

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

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August 12, 2025

Cindy McCormick, Development Manager
13777 Fruitvale Avenue
Saratoga, CA 95070

Dear Cindy McCormick:

RE: City of Saratoga – Vineyard One – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding a housing development project that intends to utilize the builder's remedy provision of the Housing Accountability Act (HAA). The purpose of this letter is to assist the City of Saratoga (City) with its decision-making by providing technical assistance regarding the provision requiring bedroom and bathroom comparability under the HAA.¹

What methodology should the applicant use to ensure that a housing project for mixed-income households would meet the comparable bedroom and bathroom requirement under the HAA?

Commencing January 1, 2025, the HAA requires that "affordable units in the development project shall have a comparable bedroom and bathroom count as the market rate units"² for a housing development to qualify as "housing for mixed-income households."³ The statute is silent on the methodology used to achieve the required comparable bedroom and bathroom count in the affordable units. To effectuate the legislative intent of the HAA, one methodology HCD recommends to both ensure compatibility provisions are met and provide flexibility to the bedroom distribution within a project is to ensure that the *average* number of bedrooms and bathrooms be similar between the proposed market rate and affordable units.

1. **Calculate the average number of bedrooms.** Add up all the bedrooms in the market rate units and divide by the total number of market rate units. Add up all the bedrooms in the affordable units and divide by the total number of affordable units.

¹ Gov. Code, § 65589.5.

² Gov. Code, § 65589.5, subd. (f)(6)(G)(ii).

³ Gov. Code, § 65589.5, subd. (h)(3)(C)(i).

2. **Calculate the average number of bathrooms.** Add up all the market rate bathrooms and divide by the total number of market rate units. Add up all the bathrooms in the affordable units and divide by the total number of affordable units.
3. **Ensure the average number of bedrooms and bathrooms are comparable** in the affordable units as the market rate units.

Table 1 Example Project – Comparability Methodology

	Market Rate	Affordable	Overall Project
Total Units	200	40	240
Total Bedrooms	600	120	720
Total Bathrooms	620	120	740
<i>Average Bedrooms</i>	<i>3 per unit</i>	<i>3 per unit</i>	
<i>Average Bathrooms</i>	<i>3 per unit</i>	<i>3 per unit</i>	

Conclusion

While the HAA is silent on a specific method for determining comparability, HCD recommends that the affordable units have a similar average bedroom and bathroom count as the market rate units. If you have any questions or need additional information, please contact Grace Wu at grace.wu@hcd.ca.gov.

Sincerely,



Melinda Coy
Housing Accountability Unit Chief