

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

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January 2, 2024

Alexis Morris, Director  
Department of Community Development  
City of Brentwood  
City Hall, 150 City Park Way  
Brentwood, CA 94513

Dear Alexis Morris:

**RE: City of Brentwood's 6<sup>th</sup> Cycle (2023-2031) Revised Draft Housing Element**

Thank you for submitting the City of Brentwood (City) revised draft housing element received for review on November 3, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from East Bay for Everyone pursuant to Government Code section 65585, subdivision (c).

The revised draft element meets the statutory requirements that were described in HCD's May 16, 2023 review. The housing element will substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

Additionally, the element acknowledges that several sites are not considered vacant due to agricultural production. This is also reflected in the City's electronic sites inventory where majority of the sites are listed with existing uses such as "agricultural or open space". As a result, the element appears to rely upon nonvacant sites to accommodate more than 50 percent of the regional housing need allocation (RHNA) for lower-income households. As part of adoption, the City must make findings based on substantial evidence, the existing uses will be presumed to impede additional residential development. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution), the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City did not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), Program H.2o (By-right Development of 5<sup>th</sup> and 4<sup>th</sup> Cycle Sites) to make prior identified sites available to accommodate the RHNA must be completed no later than one year from the statutory deadline. Otherwise, the local

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government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until all necessary rezones are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c).

Public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and commitment that you and your staff provided in the preparation of the City's housing element and looks forward to receiving the City's adopted housing element.. If HCD can provide assistance, please contact Jamillah Williams, of our staff, at [Jamillah.Williams@hcd.ca.gov](mailto:Jamillah.Williams@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager