



Jeff M. Malawy

Jeff Malawy advises the firm's clients in a wide range of legal matters pertaining to municipal government, including the California Planning and Zoning Law, the Subdivision Map Act, the California Environmental Quality Act, the Brown Act, the Political Reform Act, municipal contracting, land use permitting, and constitutional law issues such as regulatory takings, inverse condemnation, the First Amendment, and civil rights.

Mr. Malawy currently serves as the City Attorney for the City of Lompoc, the City Attorney for the City of San Dimas, and counsel to the City of Carson's and City of Ventura's Mobilehome Park Rental Review Boards.

Mr. Malawy has developed particular expertise in the various California laws related to marijuana regulation, rent control, and mobilehome parks. He is one of a few statewide experts in the much-litigated area of mobilehome park subdivisions, and has litigated numerous cases related to mobilehome park rent control. He regularly advises local officials to develop local laws to regulate or prohibit marijuana dispensaries, cultivation facilities, and delivery services.

Mr. Malawy has extensive appellate experience. In 2015, he received the Amicus Service Award from the International Municipal Lawyers' Association for his appellate work in the United States Supreme Court. Mr. Malawy is named counsel on over 15 state and federal appellate decisions, including:

- *Carson Harbor Village, Ltd. v. City of Carson* (2015) 239 Cal.App.4th 56
 - Successfully defended the Carson City Council's denial of mobilehome park subdivision based on inconsistency with the City's General Plan.
- *El Dorado Estates v. City of Fillmore* (9th Cir. 2014) 765 F.3d 1118
 - Fair Housing Act lawsuit related to mobilehome park subdivision in City of Fillmore
- *218 Properties, LLC v. City of Carson* (2014) 226 Cal.App.4th 182
 - Successfully defended the Carson City Council's denial of mobilehome park subdivision based on results of the resident survey.
- *Colony Cove Properties, LLC v. City of Carson* (2013) 220 Cal.App.4th 840
 - Successfully defended the Carson Mobilehome Park Rental Review Board's decision to grant a 9% rent increase when the park's owner had sought an increase of over 100%.
- *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783

Jeff M. Malawy

Partner

jmalawy@awattorneys.com

ORANGE COUNTY

(949) 250-5422

PRACTICE AREAS

Cannabis

Code Enforcement

Contracts & Public Works

Environment & Natural Resources

Ethics & Open Government

Land Use & Zoning

Litigation

Mobilehome Parks & Rent Control

Property Acquisition & Takings

Public Agency Organization

Toxics & Hazardous Waste

PUBLIC OFFICES

CITY ATTORNEY

City of Lompoc

City of San Dimas

EDUCATION

UNIVERSITY OF SOUTHERN
CALIFORNIA

JD 2007

UNIVERSITY OF CA, BERKELEY
BS and BA 2004



Jeff M. Malawy

ACCOMPLISHMENTS

2015 Amicus Service Award from
the International Municipal
Lawyers Association

ADMISSIONS

State Bar of California
United States Supreme Court
US Court of Appeals, 9th Circuit
US District Court, Central, CA

LANGUAGES

Spanish

- Co-authored amicus brief for the Palisades Bowl Residents Association and City of Carson on behalf of the City of Los Angeles
- *Goldstone v. County of Santa Cruz* (2012) 207 Cal.App.4th 1038
- Co-authored amicus brief for the Cities of Carson and Chino on behalf of the County of Santa Cruz
- *Chino MHC, LP v. City of Chino* (2012) 210 Cal.App.4th 1049
- Represented City of Chino in defense of City Council's denial of mobilehome park subdivision.
- *Colony Cove Properties, LLC v. City of Carson* (9th Cir. 2011) 640 F.3d 948
- Successfully defended the City of Carson's mobilehome park rent stabilization ordinance against a \$34 million claim for regulatory taking, private taking, physical taking, equal protection, and substantive due process violations, both facial and as-applied.
- *Guggenheim v. City of Goleta* (9th Cir., *en banc*, 2010) 638 F.3d 1111
- Co-authored Amicus Brief for the League of California Cities on behalf of the City of Goleta
- *Colony Cove Properties, LLC v. City of Carson* (2010) 187 Cal. App. 4th 1487
- First published Court of Appeal opinion to recognize that under the state statute governing mobilehome park subdivisions, the results of the resident survey are relevant to the legislative body's approval or disapproval decision.
- *Byrd, et al. v. County of Fresno, et al.*, California Fifth Appellate District Case No. F070597 (2015)
- Successfully defended City of Fresno's complete ban on marijuana cultivation from preemption challenge.
- *Colony Cove Properties, LLC v. City of Carson*, California 2nd Appellate District Case No. B234985 (2013)
- In \$78,500,000 inverse condemnation action challenging City of Carson's ordinances regulating mobilehome park subdivisions, Court of Appeal dismissed nearly every claim raised by plaintiff, and plaintiff promptly dismissed remainder of case after remand.
- *Carson Harbor Village, Ltd. v. City of Carson*, California 2nd Appellate District Case No. B211777 (2010)
- First Court of Appeal opinion to hold that a local agency may deny a mobilehome park subdivision if the conversion is not bona fide.

Jeff M. Malawy

- *Melim v. Cal. Unemployment Insurance Appeals Board*, California 4th Appellate District Case No. G042306 (2010)
- *Colony Cove Properties, LLC v. City of Carson*, California 2nd Appellate District Case No. B260071 (2016)
- *Fred Siegel v. City of Lawndale*, California 2nd Appellate District Case No. B258666 (2016)

Mr. Malawy attended the University of Southern California Law School in Los Angeles, where he received his J.D. in 2007. While there, he was a member of the Review of Law and Social Justice and served as a law clerk at the U.S. Environmental Protection Agency's Office of Regional Counsel in San Francisco. His experience with environmental regulatory issues at the EPA makes him a valuable part of the land use and environmental teams at the Firm.

He received a Bachelor of Science in Environmental Economics & Policy and a Bachelor of Arts in Mass Communications from the University of California, Berkeley in 2004.