

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

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September 14, 2023

Afshan Hamid, Director  
Planning Department  
Town of Moraga  
329 Rheem Boulevard  
Moraga, CA 94556

Dear Afshan Hamid:

**RE: Town of Moraga's 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the Town of Moraga's housing element that was adopted January 25, 2023 with technical modifications received July 17, 2023. The technical modifications were authorized by Resolution Number 9-2023 and were made available to the public for seven days before HCD's review. The Town confirmed the technical modifications are consistent with the direction and authority granted by Resolution Number 9-2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element, including technical 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 technical modifications was found to be substantially the same as the revised draft element that HCD's July 11, 2023 review determined met statutory requirements.

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

- Program 1: General Plan Update
- Program 2: Phase One Zoning Text Amendments
- Program 3: Phase One Zoning Map Changes
- Program 4: Phase Two Zoning Text Amendments
- Program 11: Facilitate Access to Affordable Housing Subsidies
- Program 15: Adoption of an Affordable Housing (Inclusionary Zoning) Ordinance
- Programs 16, 17 and 18: ADU Production, Compliance and Monitoring
- Program 19: SB 9 Projects
- Program 27: Amendments to Parking Regulations
- Program 29: Fee Deferrals and Calculation Methods
- Program 30: Streamlined Review Process

- Program 37: Allowances for Special Housing Types
- Program 43: Affirmatively Further Fair Housing

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the Town did not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), Program 4 (Phase Two Zoning Text Amendments) 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 Town 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 Town now meets housing element requirements for these and other funding sources.

HCD appreciates the dedication and work that was put into the housing element update and review process. HCD particularly commends the preparers BAE Urban Economics and Barry Miller Consulting for their collaboration and thoughtful approach. HCD also applauds the leadership and collaboration of the Town Council, Planning Commission, and Town Staff in taking significant steps towards compliance. HCD wishes the Town of Moraga 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 HCD can provide assistance in implementing the housing element, please contact Sohab Mehmood, of our staff, at [sohab.mehmood@hcd.ca.gov](mailto:sohab.mehmood@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager