

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

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December 19, 2018

Andrew Pasmant, Acting City Manager
City of Montebello
1600 W. Beverly Boulevard
Montebello, CA 90640

RE: 5th Cycle (2013-2021) Housing Element Notice of Noncompliance

Dear Andrew Pasmant:

The Department of Housing and Community Development (HCD) is responsible for administering State Housing Element Law (Article 10.6 of the Government Code), including the review of local housing elements for compliance pursuant to Gov. Code, section 65585, subdivision (b). In 2017, the Governor signed the 2017 Legislative Housing Package, which provides a renewed focus on housing, one of the most basic needs for every Californian. Chapter 370 Statutes of 2017, Assembly Bill (AB) 72 expands and clarifies HCD's enforcement authorities. Under Gov. Code, section 65585, subd. (i)(1)(A), HCD must review any action or failure to act that it determines is inconsistent with an adopted housing element or Gov. Code, section 65583, and issue written findings to the locality as to whether the action or failure to act substantially complies with Article 10.6 of the Government Code.

The 5th cycle planning period for the City of Montebello is October 15, 2013 to October 15, 2012.

On January 28, 2014, the City of Montebello submitted a draft housing element to HCD for review.

On March 28, 2014, HCD issued written findings to Montebello stating the draft housing element would be compliant as long as zoning amendments were implemented prior to October 15, 2014.

On April 1, 2015, the City of Montebello submitted an adopted housing element to HCD for review.

On June 26, 2015, HCD issued written findings to Montebello noting that the adopted housing element was substantially the same as the draft document, emphasizing that the zoning amendments were still required.

On September 7, 2017, the City of Montebello submitted a revised draft housing element to HCD for review.

On November 6, 2017, HCD issued an 8-page findings letter to Montebello stating in addition to the aforementioned zoning amendments, multiple revisions to the housing element would be necessary to comply with state housing element law.

On May 7, 2018, HCD issued a letter inquiring as to the status of the zoning amendments.

On August 30, 2018, HCD issued correspondence stating that no response had been received from Montebello and that its housing element remained out of compliance until implementation of the necessary zoning amendments.

As of the date of this correspondence, Montebello has failed to submit an adopted 5th cycle housing element to HCD for review.

This failure to act constitutes a violation of Government Code Article 10.6, including, but not limited to, sections 65583, 65589.5, 65863, 65915 and 65008. HCD has determined that the city failed to act in compliance with section 65583 when it failed to submit a compliant adopted housing element by its 5th cycle due date of October 15, 2013. Under Gov. Code, section 65585, subd. (i)(1)(A), HCD provides the city until January 18, 2019 to respond to these written findings. HCD reserves the right to take further action, including those actions authorized by Gov. Code, section 65585, subd. (i) and (j).

Many federal, state, and regional funding programs consider housing element compliance as a condition for receipt of funds. (Senate Bill 1 Sustainable Communities grants; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and Senate Bill 2 Planning Grant). Without a compliant housing element, Montebello may be ineligible for such funding sources. HCD welcomes the opportunity to assist Montebello comply with housing element law. Please see the enclosure for a list of ways HCD can help.

If you have questions or need additional information, please contact Robin Huntley of our staff at (916) 263-7422.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Olmstead", written over a horizontal line.

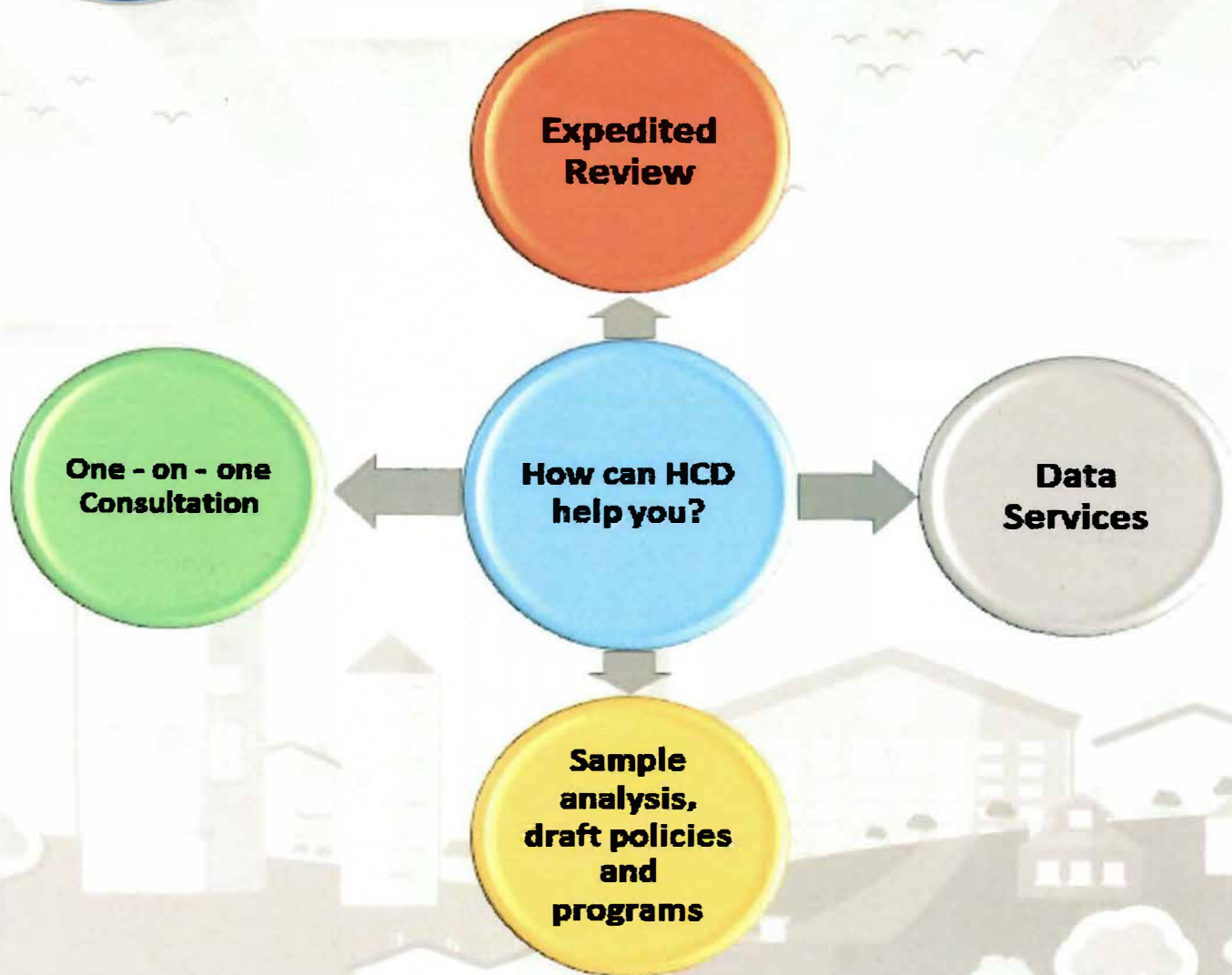
Zachary Olmstead
Deputy Director

Enclosure



Housing element out of compliance?

HCD is here to provide you with technical assistance!



For more information about the SB 2 Planning Grants Program and Housing Element TA, please contact:

Sohab Mehmood
SB 2 Planning Grants
916.263.1968

Robin Huntley
Housing Element TA
916.263.7422

Why it matters?

Housing Element compliance is a threshold requirement for many funding programs including the upcoming SB 2 planning grants as well as on-going SB 2 funding.