

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

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



March 24, 2026

Antony Lopez, City Manager
City of Avenal
919 Skyline Blvd
Avenal, CA 93204

Dear Antony Lopez:

**RE: City of Avenal Failure to Adopt a Compliant 6th Cycle Housing Element –
Notice of Violation**

The City of Avenal (City) 6th cycle housing element was due on January 31, 2024.¹ The City's most recent housing element draft is not in substantial compliance with Housing Element Law.² While the California Department of Housing and Community Development (HCD) recognizes that the City provided several drafts and timelines to work toward compliance, the City has failed to submit a subsequent draft housing element since receiving HCD's second findings letter on October 17, 2025. Therefore, the City is in violation of Housing Element Law.³

Under Government Code section 65585, subdivision (i)(1)(A), HCD has the authority to review any action or failure to act that it determines to be inconsistent with either an adopted housing element or Government Code section 65583 and to issue written findings of such noncompliance. Additionally, HCD must notify a local government when that local government takes actions that violate Government Code section 65583 and may refer such violations to the California Office of the Attorney General.⁴

6th Cycle Housing Element Submission and Review History

The 6th cycle planning period for the City is January 31, 2024, through January 31, 2032. The City failed to adopt a compliant housing element by its 6th cycle due date of January 31, 2024. HCD records are as follows:

- On July 24, 2024, HCD issued a Letter of Inquiry to the City inquiring about the status of the City's 6th cycle housing element and requesting the City provide a specific timeline for (1) submitting an updated draft housing element and (2) obtaining compliance with Housing Element Law, no later than August 23, 2024.

¹ Gov. Code, § 65588, subd. (e)(3).

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

³ Gov. Code, § 65585.

⁴ Gov. Code, § 65585, subs. (i)(1)(A) and (j).

- On July 30, 2024, the County of Kings (County) responded to HCD's Letter of Inquiry on behalf of all multijurisdictional housing elements with a timeline proposing an initial draft in September of 2024.
- On July 30, 2024, HCD requested by email a more detailed timeline on County letterhead.
- On August 5, 2024, the County responded to HCD's request with a second timeline with specific dates, including a proposed initial draft submittal on September 25, 2024, for the multijurisdictional housing elements with the Cities of Avenal, Corcoran, Hanford and Lemoore and Kings County.
- On October 9, 2024, the City submitted an initial draft housing element to HCD for review.
- On January 3, 2025, HCD issued a findings letter to the City noting multiple revisions necessary for the housing element to be compliant with Housing Element Law.
- On April 7, 2025, HCD requested by email an updated timeline for housing element submittal. Receiving no response, HCD emailed the request again on April 14, 2025.
- On April 14, 2025, the County responded by email that the consultant projected submitting a subsequent draft at the end of May 2025.
- On June 2, 2025, HCD requested by email an updated timeline for housing element submittal. The County responded the following day that a formal draft element would be submitted no later than July 31, 2025.
- On July 17, 2025, HCD inquired by email whether the County would meet its expected submittal date of July 31, 2025. The County responded the same day and requested two additional weeks to submit the revised draft housing element. HCD accepted the revised submittal date of August 15, 2025.
- On August 12, 2025, HCD reached out to the consultant with a reminder of the submittal date of August 15, 2025.
- On August 26, 2024, the City submitted a subsequent draft housing element to HCD for review.
- On October 17, 2025, HCD issued a second findings letter to the City noting multiple revisions were still necessary for the housing element to be compliant with Housing Element Law.
- On November 5, 2025, HCD requested by email a complete, updated timeline of events and milestones leading to the City's housing element compliance with Housing Element Law by November 12, 2025
- On November 13, 2025, the County provided by email a timeline proposing a subsequent draft housing element on March 13, 2026.
- On November 18, 2025, HCD informed the County that the next submittal date of March 13, 2026, and the adoption date of June 8, 2026, were unsatisfactory. HCD requested that the County revise their timeline so that the next submittal date is within 2-3 months from the last HCD findings letter, or no later than February 2026. HCD requested this revised timeline by November 26, 2025, in order to avoid further enforcement.
- On November 25, 2025, the County requested through emails and calls to HCD that the County keep the timeline that was originally submitted, rather than the

one shortened by two weeks. HCD replied by email offering regular meetings to provide feedback, and any other help to get the County in compliance as soon as possible.

- On December 1, 2025, the County provided by email a revised compliance timeline proposing a subsequent draft submittal on February 27, 2026.
- As of the date of this letter, the City has failed to submit a subsequent draft housing element to HCD for review.

Technical Assistance Offered

HCD has made resources and technical assistance available to assist local jurisdictions in creating comprehensive housing elements. Despite extensive technical assistance, including numerous meetings and comprehensive written guidance, numerous findings have remained unaddressed by the City.

In addition, HCD has made available \$123 million in planning grants for regions, cities, and counties to prepare, adopt, and implement plans that streamline housing approvals and accelerate housing production. Under that program, the City was eligible for, and received, an award of \$160,000 through SB 2, \$18,432.86 of which was left unclaimed. The City was also eligible for, and received, \$65,000 through the Local Early Action Planning Grant (LEAP) for local planning activities.

Consequences of Noncompliance

Consequences apply if the City does not have a housing element in substantial 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.⁵

In addition, HCD may notify the California Office of the Attorney General.⁶ Furthermore, 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

⁵ Gov. Code, § 65589.5, subds. (d)(6), (f)(6), and (h)(11).

⁶ Gov. Code, § 65585, subd. (j).

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.⁷ If a jurisdiction fails to comply after six months from the imposition of fees, the court may also appoint a receiver.⁸

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.⁹

Findings and Conclusion

HCD finds that the City has failed to adopt a substantially compliant housing element and is therefore in violation of state law. Pursuant to Government Code section 65585, subdivision (i)(1)(A), the City has until April 23, 2026, to provide a written response to this notice before HCD takes any of the actions authorized by section 65585, including, but not limited to, referral to the California Office of the Attorney General.

In addition, pursuant to Government Code section 65585, subdivision (k), HCD hereby offers the City two meetings within the next 30 days to discuss the City's violations and its failure to adopt a substantially compliant housing element.

State housing laws are effective only with the cooperation of local governments. HCD understands that local governments may encounter staffing and resource constraints in their efforts to gain compliance. 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. To meet the 6th cycle update requirements for a substantially compliant housing element, the City must consider HCD's written findings from previous drafts, make a draft housing element available for public comment, adopt the housing element, and submit it to HCD for review and certification before it can be considered compliant.¹⁰

If you have any questions or would like to discuss the contents of this letter, please contact Leslie Woodman at Leslie.Woodman@hcd.ca.gov.

Sincerely,



Melinda Coy
Housing Accountability Unit Chief

⁷ Gov. Code, § 65585, subs. (l)(2) and (3).

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

⁹ Gov. Code, § 65009.1, subd. (a).

¹⁰ Gov. Code, § 65585, subs. (b)-(h).