

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

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April 22, 2022

Gustavo Romo, Director
Community Development Department
City of Bell Gardens
7100 Garfield Avenue
Bell Gardens, CA 90201

Dear Gustavo Romo:

**RE: City of Bell Garden's 6th Cycle (2021-2029) Adopted with Draft Revisions
Housing Element**

Thank you for submitting the City of Bell Gardens' (City) housing element adopted February 14, 2022 and received for review on February 22, 2022. HCD's review incorporated revisions posted to the City's website on April 13, 2022 and received on April 19, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on April 5, 2022 with yourself; Adrian Flores, City Planner; Mona Mossayeb, City Planner; Elizabeth Jimenez, City Secretary; Jamie Power, Consultant; and Veronica Tam, Consultant.

The adopted housing element with revisions addresses most statutory requirements described in HCD's November 8, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law, 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).)

Affirmatively Furthering Fair Housing (AFFH) Outreach: While the element was revised to describe additional outreach efforts, as stated in HCD's prior review, the element must describe the results of this outreach specifically related to the

AFFH analysis. The element may utilize the recent analysis of impediments to assist in addressing this requirement.

Concentrated Areas of Poverty: The element was revised to include additional demographic data (race, income, housing choice vouchers, public housing projects, existing uses, and familial status) related to census tracts facing multiple fair housing issues. In addition, as noted in the prior review, the element must include information about trends, neighborhood investment or disinvestment, and any other relevant factors to better describe conditions in these areas and formulate appropriate policies and programs.

Goals, Priorities, Metrics, and Milestones: While the revised element included some additional actions related to addressing AFFH requirements and fair housing issues, it generally does not address HCD's prior review. Specifically, programs and actions must include metrics and milestones to target significant and meaningful AFFH outcomes and evaluate the effectiveness and progress towards implementation. While the element included metrics for some programs, it did not include metrics for most programs related to AFFH.

Additionally, given the patterns and trends noted in the assessment of fair housing, the element must include specific and significant actions that adequately promote community revitalization and conservation and address displacement risk.

2. *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).)

Programs 6 and 7 (Adequate Sites for Regional Housing Needs Allocation RHNA): The Programs were revised to, among other things, identify the shortfall of sites to accommodate the (RHNA) for lower-income households. However, as noted in the prior review, Program 7 (Adequate Sites for Moderate and Above Moderate RHNA) should commit to sufficient incentives (beyond State Density Bonus Law) to assure the intended residential uses and affordability.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its

adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. For technical assistance, please contact HCD at sitesinventory@hcd.ca.gov.

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... (Gov. Code, § 65583, subd. (c)(3).)*

Program 13 (Development Standards): The Program commits to revise several provisions related to multifamily parking requirements, but it should also commit to address and remove garage requirements for multifamily uses.

Program 12 (Housing for Special Needs): The Program was revised to clarify that the City does not allow residential care for seven or more persons in R-1 or R-2 zones. The program indicates the City will revise the Zoning Code to mitigate this constraint by regulating residential care for seven or more persons as similar uses in the same zone. However, the element must specifically indicate residential care facilities for seven or more persons will be permitted in all zones allowing residential uses and revise procedures to promote objectivity and approval certainty.

4. *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).)*

The element generally was not revised to address this requirement and must still employ additional methods for public outreach efforts, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, the element should also summarize future public comments and describe how they were considered and incorporated into the element.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-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. Throughout the housing element process, the City 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. Additionally, pursuant to Government Code section 65585, subdivision (b) (AB 215, Statutes of 2021), any subsequent draft revision, the local government must post the draft revisions on its website and email a link to all individuals and organizations that have previous requested notices related to local governments housing element at least seven days before resubmitting to HCD.

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

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 (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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.

HCD appreciates the hard work and dedication the City's housing element team provided throughout the housing element review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. For any assistance with the housing element update, please contact Dulce Ochoa, of our staff, at Dulce.Ochoa@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager