

APPENDIX B

HOUSING ELEMENT & GROWTH CONTROL REQUIREMENTS

ELIGIBILITY FOR AWARD OF STATE CDBG FUNDS

Any applicant with a Housing Element that is not in compliance with State CDBG statutes (Housing Element approved and adopted by the jurisdiction's governing board by the final due date of the application) will not be eligible.

Any applicant with a growth control measure in effect is only eligible to apply for CDBG funds if HPD has reviewed the Housing Element and allows an exception.

Applicants should verify the status of their Housing Element and the impact of growth control measures prior to submitting their application. Please [visit HPD's website](#) or contact:

Paul McDougall, Manager
(916) 263-7420 / Paul.McDougall@hcd.ca.gov

STATUTORY AUTHORITY FOR COMPLIANCE

Program Regulations, Health and Safety Code, Section 50830 and 50829.

DEFINITION OF GROWTH CONTROL MEASURE

A general plan, ordinance, or other measure that directly limits by number:

1. The building permits that may be used for residential construction; or,
2. The buildable lots that may be developed for residential purposes.

Section 50830 does not apply to:

1. An ordinance adopted by a city or county that does any of the following:
 - A. Imposes a moratorium to protect the public health and safety on residential construction for a specified period of time if, under the terms of the ordinance, the moratorium will cease when the public health and safety is no longer jeopardized by the construction;
 - B. Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the government code; or,

- C. Adopted pursuant to a specific requirement of a State or multi-state board, agency, department, or commission; or
2. A city or county that has adopted a housing element that the Department has found to be adequate pursuant to subdivision (c) of Section 65585 or Section 65586 of the Government Code at the time the city or county applies for funds under the State CDBG Program, unless a final court order has found that such housing element does not comply with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.