

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

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March 21, 2023

Richard J. Dean, Director  
Community Development Department  
County of Siskiyou,  
806 South Main Street  
Yreka, CA 96097

Dear Richard J. Dean:

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

Thank you for submitting the County of Siskiyou's (County) draft housing element received for review on December 21, 2022. 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 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).)*

**Fair Housing Enforcement and Capacity:** The housing element must include a summary of fair housing enforcement and outreach capacity. The analysis must address how the County complies with state and federal fair housing laws, including regulations, lawsuits, and related enforcement actions. For more information, see HCD's affirmatively furthering fair housing (AFFH) Guidance Memo (starting on p. 28) at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP): The element identifies areas of high segregation and poverty (p. 93) and as a result, it should specifically analyze these areas to better formulate appropriate policies and programs. The analysis should address trends, neighborhood conditions, comparisons to other neighborhoods or areas and effectiveness or absence of past strategies related to equitable quality of life. The element must add or modify programs based on the outcomes of this analysis.

Disproportionate Housing Needs including Displacement: The element should analyze the disproportionate housing needs of persons experiencing homelessness and risk of displacement. For persons experiencing homelessness, the element should discuss patterns or areas of higher incidence of homelessness and access to services and transportation. For Displacement risk, the element should address disinvestment, investment and disaster driven displacement and add or modify programs as appropriate. For more information, please see HCD's AFFH Guidance Memo (starting on p. 40).

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. *Identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. The identified zoning designations shall include sufficient sites...  
...The local government shall also demonstrate that existing or proposed permit processing, development, and management standards that apply to emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. (Gov. Code, § 65583, subd. (a)(4).)*

*Sites shall be identified as needed to affirmatively further fair housing and 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).)*

Zoning for a Variety of Housing Types (Emergency Shelters): The element identifies the Highway Commercial (C-H) Zone to permit emergency shelters without discretionary action and notes 258 acres of land. However, the element must:

- Analyze the suitability and capacity in the C-H zone to meet the need for emergency shelters. For example, the element should identify the number of parcels, typical parcel sizes, available acreage, whether sites are underutilized, and any potential for reusing existing buildings for emergency shelters.
- Discuss proximity to transit and services and any known hazardous conditions unfit for human habitation.
- Identify and evaluate any special development standards as potential constraints on the development of emergency shelters
- Add or modify programs as appropriate based on the outcomes of a complete analysis.

Finally, Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

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... ..and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

*An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..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).)*

*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing... (Gov. Code, § 65583, subd. (c)(3).)*

Processing and Permit Procedures: While the element includes information about processing steps and various permit types, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty.

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

Housing for Persons with Disabilities: While the element includes a program to establish a reasonable accommodation procedure, it should also analyze any definitions of family utilized in zoning and land and potential constraints on group homes for seven or more persons. For the definition of family, the element should specifically describe the definition and evaluate impacts on the number of persons and unrelated persons. For group homes for seven or more persons, the element should analyze the lack of zones that allow residential uses and permit procedures such as conditional use permits as constraints on this housing type.

Approval Time: The element must include analysis of the length of time between receiving approval for a housing development and submittal of an application for building permits. The analysis must address any hinderance on the development of housing and include programs as appropriate.

Programs: As noted above, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs to address and remove or mitigate any identified constraints.

4. *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 some general quantification; however, it should analyze households with special housing needs. The analysis should include, but is not limited to, factors such as trends, household income, tenure, housing types, zoning, and available resources. Specifically, the element should address elderly households by tenure, characteristics of farmworker needs (e.g., income, housing types, zoning, available resources) and large households by tenure for five or more persons instead of 4 or more persons. Based on the outcomes of this analysis, the element should add or modify programs.

5. *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, programs must have specific

commitment and discrete timing (e.g., at least annually or by 2025), as follows:

- *Program 2.1.2 (Infrastructure Investment)*: The Program should clarify how the County will work with service districts and how often steps will be taken.
  - *Program 2.2.2 (Infrastructure Improvement)*: The Program should clarify how the County will encourage special districts and nonprofit organizations to apply for funding.
  - *Program 4.2.1 (Extremely Low-income Households)*: The Program should commit to how often (e.g., at least annually) the County will prioritize funding and waive fees. The Program could also commit to proactively reach out to affordable developers at least bi-annually.
  - *Program 4.2.2 (Farmworker Housing)*: The Program should include actions beyond completing a study and commit to steps that lead to housing outcomes such as at least bi-annually reaching out to developers and identifying sites, applying for funding and granting incentives beyond State Density Bonus Law.
  - *Program 6.3.1 (Workforce Housing)*: The Program should include actions beyond an annual workshop and ensuring land use plans support workforce housing. Actions should lead to housing outcomes such as identifying sites, applying for funding and setting numerical objectives for the planning period.
6. *Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

The element includes quantified objectives by income group for new construction and rehabilitation but does not provide quantified objectives for conservation. For your information, conservation objectives are not limited to at-risk preservation and may include a variety of activities that promote stability in housing. Examples of programs that may be used for conservation objectives include Programs 5.1.1 (Weatherization), 6.1.1 (Fair Housing Enforcement and Outreach), 6.2.1 (Section 8 Voucher) and 6.3.3 (Accessibility Improvements).

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.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while 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.

Pursuant to Government Code section 65583.3, subdivision (b), the County 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 County 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 County must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

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

HCD appreciates the responsiveness and dedication the County's housing element team provided during the review. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Claire Sullivan-Halpern, of our staff, at [Claire.Sullivan-Halpern@hcd.ca.gov](mailto:Claire.Sullivan-Halpern@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager