

HOUSING ELEMENTS Deadlines & Consequences



If a jurisdiction needs to rezone for lower income units but has not done so by January 31, 2023:

- Rezoning must be “by right.”

If a housing element is not adopted by January 31, 2023:*

- Not eligible for certain housing funds.

120 DAYS

120 days after Housing Element adoption deadline



If the housing element is not certified by May 31, 2023:

- Rezoning must be completed within 1 year instead of 3+.

1 YEAR**

Whether 1 year or 3+ years



If rezoning is not complete by the due date:

- HCD could decertify the housing element, with risk of legal action.
- Housing projects consistent with housing element must be approved even if zoning is not complete.



See the technical memo for more details about deadlines and related consequences and risks.

* Cities can be sued if their housing element is not adopted on time. However, there is also legal risk in adopting a housing element that HCD ultimately finds out of compliance.

** 3 years if housing element was certified within 120 days.