

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

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December 21, 2023

David Benoun, City Manager
City of Newark
37101 Newark Blvd
Newark, CA 94560

Dear David Benoun:

RE: City of Newark's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Newark's (City) housing element, which was adopted October 26, 2023 and received on November 1, 2023. The California Department of Housing and Community Development (HCD) also received modifications on December 11, 2023. All modifications were authorized by Resolution Number 11575 and were made available to the public for seven days before HCD's review. The City confirmed the modifications are consistent with the direction and authority granted by Resolution 11575. In addition, HCD considered comments from East Bay for Everyone, pursuant to Government Code section 65585, subdivision (c). Pursuant to Government Code section 65585, HCD is reporting the results of its review.

HCD is pleased to find the adopted housing element, including modifications, in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of the date of this letter. The adopted element, including all modifications, meets the requirements described in HCD's October 17, 2023 review.

Additionally, the City must continue timely and effective implementation of all programs including, but not limited to, the following:

- Program H2.1 (Develop New Housing Options)
- Program H2.2 (Accessory Dwelling Unit (ADU) Program)
- Program H2.3 (Four Corners Area Mixed use Development)
- Program H2.6 (Work in Partnership with the Newark Unified School District)
- Program H2.8 (Zoning for Missing Middle Housing Types)
- Program H2.9 (Area Specific Plans)
- Program H2.10 (Single Room Occupancy Housing)
- Program H2.11 (Small Sites Incentives)
- Program H2.12 (Maximum Residential Densities)
- Program H3.4 (Mixed Use in Commercial Zones)

- Program H3.5 (Parking Standards Update)
- Program H3.6 (By-Right Approval of Projects with 20 Percent Affordable Units)
- Program H4.4 (Small Sites Program)
- Program H4.9 (No Net Loss of Units)
- Program H4.10 (Zoning Ordinance Amendments for Special Needs Housing)
- Program H4.11 (Housing for Persons Experiencing Homelessness)
- Program H5.4 (Affordable Housing Overlay Zone)
- Program H7.5 (Mid-cycle Review)
- Program H7.6 (Annual Progress towards the City's RHNA Goals)

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), programs to make prior identified sites available or address a shortfall of capacity to accommodate the regional housing need allocation (RHNA) (e.g., Program H3.6) must be completed no later than one year from the statutory deadline. Otherwise, the local 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).

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

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 program, 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 now meets 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 City 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://opr.ca.gov/planning/general-plan/>.

HCD appreciates the hard work and dedication the housing element update team provided throughout the housing element review and update process. HCD wishes the

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City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If you have any questions or need additional technical assistance, please contact Helen Eldred, of our staff, at Helen.Eldred@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager