

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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November 7, 2024

Albert Lopez, Director
Planning Department
Community Development Agency
County of Alameda
224 West Winton Avenue, Room 111
Hayward, CA 94544

Dear Albert Lopez:

RE: County of Alameda's 6th Cycle (2023-2031) Revised Draft Housing Element

Thank you for submitting the County of Alameda's (County) revised draft housing element that was received on September 30, 2024, including additional revisions on November 6, 2024. All revisions were posted and made available to the public for seven days prior to review. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the revised draft housing element, including additional revisions, meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The revised draft, with additional revisions, addresses the statutory requirements described in HCD's July 9, 2024 review. However, the housing element cannot be found in substantial compliance until the County has completed necessary rezones as described below. The housing element will comply with State Housing Element Law when rezoning is complete and the element is adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the County did not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), programs (e.g., Programs 1.A, 1.C, 1.G, 1.H, 1.J and 1.L) to make prior identified sites available and address a shortfall of capacity to accommodate the regional housing needs allocation (RHNA) must be completed no later than one year from the statutory deadline, pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivision (c). As this year has passed and all necessary rezonings have not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning has been completed.

As a reminder, the County's 6th cycle housing element was due January 31, 2023. As of today, the County has not completed the housing element process for the 6th cycle. The County's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the County to expeditiously adopt, rezone and submit to HCD to regain housing element compliance.

In addition, for your information, since the element relies on nonvacant sites to accommodate 50 percent or more of the housing needs for lower-income households, requirements are triggered to make findings based on substantial evidence (as part of adoption) that the existing use is not an impediment and will likely discontinue in the planning period.

For your information, pursuant to Government Code section 65583.3, the County must submit an electronic sites inventory with its adopted housing element. The County must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The County can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the County will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the commitment and collaboration of the housing element update team and particularly applauds the hard work and collaboration of olivia ortiz. HCD looks forward to working with the County through adoption and rezoning. If HCD can provide assistance in implementing the housing element, please contact Alex Goelzer, of our staff, at Alex.Goelzer@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager