DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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February 5, 2024

Valerie Barone, City Manager
City of Concord
1950 Parkside Drive
Concord, CA 94519

RE: City of Concord Housing Element Implementation – Corrective Action Letter

Dear Valerie Barone:

The California Department of Housing and Community Development (HCD) has reviewed the City of Concord's (City) obligations under the housing element and hereby issues its written findings that the City has failed to implement Program 6 (By-Right Development) included in its housing element.

HCD requests that the City review this correspondence and provide a written response to these findings within 30 days and no later than March 6, 2024. HCD will review and consider the City's written response before taking any action authorized by Government Code section 65585, subdivisions (i) and (j). As noted below, such action could include revoking HCD's finding that City's housing element is in substantial compliance with California's Housing Element Law and/or referral to the California Office of the Attorney General.

State Housing Element Law

Pursuant to Government Code section 65588, subdivision (e)(4)(C), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning pursuant to Government Code sections 65583, subdivision (c), and 65583.2, subdivision (c), shall be completed no later than one year from the statutory deadline (January 31, 2024).

In addition, HCD must review any action or failure to act by a City that it determines to be inconsistent with an adopted housing element or section 65583 generally, and it must issue written findings to the City accordingly. (Gov. Code, § 65585, subd. (i)(1).) HCD must give the City a reasonable time, no longer than 30 days, to respond to these findings. (Gov. Code, § 65585, subd. (i)(1)(A).) If HCD does not receive a written response from the City within 30 days, or the response does not demonstrate that the program action has been implemented, then HCD will revoke its findings that the City's

housing element substantially complies with State Housing Element Law. (Gov. Code, § 65585, subd. (i)(1)(B).)

Additionally, HCD may notify the California Office of the Attorney General when a City takes actions that are inconsistent with an adopted housing element or Government Code sections 65583 and 65915, among other laws. (Gov. Code, § 65585, subd. (j).)

Findings

On October 23, 2023, HCD found the City's housing element in substantial compliance with State Housing Element Law. HCD based its compliance finding on, among other things, a commitment to implement Program 6, which would amend the Development Code by January 2024 to permit by-right development on sites previously identified in past housing elements in which at least 20 percent of the units are affordable to lower-income households, in accordance with Government Code section 65583.2, subdivision (c).

On December 21, 2023, HCD sent the City a Letter of Inquiry requesting an update on the City's progress in implementing needed rezone action in Program 6. HCD received a reply from the City on January 8, 2024, which indicated that rezone actions in Program 6 would not be adopted until February 13, 2024.

Based upon the City's January 8, 2024 correspondence, HCD finds that the City has failed to implement the required rezone action in Program 6 within the statutorily required timeframe.

Next Steps

HCD provides the City until March 6, 2024 to send a written response to these findings. If you have questions, need additional information, or wish to schedule a meeting, please contact me at Melinda.Coy@hcd.ca.gov or Fidel Herrera at fidel.herrera@hcd.ca.gov.

Sincerely,

Melinda Coy
Proactive Housing Accountability Chief