

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

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February 8, 2024

Elaine Lister, Director  
Community Development Department  
City of Mission Viejo  
200 Civic Center  
Mission Viejo, CA 92691

Dear Elaine Lister:

**RE: City of Mission Viejo's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Mission Viejo's (City) housing element that was adopted on November 14, 2023 and received for review on January 27, 2024. The California Department of Housing and Community Development (HCD) also received modifications authorized by Resolution number 23-45. Technical modifications were posted and made available to public for seven days prior to submittal to HCD. Pursuant to Government Code section 65585, HCD is reporting the results of its review.

HCD is pleased to find the adopted housing element, including all 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 addresses the statutory requirements described in HCD's January 10, 2022 review. In addition, the City has completed necessary rezoning to make prior identified sites available pursuant to Program 2 (Surplus Land Act) (Allowing By Right Development for Projects that Propose 50 Percent Affordability) as demonstrated by Ordinance Number 23-351. The City should post the adopted element, including modifications, and send the element to HCD to demonstrate all modifications have been incorporated and available to the public.

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

- Program 2: Surplus Land Act.
- Program 6: Accessory Dwelling Units.
- Program 5: Expanding Housing Opportunities.
- Program 8: Affordable Housing Development.
- Program 9: Housing Choice Vouchers
- Program 12: Objective Design and Development Standards.

- Program 13: Zoning Code Amendments.
- Program 16: Affirmatively Furthering Fair Housing.
- Program 18: Adaptive Ordinance Reuse Ordinance.
- Program 19: Home sharing.

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 programs; 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.

HCD appreciates the dedication and effort provided throughout the housing element update and review. HCD wishes the City success in implementing its housing element and looks forward to following the City's progress through the annual progress report pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Irvin Saldana of our staff, at [Irvin.Saldana@hcd.ca.gov](mailto:Irvin.Saldana@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager