

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND
THE CITY OF HUNTINGTON PARK, ACTING THROUGH ITS CITY COUNCIL**

This Memorandum of Understanding (“MOU”) is entered into as of November 8, 2021 by and between the City of Huntington Park (“City”), acting through its City Council, and the California Department of Housing and Community Development (“HCD”) (collectively referred to as the “Parties”). The Parties enter into this MOU to establish deadlines for the development and adoption of the City’s 6th Cycle Housing Element. The City and HCD acknowledge that the City cannot meet its statutory deadline of October 15, 2021.

This MOU represents a sincere and enforceable commitment by the City to continue its diligent efforts to comply with Housing Element Law and to prepare and submit an adopted 6th Cycle Housing Element as soon as possible, while also meeting the obligations under Housing Element Law to engage with the public and to prepare an element that is in substantial compliance with Housing Element Law mandates.

AUTHORITY

The State Housing Element Law (Gov. Code, § 65580 et seq., added by Stats. 1980, ch. 1143, pp. 3697-3698, § 3) requires cities and counties to periodically adopt legally compliant housing elements that make adequate provisions for the housing needs of all income groups. Specifically, a housing element must accommodate a city’s allocation of the Regional Housing Needs Determination, commonly referred to as its Regional Housing Needs Allocation (RHNA). The housing element must, among other things, also assess and identify existing and projected housing needs for all segments of a community, including low-income populations, the elderly, and people with disabilities. (Gov. Code, § 65583, subd. (a).)

Government Code section 65585, subdivision (i)(1)(A), mandates that HCD review a city’s action or failure to act that is inconsistent with either (1) an adopted housing element, including failure to implement any program actions included in the housing element, or (2) with section 65583, which includes the obligation to adopt a compliant housing element in the first instance. HCD is charged with the issuance of written findings notifying a city whether its actions or omissions substantially comply with Housing Element Law. Government Code section 65585, subdivision (j), grants HCD authority to refer enforcement of Housing Element Law to the office of the Attorney General if a city violates or fails to substantially comply with Housing Element Law.

PURPOSE

The City is presently out of compliance with Housing Element Law. The City and HCD wish to take all steps necessary to ensure that the City complies with Housing Element Law in its 6th housing cycle. To this end, the City and HCD propose and herein adopt compliance milestones and deadlines to assist the City with developing and adopting a legally compliant housing element as soon as possible and in no event later than contemplated in accordance with the compliance commitments, milestones, and deadlines set forth more fully below.

RECITALS

1. The City failed to adopt a housing element by its 5th housing cycle deadline of October 15, 2013.
2. On December 14, 2018, HCD advised the City of its failure to comply with Housing Element Law pursuant to its enforcement authority under Chapter 370 of Statutes 2017, Assembly Bill (AB) 72, which is codified in Government Code section 65585. HCD further notified the City that, in the absence of the City's prompt compliance, it may take further action under Government Code section 65585, subdivisions (i) and (j), which subdivisions expressly authorize HCD to refer the matter to the Attorney General for enforcement.
3. On March 7, 2019, six years after the beginning of its 5th housing cycle, the City submitted a draft housing element to HCD for review and feedback.
4. In April and May 2019, HCD staff met with City staff to provide feedback and technical assistance in crafting a legally compliant housing element.
5. On May 29, 2019, the City adopted a housing element without submitting a final draft for HCD's review as required by law. (Gov. Code § 65585, subd. (b)(1).)
6. The City's 2019 adopted housing element failed to comply with Housing Element Law and failed to incorporate HCD's feedback and comments from the meetings in April and May 2019.
7. The City did not submit its adopted housing element to HCD as required by Housing Element Law until September 11, 2019.
8. On December 10, 2019, HCD advised the City that its adopted housing element did not comply with Housing Element Law. Specifically, HCD explained that, among other things, the housing element lacks an inventory of sites to accommodate the City's RHNA and programs to facilitate housing for moderate- and lower-income households. HCD, in its 14-page letter, included details and a process for the City to obtain Housing Element compliance.
9. Recognizing that the 5th housing cycle was coming to a close on October 15, 2021, on January 12, 2021, HCD and the City met and collectively developed compliance goals to ensure that the City promptly progressed towards adopting a legally compliant housing element. The parties agreed to an ambitious set of milestones and deadlines that would bring the City into compliance with Housing Element Law by the City's 6th housing cycle deadline of October 15, 2021.
10. On February 1, 2021, the City sent HCD a letter of commitment, identifying the following key compliance deadlines, recommended by HCD:

- January 31, 2021 - The City will electronically submit a Local Early Action Planning (LEAP) Grant application to HCD.
- By the end of January 2021 – The City will submit to HCD a letter or resolution committing to key milestones for the City’s compliance with Housing Element Law.
- February 26, 2021 – The City will submit Annual Progress Reports (APRs) for the outstanding years of 2014-2019 analyzing and summarizing progress in compliance with meeting RHNA during those years.
- April 1, 2021 – The City will submit an APR for 2020.
- June 1, 2021- The City will submit draft 6th Cycle Housing Element to the Department for review.
- September 24, 2021- The City will submit its adopted 6th Cycle Housing Element, addressing any concerns identified by the Department.

The City also agreed to attend and participate in bi-weekly update meetings with HCD.

11. On January 12, 2021, the City began collecting data and drafting its housing element.
12. The City substantially complied with its commitment to submit a letter of commitment to compliance milestones on February 1, 2021 since January 31, 2021 fell on a Sunday.
13. The City also timely applied (before the January 31, 2021, deadline) for a LEAP Grant from HCD to hire a housing element consultant to assist the City with developing and adopting a Housing Element for the 6th housing cycle.
14. On February 4, 2021, HCD approved an award of a LEAP grant at the staff level to be forwarded to HCD’s Internal Loan Committee (ILC); on April 15, 2021, the staff-level decision was forwarded to the ILC, which voted to award the funding to the City.
15. Since February 9, 2021, HCD and the City have held bi-weekly meetings on a regular basis to discuss the City’s progress towards complying with Housing Element Law.
16. The City complied with its commitment to submit, before February 26, 2021, APRs for the outstanding years of 2014-2019, analyzing and summarizing progress in compliance with meeting its RHNA during those years.
17. On March 16, 2021, the City selected and hired a consultant to assist in the preparation of a 6th Cycle Housing Element.
18. The City complied with its commitment to submit, before April 1, 2021, an APR for 2020.
19. On April 20, 2021, the City began preparation of the sites inventory for the draft housing

element, which includes 5th cycle site rollover requirements pursuant to Government Code section 65584.09.

20. On April 21, 2021, the City distributed flyers at its Farmers Market and inside the lobby of City Hall, and placed a Notice on City Billboards inviting the public to join the Housing Element Page newsletter mailing list and to participate in its public Housing Element Workshops.
21. On May 4, 2021, the City updated the front page of the City's website, inviting residents to visit and engage with the Housing Element Page. The City also sent an email to residents, developers, organizations, community leaders, and newsletter subscribers, inviting them to visit Housing Element Page and join the Housing Element Workshop.
22. On May 10, 2021, the City commenced public outreach and community engagement efforts for its first Housing Element Workshop (Joint Planning Commission/City Council Public Meeting), including sending an invitation via Email Notification List and all Social Media platforms. The City's notification email list included 3,200 residents, community leaders, schools, religious entities, public entities, local businesses, public officials, local non-profit organizations, among other stakeholders.
23. On May 12, 2021, The City continued public outreach and community engagement efforts for its first Housing Element Workshop (Joint Planning Commission/City Council Public Meeting), including sending a Public Meeting Link via Email Notification List and on all Social Media platforms.
24. On May 13, 2021, the City held its first Housing Element Workshop (Joint Planning Commission/City Council Public Meeting), which was Streamed Live on the City of Huntington Park Facebook page.
25. On May 13, 2021, the City released a Community Engagement Housing Element Survey virtually on the City's Housing Element Webpage, via its Email Notification List, and on all Social Media platforms.
26. On May 17 and 20, 2021, the City continued its public outreach and community engagement efforts by asking for public participation in Housing Element Survey in an email sent to the City's Email Notification List and in a notice sent on all the City's Social Media platforms.
27. On May 26, June 2, and June 9, 2021, the City operated a Farmers Market Housing Element Informational Booth about its Housing Element update.
28. Despite all of this considerable effort, on June 1, 2021, the City failed to submit its draft 6th Cycle Housing Element to the Department for review. Further, the City indicated that it would not likely be able to submit its draft before mid-July 2021. Because of this, the City could not meet its commitment to submit an adopted legally compliant 6th Cycle Housing Element by September 24, 2021. Accordingly, the City has failed to meet these

two compliance commitments by the agreed upon dates set out in the City's February 1, 2021 letter.

29. The City has throughout 2021 been working diligently to come into compliance with Housing Element Law. However, the City also acknowledges that it remains out of compliance with Housing Element Law.
30. Accordingly, HCD and the City prepared an updated list of milestones and deadlines for the City's preparation and submission of an adopted 6th Cycle Housing Element as soon as possible. These updated milestones will also allow the City to comply with its concurrent obligations under Housing Element Law and to robustly engage with the public and to prepare an element that is otherwise in substantial compliance the law.
31. While developing this updated list of milestones, commitments, and deadlines, the City continued its efforts to prepare a 6th Cycle Housing Element, including:
 - a. On June 15, 2021, the City met with and obtained technical assistance from HCD on new Affirmatively Furthering Fair Housing (AFFH) requirements. Afterwards, the City began preparation its AFFH analysis consistent with HCD's recently released guidance and coordinated with HCD for technical assistance as needed.
 - b. On June 15, 2021, the City closed its Housing Element Survey.
 - c. Between June 16 and July 9, 2021, the City evaluated the results of that survey and other public input and completed a Draft Housing Element.
 - d. On July 1, 2021, the City held an Ad-Hoc Committee Meeting to outline the programs of the Draft Housing Element.
 - e. On July 9, 2021, the City posted a draft of 6th Cycle Housing Element on its website.
 - f. Between July 9 and August 6, 2021, the City commenced a 30-day public review period for 6th Cycle Housing Element. During that time, the City solicited comments related to public draft by sending link or copy of draft to interested parties and diverse stakeholders, posting on social media, and other methods.
 - g. Between July 29 and August 6, 2021, the City revised its Draft Housing Element in light of comments received.
 - h. On August 2, 2021, the City held a 2nd Housing Element Workshop to receive feedback on draft housing element programs, which was Streamed Live on the City of Huntington Park Facebook page.
 - i. On August 6, 2021, the City submitted its first Draft Housing Element to HCD for 60-day review. HCD provided comments on the draft to the City on October 5, 2021.

TERMS AND CONDITIONS

Now, therefore, acknowledging and representing the truth and accuracy of the Recitals above, each and all of which are hereby incorporated into this MOU, the Parties hereby mutually agree to the following compliance milestones and deadlines to assist the City with developing and adopting a legally compliant 6th Cycle Housing Element by and otherwise in full accordance with the commitments, milestones, and associated deadlines set forth below.

a. Goals

The overarching goals of this MOU are to (1) assure the Parties fully understand their commitments made herein, (2) to create enforceable commitments, and (3) to identify a list of milestones and commitment deadlines for the City in its preparing and submitting an adopted 6th Cycle Housing Element as soon as possible, while meeting the obligations under Housing Element Law to engage with the public and to prepare an element that is in substantial compliance with Housing Element Law mandates.

b. Agreed Upon Commitments, Deadlines, and Milestones

- **On or before November 23, 2021** – City to hold meeting on Second Draft 6th Cycle Housing Element (Planning Commission and/or City Council) to present changes and obtain authorization to submit to HCD, if needed.
- **On or before November 24, 2021** – City to submit Second Draft 6th Cycle Housing Element to HCD addressing any concerns identified by the Department.
- **60-days post submission** – HCD to provide findings or certification letter for 6th Cycle Housing Element 60 days after the submission. (Gov. Code, § 65585, subd. (b)(3) [60-day review window for draft].)
- **On or before February 11, 2022** – If further changes are needed due to HCD findings or third-party comments, City to revise and/or finalize 6th Cycle Housing Element. (Gov. Code, § 65585, subd. (f).)
- **Seven Days Prior to Submission** – Prior to submitting any revised draft element or final element to HCD, the City to post the element, or revised element, to its website for seven days and email a link to all individuals and organizations that previously requested notices of the Housing Element. (Assemb. Bill No. 215 (2020-2021 Reg. Sess), § 1 amending Gov. Code, § 65585, subd. (b)(1).)
- **On or before February 11, 2022** – City to hold Planning Commission Meeting on modified Second Draft 6th Cycle Housing Element (Hearing on Recommendation to Adopt). (The February 11, 2022 deadline assumes this meeting is a joint meeting with the

City Council. If this is not possible or desired, this meeting will be held earlier so that the Council meeting can be held consistent with the deadline below.)

- **On or before February 11, 2022** – City to hold City Council Meeting on modified Second Draft 6th Cycle Housing Element (Hearing on Adoption of the Housing Element).
- **On or before February 12, 2022** – City to submit adopted 6th Cycle Housing Element to HCD. (Gov. Code, § 65585, subd. (g).)
- **60-days post submission** – HCD to provide findings or substantial compliance letter for Adopted 6th Cycle Housing Element. (Gov. Code, § 65585, subd. (h) [60-day review window for adopted].)
- **May 7, 2022** – If HCD provides substantial compliance letter, City to update its Commitments, Deadlines, and Milestones based on critical draft programs (e.g., rezoning, ordinance updates, AFFH programs). This update may be made in the form of a letter to HCD from the City manager with the approval of the City Council.
- **April 15, 2022 to June 6, 2022** – If HCD provides findings letter on the adopted 6th Cycle Housing Element, City and HCD at HCD’s discretion to meet to discuss an update to these Commitments, Deadlines, and Milestones. Any agreed upon update may be made in the form of a letter to HCD from the City manager with the approval of the City Council and the subsequent approval of HCD.
- **October 17, 2022** – Complete necessary rezoning related to 5th Cycle Government Code section 65584.09 rollover requirement. (Gov. Code, § 65584.09, subd. (a) [one-year rezone requirement post adoption].)

c. Bi-weekly meetings

The City shall continue at all times during the term of this MOU to participate in bi-weekly meetings with HCD to discuss the City’s progress under this MOU.

TERM OF MOU

This MOU shall take effect upon full execution by the authorized representatives of each Party and shall remain in effect until the City implements and complies with each milestone pursuant to the agreed-upon deadlines.

TIME IS OF THE ESSENCE

The City agrees and acknowledges that time is of the essence as to each and all of the City’s

obligations, milestones, and deadlines set forth in this MOU and that failure to timely and fully satisfy any such obligation, deadline, or milestone by the dates set forth herein therefor shall be deemed a material breach of and default under this MOU.

AMENDMENT

The Parties may amend this MOU only in and by a writing executed by each of the parties hereto, which amendment shall be incorporated into this MOU and become effective on the date said amendment is fully executed by both Parties.

NO WAIVER

Notwithstanding anything to the contrary in this MOU, this MOU does not in any way limit or waive HCD's jurisdiction, capacity, authorization, obligation, right, or discretion to (a) determine whether any City action or failure to act substantially complies with Housing Element Law or (b) immediately refer the City's existing or future non-compliance with Housing Element Law to the office of the Attorney General for further enforcement. By this MOU, HCD merely agrees to forbear from any such referral to the office of the Attorney General for further enforcement for so long as the City timely meets each and all of the commitments, milestones, and deadlines set forth in this MOU above. Accordingly, any such forbearance by HCD is hereby and at all times expressly conditioned, for HCD's benefit, on the City's timely and complete satisfaction of each and all of said milestones set forth in this MOU above.

SIGNING AUTHORITY

By signing this MOU, the persons executing this MOU represent that they have the capacity and authority to execute this MOU as the representative of their respective agency, and to bind their respective agency to the terms of this MOU.

ENTIRE AGREEMENT

This MOU contains the entire agreement of the Parties with respect to the subject matter of this MOU, and supersedes all prior negotiations, discussions, agreements, commitments, and understandings with respect thereto.

COUNTERPARTS AND FACSIMILE SIGNATURES

This MOU and any and all other documents or instruments referred to herein may be executed with counterpart signatures, all of which taken together shall constitute an original without the necessity of all Parties signing the documents.

This MOU may also be executed by signatures to facsimile or electronic transmittal documents in lieu of an original or machine generated or copied document.

Dated: November 9, 2021


California Department of Housing and
Community Development

By: 

Megan Kirkeby
Deputy Director
Housing Policy Development

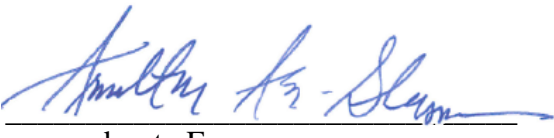
Dated: November 8, 2021

City of Huntington Park

By: 

Ricardo Reyes
City Manager for the City of Huntington
Park

Dated: November 8, 2021

By: 

Approved as to Form
Arnold Alvarez-Glasman
City Attorney