

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

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April 6, 2023

Mathew Walsh, Senior Planner
Department of Resource Management
County of Solano,
675 Texas Street, Suite 5500,
Fairfield, CA 94533-6342

Dear Mathew Walsh:

RE: County of Solano's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the County Solano's (County) draft housing element received for review on January 6, 2023, along with revisions received on April 6, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from David Kellogg, pursuant to Government Code Section 65585, subdivision (c).

The draft element with revisions addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

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).)*

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... (Gov. Code, § 65583, subd. (c)(5).)

Patterns and Trends: The County's analysis of fair housing should specifically analyze the unincorporated portions of the County and assess data for trends over time, patterns across census tracts, and coincidence with other components of the County's assessment of fair housing.

Disproportionate Housing Needs including Displacement Risk: While the element includes some broad discussion of housing costs and overpayment, it should also evaluate patterns and trends related to displacement risk. The analysis should address investment-driven and disaster-driven displacement,

including disproportionate impacts on lower-income and special needs households and protected characteristics.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must assess the County's site strategy including the use of accessory dwelling units (ADUs) and manufactured housing in meeting the Regional Housing Needs Allocation (RHNA) for lower-income households and whether anticipated locations AFFH. For example, the element could use past trends and locations to facilitate this analysis. The analysis should be supported by local data and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.

Local Data and Knowledge and Other Relevant Factors: The element includes state and federal data but must utilize other sources of local data and knowledge to supplement the data and mapping including planning documents such as locally adopted ordinances, other elements of the general plan, infrastructure assessments, and mobility assessments to fully describe the impacts on fair housing patterns and trends specific to the unincorporated areas of the County. In addition, the element must discuss other relevant factors such as historical land use (zoning, initiatives, growth control) and their impact on socio-economic patterns in the County.

Contributing Factors: Upon a complete analysis, the element should re-assess and re-prioritize contributing factors and provide additional policies and programs that carry out meaningful actions to AFFH.

Goals, Actions, Metrics, and Milestones: Based on the outcomes of a complete analysis, the element must add or modify programs as appropriate. Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Actions must have specific commitment, metrics, milestones, and geographic targets and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in higher opportunity areas, place-based strategies for community revitalization, and displacement protection.

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).)*

Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

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).)

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).)

Housing Needs and Special Needs Assessment: The element includes a quantification of housing needs, including special needs for Solano County. While this quantification is generally adequate, the element should analyze the quantification to better understand housing needs and formulate appropriate policies and programs. Further, this analysis should address trends, characteristics, magnitude of needs, resources and potential strategies and should at least be conducted for population growth, employment, tenure, overpayment, overcrowding, housing unit types, and all special needs households.

Extremely Low-Income (ELI) Households: The element reports some data on the number of existing and projected ELI households; however, the element must include an analysis of ELI households specific to the unincorporated areas of the County. The analysis should evaluate tenure, overpayment, resources, and strategies available and the gap and magnitude of housing needs to better formulate policies and programs. Depending upon the results of this analysis, the County may need to add or revise existing programs.

Farmworkers: While the element includes USDA and ACS data on farmworkers within the County, the element should be revised to include an analysis of farmworkers within the unincorporated areas of the County. Farmworkers from the broader areas (county wide) and those employed seasonally may have housing needs, including within the unincorporated areas of the County. Furthermore, a revised analysis can identify challenges, present strategies, and resources to meet the need, and provide an assessment of gaps in resources for farmworkers within the County. The element should enhance existing policies and programs based on a revised analysis.

Large Households: The element should evaluate the housing needs of large households by tenure (i.e., renters and owners).

Programs: Depending upon the results of a complete analysis, the County may need to add or revise existing programs. In addition, programs should be revised as follows:

- *Program D.1 (Farmworker Housing):* The Program should be revised based on the outcomes of a complete analysis and should incorporate lessons learned from programs in the prior planning cycle. In addition, the Program should be revised with actions beyond “explore opportunities” and “discuss possible options” and commit to actual outcomes.

- *Program D.3 (Addressing Homelessness)*: The Program should go beyond “explore the feasibility” and commit to actual outcomes.
 - *Program D.4 (ELI Housing)*: While the Program commits to prioritize funding, it should also specifically commit to proactively identify development opportunities with discrete timing (e.g., at least every other year).
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).)*

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... (Gov. Code, § 65583, subd. (c)(1).)

Environmental Constraints: While the element includes some general discussion of environmental constraints, the element must analyze any other known constraints that could preclude development of identified sites, manufactured homes and ADU during planning period. For example, the analysis should address any conservation easements or Williamson Act conditions.

Manufactured Housing: While the element includes various factors that affect the affordability of manufactured housing, the analysis should incorporate land and financing costs and rescale affordability assumptions as appropriate.

Sites Inventory and Analysis: If the above analyses necessitate identifying sites to accommodate the RHNA, including by income group, the identification of sites and analysis must meet all requirements pursuant to Government Code section 65583.2, including but not limited to parcel listing, map of identified sites, identified sites and AFFH, environmental and other constraints, infrastructure, size of sites, nonvacant sites, calculation of realistic residential capacity and appropriate zoning to accommodate housing for lower-income households. For more information, please see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks>.

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), the County must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please note, upon adoption of the housing element, the County must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

Zoning for a Variety of Housing Types: While the element may utilize ADUs and manufactured housing to accommodate the lower-income RHNA, it must demonstrate realistic opportunities and zoning for a variety of housing types, as follows:

- Multifamily Housing: Programs to promote multifamily housing were essential to compliance in the prior planning period. While the element notes the County's policies to direct growth inward and some past development within Cities, it must include a specific analysis of the effectiveness of strategies in promoting multifamily development. For example, the element should discuss whether multifamily development affordable to lower-income households occurred. This analysis should address whether the County's policies resulted in multifamily development and should also address coordination of densities with Cities and development standards to facilitate achieving those densities.
- Emergency Shelters: While emergency shelters are allowed by-right without discretionary action in the County's commercial service (C-S) zone, the element should discuss the suitability and availability of the acreage in accommodating emergency shelters and identify additional sites and strategies as appropriate. For example, the element discusses an almost 400-acre site with zoning to accommodate an emergency shelter. The element should address the suitability of such a large site and whether an emergency shelter is feasible.

In addition, Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

Programs: As noted above, the element does not include a complete site analysis. Depending upon the results of that analysis, the County may need to add or revise programs. In addition, programs should be revised as follows:

- *Program B.1 (Work with Incorporated Municipalities)*: The Program should be revised based on the outcomes of a complete analysis and should incorporate lessons learned from programs in the prior planning cycle. In addition, the Program should consider alignment of allowable densities and appropriate development standards to facilitate maximum densities and any streamlining measure for annexation.
- *Program B.2 (ADU)*: The Program commits to identify additional site capacity, if needed, by 2026. However, the Program should commit to

identify additional capacity at least twice in the planning period (e.g., 2026 and 2029).

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... (Gov. Code, § 65583, subd. (a)(5).)*

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... (Gov. Code, § 65583, subd. (c)(3).)

Land Use Controls: While the element generally describes land use controls, it must evaluate all development standards and other land use controls for impacts on housing supply (number of units), cost, feasibility, timing, and ability to achieve maximum densities.

In addition, while the County has various zones that allow for a range of densities, none allow for more than ten units an acre. Density restrictions can impact housing supply, choice, and affordability; as a result, the element should analyze density restrictions along with development standards and the impact on housing. Depending upon the results of that analysis, the County may need to add or revise programs.

5. *Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the element includes conservation objectives by income group, these objectives could incorporate numerical targets from Programs A.2 (Code Enforcement) and C.4 (Program Partnership – Housing Choice Vouchers).

6. *Local governments shall make a diligent effort to achieve public participation of all segments of the community in the development of the Housing Element and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

While the element includes a summary of public participation including outreach to the community and broader regional outreach with stakeholders, it must also summarize how outreach was incorporated into the housing element.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

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

the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the RHNA pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c), shall be completed no later than one year from the statutory deadline. Please be aware, if the County fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until any necessary rezones are completed.

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 County 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: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the responsiveness and dedication the County's housing element team provided during the review. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Irvin Saldana, of our staff, at Irvin.Saldana@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