

**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



March 18, 2024

Quincy Yaley, Director
Community Development Department
County of Tuolumne
48 Yaney Avenue
Sonora, CA 95370

Dear Quincy Yaley:

RE: County of Tuolumne's 7th Cycle (2024-2029) Draft Housing Element

Thank you for submitting the County of Tuolumne's (County) draft housing element received for review on December 19, 2023. Pursuant to Government Code section 65585, 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 substantially 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 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. 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.

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 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 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 dedication and effort of the housing element update team during the update and 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 Emily Hovda, of our staff, at Emily.Hovda@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

Enclosure

APPENDIX COUNTY OF TUOLUMNE

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 <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).)

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).)*

Enforcement and Outreach: The element should describe any past or current fair housing lawsuits, findings, settlements, judgements, or complaints.

Local Patterns and Trends: The element should utilize local data and knowledge (see below) to discuss patterns within community plan areas for all affirmatively furthering fair housing (AFFH) indicators (e.g., segregation and integration, disparities in access to opportunity, disproportionate housing needs).

Local Data and Knowledge: The element should include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the County

related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate, and particularly where census tracts do not coincide with community boundaries, to capture emerging trends and issues, such as utilizing knowledge from local officials, regional advocates, service providers and past assessments of infrastructure and community development.

Contributing Factors to Fair Housing Issues: Upon a complete analysis of AFFH, the element should re-assess and prioritize the contributing factors to fair housing issues to better formulate policies and programs and carry out meaningful actions to AFFH. Further, the element mentions that prioritized contributing factors are bold and italicized but that is not reflected in Table 2.61.

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 includes general information regarding ELI households but must analyze the existing and projected housing needs of ELI households. For projected housing needs, the element could identify the very low-income regional housing need allocation (RHNA) toward ELI households. For existing housing needs, the element should analyze trends, cost burden, overcrowding and other household characteristics then examine the effectiveness of policies and resources to determine gaps in addressing housing needs.

Overpayment: While the element identifies the total number of households overpaying for housing (p. 59), it must quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and program(s) as appropriate.

Persons with Disabilities: While the element quantifies and discusses persons with disabilities in the County, the analysis should include a description of resources available to persons with disabilities. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/constraints-people-disabilities>.

Large Households and Female-Headed Households: The element includes some information related to female-headed households but should also describe and analyze resources available to female-headed households and large households. 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 County social and health service providers may be able to assist with information to complete the analysis. For additional information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/large-families-and-female-headed-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).)*

Electronic Sites Inventory: 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 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.

Water Sewer Priority: Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should discuss compliance with these requirements and if necessary, add or modify program(s) to establish a written procedure by a date early in the planning period. 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>.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: While the element states that emergency shelters are an "allowed" use in the R-2, R-3, C-O, C-1, and M-U zones (p. 215), it should clarify which of these zones, if any, permit emergency shelters without discretionary action. Additionally, the element should: (1) describe the definition of emergency shelters and compliance with new statutory requirements that include interim interventions, (2) state whether the County's zoning is in compliance with the spacing standards described in Government Code 65583(a)(B)(v), which states that emergency shelters cannot be required to be more than 300 feet apart, and (3) describe compliance with parking requirements which requires only sufficient

parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. Based on the outcomes of a complete analysis, the element should add or modify programs.

- *Transitional and Supportive Housing:* The element discusses transitional and supportive housing (p. 217); however, much of this section simply states the state law and compliance. Table 2.70 on page 213 contradicts this statement. Specifically, supportive housing in structures other than single-family homes are only permitted in the M-U, C-O, C-K, and C-1 zones. Transitional and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code section 65583, subdivisions (c)(3)). The element must describe and analyze the County's transitional and supportive housing standards and codes and demonstrate consistency with Government Code section 65583, subdivision (c)(3) and add or revise program(s) as appropriate.
 - *Manufactured Housing:* Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling. The element states compliance with this requirement but then appears to exclude the use from some zones that permit single-family uses (Table 2.70). The element must demonstrate compliance with this requirement and add or modify program(s) as appropriate.
 - *Single-Room Occupancy (SRO) Units:* While the element indicates that SROs are permitted as a conditional use in the C-1 zone (p. 217), the element should also describe procedures and development standards to encourage and facilitate SRO development. Based on a complete analysis, the element should add or modify program(s) to encourage and facilitate SROs.
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).)*

Land Use Controls: Parking requirements (p. 212) should be evaluated as a constraint. In particular, the element should evaluate how these requirements may impact the cost of development and have a disproportionate impact on smaller (e.g., studio, one-

bedroom) units. Upon a complete analysis, the element should add or modify program(s) as appropriate to remove parking as a constraint.

Local Processing and Permit Procedures: While the element does discuss processing and permit procedures, the element should evaluate the process using a typical project as an example. In this analysis, the element should discuss zoning, the approval body, the typical number of hearings, processing times, and, most importantly, listing and analyzing approval findings for impacts on the certainty.

Housing for Persons with Disabilities: The element must analyze potential constraints on housing for persons with disabilities, as follows:

- *Reasonable Accommodation:* The element describes the County's reasonable accommodation procedures but should also describe factors such as application requirements and approval findings and analyze any potential constraints on housing for persons with disabilities. For example, the analysis should address approval findings such as "... impacts on surrounding land uses." Based on a complete analysis, the element should add or modify program(s) to address any potential constraints.
- *Group Homes:* The element does not address requirements for group homes of six or fewer persons specifically, but rather for group homes of no more than eight persons. The element should clarify whether the requirements stated for group homes of no more than eight persons apply to group homes of six or fewer persons. If so, the element does not permit group homes of six or fewer persons in the same manner as single-family homes and should add or modify program(s) as appropriate. Additionally, the element only allows group homes of seven or more persons with a conditional use permit (CUP) and appears to exclude the use from zones that allow residential uses. As such, the element must include a program to address this requirement as a constraint on housing for persons with disabilities. Excluding these uses from some zones that allow residential uses and requiring these housing types to obtain a special use or CUP could potentially limit opportunities and subject housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should analyze this as a potential constraint and, based on a complete analysis, add, or modify program(s) to ensure groups homes for seven or more persons are permitted in all zones allowing residential uses and are only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Finally, parking requirements for residential care facilities (p. 212) should be analyzed as a potential constraint and upon a complete analysis, the element

should add or modify program(s) as appropriate to remove parking as a constraint.

Zoning and Fees Transparency: The element should clarify compliance with transparency requirements for posting all fees on the County's website and add a program to address these requirements, if necessary.

C. Housing Programs

1. *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 County may need to add or revise program(s) to address a shortfall of sites or zoning available to encourage a variety of housing types.

2. *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).)*

Program 3.B.b (Development and Acquisition of Affordable Housing): The Program should commit to proactively identify development opportunities at least every other year.

Program 3.F.a (Housing for Special Needs Groups): The Program should commit to proactively identify development opportunities at least every other year.

Employee Housing and Innovative Housing Solutions: The element should add programs to plan for employee housing on County-Owned land, options for tiny homes and self-help homeownership opportunities (SHOP), as described in the element (p. 40).

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 Finding B4, 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 program(s) and address and remove or mitigate any identified constraints.

4. *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 requires a complete AFFH analysis. Depending upon the results of that analysis, the County may need to revise or add program(s). 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 commitments, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement (housing choices and affordability across geographies), new housing choices and affordability in higher opportunity or income areas, place-based strategies for community preservation and revitalization, and displacement protection.

D. Quantified Objectives

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 must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for the moderate- and above-moderate income groups, it should include objectives for each of the ELI, very low- and low-income categories instead of aggregating the objectives as lower-income.

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 County made efforts to include the public through community meetings, moving forward, the County 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. For example, the County could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, the element describes many meaningful comments that were gathered through the public participation process and includes a brief statement that the comments were considered but how those comments were incorporated is unclear. The element should specifically describe how comments were incorporated into the element and should re-consider incorporating some of the comments into policies and programs.