



The San Benito Blueprint <thesanbenitoblueprint@gmail.com>

Media Inquiry: Builders Remedy Eligibility for Jurisdictions in San Benito County COG

Media@HCD <Media@hcd.ca.gov>

Wed, Jan 15, 2025 at 10:37 AM

To: The San Benito Blueprint <thesanbenitoblueprint@gmail.com>

Cc: "Media@HCD" <Media@hcd.ca.gov>, "Espinoza, Pablo@HCD" <Pablo.Espinoza@hcd.ca.gov>

Good morning,

Please see responses below. The questions are highlighted for an easier read.

1. Housing Element Compliance:

a. Has the jurisdiction adopted and submitted a Housing Element that has been reviewed and certified by the California Department of Housing and Community Development (HCD)?

i. **Summary:** Hollister, San Benito County, and San Juan Bautista all have housing elements that remain out of compliance with Housing Element Law. In other words, HCD has not certified those jurisdictions' housing elements.

ii. **Resource:** You can find information about when a jurisdiction submitted a housing element and when HCD reviewed it by visiting HCD's Housing Element Review and Compliance Report [here](#). Click on "Housing Element Compliance Report."

iii. **Hollister:** HCD received a subsequent draft housing element on 12/3/24. HCD's review is due 1/31/25.

iv. **San Benito County:** HCD reviewed the County's subsequent draft housing element on 1/13/25 and found that the draft does not meet statutory requirements. You can find HCD's findings letter [here](#).

v. **San Juan Bautista:** HCD reviewed the City's subsequent draft housing element on 8/2/24 and found that it does not meet statutory requirements. You can find HCD's findings letter [here](#).

b. If not certified, what are the specific deficiencies identified by HCD, and are there ongoing efforts to address them?

i. **Resource:** You can find HCD's housing element findings letters [here](#). Click on "Click to Access Review Letters."

ii. **Hollister:** You can find HCD's findings in its 6/11/24 letter [here](#).

iii. **San Benito County:** You can find HCD's findings in its 1/13/25 letter [here](#).

iv. **San Juan Bautista:** You can find HCD's findings in its 8/2/24 letter [here](#).

2. Applicable Deadlines:

a. What were the original and extended deadlines for Housing Element submission for the jurisdictions in question?

i. **Summary:** The statute does not provide for extensions or grace periods. There is no deadline for submission, but there is a deadline for having an adopted, compliant housing element. The deadline for housing element compliance for all jurisdictions in San Benito County was 12/15/23.

ii. **Resource:** You can find all the deadlines for housing element compliance [here](#).

b. Have any grace periods or additional timelines been provided to these jurisdictions?

i. The statute does not provide for extensions or grace periods.

3. Current Standing under Builder's Remedy:

a. Are developers currently able to invoke the builder's remedy for projects in these jurisdictions?

i. Yes, if the projects meet the criteria in the statute.

b. If eligible, what criteria must such projects meet to qualify under the builder's remedy provision?

i. Note that the statute (Housing Accountability Act) was recently amended via AB 1893, now in effect. You can find the statute at Government Code section 65589.5 [here](#). You may want to look specifically at subdivision (h)(11), which defines a "builder's remedy project" and the criteria such a project must meet. In addition, the definition of a "housing development project," including the affordability requirements for a builder's remedy project, are in subdivision (h)(2) and (h)(3)

4. Enforcement and Oversight:

a. How does HCD monitor and enforce compliance in jurisdictions where the builder's remedy may apply?

i. HCD relies on stakeholders to inform HCD about potential violations of state law, including the Housing Accountability Act's requirements around the builder's remedy. Stakeholders can submit requests for technical assistance and complaints about potential violations to the Housing Accountability Unit Portal, which can be found on HCD's Accountability and Enforcement webpage [here](#). The Housing Accountability Unit will investigate complaints and if there are violations or if technical assistance is required, HCD will send a letter to the jurisdiction. If a jurisdiction does not correct the issues, HCD may send a Notice of Violation. If the jurisdiction continues to refuse to correct the issue, HCD may refer the matter to the Attorney General's Office for further enforcement.

b. Are there any recent precedents or examples that illustrate how this provision has been applied in comparable jurisdictions?

i. HCD's Housing Accountability Unit has addressed a number of cases regarding the builder's remedy. A few examples:

1. **Beverly Hills:** On 12/2/24, HCD sent the City a Notice of Violation regarding several builder's remedy projects. That letter is [here](#).
2. **La Canada Flintridge:** In December 2023, HCD filed a [lawsuit](#) against the City for unlawfully denying 80 mixed-income housing units in a builder's remedy project. In March 2024, the [court ruled in HCD's favor](#). The City is appealing.
3. **Menlo Park:** On 11/26/24, HCD sent a Technical Assistance Letter to the City regarding a builder's remedy project. The letter is [here](#).
4. **San Jose:** On 3/14/24, HCD sent a Notice of Potential Violation to the City regarding a number of builder's remedy projects. The letter is [here](#).

Best,



Alicia Murillo

Communications Specialist

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Sacramento, CA 95811

pronounced a-lee-see-a



From: The San Benito Blueprint <thesanbenitobluemaprint@gmail.com>

Sent: Monday, January 13, 2025 11:21 AM

To: Media@HCD <Media@hcd.ca.gov>

Cc: Media@HCD <Media@hcd.ca.gov>

Subject: Re: Media Inquiry: Builders Remedy Eligibility for Jurisdictions in San Benito County COG

Hi Alicia!

I'd like to get this out by end of next week but can take longer if need be. I appreciate the assist.

On Jan 13, 2025, at 10:19 AM, Media@hcd.ca.gov wrote:

Good morning,

What is your deadline?

<image001.jpg>

Alicia Murillo

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pronounced a-lee-see-a

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