

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

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October 26, 2021

Nate Farnsworth, Planning Manager
Planning Division
City of Yorba Linda
4845 Casa Loma Avenue
Yorba Linda, CA 92886

Dear Nate Farnsworth:

RE: City of Yorba Linda's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Yorba Linda's (City) draft housing element received for review on August 27, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on October 22, 2021 with you, City Manager Mark Pulone, Senior Planner David Brantley, and consultant Karen Warner. In addition, HCD considered comments from the Kennedy Commission, People for Housing Orange County, Josh Albrekston and Anne Paulson pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). In particular, the site inventory must demonstrate the suitability and availability of identified sites in the planning period, various program actions must be revised to fulfill statutory requirements, and several constraints to housing development require further analysis. The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

The City's statutory deadline to adopt a housing element was October 15, 2021. For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the Regional Housing Needs Allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Colin Cross, of our staff, at colin.cross@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF YORBA LINDA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

As part of the review of programs in the past cycle, the element must provide a cumulative evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Outreach: The element describes some outreach efforts like a survey and a website and briefly mentions a few stakeholders. The element also explains community participation as part of the county-wide analysis of impediments to fair housing choices. The element should also explain how that outreach relates to affirmatively furthering fair housing (AFFH) in Yorba Linda. For example, the county-wide analysis should discuss what comments resulted from the participation process and how those comments specifically relate to AFFH in Yorba Linda. The City should also consider additional outreach and methods specific to the assessment of fair housing.

Local Data and Knowledge and Other Relevant Factors: The element reports many data points related to AFFH but generally, it lacks analysis. For example, the element reports Yorba Linda is disproportionately white with higher incomes than the rest of the County but then provides no analysis. To complement the data, the element should consider characteristics and trends, local data and knowledge and other relevant factors. Local data and knowledge should consider data not available through state or federal sources. For example, the county-wide analysis of impediment and community participation could be a source, or the City could specifically reach out to stakeholders and advocates regarding

the analysis. Other relevant factors include historical land use and investment practices, demographic trends, and other information. For example, the element includes some brief mention of Yorba Linda maintaining its “small town” character but should also explain how zoning has contributed (e.g., Measure B and downzoning of the entire City) to a lack of housing choices and constrained regional housing mobility as shown by demographics such as tenure, housing units by type (e.g., single family detached) and household income. With a complete analysis, the element will better understand the fair housing issues and contributing factors to formulate the appropriate policies and programs.

Identified Sites and Affirmatively Furthering Fair Housing: While the element discusses the types of proposed site, it generally does not address this requirement. The element must identify and analyze sites throughout the community to foster inclusive communities and AFFH. For example, the analysis should address whether the identified sites improve or exacerbate each of the fair housing issue areas (e.g., segregation and integration, access to opportunity, disproportionate housing needs). For more information, See HCD’s guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Strategies and Actions: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element includes Program 18, which commits the City to conducting outreach and referring fair housing complaints to the proper authority; the element also includes various similar actions in Appendix B. These are not adequate to satisfy the requirement for specific and meaningful actions. Program actions should be proactive, facilitate meaningful change, and respond directly to the contributing factors to fair housing that were identified. For example, the element should include significant and meaningful actions to improve housing mobility and choices such as rezoning for multifamily and other housing choices beyond the regional housing need allocation (RHNA). Furthermore, programs must include metrics and milestones to target and follow through with meaningful outcomes and for evaluating progress on programs, actions, and fair housing results. The element must add or revise programs based on a complete analysis and drawn from the identified and prioritized contributing factors to fair housing issues.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

The element includes some basic information regarding extremely low-income (ELI) households such as the number of households (p. II-18) and projected housing needs (p. II-32). However, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in housing needs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an*

analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)

Realistic Capacity: The element includes sites with zoning in place, sites to be rezoned, and nonvacant sites, among others, but must also describe the methodology for calculating residential capacity on identified sites. The methodology must account for land use controls, site improvements and typical densities of existing or approved residential developments at a similar affordability level.

In addition, the methodology should account for the likelihood of residential uses or intended uses in the affordable housing overlay given the land use controls. For example, in the case of the overlay, the methodology should address the likelihood that future residential development will utilize the affordable housing overlay. In other cases, zoning, or base zoning, where the overlay is proposed, appears to allow 100 percent nonresidential uses. If so, the methodology must adjust residential calculations for the likelihood of nonresidential development. For example, the element could analyze all development activity in zones allowing nonresidential uses, how often residential development occurs and adjust residential capacity calculation, policies, and program accordingly.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment on nonvacant sites. To address this requirement, the element describes the existing use of each nonvacant site and considers factors such as improvement to land value ratio and condition of the structure. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The analysis should consider additional factors, such as the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and further describe regulatory or other incentives or standards to encourage additional residential development on these sites.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Accessory Dwelling Units (ADU): The element assumes an average of 138 ADUs per year will be constructed during the planning period, for a total of 1,100 ADUs. The element's analysis and programs do not support this assumption. Based on HCD records and numbers reported in the element, the City is averaging about 5 ADU permits per year since 2018. To include a realistic estimate of the potential for ADUs, the element must reduce the number of ADUs assumed per year and include analysis, policies and

programs as appropriate. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element by a date certain. Additional actions, if necessary, should be taken in a timely manner (e.g., within 6 months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Large and Small Sites: The parcel listing appears to contain several sites smaller than 0.5 acres or larger than 10 acres in size being used to accommodate the RHNA for lower income households. Sites smaller than 0.5 acres in size or larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing.

For small parcels, the element must describe whether these parcels are expected to develop individually or consolidated with the other small parcels. For parcels anticipated to be consolidated, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. For parcels anticipated to develop individually, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. This is important given the necessary economies of scale to facilitate development of housing affordable to lower-income households.

Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City's RHNA for the planning period.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element must demonstrate compliance with these requirements or include programs as appropriate. For additional information and sample cover memo, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Environmental Constraints: The element must describe any known environmental constraints or other conditions that preclude housing development in the planning period. While the element includes some general analysis of potential environmental constraints,

should relate that analysis to identified sites. For example, the element analyzes slope stability as a potential constraint and describes Site S5-008 as “constrained by topography” but does address the impacts on development in the planning period.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Sites with Zoning for a Variety of Housing Types:

- *Employee Housing:* The element must demonstrate the City’s zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or include programs as appropriate. Specifically, section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers.shtml>.
- *Emergency Shelters:* The element describes emergency shelters are allowed by-right, but it should clarify the use is permitted without discretionary action. In addition, the element should analyze development standards for consistency with statutory requirements and for impacts as potential constraints. For example, spacing criteria do not appear consistent with statutory requirements.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element must identify and analyze all relevant land-use controls as potential constraints on a variety of housing types, both independently and cumulatively with other land-use controls. The analysis should further address the city-wide height maximum of 35 feet, describing whether three or more stories is achievable in the jurisdiction and for sites in the inventory. Additionally, the element should analyze multifamily parking and minimum lot size requirements, including impacts on identified sites and should specifically identify and analyze development standards for the proposed affordable housing overlay.

Measure B: The element describes the background and process of Measure B, which subjects certain amendments to the City's general plan to voter approval. However, the element does not analyze Measure B as a potential constraint to housing development. An analysis should address Measure B's impact on housing cost, supply, affordability, timing and approval certainty and the element must include programs as appropriate, in addition to identifying sites for the RHNA, to address this constraint.

State Density Bonus Law: While the element includes some description of the City's affordable housing density bonus, it should demonstrate compliance with current statutory requirements (Gov. Code § 65915) or include programs as appropriate.

Fees and Exaction: The element identifies planning and impact fees and provides an estimate of the total amount of fees for a typical multifamily development. The analysis should also identify the total amount of fees and their proportion to the development costs for single family housing.

Local Processing and Permit Procedures: The element notes that a conditional use permit (CUP) is required for any two-story structure within 70 feet of single-family residential uses, but it should also analyze how this requirement potentially applies to identified sites and should add or modify programs as appropriate. In addition:

- *Design Review:* The element provides an overview of the City's design review process for multifamily residential development, but it should also address decision-making criteria, including any approval findings, and analyze impacts on approval certainty and housing cost.
- *SB 35 Streamlined Ministerial Approval Process:* The element notes the City does not have a written procedure to implement the SB 35 Streamlined Ministerial Approval Process and as a result, should include a program as appropriate.

Zoning and Fee Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1, subdivision (a)(1). If necessary, the element should add a program to ensure compliance.

Housing for Persons with Disabilities:

- *Reasonable Accommodation:* The element describes the City's reasonable accommodation procedure and lists approval findings, but it should also analyze the process for potential constraints. For example, the analysis should address whether the procedure is limited to zoning as opposed to any pertinent land use policies or procedures and any limits on adjustments such as standards related to floor area and lot coverage.
- *Residential Care Facilities:* The element notes that residential care facilities serving seven or more persons require a CUP. The element should analyze this process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits residential care facilities objectively with approval certainty.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

While the element quantifies the number of most special-needs populations, it must also quantify and analyze the number of permanent and seasonal farmworkers (e.g., USDA county-level data), and persons with disabilities by type (e.g., ambulatory, cognitive, hearing, vision).

6. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next ten years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

The element states that no affordable units in Yorba Linda are at-risk of conversion to market rate during the next ten years. However, Table II-23 (Assisted Rental Housing Inventory, p. II-27) appears to list a potential conversion date of 2029 for the Archstone Yorba Linda apartments. If units are identified at-risk within a ten-year period, the element must include analysis and programs, including the following:

- Listing of each development by project name and address
- Type of governmental assistance received
- Earliest date of change from low-income use; and
- Total number of elderly and non-elderly units.
- Estimated total cost for producing, replacing and preserving the units at-risk.
- Identification of public and private non-profit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units.
- Identification and consideration of use of federal, state, and local financing and subsidy programs.

For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/assisted-housing-developments.shtml> and for more information on identifying units at-risk, see the California Housing Partnership Corporation at <http://www.chpc.net>.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the*

agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines, including Programs 3 (Multifamily Acquisition and Improvement), 5 (Affordable Housing Development Assistance) and 19 (Housing Opportunities for Persons Living with Disabilities).

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- *Program 8 (Housing Opportunity Site and Rezone Program):* The Program must specifically commit to:
 - Permit multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval.
 - Identify the shortfall of sites and minimum acreage to accommodate the RHNA by income group.
 - Zoning, including allowable densities and development standards.
 - Timeframes for actions upon completion of a Measure B election.
- *Programs 10 (Commercial Mixed-use Overlay) and 11 (Congregational Land Overlay):* If necessary, these Programs should be revised to comply with by-right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, Program 11 should commit to allowable densities and development standards.
- *Program 12 (Promote ADUs):* This program should commit explicitly to monitoring ADU affordability in addition to production, a specific timeframe for taking action (e.g., rezoning within 6 months) if assumptions are not realized and to monitoring and amending the ordinance if necessary. Finally, if the City continues to target ADU production beyond recent trends, monitoring and evaluation should occur more frequently (e.g., every two years) than a mid-cycle review.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable to ELI and all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, female-headed households). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to ELI and special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding B4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, Program 14 (Multifamily Development Standards) should commit to promote approval certainty and mitigate development costs in addition to facilitating quality and sustainability.

5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

As noted in Finding B6, Yorba Linda may have units at risk of conversion to market rate during the next ten years. If units are at risk, the element must include a program with specific and proactive actions to preserve the at-risk units such as developing a plan or strategy for quickly moving forward in the case units are noticed to convert to market-rate uses in the planning period, and ensure tenants receive proper notifications.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element profiles the strategies undertaken to achieve public participation, including outreach to seniors, property owners, and religious institutions, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

Additionally, the element indicates that the City made the draft element available for public review over one week prior to submission to HCD. The element is unclear how much longer than one week the document was available. If the document was only marginally available more than a week, the City has not provided an adequate opportunity for input. By providing limited opportunity for the public to review and comment on a draft of the element in advance of submission, the City will not have yet complied with statutory mandates to make a diligent effort to achieve public participation in the development of the element. This also reduces HCD's ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD are essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.