

Napa County website, July 12, 2013

Housing lawsuit decided largely in County's favor

Court finds that County's Housing Element complies with State law

(NAPA, California) The First District Court of Appeal issued its ruling yesterday on the County's long standing housing litigation, affirming that the County's adopted Housing Element complies with requirements of State Housing Law.

The case was filed against the County by Latinos Unidos Del Valle y Solano and various individual plaintiffs alleging that the County's housing element was legally insufficient, that the County's density bonus ordinance is inconsistent with State law, and that the County's zoning regulations are discriminatory, in violation with federal and state "fair housing" laws. On appeal, the First District rejected all of the claims related to the housing element and housing discrimination.

"We are thrilled that the Appeals Court agreed with us and with the trial court in finding our housing element in compliance with State law," said Brad Wagenknecht, chairman of the Napa County Board of Supervisors. "It's too bad we had to spend so much time and effort defending the County against this lawsuit, instead working together to further the cause of affordable housing in Napa County, but maybe now we can move on."

The appellate court held that the County's land use policies did not violate fair housing laws, were not discriminatory, and did not cause a shortage of housing in Napa County. The Court noted that plaintiffs could not point to any particular policy or practice that was discriminatory, and that the plaintiffs own expert had agreed with the County about many of the constraints affecting development of multifamily housing in rural areas. Earlier today, Minh Tran, Napa County Counsel, said: "We are still reviewing the Appeal Court's decision in detail, but at first blush, it's particularly gratifying that the Court rejected the plaintiff's allegations of discrimination."

On the density bonus ordinance, the Court held that the county's ordinance requires a developer to include a higher percentage of affordable units than required under State law. As a result, the County will have to amend one small section of its zoning ordinance. "We are disappointed that the appellate court did not deny all three counts, but are very pleased with the outcome of the case, and it will be fairly simple to prepare a revised density bonus ordinance for consideration by the Board later this year," said Tran, "also, the Court ordered the parties to bear their respective costs on appeal."

The Board of Supervisors and staff of Napa County are dedicated to preserving and sustaining Napa County for present and future generations as a community with generous open space, a thriving agricultural industry and a quality human and natural environment.