

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

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December 4, 2024

Paul Bernal, Director  
Community Development Department  
City of Visalia  
315 East Acequia Avenue  
City of Visalia, CA 93291

**RE: 6<sup>th</sup> Cycle Housing Element Update Rezone Requirements – Letter of Inquiry**

Dear Paul Bernal:

The purpose of this letter is to inquire about the status of the City of San Visalia's (City) 6<sup>th</sup> Cycle Housing Element Implementation Program related to sites to accommodate the Regional Housing Needs Allocation (RHNA) pursuant to Government Code section 65585, subdivision (i). The California Department of Housing and Community Development (HCD) sent the City a letter on September 20, 2024, finding the City's housing element in substantial compliance with Housing Element Law.<sup>1</sup> This was based on, among other reasons, the City's commitment to complete Programs 1.1 (Designate Sufficient Land) and 1.7 (Annexations to Accommodate Future Housing Needs) to rezone adequate sites to satisfy its RHNA shortfall by December 31, 2024. HCD requests that the City provide an update on the status and timeline of implementation for Programs 1.1 and 1.7 by January 3, 2025.

**Rezoning Requirements**

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 (December 31, 2023), then any rezoning to make sites available to accommodate the RHNA shall be completed no later than one year from the statutory deadline.<sup>2</sup> As the City did not adopt a compliant housing element within 120 days of the statutory deadline, Programs 1.1 and 1.7 must be completed no later than one year from the statutory deadline.

**Consequences of Failure to Implement Programs 1.1 and 1.7**

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<sup>1</sup> Gov. Code, § 65580 et seq.

<sup>2</sup> Gov. Code, §§ 65583, subd. (c), 65583.2, subd. (c).

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 rezone actions in Programs 1.1 and 1.7 by the statutory deadline means the City'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 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."<sup>3</sup>

## 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 City continues to meet the 6<sup>th</sup> cycle update requirements for a substantially compliant housing element, the City must submit any adopted rezones and accompanying resolutions to HCD for review.<sup>4</sup>

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.

HCD looks forward to receiving your written response to this inquiry. If you have any questions or would like to discuss the content of this letter, please contact Reid Miller from our staff at [Reid.Miller@HCD.ca.gov](mailto:Reid.Miller@HCD.ca.gov).

Sincerely,



Melinda Coy  
Proactive Housing Accountability Chief  
Division of Housing Policy Development

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<sup>3</sup> Gov. Code, §§ 65585, subs. (j), (l)(1), (i); 65589.5, subd. (d)(5).

<sup>4</sup> Gov. Code, § 65585.