

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

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**RECEIVED****JUN 10 2024****CITY OF COLUSA**

May 24, 2024

Mark Tomey, Director
Planning Department
City of Colusa
425 Webster St.
Colusa, CA 95932

Dear Mark Tomey:

RE: 6th Cycle Housing Element Update Rezone Requirements – Letter of Inquiry

The purpose of this letter is to inquire about the status of the City of Colusa's (City) implementation of 6th Cycle Housing Element Program H-2 (Housing Element Regulatory Amendments) pursuant to Government Code section 65585, subdivision (i). According to the City's housing element, all rezoning actions in Program H-2 should have been completed no later than April 30, 2021 statutory due date. While the City stated in its 2023 Annual Progress Report that actions in Program H-2 have been completed, the California Department of Housing and Community Development (HCD) requests that the County provide the resolutions and ordinance demonstrating of the implementation of Program H-2 by June 24, 2024.

Consequences of Failure to Implement Program H-2

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 Housing Element Law. This includes failure to implement program actions included in the housing element. Failure to implement rezone actions in Programs H-2 by the statutory deadline means the City'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 City does not have a housing element in compliance with 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, subs. (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 Housing Element Law. To ensure the City continues to meet the 6th cycle update requirements for a substantially compliant housing element, the City 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 (i), including issuance of a 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 content of this letter, please contact Reid Miller of our staff at Reid.Miller@hcd.ca.gov.

Sincerely,

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

Melinda Coy
Proactive Housing Accountability Chief
Division of Housing Policy Development
