



Piasky Solutions

Real Estate and Development

Real Estate Bullets #6:

Builders Remedy Court Decision

The Superior Court issued a decision last week on the **Builder Remedy** legal fight between Californians for Homeownership (CFH) and the City of La Canada Flintridge (City). Here is a summary of the court's decision and what it may mean:

- The judge declined to issue an **explicit declaration** that builder's remedy applies in the city, stating that CFH lacked legal standing, but indicated that a developer with a pending project would likely win such a declaration.
- The judge ruled in favor of Californians for Homeownership on the claim that the city's housing element **cannot be declared** in substantial compliance.
- The City **did not adopt** a state-certified housing element by the deadline of October 15, 2022, as it failed to complete required rezoning after missing an earlier state deadline for compliance.
- The court finds that Petitioner sufficiently alleges that the city's site inventory does not consider the possibility of sites remaining in their current use, and the housing element lacks the **required analysis** and findings under section 65583.2(g)(1) and (2).
- The ruling effectively **upholds the state's authority** and rejects the city's self-certification argument while implying that builder's remedy applies.
- Development-averse cities have been fighting back against builder's remedy, claiming they could "**self-certify**" their housing elements, but the court's ruling undermines this argument and **supports builder's remedy** as a tool for housing development.
- Consequently, the statutory bar under section 65588(c)(4)(C)(iii) is in effect, and the City will only be considered in substantial compliance when it completes the required rezoning specified in sections 65583(c)(1)(A) and 65583.2(c)

[Full Decision](#)

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