

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

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March 9, 2023

Phil Carter, Interim City Manager
City of Rio Vista,
One Main Street
Rio Vista, CA 94571

Dear Phil Carter:

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

Thank you for submitting the City of Rio Vista's (City) draft housing element received for review on December 13, 2022, along with revisions received on March 9, 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. In addition, HCD considered comments from David Kellogg, pursuant to Government Code Section 65585, subdivision (c).

The draft element with revisions addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

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).)*

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).)

Local Data and Knowledge and Other Relevant Factors: The element must supplement the analysis and complement state and federal data with local data and knowledge to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, City staff, service providers, and planning documents including the City's capital improvement program (CIP). The analysis should focus on land use patterns, neighborhood conditions and the broader quality of life, specifically the differences between the old town area and the master planned community east

of Highway 12. For example, the element could evaluate housing types, infrastructure (sidewalks), schools, parks, community amenities, and overall structural conditions.

Contributing Factors: Upon a complete analysis the element should re-assess and re-prioritize contributing factors and better formulate policies and programs that carry out meaningful actions to Affirmatively Furthering Fair Housing (AFFH).

Goals, Actions, Metrics, and Milestones: As noted above, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify goals and actions. Goals and actions must significantly overcome contributing factors to fair housing issues and must include specific commitment, discrete timelines, geographic targeting and metrics or numerical targets. Programs, as appropriate, must address enhancing housing mobility, increasing housing opportunity in higher opportunity or relatively higher income areas, expanding place-based strategies for community revitalization and mitigating displacement risk.

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).)

The element includes a quantification of housing needs, including special needs for Solano County and Rio Vista. While this quantification is generally adequate, the element should analyze the quantification to better understand housing needs and formulate appropriate policies and programs in Rio Vista. Further, this analysis should address trends, characteristics, magnitude of needs, resources and potential strategies and should at least be conducted for population growth, employment, tenure, overpayment, overcrowding, housing unit types, and all special needs households.

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).)*

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... (Gov. Code, § 65583, subd. (c)(1).)

Progress toward the Regional Housing Need Allocation (RHNA): The element may utilize pending, approved, permitted and under construction projects toward the RHNA. However, the element must demonstrate their availability and affordability. For example, the element identifies units affordable to lower-income households in the Riverwalk project and moderate-income units in the Liberty Phase 3 and Brann Ranch. However, the element should demonstrate affordability based on actual or anticipated rents or sales prices or other mechanisms ensuring affordability (e.g., deed restrictions). Alternatively, if the units have not been permitted, the element may utilize projects as identified sites and meet all requirements pursuant to Government Code section 65583.2.

Electronic Sites Inventory: 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/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. 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.

Programs: As noted above, the element does not include a complete site analysis. Depending upon the results of that analysis, the City may need to add or revise programs.

4. *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).)*

The element generally notes a lack of implementation in the prior planning period and indicates the City will utilize various state planning grants to address the lack of implementation in the current planning cycle. However, these planning grants only cover limited and specific activities, and the element should address the broader conclusion that many programs were not implemented. For example, the element could prioritize, consolidate or revise programs in response to the lack of programmatic implementation during the

last planning cycle such as expanding staff capacity, seeking partnerships with outside agencies or non-profit organizations and pursuing funding opportunities as appropriate.

In addition, Program 2 (Accessory Dwelling Units (ADU)) commits to amending and adopting an ADU ordinance but should also include a date for amendment.

5. *A public agency or private entity providing water or sewer services shall adopt written policies and procedures, not later than July 1, 2006, and at least once every five years thereafter, with specific objective standards for provision of services in conformance with this section. (Gov. Code, § 65589.7, subd. (b).)*

The element should discuss whether the City has written procedures to grant priority service to developments with units affordable to lower-income households and, if necessary, add or modify programs to establish a procedure by a specified date.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.). The element should either clarify that a procedure is in place or add a program that establishes a procedure. For additional information and sample cover memo, see the *Building Blocks* at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/priority-water-and-sewer>.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

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 (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the RHNA pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c), shall be completed no later than one year from the statutory deadline. 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 any necessary rezones are completed.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities 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 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 responsiveness and dedication the City's housing element team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Irvin Saldana, of our staff, at Irvin.Saldana@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