

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

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February 14, 2024

Angela Freitas, Director  
Planning and Community Development Department  
Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Dear Angela Freitas:

**RE: Stanislaus County's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting Stanislaus County's (County) draft housing element received for review on November 17, 2023. Pursuant to Government Code section 65585, subdivision, the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation with you, Kristin Doud, Emily DeAnda, Jason Montague, and Kay Real on February 5, 2024. In addition, HCD considered comments from David Kellogg, Sam Helps, and California Rural Legal Assistance, Inc., 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). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government does not adopt a compliant housing element within 120 days of the statutory deadline (December 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (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 County 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 County 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 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 hard work and effort the housing element update team provided during the housing element update and 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 Emily Hovda, of our staff, at [Emily.Hovda@hcd.ca.gov](mailto:Emily.Hovda@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX STANISLAUS COUNTY

The following changes are necessary to bring the County'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 <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. 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 and Enforcement: While the element describes outreach efforts, including the County's partnership with Project Sentinel, it could also evaluate data and the results from any fair housing testing. In addition, the analysis must address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints.

Patterns and Trends in the Unincorporated County: The element discusses various fair housing issues at the County level but should also address patterns and trends at a local (patterns within a community). The analysis should address all components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) and may utilize Census Designated Places (CDP) or aggregate geographic sub-areas of the County (e.g., southern, northern, eastern, western). For example, the element could discuss patterns or lack of patterns within East Oakdale and South Modesto. This analysis should also incorporate local data and knowledge and other relevant factors to better understand local patterns and formulate appropriate policies and programs.

Racially/Ethnically Concentrated Areas of Poverty (R/ECAP): While the element briefly discusses R/ECAP, much of the analysis is focused on poverty in the County more generally. The element should expand this analysis to also include areas of High Segregation and Poverty and discuss other topics, such as conditions of the neighborhoods relative to other neighborhoods throughout the County in terms of quality of life (e.g., housing conditions, infrastructure, parks, community amenities, safe routes to school, environmental health) and effectiveness or absence of past strategies related

to equitable quality of life. Based on the outcome of this analysis, the element should add or modify programs as appropriate.

Racially Concentrated Areas of Affluence (RCAA): The element very briefly discusses RCAAs and identifies two RCAA within the County. However, the element must also analyze these areas for patterns, trends, and other fair housing coincidences. For example, the element could incorporate local data and knowledge and other relevant factors such as land use, zoning and infrastructure that may have influenced patterns.

Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the County, such as areas of higher need. For homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness (areas with more encampments versus others), including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element includes Table 3-17 (Sites Inventory by Census Tract Characteristics) to facilitate a discussion of identified sites and AFFH. However, this table should also incorporate median household incomes. In addition, the analysis should discuss patterns of identified sites by income group within CDPs or geographic sub-areas. For example, the element should address the geographic isolation of the lower-income regional housing need allocation (RHNA) within Bret Harte, lack of lower-income RHNA in Del Rio, Diablo Grande and East Oakdale, separation of the above moderate and lower-income RHNA in Empire and integration of RHNA sites by income groups within North Ceres and West Modesto. Based on the outcomes of this analysis, the element should add or modify programs to promote housing mobility (choices and affordability throughout communities) and enhance place-based strategies toward community revitalization.

Local Data, Knowledge, and Other Relevant Factors: The element should include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the County related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate, and particularly where census tracts do not coincide with community boundaries, to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers. The element should discuss patterns within specific community plan areas for all AFFH indicators. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use patterns, local initiatives (such as Measures E and X), zoning, proximity to industrial uses and public housing, major physical dividers such as highways and railroad tracks, recent annexations, waves of development and master planned areas compared to older areas, and investment practices or other information and demographic trends.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess and prioritize 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).)*

*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).)*

Extremely Low-Income (ELI) Households: While the element includes some basic information about ELI households, 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. To better demonstrate the disproportionate impacts on ELI households, the analysis should benchmark proportions to total ELI households instead of total households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Housing Conditions: While the element discusses the age and condition of the County's housing stock and the number of code enforcement cases in recent years, the element must estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or could utilize code enforcement cases or knowledge from code enforcement officials to estimate the number of units in need of rehabilitation and replacement County-Wide. The analysis could also address geographic differences and incorporate that information into the fair housing analysis. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/housing-stock-characteristics>.

Housing Costs: While the element includes information on sales prices, rental information from the American Community Survey does not fully reflect market conditions and the element should include more current local data sources.

Special Housing Needs (Farmworkers): While the element quantifies farmworkers in the County, the analysis should be expanded to include discussion of characteristics of this group (e.g., permanent, seasonal, housing tenure) and the magnitude and nature of the gap between resources and housing needs and characteristics. For additional

information on the disproportionate needs of farmworkers, see Farmworker Health in California: Health in a Time of Contagion, Drought, and Climate Change from the University of California, Merced at [https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs\\_report\\_2.2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf).

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).)*

Progress in Meeting the RHNA: The element relies on several pipeline projects to meet its RHNA. Specifically, the element identifies 253 approved units (p. 5-4). While the element includes some information on the status of the County's projects, the element should demonstrate their availability in the planning period or likelihood of construction during the planning period. To demonstrate the availability of units within the planning period, the element should discuss past completion rates of approved projects, anticipated timelines and steps for construction and any known barriers that would preclude development in the planning period.

Realistic Capacity: While the element includes supporting information to support residential capacity assumptions for multifamily zones, it should include similar information to support residential capacity assumptions in lower density (e.g., single-family and duplex) zones.

Suitability of Nonvacant Sites: While the element utilizes factors (improvement to land value, lot coverage and existing versus zoned use) to identify nonvacant sites with redevelopment potential, it should also support the validity of these factors based on recent trends in the County or surrounding area. For example, the element could list recent redevelopments by previous use and the various factors being utilized to demonstrate potential for redevelopment. In addition, the parcel listing should include existing lot coverage and existing versus zoned use. Further, many of the nonvacant sites have an existing single-family use. The element should specifically describe and support the redevelopment ratio (existing number of units versus allowable number of units) based on development trends. Finally, the element should evaluate the extent existing uses impede additional development such as analyzing current market demand for the existing use, existing leases, contracts, or other conditions that would perpetuate the existing use or prevent additional residential development. The analysis could utilize sample representative sites for the various existing use categories.

Availability of Infrastructure: While the element discusses the capacity of community service districts within the County, it should clarify whether there is sufficient water and sewer capacity (existing and planned) to accommodate the regional housing need by community plan area and the accessibility of infrastructure (existing and planned) to identified sites. Based on the outcomes of this analysis, the element should add or modify programs, as appropriate.



County-Owned Sites: The element includes a brief summary of three County-Owned sites. This analysis should be expanded to discuss general plan designations, allowable densities, support for residential capacity assumptions, existing uses, schedule of remaining steps to make sites available and any known conditions that preclude or could promote development in the planning period. Based on the outcomes of this analysis, the element should add or modify program, as appropriate.

Environmental Constraints: The element briefly discusses risk of wildfire and flooding in the Diablo Grande and West Modesto areas of the County, respectively. However, the element should discuss environmental constraints relative to identified sites and describe any other known environmental or other constraints (e.g., shape, access, easements, conservation easements, Williamson Act contracts, military and other compatibility, contamination) that could impact housing development on identified sites in the planning period.

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 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 County can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance. 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](mailto:sitesinventory@hcd.ca.gov).

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element notes that off street parking shall be provided at a rate of one vehicle per employee, plus one additional parking space (p. 4-9). Parking requirements should be updated pursuant to AB 139 (Chapter 335, Statutes of 2019) which requires only sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. The element should add or modify programs as appropriate. The element should also provide an analysis of capacity, including appropriate parcel sizes to facilitate development of an emergency shelter (e.g., one-half acre to five acres) and add or modify programs as appropriate.
- *Employee Housing:* The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, Section 17000 et seq.). Specifically, section 17021.8 requires that a development is subject to a streamlined, ministerial approval process and is not subject to a conditional use permit (CUP) if the development is an eligible agricultural employee housing development. Based on a complete analysis, the element should add or modify programs. Additionally, Program 4-2 (Farmworker Housing) should be revised to add specificity regarding which inconsistencies with state law will be amended in the Zoning Ordinance.

- *By-right Permanent Supportive Housing*: The element notes that the County's definition of dwelling includes transitional and supportive housing and, as such, transitional and supportive housing is permitted in all residential zoning districts. However, the element should explicitly demonstrate compliance with Government Code section 65651, which requires that supportive housing be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. The element should add or modify programs as necessary.
  - *Manufactured Housing*: Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling. The element must demonstrate consistency with this requirement or add or modify programs as appropriate. Additionally, Program 5-6 of the previous element committed the County to amending the Zoning Ordinance to allow mobile homes in the HS zoning district, which has not been implemented. The element also states this Program will be carried over into Program 3-6 of the 6<sup>th</sup> cycle housing element (p. B-18), but this has not been reflected in the schedule of programs. The element should add or modify programs as appropriate to establish zoning and development standards to facilitate development of mobile home parks.
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 states that there is a 35-foot height limit in residential zones (p. 4-14). The element should clarify whether this height limit allows for three story development or if the County otherwise limits the number of stories that can be built. If the County does not allow for three story development, this standard should be evaluated as a constraint and the element should add or modify programs as appropriate.

Additionally, the parking requirements, described on page 4-16 of the element, should be evaluated as a constraint. In particular, the element should evaluate how these requirements may impact the cost of development and have a disproportionate impact on smaller (e.g., studio, one-bedroom) units. Upon a complete analysis, the element should add or modify programs as appropriate to remove parking as a constraint.

The maximum lot coverage for SCP zones is listed as "varies" (p. 4-14). HCD understands this is due to maximum lot coverage being unaddressed in the Salida Community Plan. The element should address this and discuss potential constraints posed by this ambiguity in the development standard.



Lastly, the element does not discuss minimum unit size. The element should discuss whether the County has a minimum unit size requirement and, if the minimum unit size is found to pose a constraint to development upon analysis, the element should add or modify programs to lower the minimum unit size.

Fees and Exaction: The element lists some fees, but the element must also describe all required fees, including planning and all impact fees, for single-family and multifamily housing development and analyze their individual and cumulative impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees per unit and their proportion to the development costs for both single-family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/fees-and-exactions>.

Zoning and Fees Transparency: The element includes the County's website but should clarify compliance with transparency requirements for posting all fees, zoning, and development standards on the County's website and add a program to address these requirements, if necessary.

Local Processing and Permit Procedures: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and, if there are no written procedures, add a program to address these requirements.

Additionally, the element should address public comments on this draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards>.

Housing for Persons with Disabilities: The element does not describe a definition of family. The element should identify a definition of family and evaluate potential constraints on housing for persons with disabilities. For your information, zoning should simply implement a barrier-free definition of family that does not subject, potentially, persons with disabilities; to special regulations such as the number of persons, population types, relationships and licenses. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people or other factors may pose a constraint on housing choice for persons with disabilities.

Growth Management Policy: While the element discusses Measure E as a growth management tool in the County, the element should also analyze the impacts the initiative has on housing costs, the supply and affordability of housing stock, and how the lack of development activity in certain areas of the County may be correlated to the lack of implementation of Program 5-7 of the previous housing element. Further, Program 3-1f should be amended with specific commitments to address Measure E as a constraint.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Approval Time and Requests for Lesser Densities: The element must include analysis of recent requests (e.g., last eight years) to develop housing at densities below those assumed in the sites inventory, and the length of time between receiving approval for a housing development and submittal of an application for building permits. The element must address any hinderance in meeting the regional housing need and add or modify programs as appropriate.

## **B. 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... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, Programs must specific commitment (e.g., amend versus explore) and discrete timing (e.g., at least annually, by 2025). Examples of programs that should be revised include:

- *Discrete Timing*: Programs 1-1f (Indoor Air Quality), 1-1g (Rental Rehabilitation), 2-1c (Development Assistance), 2-1g (Housing in Salida Community Plan), 2-1h (Public Facility Fee Waiver), 2-6 (Collaboration), 3-6a (Alternative Housing), 4-2b (Assist Housing Developers), and 4-3d (Federal and State Funds).
- *Specific Commitment*: Programs 1-1f (Indoor Air Quality), 1-1g (Rental Rehabilitation), 2-1a (Special Needs Populations), 2-1c (Development Assistance), 2-1g (Housing in Salida Community Plan), 2-1h (Public Facility Fee Waiver), 2-6 (Collaboration), 3-6b (Missing Middle), 3-7c (Housing on

Commercially Zoned Land), 3-8a (Enhance ADUs), 3-9d (Tax Increment Financing Districts), 4-1b (Universal Design), and 4-4d (Outreach Methods).

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 A3, 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 County 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 3-1h (Rezoning to Accommodate a Shortfall):* The Program must commit to permit multifamily uses without discretionary action and address several other requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). The Program should also commit to specified acreage, the number of units (at least enough to accommodate the shortfall), and appropriate development standards to facilitate achieving maximum densities.
- *Program 3-9 (Infrastructure):* Considering this lack of implementation of the previous element's Program 1-9 and the lack of development activity in the Salida Community Plan, Program 3-9 of this draft should be modified to expand the number of actions to be taken to ensure the availability and accessibility of infrastructure during the planning period.
- *Program 3-1d (County-Owned Land):* Program 3-1d should commit to a schedule of actions to facilitate development in the planning period in stride with assumptions in the inventory such as numerical objectives; compliance with the Surplus Land Act; outreach with developers or property owners; removing barriers to development; issuing requests for proposals; facilitating entitlements, assisting with funding, issuing building permits and alternative actions by a specified date if the sites are not progressing toward completion in the planning period.
- *Program 3-6a (Alternative Housing Options):* The Program should commit to actions beyond exploring alternative housing options. These actions should include, but are not limited to, outreach and technical assistance with faith-based organizations.

- *Program 3-6d (Emergency Shelters)*: The Program should commit to comply with AB 2339, including amending the definition of emergency shelters.
- *Program 3-6g (Single-Room Occupancy (SRO))*: The Program should also commit the County to adding, establishing, or modifying development standards to encourage and facilitate SROs.
- *Program 4-2c (Farmworker Housing)*: The Program should be amended to specify and address inconsistencies with statute and if necessary, comply with Health and Safety Code section 17021.8.

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).)*

Special Housing Needs: The element must include specific actions to assist in the development of housing for ELI and special needs households. In addition, the element must include specific actions to address the needs of persons experiencing homelessness and farmworkers. For example, for farmworkers, specific efforts should be included based on the outcomes of a complete analysis. For example, the element could commit to proactive actions to coordinate with nonprofit developers, employers, and other related organizations, to explore funding and incentives, annually identify specific development opportunities, pursuing strategies to integrate affordable housing and targeting rehabilitation and conservation and improvement programs toward farmworkers.

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 Findings A4 and A5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:

- *Measure E*: The element should add or modify programs to address Measure E as a constraint, especially considering the lack of implementation of Program 5-7 of the previous housing element.
- *Program 3-6c (Residential Care Facilities)*: The Program should commit to actions beyond evaluating processes. The Program should specifically commit to amend procedures and zoning to remove, replace or modify the CUP process and permit group homes for seven or more persons in all zones allowing

residential uses and are only subject to the same objective standards to other residential uses of the same type in the same zone.

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

As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the County 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 commitments, 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, place-based strategies for community preservation and revitalization, and displacement protection.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

Program 3-8 (Accessory Dwelling Units (ADU)) should be modified to add a specific commitment (beyond exploring) to incentivize and promote the creation and affordability of ADUs beyond the promotional actions listed. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, increasing awareness via handouts and marketing campaigns, pre-approved plans, and homeowner/applicant assistance tools. In addition, given the County's assumptions for ADUs exceed recent trends, the element should include a program to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., six months).

### **C. Quantified Objectives**

*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 estimates the number of housing units that can be constructed or rehabilitated by income category (p. 6-29), the element must also include objectives for the number of housing units to be conserved by income category. Examples of programs that may be utilized include Program 1-2a (Mitigate Hazards), 1-3a and 1-3b (Energy Conservation), Programs 2-3a through 2-3d (Housing Choice Vouchers)

#### **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)(9).)*

While the County made efforts to include the public through community workshops and stakeholder interviews, moving forward, the County should employ additional methods for public outreach efforts, particularly including lower-income and special needs households and neighborhoods with higher concentrations of lower-income and special needs households. The County may consider expanding the list of stakeholders interviewed to achieve this. These additional methods should also improve geographic and language access, especially considering the size of the County.

In addition, the element should describe how public comments were considered and incorporated into the element. HCD also received comments with many meaningful suggestions from California Rural Legal Assistance, Inc., related to the County's outreach efforts and fair housing assessment and actions, among other topics. HCD encourages the County to consider these comments and describe how they were considered and incorporated into the element. Finally, HCD encourages the County to incorporate efforts of the Housing Stanislaus Initiative, as appropriate. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation>.

#### **E. Consistency with General Plan**

*The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

The element should discuss how internal consistency will be achieved and maintained throughout the planning period. In addition, the County could consider an internal consistency review as part of its annual general plan implementation report required under Government Code section 65400.