

Department of Housing and Community Development
California Code of Regulations
Title 25
Division 1.
Chapter 6

Proposed Adoption of
Subchapter 2
Housing Element Annual Progress Reports

Sections 6200, 6201, 6202, and 6203

Adopt § 6200. Purpose and Scope. These regulations implement, interpret and make specific subdivision (a) of Government Code Section 65400 which establishes the requirement that each city, county or city, and county planning agency prepare an annual report on the status of the housing element of its general plan and progress in its implementation using forms and definitions adopted by the Department of Housing and Community Development.

Note: Authority Cited: Section 65400, Government Code; Reference: Section 65400, Government Code.

Adopt § 6201. General.

- (a) The reporting period for the annual report shall be the calendar year immediately preceding the April 1 reporting deadline.
- (b) The annual report shall be prepared and submitted on a form made available by the Department and providing the information required by Section 6203. The form shall contain instructions for its completion consistent with these regulations.
- (c) These regulations, the annual report and the forms made available by the Department shall be subject to and governed by the definitions set forth in Section 6202.
- (d) The information reported shall be for activities conducted within the jurisdictional boundaries of the reporting local government, except that program activities outside the jurisdiction's boundaries may be reported pursuant to Section 6203 subd. (e) where appropriate.

Note: Authority Cited: Section 65400, Government Code; Reference: Section 65400, Government Code.

Adopt § 6202. Definitions.

- (a) “Local government” means a city, county, or city and county.
- (b) “Income level” means the household income level for the category identified.
- (c) “Very low-income” means the same as defined in Health and Safety Code Section 50105.
- (d) “Low-income” or “lower-income” means the same as defined in Health and Safety Code Section 50079.5.
- (e) “Moderate-income” means the same as defined in Health and Safety Code Section 50093.
- (f) “Above moderate-income level” means the household income exceeds the moderate-income level.
- (g) “Permitted units” means units for which building permits for new housing construction have been issued by the local government during the reporting calendar year. For this purpose, “new housing unit” means housing units as defined by the Department of Finance for inclusion in the Department of Finance’s annual “E-5 City/County Population and Housing Estimates” report. Permitted units also include units for low- and very low-income households identified in the jurisdiction’s housing element and receiving committed assistance pursuant to subdivision (c) of Government Code Section 65583.1
- (h) “Second-Units” mean the same as defined in Government Code Section 65852.2(i)(4).
- (i) “Multifamily development” means a housing project or development of 5 or more attached units.
- (j) “Project” or “Development” refers to a housing related activity where new construction of a unit(s) has had a building permit issued during the reporting calendar year. This may include single family, mixed use, multifamily, second-unit, or any other developments where housing units as defined by the US Census Bureau and the California Department of Finance are a component of the project.
- (k) “RHNA” means the local government’s share of the regional housing need allocation pursuant to Government Code Section 65584 et seq.
- (l) “Annual report” means that part of the annual report required by Government Code Section 65400 meeting the requirements of subd. (a)(2)(B) of that section and having the contents described in Section 6203.

Note: Authority Cited: Section 65400, Government Code; Reference: Section 65400 and 65584 Government Code.

Adopt § 6203. Annual Report Content.

Each annual report shall contain the following information:

- (a) A cover sheet with the name and mailing address of the reporting local government, the name, phone, fax and email numbers for the contact person, and the calendar year of the reporting period.
- (b) The following data for assessing progress in meeting the local government's regional housing needs allocation ("RHNA"):
 - (1) Total allocation of housing units for the RHNA planning period and allocation by household income levels (i.e., very low, low, moderate, above moderate).
 - (2) The number of permitted units issued by the local government for each year of the RHNA planning period by household income level (i.e., very low, low, moderate, above moderate), the total number of permitted units issued by year, the remaining regional housing need allocation by household income level, and the total remaining RHNA.
- (c) For each housing development affordable to moderate- or lower-income households including mixed-income multifamily projects for which building permits were issued during the reporting period, the following information:
 - (1) Identifying information for each project (e.g., address, intersection, or assessor's parcel number).
 - (2) Unit category (i.e., single family, 2-4 units, 5 or more units, second-unit, mobilehome).
 - (3) Tenure of the unit(s) (i.e., owner or renter), where apparent at time of project application.
 - (4) Total number of units affordable to each of the following household income groups at initial occupancy: very low-income, low-income, and moderate-income, above moderate-income when included as part of a mixed-income multifamily development. Assignment of units to appropriate income group shall be based on any one of the following:
 - (A) Monetary/financing programs used to achieve housing costs affordable to very low- and/or low-income households (e.g., state, federal, or local financial assistance, and including tax credits and bond financing).
 - (B) Non-monetary programs used to achieve housing costs affordable to very low- and/or low-income households and utilizing some form of deed restrictions or covenants running with the land (e.g., density bonus, inclusionary zoning).

(C) Any other methods used to achieve affordability at initial occupancy and including an explanation of how the affordability of the units was determined. For units that are affordable to lower- income households without direct governmental assistance, the report shall include the initial projected sales price or rent of the unit, and the maximum qualifying household income levels applicable at the time of initial sale or rent as determined pursuant to Health and Safety Code sections 50052.5(b) and 50053(b) and California Code of Regulations, Title 25, Division 1, Chapter 6.5, Sections 6918 and 6920.

(d) Report the total number of units affordable to moderate and above moderate-income households for which building permits were issued during the reporting period by unit category (i.e., single family, 2-4 units, 5 or more units, second-unit, mobilehome).

(e) For each program identified in the housing element pursuant to the requirement of subdivision (c) of Government Code 65583, the following information:

(1) Name of the program as referenced in the jurisdiction's housing element.

(2) Objective of the program as set forth in the housing element.

(3) Deadline for achieving the objective as set forth in the housing element.

(4) Status of program implementation as of the end of the annual reporting period listing dates of specific milestones or accomplishments, and quantified to the extent applicable and possible (e.g., 25 acres rezoned to R-4 on June 1st).

(5) Progress in local efforts and programs to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Government Code Section 65583.

(f) Notwithstanding the foregoing, for a city or county which has issued permits for 1,500 or more multifamily units in the reporting period, the following reporting requirement applies:

(1) The city, county, or city and county is not required to report the information required by section (c) above on a project-by-project basis for projects of less than 25 units, but may report the information as summary data for the reporting period.

Information related to affordability on the units in projects of less than 25 units may be provided based on information other than building permit information. However, if the information is not based on building permits, the jurisdiction must provide an explanation as to how these units were determined to be assigned to the reporting period. Upon request by the Department, the city or city and county shall provide back-up documentation for the information provided.

Note: Authority Cited: Section 65400, Government Code; Reference: Section 65400, Government Code.