

**CITY OF SAN MATEO**  
**RESOLUTION No. \_\_\_\_\_ (2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MATEO TO COMPLY WITH STATE HOUSING LAWS**

**WHEREAS**, the San Francisco region has the highest housing costs in the United States; and

**WHEREAS**, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014, and is on track to similarly underproduce low-income units during the 2015-2023 time period; and

**WHEREAS**, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

**WHEREAS**, public lands can play a critical role in increasing the supply of land for affordable housing; and

**WHEREAS**, accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) provide an important option to increase the availability and affordability of housing, especially in existing, lower density neighborhoods; and

**WHEREAS**, density bonuses are an effective tool to increase the financial feasibility of housing and incentivize the creation of affordable housing; and

**WHEREAS**, the Metropolitan Transportation Commission adopted Resolution No. 4505, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 3), including certain requirements to access these funds.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of San Mateo, State of California, as follows:

That the City of San Mateo agrees to comply with the terms of Surplus Land Act (California Government Code § 54220 et seq.), as exists now or may be amended in the future, including, but not limited to, AB 1255 (Rivas, 2019), which requires jurisdictions to compile and report annually an inventory of surplus lands to the California Department of Housing and Community Development; and

That the City of San Mateo agrees to comply with state laws related to ADUs and JADUs, as it exists now or may be amended in the future, including, but not limited to California Government Code §§ 65852.150, 65852.2, 65852.22, et seq. and California Health & Safety Code §§ 17980.12; and

That the City of San Mateo agrees to comply with state Density Bonus Law (California Government Code § 65915 et seq.), as exists now or may be amended in the future; and

That the City of San Mateo warrants and represents that is in compliance with the aforementioned state housing laws and that except for the matter listed in Exhibit A, there are no claims, actions, suits, or proceedings pending to the best of the City of San Mateo's knowledge, alleging violations of the state housing laws by the City of San Mateo.

## EXHIBIT A

1. **Summary of Lawsuit:** The lawsuit is entitled *Housing Action Coalition v. City of San Mateo* (San Mateo Superior Court Case No. 24-CIV-03126) and alleges noncompliance with the Housing Element Law. The Housing Action Coalition claims that certain sites listed in the Housing Element Sites Inventory are not realistically available for housing. However, the Housing Element complies with state law as demonstrated by evidence in the record as to these sites and as shown by formal approval (i.e., certification) by the California Department of Housing and Community Development (HCD).