

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

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January 23, 2024

Michael E. Holland, City Manager
City of Newman
938 Fresno Street
Newman, CA 95360

Dear Michael E. Holland:

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

Thank you for submitting the City of Newman's (City) draft housing element received for review on October 25, 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 with Kylie Pope and Kailon Thompson on January 16, 2024. In addition, HCD considered comments from David Kellogg and Dan Dunkley, 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.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government does not 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 (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the 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.

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 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 to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the cooperation and effort the housing element update team provided during the housing element update and 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 Emily Hovda, of our staff, at Emily.Hovda@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF NEWMAN

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 review past programs for progress in implementation, effectiveness, and the appropriateness in the current housing element, as follows:

- *Unaccommodated Need:* Generally, if a City did not make adequate sites available in the prior planning period (e.g., rezone), then the City must accommodate the unaccommodated need within the first year of the current planning period. This requirement is in addition to the current regional housing need allocation (RHNA). The prior element included Program H-1a and H-1 to make sites available but the current element appears to explain that these rezonings were not complete and the annexation was not complete. As a result, the element must either clarify that the rezoning and annexation were complete in the prior planning period with sufficient time to allow development, including meeting all by-right requirements pursuant Government Code section 65583.2, subdivisions (h) and (i) or carry over the unaccommodated need from the prior planning period into the current planning period and accommodate that need within the first year of the planning period, including meeting by-right requirements at densities appropriate to accommodate housing for lower-income households. The carryover or unaccommodated need from the prior planning period is 305 units. Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until the rezones to accommodate the unaccommodated need are completed.
- *Special Needs Populations:* As part of the evaluation of programs in the past cycle, the element must also provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households,

farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

B. Housing Needs, Resources, and Constraints

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

Enforcement and Outreach: The element describes outreach efforts for the broader housing element, but it should also discuss the City's capacity for outreach efforts and its ability to handle fair housing cases locally. The element must describe capacity to provide enforcement and outreach which can consist of actions such as the ability to investigate complaints, obtain remedies, or engage in fair housing testing. The analysis could also evaluate data and the results from any fair housing testing. In addition, the analysis must address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints.

Integration and Segregation: The element provided some data on integration and segregation by racial group, income level, and census tract. The element should also address integration and segregation by disability and familial status at the local level (patterns within the City) and add or modify program(s) as necessary to address patterns of segregation.

Disproportionate Housing Needs, Including Displacement Risk: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services and the presence of encampments. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element analyzes the location of sites by census tract, the analysis should consider a smaller geography (e.g., quadrants). An 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).

Local Data, Knowledge, and Other Relevant Factors: The City limits and the census tracts discussed in the element do not coincide. The element must include local data,

knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

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: While the element includes some basic information about ELI households, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in housing needs. To better demonstrate the disproportionate impacts on extremely low-income households, the analysis should benchmark proportions to total ELI households instead of total households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Housing Conditions: The element (p. 3-82) indicates there are five units in need of rehabilitation. However, this figure is limited to two developments and the element should include a City-wide estimate of the number of units in need of rehabilitation and replacement. The City could utilize past or current surveys and local knowledge of City officials to address this requirement.

Special Housing Needs: While the element quantifies the City's special needs populations, it must also analyze their special housing needs. An analysis 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.), trends and comparisons to other households, an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. For additional information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/large-families-and-female-headed-households>.

Farmworkers: The element quantifies farmworkers for both the City and region and includes information on the region's migrant farmworker housing centers. However, the analysis should be expanded to include discussion of characteristics of this group (e.g., permanent, seasonal, housing tenure). For additional information on the disproportionate needs of farmworkers, see *Farmworker Health in California: Health in a Time of Contagion, Drought, and Climate Change* from the University of California, Merced at https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf.

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).)*

Annexation: The element relies on the sites identified within the Northwest Newman Master Plan to accommodate the regional housing need. Considering the plan area is not yet annexed; the element should discuss the status of the annexation; remaining steps necessary to complete the annexation; anticipated timeframe for each step; and any barriers to annexation. Upon a complete analysis, the element should modify Program 1.3 as necessary to facilitate the annexation; including phasing multifamily zoned sites earlier in the planning period; and to rezone other sites if the annexation is not completed by a specified date.

City-Owned Sites: The element must include additional discussion on Site 23, the publicly-owned site identified to accommodate the RHNA (p. 5-43). Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, any known conditions that preclude or could promote development in the planning period, status, and potential schedule for development.

Realistic Capacity: While the element provides assumptions of buildout for some sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. For example, the element should list recent projects

by zoning, allowable density, built density, percent of maximum allowable density, and affordability.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The element includes sites identified as residential units and outbuildings, but no analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period. To address this, the analysis could focus on the degree of underutilization and any past trends supporting the assumption that these uses will not impede development. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure(s), expressed developer interest, low improvement to land value ratio, and other factors.

Accessory Dwelling Units (ADU): The element projects 109 ADUs over the planning period or approximately 14 ADUs per year over the eight-year planning period (p. 5-3). The element also notes an average of 0.8 ADUs constructed between 2019-2022 (p. 5-45), which does not support an assumption of 14 ADUs per year. Considering the City's plan to require 15 percent of single-family units constructed in the Northwest Master Plan Area and future single-family subdivision projects equal to or greater than 50 units to have an ADU or Junior ADU, the element should clarify this assumption. In addition, the element should demonstrate affordability of these ADUs based on actual or anticipated rents, or another method.

Availability of Infrastructure: While the element states that infrastructure does not pose a constraint to development, it should clarify that the City has sufficient water and sewer capacity (existing and planned) to accommodate the regional housing need and the accessibility of infrastructure (existing or planned) to identified sites.

Environmental Constraints: While the element generally discusses seismic and geological hazards, hydrologic constraints, and fire hazards, the element should discuss environmental constraints relative to identified sites and describe any other known environmental or other constraints (e.g., shape, access, easements, conservation easements, Williamson Act contracts, military and other compatibility, contamination) that could impact housing development on identified sites in the planning period. For example, the element should discuss whether the shape of Sites 12 and 21 and potentially limited access to the parcels constrain development on these sites.

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/planning-and-community-development/housing-elements> 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:

- *Emergency Shelters:* While the element allows for the appropriate zoning and non-discretionary capacity for emergency shelters, it should describe the development standards of the M zone that allows emergency shelters by-right, including any special standards for emergency shelters and whether those standards are appropriate for emergency shelters, especially relating to parking. The element should describe how emergency shelter parking requirements in compliance with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement. The element should also provide an analysis of capacity, including acreage, parcel size, vacancy status, and proximity to transportation and services for these sites, hazardous conditions, and any conditions inappropriate for human habitability.
- *Supportive and Transitional Housing:* The element states the City permits supportive and transitional housing in all residential zones. The element should also discuss whether supportive and transitional housing is subject to an occupancy limit and add or modify program(s) to permit transitional and supportive housing as a residential use only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code section 65583, subdivision (a)(5)).
- *Employee Housing:* HCD understands the City allows agricultural uses in the light industrial/business park district (M) and the controlled manufacturing district (I), either by conditional use permit or by-right. The element should be revised to describe whether any zones allow agricultural uses and if so, add program(s) to comply with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5, 17021.6 and 17021.8. For example, 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. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/farmworkers>.

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 states that there is a 35-foot height limit in multifamily residential zones (p. 4-6). The element should clarify whether this height limit allows for

three story development or if the City otherwise limits the number of stories that can be built. If the City does not allow for three story development, this standard should be evaluated as a constraint and the element should add or modify program(s) as appropriate.

Additionally, the parking requirements described on page 4-7 of the element should be evaluated as a constraint. In particular, the element should evaluate how these requirements may impact the cost of development and have a disproportionate impact on smaller (e.g., studio, one-bedroom) units. Upon a complete analysis, the element should add or modify program(s) as appropriate to remove parking as a constraint.

Lastly, the element does not discuss minimum unit size. The element should discuss whether the City has a minimum unit size requirement and, if the minimum unit size is found to pose a constraint to development upon analysis, the element should add or modify program(s) to lower the minimum unit size.

Local Processing and Permit Procedures: While the element discusses processing and permit procedures generally, the element should evaluate the process using a typical project as an example. In this analysis, the element should discuss zoning, the approval body, the typical number of hearings, processing times, and, most importantly, listing and analyzing approval findings for impacts on the certainty.

Housing for Persons with Disabilities: The element must analyze potential constraints on housing for persons with disabilities, as follows:

- *Reasonable Accommodation:* The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process, such as decision-making criteria, application requirements, approval findings, fees and analyze any potential constraints on housing for persons with disabilities. Based on a complete analysis, the element should add or modify program(s) to address any potential constraints.
- *Group Homes:* The element should also identify which zones allow group homes for seven or more persons and what process is used to permit the use. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should analyze this as a potential constraint and, based on a complete analysis, add, or modify program(s) to ensure groups homes for seven or more persons are permitted in all zones allowing residential uses and are only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Additionally, if the process by which group homes for seven or more persons are permitted requires a conditional use permit (CUP), the element must include a program to address such a requirement as a constraint on housing for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses.

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 for Lesser Densities: The element must include analysis of recent requests (last eight years) to develop housing at densities below those assumed 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 element must address any hinderance in meeting the regional housing need and add or modify program(s) as appropriate.

6. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

While the element indicates two assisted developments (Valley Manor Apartments and Parker/Rexall Building) are at low risk of conversion to market rate use, it must still analyze the assisted developments and add or modify programs, as appropriate. The analysis should compare costs for replacement versus preservation of the at-risk units and list qualified entities that can acquire and manage assisted developments and financial resources. For more information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/assisted-housing-developments-risk-conversion>.

C. Housing Programs

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

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results

of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Shortfall: The element includes Program 1.2 (Land Use and Zoning Changes) to address the identified shortfall of sites. Because rezoning is necessary in the planning period to accommodate a shortfall of adequate sites and unaccommodated need for lower-income households, the zoning must permit multifamily uses without discretionary action and address several other requirements pursuant to Government Code section 65583, subdivision (c), paragraph (1) and section 65583.2, subdivisions (h) and (i). The program should also commit to specified acreage, the number of units (at least enough to accommodate the shortfall), and appropriate development standards.

Unaccommodated Need: Program 1.2 (Land Use and Zoning Changes) must also be revised to address the unaccommodated need for lower-income households, as described in Finding A, within the first year of the planning period.

Sites Identified in Prior Planning Periods: The element includes Program 1.2 (Land Use and Zoning Changes) to require a by-right approval process for housing developments on vacant sites identified in two of more consecutive planning periods' housing elements or nonvacant sites identified in a prior housing element that include 20 percent or more of its units affordable to lower-income households. The Program must be revised to commit the City to allowing appropriate densities (e.g., allow up to at least 20 units per acre) (Government Code section 65583.2, subdivision (c)).

Annexation: Program 1.3 (Annexation) must be revised to commit the City to a schedule of actions to complete the annexation, including all remaining steps, specified timing, and rezoning other sites, or alternative actions, by a specified date if the sites used to accommodate the regional housing need are not annexed early in the planning period.

City-Owned Sites: Based on a complete analysis, the element should modify Program 1.6 (City-Owned Catalyst Site) to include a schedule of actions to facilitate development in the planning period in stride with assumptions in the inventory such as numerical objectives; compliance with the Surplus Land Act; outreach with developers or property owners; removing barriers to development; issuing requests for proposals; facilitating entitlements, assisting with funding, issuing building permits and alternative actions by a specified date if the sites are not progressing toward completion in the planning period.

Water and Sewer Priority: Program 4.3 (Affordable Housing Water and Sewer Priority) should clarify that a written procedure will be established by a specified date to grant priority service to development with units affordable to lower-income households.

Zoning for a Variety of Housing Types:

- *Permanent Supportive Housing:* While Program 1.2 (Land Use and Zoning Changes) will allow supportive housing by-right in all mixed-use zones, the program must be revised to permit supportive housing as a use by-right in zones

where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651.

- *Emergency Shelters*: Program 1.2 (Land Use and Zoning Changes) states that the City will make changes to comply with AB 2339. However, the program should be revised to clarify what will be changed, including how the City will identify a zone allowing residential uses, ensure sufficient capacity, proximity to transportation and services, appropriate development standards, and parking requirements.
- *Single-Room Occupancy (SRO) Units*: Program 1.2 (Land Use and Zoning Changes) commits the City to allowing SRO units by-right. The Program should also commit to appropriately amending the development standards to encourage the development of SRO units.

2. *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).)*

Program 1.2 (Land Use and Zoning Changes): The element states the City will “align” with State Density Bonus Law (SDBL) (p. 2-5). This language should be updated to clarify that the City will *comply* with SDBL.

Program 1.4 (Pursue Partnership Opportunities for Affordable Housing Construction): This Program should be revised to include proactive actions to coordinate with non-profit developers, employers, and other related organizations, to explore funding and incentives and to identify specific development opportunities. This outreach should be conducted at least every other year.

Program 2.5 (Rehabilitation of Dilapidated Units): This Program should be revised to commit to more discrete timing (e.g., at least annually).

Special Housing Needs: The programs included under Goal 4 of the element (Provide New Affordable and Other Special Needs Housing) should be revised to include specific actions pending a complete analysis of past actions, expand actions, add specific commitments, and add proactive timing to meet all applicable special housing needs populations.

Farmworkers: The element should include specific actions to assist in the development, conservation and improvement of housing for farmworkers. Examples of actions include proactive outreach with non-profit developers to identify development opportunities, targeted rehabilitation, and other efforts to conserve and improve the existing housing stock, assisting with funding and incentives, integrating housing for farmworker into affordable housing, regional coordination with stakeholders and employers on strategies and approaches and addressing zoning and land use that can constrain housing types.

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 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.

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... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement (housing choices and affordability across geographies), new housing choices and affordability in higher opportunity or income areas (throughout the City), place-based strategies for community preservation and revitalization, and displacement protection.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

While Program 2.1 (Monitor Units At-Risk of Conversion) commits the City to monitoring the status of affordable housing units at-risk of converting to market-rate, the Program should also commit to comply with the noticing requirements pursuant to Government Code 65863.10. Additionally, the program should commit the City to specific actions, such as coordinating with qualified entities, and supporting and educating tenants.

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).)*

While Program 2.3 (Amend ADU Ordinance) commits the City to amending its ADU ordinance to be in compliance with state law. The element should also include a program to incentivize and promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, increasing awareness via handouts and marketing campaigns, pre-approved plans, and homeowner/applicant assistance tools. In addition, given the City's assumptions for ADUs exceed recent trends, the element should include a program to monitor permitted ADUs and affordability every other year and take

appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., six months).

D. 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 efforts to include the public through surveys and community meetings, moving forward, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. The element should also summarize the public comments and describe how they were considered and incorporated into the element. For example, the element should consider comments on this review and incorporate revisions, as appropriate. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation>.