

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

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



August 14, 2023

Steve Esselman, Director  
Planning Department  
City of Shafter  
336 Pacific Avenue  
Shafter, CA 93263

Dear Steve Esselman:

**RE: City of Shafter's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Shafter's (City) draft housing element received for review on May 16, 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.

The draft element addresses many statutory requirements; however, revisions will be necessary to 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), as the City failed to adopt a compliant housing element within 120 days of the statutory deadline (December 31, 2023), any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) must 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). 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 all necessary rezones are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c).

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 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 City's effort during the review and update, including timeliness of submittal of this initial draft housing element. 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 me at [paul.mcdougall@hcd.ca.gov](mailto:paul.mcdougall@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF SHAFTER

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).)*

General: While the element includes a program-by-program review of implementation, it should specifically re-evaluate Programs 1.2.5 (Water and Sewer Coordination), 1.3.1 (Energy Conservation), 2.3.3 (Large Sites) and 2.3.4 (Lot Consolidation). These programs appear to have objectives that were essential to compliance in the prior planning cycle. Yet, the programs were eliminated or were not appropriately modified. The element should better describe the objectives from the prior planning cycle, report progress in implementation, evaluate the effectiveness of the program in achieving objectives and add or modify current programs, as appropriate.

Housing for Specials Needs: As part of the review of programs in the past cycle, the element must provide an evaluation of the cumulative 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).)*

Outreach and Enforcement: While the element generally describes the City partners with the Kern County Fair Housing Coordinator, it should discuss the effectiveness of that partnership in terms of outreach and addressing complaints to better formulate policies and programs.

Further, the element should evaluate the number and characteristics of complaints in the City as well as compliance with state and federal fair housing laws, including any past lawsuits, consent decrees or other related fair housing legal matters. For more information, please see HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance (starting on p. 29) at [https://www.hcd.ca.gov/community-development/affh/docs/AFFH\\_Document\\_Final\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf).

Racially and Ethnically Concentrated Areas of Poverty(R/ECAP): The element identifies an area of High Segregation and Poverty and should include specific analysis to understand the conditions of the area relative to other areas and better formulate appropriate policies and programs. For example, the analysis should discuss demographics (e.g., income, housing types, housing age), housing conditions, neighborhood conditions, infrastructure, access to opportunities (e.g., parks, schools, amenities, community facilities and programs, transportation mobility, safe route to schools) and compare those conditions to other areas of the City, including newer master planned areas.

Disparities in Access to Opportunity: The element should discuss disparities in access to transportation opportunities, particularly for protected classes and lower-income households by geography or area. For more information, please see HCD's AFFH Guidance.

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. 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.

In addition, to better evaluate displacement risks, the element could utilize new data available for displacement risk on HCD's AFFH Data Viewer available at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

Identified Sites and AFFH: The analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).

Local Data and Knowledge and Other Relevant Factors: The City consists of only a few census tracts and these boundaries do not coincide with the City boundaries which can

complicate the AFFH analysis when only using federal and state data. Further and as a result, in many cases, the analysis of patterns and trends is minimal or absent. The element must supplement the state and federal data with local data and knowledge and other relevant factors to complete an analysis and better evaluate patterns and trends. For example, local data and knowledge can include information from City staff such as code enforcement officials, city engineers. This information can also include service providers, past planning documents, past assessments of need in funding applications, County analysis of impediments and, particularly, could be based on focused outreach on fair housing issues. Other relevant factors can include demographics, governmental and nongovernmental actions, historical land use and zoning practices (e.g., past redlining/Greenlining, restrictive covenants, planning documents, etc.), disparities in investment to specific communities including transportation investments, seeking investment or lack thereof to promote affordability and inclusion, local initiatives, or other information that may have impeded housing choices and mobility.

Contributing Factors to Fair Housing Issues: While the element lists broad categories of analysis (e.g., segregation and integration), it should also list and prioritize contributing factors to fair housing issues based on the AFFH analysis. Contributing factors are underlying issue areas that are intended to provide direction and context for appropriate policies and programs. Examples include lack of a community revitalization strategy, land use and zoning practices, lack of investments in neighborhoods. For more information, please see HCD's AFFH Guidance, starting on page 68.

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: The element does not address this requirement. The element must quantify existing and projected ELI households and analyze their housing needs. The analysis of ELI housing needs should address household characteristics such as tenure, overpayment and overcrowding and should analyze resources, effectiveness of strategies and the magnitude of needs. 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 regional housing need allocation (RHNA) for very low-income households qualify as ELI households. For additional information, please see HCD's Building Blocks.

Housing Conditions: While the element discusses the age of housing units (p. 26) but must also estimate the number of units needing rehabilitation and replacement. This estimate can be obtained from a variety of sources such as the City's code enforcement department.

Special Housing Needs: While the element generally quantifies special housing needs, it should also analyze those needs. The analysis should include, but is not limited to, factors such as household income, tenure, housing types, zoning, and available resources. Local officials, special needs service providers, or City/County social and health service providers may be able to assist with information to complete the analysis. In addition, the analysis should address:

- *Farmworkers*: While the element includes data on farmworkers from the Census, this data is generally a significant undercount. In addition, the element should utilize County level data available through the United States Department of Agriculture, Agricultural Census and can also obtain useful information from the Office of Education regarding student programs. In addition, the analysis should address 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/fw\\_hsr\\_report\\_2.2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fw_hsr_report_2.2.2383.pdf). Based on the outcomes of the analysis, the element should add or modify programs to address this special housing need in the region.
- *Homelessness*: The element must utilize the most recent Point in Time survey and should also evaluate the characteristics of housing needs for persons experiencing homelessness such as disproportionate impacts on protected characteristics, gender and household type.

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 may utilize pending, approved or under construction (pipeline) units since June 30, 2023 toward the RHNA. For example, HCD understands the City is currently working on a sweat equity subdivision that will be available to lower income households. This type of pending development may be utilized toward the RHNA. To utilize pipeline units, the element should demonstrate their affordability and availability in the planning period. Affordability should be based on actual or anticipated rent and sales prices or other mechanisms ensuring affordability (e.g., deed restrictions). Availability should discuss, statute, remaining steps, likelihood of being built in the planning period and any known barriers to development in the planning period.

Parcel Inventory: The element lists parcels based on a variety of factors such as parcel number, general plan designation and zoning but should also list sites by size (acreage).

Specific Plans: The element generally describes several specific plans and assumes the number of units by affordability based on brief market data. However, unless the specific plans are project based, the element should list specific plans by parcel number, general plan designation, size of parcel, realistic capacity and anticipated affordability. Please be aware, based on this listing, the element may need to address other analyses. For example, if utilizing densities less than 20 units per acre toward the lower-income RHNA, the element must have specific analysis based on factors such as market conditions and experience within the zone. Also, sites smaller than a half-acre or larger than 10 acres are generally deemed inappropriate unless demonstrated suitable based on specific analysis. See below for additional discussion.

In addition, the element should specifically describe the status of the specific plan, anticipated build out horizon, any known barriers to full development in the planning period and adjust assumptions as appropriate. Please see HCD's Building Blocks for additional information.

Realistic Capacity: While the element provides assumptions of buildout for sites (80 percent of maximum allowable density), 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. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction.

In addition, if utilizing zoning that allows 100 percent nonresidential uses, then the element must demonstrate the likelihood of a residential component based on factors such as past trends and proposed policies and programs.

Size of Sites: The sites inventory appears to identify small sites and may be using larger sites to accommodate the City's lower-income RHNA. Sites smaller than a half-acre in size and larger than 10 acres 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 should provide specific examples with comparable densities and affordability or other evidence. For example, for sites expected to be aggregated, the element must describe circumstances leading to consolidation, such as common ownership. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating development on small and larger sites. For more information, please see HCD's Sites Inventory Handbook.

Environmental Constraints: While the element generally describes a few environmental conditions, 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. Examples of other known conditions include shape, contamination,



property conditions, easements, Williamson Act contracts, conservation easements, overlays and airport and military compatibility.

Infrastructure: The element includes some discussion on water and sewer providers in the City. However, it must also clarify whether sufficient total water and sewer capacity (existing and planned) can accommodate the regional housing need and include programs if necessary.

In addition, the element includes a program to grant water and sewer priority to developments with units affordable to lower-income households. However, the element should clearly describe whether the City is a water or sewer provider. If so, the element should then clearly describe whether a procedure is available and if not, then add a program to establish a written procedure by a specified date.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at [https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf).

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](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Zoning for a Variety of Housing Types (Single Room Occupancy (SRO)): While the element mentions SROs are allowed in the Downtown Commercial (DC) zone with a conditional use permit (CUP), it should also demonstrate the zoning, development standards and permit procedures encourage and facilitate SROs. For example, the element should specifically evaluate the minimum unit size requirement and CUP process as a constraint and add or modify programs to encourage the use.

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).)*

Building Codes and Enforcement: The element must describe and analyze which building code (e.g., 2019) is enforced, any local amendments to the building code and their enforcement for impacts on housing supply and affordability. While the element describes local amendments and minimal impacts on housing costs, it should also clarify which building code is utilized and



the type of enforcement conducted (e.g., complaint-based) then evaluate any disproportionate impacts on lower-income and special needs households and persons with protected characteristics.

Housing for Persons with Disabilities: While the element includes programs to revise procedures for reasonable accommodation and group homes, it must include analysis to better formulate policies and programs, as follows:

- *Family Definition*: The element should identify any definition of family utilized in zoning and land use and analyze impacts on housing for persons with disabilities such as impacts on unrelated or the number of persons.
  - *Reasonable Accommodation*: The element should describe the procedure including application requirements, timing of review and decision-making criteria such as approval findings and add or modify Program 3.2.1 (Standards for Special Needs Housing), as appropriate.
  - *Group Homes*: The element should clearly describe which zones allow group homes six or fewer persons and seven or more persons, regardless of licensing, and how those uses are described then evaluate any potential constraints such as subjecting the uses to a conditional use permit or excluding the uses from any zones that allow residential uses. In turn, the element should add or modify Program 3.2.1 (Standards for Special Needs Housing), as appropriate.
5. *An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use...(Gov. Code, § 65583, subd. (a)(9).)*

Based on HCD's records, the City currently has one development at-risk of conversion in the next ten years. The element should reconcile these records and if necessary, add analysis and add or modify programs, as appropriate. Please see HCD's Building Blocks for additional information. HCD will send additional information on the property under separate cover.

## **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 must have discrete timelines (e.g., annually, by 2025) early in the planning period. Example of programs that should be modified with discrete timelines or with a date earlier in the planning period include Programs 1.2.1 (Housing

Rehabilitation), 2.1.1 (Affordable Housing Program Inventory), 2.1.2 (Partnership and Nonprofit Assistance), 2.2.2 (Commercial Zone Floor Area), 2.2.4 (Density Bonus), 2.3.1 (Infrastructure Improvements) and 3.2.3 (Special Needs).

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 should be revised, as follows:

- *Program 1.1.1 (Rezone Sites):* The Program should be revised to include minimum acreage and meet all by right requirements pursuant to Government Code section 65583.2, subdivision (h) and (i) including clarifying by right to mean without discretionary action and requiring minimum densities.
  - *Program 3.2.2 (Emergency Shelters):* With respect to emergency shelters, the program should clarify sufficient capacity to meet the need for emergency shelters and at least one shelter, appropriate parking requirements limited to employees, proximity of capacity near transportation, amenities and homelessness services, allowing residential uses, and amending the definition of emergency shelters. Please note, to utilize multi-jurisdictional provisions, a shelter must be completed in the first two years of the planning period.
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).)*

While the element briefly mentions farmworkers in a few programs, it must have specific efforts based on the outcomes of a complete analysis. For example, the element could commit to proactive actions to coordinate with nonprofit developers, employers, and other related organizations, to explore funding and incentives and to identify specific development opportunities.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for*

*housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B4, 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. In addition, the element should be revised, as follows:

- *Program 2.2.2 (Commercial Zone Floor Area)*: The Program should specifically commit to increase the floor area ratio and promote the ability to achieve maximum densities.
  - *Fees*: The element could include a program to proactively revise fees to account for differences in impacts in housing based on factors such as location, housing for lower-income and special needs households or smaller housing types. For example, the element could commit to levy fees based on square footage to encourage ownership for smaller single family housing types.
  - *SB 35*: While the element seems to explain a development utilizing SB 35 is not likely, it should commit to establish a written procedure by a specified date.
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 B1, the element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics or numeric targets, geographic targeting and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in higher opportunity areas, place-based strategies for community preservation and 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).)*

While Program 2.1.4 commits to establish a handout, it should consider additional actions to promote accessory dwelling unit (ADU) development for very low-, low-, and moderate-income households. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs, such as reduced parking requirements, fee waivers and more. Other strategies could include establishing an ADU specialist within the planning department. In addition, the Program should monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months) and amend the ordinance to comply with state ADU law, if necessary.

#### **D. Quantified Objectives**

*A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing... (Gov. Code, § 65583, subd.(b).)*

While the element includes quantified objectives for new construction and rehabilitation by income group (Table V-1), quantified objectives for conservation should not be limited to at-risk preservation and should be increased to better reflect the identified needs.

#### **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 element includes a general summary of the public participation process, the element should also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. Specially, the element should discuss efforts to include lower-income and special needs households or make additional efforts as part of future submittals. In addition, the element describes comments and responses from the local air district but should also discuss how the element incorporates those comments and should discuss other comments and how they were incorporated.