

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

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August 9, 2021

Taro Echiburu, Director  
Department of Community Services  
County of Yolo  
292 West Beamer Street  
Woodland, CA 95695

Dear Taro Echiburu:

**RE: Review of the County of Yolo's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the County of Yolo's (County) draft housing element received for review on June 10, 2021, along with revisions received on July 26 and July 27, 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 telephone conversation on July 14, 2021 with JD Trebec, Senior Planner and Beth Thompson, the County's Consultant. In addition, HCD considered comments from Legal Services of Northern California 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 revisions needed to comply with State Housing Element Law.

Pursuant to Government Code section 65583.3, the County must submit an electronic, true-and-correct copy of the housing element site inventory when it submits its adopted housing element to HCD for review. The County must utilize standards, forms, and definitions adopted by HCD. The County can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

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

To remain on an eight-year planning cycle, the County must adopt its housing element within 120 calendar days from the statutory due date of May 15, 2021, for Sacramento

Area Council of Governments (SACOG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

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: [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).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County 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 County meets housing element requirements for these and other funding sources.

HCD appreciates the dedication JD Trebec, and Beth Thompson, provided during the course of our 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 Dulce Ochoa-Hernandez, of our staff, at (916) 598-6756.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" and the last name "West" clearly distinguishable.

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## APPENDIX COUNTY OF YOLO

The following changes are necessary to bring the County'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. 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).)*

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness).

### **B. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing (AFFH) 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: AB 686 (Chapter 958, Statutes of 2018) requires jurisdictions to include a summary of their fair housing outreach capacity. To address these requirements, the housing element must describe meaningful, frequent, and ongoing public participation with key stakeholders. The element stated that the Regional Analysis of Impediments included Yolo County in the community engagement process (page 167). The Regional Analysis of Impediments public participation process does not satisfy this requirement. The element must describe outreach activities, list of organizations contacted, summary on comments and how comments was considered and incorporated, and a summary of issues that hindered public participation specific to the unincorporated communities of Yolo County.

Fair Housing Enforcement and Outreach Capacity: Fair Housing Enforcement and Outreach Capacity is covered on pages 167 to 168 and meets most requirements. However, the element must include the County's compliance with existing fair housing laws and regulations. Additionally, the element needs to include a summary of fair housing issues related to enforcement and outreach capacity and relationship to other

fair housing issue areas (e.g., segregation and integration, racially and ethnically concentrated areas of poverty, etc.).

Integration and Segregation: The element covers integration and segregation on pages 169 to 172. The average dissimilarity index for Yolo County and SACOG are compared on page 170. However, at the local level, data should be reported specifically for the unincorporated communities of Yolo County rather than the County as a whole. Therefore, the element must compare the dissimilarity index for the unincorporated communities of Yolo County to SACOG. Additionally, the element includes local data on disability, familial status, and income, but does not include regional data for these topics. A regional analysis is required so that local and regional trends and patterns can be identified and used toward determining meaningful goals and actions that address fair housing issues. Lastly, identify and summarize the key issues.

Racially/Ethnically Concentrated Areas of Poverty (R/ECAP): The element identifies two R/ECAPs in Yolo County (page 172). While the analysis is suitable in meeting requirements at the local level, the element must include a comparison of local data on a regional scale. In addition, the element must strengthen the analysis by including local and regional data on the TCAC Area of High Segregation and Poverty. Lastly, the analysis needs to address the trends, patterns, policies, practices, and conditions in combination with other relevant factors to summarize issues and better inform goals and actions.

Access to Opportunity: The element identifies and analyzes significant disparities in access to opportunity by education, employment opportunity, transportation, and environmental quality at the local level through the Regional Opportunity Index data (place-based and people-based) (page 177). However, the element must also include this analysis at the regional level and should address substantial differences in access to education, employment opportunity, transportation, environmental quality, and other important opportunities based on socio-economic characteristics (e.g., race, income, familial status, disability, income, poverty). Patterns over time should be discussed as well as policies, practices, and investments that affect access to opportunity. Additionally, the element includes TCAC/HCD Opportunity Maps to identify and compare areas of higher and lower resources in Yolo County and the Sacramento Valley Region (page 180). Lastly, the element must identify and summarize the key issues.

Disproportionate Housing Needs: The housing element must include an assessment of disproportionate housing needs, including displacement risk, on people with protected characteristics and households with low incomes. At minimum, the element must include local and regional analysis for cost burden and severe cost burden, overcrowding, substandard housing, and homelessness. The element includes an analysis of investment-driven displacement (page 185). However, the element must also include an analysis for disinvestment-driven and disaster-driven (e.g., wildfire, earthquakes, and floods) displacement. Lastly, the element must identify and summarize the key issues.

Local Data and Knowledge: The element needs to include local data and knowledge to fair housing issues and reflect on this data in the contributing factors section of the analysis.

Other Relevant Factors: A discussion of other relevant factors is an important piece of evaluating patterns and trends, policies and practices, and other factors that lead to fair housing conditions. Other relevant factors should consider information beyond data that identifies and compares concentrations of groups with protected characteristics. Examples of other relevant factors include changes and barriers in zoning and land use rules, information about past redlining, restrictive covenants, and other discriminatory practices as applicable.

Contributing Factors: While using the Regional Analysis of Impediments is acceptable when identifying potential contributing factors to fair housing, relying on this data exclusively for this section is not. Contributing factors should be guided by the analysis of the previous sections and be specific to the patterns and trends identified in the unincorporated communities of Yolo County. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, and land use and zoning laws. The element should prioritize contributing factors to better form responsive goals and actions.

Sites Inventory: The element meets the Regional Housing Needs Allocation through proposed and entitled projects. Therefore, the site inventory analysis should address how the project locations improve conditions (or if sites exacerbate conditions, how a program can mitigate the impact) relative to segregation and integration, racially and ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs including displacement risk. Additionally, the analysis should include whether the projects are isolated by income group and should be supported by local data and knowledge.

Goals and Actions: The element must be revised to add or modify goals and actions based on the outcomes described above. Goals and actions must specifically respond to the analysis and identify and prioritize contributing factors to fair housing issues. Actions must have metrics and milestones as appropriate and address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

## **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 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 Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the County'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:

Program HO-A14: HO-A14 needs to clarify how the County will coordinate with major employers and stakeholders, including the Yocha Dehe Wintun Nation Tribe.

Program HO-A29: HO-A29 needs to clarify when the County will request the working session by.

2. *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).)*

Inclusionary Housing: The element describes the framework of inclusionary requirements, available alternatives, and provides an analysis of its impact as potential constraints on the development of housing for all income levels, specifically housing supply, and affordability. Specifically, the County commits to reviewing and potentially reducing the percentage requirement to a percentage that is financially feasible in the local housing market. Program A-28 states "the County shall periodically review and update the County Inclusionary Housing Ordinance to ensure the requirements do not make new market-rate development financially infeasible... (page 36). The program should commit to specifically review the effect of the 25-percent inclusionary requirement on the cost and outreach with the development community as part of that review. Additionally, the program must include a specific date for conducting the initial evaluation and clarify how often the County will revise and update the Inclusionary Housing Ordinance subsequently.

3. *Promote AFFH 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 B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

#### **D. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)*

HCD understands the County made the element available to the public concurrent with 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 County 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 County 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 revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the County solicited, considered, and addressed public comments in the element. The County's consideration of public comments must not be limited by HCD's findings in this review letter.