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## LAW ALERT

### HCD ADOPTS ANNUAL HOUSING ELEMENT REPORTING REGULATIONS

In March, the California Department of Housing and Community Development (HCD) finally adopted Housing Element regulations that specify to cities and counties how to complete annual reports on housing element progress required by Section 65400 of the Government Code. The regulations, located in Sections 6200-6203 of the California Code of Regulations, are also available at <http://www.hcd.ca.gov/regulations/> along with a sample form for the Annual Report.

The Annual Report is due every April 1st and must contain the following elements:

- A cover sheet with contact information for the jurisdiction that specifies the reporting period covered by the Annual Report.
- Information on the jurisdiction's Regional Housing Needs Allocation (RHNA) by income level, the number of housing units permitted by the jurisdiction by income level each year, and the remaining RHNA by income level.
- Information on above-moderate, moderate, and low-income housing developments permitted by the

jurisdiction during the reporting period, including the location, type of units (single- or multi-family, etc.), tenure, and affordability level.

- Information on the status of the programs contained in the jurisdiction's Housing Element including the specific program name and objective, the deadline for completion, and the status of program implementation.

Government Code Section 65400 also contains provisions that allow for enforcement of the Annual Report requirement. A plaintiff may move for a court to compel jurisdictions that have failed to submit their Annual Reports within 60 days of the deadline (by May 31 of each year) to comply with the requirement. While the statute is silent on the subject, it is possible that successful litigants may be eligible for attorneys fees. Jurisdictions that have not yet submitted their 2010 Annual Reports should do so to avoid potential litigation.

For more information, please contact Josh Mukhopadhyay, Barbara Kautz or any Goldfarb & Lipman attorney, 510-836-6336.

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