

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

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October 7, 2025

Isaac Whippy, City Manager  
City of Fort Bragg  
416 N. Franklin St.  
Fort Bragg, CA 95437

**RE: City of Fort Bragg 6<sup>th</sup> Cycle Housing Element Programs – Letter of Inquiry**

Dear Isaac Whippy:

The purpose of this letter is to inquire about the status of the City of Fort Bragg's (City) 6<sup>th</sup> Cycle Housing Element Implementation Programs pursuant to Government Code section 65585, subdivision (i). The California Department of Housing and Community Development (HCD) sent the City a letter on December 12, 2019 finding the City's housing element in substantial compliance with Housing Element Law.<sup>1</sup> This was based on, among other reasons, the City's responsibility to complete programs according to timeline commitments.

Program H-2.5.8 (Maximize Housing Density By Right for Projects with 20 Percent Affordable Units) was due by 2020-2021. The program intends to allow the maximum density permissible within a zoning district by-right (no use permit) for all residential projects that include at least 20 percent of units deed restricted at rents affordable to low-income households and that have been listed in the last two housing elements as an eligible site in the vacant parcel inventory for the Regional Housing Needs Allocation (RHNA). The City's 2024 Annual Progress Report states the program as not being entirely complete. As the commitment date has passed, HCD requests that the City provide a status update and provide the accompanying documentation (e.g., ordinances, resolutions, zoning codes, etc.) or provide an update on the status and timeline for completion.

**Consequences of Failure to Implement Programs**

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. Failure to implement actions in Programs H-2.5.8 by the statutory deadline means the City's housing element will no

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<sup>1</sup> Gov. Code, § 65580 et seq.

longer substantially comply with Housing Element Law, and HCD may revoke its finding of substantial compliance.

Various consequences may apply if the City does not have a housing element in compliance with Housing Element Law, including ineligibility or delay in receiving certain state funds, referral to the California Office of the Attorney General, court-imposed financial penalties, the loss of local land use authority to a court-appointed agent, and the application of the “builder’s remedy.”<sup>2</sup>

## Conclusion

Housing elements are essential to developing a blueprint for growth and are a vital tool to address California’s prolonged housing crisis. Accordingly, state law has established clear disincentives for local jurisdictions that fail to comply with Housing Element Law. To ensure the City continues to meet the 6<sup>th</sup> cycle update requirements for a substantially compliant housing element, the City must submit any adopted ordinances or resolutions to HCD for review or documentation that demonstrates that housing element program commits have been met.<sup>3</sup>

HCD understands that the City has many commitments and recognizes the challenges of implementation. HCD will consider any written response before taking further action authorized by Government Code section 65585, subdivision (i), including issuance of a Corrective Action Letter and removal of HCD’s finding of housing element compliance.

Please provide a written response to this inquiry by November 7, 2025. If you have any questions or would like to discuss the content of this letter, please contact Melissa Vasquez of our staff at [Melissa.Vasquez@hcd.ca.gov](mailto:Melissa.Vasquez@hcd.ca.gov).

Sincerely,



Melinda Coy  
Housing Accountability Unit Chief  
Division of Housing Policy Development

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<sup>2</sup> Gov. Code, §§ 65585, subs. (i)(1)(C), (j), (l)(1); 65589.5, subd. (d)(6) and (f)(11).

<sup>3</sup> Gov. Code, § 65585.