

September 14, 2026

Hon. Armen Tamzarian, Associate Justice
Hon. Helen Zukin, Presiding Justice
Hon. Nicholas Daum, Associate Justice
California Court of Appeal
Second Appellate District, Division Four
300 S. Spring Street
2nd Floor, North Tower
Los Angeles, CA 90013

RE: *Castelan v. 716 Yale Terrace, L.P., et al.*, No. B346210 (filed Aug. 26, 2026)

Dear Justices Tamzarian, Zukin, and Daum:

The undersigned seven nonprofit housing, legal aid, and consumer protection organizations – Haven Services, Inc., Legal Assistance for Seniors, Mental Health Advocacy Services, Consumer Watchdog, Public Law Center, Public Interest Law Project, and Western Center on Law and Poverty – write to respectfully request that this Court order its opinion in *Castelan v. 716 Yale Terrace, L.P.*, certified for publication. (Cal. Rules of Court, rule 8.1120.)

The Court’s opinion in *Castelan* reinforces well-established principles of civil procedure, contract law, and equitable relief. Amid a statewide housing affordability crisis, state and local governments, housing developers, landlords, and tenants alike would benefit from the clarity that publication of this Opinion would provide. Procedural and evidentiary rules will be followed. Contractual terms will be enforced. Further, as policymakers statewide have recognized, being priced out of one’s home in a housing crisis or being or forced to choose between rent and basic necessities is an irreparable harm—not a speculative or hypothetical one. The Opinion is well-reasoned, valuable, and meets the standards for publication set out in the Rules of Court. (Cal. Rules of Court, rule 8.1105(c).)

We believe it belongs in the Official Reports.

Statement of Interest

The undersigned nonprofit organizations work directly with and on behalf of low-income consumers across California. The communities we represent are impacted by the state’s housing affordability crisis. When policymakers, developers, landlords, and renters lack clear rules of the road, they cannot work together to solve the crisis. Published, citable opinions are essential to giving these stakeholders the certainty they need. On behalf of the communities we serve, we urge this Court to make its incisive and well-reasoned opinion available to guide future courts and stakeholders.

Grounds for Publication

Rule 8.1105(c) of the California Rules of Court specifies that an opinion should be certified for publication if it meets any one of the nine standards listed in the rule. The *Castelan* opinion clears that hurdle several times over: it applies an existing rule of law to a set of facts significantly different from those stated in published opinions (Rule 8.1105(c)(2)); explains existing rules of law (Rule 8.1105(c)(3)); and involves legal issues of continuing public interest (Rule 8.1105(c)(6)).

1. The Opinion usefully explains existing rules of civil procedure and evidence. (Cal. Rules of Court, rule 8.1105(c)(3).)

In Section II.A of the Opinion, this Court deftly handles Defendant’s contention that the preliminary injunction is improper. The Opinion explains how Code of Civil Procedure section 533 and standards of review for preliminary injunctions apply to a new and compelling set of facts.

The Opinion sends a clear message: even when a trial court’s injunction is premised on facts involving a complex, dynamic metric, the rules and standard of review are simple and consistent. The trial court did not abuse its discretion when it issued a preliminary injunction based on the record before it. In the intervening time between the injunction and briefing on appeal, the Area Median Income, or AMI, may have changed, but Code of Civil Procedure section 533 did not. As this Court explains, Defendants must follow the rules as written. They can introduce evidence of the updated AMI and move to modify the preliminary injunction, but only in the proper forum.

Because the Opinion usefully “explains ... an existing rule of law,” it merits publication under California Rules of Court, rule 8.1105(c)(3).

2. The Opinion clarifies a salient interpretive issue relevant to government-developer contracts. (Cal. Rules of Court, rule 8.1105(c)(2),(6).)

In Section II.E of the Opinion, the Court gives effect to the plain language of the Affordability Covenant, ensuring that residents may avail themselves of their bargained-for rights to enforce the promises the developers made. The lack of precedent interpreting similar contractual terms and the clear continuing public interest in this legal issue militate for publication. (California Rules of Court, rule 8.1105(c)(2),(6).)

The developers of the building struck a bargain with the City of Los Angeles. They received a piece of land for no money down and favorable terms on a loan to develop a housing project. In return, the developers promised that, for thirty years, they would only collect rents within agreed-upon limits that would ensure the housing remained affordable for Angelenos. When they took over the project and again when they signed the Amended Affordability Covenant, Defendants agreed that a “resident of any of the Affordable Units” would be able to hold them to their promise to comply with the affordability requirements. (Opinion at p. 12.) As this Court held, the contract means what it says: A resident of any of the Affordable Units can

properly seek injunctive relief against Defendants to enforce the Covenant’s terms regarding permitted rent increases for tenants of the building.

In Section II.E, the Court addressed what is quintessentially a “legal issue” of “continuing public interest.” (California Rules of Court, rule 8.1105(c)(6).) The Opinion clarifies the scope of a third party’s rights to enforce and obtain relief for violations of contracts between the government and a private entity. This implicates two types of continuing public interest.

The first is a literal one: There is a continuing public interest in the legal question of the contract’s interpretation. This case concerns the terms of a thirty-year Affordability Covenant. The public has an interest, enduring at least as long as this Covenant, in ensuring that these terms are clear.

Second, the public has a generalized, evergreen interest in ensuring that its government can achieve its stated policy aims. The terms of this agreement, and similar terms in similar agreements with developers, are a manifestation of the government’s efforts to maintain the housing stability of Angelenos. Governments, developers, landlords, and tenants alike need clear rules to ensure that contracts have their intended policy outcomes. Policymaking functions depend on careful and accurate interpretation of these contractual terms.

Because the Opinion addresses an issue of contractual interpretation significantly different from those discussed in published opinions, and because there is a continuing public interest in clear, accurate construction of these public-private development contracts, the Opinion should be published. (California Rules of Court, rule 8.1105(c)(2),(6).)

3. The Opinion applies existing law concerning equitable relief to a legal issue of continuing, statewide public interest and attention. (Cal. Rules of Court, rule 8.1105(c)(3),(6).)

California is in the throes of a housing affordability crisis. In Section II.C, this Court recognizes the same threat that policymakers are confronting statewide. As the Court explains, the threat of displacement from one’s community or a forced choice between rent and other necessities like food and healthcare can constitute irreparable harm. Because the Opinion succinctly explains how the existing rule of law governing preliminary injunctions applies in these circumstances, and the public has a continuing interest in this legal issue, the Opinion should be published. (California Rules of Court, rule 8.1105(c)(2),(6).)

The public interest in the housing affordability crisis has found expression in the California legislature’s unprecedented activity around the issue. As the legislature recognized in 2019, one way to address the housing affordability crisis is to mitigate the market pressure on rent that threatens to displace longtime residents. The Tenant Protection Act (AB 1482) bans rent hikes that are out of proportion with increases in the cost of living. That law now protects an estimated eight million renters from rent hikes.¹

¹ California Tenant Protection Act (AB 1482), Assembly Floor Analysis, Sept. 10, 2019, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1482#.

For households that dedicate a large portion of their monthly income to housing costs, a rent overcharge cannot be remedied after the fact with money damages—it is an irreparable harm, and an existential threat. Almost half of California renters are cost-burdened by their monthly rent payments.² For households with an annual income below \$75,000, that figure climbs further, to 83% of renters. Like Ms. Castelan, when faced with rent overcharges, these consumers are forced to choose between paying rent and buying food, transportation, and health care. Money damages after the fact cannot remedy the harm resulting from displacement from one's community or forgoing medical care because of an unlawful rent increase.

The harm this Court analyzes in Section II.C pertains to a legal issue of continuing public interest. The Opinion concisely explains how longstanding principles of equity apply when a low-income tenant is threatened with an unlawful rent increase. Like the legislature, the Court has addressed an issue of ongoing and intense statewide public interest.

Conclusion

This Court's opinion in *Castelan* readily merits publication. The Opinion applies an existing rule of law to a set of facts significantly different from those stated in published opinions, helpfully explicates multiple rules of law, and takes on an issue of continuing public interest. The state's trial courts, governments, developers, landlords, and tenants would all benefit from the clarity and guidance the Opinion provides.

Respectfully submitted,



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on behalf of

Haven Services, Inc.
Legal Assistance for Seniors
Mental Health Advocacy Services
Consumer Watchdog
Public Law Center
Public Interest Law Project
Western Center on Law and Poverty

² See <https://letsgethealthy.ca.gov/goals/creating-healthy-communities/reducing-housing-cost-burden/>.