

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

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February 7, 2022

Gary Hallen, Director  
Community Development and Housing Department  
County of San Bernardino  
385 North Arrowhead Ave., 3rd Floor  
San Bernardino, CA 92415-0043

Dear Gary Hallen:

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

Thank you for submitting the County of San Bernardino's (County) draft housing element received for review on December 9, 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. In addition, HCD considered comments from Steve Bardwell, Janet Johnston, and the California Consortium of Addiction Programs and Professionals, Inland Counties Legal Services, Janet Johnston, and Steve Bardwell 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 the revisions needed to comply with State Housing Element Law.

As a reminder, the County's 6th cycle housing element was due October 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 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, 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).

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.

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).

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 Reid Miller, of our staff, at (916) 695-7998.

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX COUNTY OF SAN BERNARDINO

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).)*

The element must provide a cumulative evaluation of the effectiveness of past 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 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: Outreach specifically related to affirmatively furthering fair housing (AFFH) is foundational to a complete analysis and formulating appropriate goals and actions to overcome patterns of segregation and foster more inclusive communities. While the element explains some over-arching and general comments, it should summarize and relate these comments and outreach efforts to all components of the AFFH analysis and modify or add goals and actions as appropriate.

Assessment of Fair Housing: The element reports and maps data on components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) but it must also analyze the information such as evaluating patterns, trends, conditions and circumstances, coincidence with other components of the assessment of fair housing and the effectiveness of past and current strategies to promote inclusive communities and equitable. This analysis should be complemented by local data and knowledge, including input from comments, and other relevant factors as described below.

Enforcement: While the element includes analysis of fair housing complaints, it must describe the County's compliance with existing fair housing laws and regulations. For additional information, please see pages 28-30 on HCD's AFFH Guidance Memo at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Displacement: While the element analyzed displacement risk relative to disproportionate housing needs (e.g., overcrowded and cost burdened households), it should also consider other factors that may contribute to increased displacement concerns. For example, the County has received numerous public comments stating that short-term rentals have caused displacement in specific community plan areas. The element could include an analysis evaluating whether short term rentals is contributing factor to displacement pressures.

Local Knowledge and Data: The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element should analyze historical land use, zoning, governmental and nongovernmental spending including transportation investments, demographic trends, historical patterns of segregation, or other information that may have impeded housing choices and mobility.

Contributing Factors to Fair Housing Issues: The element includes contributing factors to fair housing issues but should re-evaluate and prioritize these factors based on a complete analysis to better respond to the fair housing issues.

Site Inventory: The element includes some general discussion and conclusions that identified sites for lower-income households are concentrated in certain areas of the County. However, the element does not address this requirement. The analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates fair housing conditions and add or modify programs as appropriate.

Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. 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 commitment, metrics, and milestones as appropriate and must address, as appropriate based on the outcomes of the analysis, housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community revitalization and displacement protection. For further guidance, please visit HCD's AFFH in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *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).*

Housing Stock Conditions: While the element identifies the age of the housing stock, it must estimate the number of units in need of rehabilitation and replacement. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

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).)*

Progress in Meeting the Regional Housing Need Allocation (RHNA):

- *Lower-income Pipeline Developments*: The element indicates (p. 4-23) that 597 units affordable to lower income household have been built or are under construction or approved and that affordability was determined through land value, building permit valuation, and typical cost of land. However, the element must assign affordability of these units based on actual sales price or rent level of the units and demonstrate their availability in the planning period.
- *Accessory Dwelling Unit (ADUs)*: The element is counting 442 ADUs as credit towards RHNA. First, the element must demonstrate the availability of these units during the planning period. For example, the element could discuss whether these units have pending or approved building permits or should discuss the likelihood or approvals being issued building permits. Second, the element assumes affordability of ADUs based off SCAG's affordability calculations pre-approved for projecting ADUs during the planning period. However, since these units are proposed, affordability of these units should be based on actual sales price or rent level of the units.

Projected Manufactured, Accessory Dwelling Units, and Single Family Homes:

- *Manufactured Homes*: The element is projecting 270 manufactured homes as progress towards meeting RHNA across all income levels. The projection is based on pipeline projects and overall development trends. While the element does demonstrate trends and community need for this type of housing, it must discuss and analyze affordability assumptions. For example, the element should discuss the cost of a manufactured home including land, infrastructure and other related costs and compare that to the maximum purchase price lower income families can afford in the County. Lastly, the element must discuss any existing or proposed resources to facilitate and incentivize this type of housing.

- *Single Family Homes*: The element projects 1,513 single family homes to accommodate the RHNA with 260 homes for the lower-income RHNA. Sites available for housing for above-moderate income households in areas not served by public sewer systems are not required to be identified on a site-specific basis. However, otherwise, sites must be identified on a site basis and the element must include an analysis of the suitability and appropriateness of zoning. If utilizing these single-family homes toward the lower-income RHNA, sites must be identified on a site-by-site basis and the element must demonstrate that zoning is appropriate for lower-income households (see finding below for additional information).
- *Accessory Dwelling Units (ADUs)*: The element is projecting 513 ADUs to be built during the 8-year planning period for an average of 64 ADUs per year. This projection was based on past ADU trends. Specifically, the element states the County permitted 57 ADUs in 2019, 94 in 2020, and 68 in the first six months of 2021. However, the County's Annual Progress Reports (APR) indicate that the County permitted three ADUs in 2018, 28 in 2019, and 41 in 2020 for a total of 72 ADUs over three years and an average of 24 ADUs per year. If the County were to project that forward, the element can conservatively project 192 ADUs during the planning period, a method pre-approved by HCD. Additionally, while the element can support assumptions based on other factors such as 2021 trends and ADU applications, the current ADU trends do not support an almost a three-fold increase. The element should reconcile these figures and adjust assumptions based on a realistic estimate of the potential for ADUs.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element indicated that it was reusing sites vacant sites from the last two planning periods and these sites allow 25-30 du/ac when at least 20 percent of units are affordable to lower-income households; therefore, meeting the statutory requirements for reusing sites. However, the element must also demonstrate that the County allows projects by-right which have 20 percent affordable to lower-income households and include a program accordingly.

Realistic Capacity: The element assumes 80 percent of maximum allowable densities to calculate residential capacity on identified sites and includes a few examples of recent developments. However, the element should include additional and clear supporting information on typical densities of existing or approved residential developments at a similar affordability level. For example, the element could clearly list recent projects, the zone, acreage, built density, allowable density, level of affordability and presence of exceptions such as a density bonus.

Zoning to Encourage and Facilitate Housing for Lower-Income Households: The element identifies zones where the maximum allowable density is 20 du/ac for lower-income households. Additionally, the element indicated that for developments with at least 20 percent of the units affordable to lower-income households, the maximum allowable densities is increased up to 25 or 30 du/ac (p. 3-10). While the element includes some examples indicating housing affordable to lower-income

households can be accommodated on sites allowing 20 du/ac (p. 4-12), it does not include an analysis evaluating the adequacy of these zones. The element must include an analysis to demonstrate the adequacy of the RM zone to encourage and facilitate the development of units affordable to lower-income households. The analysis should be based on factors such as market demand, development experience within zones, and specifically address the impacts of density on financial feasibility. For communities with densities that meet specific standards (at least 30 units per acre for San Bernardino County), this analysis is not required (Section 65583.2(c)(3)(B)).

Suitability of Nonvacant Sites: Based on HCD's review, the element does not currently rely on nonvacant sites to meet the RHNA; however, if future versions of the housing element utilize nonvacant sites, the element must demonstrate the potential for additional development. The methodology for demonstrating additional development on nonvacant sites must discuss existing uses, development trends, and policies and programs to encourage additional residential development. While the element included some discussion on nonvacant sites, the analysis generally does not meet these requirements. For example, while the element listed factors that were considered in determining redevelopment, it should provide information supporting the validity of those factors. Additionally, while the element listed past development projects demonstrating a demand for multifamily housing, it should consider including examples of past projects that were developed on nonvacant sites with similar site characteristics as those identified in the analysis.

Availability of Infrastructure: The element describes infrastructure capacity (p. 4-11) including sufficient total water and sewer capacity (existing and planned) to accommodate the regional housing need by community plan area. However, the element must also provide an analysis on access to dry utilities for the sites identified in the inventory.

Replacement Housing Requirements: The sites inventory identifies sites with existing residential uses. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households (Gov. Code, § 65583.2, subd. (g)(3)). Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* While the element indicated that emergency shelters are allowed by-right in the General Commercial and Service Commercial districts and discussed the capacity of the zone, the element must analyze the suitability of the zone. For example, the analysis should address proximity to transportation and services, existing uses, and any conditions inappropriate for human habitability.

- *Permanent Supportive Housing*: While the element stated that supportive housing is allowed by-right in the RM zone, the element must demonstrate compliance with Government Code section 65651 and include programs accordingly. Specifically, supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses.
  - *Single Room Occupancy (SRO) Units*: The element must identify and analyze zoning for SROs. Based on this analysis, the element should include programs as appropriate.
  - *Employee Housing*: While the element stated that seasonal labor quarters are permitted in accordance with state law, the element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers.shtml>.
  - *Accessory Dwelling Unit (ADUs)*: While the element indicated that ADUs are allowed in all residential zones, it should demonstrate compliance with state law which requires that ADUs be allowed in all zones allowing residential uses including included mixed-use and nonresidential zones (e.g., commercial) (Gov. Code § 65852.2(a)(1)).
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: While the element analyzed most relevant land use controls, it must specifically analyze requirements related to multifamily parking (i.e., two spaces for projects with 2-3 units and 2.5 parking spaces for other multifamily projects) The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Local Processing and Permit Procedures: The element stated that multifamily housing of 50 units or more is allowed in multifamily zones (i.e., RM) with the approval of a conditional use permit (CUP). While the element identified required approval findings and stated that based off discussions with developers, the CUP process does not hinder development, the analysis does not demonstrate that this process is not a constraint. For example, the



analysis states that through a CUP, the County evaluates for compatibility with surrounding uses (p. 3-17). The element must analyze this finding for impacts on approval certainty, including any other imposed requirements such as design review. Also, the element could discuss recent projects with 50 units or more and how the County implements approval findings for impacts on certainty, timing, and cost.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml>.

Constraints on Housing for Persons with Disabilities:

- *Residential Care Facilities for Six or Fewer Persons*: The element states that unlicensed residential care facilities for six or fewer persons are allowed in residential zones with the approval of an unlicensed residential care facilities permit (RCP). The element must list and analyze the approval findings and process for obtaining an RCP and demonstrate that this process is not a constraint to persons with disabilities.
- *Residential Care Facilities for Seven or More Persons*: The element states that unlicensed and licensed residential care facilities for seven or more persons are allowed in residential zones through a reasonable accommodation or a CUP. As indicated on page 3-7, these housing types must demonstrate that it will not alter the character of the neighborhood, create an institutionalized environment due to the number of and distance between similar facilities and that the County may consider other factors when determining approvals. Requiring these housing types to a special use or CUP potentially subjects housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the character of the neighborhood, unlike other residential uses. This is a constraint, and the element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.
- *Parking and Definition of Family*: The element must also demonstrate that development standards and other requirements do not pose a constraint to persons with disabilities. Specifically, the element indicates that all care facilities are required to provide one parking space per bedroom. The element should analyze this standard as a potential constraint on cost, supply, and housing choices. Additionally, the element should identify and analyze the County's definition of "family" and any spacing requirements for group homes.

Other Local Ordinances: The element must analyze any locally adopted ordinances that directly impacts the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls).

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting fees and all zoning and development standards for each parcel on the jurisdiction's website.

- An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and 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. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Requests for Lower Density, Permit Times, and Efforts to Address Nongovernmental Constraints: The element must analyze (1) requests to develop housing at densities below those identified in the inventory, (2) the length of time between receiving approval for a housing development and submittal of an application for building permits, and (3) any local efforts to address or mitigate nongovernmental constraints such as reduced fees, financing for affordable housing or expedited processes. The analysis should address any hinderances on the construction of a locality's share of the regional housing need and programs should be added or modified as appropriate.

- 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).)*

Special Needs Households: While the element includes data and a general discussion of housing challenges faced by special needs households, it still must provide an analysis of the existing needs and resources for each special needs group including seniors, farmworkers, persons with disabilities, and female-headed households. For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

- Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

The element states that the County does not have any assisted housing units at-risk of converting in the next ten years. However, HCD's records indicate that Sunset Village at 6036 Sunset Road San Bernardino, CA 92252, includes 33 assisted units and will be expiring in 2026.

The element should reconcile these dates and modify programs committing to proactively reaching out to owners and qualified entities. Additionally, the element must identify public and private entities known to have the legal and managerial capacity to potentially acquire and preserve at-risk units (i.e., qualified entities). For a list of organizations serving San Bernardino region, please see: <https://hcd.ca.gov/policy-research/preserving-existing-affordable-housing.shtml>.

### **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 programs 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).)*

Extremely Low-income (ELI) and Special Needs Households: The element must include a program(s) with specific actions and timelines to assist in the development of housing for ELI and special needs households, specifically, persons with disabilities, including developmental disabilities. The program(s) could commit the County to proactively reaching out to developers of affordable housing, adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to ELI and special needs households; assisting with funding or supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.

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 Findings B4 and B5, 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 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 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 analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

Program 18—Assisted Housing (Program): The County currently has assisted units at risk of converting during the planning period. This Program should commit to proactive outreach to the owner to confirm compliance with State Preservation Notice Law (e.g., three years, one year, six months). Additionally, the Program should commit to proactive and prompt outreach with qualified entities with a specified timeframe and provide education and support for tenants.

#### **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).)*

While the element includes quantified objectives for some income groups, it must also include objectives for the number of units that will be conserved/preserved for moderate and above moderate and the number of units that will be rehabilitated for extremely low, very low, moderate and above moderate. Conservation objectives may include the variety of strategies employed by the County to promote tenant stability, code enforcement and repair programs that conserve the housing stock, and the preservation of units at-risk of conversion to market rate.

## **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).)*

HCD understands the County made the full draft available to the public concurrent with HCD submittal. 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 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 making revisions to 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.

## **F. Consistency with General Plan**

*The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

The element must describe how consistency was achieved and how it will be maintained during the planning period. For example, to maintain internal consistency, the element could include a program to conduct an internal consistency review of the general plan as part of the annual general plan implementation report required by Government Code section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/analysis-consistency-general-plan.shtml>.