

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

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July 8, 2025

Jenavive Herrington, County Clerk
County of Lake
255 N Forbes Street, 2nd Floor
Lakeport, CA 95453

RE: County of Lake 6th Cycle Housing Element Programs – Letter of Inquiry

Dear Jenavive Herrington:

The purpose of this letter is to inquire about the status of the County of Lake (County) 6th Cycle Housing Element Implementation Programs pursuant to Government Code section 65585, subdivision (i). The California Department of Housing and Community Development (HCD) sent the County a letter on September 16, 2020 finding the County's housing element in substantial compliance with Housing Element Law.¹ This was based, among other reasons, on the County's responsibility to complete Programs according to timeline commitments. As the commitment date has passed for the programs listed below, HCD requests that the County provide an update on the status and timeline of implementation for the following:

- Program HE-6 (Processing and Permit Procedures) was due on an ongoing basis per the Annual Progress Report (APR). The County's 2024 APR reports an adoption date in 2018. However, the County has not confirmed any policies or procedures developed by the County to give priority or expedited processing to residential developments that include a significant portion of restricted units.
- Program HE-58 (Rezoning: Prior Identified Sites) was due by August 15, 2022. County staff projected a timeline for completion of mid-2026, to align the completion of the program with the County's General Plan update. However, the completion of this program is almost 3 years overdue, and a zoning update does not require the completion of a General Plan update. As the program was due by August 15, 2022, the City should provide a timeline for immediate completion.
- Program HE-59 (Zoning for a Variety of Housing Types: Supportive Housing (AB 2162)) that was due by Summer of 2021. County staff projected a timeline for completion of mid-2026 to align the completion of the program with the County's General Plan update. However, the completion of this program is almost 4 years overdue, and a zoning update does not require the completion of a General Plan update.

¹ Gov. Code, § 65580 et seq.

- Program HE-60 (Zoning for a Variety of Housing Types: Emergency Shelters) was due by the Summer of 2021. County staff projected a timeline for completion of mid-2026; to align the completion of the program with the County's General Plan update. However, the completion of this program is almost 4 years overdue, and a zoning update does not require the completion of a General Plan update.
- Program HE-61 (Zoning for a Variety of Housing Types: Housing for Agricultural Employees) was due by the Summer of 2021. County staff projected a timeline for completion of mid-2026, to align the completion of the program with the County's General Plan update. However, the completion of this program is almost 4 years overdue, and a zoning update does not require the completion of a General Plan update.
- Program HE-72 (Zoning for a Variety of Housing Types: Multifamily Rental Housing) that was due by the Summer of 2021. County staff projected a timeline for completion of mid-2026, to align the completion of the program with the County's General Plan update. However, the completion of this program is almost 4 years overdue, and a zoning update does not require the completion of a General Plan update.

Consequences of Failure to Implement Programs

Government Code section 65585, subdivision (i), grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or State Housing Element Law. This includes failure to implement program actions included in the housing element. Failure to implement actions in Programs HE-6, HE-58, HE-59, HE-60, HE-61, and HE-72 by the statutory deadline means the City's housing element will no longer substantially comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance.

Various consequences may apply if the City does not have a housing element in compliance with Housing Element Law, including ineligibility or delay in receiving certain state funds, referral to the California Office of the Attorney General, court-imposed financial penalties, the loss of local land use authority to a court-appointed agent, and the application of the "builder's remedy."²

Conclusion

Housing elements 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 State Housing Element Law. To ensure the County continues to meet the 6th cycle update requirements for a substantially compliant housing element, the County must submit any adopted ordinances, resolutions, or documentation that demonstrates that housing element

² Gov. Code, §§ 65585, subds. (j), (l)(1), (i); 65589.5, subd. (d)(5).

program commitments have been met.³ HCD recommends a modified timeline for completion of the programs HE-6, HE-59, HE-60, HE-61 and HE-72 mentioned above, no longer than six months or by November 2025.

In addition, pursuant to Government Code section 65583, subdivision (c), rezone to allow prior identified sites by-right must be completed three years from date of adoption. As Program HE-58 is past due, HCD requests that the County provide a timeline for immediate implementation.

HCD will consider any written response before taking further action authorized by Government Code section 65585, subdivision (i), including issuance of a Corrective Action Letter and removal of HCD's finding of housing element compliance.

Please provide a written response to this inquiry by August 8, 2025. If you have any questions or would like to discuss the content of this letter, please contact Hilda Boyadjian of our staff at hilda.boyadjian@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief
Division of Housing Policy Development

³ Gov. Code, § 65585.