

ATTACHMENT A
Reasons for Delayed Certification of Housing Elements

Background:

- By statute, 6th Cycle Housing Elements in the Bay Area were due to be adopted by January 31, 2023.
- State law requires submission of at least one draft of a Housing Element to the State's Housing and Community Development Department (HCD) prior to formal adoption.
- HCD has 90 days to review and comment on an initial draft, and 60 days to comment on subsequent drafts. All drafts also require public comment periods.
- Accordingly, in this cycle, ABAG recommended that jurisdictions submit their first drafts by June 2022.
- The following summarizes MTC staff's review of HCD records and conversations with local planning staff regarding the status of uncertified Housing Elements.

Table 1: Summary of Housing Element Certification Delays for Noncompliant Jurisdictions

Jurisdiction	First Draft Submitted	Delay from ABAG Recommendation	General Reason
Alameda County	10/6/2023	15 months	Consultant shortage
Daly City	6/28/2023	12 months	Consulting procurement
San Mateo County	1/20/2023	7 months	Staff turnover
Vallejo	11/2/2023	16 months	Staff turnover, consultant delays

Alameda County:

- First draft submitted to HCD on October 6, 2023, more than eight months after the deadline for formal adoption, and approximately 15 months after ABAG's recommended submission of first drafts.
- County staff reports that their first Request for Proposals (RFP) seeking a Housing Element consultant received no responses, and the consultant that was eventually retained only agreed to assist with the easier parts of scope. Each draft has been presented to multiple Municipal Advisory Councils (MACs) that meet under the Brown Act. That process created some delays.
- If HCD finds the latest draft submitted on September 30, 2024 to be in substantial compliance with state law, county staff reports that the final version and related rezoning will be presented to three MACs, the Planning Commission, and the Board of Supervisors for adoption. The adopted Housing Element will then need to be submitted to HCD for certification. Staff sees a path to a certified Housing Element by December 31, 2024; however, this would require expedited review by HCD of both the latest draft that was submitted on September 30, 2024, and of the final adopted element.

Daly City:

- First draft submitted to HCD on June 28, 2023, approximately five months after the deadline for formal adoption, and one year after ABAG's recommended submission of first drafts.
- City staff reports that in prior cycles they produced Housing Elements in-house. When this cycle proved to be more complex, the City retained Placeworks as its consultant. The procurement process introduced some delays.
- HCD has issued findings that Daly City's latest draft meets most requirements, but the Housing Element cannot be certified until necessary rezonings are completed.
- On November 12, 2024, city staff will be seeking Council adoption of rezoning they believe will satisfy HCD's outstanding concerns. The rezoning will then need to be submitted to HCD for certification.

San Mateo County:

- First draft submitted to HCD on January 20, 2023, eleven days before the deadline for formal adoption, and almost seven months after ABAG's recommended submission of first drafts.
- County staff reports that they have always handled updates of its Housing Elements in-house, including the 6th Cycle, but had very high staff turnover during the pandemic. Additionally, county staff reports unique challenges in identifying suitably developable land given its topography and Coastal Zone.
- County staff anticipates Board adoption of a Housing Element that adequately addresses HCD's concerns in December. County staff are currently seeking to retain a consultant to assist with required rezoning, however, the rezoning required for certification of the Housing Element is not expected to be completed until early 2025.

Vallejo:

- First draft submitted to HCD on November 2, 2023, more than nine months after the deadline for formal adoption, and approximately 16 months after ABAG's recommended submission of first drafts.
- City staff reports extraordinary turnover, including five city managers in as many years, and vacancies in 17 of the 35 positions in the Department of Planning & Development Services as recently as June of this year when their new Director was hired. Additionally, staff reports that while jurisdictions in Solano County jointly procured a single consultant, Vallejo was the last to receive its first draft from the consultant. Staff also reports unique public engagement challenges as the most diverse medium-sized city in the nation.
- City staff reports frequent and productive communications with HCD including a recent visit to Vallejo by the head of HCD's Housing Element review team. Staff sees a path for

adoption of a compliant Housing Element by December 10, 2024; however, this would require expedited review by HCD of both the latest draft that was submitted on September 13, 2024, and of the final adopted element.

Next Steps:

- Based on the timelines provided by jurisdiction staff, Alameda County, Daly City, and Vallejo may receive HCD Housing Element certification by MTC's December 31, 2024 deadline *only with* expedited HCD review and approval of submissions. San Mateo County *will not* meet the deadline based on the timelines provided.
- The remaining steps to HCD Housing Element certification for these jurisdictions are summarized in **Table 1**.

Table 2: Steps to HCD Housing Element Certification for Noncompliant Jurisdictions

Jurisdiction	Remaining Steps
Alameda County	HCD approves latest draft Housing Element (submitted 9/30/24)*
	County adopts final Housing Element and associated rezoning
	HCD approves final Housing Element and associated rezoning*
Daly City	City approves rezoning (items scheduled 10/14/24 and 10/28/24)
	City adopts final Housing Element (not scheduled)
	HCD approves final Housing Element and associated rezoning*
San Mateo County	County adopts final Housing Element (item scheduled for 12/2024)
	County adopts associated rezoning (planned for early 2025)
	HCD approves final Housing Element and associated rezoning*
Vallejo	HCD approves latest draft Housing Element (submitted 9/13/24)
	City adopts final Housing Element (item scheduled for 12/10/24)
	HCD approves final Housing Element and any associated rezoning*

**HCD to review and respond to submissions within 60 days*