DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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November 23, 2021

Ronerick Simpson, City Manager
City of Compton
205 S Willowbrook Ave
Compton, CA 90020

RE: City of Compton Failure to Submit a Timely 6th Cycle Housing Element Update

Dear City Manager Simpson:

The California Department of Housing and Community Development (HCD) would like to remind the City of Compton that it is required to revise its housing element for the 6th cycle planning period (6th cycle) pursuant to Government Code section 65588, subdivision (e).

The 6th cycle update was due October 15, 2021. As of the date of this letter, HCD has not received any draft housing element submittal from the City of Compton. As such, the City of Compton no longer complies with State Housing Element Law (Article 10.6 (commencing at with section 65580) of Chapter 3 of the Government Code). HCD strongly encourages the City of Compton to work with urgency to regain compliance.

In addition, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a housing element found in compliance with state law within 120 days of the statutory deadline, then any rezoning to accommodate the jurisdiction's regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. This 120-day period ends on February 12, 2021.

Housing availability is a critical issue with statewide implications, and most housing decisions occur at the local level. Housing elements are essential to developing a blueprint for growth and are a vital tool to address California's prolonged housing crisis. As such, state law has established clear disincentives for local jurisdictions that fail to comply with State Housing Element Law.

First, noncompliance will result in ineligibility or delay in receiving state funds that require a compliant housing element as a prerequisite, including, but not limited to the following:

- Permanent Local Housing Allocation Program
- Local Housing Trust Fund Program
- Infill Infrastructure Grant Program
- SB 1 Caltrans Sustainable Communities Grants
- Affordable Housing and Sustainable Communities Program

Second, jurisdictions that do not meet their housing element requirements may face additional financial and legal ramifications. HCD may notify the California Office of the Attorney General, which may bring suit for violations of Housing Element Law. Further, statute provides for court-imposed penalties for persistent noncompliance, including financial penalties. Government Code section 65585, subdivision (l)(1), establishes a minimum fine of $10,000 per month, up to $100,000 per month. If a jurisdiction continues to remain noncompliant, a court can multiply the penalties up to a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

In addition to these legal remedies available in the courts, under the Housing Accountability Act (Gov. Code § 65589.5, subd. (d)), jurisdictions without a substantially compliant housing element cannot use inconsistency with zoning and general plan standards as reasons for denial of a housing project for very low-, low-, or moderate-income households.[1]

As a reminder, to meet the 6th cycle update requirements for a substantially compliant housing element, the City of Compton must submit a draft housing element to HCD for review, consider HCD's written findings, adopt the housing element, and submit it to HCD for review and certification (Gov. Code § 65585). Throughout the housing element process, the City of Compton must engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. For more information, please visit our website at: https://hcd.ca.gov/community-development/housing-element or contact housingelements@hcd.ca.gov.

Sincerely,

Melinda Coy
Senior Accountability Manager

[1] For purposes of the Housing Accountability Act, housing for very low-, low-, or moderate-income households is defined as having at least 20% of units set aside for low-income residents or 100% of units set aside for middle-income residents (Gov. Code § 65589.5, subd. (h)(3)).