

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

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January 10, 2023

Ann Rizma
Town of Hillsborough
1600 Floribunda Avenue
Hillsborough, CA 94010

Dear Ann Rizma:

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

Thank you for submitting the Town of Hillsborough's (Town) draft housing element received for review on October 12, 2022. 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 January 3, 2023, with you, Liz Ruess, Long-range Planning and Special Projects, Christopher Diaz, the City's Attorney, Mandy Brown, Senior Management Analyst, and Jackie Berge and Robert Kain, the City's consultants. In addition, HCD considered comments from Noelle Langmack, Housing Leadership Council, YIMBY Law/Campaign for Fair Housing Elements, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses some 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 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 fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the 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 Town fails to 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 Town 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 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 Town 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 Town 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 cooperation the housing element team provided during the course of the review. We are committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Anthony Errichetto, of our staff, at Anthony.Errichetto@HCD.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal line extending to the right.

Melinda Coy
Proactive Housing Accountability Chief

Enclosure

APPENDIX TOWN OF HILLSBOROUGH

The following changes are necessary to bring the Town'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. 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).)

While the element discusses reasonable accommodations and fair housing on page 23, it should also include an analysis of the cumulative impact and effectiveness of the previous housing element's programs to address the housing needs of special needs populations. The element should describe the cumulative impact for all special need populations.

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: The element must describe capacity to provide enforcement and outreach which can consist of actions such as the ability to investigate complaints, obtain remedies, or engage in fair housing testing. The element should also clarify the number and characteristics of housing discrimination complaints and how the City complies with fair housing law. 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.

Fair Housing Outreach: The element should describe how the Town will disseminate information related to fair housing as well as provide education and outreach to inform community members of their rights and fair housing laws. Efforts should include a variety of methods to reach a broad audience and offer inclusive language and disability access. Programs must be added or modified as necessary to ensure meaningful recurring actions are taken.

Integration and Segregation: The element must discuss and analyze trends and patterns over time and patterns across census tracts within the Town, including in the analysis what contributing factors may relate to the jurisdictions “economically exclusive” geography (page 118). Programs must be added or modified as necessary to promote an inclusive community. For example, the Town should consider additional actions (not limited to the regional housing needs allocation (RHNA)) to promote housing mobility and improve new housing opportunities throughout the Town.

Racially/Ethnically Concentrated Area of Affluence (RCAA): The element acknowledges that the Town of Hillsborough qualifies as a RCAA. However, it must also include specific analysis of patterns and trends and include an analysis of the Town compared to the region.. The analysis should at least address trends, conditions, coincidence with other fair housing factors (e.g., race, highest resource, overpayment), effectiveness or absence of past strategies (e.g., lack of publicly assisted housing and lack of multifamily zoning), local data and knowledge and other relevant factors. The element must add or modify meaningful programs based on the outcomes of this analysis, including actions to improve housing mobility and promote an inclusive community free from barriers that restrict access to opportunity within and beyond Town boundaries.

Access to Environmental Opportunity: The element should include an analysis of the access to environmental opportunity for protected classes and incomes in the jurisdiction. Environmental trends and patterns within the Town should also be compared to conditions and opportunity existing throughout the region.

Disproportionate Housing Need: The element should include an analysis of disproportionate housing needs (i.e., overcrowding, substandard housing, and displacement) at the local level compared to conditions existing throughout the region and identify any local areas that experience greatest rates of any of the categories.

Affirmatively Furthering Fair Housing (AFFH) and Sites Inventory: This requirement has not been addressed. The element must include a summary of fair housing related to the sites inventory, including in the analysis how the identified RHNA strategy contributes to or mitigates fair housing issues. The analysis should address all of the income categories of identified sites with respect to location, the number of units by all income groups, and how that strategy affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). This analysis should specifically address whether the ADU strategy to accommodate lower-income households contributes to continued exclusion and disparities in access to opportunity and how the strategy promotes housing choice for a variety of households including lower-income households, and large families. This analysis is especially important considering the element acknowledges that “development is further constrained due to limited land use categories” (page 78) and local barriers to affordable housing include lack of zoning for a variety of housing types beyond dingle family detached homes (page 108), the element should identify further program actions (not limited to the RHNA) that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility and new opportunities in higher resource areas), including zoning for multifamily rental housing.

Contributing Factors: This requirement has not been addressed. The element must identify and prioritize contributing factors related to fair housing issues within the jurisdiction to better formulate policies and programs that carry out meaningful actions to AFFH.

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).)*

Extremely Low-Income (ELI): The element includes analysis regarding ELI households such as the number of households and overpayment but must also identify projected housing needs. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the RHNA for very low-income households qualify as ELI households.

3. *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).)*

Housing Stock Condition: The element must include an estimate of the total number of units in the Town that need rehabilitation or replacement. The analysis should use local data and knowledge, this may include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including nonprofit housing developers or organizations.

4. *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).)*

Sites Inventory: The element must include a sites inventory listed by property's general plan and zoning designation. Each site should also be identified as either vacant or nonvacant and nonvacant sites must be listed by existing use type (e, g., single-family, etc.). In addition, the element includes factors with various scoring criteria for selection of the sites but does not relate those factors or scores to the sites identified in the inventory.

Shortfall of Sites: The element appears to have a shortfall of sites for the Town's above moderate RHNA according to Table 8.11. The element must identify sufficient sites to accommodate the Town's RHNA or indicate whether rezoning will be necessary to accommodate the RHNA while including a rezone program that specifically commits to acreage, allowable densities, and anticipated units.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions and explain how realistic capacity was determined. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must 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 in the jurisdiction.

Nonvacant Sites: The element identifies several sites with existing residential development that could be subdivided to create additional parcels. The element must describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, other circumstances and trends demonstrating the redevelopment potential to more intense residential uses, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).)

Accessory Dwelling Units (ADU): The element projects 520 ADUs over the planning period or approximately 66 ADUs per year over the eight-year planning period. The element also notes permitting 16 ADUs in 2018, 20 in 2019, 25 in 2020, and 64 in 2021. These trends are inconsistent with HCD records (13 in 2018, 18 in 2019, 22 in 2020, and 54 in 2021) and do not support an assumption of 66 ADUs per year. 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., six months) if ADU production assumptions are not being achieved.

In addition, given the average housing costs in Hillsborough, the affordability assumptions should be adjusted for market conditions and could account for new versus older ADUs, occupancy assumption, and other relevant factors. The element should also consider public comments on this review in relationship to ADU assumptions.

No Net Loss Law: As noted in the element, the Town lacks a buffer of site capacity to accommodate its RHNA. Pursuant to Government Code section 65863, local governments must ensure the inventory of sites accommodate the regional housing need by income throughout the planning period of the element. In addition, no local government action shall reduce, require or permit the reduction of the residential density for any parcel, or allow development of any parcel, at a lower residential density by income category than identified in the site inventory or program unless the local government makes written findings. The required findings must demonstrate the reduction is consistent with the adopted general plan, including the housing element and

the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need.

Suitability and Availability of Infrastructure: The element includes some discussion on water and sewer providers in the Town. However, it must clarify whether sufficient total water, sewer, and dry utility capacity (existing and planned) can accommodate the regional housing need and include programs if necessary. As well, the element should also clarify whether sites have accessibility to such infrastructure.

Environmental Constraints: While the element generally describes a few environmental conditions within the Town it must describe how these conditions relate to identified sites including any known environmental constraints within the Town that could impact housing development in the planning period, including steep sloping hillsides and liquefaction factors.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the Town must submit an electronic sites inventory with its adopted housing element. The Town must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The Town can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Sites with Zoning for a Variety of Housing Types: This requirement has not been addressed. The element must demonstrate the jurisdiction has zoning sufficient to accommodate a variety of housing types, including multifamily housing, emergency shelter, employee housing, single room occupancy (SRO), mobile home parks, and manufactured housing. For SROs, the element should clarify whether the jurisdiction has a procedure to encourage and facilitate SRO development in the allowable zoning districts. The element should also include additional information to supplement what has been provided regarding transitional and supportive housing on page 82 to demonstrate the jurisdiction has sufficient zoning to accommodate those uses.

In addition, pursuant to conversations with staff, multifamily appears to be allowed on certain school properties. The element must discuss how multifamily zoning encourages and facilitates a variety of housing types including density, development standards and permit procedures. In addition, the element must identify significant and realistic opportunities for multifamily development in the planning period, including but not limited to identification of sites, any known constraints or impediments, parcel size, appropriateness of densities and methodology for calculating residential capacity. Based on the outcomes of this analysis, the element must include programs to identify sites and appropriate zoning and development standards to encourage and facilitate multifamily development.

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

5. *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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (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 height limits, lot coverages, and limits on allowable densities. 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.

Much of the Town consists of large lots and there are no multifamily units of more than five units in the Town. On page 108 the element recognizes minimum lot sizes as a “local barrier to affordable housing development.” The lack of a variety of lot sizes and densities can impact housing supply, choices and affordability. As a result, the element should include analysis of the impacts of an apparent predominant large lot land use pattern and include programs as appropriate.

In addition, the element explains how the Town’s development standards begins limiting density starting at 10 percent degree slopes. The element must analyze the Town’s hillside development standards for potential constraints as well as compare the standards to those of other hillside cities.

Parking Standards: This requirement has not been addressed. The element must describe and analyze all parking requirements for potential constraints and include programs to address any identified constraints.

Fees and Exaction: The element must describe all required fees for single family and multifamily housing development (i.e., impact fees, in lieu fees, development impact fees, planning fees, etc.) and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. Additionally, the element should analyze the cost of fees in the Town related to other jurisdictions in the region.

Local Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, any design review requirements, 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. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.

On/Off-Site Improvements: The element must analyze subdivision level improvement requirements (i.e., street improvements, utility connections, slope stabilization, etc.) and analyze their impact as potential constraints on housing supply and affordability.

Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures; however, the element should also clearly describe the process and decision-making criteria such as approval findings for reasonable accommodations, zoning and uses, building codes, as well as any other sitting requirements and analyze any potential constraints on housing for persons with disabilities.

In addition, the element should clarify how group homes for seven or more persons are allowed in the jurisdiction. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses.

Lastly, the definition of family and associated characteristics provided in the element on page 82 may be constraining on housing for persons with disabilities. The element must analyze the definition and associated characteristics provided and add or modify programs as necessary to address identified constraints.

6. *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. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)

Requests for Lesser Densities and Approval Times: The element did not address these requirements. 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.

Local Efforts to Address Constraints: The element must identify local efforts to address nongovernmental constraints (i.e., high cost of financing, land, and construction) that create a gap in the jurisdiction's ability to meet the RHNA by income category. For example, the provision of Town-owned land, partnerships between local and regional entities to increase financing opportunities, expedited processes, etc.

7. *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).)*

Special Housing Needs: While the element quantifies the number of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter, it must also analyze the resources available to each special housing needs population. Local officials, special needs service providers, or social and health service providers may be able to assist with information to complete the analysis.

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).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. All programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., “Evaluate”; “Consider”; “Encourage”; etc.) should be amended to include more specific and measurable actions.

Programs to be revised include, but are not limited to, Action 1.1a (SB 9 implementation), Action 1.1b (modify subdivision standards), Action 1.4a (definition of group home), Action 2.1a (ADU permit streamlining), Action 2.1c (ADU Ombudsman program), Action 2.1d (increase ADU production), Action 2.2a (ADU fee waiver), Action 2.2d (ADU objective standards), Action 2.2f (ADU guidebook), Action 2.2h (ADU finance program awareness), Action 2.2i (ADU webpage), Actions 2.8a-2.8b (countywide ADU incentive), Actions 3.1a-3.1b (Town-owned land), and Actions for Goal 3.2 (private lands for housing).

In addition, to have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, completion timeframes for Actions 1.4a-1.4e should occur earlier in the planning period.

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 Town’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 B4, 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 Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

Please note, Action 1.4e to assess the jurisdictions regulations pertaining to emergency shelter for constraints does not substitute the required analysis as part of housing element. The element must include the appropriate analysis and programs to mitigate or remove constraints identified resulting from the analysis.

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).)*

The element must include programs to assist in the development of housing for lower- and moderate-income households, including special needs households. The program(s) could commit the Town to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.

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 Finding(s) B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

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 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 B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the Town 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. As noted on page 108, the element identifies multiple local policies as barriers to development but should also include effective programs to address the identified constraints (e.g., “accommodation for multi-family housing”). Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community revitalization and displacement protection. For example, the element must add significant and meaningful housing mobility actions to overcome the existing patterns in the City related to the broader region.

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).)

The element must include quantified objectives estimating the number of housing units by income category that can be constructed, rehabilitated, and conserved over an eight-year timeframe. This requirement could be addressed by utilizing a matrix like the one illustrated below:

Income	New Construction	Rehabilitation	Conservation/ Preservation
Extremely Low-			
Very Low-			
Low-			
Moderate-			
Above Moderate-			
TOTAL			

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)(9).)

While the Town made used a variety of outreach methods, the element must demonstrate the Town made a diligent effort to include all economic segments of the community in the development of the housing element including lower-income households. 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 describe how public input was considered and incorporated into the element, including specific policies and programs in the element that resulted from public participation.