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Housing Element adoption deadline causing some confusion

By Vera Kochan

Housing and Community Development for the State of California had issued a Jan 31, 2023 deadline for Housing Element adoption, but allowed for a second deadline of a 120-day "grace period", whereby municipalities must have received their HCD certification acknowledging that their Housing Element meets the state's standards. Herein lies the confusion.

After the publishing of a San Francisco Business Times article, "S.F. got the state's housing deadline wrong - so did Berkeley, Oakland and San Jose," a flurry of conversation was ignited between the Association of Bay Area Governments (ABAG) and the Contra Costa County Directors in order to clarify matters.

HCD stated that it stands "firm" with the initial January deadline, and the Oct. 26 town council meeting's staff report by Planning Director Afshan Hamid notes, "After that date, the Town is out of compliance if it does not have an adopted legally adequate housing element."

The report also states, "The 'grace period' is not intended to provide communities with more time to complete and adopt their Housing Elements. Communities that fail to be found in compliance by May 31, 2023, may face adverse consequences."

Some of the outcomes could lead to loss of local control; implementation of the "builder's remedy" (a legal mechanism that states can use to expedite the construction of low or middle income housing when a city fails to comply with housing development laws); and the loss of affordable housing and transportation grant funding.

After conferring with Barry Miller Consultants, the Planning Department assured the town council that Moraga is on track to comply with the HCD Jan. 31, 2023 deadline.

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