

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

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November 29, 2021

Lisa Tylenda, Director
Development Services Department
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Dear Lisa Tylenda:

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

Thank you for submitting the City of Calexico's (City) draft housing element received for review on September 30, 2021, along with revisions received on November 15, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on November 1, 2021 with the City's housing element team.

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.

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

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

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB)

1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets 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:

http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and
http://opr.ca.gov/docs/Final_6.26.15.pdf.

HCD appreciates the hard work and dedication of the City's housing element team during the review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,



Paul McDougall

Senior Program Manager

Enclosure

APPENDIX CITY OF CALEXICO

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

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

A. Review and Revision

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

As part of the review of programs in the past cycle, the element must also provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

B. Housing Needs, Resources, and Constraints

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

Enforcement and Outreach: The element provides a brief discussion of community outreach but generally does not address outreach relative to affirmatively furthering fair housing (AFFH) requirements. While AFFH outreach can be conducted with other portions of the housing element, it must also be specific to AFFH. For example, the outreach could 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.

Integration and Segregation: The element provides some information regarding race, disability, familial status, and income at the local and regional levels, but it does not generally meet the AFFH requirements. The element must look at these categories individually for their effects on fair housing issues and evaluate patterns and trends throughout the community (e.g., neighborhood to neighborhood). For example, the element could include information from HCD's AFFH Data Viewer to assist in meeting this requirement.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Areas of Affluence (RCAA): The element states that a R/ECAP exists within the City but provides minimal analysis beyond noting its existence. For example, the element should analyze conditions, trends and the effectiveness of past efforts.

Disparities in Access to Opportunity: While the information provides information regarding education and economic attainment at a city-wide level, the analysis should address patterns and trends throughout the community; particularly, incorporating local data and knowledge and other relevant factors. Also, the regional analysis is too broad to draw meaningful conclusions. For example, the element should use compare itself to County data instead of the state to provide an accurate representation of disparities in access to opportunity.

Disproportionate Housing Need: While the element provides data regarding cost burden, overcrowding, substandard housing, homelessness, and displacement risk at a city-wide level, it must include analysis to examine patterns and trends throughout the community. For example, the element could detail why higher overcrowding rates in the jurisdiction has led to issues in housing conditions, and note the local efforts made by the City to encourage new housing units and rehabilitation programs.

Local Data and Knowledge, and Other Relevant Factors: The element does not address this requirement. The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers. 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 and investment practices or other information and demographic trends.

Sites Inventory: While the element provides information regarding the placement of sites relative to the location of low- and moderate-income households, R/ECAP, and racial concentration, additional analysis is required. For example, the element should address the number of units by income group, magnitude of impact on local patterns, any isolation of the RHNA by income group and expand upon the analysis regarding concentrations of sites in key corridors. Additionally, the element should describe the placement of vacant sites in undeveloped areas of the jurisdiction and relate how the selection of these sites furthers fair housing goals.

Contributing Factors: The element mentions fair housing issues and goals and priorities from the City of El Centro's Analysis of Impediments. However, these issues and goals do not appear to be rooted in any analysis related to Calexico and do not appear adequate to facilitate the formulation of meaningful action to AFFH. The element should re-assess and prioritize contributing factors upon completion of analysis and make revisions as appropriate.

Goals, Actions, 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 specific commitment, metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

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).)

Extremely Low-income (ELI) Households: While the element quantifies existing extremely low-income (ELI) households, it must also identify the projected housing need analyze their housing needs. For example, the analysis of ELI housing needs should consider tenure and rates of overcrowding and overpayment.

Housing Conditions: The element identifies the age of the housing stock (pp. 2-25 and 2-26). However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. 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>.

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 City's Regional Housing Needs Allocation (RHNA) may be reduced by the number of new units built since June 30, 2021. The element indicates (p. B-3) 240 units affordable to lower-income households, but it must also demonstrate affordability based on actual or anticipated rent, sales prices or other mechanisms ensuring affordability (e.g., deed restrictions).

Realistic Capacity: While the element mentions an assumption of 80 percent of maximum allowable densities to calculate residential capacity on candidate rezone sites, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to these assumptions. The estimate of the number of units for each site should be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level. The element must also analyze the likelihood

that the identified sites will be developed with residential uses since the inventory appears to utilize zones that allow 100 percent nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. While the element broadly mentions a history of housing development affordable to lower income households on large sites, it must list or evaluate these developments by affordability and size and how those circumstances relate to identified sites. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating development on small sites.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must relate those conditions to identified sites and describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period.

Suitability of Nonvacant Sites: The element does not address this requirement. The element must include an analysis to demonstrate the potential for redevelopment. The analysis shall consider factors including, but not limited to, the extent existing uses constitute an impediment, recent developments, development trends and market conditions.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. While the element includes a program to address this requirement, it should clarify which sites were identified in prior planning periods.

Accessory Dwelling Units (ADUs): The element projects 256 ADUs over the planning period or 32 ADUs per year over the eight-year planning period. In other areas of the element, the element appears to assume 555 ADUs. The element also notes permitting 2 ADUs in 2018, 25 ADUs in 2019, 33 ADUs in 2020, and 37 in 2021. In both cases, these trends are inconsistent with HCD records (no APR submission in 2018, 27 in 2019 and 15 in 2020) and do not support ADU assumptions for the planning period. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if assumptions are not being met.

Water Sewer Priority: Water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable

to lower-income households. (Gov. Code, § 65589.7.) The element should discuss compliance with this requirement and if necessary, add or modify programs to establish a written procedure by a date early in the planning period.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. This is especially important for determining sites that have been utilized in multiple planning periods and are subject to by-right provisions. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types:

- *Single Room Occupancy (SRO) Units:* The element's review and revise section states Program 4 in the 5th Cycle implemented zoning amendments to allow for single-room occupancy housing, however, the element does not reflect this information. The element should include a description of the zone(s) that single-room occupancy is allowed and additional analysis regarding the processing of these units.
 - *Emergency Shelters:* The element mentions emergency shelters are permitted in the RC zone. However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage in the zone, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability.
 - *Manufactured Housing:* Government Code section 65852.3 requires manufactured homes on foundations to be allowed on lots zoned for single-family residential uses and only subject to the same standards as single-family residential uses. The element must demonstrate compliance with statutory requirements or add or modify 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).)*

Land-Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to heights. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Processing and Permit Procedures: While the element briefly mentions the Development Review Approval, it should address processing times for typical entitlement and describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., and analyze their impact as potential constraints on housing supply and affordability.

Building Codes and Their Enforcement: The element must describe the City's building and zoning code enforcement processes and procedures, including any local amendments to the building code and type of enforcement (e.g., complaint-based), and analyze their impact as potential constraints on housing supply and affordability.

Constraints on housing for Persons with Disabilities: The element briefly mentions the purpose of a reasonable accommodation procedure but should also describe whether the City has a procedure, how the procedure is implemented, including approval findings, any other relevant requirements and analyze the procedure for impacts on housing for persons with disabilities. In addition, group homes for both six and fewer and seven or more persons appears to be excluded from zones allowing residential uses and subject to a conditional use permit. The element should evaluate these requirements as constraints and must include programs to modify this requirement.

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... (Gov. Code, § 65583, subd. (a)(6).)*

The element does not address this requirement. While the element includes an analysis of potential non-governmental constraints, such as the availability of financing, the price of land, the cost of construction, it must analyze requests to develop housing at densities below those anticipated 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 analysis should address any hinderances on the jurisdiction's ability to accommodate RHNA by income category and include programs 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).)*

Persons with Developmental Disabilities: While the element provides general information regarding the number of persons with a developmental disability, this information is not sufficient to meet this requirement. The element must provide localized data regarding the number of persons with developmental disabilities within Calexico. The Department will send additional data under separate cover.

Persons in Need of Emergency Shelters: In addition to county-level data, the element should include an estimate of needs within the City.

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(a)(9)(D).)*

While the element states that there are no units at risk of converting to non-low income uses during the next 10 years, Department records show one development Casa Sonoma Apartments, as “Very High” risk with an estimated affordability end date of 2006. The City should reconcile these records and provide analysis to meet this statutory requirement. The analysis of “at-risk” units must include the following:

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

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

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, all programs must be revised with discrete timelines (i.e., month and year), specific commitment, and descriptions on how the program will be implemented. For example, programs to be revised with specific timelines include, but are not limited to Program 1A (HOME Housing Rehabilitation Loan Program), Program 2D (Encourage Development of Housing Sites Listed in Inventory), Program 3B (Public Information about Affordable Housing), Program 3E (Housing Assistance for Seniors), (3G (Housing for Extremely Low-income Households), Program 5A (Affirmatively Further Fair Housing), Program 5C (Fair Housing Assistance) and Program 5G (Water and Sewer Service Providers). Programs to be revised with specific commitments or quantifiable outcomes include but are not limited to:

- Program 1A (HOME Housing Rehabilitation Loan Program): The Program should be revised to incorporate outcomes.
- Program 2C (Expansion of Higher Density): The Program should include completing actions toward deliverables; beyond evaluating tools.
- Program 2D (Encourage Development of Housing Sites Listed in Inventory): The Program should provide a commitment to the implementation of incentives to encourage the development of housing sites listed in the inventory.
- Program 2E (ADU and JADU Development Incentives and Monitoring): This Program must include incentives that incentivize and promote the creation of ADUs that can be offered at affordable rent.
- Program 3B (Public Information about Affordable Housing): The Program should include proactive actions to reach developers and identify opportunities.
- Program 3D (Homeless Program Assistance): This Program should include a schedule of actions beyond investigation.
- Program 3E (Housing Assistance for Seniors): This Program should be modified to add quantifiable outcomes and commitments to the actions the City will take to ensure the success of this program.
- Program 3G (Housing for Extremely Low-Income Households): This Program should be modified to incorporate quantifiable outcomes for the planning period and actions beyond evaluating and investigating incentives.
- Program 5E (Housing for Persons with Developmental Disabilities): This Program should be modified to incorporate quantifiable outcomes and commitments to regulatory incentives.

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

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

- Shortfall of Adequate Sites: Programs to rezone sites and accommodate a shortfall of adequate sites must be revised to address all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).
- Large Sites: Based on the outcomes a complete analysis, Program 4C (Large Residential Opportunities) should be revised as 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).)*

Farmworkers: Programs should be added or modified to address the needs of farmworkers. For example, for farmworkers, the element could commit to proactive actions to coordinate with non-profit developers, employers, and other related organizations, to explore funding and incentives and to identify specific development opportunities.

Density Bonus: As noted in the element (p. 3-9): The element should include a program to revise or adopt a density bonus ordinance pursuant to Government Code section 65915.

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 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.

6. *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 B1, the element requires a complete analysis of affirmatively furthering fair housing. Depending upon the results of that analysis, the City must revise or add programs and address impediments to fair housing in the City.

7. *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... 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 may require an analysis of “at-risk” units within the City. Depending upon the results of that analysis, the City may need to revise or add programs.

D. 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 includes construction and conservation objectives by income group, it must also include the rehabilitation objectives for the planning period.

E. Public Participation

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

While the element includes a general summary of the public participation process, the element should also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

In addition, HCD understands the City made the element available to the public shortly before submittal to HCD. Though the public had the opportunity to comment, there two weeks is not an adequate timeframe to make the element available and consider public comments in the preparation of the draft housing element. By not providing substantial opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD’s ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD’s review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD’s future review will consider the extent to which the revised element documents how the City solicited,

considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.