

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

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December 14, 2021

Matt Foulkes, Director  
Department of Community Development  
City of Buena Park  
6650 Beach Blvd  
Buena Park, CA 90622

Dear Matt Foulkes:

**RE: City of Buena Park's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Buena Park's (City) draft housing element received for review on October 15, 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 December 14, 2021 with Swati Meshram, Planning Manager; and consultants Veronica Tam, Brady Woods, and Diane Bathgate. In addition, HCD considered comments from the Kennedy Commission; People for Housing California; Public Interest Law; and Californians for Homeownership pursuant to Government Code section 65585, subdivision (c).

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 these and other revisions needed to comply with State Housing Element Law.

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

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law,

and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Mashal Ayobi, of our staff, at [Mashal.Ayobi@hcd.ca.gov](mailto:Mashal.Ayobi@hcd.ca.gov).

Sincerely,

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

Melinda Coy  
Senior Housing Accountability Manager

Enclosure

## **APPENDIX CITY OF BUENA PARK**

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. 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 must include information on how the City conducted meaningful outreach with key stakeholders and the public. The element currently states that the City conducted a workshop and survey and conducted stakeholder interviews. The element should describe the results of this outreach specifically related to the affirmatively furthering fair housing (AFFH) analysis. The element could discuss any outreach efforts beyond public workshops to specific neighborhoods that are disproportionately impacted by fair housing issues.

Sites Inventory: The element must include an analysis demonstrating whether sites identified to meet the RHNA are distributed throughout the community in a manner that affirmatively furthers fair housing. The City provides several maps of its site inventory in relation to concentrations of various protected classes, demonstrating that the City largely identifies its low-income sites in areas with greater concentrations of lower-income and nonwhite households. 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 mitigate this (e.g., anti-displacement strategies).

Integration and Segregation: The element provided some data on integration and segregation across racial groups and one map displaying income by census tracts. The element must discuss and analyze this data for trends over time and patterns across census tracts. Additionally, it must evaluate patterns at a regional basis, comparing the City to the region.

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 must independently analyze trends and patterns related to access to opportunities. The element should analyze opportunities as they impact protected classes and should address the discrepancies that exist in Buena Park. The element does not address discrepancies within Buena Park, such as school proficiency and low poverty rates of Black and Hispanic/Latino populations when compared with White, Non-Hispanic/Latino populations.

Local Data and Knowledge, and Other Relevant Factors: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes 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.

Disproportionate Housing Needs: The element includes some local and regional data on cost burdened households (overpayment), overcrowding, substandard housing, and displacement. However, the element must provide data, analysis, and evaluate trends and patterns within the City for persons experiencing homelessness.

Contributing Factors to Fair Housing Issues: The element includes the contributing factors from the 2020 analysis of impediments to fair housing choice (AI). However, the element must prioritize contributing factors and relate factors to the analysis found in AFFH analysis.

2. *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).)*

The City has a regional housing need allocation (RHNA) of 8,919 housing units, of which 3,462 are for lower-income households. To address this need, the element relies on vacant sites, ADUs, and sites within the Mixed-Use Overlay area. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The element indicates (page 11-50) that 394 units have been constructed or approved and of these, 67 units are affordable to very low-income households and low-income households. However, it provides no information documenting how affordability of the units was determined. As you know, the City's RHNA may be reduced by the number of new units built since June 30, 2021; however, the element must describe the City's methodology for assigning these units to the various income groups

based on actual sales price or rent level of the units and demonstrate their availability in the planning period.

Sites Inventory: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites (page 11-56). To address this requirement, the inventory describes in general the existing use of each nonvacant site such as “commercial”. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the sites inventory lacks complete information for all sites identified in the inventory. In particular Site 137, which is anticipated to accommodate 250 units, is missing information related to allowable densities and size.

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> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto: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](mailto:sitesinventory@hcd.ca.gov).

Suitability of NonVacant Sites: The element identifies nonvacant sites to accommodate the regional housing need for lower-income households, but does not describe the methodology used to determine the additional development potential within the planning period. For example, the element includes single family homes, service club locations, a fire station, existing motels, the Downtown Buena Park Mall, and a school site, among others, but no analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites. For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. (Gov. Code, § 65583.2, subd. (g).).

The element also relies on sites owned by religious institutions to satisfy a portion of the RHNA. Further support and analysis are needed to demonstrate the feasibility of these sites. For example, the element could describe whether property owners or developers have expressed any interest in these sites, how residential uses are compatible with underlying zoning, and what actions the City is taking to make such development more feasible.

In addition, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period. (Gov. Code, § 65583.2, subd. (g)(2).)

Congregational Sites Overlay: On page 11-55, the element is relying on sites within the CG overlay and assumes the maximum allowable density in these zones will be 40 units per acre. However, the element only states that it will “seek to establish” the overlay, and no program was included to develop this overlay. Unless the element commits to establish the overlay, these sites cannot be used to meet the RHNA. Please note because zoning is not already in place at the beginning of the planning period, rezoning for these sites must be consistent with Government Code, § 65583.2, subdivision (h) and (i)

Realistic Capacity: While the element provides (p. 11-50 and 51) assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, while the element identifies the actual residential densities of recent projects, the built densities do not seem to support the base densities assumed. For example, in the general mixed-use zone with a base density of 32, of the five projects listed, only one project was built out at 32 units per acre. The element should also analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of 100 percent nonresidential development, performance standards, and development trends supporting residential development.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that site. While the element includes some analysis to support lot consolidation, the element needs to relate this analysis and the characteristics of selected sites. The element should provide specific examples with the densities, affordability and, if applicable, circumstances leading to consolidation, such as common ownership. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City’s lower-income housing need.

Accessory Dwelling Units (ADU): The element assumes an ADU build out of 30 ADUs per year based on city data which shows 30 approvals in 2020. Given that the City has only produced an average of 1 ADU per year since 2018, it is not clear if this production level will be achievable in the planning period. The element should reconcile these figures and adjust assumptions as appropriate.

Sites with Zoning for a Variety of Housing Types:

*Employee Housing*: The element must demonstrate the zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. 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.

*Emergency Shelters:* The element must clarify which zone(s) emergency shelters are permitted without a conditional use permit or other discretionary action and demonstrate these zones have sufficient capacity to accommodate the identified housing need for emergency shelters. (Gov. Code, § 65583, subd. (a)(4).) For example, identifying the number of parcels, typical parcels sizes, whether the sites are nonvacant, and the potential capacity for adaptive reuse. In addition, while housing element law does allow a jurisdiction to limit the number of beds or persons permitted to be served nightly by a facility, standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. The element must analyze the 30-bed limit as a potential constraint for the development of emergency shelters.

*Accessory Dwelling Units:* After a cursory review of the City's ordinance, HCD discovered several areas which appear to be inconsistent with State ADU Law. For example, the ordinance appears to limit ADUs to lots that are residentially zoned, imposes additional requirements on parking spaces not found in state ADU law, identifies areas of the City that restricts ADU and JADU development without findings to support this restriction, amongst other items. As a result, the element should add a program to update the City's ADU ordinance to comply with state law. HCD will provide a complete listing of ADU noncompliance issues under a separate cover.

3. *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 impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. While the element many development standards it must also include setbacks, unit minimums, and other development standards and must analyze the parking standards for studio and one-bedroom units, height limits, and lot coverage requirements in multifamily zones. In addition, the element should describe and analyze the standards for residential development under the Housing Overlay Zone to ensure densities can be achieved.

Site Plan Review: The element describes the Site Plan process for most development including findings that “The site arrangement and improvements will not be detrimental to the existing and intended character of the area...” (page 11-45). The element should analyze these standards for impacts on timing, cost, supply and approval certainty and include programs to address identified constraints.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1, subdivision (a), paragraph (1).

Codes and Enforcement: While the element describes the City building code, it must also describe the zoning code enforcement processes and procedures and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities:

*Reasonable Accommodation*: The element briefly mentions the City adopting a reasonable accommodation procedure in 2008 (page 11-42). The element should discuss the process for requesting a reasonable accommodation and list the actual approval findings and analyze these findings for potential constraints on housing for people with disabilities.

*Residential Care Facilities for Seven or More Persons*: Residential care facilities or group homes for seven or more are always subject to a conditional use permit (page 11-37). The element must describe and analyze how non-licensed residential care facilities serving seven or more persons are approved including any approval findings. The element should analyze the process for potential constraints on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes for seven or more persons objectively with approval certainty.

4. *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 element must be revised to include analysis of requests to develop housing at densities below those anticipated, 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. In addition, for a more thorough analysis of the availability of financing, the element could *include data on how the availability of financing (or lack of) affects underserved groups.*



5. *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).)*

While the element quantifies the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. For example, the element could discuss the needs of seniors living under poverty level, the effectiveness of the Home Improvement Program for large households.

The element indicates on Table 11 that there are 776 farmworkers employed in fulltime farming occupations in Buena Park. However, farmworkers from the broader area and those employed seasonally may also have housing needs, including within the City's boundaries. As a result, the element should acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

## **B. 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 address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

The element must provide discrete timing for all programs (e.g., month, year) to account for how often the action will occur as well as to ensure a beneficial impact throughout the planning period and quantify objectives where feasible. Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions.

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 A2, 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:

Housing Replacement: 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 Gov. Code section. 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary

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 A3 and A4, 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.

Program 14 (Evaluate Development Standards): The program states that the City will conduct a study to evaluate development standards and then based on the study results amend zoning. The element identifies several parking regulations and processing procedures that may constrain the development of housing. Rather than study the constraint, the program should demonstrate clear commitments to mitigation or removal of these constraints. For example, the study could identify options for mitigating the identifying the parking constraint, or just commit to amending the zoning in the manner that is outlined in the objectives.

4. *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 City should consider additional incentives and actions which assist in the development of housing for lower-income households, including extremely low-income, and special needs households. As part of Program 9 (Development of Housing for Extremely Low-Income Households, the City could consider the development of an inclusionary housing ordinance or additional land use incentives and concessions for projects that contain a certain percentage of housing for extremely-low income housing. In addition, the following programs require revision:

Program 7 (Housing Choice Vouchers (Section 8 Rental Assistance) Program): Provide specific timing related to objective c) updating the city website to redefine the term “source of income”.

Program 13 (Special Needs Housing): Given the need for housing for persons with disabilities and senior housing, this program should include specific objectives and actions to address the housing needs for these population groups.

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 A1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. In addition, currently the element only addresses AFFH in Program 17. The element could revise the element to incorporate AFFH throughout the programs section tying program actions to addressing trends and patterns identified in the analysis.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Program 5 (Preservation of At-Risk Housing): The element must specify actions to monitor at-risk units, including contacting property owners within at least one year of the affordability expiration dates on projects, noticing requirements within 3 years and 6 months of the affordability expiration dates, in addition to coordinating with qualified entities such as nonprofit organizations and establish specific time parameters around such actions. Specific funding must be identified as well. In considering use of financing/subsidy programs, analysis should identify amounts of funds under each available program that have not been legally obligated for other purposes.

### **C. 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 City made effort to include the public through a workshop, survey, and public meeting, 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. The element should summarize public comments received and describe how they were considered and incorporated into the element.

HCD understands the City made the element available to the public only two weeks prior to its submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.