

26 OCT 12 AM 11:27

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED

Superior Court of California,
County of KernBy: Javen Silva
Deputy Clerk

08/17/2026

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

BUTTONWILLOW COMMUNITY HOUSING LLC, a California limited liability company; and MOJAVE COMMUNITY HOUSING LLC, a California limited liability company,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

COUNTY OF KERN, a political subdivision of the State of California; KERN COUNTY PLANNING & NATURAL RESOURCES DEPARTMENT; CRAIG M. MURPHY, in his official capacity as Director of the Kern County Planning & Natural Resources Department; and DOES 1 through 20, inclusive.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Kern Superior Court

CASE NUMBER:

(Número del Caso):

26CUB03153

1415 Truxtun Ave

Bakersfield, CA 93301

1215

JS

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

LAW OFFICES OF RICHARD JACOBS, RICHARD JACOBS, SBN 252226, 13512 Hatteras St., Valley Glen, California 91401

Tel: (818) 216-0663; RichardJacobsLaw@gmail.com

DATE:

(Fecha) 08/17/2026

Clerk, by

Tara Leal (Secretario)

Javen Silva

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): COUNTY OF KERN, a political subdivision of the State of California

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

- ☒ other (specify): 416.50 (public entity)
- ☐ by personal delivery on (date):

ELECTRONICALLY FILED

Superior Court of California,
County of Kern

By: Javen Silva
Deputy Clerk

08/13/26 8:13 PM

LAW OFFICES OF RICHARD JACOBS

RICHARD JACOBS, SBN 252226

13512 Hatteras St.

Valley Glen, California 91401

Tel: (818) 216-0663

Fax: (818) 780-8696

RichardJacobsLaw@gmail.com

Attorneys for Petitioners/Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KERN

BUTTONWILLOW COMMUNITY
HOUSING LLC, a California limited liability
company; and MOJAVE COMMUNITY
HOUSING LLC, a California limited liability
company,

Petitioners/Plaintiffs,

v.

COUNTY OF KERN, a political subdivision
of the State of California; KERN COUNTY
PLANNING & NATURAL RESOURCES
DEPARTMENT; CRAIG M. MURPHY, in
his official capacity as Director of the Kern
County Planning & Natural Resources
Department; and DOES 1 through 20,
inclusive,

Respondents/Defendants.

Case No.: 26CUB03153

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

BY ORDER OF THE BD/SUPV

Referred To

County Counsel

17 pgs

delivered process server

Copies Furnished

Risk Management

Date 10-12-26

Clerk of the Board of Supervisors

By [Signature], Deputy

VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND

INTRODUCTION

1. Petitioners and Plaintiffs Buttonwillow Community Housing LLC ("Buttonwillow") and Mojave Community Housing LLC ("Mojave") (collectively, "Petitioners") bring this verified petition for writ of mandate and complaint against Respondents and Defendants County of Kern, Kern County Planning & Natural Resources Department, and Craig M. Murphy, in his official capacity as Director (collectively, "County" or "Respondents"), to compel the County's compliance with the Permit Streamlining Act (Gov. Code, § 65920 et seq.), the Housing Accountability Act (Gov. Code, § 65589.5) ("HAA"), and the Housing Crisis Act of 2019 (Gov. Code, § 66300 et seq., including the preliminary application vesting provisions of Gov. Code, § 65941.1), in connection with two related affordable housing development applications pending before the County: (a) Buttonwillow's proposed 560-unit mobile home development on approximately 122 acres located at APN 103-080-48, 103-080-49, and 103-080-50 (the "Buttonwillow Project"); and (b) Mojave's proposed 10-unit mobile home development on approximately 0.4 acres located at 16201 Sierra Highway, Mojave, California, APN 236-120-10 (the "Mojave Project") (collectively, the "Projects").

2. By operation of law, the County's own written admissions, and the mandatory deeming provisions of the statutes cited above, each Project's development application (a) is deemed complete under the Permit Streamlining Act, (b) is deemed consistent, compliant, and in conformity with all applicable plans, programs, policies, ordinances, standards, and other provisions under the Housing Accountability Act, and (c) retains vested rights as of June 22, 2025 under Government Code section 65941.1. Notwithstanding these deemed determinations, the County has continued to impose new and additional information requirements, delay processing, and threaten further review conditions on both Projects in violation of the cited statutes, and has failed to confirm compliance despite Petitioners' repeated written demands, including a final pre-litigation demand on August 11, 2026.

PARTIES

3. Petitioner Buttonwillow Community Housing LLC is, and at all relevant times was, a California limited liability company and the owner and/or authorized applicant for the real property located at Assessor's Parcel Numbers 103-080-48, 103-080-49, and 103-080-50 in unincorporated Kern County, California, the site of the Buttonwillow Project.

4. Petitioner Mojave Community Housing LLC is, and at all relevant times was, a California limited liability company and the owner and/or authorized applicant for the real property located at 16201 Sierra Highway, Mojave, California, APN 236-120-10, the site of the Mojave Project.

5. Petitioner is informed and believes, and on that basis alleges, that Respondent County of Kern is, and at all relevant times was, a political subdivision of the State of California and the "local agency" and "lead agency" responsible for processing Petitioners' development applications within the meaning of Government Code sections 65589.5, 65920 et seq., and 65941.1.

6. Respondent Kern County Planning & Natural Resources Department is the County department charged with administering land use entitlements, including the development applications at issue in this action.

7. Respondent Craig M. Murphy is, and at all relevant times was, the Director of the Kern County Planning & Natural Resources Department, and is named in his official capacity only.

8. The true names and capacities of Respondents and Defendants sued herein as DOES 1 through 20, inclusive, are presently unknown to Petitioners, who therefore sue these Respondents by fictitious names pursuant to Code of Civil Procedure section 474. Petitioners will amend this pleading to allege the true names and capacities of the DOE Respondents when ascertained. Petitioners are informed and believe, and on that

1 basis allege, that each DOE Respondent is in some manner responsible for the acts and
2 omissions alleged herein.

3 JURISDICTION AND VENUE

4 9. This Court has jurisdiction over this action pursuant to Code of Civil Procedure
5 sections 1085 and 1094.5, and Government Code section 65589.5, subdivision (m),
6 which vests jurisdiction in the superior court to enforce compliance with the Housing
7 Accountability Act.

8 10. Venue is proper in this Court pursuant to Code of Civil Procedure sections 394
9 and 401 because Respondent County of Kern is located in, and the real property and
10 governmental acts at issue occurred in, the County of Kern.

11 11. **Exhaustion / Ripeness.** To the extent any administrative remedies exist and
12 are not rendered futile or inapplicable by the statutory deeming provisions at issue,
13 Petitioners have satisfied, exhausted, or been excused from exhausting such remedies.
14 Petitioners' authorized representative provided the County with written meet-and-confer
15 correspondence on July 31, 2026, setting an August 7, 2026 deadline for the County to
16 confirm compliance, and, having received no such confirmation, followed up with further
17 correspondence to the County on August 10, 2026 and a final written demand on August
18 11, 2026 — addressed to County staff and copied to the County's Director, Deputy County
19 Counsel, and HCD — expressly requesting written confirmation that both Projects were
20 deemed complete, compliant, and consistent as a matter of law so that litigation would
21 not be necessary. As of the filing of this Petition, the County has not provided the
22 requested written confirmation of compliance as to either Project.

23 GENERAL ALLEGATIONS

24 A. The Buttonwillow Project

25 12. Buttonwillow proposes to develop 560 mobile home units on approximately
26 122 acres located at APN 103-080-48, 103-080-49, and 103-080-50, within the
27 administrative boundaries of the Interstate 5 at Highway 58 Rural Community Plan (the
28

1 "Buttonwillow Project"). As proposed, the Buttonwillow Project reserves at least 73 units
2 (13%) for low-income housing.

3 13. On June 22, 2025, Buttonwillow submitted a Preliminary Application Form for
4 the Buttonwillow Project pursuant to Government Code section 65941.1, together with
5 payment of the required permit processing fee. On November 26, 2025, Buttonwillow
6 submitted its full development application for the Buttonwillow Project.

7 14. More than seven months after Buttonwillow's full application submittal — well
8 beyond the 30-day period prescribed by Government Code section 65943, subdivision
9 (a) — the County had issued no written completeness determination.

10 15. On July 10, 2026, the County issued two separate letters to Buttonwillow, both
11 referencing File No. PLC25-00222 and "Zone Map 99": (a) a letter captioned "SB 330
12 Preliminary Application Form Review," and (b) a letter captioned "Project Application
13 Preliminary Review."

14 16. **County's Admission of Vesting (Buttonwillow).** In its July 10, 2026 SB 330
15 letter, the County expressly acknowledged: "the County acknowledges receipt of your SB
16 330 Preliminary Application on June 22, 2025, and recognizes that the application is
17 sufficient to establish vesting protections as of that date." The County further confirmed
18 that Government Code section 65941.1, subdivision (e)(3), does not require an affirmative
19 completeness determination as a precondition to these vesting protections.

20 17. **County's Post-Vesting Demand for New Information (Buttonwillow).**
21 Notwithstanding the foregoing admission, the County's Project Application Preliminary
22 Review letter purported to condition "formal processing" of the Buttonwillow Project on
23 submission of seventeen additional categories of information and materials, including site
24 development plans, will-serve letters, organizational authority documents, a stamped
25 legal description, site photographs, HCD confirmation, density bonus confirmations,
26 Subdivision Map Act materials, easement documentation, and multiple additional
27 application forms, together with a deposit of \$16,547.50 in processing fees and the
28

County's stated intent to require preparation of a full Environmental Impact Report ("EIR") estimated to cost between \$250,000 and over \$500,000 and take 18 to 24 months to complete. The letter further stated that "partial resubmittals will not be reviewed" and that Staff would not begin review until all seventeen enumerated items had been submitted.

B. The Mojave Project

18. Mojave proposes to develop 10 mobile home units on approximately 0.4 acres located at 16201 Sierra Highway, Mojave, California, APN 236-120-10 (the "Mojave Project").

19. On June 22, 2025, Mojave submitted a Preliminary Application Form for the Mojave Project pursuant to Government Code section 65941.1, together with payment of the required permit processing fee. On July 27, 2025, Mojave submitted its full development application for the Mojave Project.

20. More than eleven months after Mojave's full application submittal — well beyond the 30-day period prescribed by Government Code section 65943, subdivision (a) — the County had issued no written completeness determination.

21. On July 10, 2026, the County issued two separate letters to Mojave, both referencing File No. PLC25-00084 and "Zone Map 196": (a) a letter captioned "SB 330 Preliminary Application Form Review," and (b) a letter captioned "Project Application Preliminary Review."

22. **County's Admission of Vesting (Mojave).** As with the Buttonwillow Project, the County's July 10, 2026 SB 330 letter for the Mojave Project expressly acknowledged that the County "acknowledges receipt of your SB 330 Preliminary Application on June 22, 2025, and recognizes that the application is sufficient to establish vesting protections as of that date," and confirmed that no affirmative completeness determination is required as a precondition to that vesting under Government Code section 65941.1, subdivision (e)(3).

1 **23. County's Post-Vesting Demand for New Information (Mojave).**

2 Notwithstanding the foregoing admission, the County's Project Application Preliminary
3 Review letter for the Mojave Project purported to condition "formal processing" on
4 submission of sixteen additional categories of information and materials, including site
5 development plans, will-serve letters, organizational authority documents, a stamped
6 legal description, floodplain compliance information, and — most notably — a demand
7 that Mojave submit "detailed justification" that the proposed density of approximately 26
8 dwelling units per acre is consistent with the Kern County Airport Land Use Compatibility
9 Plan's stated maximum density of 0.1 dwelling unit per acre for the applicable
10 compatibility zone, together with three additional CEQA technical studies (a Health Risk
11 Assessment, a Noise Study, and a Groundwater Mounding and Nitrate Study). The letter,
12 like its Buttonwillow counterpart, stated that "partial resubmittals will not be reviewed" and
13 that Staff would not begin review until all enumerated items had been submitted.

14 **C. Shared Procedural History and Pre-Litigation Demands**

15 **24. No Timely Consistency Determination Under the HAA (Both Projects).** As

16 to both the Buttonwillow Project and the Mojave Project, the County did not provide
17 Petitioners with any written documentation, within 30 days (for a project of 150 units or
18 fewer, applicable to the Mojave Project) or 60 days (for a project of more than 150 units,
19 applicable to the Buttonwillow Project) of the date each application was deemed
20 complete, identifying any provision of an applicable plan, program, policy, ordinance,
21 standard, or other requirement with which either Project was allegedly inconsistent, non-
22 compliant, or non-conforming, as required by Government Code section 65589.5,
23 subdivision (j)(2)(A).

24 **25. Petitioners' Meet-and-Confer Correspondence.** By letter dated July 31, 2026,
25 copied to the County's Director, Deputy County Counsel, and HCD, Petitioners'
26 authorized representative, with the assistance of counsel, notified the County that: (a)
27 both the Buttonwillow and Mojave applications were deemed complete as a matter of law
28

1 under Government Code section 65943, subdivision (a), because no written
2 completeness determination issued within 30 days of submittal; (b) the County's demands
3 for additional information in its July 10, 2026 Project Application Preliminary Review
4 letters violated Government Code section 65944, subdivision (a), which prohibits a local
5 agency from requesting new or additional information not specified in an initial
6 completeness list once an application has been accepted as complete; and (c) because
7 the County failed to timely issue any inconsistency documentation under Government
8 Code section 65589.5, subdivision (j)(2)(A), both Projects are deemed "consistent,
9 compliant, and in conformity" with all applicable provisions pursuant to subdivision
10 (j)(2)(B). The letter requested that the County confirm, in writing, on or before August 7,
11 2026, that it would come into full compliance with the Permit Streamlining Act, the Housing
12 Accountability Act, and the Housing Crisis Act.

13 **26. Final Pre-Litigation Demand.** The County did not respond by the requested
14 August 7, 2026 deadline. On August 10, 2026, Petitioners' authorized representative sent
15 further written correspondence to the County's Director. On August 11, 2026, Petitioners'
16 authorized representative sent a further written demand to County staff, copied to the
17 County's Director, Deputy County Counsel, and HCD, expressly requesting written
18 confirmation "that both of our projects are now deemed complete, compliant, and
19 consistent as a matter of law under the Permit Streamlining Act, Housing Accountability
20 Act, and Housing Crisis Act so that we do not need to file litigation tomorrow."

21 **27. County's Continuing Non-Compliance.** As of the date of this Petition, the
22 County has not withdrawn its July 10, 2026 demands for additional information as to either
23 Project, has not confirmed either Project's deemed-complete and deemed-compliant
24 status, has not processed either application consistent with its statutory obligations, and
25 has not otherwise cured the violations identified in Petitioners' July 31, August 10, and
26 August 11, 2026 correspondence.

28. As a direct and proximate result of the County's conduct alleged herein, Petitioners have suffered and continue to suffer harm, including delay in the processing of two Projects that provide badly needed housing, including affordable housing, in Kern County, and the imposition of unlawful conditions precedent to further processing.

FIRST CAUSE OF ACTION

**(Petition for Writ of Mandate — Violation of the Permit Streamlining Act,
Gov. Code §§ 65943, 65944; Code Civ. Proc. § 1085) (Both Petitioners)**

29. Petitioners reallege and incorporate by reference each and every allegation set forth above as though fully set forth herein.

30. Government Code section 65943, subdivision (a), required the County to determine in writing, within 30 calendar days of receipt, whether each Petitioner's application was complete, and to immediately transmit that determination to the applicant. The statute further provides that if no such written determination issues within 30 days, and the application states that it is an application for a development permit, "the application shall be deemed complete for purposes of this chapter."

31. The County failed to issue any written completeness determination within 30 days of either Petitioner's application submittal. Both the Buttonwillow Project application and the Mojave Project application are therefore deemed complete as a matter of law.

32. Government Code section 65944, subdivision (a), prohibits the County, once an application is accepted (or deemed accepted) as complete, from requesting any new or additional information not specified in an initial list of required items, limiting the County to requests that the applicant "clarify, amplify, correct, or otherwise supplement" previously required information.

33. The County's July 10, 2026 Project Application Preliminary Review letters — issued long after each Project's application was deemed complete by operation of law, and conditioning further processing on submission of seventeen (Buttonwillow) and sixteen (Mojave) categories of new materials, additional fee deposits, and further

1 environmental studies — constitute unlawful requests for new and additional information
2 in violation of Government Code section 65944, subdivision (a).

3 34. Petitioners have a clear, present, and beneficial right to have their deemed-
4 complete applications processed by the County without further unlawful demands for new
5 information, and the County has a corresponding clear, present, and ministerial duty to
6 process the applications accordingly. Petitioners have no plain, speedy, or adequate
7 remedy at law other than the relief sought in this Petition.

8 35. Petitioners are entitled to a peremptory writ of mandate directing the County
9 to withdraw its July 10, 2026 demands for additional information as to both Projects, to
10 the extent they exceed what is permitted under Government Code section 65944, and to
11 process Petitioners' applications as complete.

12 **SECOND CAUSE OF ACTION**

13 **(Petition for Writ of Mandate — Violation of the Housing Accountability Act,**
14 **Gov. Code § 65589.5; Code Civ. Proc. §§ 1085, 1094.5) (Both Petitioners)**

15 36. Petitioners reallege and incorporate by reference each and every allegation
16 set forth above as though fully set forth herein.

17 37. Each Project is a "housing development project" within the meaning of
18 Government Code section 65589.5, subdivision (h)(2), and is therefore entitled to the full
19 protections of the Housing Accountability Act.

20 38. Government Code section 65589.5, subdivision (j)(2)(A), required the County,
21 if it considered either Project inconsistent, non-compliant, or non-conforming with any
22 applicable plan, program, policy, ordinance, standard, or other similar provision, to
23 provide the applicable Petitioner with written documentation identifying the specific
24 provision(s) at issue and the reasons for the County's position, within 30 days of the date
25 the application was deemed complete (for the Mojave Project, 10 units) or 60 days (for
26 the Buttonwillow Project, 560 units).

27
28 VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND

39. The County did not provide any such written documentation within the applicable statutory period as to either Project. Pursuant to Government Code section 65589.5, subdivision (j)(2)(B), both Projects are therefore "deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision" as a matter of law.

40. The County's continued imposition of new development-standard consistency requirements and processing conditions in its July 10, 2026 correspondence — including, for the Mojave Project, a demand for "detailed justification" of consistency with airport land use compatibility density limits — after both Projects were deemed compliant by operation of law, constitutes a disapproval and/or de facto disapproval of, and unlawful condition upon, qualifying housing development projects in violation of the Housing Accountability Act.

41. Petitioners have a clear, present, and beneficial right to have both Projects treated as deemed consistent, compliant, and in conformity with all applicable provisions, and the County has a corresponding ministerial duty to process both Projects on that basis. Petitioners have no plain, speedy, or adequate remedy at law other than the relief sought in this Petition.

42. Pursuant to Government Code section 65589.5, subdivision (k), Petitioners are entitled to their reasonable attorneys' fees and costs incurred in enforcement of this cause of action, and, to the extent applicable, the mandatory and enhanced remedies available under section 65589.5 upon a finding that the County acted in bad faith.

THIRD CAUSE OF ACTION

**(Declaratory Relief — Vested Rights Under the Housing Crisis Act / SB 330,
Gov. Code § 65941.1; Code Civ. Proc. § 1060) (Both Petitioners)**

43. Petitioners reallege and incorporate by reference each and every allegation set forth above as though fully set forth herein.

1 44. Government Code section 65941.1, enacted as part of the Housing Crisis Act
2 of 2019 (SB 330), affords vesting protections to a qualifying housing development project
3 upon submission of a preliminary application containing the information enumerated in
4 subdivision (a), together with payment of the applicable fee.

5 45. The County has expressly admitted, in writing and as to both Projects, that
6 each Petitioner's June 22, 2025 Preliminary Application Form is sufficient to establish
7 vesting protections under Government Code section 65941.1 as of that date, and that no
8 affirmative completeness determination is required as a precondition to that vesting under
9 subdivision (e)(3).

10 46. Notwithstanding these express admissions, an actual and present controversy
11 has arisen and now exists between Petitioners and the County concerning their
12 respective rights and duties, in that the County has taken and continues to take the
13 position — through its imposition of new information requirements, fee demands, and (for
14 Buttonwillow) a multi-year EIR requirement and (for Mojave) additional CEQA studies and
15 an airport-compatibility justification demand, all as preconditions to "formal processing"
16 — that is inconsistent with the vested status of both Projects and inconsistent with the
17 statutory and regulatory framework applicable to both Projects as of June 22, 2025.

18 47. Petitioners desire a judicial declaration of the parties' respective rights and
19 duties, specifically that: (a) both Projects' vested rights attached as of June 22, 2025
20 pursuant to Government Code section 65941.1; (b) the ordinances, policies, standards,
21 and fees applicable to both Projects are those in effect as of that vesting date; and (c) the
22 County may not impose new or additional local requirements inconsistent with either
23 Project's vested status.

24 48. A judicial declaration is necessary and appropriate at this time so that the
25 parties may ascertain their rights and duties with respect to both Projects.
26
27
28

1 **FOURTH CAUSE OF ACTION**

2 **(Violation of the Housing Crisis Act of 2019 — Gov. Code § 66300 et seq.)**

3 **(Both Petitioners)**

4 49. Petitioners reallege and incorporate by reference each and every allegation
5 set forth above as though fully set forth herein.

6 50. The Housing Crisis Act of 2019, codified at Government Code section 66300
7 et seq., restricts a local agency's ability to impose new, more burdensome requirements
8 on a qualifying housing development project following vesting, and is to be read together
9 with the vesting provisions of Government Code section 65941.1 and the completeness
10 and consistency provisions enforced through the First and Second Causes of Action
11 above.

12 51. The County's conduct alleged herein as to both Projects — including its post-
13 vesting demands for new information, fees, and environmental review conditions — is
14 inconsistent with the purposes and, to the extent applicable on further factual and legal
15 development, the substantive requirements of the Housing Crisis Act.

16 52. Petitioners are entitled to declaratory and injunctive relief, and to such other
17 relief as the Court deems just and proper, to remedy the County's violations of the
18 Housing Crisis Act.

19 **FIFTH CAUSE OF ACTION**

20 **(Injunctive Relief) (Both Petitioners)**

21 53. Petitioners reallege and incorporate by reference each and every allegation
22 set forth above as though fully set forth herein.

23 54. Unless enjoined by this Court, the County will continue to violate the Permit
24 Streamlining Act, the Housing Accountability Act, and the Housing Crisis Act as to both
25 Projects, as alleged herein, causing Petitioners irreparable harm for which there is no
26 adequate remedy at law, including continued delay in the development of needed housing
27 and the loss of vested entitlements and fee/standard certainty.

28 VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND

55. Petitioners are entitled to preliminary and permanent injunctive relief enjoining the County, its officers, agents, and employees from, as to both Projects: (a) treating either application as incomplete; (b) treating either Project as inconsistent, non-compliant, or non-conforming with any applicable plan, program, policy, ordinance, or standard; (c) requesting additional information beyond that permitted under Government Code section 65944; and (d) applying any ordinance, policy, standard, or fee other than those in effect as of June 22, 2025.

PRAYER FOR RELIEF

. WHEREFORE, Petitioners pray for judgment against Respondents as follows:

1. For a peremptory writ of mandate directing the County to, as to both the Buttonwillow Project and the Mojave Project: (a) confirm in writing that each Petitioner's development application is deemed complete pursuant to Government Code section 65943; (b) confirm in writing that each Project is deemed consistent, compliant, and in conformity with all applicable plans, programs, policies, ordinances, and standards pursuant to Government Code section 65589.5, subdivision (j)(2)(B); (c) withdraw the unlawful demands for additional information contained in its July 10, 2026 Project Application Preliminary Review letters to the extent they exceed what is permitted under Government Code section 65944; and (d) process both applications accordingly, applying only the ordinances, policies, standards, and fees in effect as of June 22, 2025

2. For a judicial declaration of the parties' respective rights and duties as to both Projects, as set forth in the Third Cause of Action

3. For preliminary and permanent injunctive relief as to both Projects, as set forth in the Fifth Cause of Action

4. For reasonable attorneys' fees and costs pursuant to Government Code section 65589.5, subdivision (k), Code of Civil Procedure section 1021.5, and/or other applicable law

5. For costs of suit incurred herein

VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND

1 6. For such other and further relief as the Court deems just and proper

2
3 August 13, 2026

4 

5 _____
6 Richard B. Jacobs
7 Attorney for Plaintiff
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

VERIFICATION

I, Ben Eilenberg, am the Chief Operating Officer of Buttonwillow Community Housing LLC and Mojave Community Housing LLC and am authorized to make this verification on behalf of both entities. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents. The facts alleged therein are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

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

Executed on August 13, 2026, at Fullerton, California.



Ben Eilenberg

Chief Operating Officer, Buttonwillow Community Housing LLC and Mojave
Community Housing LLC