the legality of the tax. This will further drain resources and distract from other  
administrative duties of the County and its taxpayers.

25 In light of all the foregoing, the City has unlawfully delegated and imposed liabilities upon the  
26 County to do things that the City has no legal right to delegate to the County and the County has no legal  
27 right or obligation to perform.

1 Local legislation is “duplicative” of general law when it is coextensive therewith and  
2 “contradictory” to general law when it is inimical thereto. Local legislation enters an area “fully  
3 occupied” by general law when the Legislature has expressly manifested its intent to fully occupy the  
4 area or when it has impliedly done so in light of recognized indicia of intent. (*Great Western Shows, Inc.*  
5 *v. County of Los Angeles, supra*, 27 Cal.4th 853.) The ULA thus, is both pre-empted by state law in  
6 respect to matters of statewide concern and is in direct conflict with such state laws as to matters of  
7 statewide concern. It is, therefore, for all of those reasons, void.

8 The Documentary Transfer Tax Act, however, is far from the only state statute of statewide concern with  
9 which the ULA conflicts.

10 **(2) The ULA Conflicts with the Operation of the California Revenue and Taxation**  
11 **Code in Respect to Collection by the County of Los Angeles of Real Property**  
12 **Taxes. The ULA is Wreaking Havoc Upon the County’s Ability to Raise and Rely**  
13 **Upon Income Streams from County Property Taxes Because the ULA Has**  
**Essentially Stopped Dead the Sale in the City of Los Angeles of High Value**  
**Properties and Reassessing them Upon Sale at Higher Values**

14 The ULA is also wreaking havoc on the County in other ways and is in further practical conflict  
15 with the California Revenue and Taxation Code, a statute dealing with matters of statewide concern, i.e.  
16 the funding of all the counties in the state.

17 It is widely reported that since the ULA went into effect, the sales of properties in the City of Los  
18 Angeles of over \$5,000,000 have essentially ground to a halt. (See, for example, RJN 11, Ex 11, “L.A.’s  
19 luxury real estate market freezes” and RJN 19, Ex 19 “Tax Effect: Luxury Home Sales Stall in Los  
20 Angeles).

21 The conflict arises as the ULA transfer tax, whose practical effect is to discourage \$5,000,000+  
22 property transfers in the City of Los Angeles, indirectly conflicts with the California Revenue and  
23 Taxation Code, the statute that permits property reassessment upon sale, which, prior to the ULA, thrived  
24 on a greater volume of sales. Prior to the transfer tax, the reassessment statute had led to higher revenue  
25 from property taxes due to a greater volume of sales and higher valuations.

26 Because under Prop. 13, properties are only reassessed upon sale, the sudden cessation or  
27 reduction of new sales of high-priced properties such as office buildings, shopping centers, industrial  
28 complexes etc. means that those properties, many of which have not turned over for years, will not turn

1 over and be reassessed at much higher assessed values at the same frequency as such types of properties  
2 did prior to the ULA. This means that the projected increases in property taxes from such reassessments,  
3 upon which the County has heretofore relied to fund such County functions as Local Government  
4 Operations (such as this Court system), local schools, community colleges and educational programs,  
5 Health and Human Services, Public Infrastructure and even homelessness programs, and to service its  
6 bonded indebtedness, will not materialize, thus directly damaging the County’s financial health. Thus,  
7 the ULA has had the dual pernicious effect of killing the high value real estate market in Los Angeles  
8 resulting in very little ULA revenue while simultaneously damaging the County’s own fiscal health.

9 This is a very “real world” reason why the State has undertaken to fully occupy and oversee the  
10 field so that the rogue actions of one municipality, here the City of Los Angeles, will not sabotage the  
11 other citizens of the County and the State.

12 This is another direct, conflict by the ULA with state statutes of statewide concern, which is yet  
13 an additional ground upon which the ULA is invalid.

14 **(3) Measure ULA Conflicts with Health and Safety Code § 50000 et seq.**

15 For yet another reason, the ULA is void because it also duplicates and, therefore, conflicts with  
16 Health and Safety Code § 50000 et seq., a statewide program designed to address, as a comprehensive  
17 statewide plan, that matter of statewide concern, the reduction of homelessness:

18 *Health & Safety Code § 50000 et seq.* (the “Zenovich-Moscone-Chacon Housing and Home Finance  
19 Act”) states that ” [t]he Legislature finds and declares that the subject of housing is of vital statewide  
20 importance” and goes on to state:

21 (a) The Legislature finds and declares that, as a result of public actions involving highways, public  
22 facilities, and urban renewal projects, and as a result of poverty and the spread of slum conditions  
23 and blight to formerly sound neighborhoods, there exists within the urban and rural areas of the state  
24 a serious shortage of decent, safe, and sanitary housing which persons and families of low or  
25 moderate income, including the elderly and handicapped, can afford. This situation creates an  
26 absolute present and future shortage of supply in relation to demand, as expressed in terms of housing  
needs and aspirations, and also creates inflation in the cost of housing, by reason of its scarcity,  
which tends to decrease the relative affordability of the state's housing supply for all its residents.

27 (b) To provide a decent home and suitable living environment for every California family is the basic  
28 housing goal of state government. The Legislature recognizes that the California Statewide Housing  
Plan shows the magnitude of this goal by documenting a substantial need for rehabilitation of



1 existing housing, demolition and replacement of severely dilapidated housing, construction of new  
2 apartments, houses, and mobilehomes, construction or rehabilitation of housing for year-round hired  
3 and seasonal farmworkers as well as housing for migrant farmworkers, **and the provision of**  
4 **financial assistance to a substantial number of lower income households in order to meet**  
5 **standards for affordable rent or housing cost.** Private enterprise and investment, without  
6 governmental assistance, cannot economically achieve the needed construction of decent, safe, and  
7 sanitary housing at rents or purchase prices which persons and families of low or moderate income  
8 can afford, nor can it provide the urgently needed rehabilitation of existing housing. The Legislature  
9 also recognizes the need to provide assistance to persons and families of low and moderate income  
10 and very low income households to purchase manufactured housing and to cooperatively own the  
11 mobilehome parks in which they reside and the need to increase the supply of manufactured housing  
12 affordable to persons and families of low and moderate income and very low income households.

13 (c) The shortage of decent, safe, and sanitary housing is inimical to the safety, health, and welfare of  
14 the residents of the state and sound growth of its communities.

15 (d) In order to remedy such shortages, it is the intent of the Legislature in enacting this division to  
16 provide a comprehensive and balanced approach to the solution of housing problems of the people  
17 of this state.

18 *Health & Safety Code § 50003.*

19 These are the same areas and populations which Measure ULA says it addresses. *Health & Safety*

20 *Code § 50005* states:

21 The Legislature finds and declares that full cooperation and coordination with the cities and counties  
22 of the state in meeting the housing needs of the state on a level of government which is as close as  
23 possible to the people it serves is essential if workable housing programs are to be developed and  
24 implemented.

25 The provision to local governments of financial resources, statistical data, and technical assistance  
26 is necessary to implementation of public programs to meet housing needs with adequate  
27 consideration of the relationship between housing and the community in which the housing is  
28 located.

Then, *Health & Safety Code § 50006* goes on to state, in part:

**§ 50006. Failure of federal programs; comprehensive state program**

The Legislature finds and declares that a number of federal housing programs have failed to reach  
the fundamental goals and purposes for which they were established, especially in urban areas. In  
California, this failure has often been related to inadequate consideration of the relationship between  
housing and the community in which the housing is located.

**It is the intent of the Legislature in enacting this division to seek to avoid such failures by**  
**providing a comprehensive and balanced approach to the solution of housing problems of very**  
**low income households and persons and families of low or moderate income in the state.** It is  
further the intent of the Legislature to provide a program which gives consideration, not only to the  
production and financing of housing, but also to the social and aesthetic impact of such housing. A  
California housing program must consider the **distribution throughout the state of such housing**

1 as may be assisted pursuant to this division, the avoidance of imposed economic, ethnic, and racial  
2 isolation or concentration, an emphasis on superior design, including the scale and location of such  
3 housing, the preparation of communities and persons to avail themselves of the program, and other  
4 factors which contribute to a decent living environment. Such program shall be designed to overcome  
5 racial isolation and concentration through revitalization of deteriorating and deteriorated urban areas  
6 by attracting a full range of income groups to central-city areas to provide economic integration with  
7 persons and families of low or moderate income in such areas.

8 Finally, Health & Safety Code § 50010 provides, in part:

9 § 50010. Housing crisis; statewide needs; Legislature findings and declaration

10 (a) The Legislature finds and declares the following:

11 (1) The high cost of housing in this state makes it impossible for most households to become  
12 homeowners and impedes the ability of California employers to compete in the national marketplace  
13 for employees.

14 ...  
15 (5) The Department of Housing and Community Development estimates that there are between  
16 50,000 and 75,000 homeless individuals in California and other data discloses that the fastest  
17 growing segment of the homeless population are families with children.

18 ...  
19 (7) The federal budget for assisted housing has declined sharply leaving state and local government  
20 the burden of developing affordable housing.

21 ...  
22 (9) The basic housing goal for state government pursuant to subdivision (b) of Section 50003 of the  
23 Health and Safety Code is to provide a decent home and suitable living environment for every  
24 California family.

25 (b) The Legislature further finds and declares the following:

26 (1) There is an urgent and continuing need to provide affordable housing to meet the increasingly  
27 unfulfilled housing needs of this state.

28 (2) There is an immediate need to reaffirm commitment to the official housing policy of the state  
and provide sufficient financial resources to meet this commitment over a reasonable period of time.

(3) There is a need to maximize the amount of federal, state, local, and private resources available  
for affordable housing and to minimize the administrative costs and simplify the financing systems  
for producing affordable housing.

(4) There is a critical need to provide financial assistance to (A) purchase, construct, and rehabilitate  
emergency shelters and transitional housing for homeless families and individuals, (B) construct  
rental housing for families and individuals, including the special housing needs of the elderly,  
disabled, and farmworkers, (C) preserve and rehabilitate homes and rental housing, and (D) provide  
home purchase assistance for first-time homebuyers.

1 [all stat. emph. added].

2 *Health & Safety Code* § 50000 et seq. goes on to establish a number of programs including, but not  
3 limited to:

4 Chapter 3.6. LOW-INCOME HOUSING CREDIT

5 Chapter 5. HOMELESS EMERGENCY AID PROGRAM

6 Chapter 6. HOMELESS HOUSING, ASSISTANCE, AND PREVENTION PROGRAM<sup>8</sup>

7 Chapter 6.5. REGIONALLY COORDINATED HOMELESSNESS HOUSING, ASSISTANCE, AND  
8 PREVENTION PROGRAM

9 Chapter 7. ENCAMPMENT RESOLUTION FUNDING PROGRAM.

10 Again, these targeted statutes and enactments are specifically aimed at the same areas and  
11 populations that Measure ULA claims to address, homeless, elderly, and low income. The Legislature  
12 stated it was their intent to avoid prior federal, state and local failures "**by providing a comprehensive  
13 and balanced approach to the solution of housing problems of very low income households and  
14 persons and families of low or moderate income in the state.**" *Health & Safety Code* § 50006.

15 Thus, the ULA both conflicts with and is pre-empted by the Health and Safety Code and, for this  
16 additional reason, is void.

17 **III. PLAINTIFFS WILL AMEND THEIR COMPLAINTS IF THE COURT DECIDES  
18 IT IS NECESSARY AND HEREBY SEEK SUCH LEAVE**

19 If this Court deems it necessary for any of the Plaintiffs to amend their complaint to more  
20 particularly plead such state pre-emption and/or conflicts with state law, based on all of those many state  
21 statutes and bills cited herein that demonstrate the state's full occupancy of the field of homelessness  
22 and/or which are in conflict with the ULA, then the Newcastle Plaintiffs herein request leave to make  
23 such an amendment and, presumably, so would HJTA.

24 **IV. CONCLUSION**

25 Respectfully, this Court should grant HJTA's MJOP and deny the MJOPs of the Defendants. If  
26 the Court deems it necessary, the Court should grant all Plaintiffs leave to amend their Complaints to  
27 more thoroughly plead that, irrespective of the City's home rule powers and irrespective of the fact that  
28 the ULA was passed by initiative, it is still void because the field of homelessness reduction has been

---

<sup>8</sup> This part specifically defines "City" to include a charter city. *Health & Safety Code* § 50216 (c).

1 pre-empted by the state concerning such matter of statewide concern and/or that the ULA conflicts with  
2 state statutes concerning matters of statewide concern.

3  
4 Respectfully submitted,


5  
6 Dated: August 11, 2023

LAW OFFICES OF KEITH M. FROMM

7  
8 By  \_\_\_\_\_

9 Keith M. Fromm  
10 Co-Counsel for Plaintiffs and Petitioners  
11 Newcastle Courtyards, LLC, and Jonathan  
12 Benabou, as Trustee on behalf of The Mani  
13 Benabou Family Trust

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
COSTELL & ADELSON LAW CORPORATION

By  \_\_\_\_\_

Jeffrey L. Costell  
Co-Counsel for Plaintiffs and Petitioners  
Newcastle Courtyards, LLC, and Jonathan  
Benabou, as Trustee on behalf of The Mani  
Benabou Family Trust

1  
2  
3  
4  
5  
6  
7  
8

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 20969 Ventura Boulevard, Suite 230, Woodland Hills, CA 91364. My email address is kcech@costell-law.com.

On August 13, 2023, I served the foregoing document(s) described as **AMENDED JOINDER OF PLAINTIFFS AND PETITIONERS NEWCASTLE COURTYARDS, LLC AND JONATHAN BENABOU TO MOTION FOR JUDGMENT ON THE PLEADINGS BY PLAINTIFF HOWARD JARVIS TAXPAYERS ASSOCIATION** on the interested parties to this action by delivering a true and correct copy thereof addressed to each of said interested parties at the following address(es):

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**SEE ATTACHED SERVICE LIST**

- ( ) **BY FIRST CLASS MAIL POSTAGE PREPAID:** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm’s office address in Santa Monica, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ( ) **BY ELECTRONIC SERVICE:** By causing the foregoing document(s) to be electronically filed using the court’s Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- (X) **BY EMAIL SERVICE:** I caused such document(s) to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- ( ) **BY OVERNIGHT DELIVERY:** I served the foregoing document(s) by an express service carrier which provides overnight delivery, as follows: I placed copies of the foregoing document(s) in a sealed envelope or package designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- (X) **ONLY BY ELECTRONIC TRANSMISSION:** I electronically served the document(s) listed above by emailing the document(s) to the email address of each addressee on the attached service list. Only electronic service was provided. This is necessitated during the declared National Emergency due to the Coronavirus (COVID-19) pandemic because this office will be working remotely, is not able to send physical mail as usual, and we are therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the national emergency.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 13, 2023, at Woodland Hills, CA.

27  
28

/s/ Karen Cech  
Karen Cech

**SERVICE LIST- CONSOLIDATED CASE**

**Howard Jarvis Taxpayers Association v. City of Los Angeles, et. al.**  
**LASC Case No. 22STCV39662**

<p>Keith M. Fromm, Esq.          Law Offices of Keith M. Fromm          907 Westwood Blvd., Suite 442          Los Angeles, CA 90024          Telephone: (310) 500-9960          Email: <a href="mailto:keithfromm@aol.com">keithfromm@aol.com</a>  <i>Co-Counsel for Plaintiffs</i></p>	<p>Daniel M. Whitley, Esq.          Deputy City Attorney          Scott Marcus, Esq.          Valerie Flores, Esq.          Hydee F. Soto, Esq.          Office of the City Attorney          200 North Main Street, 920 City Hall East          Los Angeles, CA 90012          Tel: (213) 978-7786          email: <a href="mailto:daniel.whitley@lacity.org">daniel.whitley@lacity.org</a>  <a href="mailto:Valerie.flores@lacity.org">Valerie.flores@lacity.org</a>  <a href="mailto:Scott.marcus@lacity.org">Scott.marcus@lacity.org</a>  <i>Attorneys for Defendant City of Los Angeles</i></p>
<p>Jonathan M. Coupal, Esq.          Timothy A. Bittle, Esq.          Laura E. Dougherty, Esq.          Howard Jarvis Taxpayers Foundation          1201 K Street, Suite 1030          Sacramento, CA 95814          Tel: (916) 444-9950          Fax: (916) 444-9823          Email: <a href="mailto:laura@hjta.org">laura@hjta.org</a>  <i>Attorneys for Plaintiffs Howard Jarvis Taxpayers Association and Apartment Association of Greater Los Angeles</i></p>	<p>Kevin D. Siegel, Esq.          J. Leah Castella, Esq.          Tamar M. Burke, Esq.          Eileen Ollivier, Esq.          BURKE, WILLIAMS &amp; SORENSEN, LLP          1 California Street, Suite 3050          San Francisco, CA 94111-5432          Tel: (415) 655-8100          Fax: 415-655-8099          Email <a href="mailto:ksiegel@bwslaw.com">ksiegel@bwslaw.com</a>  <a href="mailto:lcastella@bwslaw.com">lcastella@bwslaw.com</a>  <a href="mailto:tburke@bwslaw.com">tburke@bwslaw.com</a>  <a href="mailto:eollivier@bwslaw.com">eollivier@bwslaw.com</a>          cc: Paola Mendez-Ruiz, Assistant  <a href="mailto:pmruiz@bwslaw.com">pmruiz@bwslaw.com</a>  <i>Attorneys for Defendant City of Los Angeles</i></p>
<p>Gregory Bonett, Esq.          Faizah Malik, Esq.          Brandon Payette, Esq.          Kathryn Eidmann, Esq.          PUBLIC COUNSEL          610 S. Ardmore Avenue          Los Angeles, California 90005          Tel.: (213) 385-2977          Fax: (213) 385-9089          Email: <a href="mailto:gbonett@publiccounsel.org">gbonett@publiccounsel.org</a>  <a href="mailto:fmalik@publiccounsel.org">fmalik@publiccounsel.org</a>  <a href="mailto:bpayette@publiccounsel.org">bpayette@publiccounsel.org</a>  <a href="mailto:keidmann@publiccounsel.org">keidmann@publiccounsel.org</a>  <i>Attorneys for Defendants as Persons Interested in the Matter: Southern California Association of Non-Profit Housing, Inc.; Korean Immigrant Workers Advocates of Southern California DBA Koreatown Immigrant Workers Alliance; Service Employees International Union Local 2015</i></p>	<p>Bart Alan Seemen, Esq.          WILLIAMS &amp; SEEMEN          5900 Sepulveda Blvd., Suite 432          Sherman Oaks, CA 91411          Tel. (818) 898-8300          Email <a href="mailto:bas@latrialteam.com">bas@latrialteam.com</a>  <i>Attorney for Interested Person Shama Enterprises, LLC</i></p>
<p>Morgan Chu, Esq.</p>	<p>Brian K. Stewart, Esq.</p>

1 Nicole Miller, Esq.  
Emily Grant, Esq.  
2 Jared Looper, Esq.  
Kyle McGuire, Esq.  
3 Michael Gniwisch  
IRELL & MANELLA, LLP  
4 1800 Avenue of the Stars, Ste 900  
Los Angeles, CA 90067  
5 Tel.: (310) 203-7000  
Email: [mchu@irell.com](mailto:mchu@irell.com)  
[nmiller@irell.com](mailto:nmiller@irell.com)  
6 [egrant@irell.com](mailto:egrant@irell.com)  
[jlooper@irell.com](mailto:jlooper@irell.com)  
7 [kmcguire@irell.com](mailto:kmcguire@irell.com)  
8 mgniwisch@irell.com  
*Attorneys for Defendants as Persons Interested in*  
9 *the Matter:*  
*Southern California Association of Non-Profit*  
10 *Housing, Inc.; Korean Immigrant Workers*  
*Advocates of Southern California DBA*  
11 *Koreatown Immigrant Workers Alliance; Service*  
*Employees International Union Local 2015*

Nicholas R. Colletti, Esq.  
COLLINS + COLLINS LLP  
790 E. Colorado Boulevard, Suite 600  
Pasadena, CA 91101  
Tel: (626) 243-1100  
Fax (626) 243-1111  
Email: [bstewart@ccllp.law](mailto:bstewart@ccllp.law)  
[ncolletti@ccllp.law](mailto:ncolletti@ccllp.law)  
cc: Natalie Urbino, Assistant  
[nurbino@bwsllaw.com](mailto:nurbino@bwsllaw.com)  
*Attorneys for Defendant County of Los Angeles and Los*  
*Angeles County Recorder's Office*

12 **SERVICE LIST – CONSOLIDATED CASE**

13 ***Newcastle Courtyards, LLC., et.al. v. City of Los Angeles, et al.***

14 **LASC Case No. 23STCV00352**

15 Keith M. Fromm, Esq.  
Law Offices of Keith M. Fromm  
16 907 Westwood Blvd., Suite 442  
Los Angeles, CA 90024  
17 Telephone: (310) 500-9960  
Email: [keithfromm@aol.com](mailto:keithfromm@aol.com)  
*Co-Counsel for Plaintiffs*

Daniel M. Whitley, Esq.  
Valerie Flores, Esq.  
Scott D. Marcus, Esq.  
Hydee F. Soto, Esq.  
Deputy City Attorney  
Office of the City Attorney  
200 North Main Street, 920 City Hall East  
Los Angeles, CA 90012  
Tel: (213) 978-7786  
email: [daniel.whitley@lacity.org](mailto:daniel.whitley@lacity.org)  
[Valerie.flores@lacity.org](mailto:Valerie.flores@lacity.org)  
[Scott.marcus@lacity.org](mailto:Scott.marcus@lacity.org)  
*Attorneys for Defendant City of Los Angeles*

22 Jonathan M. Coupal, Esq.  
Timothy A. Bittle, Esq.  
23 Laura E. Dougherty, Esq.  
Howard Jarvis Taxpayers Foundation  
1201 K Street, Suite 1030  
24 Sacramento, CA 95814  
Tel: (916) 444-9950  
25 Fax: (916) 444-9823  
Email: [laura@hjata.org](mailto:laura@hjata.org)  
*Attorneys for Plaintiffs Howard Jarvis*  
26 *Taxpayers Association and Apartment*  
27 *Association of Greater Los Angeles*

Kevin D. Siegel, Esq.  
J. Leah Castella, Esq.  
Tamar M. Burke, Esq.  
Eileen Ollivier, Esq.  
BURKE, WILLIAMS & SORENSEN, LLP  
1 California Street, Suite 3050  
San Francisco, CA 94111-5432  
Tel: (415) 655-8100  
Fax: 415-655-8099  
Email [ksiegel@bwsllaw.com](mailto:ksiegel@bwsllaw.com)  
[lcastella@bwsllaw.com](mailto:lcastella@bwsllaw.com)  
[tburke@bwsllaw.com](mailto:tburke@bwsllaw.com)  
[eollivier@bwsllaw.com](mailto:eollivier@bwsllaw.com)  
cc: Paola Mendez-Ruiz, Assistant  
[pmruiz@bwsllaw.com](mailto:pmruiz@bwsllaw.com)  
*Attorneys for Defendant City of Los Angeles*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<p>Gregory Bonett, Esq. Faizah Malik, Esq. Brandon Payette, Esq. Kathryn Eidmann, Esq. PUBLIC COUNSEL 610 S. Ardmore Avenue Los Angeles, California 90005 Tel.: (213) 385-2977 Fax: (213) 385-9089 Email: <a href="mailto:gbonett@publiccounsel.org">gbonett@publiccounsel.org</a> <a href="mailto:fmalik@publiccounsel.org">fmalik@publiccounsel.org</a> <a href="mailto:bpayette@publiccounsel.org">bpayette@publiccounsel.org</a> <a href="mailto:keidmann@publiccounsel.org">keidmann@publiccounsel.org</a> <i>Attorneys for Defendants as Persons Interested in the Matter: Southern California Association of Non-Profit Housing, Inc.; Korean Immigrant Workers Advocates of Southern California DBA Koreatown Immigrant Workers Alliance; Service Employees International Union Local 2015</i></p>	<p>Bart Alan Seemen, Esq. WILLIAMS &amp; SEEMEN 5900 Sepulveda Blvd., Suite 432 Sherman Oaks, CA 91411 Tel. (818) 898-8300 Email <a href="mailto:bas@latrialteam.com">bas@latrialteam.com</a> <i>Attorney for Interested Person Shama Enterprises, LLC</i></p>
<p>Morgan Chu, Esq. Nicole Miller, Esq. Emily Grant, Esq. Jared Looper, Esq. Kyle McGuire, Esq. Michael Gniwisch IRELL &amp; MANELLA, LLP 1800 Avenue of the Stars, Ste 900 Los Angeles, CA 90067 Tel.: (310) 203-7000 Email: <a href="mailto:mchu@irell.com">mchu@irell.com</a> <a href="mailto:nmiller@irell.com">nmiller@irell.com</a> <a href="mailto:egrant@irell.com">egrant@irell.com</a> <a href="mailto:jlooper@irell.com">jlooper@irell.com</a> <a href="mailto:kmcguire@irell.com">kmcguire@irell.com</a> <a href="mailto:mgniwisch@irell.com">mgniwisch@irell.com</a> <i>Attorneys for Defendants as Persons Interested in the Matter: Southern California Association of Non- Profit Housing, Inc.; Korean Immigrant Workers Advocates of Southern California DBA Koreatown Immigrant Workers Alliance; Service Employees International Union Local 2015</i></p>	<p>Brian K. Stewart, Esq. Nicholas R. Colletti, Esq. COLLINS + COLLINS LLP 790 E. Colorado Boulevard, Suite 600 Pasadena, CA 91101 Tel: (626) 243-1100 Fax (626) 243-1111 Email: <a href="mailto:bstewart@ccllp.law">bstewart@ccllp.law</a> <a href="mailto:ncolletti@ccllp.law">ncolletti@ccllp.law</a> cc: Natalie Urbino, Assistant <a href="mailto:nurbino@bwslaw.com">nurbino@bwslaw.com</a> <i>Attorneys for Defendant County of Los Angeles and Los Angeles County Recorder's Office</i></p>