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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

HILL RHF HOUSING PARTNERS, L.P. et al.,
Petitioners and Appellants

vs.

CITY OF LOS ANGELES; et al.,
Defendants and Respondents.

MESA RHF PARTNERS, L.P. et al.,
Petitioners and Appellants

vs.

CITY OF LOS ANGELES; et al.,
Defendants and Respondents.

Second District Court of Appeal
Case Nos. B295181, B295315
Los Angeles County Superior Court
Case Nos. BS170127 and BS170352
Hon. Mitchell L. Beckloff, Presiding, Department 86

ANSWER TO PETITION FOR REVIEW

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INTRODUCTION

Petitioners Hill RHF Housing Partners, L.P. ("Hill RHF") and Mesa RHF Partners, L.P. ("Mesa RHF") ask this Court to address a "new administrative exhaustion requirement" they contend misreads Proposition 218, but the Petition for Review actually questions well-settled law. The Petition sows discord where none exists. Review is unwarranted.

The duty to exhaust administrative remedies before suit is well established, and does not warrant review. California courts have long held that one challenging an agency's decision — whether legislative or quasi-judicial — must participate in its decision-making and demonstrate a subsequent suit is on the grounds and evidence as presented to the administrative decision-maker. This is required whenever the law requires those affected be given notice and opportunity to be heard before a decision, as here as to renewal of a business improvement assessment under hearings required independently by Proposition 218 and by the Streets and Highways Code.

Generally, when a hearing is provided, would-be litigants must participate in that hearing and provide the agency with specific reasons and evidence why a decision is wrong before they may assert those claims (and only those claims) in court. These exhaustion rules apply to both administrative and legislative decisions. It ensures informed decision-making, encourages public

participation, and allows agencies to respond to criticism and concerns, apply their expertise, and develop a record to facilitate judicial review. It provides a basis for judicial review and protects courts from being drawn too readily and too soon into disputes the political branches might resolve without judicial assistance.

Proposition 218's and the Streets and Highways Code's robust procedural requirements for notice to assessed property owners, the logistics of the public hearing, and protest procedures need no clarification here. As the Court of Appeal found below:

> Together, article XIII D and the PBID Law establish a comprehensive procedure cities must follow to create a business improvement district. … Hill, Olive, and Mesa opposed the establishment of the BIDs, but did not avail themselves of any of the opportunities they had to create a record of the reasons for their objection.

(*Hill RHF Housing Partners, L.P., et al v. City of Los Angeles, et al.* (2020) 51 Cal.App.5th 621 ("*Hill RHF*" or the "Opinion").)

The Petition's premise is wrong: This Court need not secure uniformity of decision or settle an important question of law here. (Cal. Rules of Court, rule 8.500(b)(1).) The exhaustion rule as applied to a challenge to formation (or renewal) of a business improvement district is well established. That Petitioners misread that law does not support review. Having lost in the trial court on the merits and before the Court of Appeal for failure to exhaust, Petitioners seek a

third bite at the apple. No error appears and, if it did, this Court does not sit for mere error correction.

FACTUAL BACKGROUND

The Downtown Center Business Improvement District ("DCBID") and San Pedro Business Improvement District ("SPBID") were established under the Property and Business Improvement District Law of 1994 (Sts. & Hy. Code, §§ 36600 et seq.) ("PBID Law") and article XIII D,[1] adopted by 1996's Proposition 218.[2] Both allow for the creation of special assessment districts to promote economic revitalization and physical maintenance of business districts. (*Epstein v. Hollywood Entertainment Dist. II Business Improvement Dist.* (2001) 87 Cal.App.4th 862, 865.) Given strained municipal budgets, such districts have become essential to fund needed supplemental services such as extra security, graffiti removal, and street cleaning to help city neighborhoods flourish.

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[1] References to articles are to the California Constitution.

[2] BIDs may be property based — funded by assessments collected from property owners via the property tax roll — or non-property based, typically collected by a surcharge on business license taxes. Proposition 218 applies only to assessments on property. (*Howard Jarvis Taxpayers Ass'n v. City of San Diego* (2004) 120 Cal.App.4th 374, 394.) The BIDs disputed here are property-based business improvement districts or PBIDs and the authorities cited involve assessments on property, too.

More than four dozen exist in Los Angeles and myriad exist around the State.

I. THE DCBID

Founded in 1998, DCBID serves nearly 1,700 property owners in Downtown Los Angeles. (AR00026.[3]) DCBID was a principal driver of Downtown Los Angeles' renaissance and instrumental in transforming it into the vibrant area that it is today. Bounded by the Harbor Freeway to the west, First Street to the north, Main and Hill Streets to the east, and Olympic Boulevard and 9th Street to the south, DCBID enhances the business environment and quality of life in 65 City blocks, serving 2,865 parcels. (AR00026; AR00039–41.) Like its predecessors, DCBID was intended to allow property owners to assess themselves to fund services including the 24/7 "purple shirt" safety patrol, street and sidewalk cleaning, trash removal, and marketing and business recruitment — services over and above those the City provides. (AR00033–34, AR00042–48.) As the Engineer's Report details, DCBID provides its Clean Program and the Safe Team Program, Economic Development and Marketing

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[3] Citations to the Appellants' Appendix in *Hill RHF* are in the form "Hill RHF AA:[Page(s).];" to the Appellants' Appendix in the *Mesa RHF* case as "Mesa RHF AA:[Page(s).];" to the Reporter's Transcript as "RT at [Page(s).];" to the Administrative Record in *Hill RHF* as "AR:[Bates No.];" and to the Administrative Record in *Mesa RHF* as "SP:[Bates No.]."

Programs, and BID management. (AR00043–46; AR00097–101.) Over its 20-year existence, DCBID has responded to hundreds of thousands of calls for safety service, trimmed hundreds of trees annually, cleaned over 470 miles of sidewalks, and removed 53,000 bags of trash annually. (AR00264–265.) Petitioners Hill RHF Housing Partners LP's ("Hill RHF") and Olive RHF Housing Partners LP's ("Olive RHF") commercially zoned property has been within the DCBID's boundaries since its inception over 20 years ago, and indeed, paid assessments without protest for 15 years.

II. THE SAN PEDRO BID

SPBID's services are similar. Founded in 2007, the San Pedro Property Owners Alliance serves nearly 270 property owners of 804 parcels in the San Pedro neighborhood near Los Angeles harbor. (SP00012; SP00019.) The SPBID was a principal driver in the renaissance of Historic Downtown San Pedro. The District consists of approximately 30 blocks of primarily commercial property along the coast, bounded by Vincent Thomas Bridge / Seaside Freeway to the north and Cabrillo State Beach to the south. (SP00012.) As the Engineer's Report details, SPBID provides Visitor, Ambassador and Security Services; Sanitation, Beautification and Capital Improvements; Marketing and Special Events; and Administration and District Management. (SP00115–119.) Over its 12-year existence, plaintiff Mesa RHF Partners, L.P.'s commercially zoned property has been within the District and paid assessments without protest.

III. RENEWAL OF THE BIDS

Both DCBID and SPBID complied with elaborate statutory and constitutional procedures to renew their successful assessments.

DCBID mailed petitions to District property owners seeking an election to renew the DBCID beginning January 1, 2018 for a fifth term.[4] (AR00026; AR000261.) Reflecting the District's deep support among assessed property owners, 67.58 percent of them — subject to $4,523,895 of proposed annual assessments — petitioned for its renewal. (AR00026.)

Upon the City's receipt of a sufficient petition, statute required it to conduct a public hearing and vote on extending the DCBID. (Sts. & Hy. Code, §§ 36621 [district formation and renewal]; 36624 [assessment]; Cal. Const., art. XIII D, § 4, subd. (e) [same].) To do so, the City Council was required to approve an Engineer's Report, a district management plan, and annual assessment amounts. (Cal. Const., art. XIII D, § 4, subds. (b), (c); Sts. & Hy. Code, § 36630; AR00160–161.) A professional engineer with over 50 years' experience prepared a detailed 59-page Engineer's Report describing the BID's setting, purpose, boundaries, proposed services, special benefits conferred on each parcel, and methodology in calculating

[4] The Streets & Highways Code limits BIDs to five-year initial and 10-year renewal terms, but property owners may petition for shorter terms. (Sts. & Hwy. Code, § 36633, subd. (h).)

the assessment on each parcel. (AR00091.) A 58-page Management District Plan detailed the BID's implementation. (AR00031–90.)

The City mailed ballots to all record owners of property in the DCBID, including Petitioners Hill RHF, owner of 255 S. Hill Street ("Angelus Plaza"), and Olive RHF, owner of 200 S. Olive Street ("Angelus Plaza North"). (AR00293–294.) The Management District Plan and Engineer's Report accompanied the ballots. (AR00271.)

The City also mailed all District property owners a notice of a public hearing on the proposed renewal of the DCBID and its assessment. (AR000271.) The notice stated ballots would be tabulated at the close of the hearing, and — as article XIII D, section 4, subdivision (e) requires — would be weighted according to the amount each property owner was to pay. (AR000271.)

The notice summarized the Management District Plan,

> which includes the assessment formula, the total amount of the proposed assessment chargeable to the entire District, the duration of the payments, the reason for the assessment, the basis upon which the amount of the proposed assessment was calculated, and the amount chargeable to each parcel … .

(AR000271; AR00275–292.) The notice also included an internet link to the complete Management District Plan and Engineer's Report. (AR00275.) This, too, was in compliance with Proposition 218. (Cal. Const., art. XIII D, § 4, subd. (c).)

Pursuant to Streets & Highways Code section 36623, the City Council held a public hearing to allow interested persons to "present written or oral testimony" and at which the Council was obliged to "consider all objections or protests to the proposed assessment." (Cal. Const., art. XIII D, § 4, subd. (e); AR00161, AR00255.) Because the District is well established and its services broadly valued, **no** written protests to the renewed assessment, and only four speaker cards, were submitted at the hearing. (AR00168.) Petitioners Hill RHF and Olive RHF had an opportunity to voice opposition, but neither filed an assessment protest nor voiced concern orally. (AR00161, AR00255.) They merely voted "no" on BID renewal.

After the hearing, the City Clerk tabulated the ballots. (AR00162.) The District includes 2,865 parcels owned by 1,710 stakeholders. (AR00161.) Of these, 243 unweighted ballots supported renewal of the BID and 98 opposed. (AR00168.) When weighted as Proposition 218 requires, **94.17 percent** voted for renewal and just 5.83 percent opposed. (AR00161.) The City Council then adopted Ordinance No. 185006 renewing the District and its assessment for 10 years. (AR00255–256.)

SPBID's process was the same. SPBID mailed petitions to property owners seeking an election to renew the SPBID for a third time, for a ten-year term beginning January 1, 2018. (SP00012; SP00019; SP00225.) Reflecting the District's deep support among assessed property owners, 63.28% of them — obliged to pay

$806,290.65 annually in proposed assessments — petitioned for its renewal. (SP00012.) A professional engineer with over 30 years' experience prepared a detailed 79-page Engineer's Report describing the BID's setting, purpose, boundaries, proposed services, special benefits conferred on each parcel within the BID, and methodology in allocating the assessments to each parcel. (SP00109, SP00097–176.) A 76-page Management District Plan detailed implementation of the renewed BID. (SP00017–93.)

The City mailed ballots to all record owners of property in the SPBID, including Petitioner's Mesa RHF's property at 340 South Mesa Street ("Harbor Tower"). (SP00211; SP00223.) The Management District Plan and Engineer's Report accompanied the ballots. (*Ibid*.) The City also mailed all District property owners a notice of a public hearing on the proposed renewal of the SPBID. (SP00183.)

Pursuant to Streets & Highways Code section 36623, City Council held a public hearing to offer interested persons an opportunity to "present written or oral testimony" and for the City Council to "consider all objections or protests to the proposed assessment," as Proposition 218 also requires. (Cal. Const., art. XIII D, § 4, subd. (e); SP00183.) Because the District is well established and its services broadly valued, only two persons spoke at the hearing and **no** written protests to the assessment were submitted. (SP00193.) Mesa RHF had opportunity to voice

opposition, but it neither filed a protest nor voiced its concerns orally. (SP00193.) It merely voted "no" on BID renewal.

After the hearing, the City Clerk tabulated all ballots. (*Ibid*.) The District includes 804 parcels owned by 270 stakeholders. (SP00182.) Of these, 50 unweighted ballots supported renewal and 40 opposed. (SP00182.) When weighted as Proposition 218 requires, **80.69 percent** voted for the renewed assessment and only 19.31 percent opposed. (SP00182.) The City Council then adopted Ordinance No. 185047 extending the District's assessment for 10 years. (SP00223–226.)

For both BIDs, the extraordinary level of support for their renewal demonstrates that most property owners value, and wish to pay for and receive, their services. Had a majority of the weighted vote opposed renewal of either of assessment, the Council would have been obliged to reject it. (Cal. Const., art. XIII D, § 4, subd. (e).)

PROCEDURAL HISTORY

Petitioners Hill RHF Housing Partners, L.P. and Olive RHF Housing Partners, L.P. (collectively hereafter "Hill RHF") and Mesa RHF Partners, L.P. ("Mesa RHF") sue in traditional mandate to challenge renewal of the DCBID and SPBID, respectively, and the levy of assessments to fund special services for the benefit of assessed property owners. They sought dissolution of the BIDs, contending the assessments failed to satisfy Proposition 218, article XIII D of the California Constitution, as construed by *Silicon Valley*

Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal.4th 431 (*Silicon Valley*).

The trial court denied Petitioners relief, concluding:

- 2014 amendments to the Streets and Highways Code are constitutional;
- the BIDS provide special benefit to assessed parcels;
- the assessments account for different characteristics of property in allocating special benefit; and
- the engineer's reports quantify those benefits and allocate the assessment burden in proportion to each parcel's share of benefit.

(Hill RHF AA:553–566; Mesa RHF AA:548–576.)

Most fundamentally, the trial judge found that *Dahms v. Downtown Pomona Property & Business Improvement District* (2009) 174 Cal.App.4th 708 ("*Dahms*"), "eviscerates" Petitioners' legal position. *Dahms* upheld a substantially similar BID in Pomona against a Proposition 218 challenge. The trial court here found the DCBID and SPBID's engineer's reports and district management plans adequately distinguished special from general benefits flowing from BID services, evaluated the benefits those services conferred on parcels, and properly allocated assessments in proportion to the special benefit each parcel received, providing substantial record support for these findings of compliance with Proposition 218. (Hill RHF AA:553–566; Mesa RHF AA:548–576.)

The Court of Appeal affirmed, concluding Petitioners failed to exhaust administrative remedies before seeking judicial intervention, a threshold requirement to proceed with litigation in the two consolidated cases, *Hill RHF Housing Partners, L.P. et al. v. City of Los Angeles, et al.* (Case No. B295181) and *Mesa RHF Partners, L.P. v. City of Los Angeles, et al*. (Case No. B295315). *(Hill RHF Housing Partners, L.P., et al. v. City of Los Angeles, et al*. (2020) 51 Cal.App.5th 621 ("*Hill RHF*").) The appellate court affirmed the trial court's judgments denying the petitions for writ of mandate on that ground, declining to reach the merits.

The appellate court concluded one who wishes to challenge an assessment under Proposition 218 must exhaust administrative remedies before suit. An assessed property owner must appear at the public hearing and articulate his legal theories. (*Hill RHF*, *supra*, 51 CalApp.5th ___ [2020 WL 3496861 at p. *6].) Simply voting "no" on the BID renewal ballot is not enough.

The appellate court also found that while the property owners voted against renewal of the BIDs, they made no record of the reasons for their objection. (*Ibid.*) Proposition 218 and its implementing statute, Government Code section 53753, require an assessing agency to mail notice to the record owner of every assessed parcel of the proposed assessment and the date, time, and location of a public hearing on the proposal. (Cal. Const., art. XIII D, § 4, subd. (c).) The notice must summarize the procedures for

completion, return, and tabulation of ballots, and that a majority protest will defeat the assessment. (*Ibid*.) At the hearing, the assessing agency must "consider all protests against the proposed assessment and tabulate the ballots." (*Id*., subd. (e).) Section 53753 provides that "[a]t the public hearing, any person shall be permitted to present written or oral testimony." The Streets and Highways Code ("PBID Law") has similar notice-and-hearing requirements for BID formation and renewal. (Sts. & Hy. Code, § 36623, subd. (a).)

The Court of Appeal's opinion recites long-established law requiring exhaustion of administrative remedies, noting exhaustion allows agencies to reach a reasoned and final conclusion on each issue, to apply its expertise, and to make a record facilitating judicial review. Citing a fresh precedent of this Court involving property taxes, the appellate court wrote:

> As in *Williams & Fickett* [*v. County of Fresno* (2017) 2 Cal.5th 1258], we conclude that the procedure outlined in the PBID Law "bespeaks a legislative determination that the [City] should, in the first instance, pass on" the questions Hill, Olive, and Mesa present in their petitions, "or decide that it need not do so."

((*Hill RHF, supra,* 51 CalApp.5th ___ [2020 WL 3496861 at p. *5].) Voting against the BID renewals — or even the assessments — without participating in the hearing or identifying their concerns, was not sufficient. The appellate court explains that allowing a

simple "no" vote to constitute exhaustion would frustrate the purpose of the rule to allow an agency to consider all concerns and to address them, perhaps avoiding litigation or, at least, making a complete record of both sides of a dispute to assist judicial review. (*Id.* at p. *6.)

ARGUMENT

I. THE DUTY TO EXHAUST IS WELL ESTABLISHED AND DOES NOT WARRANT REVIEW

A. When an Administrative Remedy is Provided, It Must be Exhausted

The exhaustion of administrative remedies doctrine is well settled. "The cases which so hold are legion." (*County of Contra Costa v. State of California* (1986) 177 Cal.App.3d 62, 73 ("*Contra Costa*").) If an administrative remedy is provided, it must be exhausted before judicial review of the administrative action is available. (*Ralph's Chrysler-Plymouth v. New Car Dealers Policy & Appeals Bd.* (1973) 8 Cal.3d 792, 794.) California courts have long held that one challenging an agency's decision — whether legislative or quasi-judicial — must participate in its decision-making and demonstrate that a judicial challenge is on grounds and evidence presented to the decisionmaker. (*Williams & Fickett v. County of Fresno* (2017) 2 Cal.5th 1258, 1264 ("*Williams & Fickett*").)

Exhaustion is jurisdictional — not a matter of judicial discretion. (*Roth v. City of Los Angeles* (1975) 53 Cal.App.3d 679, 687 [suit barred even as to constitutional challenges because plaintiffs failed to object at a city council hearing to assess cost to abate public nuisance]; *Campbell v. Regents of University of California* (2005) 35 Cal.4th 311, 321.) An exhaustion requirement is inferred if not explicit in a statutory scheme. (*Williams & Fickett*, *supra*, 2 Cal.5th at p. 1271.) It applies to constitutional challenges to legislative action. (*Bockover v. Perko* (1994) 28 Cal.App.4th 479, 486.)

It is also well established that exhaustion requires more than generalized objections at a hearing — specific grounds for suit must be raised. (*Coalition for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 615–616 [hearing participants not held to standards as lawyers in court, but must make known what facts are contested].) Exhaustion requires full presentation to the agency of all issues later to be litigated and the essential facts on which the issues rest. (*City of San Jose v. Operating Engineers Local Union No. 3* (2010) 49 Cal.4th 597, 609.) *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656 is instructive. There, the court rejected an attack on reports drafted by that city's financial expert because plaintiffs did not present a contrary financial analysis at the hearing:

> If a party wishes to make a particular methodological challenge to a given study relied upon in planning decisions, the challenge must be raised in the course of the administrative proceedings. Otherwise, it cannot be raised in any subsequent judicial proceedings.

(*Id.* at p. 686.)

B. Exhaustion Serves Societal and Governmental Interests

> "[E]xhaustion of administrative remedies furthers a number of important societal and governmental interests, including:
>
> (1) bolstering administrative autonomy;
>
> (2) permitting the agency to resolve factual issues, apply its expertise and exercise statutorily delegated remedies;
>
> (3) mitigating damages; and
>
> (4) promoting judicial economy."

(*Grant v. Comp USA, Inc*. (2003) 109 Cal.App.4th 637, 644, quoting *Rojo v. Kliger* (1990) 52 Cal.3d 65, 72.)

Even if an administrative remedy cannot resolve all issues or provide the precise relief sought, exhaustion is nevertheless required

> because it facilitates the development of a complete record that draws on administrative expertise and

> promotes judicial efficiency. It can serve as a preliminary administrative sifting process, unearthing the relevant evidence and providing a record which the court may review.

(*Sierra Club v. San Joaquin Local Agency Formation Com.* (1999) 21 Cal.4th 489, 501 ("*Sierra Club*"), citations omitted.)

The jurisdictional aspect of the doctrine is grounded upon the separation of powers fundamental to our democracy. (*County of Contra Costa, supra,* 177 Cal.App.3d at p. 76.) Legislative bodies make discretionary, policy choices from a range of lawful options. It is long settled that an assessment levy is such a legislative act. (*Dawson v. Town of Los Altos Hills* (1976) 16 Cal.3d 676, 683 ["the establishment of a special assessment district takes place as a result of a peculiarly legislative process grounded in the taxing power of the sovereign"], disapproved on other grounds by *Silicon Valley Taxpayers Association, Inc. v. Santa Clara* (2008) 44 Cal.4th 431.) "The doctrine of exhaustion of administrative remedies limits the scope of issues subject to judicial review to those that the administrative agency has had the opportunity to consider." (*Evans v. City of San Jose* (2005) 128 Cal.App.4th 1123, 1130.)

The "'essence of the exhaustion doctrine is the public agency's opportunity to receive and respond to articulated factual issues and legal theories before its actions are subjected to judicial review.'" (*N. Coast Rivers All. v. Marin Mun. Water Dist. Bd. of Dirs.* (2013) 216

Cal.App.4th 614, 623, citing *Evans v. City of San Jose* (2005) 128 Cal.App.4th 1123.) Accordingly, "administrative agencies must be given the opportunity to reach a reasoned and final conclusion on each and every issue upon which they have jurisdiction to act before those issues are raised in a judicial forum." (*Sierra Club, supra,* 21 Cal.4th at p. 510.) This fosters both administrative autonomy and judicial efficiency. (*Farmers Ins. Exchange v. Superior Court* (1992) 2 Cal.4th 377, 391.) These policy rationales are well established, purposeful, and should not be altered now.

C. Proposition 218 and the PBID Law Provide Administrative Remedies for Unhappy Assessees

The required procedures to establish or renew a BID and to impose an assessment to fund its services are comprehensive, as the appellate court found. (*Hill RHF*, *supra*, 51 Cal.App.5th ___ [2020 WL 3496861 at pp. *3–6].) The assessing local government must satisfy specific procedural and substantive requirements, including a public hearing, notice of which must be mailed to all property owners at least 45 days before the hearing. (Cal. Const., art. XIII D, § 4.) The complex rules of the PBID Law supplement those of Proposition 218, making this case unlike *Plantier v. Ramona Municipal Water District* (2019) 7 Cal.5th 372 ("*Plantier*"). In *Plantier*, this Court construed only the procedures of article XIII D, section 6 for property-related fees. (*Ibid.* [Art. XIII D, section 6's hearing requirement for district-wide sewer rates not adequate remedy for as applied challenge to allocation of sewer service units to plaintiff].)

Article XIII D, section 4 establishes in "considerable detail" the minimum notice and hearing requirements for new or increased property-related fees. (*Greene v. Marin County Flood Control and Water Conser. Dist.* (2010) 49 Cal. 4th 277, 285–286 [discussing article XIII D, sections 4 and 6] ("*Greene*").)

Section 4, subdivision (c) requires mailed notice of the particulars of a proposed assessment, the public hearing, and the procedure for consideration — and defeat by assessees' protests — of an assessment:

> The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that

the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

Subdivision (d) requires the written notice to include a ballot, whereby the owner may indicate "his or her support or opposition to the proposed assessment."

Subdivision (e) details requirements for hearing, including "a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel." (Cal Const., art. XIII D, § 4, subd. (e).) The agency "shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment." (*Ibid*.)

Moreover, at the hearing, an agency must "consider all protests against the proposed assessment," oral or written — even absent a majority protest. (Cal. Const., art. XIII D, § 4, subd. (e).) This ensures consideration will be meaningful and prevents a local government from brushing aside a protest for mere political expedience. The requirement to "consider" all protests must be construed to have meaning. (E.g., *Hensel Phelps Const. Co. v. San Diego Unified Port Dist.* (2011) 197 Cal.App.4th 1020, 1034 ["[w]e will not adopt a statutory interpretation that renders meaningless a large part of the statutory language"].) To "consider" means to "think

about carefully" or to "take into account." (*Plantier, supra,* 7 Cal.5th at p. 386.)

> "The requirement to 'consider all protests" … at a Proposition 218 hearing compels an agency to not only receive written protests and hear oral ones, but to take all protests into account when deciding whether to approve the proposed fee, even if the written protestors do not constitute a majority.

(*Ibid.* [construing Cal. Const., art. XIII D, § 6, subd. (a)(2)].) The requirement provides both the public agency and its rate-payors opportunity to address and investigate issues before suit.

The PBID Law also imposes procedural requirements. Specifically, for a new or increased property assessment, the PBID Law requires a "notice and protest and hearing procedure [that] compl[ies] with Section 53753 of the Government Code." (Sts. & Hy. Code, § 36623, subd.(a); *Golden Hill Neighborhood Assn., Inc. v. City of San Diego* (2011) 199 Cal.App.4th 416, 432.)

Government Code section 53753 requires the agency to:

> give notice by mail to the record owner of each identified parcel. Each notice shall include the total amount of the proposed assessment … and the basis upon which the amount of the proposed assessment was calculated, and the date, time, and location of a public hearing on the proposed assessment. Each notice

> shall also include, in a conspicuous place thereon, a summary of the procedures for the completion, return, and tabulation of the assessment ballots required …, including a statement that the assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property. An agency shall give notice by mail at least 45 days prior to the date of the public hearing upon the proposed assessment.

(Gov. Code, § 53753, subd. (b).)

It further states:

> At the time, date, and place stated in the notice mailed pursuant to subdivision (b), the agency shall conduct a public hearing upon the proposed assessment. At the public hearing, the agency shall consider all objections or protests, if any, to the proposed assessment. At the public hearing, any person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time.

(Gov. Code, § 53753, subd. (d).)

Amicus Howard Jarvis Taxpayers Association limits this language to a property owner's "yes" or "no" vote. (Amicus Letter

at p. 2.) This ignores the language of Section 4 and section 53753's robust requirements, which have led agencies to implement expensive and time-consuming legislative procedures to impose new or extend existing assessments. Compliance with article XIII D, section 4 fosters informed decision-making, encourages fee-payor participation, and ensures governing bodies have adequate information upon which to make decisions. It allows decision-makers to view the entire record, respond to fee-payor concerns, and apply their expertise. It strengthens the power-sharing between legislators and the fee-payors envisioned by Proposition 218. (*Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205, 220–221.) As the appellate court notes here, "[t]he PBID Law's detailed administrative procedural requirements 'provide affirmative indications of the Legislature's desire' that agencies be allowed to consider in the first instance issues raised during that process.'" (*Hill RHF*, *supra*, 51 Cal.App.5th at p. ___ [2020 WL 3496861 p. *5].)

The appellate court appropriately cited *William & Fickett*, in which this Court recently explained that, against the backdrop of the general exhaustion rule, a court must look to the statutory scheme to determine if it evinces legislative intent that disputes be presented first to the agency, and only then to a court. Here, the comprehensive procedures of Proposition 218 and the PBID Law "bespeak[] a legislative determination that the [City] should, in the first instance, pass on" the questions Hill RHF and Mesa RHF

present in their petitions, "or decide that it need not do so." (*Hill RHF, supra*, 51 Cal.App.5th at p. ___ [2020 WL 3496861 p. *5].)

Additionally, applying established law, the appellate court found that Petitioners' voting "no" on the BID renewal (but not on the assessment) was not exhaustion. Proposition 218 and the PBID Law make clear exhaustion "is not a pro forma exercise." (*Hill RHF, supra,* 51 Cal.App.5th at p. ___ [2020 WL 3496861 p. *5].) The appellate court, again, properly cited this Court's analysis in *Williams & Fickett* whether a taxpayer who asserted he did not own a particular property must seek review by an assessment appeals board (more commonly concerned with assessed valuation than title). The property owner argued exhaustion requirement was obviated by a nullity exception (an exception to exhaustion where a tax assessment is a nullity as a matter of law). The Court of Appeal explained why this Court nevertheless found exhaustion required:

> The administrative process in that case — a property tax assessment appeal — **did** articulate the procedures a taxpayer needed to exhaust before invoking judicial process. … The taxpayer's argument was that it did not **need** to exhaust administrative remedies because doing so would not serve the exhaustion doctrine's purposes. … The Supreme Court rejected the taxpayer's argument in *Williams & Fickett*, and explained that even where the taxpayer's challenge was not a question of valuation

> that implicated the local board's expertise, exhaustion was still required because the question presented was within the jurisdiction of the local board.

(*Hill RHF*, *supra*, 51 Cal.App.5th at p. ___ [2020 WL 3496861 p. *5], original emphasis, citations omitted.)

The appellate court here found an even more compelling rationale to require Petitioners to detail before the City their objections to the assessment. It noted that statute and the Constitution give the city discretion to pass or decline an assessment even if property owners' votes are sufficient to allow it. (Cal. Const., art. XIII D, § 4; Gov. Code, § 53753, subd. (e)(5).) From this, it reasoned:

> the agency — the City in this context — is entitled to the benefit of the opportunity to either address the specific issues a property owner raises or to pass on the opportunity to do so and allow the courts to make a decision based on an administrative record that reflects a development of the disputed issues to the extent the administrative record process allows.

(*Hill RHF*, *supra*, 51 Cal.App.5th at p. ___ [2020 WL 3496861 p. *6].) This is, of course, simply applies the exhaustion procedure and policy goals firmly rooted in the law. (Cf. *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 579 [similar policy

rationales for requirement that challenge to agency action ordinarily confined to record on which agency acted].)

D. There Is No Division in the Lower Courts on Exhaustion

The Petition can cite no conflict in the published decisions on the duty to exhaust, nor unsettled law. (Cal. Rules of Court, rule 8.500(b)(1).) At most, the decision in issue applies existing rules for exhaustion to a novel set of facts, justifying publication. (Cal. Rules of Court, rule 8.1105(c)(2) & (c)(8).) Publication alone does not justify review.

Amicus Howard Jarvis Taxpayers Association errs to argue this Court held in *Plantier* that "no administrative remedy could be added to Proposition 218." (Amicus at p. 4.)

In *Plantier*, the respondent sewer agency charged commercial establishments for sewer service on the basis of floor area rather than water use. Plantier challenged the allocation to his restaurant (an as-applied issue) raised at roughly the same time that Ramona was making new rates to apply district-wide (which might be challenged facially). Plantier did not raise his objection to his sewer-service unit assignment in the majority protest hearing article XIII D, section 6, subdivision (a) requires for new rates and, therefore the trial court dismissed for failure to exhaust. (*Plantier, supra,* 7 Cal.5th at p. 379.) The Court of Appeal reversed, holding the Proposition 218 majority protest proceeding need never be exhausted because a litigant cannot prevail in such a hearing. It conflated the different

exhaustion standards for quasi-judicial proceedings (in which the ability to prevail is relevant) from those for legislative proceedings (where it is not) and expressly disagreed with another case. (*Id.* at p. 380.)

This Court took the case to resolve the split, but concluded only that exhaustion was not required on *Plantier*'s somewhat unique facts in which a quasi-judicial dispute to be challenged on an as-applied basis (the allocation of sewer-service units to Plantier's property) arose during a legislative rate-making (i.e., a general rate increase as to all customers) which might be challenged facially. (*Plantier, supra,* 7 Cal.5th at p. 372.) *Plantier* assumed without deciding that one must participate in a Proposition 218 majority protest hearing before challenging ratemaking in general – i.e., a facial challenge. But, it concluded, Plantier's challenge to the sewer-service units allocated to his restaurant was not such a challenge. (*Id.* at pp. 390.) The sewer agency noticed a hearing under article XIII D, section 6, subdivision (a) on proposed rate increases affecting all sewer customers, not on its formula for allocating sewer-service units. (*Id.* at pp. 384–385.) Its board could not have acted on Plantier's complaint at that hearing except by making a new rate proposal that did change that formula, which would require a new hearing. (*Id.* at p. 387.) A hearing on a quasi-judicial claim that can only trigger a further hearing is not a fit forum to resolve it because

it is unlikely the legislator intended such hearings to address such issues. (*Id.* at pp. 387–388.)

Plantier eliminates tension between the Court of Appeal's decision there and the case with which it disagreed (*Wallich's Ranch Co. v. Kern County Citrus Pest Control Dist*. (2001) 87 Cal.App.4th 878 ("*Wallich's Ranch*")) by finding neither to resolve the question on which they disagreed — whether one must participate in a majority protest proceeding under article XIII D, section 6, subdivision (a) to challenge resulting property-related fees. Even that question would be only analogous authority for this issue here — were Petitioners required to participate in the hearing under article XIII D, section 4 at which the City Council was obliged to "consider all protests" before determining whether to proceed with the assessment levy to which Petitioners object? That Proposition 218 details distinct requirements for assessments (article XIII D, sections 4 and 5) than for property related fees (article XII D, section 6) is enough to prove that developments as to one do not resolve questions as to the other.

Plantier does not reach, much less change, the law obliging Petitioners to participate in the City's assessment hearing, to state their objections and the legal and factual bases for them so the City would have opportunity to consider them, make a record, apply its expertise and prevent litigation, if possible, or prepare a record to facilitate review, if necessary. "We do not decide and express no view on the broader question of whether a Proposition 218 hearing

could ever be considered an administrative remedy that must be exhausted before challenging the substantive propriety of a fee in court." (*Plantier*, *supra*, 7 Cal.5th at p. 388.) Nor does it reach the validity of *Wallich's Ranch*'s conclusion that exhaustion was required there. (*Id.* at p. 389, fn. 12.) It is admirably narrow.

Plantier does recognize that, when legislation allows a remedy adequate to resolve a dispute, it must be exhausted, and that Proposition 218 imposes specific procedural and substantive requirements for new or increased assessments. These include a mailed-ballot "protest proceeding" by which property owners may object to or approve an assessment. (Cal. Const., art. XIII D, § 4, subds. (c)–(e); *Greene, supra,* 49 Cal.4th at pp. 285–286 [citing Omnibus Proposition 218 Implementation Act to construe article XIII D, §§ 4 & 6].) It also includes a majority protest requirement, empowering a majority of fee payors may reject a new or increased property-related fee by submitting written protests, as well as the agency's further duty to "consider" all protests, which "must mean more than simply counting the number of written protests." (*Plantier*, *supra*, 7 Cal.5th at p. 385; Cal. Const., art. XIII D, § 4, subd. (e).) Nothing about these procedures suggests they are inadequate to achieve the purposes of the exhaustion rule, nor unclear, as to Petitioners' facial challenges to the assessments here — they seek to extinguish the BIDs and their assessment entirely, not to dispute their allocated share of the assessment burden, as Plantier did.

Petitioners' observation that many published assessment cases fail to discuss exhaustion warrants review here does not persuade. This Court would grind to a halt if it reviewed law cases do **not** make and, of course, cases are not law for propositions they do not consider. (E.g., *Los Angeles County Metropolitan Transportation Authority v. Yum Yum Donut Shops, Inc*. (2019) 32 Cal.App.5th 662, 673.) Upon review of available appellate briefs in the cases Petitioners cite, exhaustion was not argued. (E.g., *Dahms v. Downtown Pomona Property & Business Improvement Dist.*, Appellant's Opening Brief, 2005 WL 3741792.) In others, exhausting is mentioned as procedural background, but not as a disputed issue. For example, in *City of Saratoga v. Hinz* (2004) 115 Cal.App.4th 1202, 1209, the property owner did not merely submit a "no" ballot; he also sent a letter to the City Council before the public hearing threatening suit if the assessment were levied.

E. Application of Exhaustion Here is not Novel

Petitioners also assert this Court must grant review to decide whether this "new administrative exhaustion requirement" should be applied prospectively "given the lack of prior notice to the challenger." (Pet. at p. 7.) First, because this challenge was not raised until rehearing in the Court of Appeal, it is forfeited. (*Pacific Bell Wireless, LLC v. Public Utilities Com.* (2006) 140 Cal.App.4th 718, 746 ["Arguments cannot be raised for the first time in a petition for rehearing."].)

Second, it is a red herring. As discussed *supra*, the Court of Appeal adopted no new administrative requirement here. It applies well-established law to Proposition 218 as added to our Constitution 24 years ago and to the PBID Law of 1994. If Petitioners were surprised, they have little justification for it.

Exhaustion requirements are plain, simple, and well established. A decision-making body is "entitled to learn the contentions of interested parties before litigation is instituted." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 384 [exhaustion under CEQA].) Generalized objections at a public hearing do not suffice — challengers must raise them specifically. (*Coalition for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 615–616 [hearing participants not held to standards of lawyers in court, but must identify what facts are contested].) Exhaustion requires full presentation to the agency of all issues later to be litigated and the essential facts on which they rest. (*City of San Jose v. Operating Engineers Local Union No. 3* (2010) 49 Cal.4th 597, 609 [duty to exhaust PERB remedies before suing to enjoin strike].)

Petitioners did not satisfy these prerequisites to suit. The District mailed notices to all property owners, including Petitioners, to inform them of the hearing, as Government Code section 53753 and article XIII D, section 4, subdivisions (c) & (d) required.

(AR00255, SP00183, SP00187.) The notices disclosed the "assessment formula, the total amount of the proposed assessment chargeable to the entire District, the duration of the payments, the reason for the assessment, the basis upon which the amount of the proposed assessment was calculated, and the amount chargeable to each parcel … ." (AR00271.)

The District held a public hearing to allow all interested persons opportunity to "present written or oral testimony" and to "consider all objections or protests to the proposed assessment." (AR00161, AR00255, SP00187.) Petitioners had an opportunity to voice their opposition, but they neither filed a protest nor submitted a speaker card to voice their concerns orally. (AR00161, AR00255, SP00193.) They merely voted "no" on renewal of the BID — but not the assessment.

Exhaustion of this remedy would have achieved all the purposes of the exhaustion rule noted above. It would have:

- apprised the City of Petitioners' concerns;
- allowed the City, Petitioners, and the BIDs to make a record on those issues to facilitate judicial review;
- allowed the City to apply its expertise to that record and to address those concerns; and
- given the City opportunity to resolve the disputes without litigation.

Petitioners' failure to meaningfully participate in the City's hearing disserved all these purposes, sandbagged the City, and required the trial and appellate courts to resolve these issues without the benefit of a well-developed administrative record, or of the City's expertise, and of the case-load reduction to be had if at least some such disputes can be resolved without suit.

II. THE LOWER COURTS' APPLICATION OF THE STREETS & HIGHWAYS CODE DOES NOT WARRANT REVIEW

Nor need this Court review the constitutionality of the 2014 amendments to the PBID Law. The Court of Appeal made no law on that issue and the trial court's ruling binds none but the parties here. Reaching this issue as the first appellate court to do so would require extraordinary justification, which Petitioners and their Amicus do not offer. (Cf. *Santa Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th 220, 230 [citing "the 'well-established principle that this Court will not decide constitutional questions where other grounds are available and dispositive of the issues of the case.'" Citation omitted].)

Moreover, this is a poor vehicle to review the constitutionality of the 2014 amendment to the PBID Law given Petitioners' failure to exhaust. That failure is jurisdictional and fatal here. (*Hill RHF*, *supra*, 51 Cal.App.5th at p. ___ [2020 WL 3496861 at p. *4] (citing *California Correctional Peace Officers Assn. v. State Personnel Board* (1995) 10

Cal.4th 1133, 1151 and *Campbell v. Regents of University of California* (2005) 35 Cal.4th 311, 321.)

Were this Court to reach it, the trial court's decision on the constitutionality of the Streets and Highways Code is correct.

The Legislature updated the PBID Law in 2014 to reflect Proposition 218's requirements ("the 2014 Amendments"). Streets and Highways Code section 36615.5 clarified that a special benefit "includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed." (Sts. & Hy. Code, § 36615.5; cf. Gov. Code, § 53758 [similar provision as to Prop. 26].) "The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits." (Sts. & Hy. Code, § 36601, subd. (h)(2).) The "activities" a BID may fund by assessments on property include "security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality." (Sts. & Hy. Code, § 36606, subd. (e).)

Petitioners claim these amendments contradict, rather than clarify, Proposition 218. However, the trial court properly found otherwise. (AA:536–538.) Legislation commonly clarifies our Constitution. (*Delaney v. Lowery* (1944) 25 Cal.2d 561, 569.) Such is

the case as to Proposition 218. This Court upheld legislative clarification of Proposition 218, an initiative constitutional amendment not professionally drafted and much in need of the services of a Committee on Third Reading. (*Greene, supra,* 49 Cal.4th at p. 287 [citing Prop. 218 Implementation Act to construe article XIII D]; *Pajaro Valley Water Management Agency v. AmRhein* (2007) 150 Cal.App.4th 1364, 1378, fn. 10 [noting Proposition 218's "questionable draftsmanship"], disapproved on other grounds by *City of San Buenaventura v. United Water Conservation Dist*. (2017) 3 Cal.5th 1191, 1209 fn. 6.)

The 2014 Amendments are consistent with Proposition 218 as explicated in *Dahms* and *Silicon Valley*. The trial court upheld the amended section 36615.5, finding it is "completely consistent with *Dahms*." (AA:583)

> While *Dahms* predated the statutory amendment, it addressed and explained the notion of collateral and incidental benefits through the lens of *Silicon Valley*. A special benefit under *Silicon Valley* is one that will "affect the assessed property in a way that is particular and distinct from its effect on other parcels and that real property in general and the public at large do not share." (*Silicon Valley*, supra, at p. 452.) *Dahms* explained, "Under article XIII D, therefore, the cap on the assessment for each parcel is the reasonable cost of

> the proportional special benefit conferred on that parcel. If the special benefits themselves produce certain general benefits, the value of those general benefits need not be deducted before the (caps on the) assessments are calculated." (*Dahms v. Downtown Pomona Property*, *supra*, 174 Cal.App.4th at 723.) That is, incidental and/or collateral effects to unassessed persons or property that may arise from the special benefit do not convert the special benefit into a general benefit.

(AA:538.) The trial court also concluded: "The legislative amendments are consistent with *Dahms* and *Silicon Valley*. As the facts here are nearly identical to *Dahms*, the statutes are not unconstitutional as applied to petitioners." (AA:562.)

This correctly applies *Dahms* and *Silicon Valley*, which the 2014 Amendments merely codified. *Dahms* interprets Proposition 218 in light of *Silicon Valley*, concluding:

> The provision [Cal. Const., art. XIII D, § 4, subd. (a)] is unambiguous, and nothing in article XIII D says or implies that if the special benefits that are conferred also produce general benefits, then the value of those general benefits must be deducted from the reasonable cost of providing the special benefits before the assessments are calculated.

(*Dahms*, *supra*, 174 Cal.App.4th at p. 723.)

The Legislature merely codified *Dahms*, stating in Streets & Highways Code section 36615.5 that special benefits may confer incidental or collateral effects on property or persons not assessed, and in section 36606, subdivision (e) that supplemental security and maintenance services may confer special benefit. Streets and Highways Code section 36601, subdivision (h), states the 2014 Amendments were "intended to provide the Legislature's guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts."

The Legislature clarified the BID Law to incorporate *Dahms*' observations that special benefits under Proposition 218 may confer incidental or collateral effects on those not assessed and that supplemental security and sanitation services confer special benefit. This also seems plain logic. It has long been the case that providing a sidewalk in front of a commercial parcel specially benefits it. (E.g., *Londoner v. City and County of Denver* (1908) 210 U.S. 373 [sidewalk assessment did not violate 14th Amendment]; Cal. Const, art. XIII D, § 5, subd. (a) [preserving pre-Prop. 218 assessments to fund sidewalks].) Yet, there can be no doubt that non-property owners benefit from such sidewalks, too, as do pedestrians, those who exercise First Amendment rights, and children who skate or sketch with chalk.

The trial court's conclusion of the 2014 Amendments codify, but does not alter, Proposition 218's requirements for assessments and does not warrant review because it made no law on that point, it reached the correct conclusion, and this case would be a poor vehicle for review in any event given Petitioners' failure to exhaust.

CONCLUSION

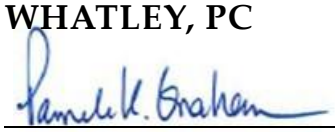
This case does not merit review. The exhaustion doctrine is well established in California, and does not warrant review. Failure to exhaust is a bar to review of the 2014 Amendments to the PBID Law.

Article XIII D and the PBID Law establish comprehensive procedures assessing agencies must follow, including mailed notice and opportunity to be heard, a majority protest process, and meaningful consideration of any protests. Petitioners may have opposed the establishment of the BIDs, but failed to create a record of the reasons for their objection, to appear at the hearing, or even to object in writing to the assessments, as others managed to do. Their failure to exhaust is plain, and review of the Court of Appeal's application of clearly established law creates no discord. Moreover, the trial court already properly determined the case on its merits. For this reason, too, a decision in Respondents' favor is proper. Granting review would do no more than unnecessarily prolong this litigation.

Accordingly, DCBID and SPBID respectfully request the Court deny the petition for review.

DATED: August 26, 2020

COLANTUONO, HIGHSMITH & WHATLEY, PC



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CERTIFICATE OF WORD COUNT

Counsel of Record hereby certifies that pursuant to Rule 8.204(c)(1) of the California Rules of Court, the enclosed Answer to Petition for Review is produced using 13-point type including footnotes and contains approximately 8,401 words, fewer than the 14,000 total words permitted by the Rules of Court. Counsel relies on the word count of the Microsoft Word program used to prepare this brief.

DATED: August 26, 2020

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PROOF OF SERVICE

Supreme Court for the State of California Case No. S263734

Hill RHF Housing Partners, L.P. v. City of Los Angeles, et al.
Second District Court of Appeal, Division 1, Case No. B295181
Los Angeles Superior Court Case No. BS170127

Mesa RHF Partners, L.P. v. City of Los Angeles, et al.
Second District Court of Appeal, Division 1, Case No. B295315
Los Angeles Superior Court Case No. BS170352

I, the undersigned, declare:

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 790 E. Colorado Boulevard, Suite 850, Pasadena, California. On **August 26, 2020**, I served the document(s) described as **ANSWER TO PETITION FOR REVIEW** on the interested parties in this action addressed as follow:

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Executed on **August 26, 2020,** at Pasadena, California.

Christina M. Rothwell

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Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
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STATE OF CALIFORNIA
Supreme Court of California

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STATE OF CALIFORNIA
Supreme Court of California

Case Name: **HILL RHF HOUSING PARTNERS v. CITY OF LOS ANGELES**
Case Number: **S263734**
Lower Court Case Number: **B295181**

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

8/26/2020

Date

/s/Christina Rothwell

Signature

Graham, Pamela (216309)

Last Name, First Name (PNum)

Colantuono, Highsmith & Whatley, PC

Law Firm