

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

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April 29, 2022

Bernard McCrumby Jr., Senior Planner
Economic and Community Development Department
City of Inglewood
One Manchester Blvd,
Inglewood, CA 90301

Dear Bernard McCrumby Jr:

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

Thank you for submitting the City of Inglewood's draft housing element received for review on February 1, 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. The review was facilitated by communications in April 2022.

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.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), 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).

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.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcome 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 communication you and consultant Phil Burns have provided during our 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 Irvin Saldana, of our staff, at Irvin.Saldana@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF INGLEWOOD

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 element must provide a cumulative evaluation of the effectiveness of past 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. *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).)*

Data Maps: The element should be updated to include relevant data maps where applicable. Currently, the element only features maps corresponding to income and race within the City. For a list of complete requirements please refer to (p. 86) of HCDs AFFH memo. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.

Outreach: Outreach specifically related to affirmatively furthering fair housing (AFFH) is foundational to a complete analysis and formulating appropriate goals and actions to overcome patterns of segregation and foster more inclusive communities. The City should summarize and relate outreach efforts to all components of the AFFH analysis and modify or add goals and actions as appropriate. For example, the element mentions outreach methods and notes comments related to the overall housing element.

However, a summary of that outreach should be tailored to the various components of

the assessment of fair housing to better formulate an appropriate programmatic response.

Enforcement: The element mentions local capacity for fair housing education and outreach, but it should also evaluate trends and characteristics related to fair housing complaints and address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgments, or complaints. Based on the outcomes of this evaluation, the element should summarize issues, identify contributing factors and formulate meaningful goals and actions.

Integration and Segregation: While the element addresses integration and segregation related to race and income, it should also analyze familial status. This analysis should evaluate patterns within the City and compare the City to the region.

Disproportionate Housing Needs, Including Displacement: The element includes information on overcrowded and overpaying households and persons experiencing homelessness; however, analysis on substandard housing must be added. In addition, local spatial trends of homelessness in the City, as well as any patterns and trends in coincidence of homelessness with protected class groups must be evaluated.

Local Data and Knowledge, and Other Relevant Factors: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes related to fair housing issues within the City. 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. For example, local data and knowledge is information obtained through community participation, consultation with stakeholders, and lived experiences of residents alike. Furthermore, while the element provides information on the historical context of redlining practices, the element can provide additional analysis on the effects of hazardous material and the effectiveness of investment and disinvestment in different areas of the City.

Contributing Factors to Fair Housing Issues: 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, as appropriate based on the outcomes of the analysis, housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community revitalization and displacement protection. For further guidance, please visit HCD's AFFH in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

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) Households: Currently, 25 percent of all households are considered ELI. Given the identified need, the element must provide additional analysis of overpayment, affordability gaps, and effectiveness of past programs, resources, and new strategies in addressing the ELI housing need.

In addition, the element must quantify the projected ELI household need. Projected 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 regional housing need allocation (RHNA) for very low-income households qualify as 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>.

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 Conditions: The element identifies the age of the housing stock. However, it must estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers/property managers, including non-profit 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).)*

Progress in Meeting the RHNA: The City's RHNA may be reduced by the number of new units built since June 30, 2021; however, the element must demonstrate their affordability and availability in the planning period. The element must demonstrate affordability based on rents, sales prices or other mechanisms ensuring affordability (e.g., deed-restrictions). To demonstrate availability, the element should discuss how likely the units will be built in the planning period such as addressing the status of each project, anticipated approvals and permitting and likely build out in the planning period.

Realistic Capacity: While the element may utilize zones that allow 100 percent non-residential uses toward the RHNA, the calculation of residential capacity must account

for the likelihood of 100 percent nonresidential uses. The element describes recent history in zones allowing 100 percent nonresidential uses, including recent developments without residential uses. However, the element should either incorporate these trends into the calculations of residential capacity or add or modify programs to establish performance standards or other mechanisms to ensure residential development in zones allowing 100 percent nonresidential uses.

Nonvacant Sites: The element provides improvement value to total value (IVTV) ratios and other criteria such as proximity to transit lines to show the redevelopment potential of select sites. However, the element will need to include additional factors that demonstrate the potential for redevelopment of these sites in the planning period. The methodology must consider factors such as the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, analysis of any existing leases and contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

In addition, the element is relying on more than 50 percent of the RHNA for lower-income households on nonvacant sites. The element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Finally, the element identifies sites with existing residential uses in the R-3, and R-4 zones. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).

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. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Small Sites: The element appears to identify many sites that are smaller than a half-

acre. These sites are not eligible to accommodate the RHNA for lower-income households absent a demonstration that sites of equivalent size and affordability were successfully developed during the prior planning period or unless other evidence is provided to demonstrate the suitability of these sites to accommodate the RHNA for lower-income households. For example, the element could analyze the potential for lot consolidation based on factors such as common ownership, past trends and characteristics leading to consolidation. Alternatively, the element could utilize these sites toward the moderate and above moderate-income RHNA. Based on the outcomes of this analysis, the element should add or modify policies and programs.

City-Owned Sites: The element describes several City-owned sites as opportunities for future development. However, the element must include additional discussion on each of the City-Owned sites identified to accommodate the RHNA. Specifically, the analysis should address existing uses and any known conditions that preclude development in the planning period, potential schedule for development, whether there are any plans to dispose of the properties during the planning period and compliance with the Surplus Land Act (Commencing with Government Code Section 54220).

Infrastructure: While the element generally describes water and sewer infrastructure, it must clarify sufficient existing or planned capacity to accommodate the RHNA or include programs if necessary.

For your information, 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 must demonstrate compliance with this requirement or include a program as appropriate. In addition, local governments are required to immediately deliver the housing element to water and sewer service providers. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Environmental Constraints: While the element describes some environmental conditions such as air quality and noise, it must also describe how those conditions relate to identified sites and whether those or any other conditions preclude development in the planning period.

Accessory Dwelling Units (ADU): The element notes 160 ADU applications from January 2017 to August 2021 and based on this trend, assumed 34 ADUs per year. However, the element should utilize permitted units instead of applications to establish an annual trend and adjust assumptions as appropriate.

Electronic Site Inventory: 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 and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, it must also

submit the electronic version of the sites inventory, including any changes, with the adopted element.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element indicates emergency shelters are permitted in the City's A-C and M-1 zones. However, the element must clarify whether emergency shelters are permitted without discretionary action and analyze capacity to meet the need for emergency shelters and any development standards, including parking requirements for consistency with statutory requirements. An analysis of capacity should address total acreage, typical parcel sizes, and any reuse or other opportunities. An analysis of development standards should list and evaluate any special regulations such as spacing and parking requirements. For example, parking requirements should not exceed the number of spaces necessary to accommodate staff. Based on the outcomes of this analysis, the element should add or modify programs.
- *Employee Housing:* The element should clarify compliance with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or add or modify programs to amend zoning. Specifically, section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.

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... (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 address impacts on housing supply (e.g., number of units), costs, timing and ability to achieve maximum densities. The analysis should address parking, including the number of spaces and enclosure requirements, heights, and minimum lot sizes particularly for zones allowing multifamily uses. Based on the outcomes of a complete analysis, the element should include programs to address or remove the identified constraints.

In addition, the element (p. 246) notes the recent adoption of an ordinance to meet State Density Bonus Law (Government Code section 65915); however, it should either demonstrate this ordinance complies with current law or include a program to amend the ordinance as appropriate.

Fees and Exactions: The element lists some entitlement fees, but it should describe and

evaluate all required fees for single-family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis should identify the total amount of fees, including impact fees, and their proportion to the development costs for both a typical single-family and multifamily housing development.

On/Off Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability. As mentioned on (P.112) of the element, developers have concerns over the certainty of these infrastructure improvements. The element must provide programs to address any identified constraints on development. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml>.

Housing for Persons with Disabilities:

- *Reasonable Accommodation:* The element indicates the City has a reasonable accommodate procedure and describes the process for filing an application. However, the element should specifically list and evaluate any approval findings for constraints on housing for persons with disabilities.
- *Family Definition:* The element describes the City amended its definition in compliance with state law. However, the element should describe the actual definition and evaluate whether it constrains housing for persons with disabilities.
- *Community Care Facilities:* While the element identifies how community care facilities serving six or fewer persons are permitted, it must describe and analyze how community care facilities serving seven or more persons are approved including any approval findings or lack of zones allowing these housing types. The element should analyze the process and zones for potential constraints on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes for seven or more persons objectively with approval certainty.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program, if necessary, to address these requirements.

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

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..the length*

offtime 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).)

Develop Densities and Timing of Approval: The element must analyze 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 construction of a locality's share of the regional housing need.

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).)*

Farmworkers: According to the American Community Survey (ACS) 2014-2018 five-year estimate the element concludes that 0.13 percent of the population in Inglewood is employed in "agriculture, forestry, fishing, hunting and mining." However, the ACS likely undercounts the needs of farmworkers, especially seasonal farmworkers. Furthermore, farmworkers from the broader areas and those employed seasonally may have housing needs, including within the City's boundaries. As a result, the element should acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

C. Housing Program

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, programs should be revised to include discrete timelines (e.g., at least annually, by a date in the planning period) and specific commitment. Program to be revised with discrete timelines include 2 (New Affordable Multifamily), 3 (Intuit Dome Implementation), 9 (New Revenue Sources), 10 (Housing Grant Application), 12 (Long-Term Stewardship of Housing Subsidies), 15 (Review and Removal of Governmental

Constraints) and 16 (Rehabilitate Affordable Rental). In addition, the following programs should be revised:

- *Program 8 (ADU)*: The Program should be revised to monitor production and affordability of ADU with discrete timing (e.g., every other year) and take action (e.g., additional incentives, rezoning) within a specified time (e.g., six months).
- *Program 15 (Review and Removal of Governmental Constraints)*: The Program should go beyond “reviewing” constraints and commit to revise requirements.

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 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 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:

Sites Identified in Prior Planning Periods: If utilizing nonvacant sites identified in the prior planning period, the element must include a program. The program must be implemented within the first three years of the planning period and commit to zoning that will meet the density requirements for housing for lower-income households and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households.

Replacement Housing Requirements: As noted in Finding B4, the element should include a housing replacement policy, absent a policy, sites noted in the R-3/R-4 zones, will not be considered adequate in meeting the City’s lower-income RHNA.

Program 6 (Public Land): The Program should go beyond working with the development community and exploring opportunities and commit to a schedule of actions that facilitate development, including objectives commensurate with the assumptions in the sites inventory (243 units). A schedule of actions could include when sites will be identified, proposals will be issued and entitlements will be approved. In addition, the Program should commit to comply with the Surplus Land Act.

Shortfall of Sites: The element notes adoption of the Westchester/Veterans and Crenshaw/Imperial Transit Oriented Development Plans is anticipated by the end of 2021. If this zoning is necessary to accommodate the RHNA for lower-income households and the appropriate zoning was not available prior to the beginning of the planning period (before October 15, 2021), the element must include a program to rezone these areas by-right pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivisions (h) and (i).

3. *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 B5 and B6, 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 and address and remove or mitigate any identified constraints.

4. *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 must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify 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 quantified objectives for new construction, rehabilitation, and conservation by income group, the element should also establish quantified objectives for ELI units that will be constructed, rehabilitated, and conserved/preserved during the current planning period.

E. Consistency with General Plan

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

While the element describes that consistency within the general plan is required, it should discuss how consistency was achieved as part of the housing element update and how consistency will be maintained throughout the planning period. To maintain consistency, the City could consider an internal consistency review as part of its annual general plan implementation report required under Government Code section 65400.