## How to Use the Resolution Templates

Enclosed you’ll find two resolution templates, one for Planning Commission and one for City Council, one Exhibit template (Response to HCD Findings) and one Attachment template (Conformance of Housing Element with State Law Requirements).

The templates can be used in one of two ways:

**Scenario A** Jurisdictions can use this template to present their final Housing Element for adoption *after* they have received a letter from HCD, stating that their Housing Element has been found to be in substantial compliance with state law.

**Scenario B** Jurisdictions can use this template to present their Housing Element for adoption by their Planning Commission/City Council *before* they receive a letter from HCD, stating that their Housing Element has been found to be in substantial compliance with state law.

Regardless of which scenario a jurisdiction uses the template for, there are a few things to note:

* Information to be updated by each jurisdiction is highlighted in **yellow.**
* Notes for the jurisdiction preparing the resolutions are highlighted in **green.**

It is assumed that agencies will prepare separate resolutions (for both the Planning Commission and the City Council or Board of Supervisors) for:

* CEQA approval;
* Approval of any other General Plan amendments, such as those for the Land Use Element or Safety Element, or specific plan amendments;
* Approval of any zoning or other development code amendments being adopted concurrently with the Housing Element.

Note that counties will need to change “City” to “County” and “City Council” to “Board of Supervisors.”

## Resolution – City Council

CITY COUNCIL RESOLUTION NO. \_\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF [INSERT JURISDICTION], ADOPTING A GENERAL PLAN AMENDMENT TO TO REPEAL THE \_\_\_\_\_\_\_\_ HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 AND [INSERT OTHER ITEMS BEING BROUGHT FOR ADOPTION, IF ANY], IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW.

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita… California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of [insert jurisdiction](City) regional housing need allocation (RHNA) of [insert # of housing units] housing units, comprised of [insert # of very-low units] very-low income units, [insert # of low-income units] low-income units, [insert # of moderate-income units] moderate-income units, and [insert # of above moderate-income units] above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, [insert jurisdiction]has prepared Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed

a public notice to all California Native American tribes provided by the Native American Heritage

Commission and to other entities listed; and

WHEREAS, **Note:** Either: No California Native American tribe requested consultation; OR Describe consultation and result; and

**Note:** Cities can add another WHEREAS statement here if consultation with any tribes occurred.

WHEREAS, the City conducted extensive community outreach over the last [insert # of months outreach occurred] including [insert # of public meetings/workshops] public workshops before the [insert Boards/Commissions names]; and

WHEREAS, in accordance with Government Code Section 65585 (b), on [insert data the Housing Element was posted], the City posted the draft Housing Element and requested public comment for a 30-day review period, and on [insert date that the draft Housing Element was submitted to HCD], after responding to public comments, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on [insert date received HCD formal comment letter], the City received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on [insert date revised draft was published and submitted to HCD], the City published a revised draft Housing Element responding to HCD’s findings and requested public comment on the draft; and

Note: Indicate any additional dates of posting of drafts.

WHEREAS, on [insert Planning Commission public hearing date], the Planning Commission held a duly and properly noticed public hearing and recommended that the City Council adopt the Housing Element and [insert other zoning/development regulation updates being brought for approval with the Housing Element]; and

WHEREAS, on [insert City Council public hearing date], the City Council conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD’s findings, the City’s response to HCD’s findings, the staff report and all attachments, and oral and written public comments

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. [insert jurisdiction’s required findings related to General Plan Amendment]
3. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law, as shown in Attachment A to this resolution, incorporated herein.

[Note: If more than 50% of sites designated for lower income housing are non-vacant, add finding #4 below]:

1. Based on substantial evidence in the record [cite whatever evidence was relied upon, such as location, existing use, low building to land value, market demand, etc.],the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the site during the planning period.
2. As required by Government Code Section 65585(e), the City Council/Board of Supervisors has considered the findings made by the Department of Housing and Community Development included in the Department’s letter to the [insert jurisdiction] dated [insert date of HCD letter], consistent with Government Code Section 65585(f), and as described in Attachment B to this resolution, incorporated herein, the City Council/Board of Supervisors has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.
3. The [insert name of fifth cycle element] is hereby repealed in its entirety, and the [insert name of sixth cycle element], as shown in Attachment C to this Resolution, incorporated herein, is adopted.
4. This Resolution shall become effective upon adoption by the City Council/Board of Supervisors.
5. The [insert position, e.g. CDD] or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.
6. The [insert position, e.g. CDD] or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

Attachment A: Compliance with Statutory Provisions.

Attachment B: Findings Responding to Letter from Department of Housing and Community Development dated \_\_\_\_\_\_

Attachment C: 2023 – 2031 Housing Element