

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

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September 9, 2025

Sandra Staples, Mayor
City of Amador
14531 East School Street
Amador City, CA 95601

Dear Sandra Staples:

**RE: City of Amador Failure to Adopt a Compliant 6th Cycle Housing Element –
Letter of Inquiry**

The purpose of this letter is to inquire about the status of the City of Amador's (City) 6th cycle planning period housing element pursuant to Government Code section 65588, subdivision (e). The 6th cycle planning period for the City is September 15, 2021, through September 15, 2029.¹ The City failed to adopt a compliant housing element by its 6th cycle due date of September 15, 2021. Therefore, the City is out of compliance with Housing Element Law.²

The California Department of Housing and Community Development (HCD) issued a letter to the City on February 14, 2025, finding the City's adopted housing element had met the statutory requirements of Housing Element Law.³ However, as noted in the element, the City does not have a zone that explicitly permits emergency shelters without discretionary action. A zone was required as part of the first year of the 4th cycle of the housing element, a date which has lapsed. As a result, the City's housing element cannot be found in substantial compliance and will remain out of compliance until the zone is completed.

HCD is requesting the City provide a revised and specific timeline for (1) completing emergency shelter zoning, (2) submitting emergency shelter zoning documentation to HCD for review, and (3) obtaining compliance with Housing Element Law, no later than October 9, 2025.

¹ Gov. Code, § 65588, subd. (e)(3).

² Article 10.6 (commencing with section 65580) of Chapter 3 of the Government Code.

³ Findings Letter is available at <https://www.hcd.ca.gov/planning-and-community-development/housing-element-download-tool>.

6th Cycle Housing Element Submission and Review History

HCD records are as follows:

- On February 8, 2023, the City submitted an initial draft housing element to HCD for review.
- On May 8, 2023, HCD issued a findings letter to the City noting multiple revisions necessary for the housing element to be substantially compliant with Housing Element Law.
- On May 7, 2024, the City submitted an element adopted on May 7, 2024, to HCD for review.
- On July 5, 2024, HCD issued a second findings letter to the City noting revisions were still necessary for the housing element to be substantially compliant with Housing Element Law.
- On December 4, 2024, HCD issued a Letter of Inquiry to the City regarding its failure to adopt a compliant housing element draft by its statutory due date. This letter requested a specific timeline for (1) submitting an updated draft housing element and (2) obtaining compliance with Housing Element Law, no later than January 4, 2025. The City failed to respond to this letter or provide a timeline as requested.
- On December 20, 2024, the City submitted an element adopted on January 18, 2024, to HCD for review.
- On February 14, 2025, HCD issued a third-findings letter to the City noting the adopted housing element meets the statutory requirements of Housing Element Law but cannot be found in substantial compliance until the City has completed necessary zoning.
- As of the date of this letter, the City has not submitted updated emergency shelter zoning documentation since receiving HCD's third findings letter.

Consequences of Noncompliance

Consequences apply if the City does not have a housing element in compliance with Housing Element Law. First, noncompliance results in ineligibility or delay in receiving state funds that require a compliant housing element as a condition precedent, including, but not limited to, the following:

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

Second, under the Housing Accountability Act, jurisdictions that do not have a substantially compliant housing element are subject to the Builder's Remedy.⁴ In addition, jurisdictions that do not have a compliant housing element may face additional legal ramifications, including referral of the City to the Attorney General's

⁴ Gov. Code, § 65589.5, subds. (d)(6), (f)(6), and (h)(11).

Office for its violations of state law.⁵ Further, state law provides for court-imposed penalties for persistent noncompliance, including enhanced financial penalties. Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month, up to \$100,000 per month for jurisdictions that fail to comply with a court order to bring its housing element into compliance. If a jurisdiction remains noncompliant, a court may multiply those penalties by a factor of three and then six, depending on the duration of the continued noncompliance.⁶

Finally, in any action brought by the Attorney General or HCD to enforce the adoption of housing element revisions, jurisdictions are subject to additional fines of between \$10,000 and \$50,000 per month for each violation, accrued from the date of the violation until the date the violation is cured, including investigation costs, expert fees, attorneys' fees, costs, and any other relief the court deems appropriate.⁷ If a jurisdiction fails to comply after six months from the imposition of fees, the court may also appoint a receiver.⁸

Conclusion

HCD recognizes that, ultimately, state housing laws are effective only with the cooperation of local governments and understands staffing and resource constraints that may hinder efforts to gain compliance. HCD also acknowledges the City's measurable effort towards achieving compliance in cooperation with HCD. However, housing elements, and the timely implementation thereof, are essential to developing a blueprint for growth and are a vital tool to address California's prolonged housing crisis. Accordingly, state law has established clear disincentives for local jurisdictions that fail to comply with Housing Element Law. To meet the 6th cycle update requirements for a substantially compliant housing element, the City must complete its emergency shelter zoning and submit the zoning documentation to HCD for review and certification before it can be considered compliant.

If you have any questions or would like to discuss the content of this letter, please contact J. April Martinez of our staff at jennifer.martinez@hcd.ca.gov.

Sincerely,



Fidel Herrera
Section Chief, Housing Element Implementation
Housing Accountability Unit

⁵ Gov. Code, § 65585, subds. (i)(1)(A) and (j).

⁶ Gov. Code, § 65585, subds. (l)(2) and (3).

⁷ Gov. Code, § 65009.1, subd. (a).

⁸ Gov. Code, § 65585, subd. (l)(3)(B).