Fair Housing Webinar: Rural

Analysis of Impediments to Fair Housing Choice (AI)

Community Standards

Raise Zoom hand to provide feedback

Use Q&A (reminder: this is not a Q&A session; we want to hear your comments)

Be mindful of different styles of communication & learning when speaking

Be Curious

Use "I" statements

Help explore and develop fair housing impediments and goals

For questions, comments and feedback, email us at:

aifairhousingreport@hcd.ca.gov.

Agenda

AI TIMELINE, OUTREACH, AND ENGAGEMENT

CURRENT TRENDS & EXISTING CONDITIONS

HOUSING ACCOUNTABILITY WORK

FEEDBACK AND LISTENING

AI Timeline, Outreach, and Engagement

AI Timeline

Kick-off Webinar
January 4, 2024

Listening Sessions & Webinars

January 31, – March 20, 2024

Community Needs Survey

January 31, 2024, to April 1, 2024

30 Day Public Comment & Hearings

July 12, 2024, to August 13, 2024

Publish Fair Housing Plan
August 30, 2024

Listening Sessions

Homelessness:

Completed: January 31, 2024, 1:00 PM - 2:30 PM

Disability & Aging Population:

Completed: February 7, 2024, 10:30 AM - 12:00 PM

Persons who are Immigrants:

Completed: February 14, 2024, 1:00 PM - 2:30 PM

Indigenous, Tribal, and Native Peoples:

Completed: February 21, 2024, 1:30 PM - 3:00 PM

Tenant Protections:

Completed: February 28, 2024, 10:30 AM - 12:00 PM

Mobilehome Parks:

Completed: March 5, 2024, 10:30 AM - 12:00 PM

Webinars

Urban:

Completed: March 13, 2024, 1:00 PM to 2:30 PM

Rural:

March 20, 2024, 1:30 PM to 3:00 PM

Public Hearings

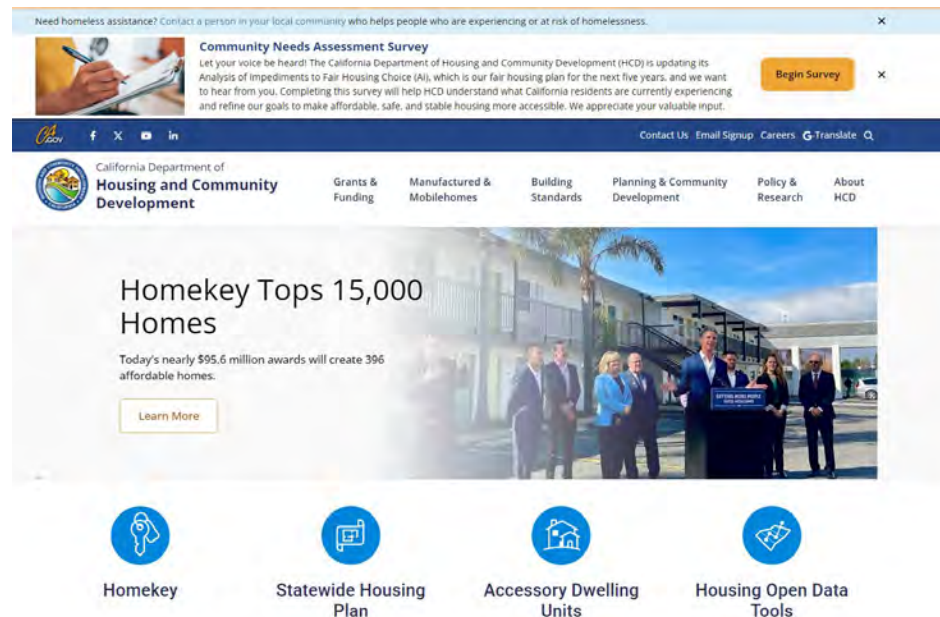Public Hearings will be held between July 13th and August 13th, 2024.

**Northern CA
Sacramento
Central Valley
Southern CA**

Community Needs Assessment Survey

- Online survey to assess issues and barriers related to fair housing choice is available in English, Spanish, Chinese, Korean, Tagalog, Vietnamese, and now Hmong

- Available from January 30, 2024, to May 1, 2024

Visit www.hcd.ca.gov

Current Trends and Existing Conditions:

Rural California
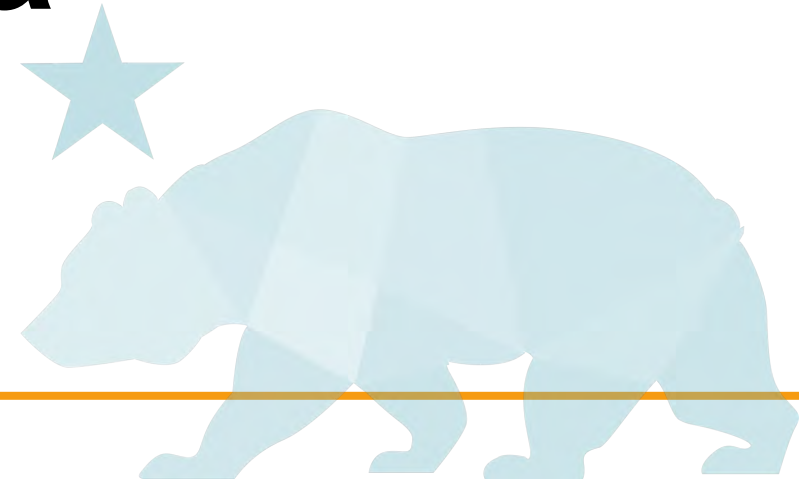
Rural California is vast—and varied

- Rural Californians:
  - More likely to be older, white, male, and born in the US
  - Have lower housing costs

- Face distinct challenges:
  - More dependent on cars, limited public transportation options
  - Limited access to healthcare
  - 1 in 8 households lack internet broadband access

Poverty Rate – Rural Counties 2018-2022
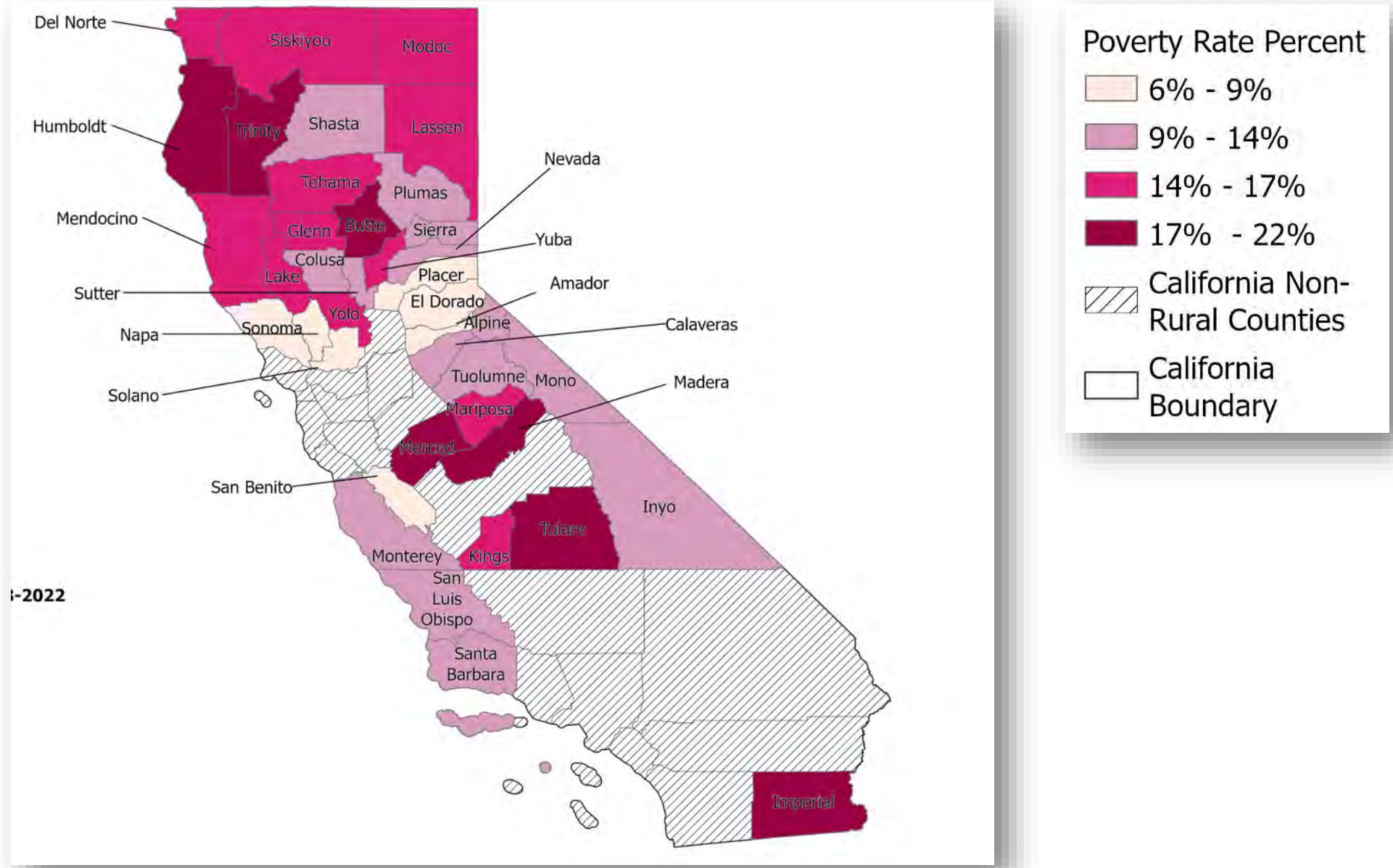
Source: US Census Bureau, 2018-2022, American Community Survey, 5-Year Estimates

Housing Affordability

Can Minimum-Wage Workers Afford Housing?
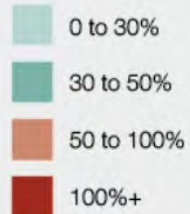
- Rural areas are generally more affordable to low- and moderate-income households.

- While nearly all counties become unaffordable to these groups if children are in the household, rural counties are less unaffordable than coastal and urban counties.

Race & Ethnicity – Rural Counties 2020

Legend:
- Hispanic or Latino
- Two or more races
- Native Hawaii and Other Pacific Islander
- Asian
- American Indian and Alaska Native
- Black/African American
- White
- Total Population Estimate

Counties (x-axis): California, Humboldt, Nevada, Mendocino, Lake, Tehama, Tuolumne, Calaveras, Siskiyou, Amador, Lassen, Glenn, Del Norte, Colusa, Plumas, Inyo, Mariposa, Trinity, Mono, Modoc, Sierra, Alpine

Race & Ethnicity – Rural Counties 2020 (cont. 1)

Legend:
- Hispanic or Latino
- Two or more races
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- Asian
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- Black/African American
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- Total Population Estimate

Counties (x-axis): California, Humboldt, Nevada, Mendocino, Lake, Tehama, Tuolumne, Calaveras, Siskiyou, Amador, Lassen, Glenn, Del Norte, Colusa, Plumas, Inyo, Mariposa, Trinity, Mono, Modoc, Sierra, Alpine

Race & Ethnicity – Rural Counties 2020 (cont. 2)

Race & Ethnicity – Rural Counties 2020 (cont. 3)

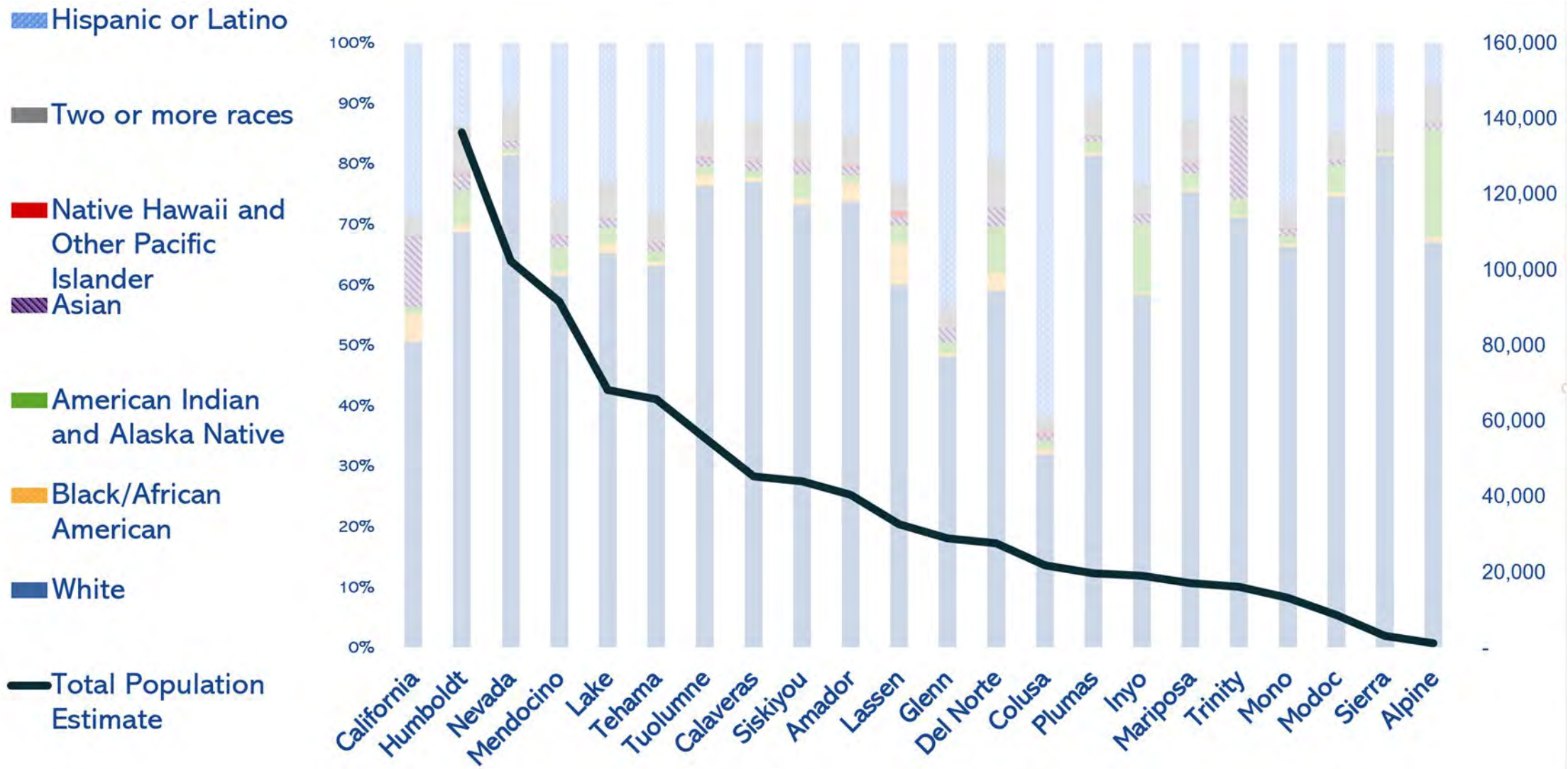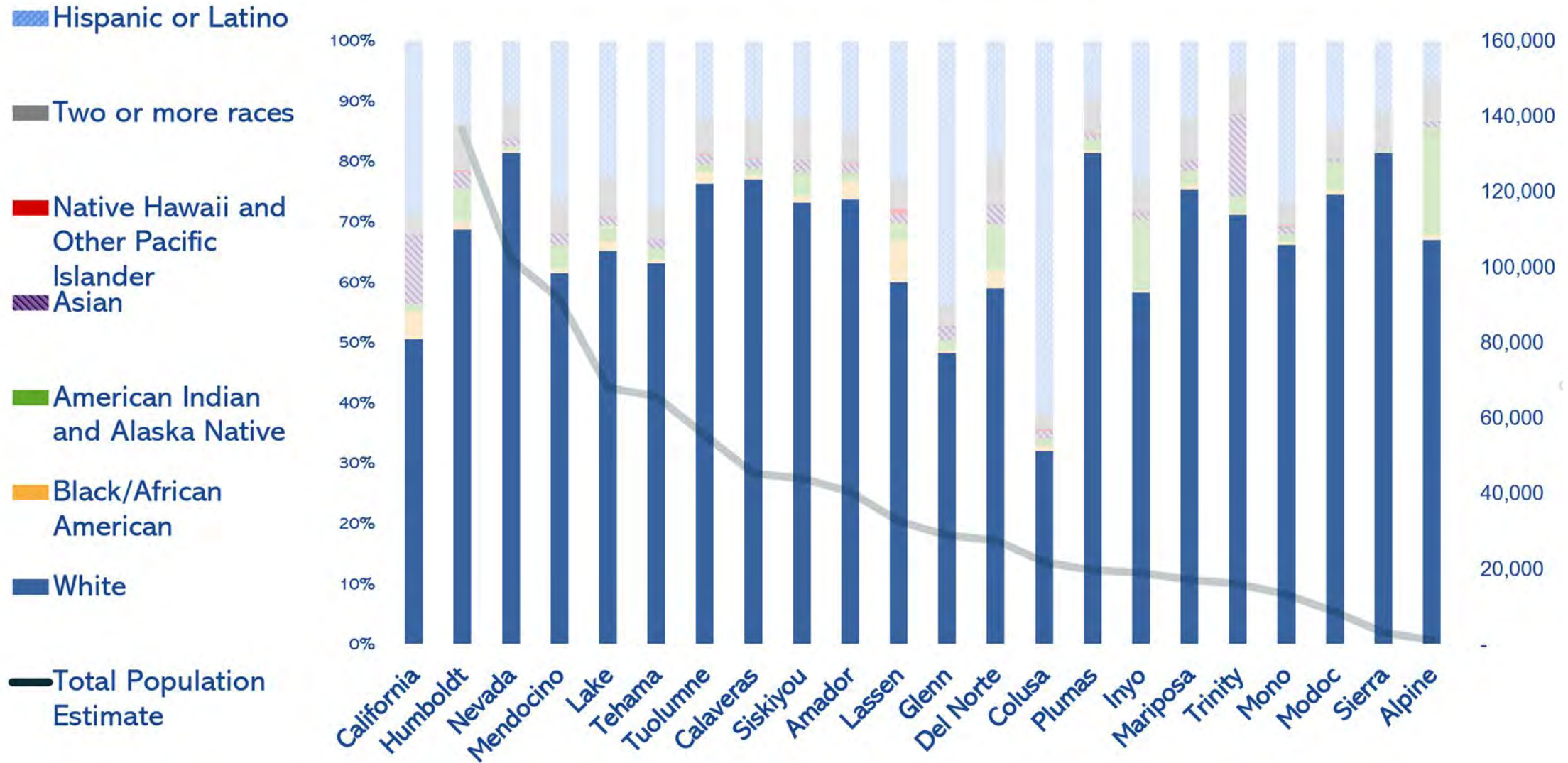# Race & Ethnicity – Rural Counties 2020 (cont. 4)

Race & Ethnicity – Rural Counties 2020 (cont. 5)

Legend:
- Hispanic or Latino
- Two or more races
- Native Hawaii and Other Pacific Islander
- Asian
- American Indian and Alaska Native
- Black/African American
- White
- Total Population Estimate

Counties (left to right): California, Humboldt, Nevada, Mendocino, Lake, Tehama, Tuolumne, Calaveras, Siskiyou, Amador, Lassen, Glenn, Del Norte, Colusa, Plumas, Inyo, Mariposa, Trinity, Mono, Modoc, Sierra, Alpine
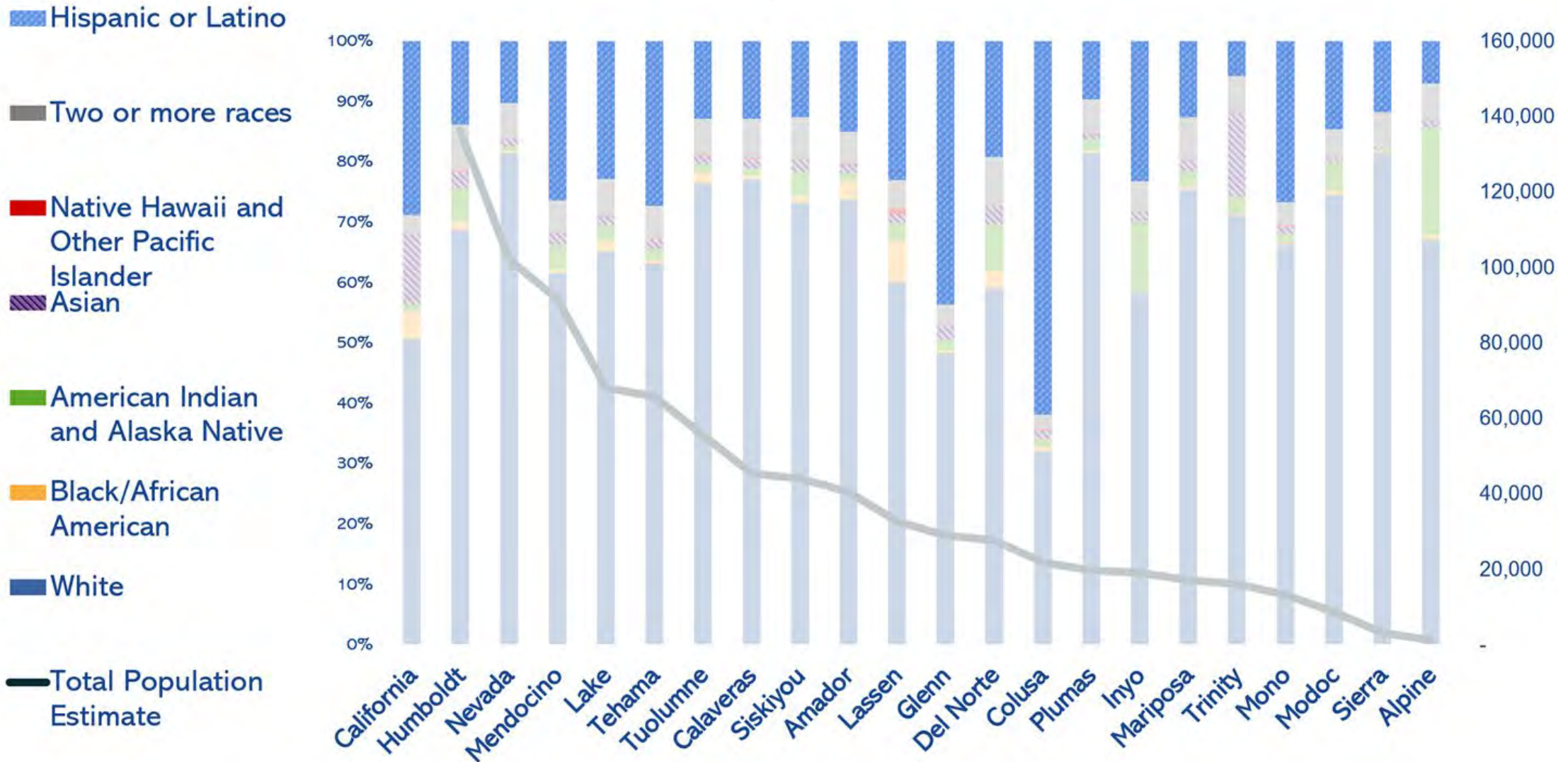
State Funding Programs

- <u>Infill Infrastructure Grant (IIG) Program</u> for small jurisdictions
- <u>Homekey Tribal</u>
- <u>Affordable Housing and Sustainable Communities (AHSC) Program</u>
- Regional Early Action Planning Grants (REAP) 2.0 – All funds awarded

HCD's Accountability and Enforcement Work

Overview of the Housing Accountability Unit (HAU)

- Who we are

- What we do

- How we do it

- How to collaborate

Purpose and Strategies

Ensure all local jurisdictions meet their fair share of the state's housing needs and promote housing production at all income levels

1. Support jurisdictions in promoting housing production through incentives and planning grants
2. Provide education and technical assistance to help jurisdictions understand and implement the law
3. Hold jurisdictions accountable for following the law through enforcement actions as needed
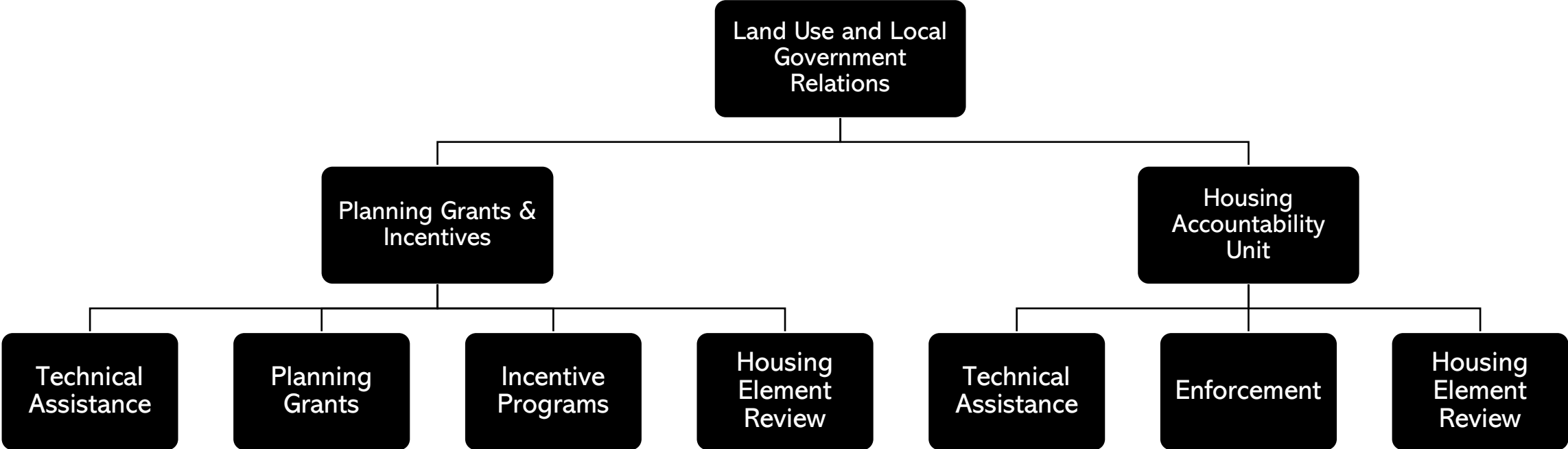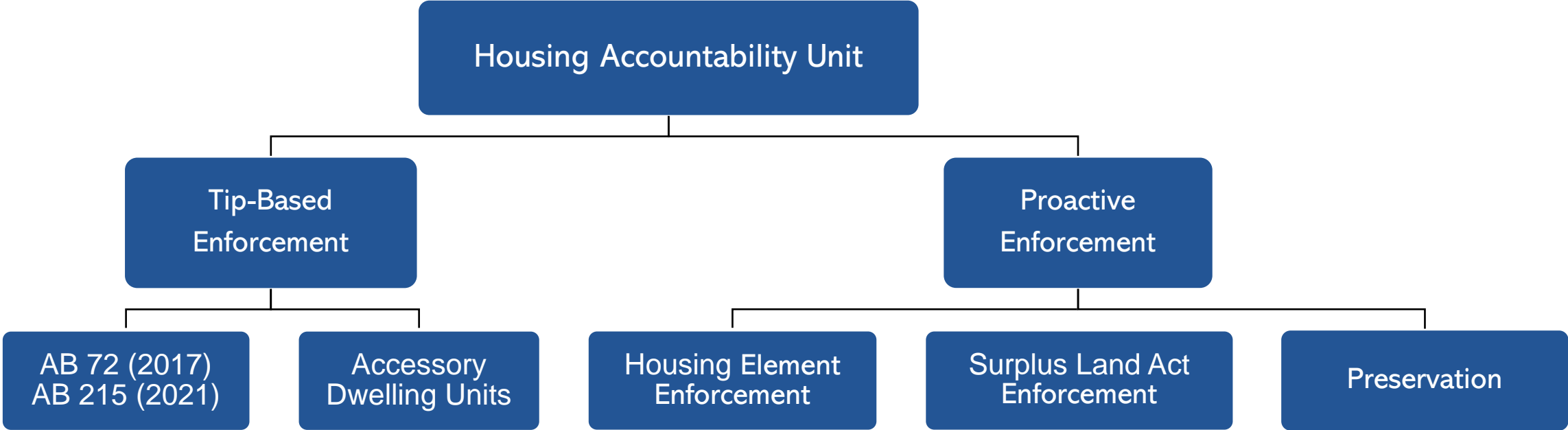
Background

- Formed in September 2021 by Governor Newsom
- Located in HCD's Housing Policy Development Division
- Includes about 40 staff members on 5 teams

HAU in Context

HAU Structure

The Extended Team

- HCD's Housing Accountability Unit (HAU)
- HCD's Legal Affairs Division (LAD)
- Attorney General's Housing Justice Team

Authority

Government Code section 65585(j)

1. **Housing Element Law**
2. Housing Accountability Act
3. Density Bonus Law
4. No Net Loss Law
5. **Land Use Discrimination Law**
6. Housing Crisis Act of 2019 (SB 330)
7. Permit Streamlining Act
8. **Affirmatively Furthering Fair Housing**
9. Streamlined Ministerial Permit Processes (SB 35)
10. By Right Supportive Housing (AB 2162)
11. By Right Low Barrier Navigation Centers (AB 101)
12. Limitations on Development Standards (SB 478)
13. Parking requirements (AB 2097)
14. Affordable Housing and High Road Jobs Act of 2022 (AB 2011)
15. Five Hearings Rule
16. ADU & JADU Law
17. Duplexes and Lot Splits (SB 9)
18. Middle Class Housing Act of 2022 (SB 6)
19. Affordable Housing on Faith and Higher Education Lands Act of 2023 (SB 4)
20. Demolition of Housing Units

Other housing laws

1. Surplus Land Act
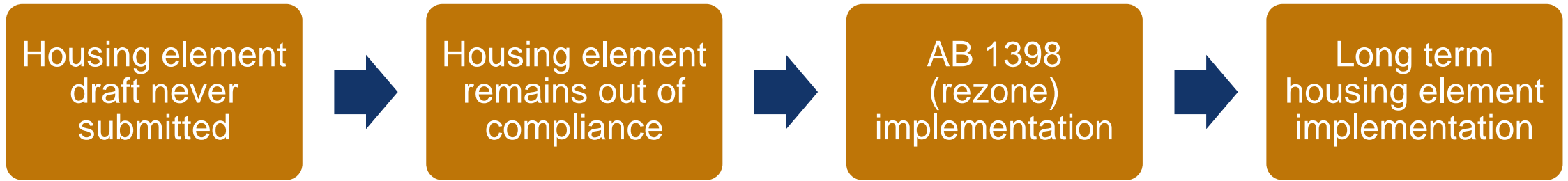2. Affordable Housing Preservation Noticing Law
3. Rental Inclusionary Housing

Housing Element Law – Proactive Enforcement

A housing element is no longer a paper exercise – it's a contract with the state of housing commitments for eight years and the Housing Accountability Unit will hold jurisdictions to those commitments.

Proactive Enforcement

| Housing element draft never submitted | → | Housing element remains out of compliance | → | AB 1398 (rezone) implementation | → | Long term housing element implementation |

Consequences of Housing Element Noncompliance

Ineligibility or delay in receiving state funds

Permanent Local Housing Allocation
Local Housing Trust Fund
Infill Infrastructure Grant Program
SB 1 Caltrans Sustainable Communities Grants
Affordable Housing and Sustainable Communities

"Builder's Remedy" – cannot use inconsistency with zoning and general plan standards to deny an affordable housing project

(Housing Accountability Act)

Legal ramifications

HCD may notify the AG, legal remedies include $10,000-$100,000 per month in fines x 6 for continuing noncompliance

Broad discretion for court to impose other remedies

Private parties can sue for HE compliance as well

How We Do It

Collaboration with Stakeholders

- Developers, advocates, local jurisdictions, and other stakeholders share complaints about potential violations of housing laws and requests for TA
  - HAU Portal – HCD's Accountability & Enforcement webpage
  - ADU Portal – HCD's ADU webpage
  - SLA Portal – HCD's Public Lands webpage
  - HousingElements@hcd.ca.gov
  - Preservation@hcd.ca.gov
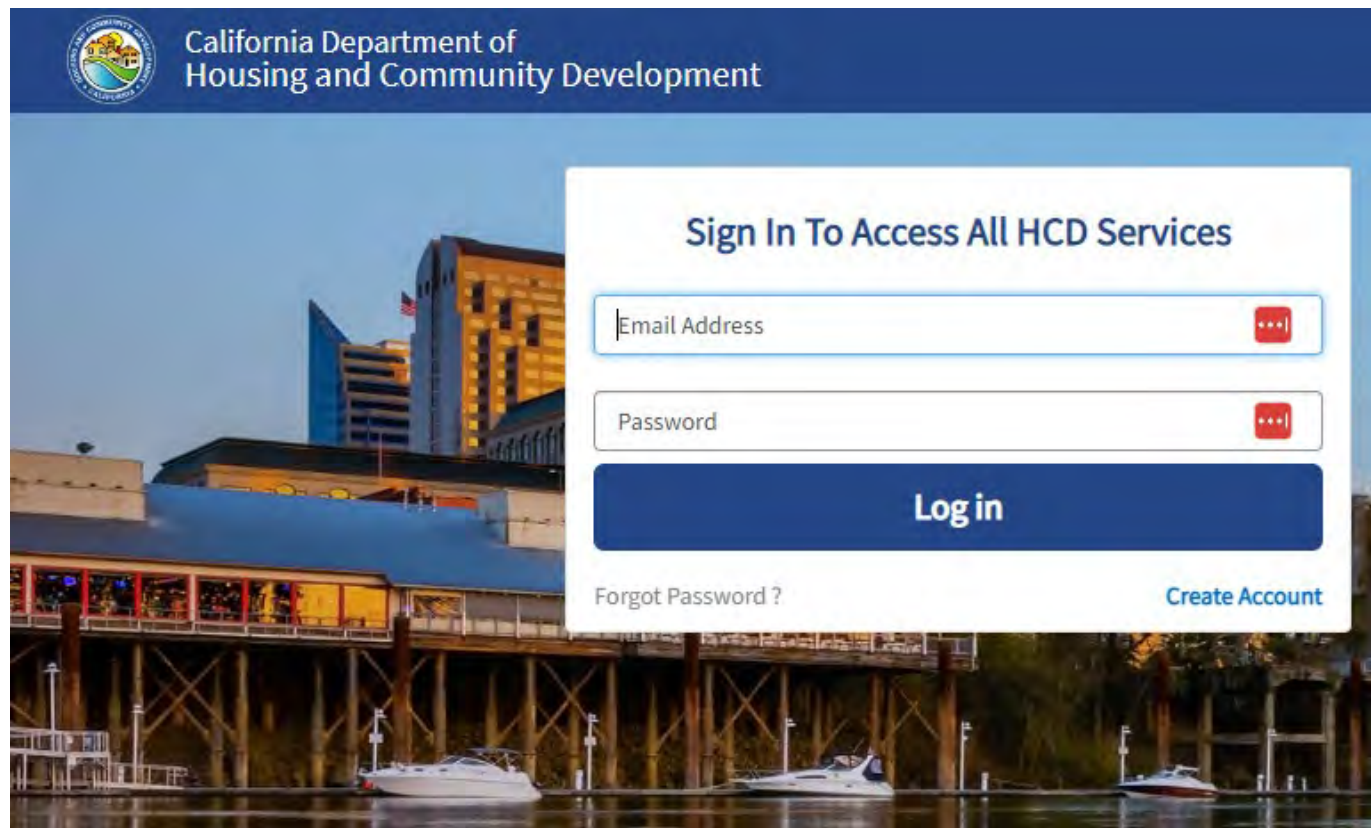
File a Request for Technical Assistance

- Go to www.hcd.ca.gov
- Hover over "Planning and Community Development" to show a drop-down menu
- Click "Accountability and Enforcement"
- Click "Submit Technical Assistance Requests and Potential Violations to HCD for Review"

File a Request for Technical Assistance (cont.)

- Create an Account
- Fill in a good number of blanks on an online form and attach documents

What Happens After You Submit a Request

- The system creates a case number (e.g., HAU 0932)
- Analyst is assigned
- Analyst reviews submitted materials/researches
- Analyst schedules a meeting with requester and a meeting with the local agency (separately)
- Analyst presents preliminary findings to team
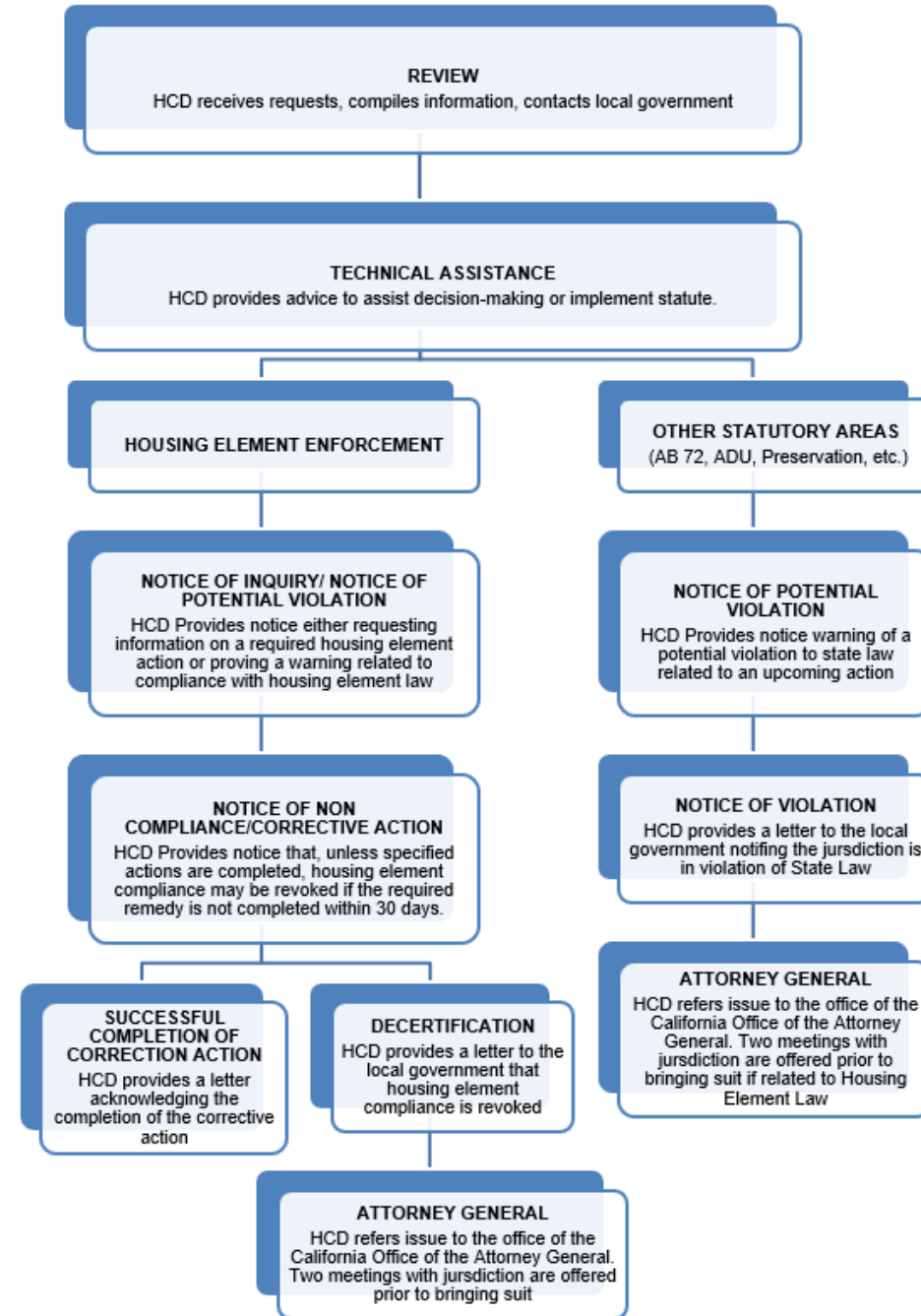- "Next Step" decision made

Potential Next Steps

- Additional Review Needed

- HAU Declines to Take Case

- Technical Assistance is Provided
  - Verbal
  - Email
  - Formal Letter of Technical Assistance (Available Online)

- Enforcement Action follows Technical Assistance

Moving from Technical Assistance to Enforcement

Wins

Jurisdiction	Action	Total Units	Affordable Units
Burbank	NOV	92	10
Claremont	TA Letter	33	33
Cloverdale	TA Letter	75	75
Colton	NOV	86	0
Encinitas	NOV	250	50
Fillmore	NOPV	50	50
Hanford	TA Letter	72	72
Manhattan Beach	NOV	79	6
Mill Valley	NOPV	25	6
Oakland	TA	222	16
Oceanside	TA Letter	146	15
Ojai	LOS	49	49
San Jose	TA Letter	271	268
Santa Cruz	TA Letter	140	71
St. Helena	LOS	87	18

> 40 ADU ordinances revised, including Palo Alto, Pittsburg, Rancho Palos Verdes, West Covina

City of Cloverdale

- Alexander Valley Apartments
- 75-unit affordable housing
  - 35-units for farmworker families

- Encountered local opposition due to traffic impacts and pedestrian safety concerns
- Approved: February 2022

Results

A & E ➡️

Unlocked Housing Units	Unlocked Affordable Housing Units	Accountability Letters Sent	Cases with Technical Assistance Provided	Closed Cases
6,313	2,172	338	341	810

SLA ➡️

	Standard SLA Dispositions	Exempt Dispositions	Total
Market-Rate Units	1,570	3,691	5,531
Affordable Units	2,032	6,773	8,805
Total	3,602	10,734	14,336

Enforcement – HCD & DOJ

- Lawsuits
  - Anaheim
  - Elk Grove
  - Huntington Beach
  - La Canada Flintridge
- Stipulated Judgments
  - Fullerton
  - Coronado
  - San Bernardino
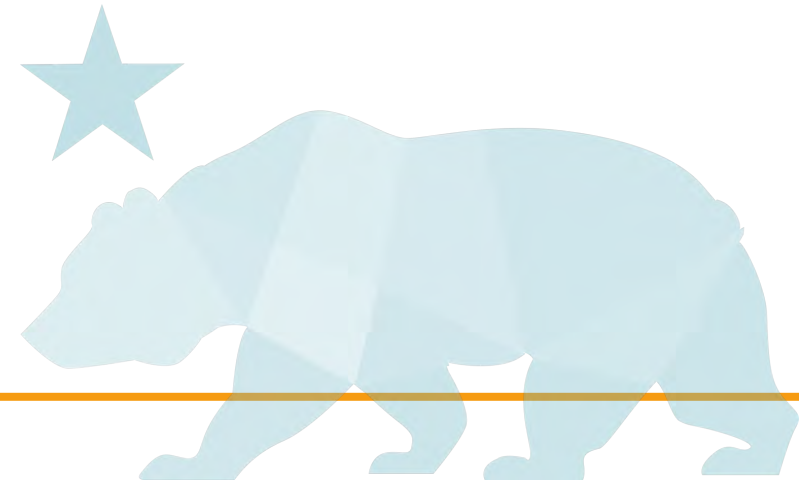- Amicus Brief
  - Costa Mesa

Conclusion

- HCD is here to help, starting with technical assistance, and moving to enforcement if necessary

- Our involvement makes a difference – it can help unlock homes

- We can't do it without community members, advocates, developers, local jurisdictions, and other stakeholders

Feedback and Listening

Discussion Questions

1. What's the biggest challenge people living in rural California face in finding and securing housing?

2. Have you ever wanted to live somewhere but couldn't? What prevented you from living there?

3. What does your ideal community look like? Does it exist? What would need to happen for it become a reality?

4. What do you want the government to do to make your community better?