

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

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October 13, 2023

Jeffrey Jones, City Manager
City of Arvin
200 Campus Drive
Arvin, CA 93203

Dear Jeffrey Jones:

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

Thank you for submitting the City of Arvin's (City) draft housing element which was received for review on July 20, 2023, along with revisions received on October 3, 2023. 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 September 5, 2023, with Chris Soriano, City planner, Christine Viterelli, Grants Manager, and your consultants. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

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. 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.

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 (December 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation 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). Please be aware, if the City 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.

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 program, 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/County 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>.

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 Jose Armando Jauregui, of our staff, at jose.jauregui@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF ARVIN

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 <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).)

The element must provide an evaluation of the cumulative 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) and revise programs as appropriate.

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).)*

Outreach: The element describes outreach efforts in the development of the housing element, but generally does not address affirmatively furthering fair housing (AFFH) requirements related to the City's fair housing outreach capacity. For example, the element describes outreach from its workshops but should also relate this information to AFFH. While AFFH outreach can be conducted with the other portions of the housing element, it should also be specific to AFFH. For example, the City could consider adding or modifying programs that specifically target fair housing organizations or neighborhoods with relatively concentrated poverty for input related to housing and community development needs and access to opportunities such as education and transportation. Once this information has been gathered, the element should summarize comments and discuss how they were incorporated into the housing element and describe any known barriers to lack of participation by all economic segments, if that proves to be the case.

Patterns and Trends: While the element includes several maps and tables and reports data at the local level, it must also evaluate the data, especially at the regional level, comparing the City to the broader region. The analysis should address all components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) and should focus on race, income, and overall access to opportunity. The analysis should address trends and incorporate local data and knowledge and other relevant factors.

Racial/Ethnic Areas of Concentration of Poverty (RECAP): While the element states where R/ECAPs are located within the City, it must provide a specific analysis of conditions and circumstances. The analysis should address trends, coincidence with other fair housing issues (segregation and integration, access to opportunities, disproportionate impacts), neighborhood conditions (e.g., housing, infrastructure, circulation, parks, community facilities and amenities), and compare overall quality of life to other areas of the region. Then, the element should formulate significant and meaningful policies and programs, including but not limited to place-based strategies toward community revitalization and mitigation of displacement risk.

Disparities in Access to Opportunity: While the element provided a general analysis of opportunity areas and high-level conclusions about the City's disparities in access to opportunity, it should analyze trends and patterns related to access to transportation and environment scores on a local (within the City) and regional level (City compared to the region).

Disproportionate Housing Needs, Including Displacement Risk: The element includes some information on cost burden and overcrowding. However, the element must evaluate trends and patterns within the City for displacement, substandard housing, and persons experiencing homelessness. This analysis should utilize local data and knowledge and other relevant factors. For substandard housing, the element should discuss areas of the City where proportions of housing units needing rehabilitation may be higher than other areas and the analysis may utilize local knowledge, such as qualitative information, but should also discuss local patterns of housing conditions. information for code enforcement staff. For homelessness, the element should discuss protected characteristics (e.g., race, disability, familial status) and disproportionate impacts as well as areas of the City with higher need, including proximity to transportation and services.

Identified Sites and AFFH: The element must include data on the location of regional housing need allocation (RHNA) sites by income group relative to all fair housing components. The analysis should address the number of units by income group and location, any isolation of the RHNA by income group, magnitude of the impact on existing concentrations of socio- economic characteristics and discuss how the sites improve fair housing conditions. The analysis should be supported by local data and knowledge and other relevant factors. Programs should be added or modified, as appropriate, to promote inclusive and equitable communities.

Local Data and Knowledge and Other Relevant Factors: The element must include local data, knowledge, and other relevant factors to supplement the analysis and complement federal, state, and regional data to capture emerging trends and issues related to fair housing. The element could utilize knowledge from local and regional advocates and service providers, City staff, and related local and County planning documents. Additionally, the element should analyze historical land use; zoning and barriers to housing choices; patterns of investment and disinvestment; local initiatives, demographic trends, historical patterns of segregation, or other information that may have historically impeded housing choices and mobility.

Contributing Factors to Fair Housing Issues: Upon a complete AFFH analysis, the element must re-assess and prioritize contributing factors to fair housing issues and add or modify programs, as appropriate.

2. *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).)*

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).)

Extremely Low Income (ELI) Households: The element must analyze the existing housing needs of ELI households. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element should analyze tenure, cost burden and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs. To assist the analysis, see the enclosed data and sample analysis at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

In addition, the element must clarify the projected housing needs of ELI households. 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. While the element currently states the total housing needs for ELI is 17 units, HCD calculates this number to be 63 units.

Special Needs Populations: While the element quantifies the County's special needs populations, it must also analyze the special housing needs for persons with disabilities and female-headed households. For a complete analysis, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed-restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

In addition, while the element notes the number of permanent and seasonal farmworkers, given the significant need in the City, the element should specifically evaluate trends, characteristics, disproportionate needs, effectiveness of resources and strategies, magnitude of the housing need, including disproportionate housing need and the effectiveness of past policies, programs, and funding to help address those gaps. The analysis may utilize past farmworker housing studies and other studies generally applicable to their special housing needs. For example, the element could utilize a recent study conducted by University California at Merced that is available at https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf. Based on the outcomes of the analysis, the element should add or modify programs to address this significant special housing need in the region.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Progress toward the RHNA: The element (Table 58) currently lists “Units Built 2013-2022 (Credit)” as a mechanism to reduce the RHNA the City must plan for during the planning period. However, jurisdictions within the Kern Council of Governments (KCOG) region are only allowed to take RHNA for units approved (entitled or permitted) or built since the start date of the RHNA projection period; for KCOG, the start date is June 30, 2023. The element must reconcile this information and accurately reflect the progress toward the RHNA.

Parcel Listing: While the element lists sites by parcel number or unique reference; parcel size; zoning and general plan designation; it must also list the realistic capacity by income group. In addition, the sites must also describe any nonvacant site's existing use with sufficient detail to facilitate an analysis of potential for redevelopment.

Realistic Capacity: For sites zoned for nonresidential uses (e.g., commercial, and mixed-use zones), the element must describe how the estimated number of residential units for each site was determined. This analysis must adjust for the likelihood of 100 percent nonresidential development in any pertinent zones. For example, the element could describe the underlying zoning for sites and discuss whether 100 percent nonresidential development is allowed in these zones based on all past developments and any relevant programs or policies the City is undertaking to facilitate residential development in nonresidential zones.

Suitability of Nonvacant Sites: The element prioritizes vacant sites to accommodate the RHNA. However, the element then provides a discussion of “Recycling” parcels with existing uses but does not provide any detail on site suitability. Should the element use “Recycling” sites to accommodate a portion of the RHNA, the element must demonstrate the potential of these sites for additional development in the planning period. The analysis shall consider factors including, but not limited to, the extent

existing uses constitute an impediment, recent developments, development trends and market conditions.

Small Sites: The element identifies sites smaller than a half-acre. Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of the sites to accommodate housing for lower-income households, including programs as appropriate.

Publicly-Owned Sites: The element identified publicly-owned (school) sites to accommodate a portion of the RHNA. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act and provides incentives and actions along with a schedule to facilitate development of publicly-owned sites. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing, and financial assistance.

Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element identifies several large sites but does not provide analysis confirming the potential for redevelopment during the planning period. For example, the analysis could address how large sites could be parceled to facilitate sites that can accommodate a typical state or federally funded development of 50 to 150 units. The analysis could also describe how parcels could be subdivided or built in phases or how the assumptions for the lower-income RHNA have been scaled to only assume a portion of the site for lower-income households. As a result, the element should provide additional descriptions of the parcels and add or modify programs to facilitate development on parcel sizes that are deemed appropriate to accommodate housing for lower-income households.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must relate those conditions to identified sites and describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period (e.g., shape, access, easements, property conditions, zoning overlays, contamination, conservation easements, Williamson Act contracts).

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

Zoning for a Variety of Housing Types: While the element lists (Table 51) permitted uses by zoning district, the element should demonstrate zoning to encourage and facilitate a variety of housing types, as follows:

- *Emergency Shelter:* While the element mentions emergency shelters are allowed in the Light Industrial (M-2) zone, subsequent draft submissions must comply with the requirements of Chapter 654, Statutes of 2022 (AB 2339). Among other things, the element should clarify shelters are permitted without discretionary action in a zone that allows a residential use and discuss available capacity, calculate the capacity available on sites to accommodate emergency shelters, and proximity to transportation and services. Secondly, the element must demonstrate the permit processing, development, and management standards for emergency shelters are objective, encourage and facilitate the development of, or conversion to, emergency shelters, and are in accordance with Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement. For your information, pursuant to Government Code section 65583, subdivision (a)(4)(A), parking requirements should be limited to allowing sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
 - *Single-Room Occupancy (SRO) Units:* While the City allows SRO in the R-2, R-3, and R-4 zones, it must also include analysis of how the City's development standards and permitting procedures facilitate and encourage the development of SROs and add or modify programs as appropriate to address any constraint.
 - *Manufactured Housing:* The element must demonstrate the jurisdiction's zoning code allows and permits manufactured housing on a permanent foundation in the same manner and in the same zone as single-family housing (Government Code Section 65852.3). The element must demonstrate zoning complies with this requirement or add or modify programs as appropriate.
 - *Accessory Dwelling Units (ADU):* While Program 13 (e) states the City will amend MUO to permit ADUs where residential uses are permitted, the element should describe how it complies with State ADU Law in the interim. Once the ADU ordinance is complete, submit the ordinance to our ADU team for a cursory review. The City can reach out to HCD at ADU@hcd.ca.gov for technical assistance.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impact 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 minimum lot sizes. The analysis should address any impacts on cost, supply (number of units) and, particularly, the ability to achieve maximum densities without exceptions and include programs to address identified constraints.

Fees and Exaction: While the element lists the total fees per units for single-family and multifamily development, it should also list the fees that comprise the total pertinent fees then evaluate those total fees for impacts on development costs.

Local Processing and Permit Procedures: While the element includes a general discussion of the City's permitting and processing procedures (p. 89), it must still list and evaluate the design review and site development permit process, including timing, typical approval findings, and typical number of hearings for their impacts on housing supply, cost, feasibility, and approval certainty. After a cursory review of the City's Municipal Code, it appears the City does not list all approval findings needed for the design review. Depending upon the outcomes of this analysis, the element may need to add or modify programs to address identified constraints.

In addition, the element should address public comments on this draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Local Ordinances: The element must specifically analyze any locally-adopted ordinances such as growth control, inclusionary ordinance, or short-term rental ordinances that directly impact the cost and supply of residential development.

On/Off-Site Improvements: While the element includes a general discussion of the site improvements (p. 82), it must identify typical 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.

Constraints on 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, as follows:

- *Family Definition:* After cursory review of the City's definition of family, provisions appear to potentially be a constraint on housing for persons with disabilities. The element must evaluate this definition for impacts on housing for persons with disabilities, including limits on the number or relationship of persons and must add or modify programs as appropriate to create a new definition of family consistent with state law.
- *Reasonable Accommodation:* The element lists some decision-making criteria and appears to place the burden on applicants to demonstrate the request

necessitates deviations and cannot be achieved through other means. However, the intent of a procedure is to proactively promote housing more inclusive to persons with disabilities. The element should closely evaluate these decision-making criteria, process timing and most importantly approval findings and add or modify programs as appropriate. In addition, the element states that no public hearing is required for a reasonable accommodation request if the applicant “receives the consent of owners of property abutting and directly across the street from the subject property”. This requirement is inherently subjective and a significant constraint to reasonable accommodation request approvals, and a program must be added or modified to remove this requirement. Furthermore, the element states that appeals can be made to the Planning Commission and/or City Council. Reasonable accommodation requests are disability-related requests and information related to these requests should not be debated upon by public bodies, such as a Planning Commission and/or City Council. Therefore, the element must analyze these requirements as constraints and add or modify a program to address identified constraints.

- *Group Homes for Seven or More Persons:* The element indicates Group homes for seven or more persons are treated as a dwelling unit (p. 92); however, the element should describe and analyze how discuss group homes serving seven or more permit procedures and approval findings. The element should specifically analyze these requirements for impacts on housing supply and choices and approval certainty and objectivity for housing for group homes for seven or more and include programs as appropriate. For more information on group homes, please see HCD’s Group Home Technical Advisory at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Approval Time and Requests Lesser Densities: The element must include analysis of requests to develop housing at densities below those identified in the sites inventory, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality’s share of the regional housing need and include programs as appropriate.

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... (Gov. Code, § 65583, subd. (c).)

To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs should have specific commitment toward housing outcomes and discrete and early timing (e.g., at least annually or by a specified date). Examples of programs to be revised with discrete timing include but are not limited to:

- Program 1: Housing Information Outreach
- Program 5: Code Enforcement
- Program 6: Residential Rental Unit Inspection and Maintenance
- Program 8: Maintain and Update Inventory of At-Risk Housing Projects
- Program 11: Development of Extremely Low-Income Housing
- Program 16: Facilitate Large Parcels
- Program 17: Promote Variety of Housing
- Program 19: Reasonable Accommodation
- Program 20: Farm worker Housing
- Program 21: Outreach for Persons with Development Disabilities
- Program 24: Affirmatively Furthering Fair Housing

Additionally, programs must have specific commitment to clear measurable outcomes or deliverables. Additionally, programs should have quantifiable and measurable metrics. Several programs include actions with no commitment to housing outcomes. Examples of programs that should be revised to include specific commitment include but are not limited to:

- Program 1: Housing Information Outreach
- Program 2: Home Maintenance Counseling
- Program 3: Neighborhood “Clean-Up/Fix-Up” Campaign
- Program 5: Code Enforcement
- Program 6: Residential Rental unit Inspection and Maintenance
- Program 8: Maintain and Update Inventory of At-Risk Housing Projects
- Program 9: Preserving Mobile-Home Parks
- Program 11: Development of Extremely Low-Income Housing
- Program 17: Promote Variety of Housing
- Program 20: Farm worker Housing
- Program 21: Outreach for Persons with Development Disabilities
- Program 24: Affirmatively Furthering Fair Housing

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and*

to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

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

In addition, the element includes Program 9 (Reasonable Accommodation) and Program 13 (Zoning Ordinance) to amend zoning to allow a variety of housing types, including low barrier navigation centers and by-right permanent supportive housing. However, the element should be revised to include SROs, manufactured housing, transitional and supportive housing with at least parameters or certainty for the outcome of these commitments such as comply with state law, citing government code or describing requirements (e.g., permit without discretionary action).

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 program(s) with specific actions and timelines to assist in the development of housing for ELI households and households with special needs. The element included Programs 11, 16, and 20; however, these Programs should include tangible deliverables beyond coordination and utilizing existing efforts. The element should be revised with programs such as proactive and annual outreach with developers to identify development opportunities, establishing 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. For additional information, see the Building Blocks <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/assist-development-housing>.

In addition, based on the outcomes of a complete analysis, the element must add or revise Program 20 with specific actions to assist in the development of housing for farmworkers.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs 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... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City must revise or add or modify goals and actions. 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, 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.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

The element must include programs to establish incentives and promote the creation of ADUs. While the element commits to amend the ordinance and comply with ADU law, it should also commit to establish incentives such as modifying development standards (e.g., heights), pursuing funding, making prototype plans available, waiving fees beyond ADU law, proactive marketing and establishing points of contact to ease permitting processes.

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, it must also include objectives for units that will be rehabilitation for income groups (e.g., lower, moderate, and above-moderate). In addition, the element should include conservation objectives by income group. Conservation objectives may include the variety of strategies employed by the City to promote tenant stability, code enforcement and repair programs that conserve the housing stock, and the preservation of units at-risk of conversion to market rate.

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 City made effort to include the public through workshops and surveys, moving forward, the City should employ additional methods for public outreach efforts, particularly including lower-income and special needs households; organizations that represent their interest; and neighborhoods with higher concentrations of lower-income and special needs households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income and special needs households in future public outreach efforts. In addition, the element should also summarize public comments received and describe how they were considered and incorporated into the element.

F. 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 discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period and could include a program to ensure consistency as the completes its general plan update.