

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

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September 10, 2021

Brian Ludicke, Planning Director  
Community Development Department  
City of Lancaster  
44933 Fern Avenue  
Lancaster, CA 93534

Dear Brian Ludicke:

**RE: Review of City of Lancaster's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Lancaster's (City) draft housing element received for review on July 1, 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 telephone conversation on September 9, 2021 with Larissa De La Cruz, Senior Manager; Jocelyn Swain, Principal Planner; Cynthia Campana, Senior Planner; and your consultant Genevieve Sharrow.

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). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

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:  
[http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and  
[http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

Pursuant to Government Code section 65583.3, subdivision (b), the City 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/community-development/housing-element/index.shtml> 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. Upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

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.

HCD is committed to assisting Lancaster in addressing all statutory requirements of State Housing Element Law and appreciates the efforts Cynthia Campana, Senior Planner, and consultant Genevieve Sharrow provided in the preparation of your draft element. If you have any questions or need additional technical assistance, please contact Chelsea Lee at [Chelsea.Lee@hcd.ca.gov](mailto:Chelsea.Lee@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" and last name "West" clearly distinguishable.

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## **APPENDIX CITY OF LANCASTER**

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).)*

The review requirement is one of the most important features of the element update. The review of past programs should analyze the City's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.

A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. As part of the evaluation of programs in the past cycle (Table H-6.1), the element should provide additional information that expands upon the effectiveness of program activities for Programs 6.1.1d (Assist Local Non-Profit Agencies), 6.1.3a (Timely Review of Discretionary and Non-Discretionary Residential Development Requests), 6.1.3c (Density Bonus Outreach), 6.1.5b (Low-Income Households), 6.1.6c (Construction of Single-Family Homes), 6.1.6d (Construction of Single-Family and Multi-Family), 7.2.1a (Limitations on Rental Apartments Conversion), 7.2.1b (Home Improvement Program), 7.2.1c (Rental Housing Rehabilitation Loan Program), 7.2.1d (Mobile Home Grant Program), 8.1.1d (Second Units), 8.1.4a (Off-Base Military Housing). In addition, the element must provide an explanation 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. *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).)*

The element estimates 50 units are in need of rehabilitation and replacement on page H-38. However, it is unclear how this information is known. The element should clarify the data sources utilized in arriving at the City's estimation. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

2. *Affirmatively further[ing] fair housing (AFFH) 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).)*

The element includes information on pages H-79 to H-85 on AFFH. However, additional information is required as follows:

Public Outreach: The element provides a discussion of community outreach conducted on pages H-9 to H-12 but generally does not address AFFH requirements. While AFFH outreach can be conducted with the other portions of the housing element, it must also be specific to AFFH. For example, the outreach could specifically target fair housing organizations or neighborhoods with relatively concentrated poverty for input related to housing and community development needs and access to opportunities such as education and transportation.

Fair Housing Enforcement and Outreach: The element must include the City's ability to provide enforcement and outreach capacity, which can consist of actions such as the City's ability to investigate complaints, obtain remedies, or the City's ability to engage in fair housing testing. Although the element includes data on currently reported housing discrimination cases, it must also include further information on the outcomes of such cases, including whether or not they were substantiated. Further, while the element cites the City's 2015 Analysis of Impediments, the analysis should be revised to include most recent data and analyze the data for any patterns or trends by community area or census tract and include additional local knowledge, relevant factors, and a conclusion of summary of issues. Additionally, the element notes that the City currently contracts with the Housing Rights Center (HRC) for fair housing education and direct client services; however, the analysis must also describe compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity.

Local Data and Knowledge and Other Relevant Factors: The element generally does not address this requirement. Although the element provides some data in the areas of Fair Housing Enforcement and Capacity, Segregation and Integration, Racially/Ethnicity Concentrated Areas of Poverty (R/ECAP), Access to Opportunity, and Disproportionate Housing Needs and Displacement Risk, the City's analysis for each of these areas must also be informed by regional and local data and knowledge from stakeholders within the City. For example, the analysis could utilize outreach as described above through surveys, interviews, etc. from local non-profit organizations and advocacy groups

engaged in housing issues. In addition, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical governmental and nongovernmental land use, zoning and investment practices (e.g., infrastructure) or other information and demographic trends.

Sites Inventory: The element includes some general discussion and conclusions on pages H-116 to H-117 that indicate sites for lower-income households are concentrated in areas of the City with low to moderate opportunity and that no concentration of lower-income sites exists. However, the analysis must also include discussion of all regional housing needs allocation (RHNA) categories, including above moderate-income households in relation to areas with a higher proportion of white residents and higher median incomes. In addition, the element should include analysis to support these conclusions, including the number of units per site by income group for each of the AFFH categories relative to the existing patterns (e.g., number of households), impacts on patterns of disproportionate housing needs (e.g., overpayment, overcrowding, displacement).

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. 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 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.

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).)*

The City has a RHNA of 9,023 housing units, of which 3,418 are for lower-income households. To address this need, the element relies on vacant residential and mixed-use sites and Accessory Dwelling Units (ADUs). To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The element credits 1,288 units of multifamily projects, ADUs on approved tracts, and approved tentative tract maps (TTMs) toward the regional housing need for lower-income households based upon the development's density. The element is unclear, however, about whether these units are part of a submitted development project or part of a specific or master plan community where project approvals are still required. For projects that have yet to receive entitlements, the element must include information on remaining approvals necessary prior to entitlement, timing for those approvals, and whether units are expected to be built within the planning period. Sites without pending projects should be included in the sites inventory rather than credited as a project. In addition, to credit units from pending and proposed projects toward the regional housing need, the element must demonstrate the affordability of units based on actual or projected sales prices, rent levels, or other mechanisms establishing affordability in the planning period. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/projected-housing-needs.shtml>.

Parcel Listing: Although Table H-5.17 provides a sites inventory by parcel number or unique reference, parcel size, zoning, general plan designation, description of existing uses for any nonvacant sites and a calculation of the realistic capacity of each site, it must also denote the income category (above moderate-, moderate-, or lower-income) that the site is expected to accommodate. For additional information and sample sites inventory, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/inventory-of-land-suitable.shtml>.

Small Sites: The element identifies several sites consisting of aggregated small parcels with less than 50 units per site capacity. The element must describe whether these aggregated 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. Please be aware sites smaller than an half acre 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 (Gov. Code, § 65583.2, subd. (c)(2)(A).). For additional information and sample analysis, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#zoning>.

Suitability and Availability of Infrastructure: The element provides a general overview of water and sewer infrastructure on page H-117 but must also clarify if there is sufficient dry utilities capacity to meet the RHNA.

Accessory Dwelling Units (ADUs): The element projects 896 ADUs over the planning period or approximately 108 ADUs per year over the eight-year planning period. According to HCD records, 0 units were permitted in 2018, 0 were permitted in 2019, and 12 permitted in 2020. These trends do not support an assumption of 108 ADUs per year. To support assumptions for ADUs in the planning period, the element should reconcile trends with HCD records, adjust assumptions as appropriate and include additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate.

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).)*

Permit Processing Procedures: The element indicates on Table H-4.2 (page H-53) that multifamily developments with 16+ units in zones permitting multifamily development require a Conditional Use Permit (CUP). The element must analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement.

Further, Table H-4.2 indicates that ADUs are subject to a Director's Review and approval and notes in Table H-4.11 (page H-75) that processing timeframes for ADUs vary from over-the-counter to one month. However, per state law ADUs must be permitted ministerially in all residential and mixed-use zones. The element must include a program in the element to ensure that ADUs are processed in accordance with the Government Code section 65852.2, subdivision (a), paragraph (3).

Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.



Zoning and Fees 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(a)(1).

Constraints on Persons with Disabilities: The element presents information on Table H-4.2 (page H-53) that identifies permitted, conditionally permitted, and not permitted uses by zoning districts. Although the element indicates care facilities serving less than six individuals are permitted in several residential zones, it must also include an analysis for care facilities serving seven or more individuals. The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty. In addition, the element describes the City currently has a procedure for requesting and granting a reasonable accommodation to zoning and land use requirements for persons with disabilities. Specifically, E (5) of Section 17.08.500 indicates that a finding shall be based on a consideration that the "requested reasonable accommodation would not impair the reasonable use of adjacent properties." E(5) should be analyzed as a potential constraint on housing for persons with disabilities and a program(s) should be added as necessary. In addition, page H-63 indicates that the City requires a business license for all rental housing. According to Chapter 5.40 of the Lancaster Municipal Code, the intent of the licensing procedure is "for the protection of the health and safety of the people of Lancaster" and the promotion of "sound and wholesome residential rental properties and residential rental units" (Chapter 5.40 of the Lancaster Municipal Code, Section 5.40.020).

This regulation has not been analyzed in the housing element pursuant to Government Code Section 65583, subdivision (a), paragraph (4). The requirement for governmental constraints analysis is not limited to land-use restrictions or processes. Particularly, the element should describe and analyze the process for applying for the license, the types of information required in the application, must demonstrate compliance with Health and Safety Code sections 1267.8, and 1566.3 and State and federal Fair Housing Laws (e.g., Gov. Code, § 65008), as well Housing Element Law including Government Code section 65583, subdivision (a), paragraph (5). Depending upon the results of the analysis, the City may need to revise or add programs to remove or mitigate any identified constraints.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the 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).)*



The element generally does not address this requirement. Depending on the outcomes of that analysis, a program(s) must be added that identify local efforts to address nongovernmental constraints that create a gap in the jurisdiction's ability to meet its RHNA by income category. In addition, the element must address requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate.

6. *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 City's special needs populations on pages H-39 to H-41, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (e.g., availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. The element also indicates on page H-40 that there are 323 farmworkers employed in the agricultural industry within the City. However, the analysis does not consider the regional context. Farmworkers from the broader area and those employed seasonally may have housing needs that are not currently reflected in the analysis. As a result, the element should at least acknowledge the housing needs of farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

7. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583, subd. (a)(9)(D).)*

The element currently provides a general overview of assisted housing projects at risk of converting to non-low income uses (p. H-43). However, the element should include an assessment of risk (e.g., low, moderate, high) for each of the housing developments. Additionally, the element must identify potential funding to preserve affordability.

### **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 address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines for Programs 1.5 (Accessory Dwelling Units), 1.6 (Water and Sewer Service Providers), 2.6 (Density Overlay), and 4.2 (Encourage Housing in Mixed Use Zones). In addition, Programs 2.3 (Special Needs Housing), 2.4 (Housing for Persons with Disabilities), and 4.5 (Zoning Ordinance Compliance with Housing Accountability Act) must also be modified to include program language with clear commitments (ex. beyond "exploring," "reviewing," or "initiating").

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 (SRO) 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:

Accessory Dwelling Units (ADUs): The element includes Program H-1.5 (Accessory Dwelling Units) that facilitates and encourages ADU development in the City but does not include specific actions and clear timeframes. The element must commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. In addition to monitoring production, this program should also monitor affordability. Additional actions, if necessary, should be taken in a timely manner (e.g., within 6 months). 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.

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 extremely low-income (ELI) households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, SRO units, to address the identified housing needs for ELI households. 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>.

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 B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs to address and remove or mitigate any identified constraints.

5. *Promote AFFH 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 B2 the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. For additional guidance on program requirements to AFFH, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

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 B7, the element identifies 661 units at-risk of converting to market-rate uses in the planning period (p. H-43). The element includes Program H-3.1 (Monitor and Preserve Affordable Housing and At-Risk Units) to preserve the at-risk units but provides vague program language and commitments. The element must be revised to include a description of specific actions that will be conducted. For example, the program could support applications by non-profits for funding to purchase at-risk units, strengthen relationships with the listed non-profits and develop 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 consider pursuing funding on at least an annual basis. The program could also commit to contacting non-profits immediately to develop a preservation strategy by a date certain and be ready to quickly act when notice of conversion is received and monitoring the units to ensure tenants receive proper notifications. For additional information and a sample program, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/assisted-housing-developments.shtml>.