

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

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



October 8, 2025

Russel D. Ford, Senior Planner
County of Mendocino
860 N. Bush Street,
Ukiah, California, 95482

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

Dear Russel D. Ford:

The purpose of this letter is to inquire about the status of the County of Mendocino's (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 December 3, 2020, finding the County's housing element in substantial compliance with Housing Element Law.¹ This was based on, among other reasons, the County's commitment to complete programs according to timeline commitments.

As the commitment date has passed for the programs listed below, HCD requests that the County confirm whether the following programs have been completed and provide the accompanying documentation (e.g., ordinances, resolutions, zoning codes, etc.) or provide an update on the status and timeline for completion.

- *Programs 3.1C (MXU Land use Classification)*: The Annual Progress Report (APR) states the Ukiah Valley Area Plan, which will rezone 192 parcels to Mixed-use zoning has yet to be approved.
- *Program 3.5A (Constraints to Housing, Zoning Amendments)*: Program 3.5A provides a variety of action to amend the ordinance in accordance with state laws. While the majority of these actions have been completed, HCD understands the zoning code has yet to be updated to implement Government Code 65650 for by-right approval of supportive housing projects (AB 2162, Statutes of 2018). For your information, pursuant to AB 2162 supportive housing is considered a "use by right" under Government Code Section 65583.2(i), meaning it cannot be subjected to discretionary reviews like conditional use permits. Local governments must notify developers within 30 days if an application is complete and also review the application within 60 days for projects of 50 or fewer units, or 120 days for larger ones. No minimum

¹ Gov. Code, § 65580 et seq

parking is required if the development is within half a mile of public transit. These provisions apply statewide, including charter cities and counties, and are in addition to existing laws treating supportive and transitional housing like other residential uses in the same zone.

- *Program 3.5C (Community Land Trusts)*: The County should provide an update on its progress in securing funding mechanisms for community land trusts, including identifying potential sites for affordable housing development. The County should also report on any attempts to secure funding and describe its collaboration efforts with local partners.
- *Program 4.2B (Extremely Low Income)*: While the program includes strong commitments—such as pursuing local funding opportunities, implementing incentives and concessions, and exploring a range of housing strategies to support affordable housing developments, the County has only met with Legal Services of Northern California once during the planning period. Program 4.2B calls for annual meetings with local public agencies and nonprofit organizations to coordinate efforts toward the County’s housing goals. The County should clarify how it intends to implement this program for the remainder of the planning period.
- *Program 6.2D (Rehab Assistance)*: The County should report on its efforts to apply for federal, state, local, or private funding. The report should include specific actions taken to secure resources for expanding the rehabilitation loan program for income-eligible households and for acquiring and rehabilitating affordable housing.

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 Housing Element Law. This includes failure to implement program actions included in the housing element. Failure to implement actions in Programs 3.1C, 3.5A, 3.5C, 4.2B and 6.2D by the statutory deadline means the County’s housing element will no longer substantially comply with Housing Element Law, and HCD may revoke its finding of substantial compliance.

Various consequences may apply if the County 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

² Gov. Code, §§ 65585, subds. (i)(1)(C), (j), (l)(1); 65589.5, subd. (d)(6) and (h)(11).

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 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 or resolutions to HCD for review.³

HCD understands that the City has many commitments and recognizes the challenges of 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 November 7, 2025. If you have any questions or would like to discuss the content of this letter, please contact Irvin Saldana of our staff at Irvin.Saldana@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.