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PRESS RELEASE

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Cupertino Defends Plain Meaning of State Housing Law

The City of Cupertino is committed to complying with state housing laws. On August 15, 2025, the City submitted a response to the California Department of Housing and Community Development's (HCD) reaffirming the City's commitment to state housing laws. Cupertino respects HCD's role but disagrees with its interpretation that ignores the plain language of the statute.

State law provides that development applicants have a 90-day period to correct deficiencies in a preliminary application to preserve development rights. Government Code § 65941.1(e)(2) states: *"If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect."* The statute is clear: if required information is not provided within that period, the development rights expire.

HCD's letter interprets "the 90-day period" as allowing successive, even potentially infinite, extensions, undermining the goal of expediting project approvals and ignoring the clear language of the statute. Cupertino applies the statute's plain and logical meaning: a builder is entitled to a single 90-day period to correct deficiencies. The two builder's remedy applications (20739 Scofield Drive and Vista Heights) identified by HCD were processed in full compliance with state law. Both were deemed incomplete after failing to include the required materials, as reflected in the City's notices. The statute requires diligence by both cities and applicants. Standard requirements and materials were not included in the submission. The applications referenced were received and reviewed in the same process and manner as other applications.

The City's application of the plain language of state law to the two builder's remedy projects does not affect the processing of projects that are part of the City's approved housing element or that otherwise comply with development standards. "Cupertino is committed to processing housing applications in a manner that is consistent with state law," said Mayor Liang Chao. "Our goal is to ensure all applications meet clear and consistent standards and we treat everyone fairly. We look forward to continuing a constructive dialogue with the state as we work toward shared housing goals that also reflect our community's priorities."

April 11, 2025: Cupertino Complies with State Housing Law: Builder's Remedy Applications did Not Meet Requirements