

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****OFFICE OF THE DIRECTOR**

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June 14, 2022

**ADVANCE NOTICE OF INTENT TO FILE SECOND READOPTION OF EMERGENCY REGULATIONS****Subject: Prohousing Designation Program**

This notice is sent in accordance with Government Code section 11346.1(a)(2) and California Code of Regulations title 1 (CCR), section 52, which requires State of California agencies to give five (5) working days advance notice of intent to readopt emergency regulations with the Office of Administrative Law (OAL). The California Department of Housing and Community Development (Department) intends to file a request for a second readoption of the emergency regulations for the Prohousing Designation Program (Program), originally approved by OAL on June 25, 2021. OAL also approved the first readoption of the emergency regulations on April 1, 2022.

As specified in OAL's April 1, 2022 approval of the first readoption, the emergency regulations are currently scheduled to expire on July 21, 2022. The Department is requesting a second readoption of the emergency regulations to allow additional time for it to diligently complete the certification process for adopting permanent regulations for the Program.

Pursuant to CCR section 52(b)(1), the Department has made substantial progress and proceeded with diligence to comply with Government Code section 11346.1(e) by undertaking the following activity:

- The Department drafted permanent regulations and other rulemaking documents and worked diligently with the Business, Consumer Services, and Housing Agency (BCSH) to obtain the required approvals of the rulemaking file prior to submitting it to OAL. BCSH approved the proposed permanent rulemaking file on January 21, 2022.
- The Department submitted the proposed permanent regulations and accompanying documents in the rulemaking file to OAL on January 25, 2022, which published the proposed permanent regulations on February 4, 2022. The 45-day comment period ends on March 23, 2022.
- Upon the end of the 45-day comment period on March 23, 2022, the Department completed a review of all public comments received and promptly began

amending the proposed regulations in response to many of these comments.

- The Department also began drafting other documents to prepare for a subsequent 15-day noticing and comment period and will complete these actions before submitting the final regulatory documents to OAL for the Certificate of Compliance.

As required by CCR section 52, there has been no change in emergency circumstances since OAL's original approval of the of the Program's emergency regulations on June 25, 2021.

The Department hereby incorporates by reference the rulemaking record of OAL file number 2021-0615-01E and notes that no changes have been made to the prior emergency text.

The Department plans to file the second readoption of the Prohousing Designation Program emergency rulemaking package with OAL at least five (5) working days from the date of this notice. If you would like to make comments on the second readoption of the Prohousing Designation Program emergency regulation, both the Department and OAL must receive the comments within five (5) calendar days after notice of the filing of the readoption emergency rulemaking package is posted on OAL's website. Responding to the comments at this point in the process is strictly at the Department's discretion.

Comments should be sent simultaneously to:

Name: Prohousing Designation Program Team  
Address: 2020 West El Camino Avenue, Suite 500  
Sacramento, CA 95833  
E-Mail Address: [ProhousingPolicies@hcd.ca.gov](mailto:ProhousingPolicies@hcd.ca.gov)

AND

Name: Office of Administrative Law  
Address: 300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
E-Mail Address: [staff@oal.ca.gov](mailto:staff@oal.ca.gov)

The comment must state that it is about an emergency rulemaking action currently under OAL review and include the topic of the emergency.

If you have any questions regarding this proposed emergency action, please contact Chelsea Lee at (916) 820-1254/[Chelsea.Lee@hcd.ca.gov](mailto:Chelsea.Lee@hcd.ca.gov) or Reid Miller at (916) 695-7998/[Reid.Miller@hcd.ca.gov](mailto:Reid.Miller@hcd.ca.gov).