

# Housing Planning For The Future: Housing Elements

**Presenter:**

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# What is a Housing Element?

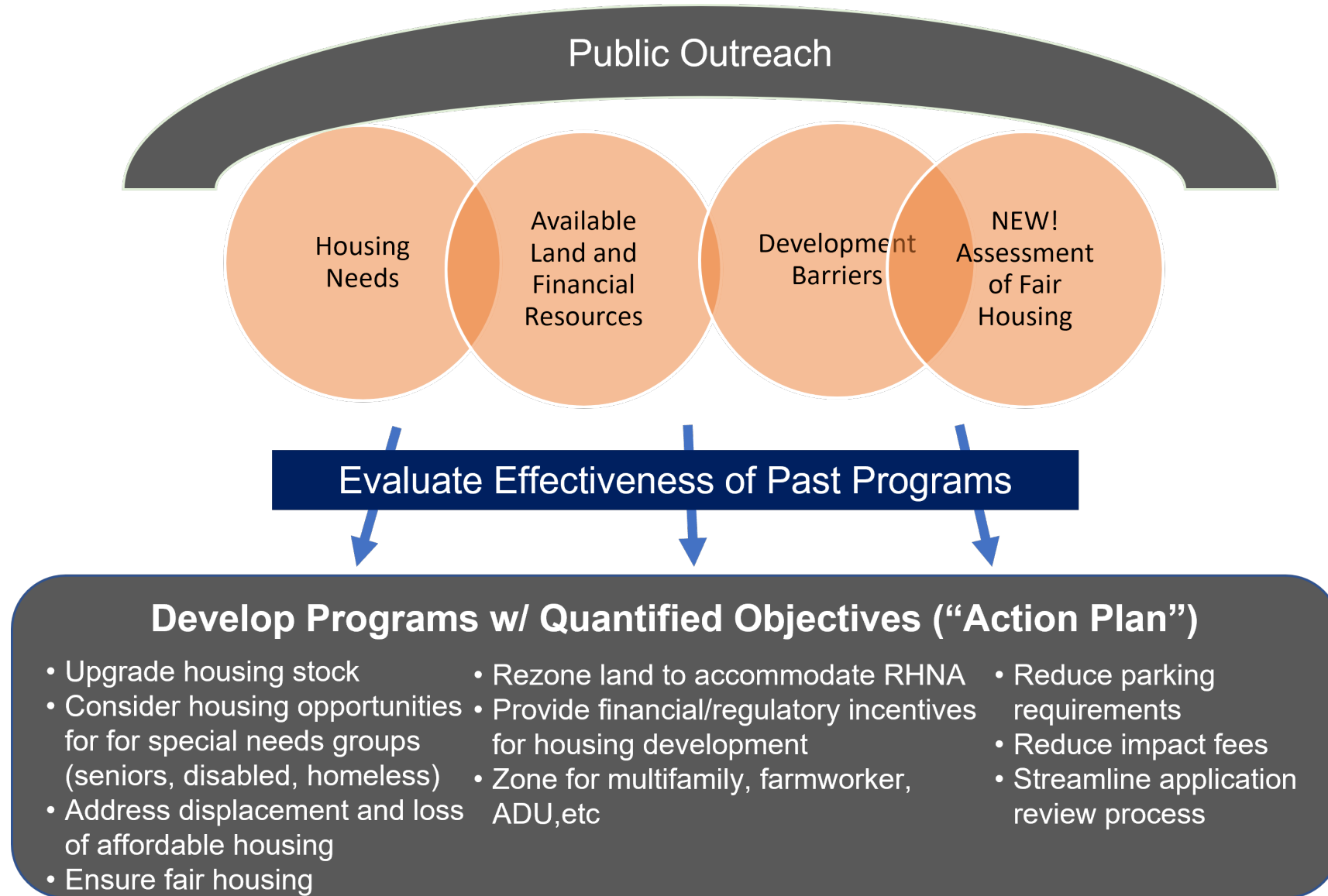
- Required element as part of the general plan
- Can set the foundation of when, where, and how housing for all income levels can occur



# Housing Element: Key Components



# Housing Element Process

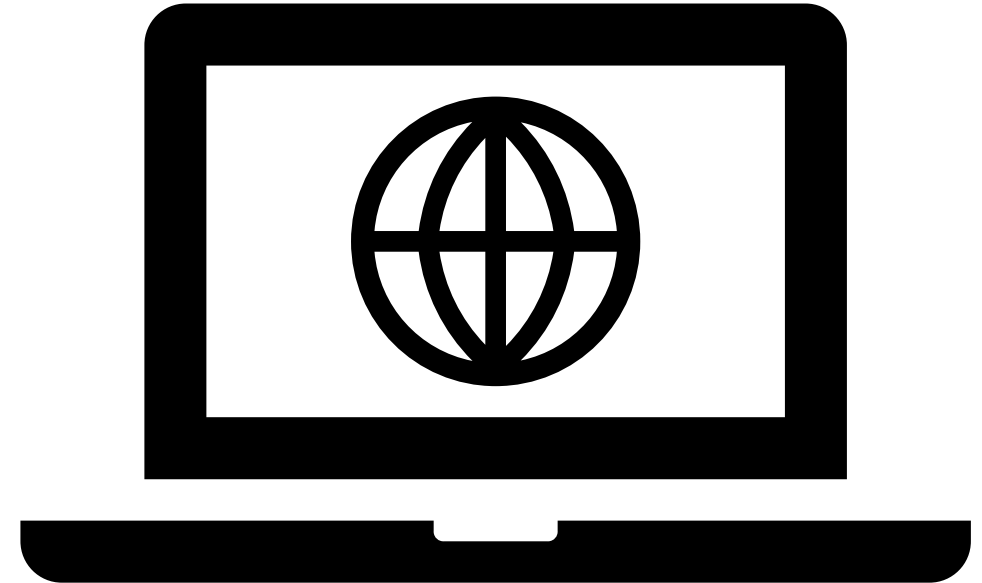


# 1. Public Participation

- Diligent efforts to achieve public participation for all economic segments during the development and adoption of the housing element
- Description of how public input was considered and incorporated in the element
- **New Changes –**
  - Initial draft must be available to the public **30 days** before HCD submittal (AB 215 (Chapter 342, Statutes of 2021))
    - if any comments were received, take at least **10 business days** to consider and incorporate public comments.
  - Subsequent revisions must be available to the public for **7 days** and email a link to all individuals and organizations that have previously requested notices

# Public Participation Resources

- Building Blocks Updated: [Building Blocks: Getting Started - Public Participation \(ca.gov\)](#)
  - Guidance and Tips
- HCD Housing Hub Site: [Housing Planning Hub Site \(arcgis.com\)](#)
  - Tools include checklist, educational video, and toolkit



## 2. Review and Revise Section

### Evaluate

- Effectiveness of the last housing element
- Quantify results where possible

### Review progress in implementation

- Past planning period required zonings (AB 1233), If applicable

### Revise

- Describe what has been **revised/modified** from past results

### New Changes –

- Cumulative effectiveness of previous housing element programs for special needs populations

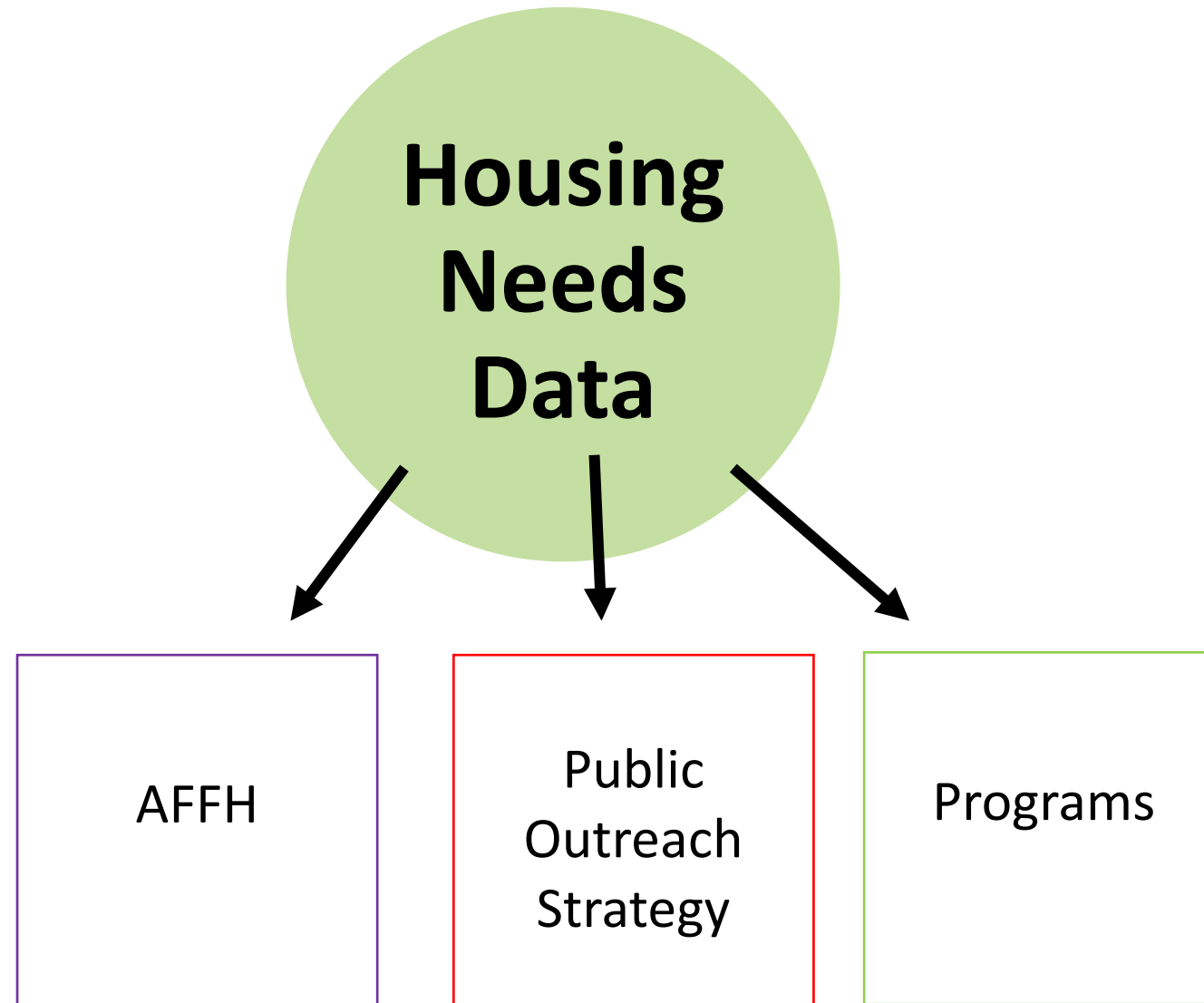
# 3. Housing Needs/Demographics Section

- Population and Employment Trends
  - Growth, wages, industries
- Household Characteristics
  - Overpayment, ELI and LI households
- Housing Stock Characteristics
  - Overcrowding, housing conditions (rehab, replacement, substandard), vacancy rates, costs
- Special Housing Needs Analysis
  - People with disabilities including developmental, seniors, large households, farmworkers, female headed housing households, homelessness, other
  - Analysis of existing assisted affordable housing stock





Don't forget!

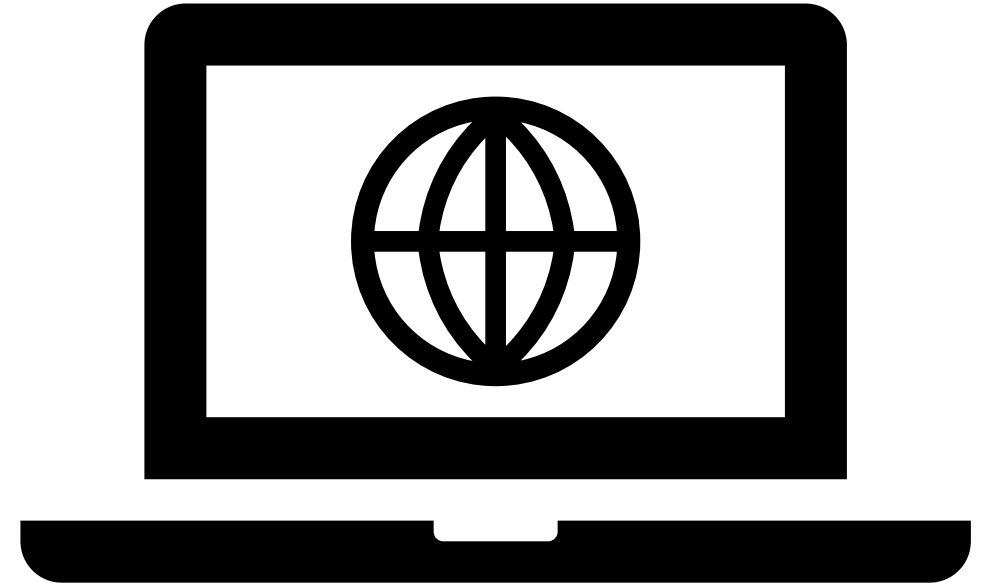


## 4. Assessment of Fair Housing

- Summary of fair housing issues.
- Analysis of local and regional patterns and trends for:
  - Fair housing enforcement and outreach capacity
  - Integration and segregation: income, race, familial status, disability
  - racially or ethnic concentrated areas of poverty and affluence
  - disparities in access to opportunity: economic, environment, education, transportation
  - disproportionate housing needs and displacement risk: cost burdened, substandard, overcrowding, homelessness, displacement risk
- Contributing factors that have contributed to fair housing issues and data results.
- Meaningful actions to address fair housing issues.
  - Meaningful actions should generally address enhancing mobility, increasing housing choices in areas of high opportunity, place-based strategies for revitalization and community conservation, displacement risk
  - Must have metrics to measure progress on actions

# AFFH Resources

- HCD's Website Updated: [AFFH / Fair Housing \(ca.gov\)](#)
- HCD's AFFH Guidance: [Affirmatively Furthering Fair Housing \(ca.gov\)](#)
- AFFH Data: [AFFH Data and Mapping Resources \(arcgis.com\)](#)



## 5. Sites Inventory and Analysis: Sites Inventory

Identify sites with residential  
development potential to meet the  
locality's RHNA

## 5. Sites Inventory and Analysis: Sites Inventory

- \*NEW\* Must identify sites with an APN (AB 1397, 2017)
- Size of Site in Acres
- Realistic Capacity Potential
- General plan designation
- Zoning designation
- For nonvacant sites, a description of the existing use of each property
- \*NEW\* (The RHNA income category the parcel is expected to accommodate (AB 1397, 2017)
- \*NEW\* If the parcel was used in previous planning period sites inventory (AB 1397, 2017)
- Existing Use if non-vacant
- \*NEW\* Indicate if the site is publicly owned (AB 1483, 2019)

# 5. Sites Inventory and Analysis: Realistic Capacity

- **Capacity for each listed property by:**
  - Established minimum density or
  - Based on analysis
- **Analysis must adjust for:**
  - land use controls and sites improvements
  - \*NEW\* the realistic development capacity for the site (AB 1397)
    - i.e. for commercial or mixed-use sites capacity the extent non-residential uses are allowed, environmental constraints limiting usage, ect
  - \*NEW\* typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,
  - \*NEW\* and on the current or planned availability and accessibility of water, sewer, and dry utilities.

## 5. Sites Inventory and Analysis: Identification of Sites

- Strategies to identify sites to accommodate your RHNA:
  - Pipeline projects
  - Zoning: minimum densities for residential, upzoning, allowing mixed-use or residential in specific areas, implementing overlay zones
  - Publicly owned sites
  - ADUs
  - Church sites
  - Sites with existing structures/uses – hotels/motels, mobilehomes, adaptive re-use, shopping centers, etc.,

## 5. Sites Inventory and Analysis: Identification of Sites



Size of sites for LI – less than 0.5 acres and larger than 10 acres require analysis



Reusing sites from past planning periods – required by-right program for projects with 20% affordability



Nonvacant sites – substantial evidence when using more than 50% to accommodate your RHNA



Sites and AFFH



# 5b. Sites Inventory and Analysis: Zoning for a Variety

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Emergency shelters – compliant with AB 139?

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Transitional housing

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Supportive housing – compliant with AB 2162?

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Farmworkers/Employee housing act (permanent and seasonal)

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Manufactured housing and mobilehomes

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Multifamily

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ADUs – compliant ADU ordinance?

## 6. Development Constraints

The element must describe the local government's regulatory environment for development and analyze potential and real barriers to developing housing for all income levels including:

- Land use controls
- Building codes and enforcement
- Infrastructure requirements
- Fees and exactions
- Permit and processing procedures
- Housing for persons with disabilities

**Programs must be included to mitigate or remove any barriers identified**

## 6. Development Constraints - Changes

- **Nongovernmental Constraints:**
  - Identifying local efforts to address non-governmental constraints
  - Identify and analyze requests to develop at densities below the density identified in the inventory
  - Describe the length of time between project approval and request for building permit
- **Transparency laws (AB 1483, Statutes, 2019)**
  - Demonstrate that all zoning, development standards, and fees are posted on the City's website or include a program
- **Locally adopted ordinances**
  - Analysis of locally adopted ordinances that impact the cost/supply of housing i.e., short-term, inclusionary, etc.,



## 7. Housing Programs

- Adequate sites
- Facilitate housing development for low- & moderate-income households (including extremely low)
- Remove/mitigate constraints
- Conserve/improve existing stock
- Preserve units at-risk
- Promote equal housing opportunities/ Affirmatively Further Fair Housing
- NEW: Promote ADUs for lower- and moderate-income households

How, what, when, and where?  
Must include a definitive date, deadline, or benchmarks for implementation to realize “**beneficial impact**” within the planning period.

# Housing Element: Review Process

# Housing Element Review

01

First draft available for public comment for at least 30 days, and if comments are received, take an additional 10 days to incorporate consider and incorporate comments before HCD submittal

02

Submit HCD for review:

- Initial draft review period – 90 days
- Subsequent drafts – 60 days

03

Receive HCD findings

- Optional – resubmit subsequent drafts to address HCD's findings

04

Submit adopted housing element

## AB 1398 (Statutes of 2021)

- If a housing element is not adopted and found in compliance within 120 days of the deadline, you must complete any rezoning efforts within one year of the statutory due date



# Noncompliance with Housing Element has Consequences

## Legal Risk

- ❖ General Plan Validity
- ❖ May trigger litigation or court-ordered sanctions
- ❖ Jurisdictions cannot use inconsistency with zoning and general plan standards as reason for denial of an affordable housing project under the Housing Accountability Act

## Prevents Access to Funding

- ❖ Certain housing funding (e.g., SB 2 Permanent Local Housing Assistance dollars)
- ❖ Certain cap and trade dollars (e.g., AHSC)
- ❖ Certain transportation funding (e.g., SB 1 Planning Grants)



# What to Expect?



REVIEW TIMES AND  
REVISIONS



# OF LETTERS

# Housing Element Tips

Start early – You can start working on your housing element!

- Public Participation
- Assessment of Fair Housing
- Constraints
- Review and Revise

## Additional Resources

- Completeness checklist: [Housing Elements \(ca.gov\)](https://www.ca.gov/housing-elements/completeness-checklist/)
- TA from HCD Staff