

Housing Element Law



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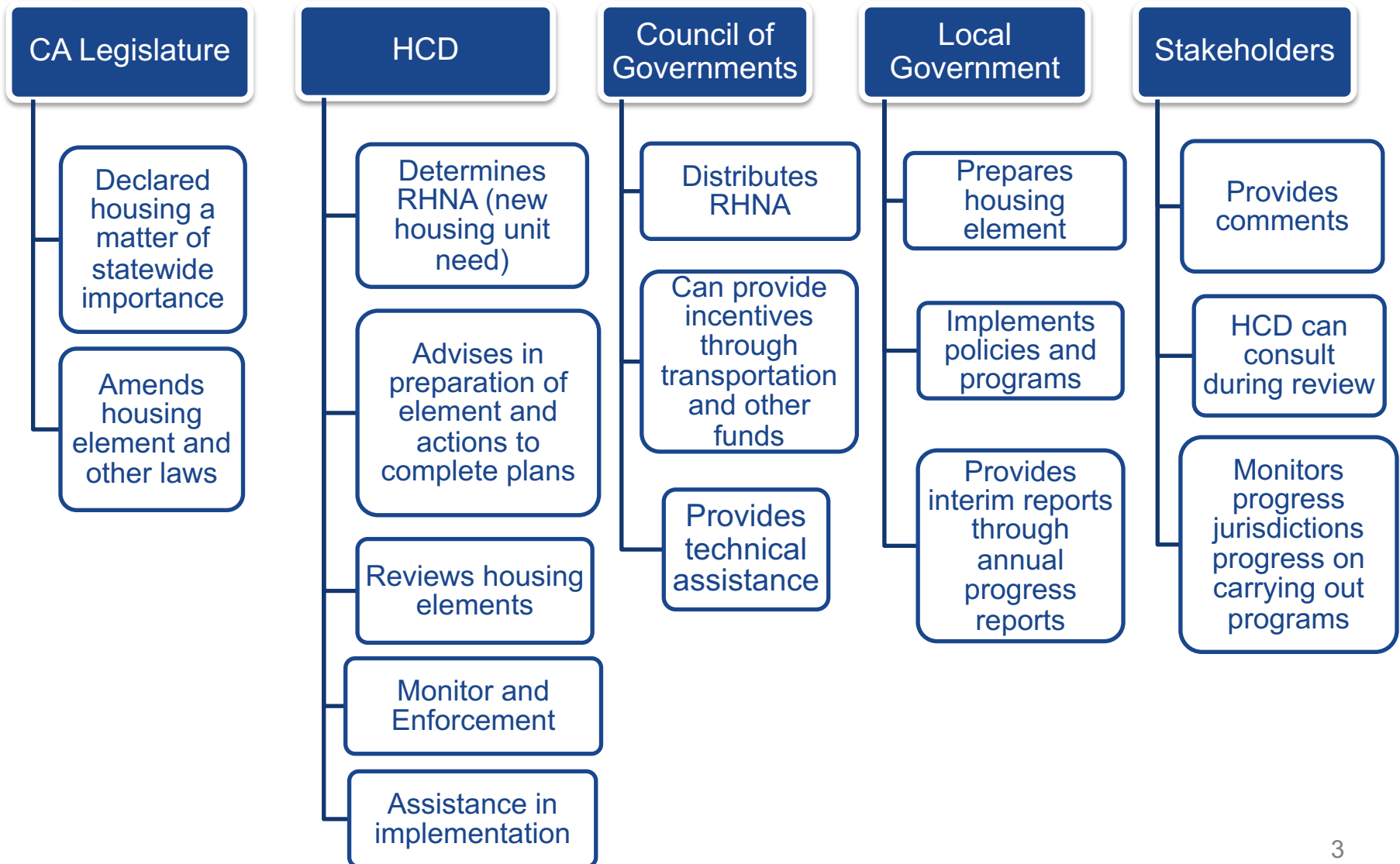
Housing Element Law

“The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order.”
—GC 65580

Enacted 1969



Key Players In Housing Element Process





Housing Element Process

RHNA

- HCD Develops the Regional Housing Needs Allocation (*Number of new housing units needed over a 8 year period*)
- Council of Governments distributes RHNA to each jurisdiction

Housing Element

- Each jurisdiction plans for their RHNA in the housing element of the general plan
- Develops action plan to “set the table for development”
- Jurisdiction submits housing element to HCD who reviews, provides comments and approves

Housing Element Implementation

- Jurisdiction implements the action plan to encourage housing growth
- Jurisdiction submits annual report on housing to HCD

Enforcement

- HCD responds to complaints from stakeholders regarding lack of action to implement housing plan or violation of state housing law
- HCD can remove compliance of housing element or refer to the Attorney General



Understanding the Regional Housing Needs Allocation Process

RHNA is . . .

A projection of additional housing units needed to accommodate projected household growth of all income levels from the start until the end date of the projection period.

RHNA is not . . .

- ✓ A prediction of building permit, construction, or housing activity
- ✓ A ceiling of potential housing market demand or production
- ✓ Limited due to existing land use capacity or growth control (rezoning often necessary to accommodate RHNA)



Housing Element Process

Public Outreach

Housing
Needs

Available
Land and
Financial
Resources

Development
Barriers

Evaluate Effectiveness of Past Programs

Develop Programs w/ Quantified Objectives (“Action Plan”)

- Upgrade housing stock
- Consider housing opportunities for special needs groups (seniors, disabled, homeless)
- Address displacement and loss of affordable housing
- Ensure fair housing
- Rezone land to accommodate RHNA
- Provide financial/regulatory incentives for housing development
- Zone for multifamily, farmworker, accessory dwelling units, etc.
- Reduce parking requirements
- Reduce impact fees
- Streamline application review process



Public Participation

Local government must make a diligent effort to achieve the public participation in all economic segments of the community.

- Engagement with the community must be throughout the housing element process.
- Include a variety of stakeholders, housing consumers, and service providers.
- Use a variety of methods to engage the public.



Consequences for Noncompliance

Legal Risk

- ❖ General Plan Validity
 - Substantial compliance gives presumption of validity
- ❖ May trigger litigation or court-ordered sanctions

Prevents Access To Funding

- ❖ Certain housing funding
- ❖ Certain cap and trade dollars
- ❖ Certain transportation funding



Ways to Get Involved

- Guidance on program development or needed types of housing
- Site verification (ground-truthing)
- If there are any constraints to the development from housing as it relates to processing applications, development standards, or other local government policies
- Education to public, city staff, and officials
- Enforcement of housing element implementation



Resources to Get You Started

Building Blocks Web Page - <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml>

Accountability and Enforcement Webpage - <http://www.hcd.ca.gov/community-development/accountability-enforcement.shtml>

Interactive Housing Progress Map -
<http://cahcd.maps.arcgis.com/apps/View/index.html?appid=8ea29422525e4d4c96d52235772596a3>

Public Interest Law Project Housing Element Law Overview: Law, Advocacy and Litigation - <http://www.pilpca.org/publications-trainings/>

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