

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

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



December 21, 2023

Christina Rivera, County Administrator  
County of Sonoma  
575 Administration Drive  
Santa Rosa, CA 95403

Dear Christina Rivera:

**RE: 6<sup>th</sup> Cycle Housing Element Update Rezone Requirements – Letter of Inquiry**

The purpose of this letter is to inquire about the status of the County's implementation of 6<sup>th</sup> Cycle Housing Element Program 4 (Actions to Meet Regional Housing Needs Allocation (RHNA)) pursuant to Government Code section 65585, subdivision (i). As noted in the California Department of Housing and Community Development's (HCD) October 26, 2023 letter finding the County's housing element substantially complied with State Housing Element Law (Gov. Code, § 65580 et seq), all rezoning actions in Program 4 must be completed no later than one year after the housing element's statutory due date. HCD requests that the County provide an update on the status of the implementation of Program 4 by January 21, 2024.

**Rezoning Requirements**

Pursuant to Government Code section 65588, subdivision (e)(4)(C) if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the RHNA shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). As the County did not adopt a compliant housing element within 120 days of the statutory deadline, Program 4 must be completed no later than one year from the statutory deadline.

**Consequences of Failure to Implement Program 4**

Government Code section 65585, subdivision (i), grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or State Housing Element Law. This includes failure to implement program actions included in the housing element. Failure to implement rezone actions in Program 4 by the statutory deadline means the County's housing

element will no longer substantially comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance.

Various consequences may apply if the County does not have a housing element in compliance with State Housing Element Law, including ineligibility or delay in receiving certain state funds, referral to the California Office of the Attorney General, court-imposed financial penalties, the loss of local land use authority to a court-appointed agent, and the application of the “builder’s remedy.” (Gov. Code, §§ 65585, subds. (j), (l)(1), (i), 65589.5, subd. (d)(5).)

### **Conclusion**

Housing elements are essential to developing a blueprint for growth and are a vital tool to address California’s prolonged housing crisis. Accordingly, state law has established clear disincentives for local jurisdictions that fail to comply with State Housing Element Law. To ensure the County continues to meet the 6<sup>th</sup> cycle update requirements for a substantially compliant housing element, the County must submit any adopted rezones and accompanying resolutions to HCD for review. (Gov. Code, § 65585.)

HCD will consider any written response before taking further action authorized by Government Code section 65585, subdivision (j), including issuance of written findings (Corrective Action Letter) and removal of HCD’s finding of housing element compliance.

HCD looks forward to receiving your written response to this inquiry. If you have any questions or would like to discuss the contents of this letter, please contact Reid Miller of our staff at [Reid.Miller@hcd.ca.gov](mailto:Reid.Miller@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long horizontal stroke extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief  
Division of Housing Policy Development