

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



November 29, 2021

Joseph Palombi, Director
Planning & Community Development Department
City of Montebello
1600 W. Beverly Blvd.
Montebello, CA 90640

Dear Joseph Palombi:

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

Thank you for submitting the City of Montebello's (City) draft housing element received for review on September 30, 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 16, 2021 with you and consultant Kaizer Rangwala.

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 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 the 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).

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> or a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the City must submit an

electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

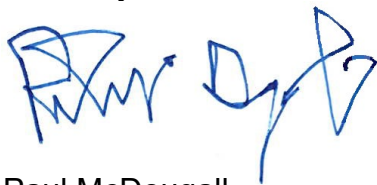
Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, 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 communication and hard work you and your consultant Kaizer Rangwala provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Colin Cross, of our staff, at colin.cross@hcd.ca.gov.

Sincerely,



Paul McDougall

Senior Program Manager

Enclosure

APPENDIX CITY OF MONTEBELLO

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 provide a cumulative 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).

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).)*

Regional Patterns and Trends: For all categories of analysis (segregation and integration, racially and ethnically concentrated areas of poverty and affluence, access to opportunity, and disproportionate housing needs, including displacement), the element addresses some requirements to analyze local patterns and trends. However, the element must also analyze regional patterns and trends for each category and subcategory of analysis. A regional analysis should compare conditions at the local level to the rest of the region, for example at the level of a county or other subregional geography.

Fair Housing Enforcement and Outreach: The element includes information about fair housing organizations which may serve as resources to the public. However, the element must examine the City's capacity for fair housing enforcement and outreach. This may consist of, but is not limited to, the ability to investigate complaints, obtain remedies, or engage in fair housing testing.

Disproportionate Housing Needs: The element addresses many requirements regarding the analysis of disproportionate housing needs. However, a complete analysis must address homelessness at the local and regional levels.

Local Data and Knowledge: In addition to the data sources relied on in the current draft, the element must support its analysis with local data and knowledge, including information obtained through community participation or consultation.

Site Inventory: The element does not address this requirement. The analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).

Contributing Factors: The element lists several contributing factors, but it must also prioritize them, demonstrate a nexus to the summarized fair housing issues in Montebello.

Goals and Actions: The element must add, or revise programs based on a complete analysis. Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Current program actions include Program 14 (Affirmatively Furthering Fair Housing (AFFH)), which continues the City's practice of referring fair housing complaints and provides for additional outreach activities. This is not adequate to satisfy the requirement for specific and meaningful actions. Program actions should be proactive, facilitate meaningful change, and respond directly to the contributing factors to fair housing issues that were identified. Furthermore, the element must include metrics and milestones targeting fair housing outcomes in the planning period.

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).)*

While the element quantifies existing extremely low-income (ELI) households, it must also identify the projected housing need analyze their housing needs. The analysis of ELI housing needs could consider tenure and rates of overcrowding and overpayment.

Additionally, the element indicates that a total of 130 people working in agricultural, fishery, forestry, and hunting industries and states that many of these people are likely employed not as farmworkers but in adjacent industries (p. 33). The element must estimate and analyze the total number of farmworkers, both seasonal and permanent (e.g., county level USDA agricultural census).

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).)*

The element 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.

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 Regional Housing Needs Allocation (RHNA) may be reduced by the number of new units built since June 30, 2021. The element indicates (p. 84) that 130 units affordable to very low-income households and 70 units affordable to low-income households are anticipated at Site 8 (North Garfield Avenue) but it must also demonstrate affordability based on actual or anticipated rent, sales prices or other mechanisms ensuring affordability (e.g., deed restrictions). In addition, the element must demonstrate the likelihood of the units being available in the planning [period].

Parcel Listing: The site inventory includes several sites with multiple parcels and reports the size in acres of each site in aggregate. The element should also provide the acreage of each individual parcel.

Realistic Capacity: The methodology for calculating residential capacity on identified sites must account for land use controls, site improvements and typical densities of existing or approved residential developments at a similar affordability level. While the element utilizes various potential unit yields, it must still support these assumptions. For example, the element assumes 90 percent buildout at Site 14 (2134 Montebello Town Center) and 100 percent buildout for Site 16 (400 S. Taylor Ave.) but it must demonstrate what specific trends, factors, and other evidence led to its assumptions of realistic capacity.

In addition, for sites where zoning allows 100 percent nonresidential uses, this analysis must adjust for the likelihood of 100 percent nonresidential development. Currently, the element adjusts realistic capacity assumptions downward to account for this, but it must relate that assumption to the relevant zones or development trends in those zones. For example, the element could describe the underlying zoning, whether 100 percent nonresidential development is allowed in these zones, analyze how often residential development occurs and adjust residential capacity calculations accordingly. The element could also incorporate any relevant programs or policies the City is undertaking to facilitate residential development in zones allowing 100 percent nonresidential uses.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes the existing use of each nonvacant site. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The analysis should consider factors including 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, an analysis of any existing leases or other 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. For example, the element could consider indicators such as age and condition of the existing structure, presence of expiring leases, expressed developer interest, low improvement to land value ratio, and other factors. The element should describe and support (through development trends) the thresholds used to identify sites for redevelopment.

Additionally, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) 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.

Replacement Housing Requirements: If the site inventory identifies sites with existing residential uses, it must identify whether they are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households. (Gov. Code, § 65583.2, subd. (g)(3).) Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Small and Large Sites: The parcel listing appears to contain several sites larger than 10 acres in size being used to accommodate the RHNA for lower-income households. Sites smaller than 0.5 acres in size or larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated that sites of equivalent size and affordability were developed, or the element describes other evidence to HCD that the site is adequate to accommodate housing for lower-income households.

Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities, to accommodate the City's RHNA for the planning period.

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.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element must demonstrate compliance with these requirements or include programs as appropriate. For additional information and sample cover memo, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Environmental Constraints: The element must describe any known environmental constraints or other conditions that preclude housing development in the planning period. While the element includes some general analysis of potential environmental constraints, it should relate that analysis to identified sites. In particular, the element notes that certain sites “will require additional costs to clean them of dangerous contaminants” (p. 114) but it must address the impact that may have on development in the planning period.

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 denotes sites identified in prior planning periods (p. 76) but does not clarify whether this constitutes all sites in the inventory that have been previously identified. Additionally, while the element includes Program 11 (Objective Design Standards, Approvals By-right and Administrative Approvals) to address this requirement, this program should identify the specific sites being rezoned.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element notes that emergency shelters are a permitted use in the C-M and M-1 zones (p. 102). However, the element must demonstrate permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters or include a program to do so. In addition, emergency shelters must only be subject to the same development and management standards that apply to residential or commercial development within the same zone except for those standards prescribed by statute. This analysis should generally demonstrate the suitability of these zones for emergency shelters, including whether these zones still have sufficient capacity to accommodate the identified housing need for emergency shelters.
- *R-A Zone:* The element notes that several residential uses (e.g., transitional, and supportive housing, manufactured housing, etc.) are not allowed in the R-A zone. Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Additionally, analysis is needed to demonstrate that the limitation on manufactured housing in this zone is not a constraint to the development of manufactured housing. The element should modify Program 9 (Zoning Ordinance Amendments) to clarify and ensure compliance with all requirements.
- *Accessory Dwelling Units (ADUs):* The element mentions that the City revised its ADU ordinance in 2019 and will continue to monitor and amend the ordinance as appropriate (p. 107). However, HCD has not received an adopted ADU ordinance from the City. The City should promptly submit the adopted ordinance to HCD for review.

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). Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)

Land-Use Controls: The element must identify and analyze all relevant land use controls 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 current draft addresses many requirements, but still should specifically address requirements related to setback and parking requirements, analyzing any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

On/Off-Site Improvements: The element must identify improvement requirements and analyze their impact as potential constraints on housing supply and affordability. While the element lists several improvement requirements such as water, sewer, and street construction, the element should be revised to list and analyze the specific requirements and address any identified constraints as appropriate.

Processing and Permit Procedures: The element must describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing); the current draft generally does not address this requirement. The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability, addressing such topics as timing, approval body, approval findings and certainty, and any conditional use permits (CUP) and design review or site plan review processes the City may have in place. The element may need to add or modify programs to address identified constraints as appropriate.

Additionally, the element should indicate whether the City has a written procedure to comply with the SB 35 Streamlined Ministerial Approval Process. If necessary, the element should add or modify programs to establish a procedure by a specified date.

Codes and Enforcement: The element must describe the City's building and zoning code enforcement processes and procedures, including which building code is utilized and any local amendments to the building code, and analyze their impact as potential constraints on housing supply and affordability.

Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must

describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities.

This analysis should also address the City's zoning and procedures for residential care facilities. For example, the element mentions requirements for group homes of six or fewer residents (p. 32), but it does not clarify how the City treats these uses and whether that complies with the State requirements listed. Additionally, the element notes that "Family Care for 7 or More Persons" requires a CUP. The element should analyze the CUP and associated process as a potential constraint on housing for persons with disabilities and add or modify programs to ensure zoning permits group homes objectively with approval certainty.

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).)*

The element must be revised to include analysis of 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 must address any potential hinderances on the construction of a locality's share of the regional housing need.

7. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next ten 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).)*

The element identifies several assisted housing developments with funding sources that expire during the planning period (p. 39), but it must also provide an analysis. 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, programs must be revised with discrete timelines, objectives, and specific and clear commitment to outcomes, as follows:

- *Quantified Objectives:* Program 1 (Code Enforcement).
 - *Discrete Timing:* Programs 1 (Code Enforcement); 5 (Homeless Prevention), needed for creation of toolkit; 12 (Streamline Development Review Process); and 14 (Affirmatively Furthering Fair Housing), needed for amended HRC agreement and posting of materials. Please note that programs 8 (Implement Inclusionary Zoning and Density Bonuses), 9 (Zoning Ordinance Amendments), and 15 (Reasonable Accommodation) involve coming into compliance with State law and as such should be completed within one year of the start of the planning period.
 - *Specific Commitment:* Programs containing unclear commitment (e.g., “explore”, “evaluate”, etc.) should be amended to include more specific and measurable actions. These include Programs 1 (Code Enforcement) and 7 (Accessory Dwelling Units).
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 was 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:

- *Program 6 (Adequate Sites to Accommodate the RHNA)* should be amended to ensure compliance with all of the by-right requirements provided in Government Code section 65583.2, subdivisions (h) & (i).
 - *Program 11 (Objective Design Standards, Approvals By-right and Administrative Approvals)* should be amended to clarify that the action meets the definition of by-right found in Government Code section 65583.2, subdivision (i).
 - *Replacement Housing Requirements:* As noted in Finding B4, the housing element may need to include a program to provide replacement housing.
 - *City-owned Sites:* Because the site inventory includes city-owned lands, the element's programs should include specific commitment to facilitate development on these sites in the planning period. Programs to facilitate development could include actions such as zoning, outreach to developers, incentives, fee waivers, priority processing and financial assistance.
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 extremely low-income and special needs households. The program(s) could commit the City to adopting priority processing; granting fee waivers or deferrals; modifying development standards; granting concessions and incentives for housing developments; assisting, supporting, or pursuing funding applications; and proactively working with housing developers to identify development opportunities.

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 B5 and B6, 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 to 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 does not contain programs that satisfy the AFFH requirements for specific and meaningful actions to overcome fair housing issues. Based on a complete analysis, the element must add or revise programs.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

As noted in Finding B7, the element does not contain a complete analysis of at-risk units. The element should amend Program 3 (Preservation of At-Risk Housing) to commit specifically to educate and support tenants of at-risk units, as well as to comply with tenant noticing requirements.

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 construction, rehabilitation and conservation, it must also address these objectives for extremely low-income households.

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, it must also summarize the public comments and describe how they were considered and incorporated into the element. Additionally, the element briefly mentions that outreach was undertaken with times and locations “specifically accessible to households within low resource areas of the City” (p. 10). The element must describe in further detail how the City reached all economic segments of the population, particularly lower-income households, in conducting outreach related to its survey and workshops.