

Attachment 4

HCD webpage (SB 197 information)

<https://www.hcd.ca.gov/housing-elements-hcd>

Consequences for Late Housing Elements

Jurisdictions that fail to adopt a housing element that has been found in substantial compliance within 120 days of the statutory deadline to revise the housing element must complete all necessary rezones within one year of that statutory deadline. This means both that jurisdictions must **adopt** the housing element and that the housing element must be **found in compliance** (meaning a letter from HCD affirming compliance) with Housing Element Law by HCD within 120 days of the statutory deadline, or they will need to complete rezones within one year of their housing element due date (as opposed to three years) to maintain housing element compliance. Jurisdictions that adopt more than one year from the statutory deadline cannot be found in substantial compliance with Housing Element Law until the local government has completed any required rezoning.

NEW! SB 197 – for jurisdictions with [housing element due](#) dates in 2021

Prior law required rezoning specified in housing elements to be completed within one year (instead of three years) if the jurisdiction was not found in compliance with Housing Element Law within 120 days of the statutory deadline.

SB 197, which was signed into law on June 30, 2022, changed the rezoning deadlines for jurisdictions with statutory housing element deadlines in 2021. Now, jurisdictions with 2021 housing element deadlines may maintain the approximate three-year rezoning deadline if their adopted housing element is found in compliance within one year after the statutory due date. A housing element that is adopted and found in compliance means HCD has completed its review of the adopted element and has issued a review letter finding the element in compliance with Housing Element Law.

Jurisdictions seeking to maintain the three-year deadline for rezoning should plan accordingly given the statutory review timelines, which are 60 days for adopted and draft submittals. HCD will make its best effort to assist jurisdictions in meeting these deadlines but cannot guarantee or be obligated to expedite reviews for any jurisdictions that do not yet have a compliant adopted housing element.

Therefore, to meet the one-year deadline, jurisdictions will need to submit their adopted housing elements to HCD via HousingElements@hcd.ca.gov 60 days before the one-year anniversary of the 2021 statutory deadline (preferably earlier). This allows for the statutory 60 days for HCD's review (Government Code section 65585).

For example, SCAG jurisdictions should submit an adopted housing element to HCD **no later than August 15 so HCD can complete its review before October 15.** An on-time submittal does not guarantee that HCD will find your jurisdiction's adopted housing element in compliance with Housing Element Law, but it does ensure that HCD will review your jurisdiction's housing element and issue a findings letter in advance of the one-year deadline.