

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

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January 29, 2024

Joanna Wynant, City Administrator  
City of Dorris  
P.O Box 768  
Dorris, CA 96023

Dear Joanna Wynant:

**RE: City of Dorris' 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Dorris' (City) draft housing element received for review on November 1, 2023, along with revisions received on January 17, 2024. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on December 20, 2023 with you and your consultants Rico Tinsman, Vanessa Blodgett and Michelle Nielsen. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq), 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).)*

**Local Data and Knowledge and Other Relevant Factors:** With factors such as a smaller population, being within one census tract and the census tract extending well beyond the City limits, the state and federal data is influenced by demographic information beyond the City limits. For these and other reasons, the analysis of fair housing should particularly utilize local data and knowledge and other relevant factors to better understand any local patterns or differences or

lack of differences from neighborhood to neighborhood. Local data and knowledge and other relevant factors should be used across all of the fair housing analysis components (e.g., segregation and integration, disparities in access to opportunity and disproportionate housing needs). Examples of local data and knowledge include information from City officials (e.g., planners, code enforcement, civil engineers, local legislators), past surveys and assessments, infrastructure investments to inform capital improvement plans, data used for applications for funding, service providers, developers, school representatives, regional planners, service districts and other sources. For example, the recent housing condition survey; City officials and service providers could better inform any local patterns or differences in housing conditions and access to opportunity for persons experiencing homelessness. Examples of other relevant factors include land use, zoning, development patterns, state, and federal investment, physical or social barriers and access to schools (e.g., safe routes to school), community amenities, facilities, and programs. For example, the element could discuss any differences between neighborhoods that might have been influenced by the highway or railroad. HCD will send an analysis guide to assist the City with this analysis.

Contributing Factors to Fair Housing Issues: Based on the outcome of a complete analysis, the element should reassess and prioritize contributing factors to fair housing issues and prioritize those factors and then formulate appropriate policies and programs.

Programs: As noted above, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement (housing choices and affordability across geographies), new housing choices and affordability in higher opportunity or income areas (throughout the City), place-based strategies for community preservation and revitalization, and displacement protection.

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

Parcel Inventory: While the element identifies sites by various factors such as size, general plan designation; zoning and realistic capacity, it should also list sites by anticipated affordability (e.g., lower-income, moderate, above moderate).

Small Sites: Sites smaller than a half-acre are not suitable for the development of housing for lower-income households unless sites of equivalent size and affordability were developed in the prior planning period or other evidence demonstrates the suitability of small sites. The element describes four properties under common ownership that are greater than a half-acre. However, the element should also discuss the potential for consolidation. For example, the element could describe common access or the lack of access that necessitates consolidation. Based on the outcomes of a complete analysis, the element should add or modify programs, as appropriate, to incentivize consolidation of smaller sites. Effective programs to incentivize consolidation are particularly important given the preponderance of smaller identified sites in the inventory.

For your information, unless the element includes appropriate analysis and programs, other small sites should not be utilized toward the lower-income Regional Housing Needs Allocation (RHNA) for the purposes of maintaining adequate sites pursuant to Government Code section 65863.

Availability of Infrastructure: The element identifies that parcels included on the inventory have ready access to water and sewer within 100 feet of the property line; however, the element could discuss future growth areas and infrastructure accessibility to formulate appropriate programs for future planning cycles. For example, the element could discuss infrastructure accessibility for sites located southeast of the railroad line in southeast Dorris along East 2<sup>nd</sup> thru East 5<sup>th</sup> Streets or the two sites over ten acres currently not having sewer or water infrastructure in place.

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/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Programs: As noted above, 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 appears to utilize sites identified in the prior planning period toward the lower-income RHNA (Table C-1). The element should clarify whether these sites were identified in one or two prior planning period. If the sites were identified in two prior planning periods, then the element should include a program to rezone and permit housing developments with 20 percent affordability by-right (without discretionary action) at appropriate densities pursuant to Government Code section 65583.2, subdivision (c)).

3. *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... ..local processing and permit procedures... (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).)*

Local Processing and Permit Procedures: The element should clarify whether the City has procedures consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate.

Housing for Persons with Disabilities: The element indicates that group homes for seven or more persons with state licensing are only principally permitted in some residential zones and subject to a conditional use permit (CUP). Further, the element includes Program HE.4.2.6 to amend zoning to allow these uses in some residential zones but still excluded in the R-1 zone. The element should evaluate the exclusion of these uses and CUP as potential constraints and add or modify programs to permit group homes for seven or more persons in all zones allowing residential uses (regardless of licensing and including the R-1 zone) with objectivity and similar to other residential uses of the same type in the same zone.

Zoning, Development Standard and Fee Transparency: The element should discuss whether zoning code and fees are posted on the City's website and include a program to address if necessary.

Program: As noted above, the element requires a complete analysis of potential governmental and non-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.

4. *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).)*

Farmworkers: While the element quantifies the number of farmworkers County-wide and generally mentions farmworkers as one of the larger occupation groups in the City, it should also analyze the housing needs of permanent and seasonal farmworkers to better formulate policies and programs. The analysis should address trends, characteristics, disproportionate needs, effectiveness of resources and strategies, magnitude of the housing need, including disproportionate housing need and the effectiveness of past policies, programs, and funding to help address those gaps. The analysis may utilize past farmworker housing studies and other studies generally applicable to their special housing needs. For example, the element could utilize a recent study conducted by University California at Merced that is available at [https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fw\\_hs\\_report\\_2.2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fw_hs_report_2.2.2383.pdf).

Based on the outcomes of a complete analysis, the element should include specific actions to assist in the development, conservation, and improvement of housing for farmworkers. Examples of actions include proactive outreach with non-profit developers to identify development opportunities, targeted rehabilitation, and other efforts to conserve and improve the existing housing stock, assisting with funding and incentives, integrating housing for farmworker into affordable housing, regional coordination with stakeholders and employers on strategies and approaches and addressing zoning and land use that can constrain housing types.

Program HE.5.1.1 (Support Affordable Housing): The Program should include proactive outreach to affordable housing developers to identify development opportunities at least every other year.

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 quantified objectives for new construction and rehabilitation by income group for extremely low-, very low-, low-, moderate- and above-moderate income, it must also include quantified objectives for conservation by income group. Examples of activities include weatherization, code enforcement, energy conservation, mobile home park preservation and fair housing.

The element will meet the statutory requirements of State Housing Element Law once it has been revised, adopted, submitted, and reviewed by HCD to comply with the above requirements pursuant to Government Code section 65585.

As a reminder, the City's 6th cycle housing element was due February 15, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if the City does not adopt a compliant housing element within 120 days of the statutory deadline (February 15, 2023), then any rezoning to make prior identified sites available or accommodate the RHNA shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). 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). Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

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. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

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 Affordable Housing and Sustainable

Communities program, 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 City 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 commitment and responsiveness during the course of our review. 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 Jed Hackett, of our staff, at [jed.hackett@hcd.ca.gov](mailto:jed.hackett@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